



MIDDLEBURG TOWN COUNCIL
Regular Monthly Meeting Minutes
Thursday, October 26, 2023



PENDING APPROVAL

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

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

ABSENT: Mayor Trowbridge M. Littleton

The Town Council of the Town of Middleburg, Virginia held their regular monthly meeting on Thursday, October 26, 2023 in the Town Hall Council Chambers, located at 10 West Marshall Street. Vice Mayor Leonard-Morgan led Council and those attending in the Pledge of Allegiance to the flag. The roll was called at 6:00 p.m.

Vice Mayor Leonard-Morgan expressed sorrow on the passing of DeeDee Hubbard, the former editor of the Middleburg Eccentric, and noted that she did a lot for the community.

Councilmember Kirk noted that the Middleburg Eccentric focused on Middleburg. She applauded DeeDee and Jay Hubbard for operating the newspaper for so long.

Councilmember Bernard noted that the Middleburg Eccentric was how he familiarized himself with Middleburg when he moved here. He advised that Ms. Hubbard was the first person he met in town and noted that he would always remember her.

Councilmember Pearson noted that Ms. Hubbard was very active in the community and would be missed.

Public Comment

Bundles Murdock, 609 Blue Ridge Avenue, complimented the Town on the new Town Hall. She opined that it was outstanding and beautiful. Ms. Murdock advised that she attended the meeting to say farewell to the Town Office, where she served for more than thirty years as a member of the BZA, Planning Commission and then Town Council. She acknowledged that the building had a lot of problems and needed to go; however, she noted that it was sad that it must. Ms. Murdock opined that the town was lucky to have the new Town Hall.

Megan Gallagher, 214 E. Marshall Street, noted that the community won the battle with regard to the redevelopment of the Mickie Gordon Memorial Park. She recognized Mayor Littleton and the members of Council for their leadership in ensuring it would not be redeveloped as proposed. Ms. Gallagher noted that the citizens organized to stop it and opined that the message that was sent was clear.

Ms. Gallagher reported that plans were underway to extend seventy-two power transmission lines, which would serve data centers in Loudoun and Prince William Counties, through Middleburg. She opined that the Council would hear from the PEC and others about this egregiously bad proposal. Ms. Gallagher advised that it would require a two-hundred-foot right-of-way and two hundred-fifty-foot towers all down Route 50. She noted that the community had protected Route 50 for years. Ms. Gallagher advised that she was still waiting to hear the push points associated with this proposal.

John Kevin Daly, 112 N. Jay Street, acknowledged that no one liked change. He advised that the Town was experiencing a milestone in that this was the last meeting of the Council in the Town Office. Mr. Daly further advised that the meetings would now be held in the new Town Hall, which would have the same address as the existing one. He noted that the building would house both the administrative staff and the Police Department and opined that it would be an asset to the community. He noted that there was a lot of change occurring in Middleburg, including the construction of new homes and the location of new businesses; however, he reminded the Council and audience that Middleburg was more than an eclectic collection of homes and shops. Mr. Daly opined that Middleburg's spirit and soul would not change. He further opined that everyone shared a love of Middleburg and that it was a community of neighbors who lived and worked within the town's boundaries. Mr. Daly expressed hope that the town's spirit would never change.

Staff Reports

September Utilities Report

Town Manager Davis reported that replacement media for Well 4 had been ordered and advised that once received, it would be installed as quickly as possible.

Special Projects Status Report

Deputy Town Manager Moore reported that the two utility projects – the Septic Conversion Project and the Well 4 Clearwell Project – were underway. He advised that both were at the submittal stage, and he anticipated the contractors would mobilize within a month.

Staff Report – Next Steps from October 16th Community Meeting

Deputy Town Manager Moore reported that the Town staff was waiting for the complete report from The Berkley Group and noted that they had received a summary. He advised that once The Berkley Group had collated all the comments from the community meeting, a joint work session of the Council and Planning Commission would be scheduled.

Status Report – 1000 Miglia

Town Manager Davis reported that he was excited that the 1000 Miglia was returning to Middleburg next week. He reminded Council that the race would occur November 2nd-4th and noted that it would be similar to last year's race. Mr. Davis reviewed the event schedule. He reported that twenty-five vehicles would participate. Mr. Davis advised that thirty-five to forty people had volunteered to work at the event, some of whom volunteered to work all four days. He noted that the 1000 Miglia was unique and opined that it represented the spirit of the community.

Reports of Town Committees/Council Liaisons

Vice Mayor Leonard-Morgan reminded Council of the Town Clean-Up event scheduled to occur on October 28th. He noted that there would be two staging points this year – one at the Middleburg Community Center and one at the Levis Hill House. Mr. Leonard-Morgan noted the need for volunteers.

Consent Agenda

A. Council Approval – September 14, 2023 Regular Council Meeting Minutes; September 28, 2023 Regular Council Meeting Minutes; October 12, 2023 Regular Council Meeting Minutes; October 16, 2023 Community Workshop Meeting Minutes

Councilmember Jacobs moved, seconded by Councilmember Daly, that Council approve the minutes for the September 14th, September 28th, October 12th and October 16th, which were regular meetings as well as the minutes of the community workshop, as presented.

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

No – N/A

Abstain: N/A

Absent: Mayor Littleton

Discussion Item

Draft Policy Revisions – Town Grants/Sponsorships

Town Clerk North reminded Council that the Town currently had one policy related to grants and sponsorships. She further reminded them that now that the Town had time to see how it worked and with the creation of the Middleburg Charitable Foundation, the grants sub-committee met to review the policy to determine whether any changes should be recommended. Ms. North reported that the sub-committee was recommending the policy be separated into four policies – one for special and community event grant requests, one for infrastructure grant requests, one for sponsorship requests, and one related to charitable donations and the Middleburg Charitable Foundation. She noted that the first three policies were based on the existing one and reviewed the proposed details of each, including any changes that were recommended from the existing policy. Ms. North advised that as to the fourth policy, the sub-committee recommended a \$100,000 donation to the Charitable Foundation for FY '24, with it being reduced to \$50,000 the following year, and to \$25,000 the year thereafter and beyond. She noted that this was proposed as a starting point for Council's discussions.

Councilmember Pearson, a member of the grants sub-committee, clarified that donations and grants would only be awarded if there were funds available in the budget and noted that there was no guarantee that money would be given away.

Town Clerk North confirmed that the revenue would need to exist and be appropriated in the budget.

Councilmember Miller noted the draft charitable donations/Middleburg Charitable Foundation policy. He advised that the Foundation's Board of Directors had not yet met to discuss their request for additional funding; however, he anticipated they would request the Town use its surplus revenues to fund annual donations to them.

Councilmember Kirk asked that the draft policies be tabled to the next meeting in order to allow the Charitable Foundation's Board an opportunity to meet.

In response to an inquiry, Town Manager Davis advised that if the Council desired, it could vote on the other three policies; however, there was no hurry to adopt them.

Request for Additional Funding – Middleburg Charitable Foundation

Town Manager Davis reported that this request would be moved to the next Council meeting agenda.

Quarterly Review of Strategic Initiatives

Town Manager Davis reported that the Town was making progress on the strategic initiative related to the R-2 zoning district and noted that a joint meeting with the Planning Commission would be scheduled once the final report was received. He reported that the staff was progressing through the Virginia Department of Transportation's grant process for the South Madison Street Improvement Project and noted that Deputy Town Manager Moore would attend training later in the week on grant administration. Mr. Davis advised that the staff was working with the engineer to further refine the design concept and noted that there would be additional community discussions about the project. He reminded Council that the Town held a Fourth of July Celebration and advised that the staff was looking to develop other community focused events to be held in the Spring of 2024. Mr. Davis reported that the staff received a proposal from a firm to help guide the community discussions regarding possible uses for the Asbury Church. He suggested the Council hold another retreat in January or February to review and identify their strategic initiatives for the next two years.

In response to an inquiry from the Council, Town Manager Davis advised that the Town entered into a formal Memorandum of Agreement with the Middleburg Business & Professional Association. He opined that things were going well and noted that Business Development & Community Partnerships Director MacIntyre was representing the Town well on their Board of Directors.

In response to an inquiry from the Council, Town Manager Davis reported that there was no date being proposed at this time for the joint meeting with the Planning Commission to discuss the R-2 District. He advised that once The Berkley Group's report was received from the community workshop, the staff would discuss it with the Mayor and Vice Mayor during the agenda review meeting. He suggested the joint meeting be held after Christmas in Middleburg but before the holidays.

Council acknowledged the need to have the report before scheduling the joint meeting.

Holiday Luncheon; Cancellation of November & December Meetings; Gift Certificates

After some discussion, the Council agreed to host the holiday luncheon for the Town staff at Hunters Head Tavern again this year. Councilmember Miller volunteered to organize the luncheon. The Council also agreed to cancel the second meetings in November and December, with the understanding that a special meeting could be called if necessary. Finally, the Council agreed to give the Town employees \$100 gift certificates and the regulatory committees \$50 gift certificates that would be good for any Middleburg business that agreed to accept them.

Special Use Permit 23-02 – Request of The Museum of Hounds & Hunting, North America for a museum - 11 W. Washington Street

Deputy Town Manager Moore reported that this request was before the Planning Commission during their October meeting, at which time, they recommended approval. He advised that the request was to house the Museum of Hounds & Hunting in the Duffy House and noted that this would be a second location for them. Mr. Moore reported that the main point of discussion during the Planning Commission meeting centered around the Commission's desire for assurances that the museum would be open to the public. He reminded Council that the proposed location was zoned C-2 Commercial and noted that certain uses were prioritized in that district in order to maintain a vibrant downtown core. Mr. Moore confirmed the Commission received verbal assurances that the museum planned to be open on weekends.

In response to a comment from Council that the main street was supposed to contain retail establishments and that the proposed use went against that, Deputy Town Manager Moore confirmed the Council prioritized retail uses in this district. He explained that this was why this use required a special use permit and noted that the granting of a permit was not guaranteed.

In response to an inquiry from the Council, Deputy Town Manager Moore confirmed the museum would rent the property.

Mary Ewing appeared before Council representing the Museum of Hounds & Hunting's Board of Directors. She reported that the museum would be open on Saturdays and Sundays from 10:00 a.m. to 4:00 p.m., as well as by special request. Ms. Ewing advised that it would also be available at various times during the evenings for special events. She confirmed the museum would have a retail component, including art that would be exhibited and available for purchase.

In response to an inquiry from the Council, Ms. Ewing confirmed they planned to hold events that would drive traffic to the museum, including an event that would be held in conjunction with Christmas in Middleburg. She advised that they would change their exhibits. Ms. Ewing explained that they planned to share information about the museum with the fox hunting community and advised that they had a large fox hunting collection in storage that would fit in well with the historic nature of the community. She opined that people would be excited to see their exhibitions. In response to an inquiry from the Council, Ms. Ewing advised that they did not plan to make any changes to the building and opined that it was suitable for their use. She noted that the rooms were small and that access to the other floors was by stairs only. Ms. Ewing advised that they planned to place a receptionist area, retail operations and exhibition space in the entry, with further exhibitions, a table and bookshelves being located in the rear. She advised that there would be different uses on each floor, including an education room and a children's room. Ms. Ewing noted their plan to honor the huntsmen in this area. In response to inquiries from the Council, she advised that their lease, which was renewable, was for a three-year period and that there would be no admission charge to tour the museum. Ms. Ewing reported that their income was derived from their fundraising events, retail sales, and art sales. She advised that they would love to be open in time for Christmas in Middleburg.

Council agreed to schedule the public hearing for their November 9th meeting.

Special Use Permit 23-03 – Request of Lizanne White Driskill for two upper-story apartments - 5 E. Federal Street

Deputy Town Manager Moore reported that the applicant would like to create two small apartments on the upper level of their building in two vacant office spaces. He noted that this would require some renovations. Mr. Moore advised that apartments were allowed in this district by special use permit. He reported that the smaller unit would be a studio apartment and the larger one would be a one-bedroom apartment. Mr. Moore reviewed the renovations that would be needed. He reported that the Planning Commission discussed this request during their October meeting. Mr. Moore reminded Council that the Comprehensive Plan supported the redevelopment of Federal Street and advocated apartment uses in the C-3 District on second floors by-right; although, the ordinance had not been changed to allow this to occur. He reiterated that the Planning Commission discussed the application and the Comprehensive Plan recommendations. Mr. Moore noted that while the Comp Plan vision was related to a larger use, the Planning Commission was comfortable with this small conversion and felt it was okay even though the area lacked sidewalks. He suggested that if additional requests for apartments were received, more conversations may need to be held about the need for sidewalks. Mr. Moore reported that the Planning Commission recommended approval of the request, with three basic conditions related to compliance with their plan statements regarding paving, landscaping, fencing and lighting.

Will Driskill, 36078 Little River Turnpike, appeared before the Council representing the application. He reported that the two office units had been offered below market price for two years; however, no one was interested in becoming a tenant. Mr. Driskill advised that no major renovations would be required, only minor interior ones, to convert the units to apartments. He opined that this would provide some affordable housing in the town.

In response to an inquiry from the Council about the need for exits from the second floor, Deputy Town Manager Moore advised that this would be a County building code issue that would need to be addressed. He opined that windows of a certain size could serve as a secondary means of egress from a sleeping area.

In response to inquiries from the Council, Mr. Driskill advised that there were fourteen spaces in the parking lot on the upper level of the property. He noted that the plan was to repave and renumber them. Mr. Driskill advised that access to the apartments would be through the front door, which would be open during office hours. He noted that the tenants would have keys to access it at night.

Councilmember Daly advised that he liked the proposed concept and opined that it was a good use of the space.

The Council agreed to schedule the public hearing for their November 9th meeting.

Zoning Text Amendment 23-04 – Ordinance to Repeal & Re-enact Article VI Pertaining to Advertisement and Notices of Hearings for Plans, Ordinances, Amendments, Appeals and Applications

Deputy Town Manager Moore reported that the General Assembly changed the State Code with regard to the advertising requirements for certain zoning applications. He explained that two advertisements were still required; however, no time was required between the last ad and the public hearing – meaning the public hearing could be held on the same day as the public notice. Mr. Moore advised that the first notice could be published no more than fourteen days before the intended adoption of the item. He recommended that if the body needed more time to deliberate following the public hearing, they should hold another public hearing.

Town Attorney Crim suggested the Town use this conservative approach and noted that this was the approach that Loudoun and Fairfax Counties were taking.

Deputy Town Manager Moore noted that the current ordinance required the posting of signs on the property alerting the public of the public hearing. He advised that while not a State Code requirement, this local requirement was retained in the proposed ordinance. Mr. Moore further advised that while the current ordinance restated the State Code provisions, the proposed ordinance just referenced them so the Town would not have to re-adopt the ordinance if the State Code changed.

The Council agreed to advertise the public hearing for their November 9th meeting.

Information Items

Town Manager Davis thanked the Town staff and those members of Council who assisted for their hard work in moving the Town Offices and Police Department into the new Town Hall. He reported that the remaining items would be moved this week. Mr. Davis recognized Town Clerk North for her hard work on the Town Hall Project. He reported that the building would open to the public on October 30th and expressed hope that the community would enjoy it.

Closed Session

Town Manager Davis advised that the closed session was not needed.

There being no further business, Vice Mayor Leonard-Morgan declared the meeting adjourned at 7:05 p.m.

APPROVED:

Peter Leonard-Morgan, VICE MAYOR

ATTEST:

Rhonda S. North, MMC, Town Clerk

October 26, 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)

Rhonda North: You're good.

Peter Leonard-Morgan: Good evening, ladies and gentlemen. Welcome to the final Town Council meeting in this public office. And first order of the evening is the Pledge of Allegiance. If we could all rise, please.

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.

Peter Leonard-Morgan: Thank you very much. Next on the agenda is the roll call, please. Rhonda.

Chris Bernard: Chris Bernard.

Bud Jacobs: Bud Jacobs.

Philip Miller: Philip Miller.

Darlene Kirk: Darlene Kirk.

Peter Leonard-Morgan: Peter Leonard-Morgan.

Cindy Pearson: Cindy Pearson.

J. Kevin Daly: John Kevin Daly.

Rhonda North: Rhonda North, Town Clerk.

Danny Davis: Danny Davis, Town Manager.

Martin Crim: Martin Crim, Town Attorney.

Peter Leonard-Morgan: Thank you very much. We don't have a special recognition this evening, but I would like to just mention one dear member of the community who recently passed Dee Dee Hubbard. Fantastic lady did so much for the town. And if anyone on Council wants to say anything, I think it's a good opportunity.

Darlene Kirk: I just think, you know what the Eccentric did, talking about things that actually took place in the town as opposed to like Middleburg life, which doesn't really cover things that took place in the town. And I applaud her and her son for doing that for us for so long. I wish it was still here.

Peter Leonard-Morgan: Chris.

Chris Bernard: Yeah. And I think I said it at one of the meetings when the Eccentric stopped. But I mean, that was really one of the ways that I really familiarized myself with the local community when I first moved here. And actually, Dee Dee was the first person that I met in Middleburg when I came to interview for a job here, and she showed me an apartment somewhere, I think it was over on Sam Fred Road, so I will certainly always remember her. And I think her

legacy will go on. All that stuff on the eccentric website and all the old copies that float around, I think she will certainly be remembered.

Peter Leonard-Morgan: Yeah. Thank you, Chris. Anyone else?

Cindy Pearson: And Dee Dee did, she participated in a lot of other things other than the Eccentric. She was very active in Christmas and Middleburg for years. Just every time you turned around; she was popping up somewhere. So, you know, she had a very, I think, a wonderful life here in town. And she will be missed.

Peter Leonard-Morgan: Absolutely. Thank you, Cindy. Well on to public comment. This is the opportunity for any member of the public to speak on any subject for three minutes. If you could please. All yes, indeed. Please state your name and address. We will not respond to comments, but we'd love to hear what you've got to say. So, thank you very much.

Bundles Murdoch: Is this on?

Peter Leonard-Morgan: I believe so, yes.

Bundles Murdoch: Bundles Murdoch 609 Blue Ridge Avenue. Two comments I'll try and make it fast because you've got a big agenda. First, I want to compliment you on the new town office. I had a sneak preview thanks to Danny and Will. It is outstanding. I just went through there with my eyes. Just I just couldn't. I couldn't believe it. It is so beautiful. Every detail, every single thing was fabulous. And if any member of the public or anybody else comes and criticizes the expense or the space or anything, send them to me and I will [laughter] [inaudible] them off at their knees. Bam! So just, you know, I will defend you. My second comment is I came to say farewell to the building. I'll try not to choke up. I just sort of calculated how many years I sat up there, and I think it started 30 plus plus years ago. I started on BZA and then Planning Commission and then maybe four terms on the Council, and we did a lot together. We had a lot of deaths, and we had a lot of fun. We had a lot of unpleasantness-es we had to escort an employee out of the building with a little police officer help. At one of our parties, our police chief and the entire Council and all the staff watched me take down a fence if some of you remember. [laughter] And I was not overserved, I had not a drop of drink. But I just took down the entire fence. I mean, we've seen a lot. We've done a lot together. We are a family and we worked hard. And this building has it has a lot of problems, and it needs to go. But I will be very sad so I will miss it. But you are so lucky to have the new building. So, congratulations and farewell old building and this table. So good luck to you all.

Peter Leonard-Morgan: Thank you Bundles. Appreciate that. [off mic] Rhonda, do we have a sign in sheet for further comments?

Rhonda North: We do. And our next person who signed up is Megan Gallagher.

Peter Leonard-Morgan: Come up. Megan. Thank you.

Megan Gallagher: Miss me? Hi, my name is Megan Gallagher. I live at 214 East Marshall Street, and this is the first Council meeting since we've heard the glorious news that we won this stage of the Mickie Gordon fight. And with the SBX, SPEX being withdrawn. And that could never have happened without this Council, without Bridge's petition, without your leadership and just providing a framework in which citizens organized, and I thought rather effectively, and I certainly met everyone in town. And the three meetings with two for the community to say what it wants; the message is clear. So, we have a road ahead. But I'm extremely hopeful and it couldn't have happened without you. Now that issue emerged.

Bud Jacobs: Thank you.

Megan Gallagher: No, we're not done. This is so depressing. So, I will join Bundles in love bombing the Council. But now I'm going to depress you. Two days after actually, we knew we wouldn't have a giant Inn across the street from my house. I found out about the Mickie Gordon thing, which was a totally different issue and did not affect my sleep at night

but was still so important to the community. And now we seem to have won that well. On Monday, I joined nearly 200 people in packed into Buchanan Hall to hear about the 72 power transmission lines planned to bring power from utilities with no demand in Pennsylvania, Ohio, Maryland through here, just for data centers in Loudoun and Prince William. You will be hearing from PC and all the NGOs as well as some elected leaders. It is a very difficult issue because it's not a zoning thing per se. It's not a state legislative thing. It's corporation commission and FERC federal emergency. But it's so egregiously bad. And we can't whack a mole. Just to give a sense, one of the routes is a 200 foot right away with a 250-foot series of towers that goes down route 50 all the way through. Everything we've protected in 50 years of route 50 rural preservation. So, I thought you'd be delighted to hear that, and know that people will be asking how they can help. And I think we're still waiting to know where the push points are. So, enjoy that. Thank you.

Peter Leonard-Morgan: Thank you very much. Do we have anyone else who would like to speak for public comment? Seeing no one, we will end the public comment section. Oh, Kevin, did you want to? Oh, would you like to go to the table?

J. Kevin Daly: You want to go to the table? I would like to speak from here. Just.

J. Kevin Daly: Whoa! John Kevin Daly 112 North Jay Street Middleburg Virginia 20118. No one likes change. We all like to keep things just as they are, just as we always remember the way they are or think they are. Yet, like it or not, change happens every day, just consider the weather. Today we are experiencing another change, a new milestone. This will be the last Town Council meeting to be held in this room on 10 West Marshall Street. Next month, the Town Council will hold their first meeting in the new Town Hall Council Chambers on 10 West Marshall Street. That's right, new building, same address, but it will contain our police department and all of our administrative staff. It's an asset to the Town of Middleburg. We have all seen a lot of changes in our town. Shops have closed. New shops have opened. Old homes torn down. New homes built. Middleburg is more than just an eclectic collection of homes and quaint shops; homes and shops will change. But one thing in Middleburg will not change that is Middleburg's soul, its spirit of neighbors [00:10:00] who care about the town and each other. We may not always share the same opinion or agree with one another, but we all share the same love for this our home Middleburg. The spirit of Middleburg can be seen in the members of our various town committees, organizations, churches who volunteer their time and efforts for the care of our community of neighbors caring for each other through Seven Loaves and Windy Hill, the collective work of our community coming together this weekend, joining with the Sustainment Committee to pick up and spruce up our wonderful town and the echoes of hello, good morning, good afternoon, how are you doing as residents, neighbors and strangers pass by? As the author C.S Lewis once wrote, I don't have a soul. I am a soul. I have a body. And if the Town of Middleburg could speak, it would say, I am not a collection of buildings. I am a community of neighbors who live and work together within my boundaries, and I hope that that spirit of community in Middleburg will never change. Not a sermon, just a thought.

Peter Leonard-Morgan: Thank you very much for that, Kevin. I appreciate that. Anyone else who would like to speak? So now we will close the public comment section. So, we're now off to staff reports. Rhonda, do you know if Stuart's on the line?

Rhonda North: Well, you know, unfortunately we don't have a telephone in this building now that we're in the new buildings. [laughter]

Danny Davis: So, we. Yeah, we gave Stuart an opportunity to not be on the call, but I'm happy to answer questions if need be or forward questions on to him for answer that we can send you by email.

Peter Leonard-Morgan: Thank you. [off mic] So we do have a utility report in our packet. I don't know if anyone's got any questions which we'd like to pass on or are we able to move on? Thank you very much.

Danny Davis: I will note that we have ordered the media replacement for well four. So, we are waiting on final shipment of that to come to us, and then we will be getting that installed as quickly as possible. So, we worked out our kind of legal issues with that.

Peter Leonard-Morgan: Wonderful. Thank you, Danny. On to the next item. Special project status report by the Deputy Town Manager, Mr. Moore.

Will Moore: Thank you, Mr. Vice Mayor. You have the report. There's a lot going on right now. The two big utility projects, the septic conversion. And as Danny just mentioned, Well 4 not only the media replacement, but the clear well, so those projects are underway right now, we're in the submittal phase where the contractors are working with staff and with our engineer consultant to get all their product submittals, review everything, but we anticipate mobilization on both of those to be within a month or so. So happy to answer any questions on those or any of the other projects.

Peter Leonard-Morgan: Do any Council Members have any questions for Mr. Moore? Seeing none. We will close that. Thank you Will. Appreciate that. Onto we have. [off mic] Staff report next steps from the October the 16th community meeting again, Mr. Moore. [off mic]

Will Moore: Sure.

Peter Leonard-Morgan: If you have any.

Will Moore: I didn't realize this placeholder was on here. I should probably look closer at the agenda. [laughter]

Peter Leonard-Morgan: You were working quite hard today.

Will Moore: So, as was discussed for those who attended the meeting, we are waiting on the complete report. We received an initial kind of summary from Berkley, but we will be going over that. And once we have all those comments kind of collated and in a digestible form, we will come back with you and look to schedule the joint work session with the Planning Commission. Planning Commission met just this past Monday, and they're looking very forward to that conversation with you when it comes.

Peter Leonard-Morgan: Wonderful. Thank you for that. Any questions for Will on that, this matter. Thank you very much, Will. Now, a very exciting report here from the Town Manager on the status of the Mille Miglia.

Chris Bernard: That wasn't exciting?

Peter Leonard-Morgan: That was very exciting. Absolutely. [laughter]

Danny Davis: Thank you, Mr. Vice Mayor. And thank you, Council. We are getting excited for the Mille Miglia to come back here to Middleburg. That will be next week. It's hard to believe. So, the drivers arrive on Tuesday, practice is on Wednesday and then the three days of the race are Thursday, Friday, Saturday. Similar [00:15:00] to last year, we'll have the Thursday morning green flag send off, which is where we will have students from the Hill School and the charter school, as well as hopefully, a lot of members from the community send off the racers on the first official day. It's always a great, great time and a lot of fun to have the children out there with us. Friday they will leave also, and then Friday evening we will again have the Street Festival in Madison Street, where the cars will first drive down Madison Street from North Madison to south, and then they will park their cars, and we'll have a nice chance for the community to see the vehicles. And then Saturday they will go into DC and at the embassy and then come back here for their awarding ceremony. So, they will actually get all of the awards at the final ceremony that will be at the resort. And we'll get that information out to each of you. This year we have, I believe, 25 participating vehicles, which is great. It's a little bit of growth from last year. We're really excited about that. Also, we have continued to work with additional partners and sponsors in this. We also have and very exciting a lot of volunteers who have agreed and want to be part of this, to be able to be part of the event without having to enter a car or be in the race itself. We've had two volunteer training events. Last night we had one kind of just get together, get to know you, but also a little bit of training and I'm not sure we probably had 35, 40 people there. But these are some of these folks have committed four full days of support for the technical team, driver support. And then we have a lot of folks willing to help out in our town events. So, we're very excited about that. And think again similar to Council Member Daly's comments about a community, these are the kinds

of events that are truly unique but represent the spirit of community here in Middleburg. So, we are very blessed and grateful to have it here and look forward to a fun week ahead. I'm happy to answer any questions if you have any.

Peter Leonard-Morgan: Thank you. Any questions for Danny on this?

Cindy Pearson: What time does the Friday morning event go off?

Danny Davis: I will have to look and see. It's around 8:30, 9:00.

Cindy Pearson: Yeah.

Peter Leonard-Morgan: Any other questions? Thanks, Danny, for that. Okay. Reports from Town Committees, Council liaisons. Do we have any other than the Sustainability Committee? [laughter]

J. Kevin Daly: What's happening?

Peter Leonard-Morgan: Well, let me explain. We do have our Fall Town Clean Up on Saturday the 28th. This time it will be a bit different. We're not only meeting at the community center, but we also will have a meeting point, a staging point at Levis Hill House for Windy Hill. So, we've got to there's a little bit expanded, but we've got some good volunteers and some great weather on the horizon. So, anyone who please spread the word. Meeting about 7:45 breakfast courtesy of Salamander at the community center and breakfast courtesy of Common Grounds at Levis Hill House. So, we again talking about community. We have wonderful partners who donate not just time, but also coffee, donuts and pastries. So that's on Saturday morning. Other than that, nothing else on the sustainability committee. So, any other reports? Flood Planning Commission? Nope. Okay, great. So, the next is the consent agenda. Is there anything on the consent agenda that anyone would like to move out of the consent agenda? Otherwise, could we have a motion please?

Bud Jacobs: I move that Council approve the minutes for September 14th, September 28th, October 12th and October 16th, which are regular meeting minutes as well as minutes of the community workshop as presented.

J. Kevin Daly: Second.

Chris Bernard: Second that rather long. [laughter]

Darlene Kirk: Next week.

Peter Leonard-Morgan: Thank you for the second. All in favor? Any abstentions?

All of Council: Aye.

Peter Leonard-Morgan: Sorry. Any abstentions at this point. The motion passes. Thank you very much. On to discussion items we have the first discussion items is town grants and sponsorships. And for this we would like to invite Mr. Danny Davis I believe.

Danny Davis: Thank you, Mr. Vice Mayor. Well, it's a combo of the Town Clerk as well as a few Council Members and myself who have been working through this. So, I won't steal Ms. North's thunder. If she would like to walk through this for you.

Peter Leonard-Morgan: My apologies Rhonda, over to you.

Rhonda North: Thank you, Mr. Mayor.

Peter Leonard-Morgan: Thank you.

Rhonda North: So, we have, since I think around 2018, had one policy that was a grant and sponsorship policy combined into one. We've had some time [00:20:00] now for folks for it to be applied. But then we also now have the Middleburg Charitable Foundation, which is an independent nonprofit organization. So, the committee met, and we felt like we needed to separate out some of these policies to make it clearer. So, we have proposed essentially dividing into four policies. One of the policies would address special and community events. It is pretty much like the current policy that we have had in place for a few years. One change to it is for the organizations that qualify for the Virginia Commission for the Arts grant we have included a separate section specifically on the Arts grant, and that would allow them to get a little more than normal. So, if there's a 4500 Arts Council Grant that's received, and we have to give a \$4,500 match, they would be entitled to that whole \$9,000. That then allows the town to get the full amount of the grant from the state that we're allowed to do. So that's a little different than what we have been doing. Also, we are proposing that the amount budgeted for special and community events be \$50,000. The second policy would be related to just infrastructure projects. We are proposing an award of \$10,000 per project. Currently it's \$5,000. They would continue to be able to receive no more than three grants from the town during the lifetime of the organization. We're proposing that as opposed to having EDAC review those applications, the Town Manager and whatever staff he deems appropriate would be the reviewing authority and would then send a recommendation to the Town Council for their consideration. And the budgets that's being proposed for infrastructure grants would be \$30,000 annually. Event sponsorships, the policy that's being proposed is essentially the same as the existing policy would maintain the \$2,000 per event cap on that. Probably the biggest change is currently there's \$35,000 budgeted annually for special event sponsorships. And the idea is to increase that to \$40,000. Now, some of that money, some of that \$35,000 currently goes to Christmas in Middleburg and the Middleburg Film Festival. By increasing to 40, it would make \$15,000 available for the staff to give to general sponsorships. And then the final policy that's being proposed is related to charitable donations and specifically to the Middleburg Charitable Foundation. And there are some numbers proposed in that policy, just as a starting conversation for the Council, what is proposed is in the current fiscal year that a \$100,000 donation be given, and then next year that would fall in half to \$50,000, the year after to \$25,000, and then it would stay at \$25,000 from there on. Again, that's just proposed, you know, to start a conversation with the Council. So, in a nutshell, those are the four policies that are being recommended and just highlighting the major changes from the way we do things currently.

Peter Leonard-Morgan: Great. Thanks for that.

Rhonda North: I will leave it to Council Members, Pearson and Jacobs if they want to, offer anything.

Peter Leonard-Morgan: Great. Thank you for that, Rhonda. I appreciate that clear summary. Cindy.

Cindy Pearson: The only thing I'd like to add is the funds are only if it's available in the budget?

Rhonda North: Yes.

Cindy Pearson: So, it's not guaranteed that that money will always be given.

Danny Davis: Correct.

Peter Leonard-Morgan: So, the economy changes drastically, for example. Yeah.

Philip Miller: You mean money in the fund, not in the budget. Because these numbers will be used to make the budget.

Rhonda North: The money would have [multiple speakers].

Philip Miller: If the revenue exists.

Cindy Pearson: Yes. There you go. That's what I'm trying.

Rhonda North: The revenue exists and is appropriated. Yes.

Cindy Pearson: Yes, absolutely.

Peter Leonard-Morgan: Bud did you have anything to say on that?

Bud Jacobs: What Philip said. [laughter]

Peter Leonard-Morgan: Okay, great. So, let me open it up if there are any questions, discussion on this item? Philip.

Philip Miller: I will just say that the charitable donations policy is something that unfortunately, the board we haven't had a chance to meet. We have to meet to go over our grant applications for the year, [00:25:00] and we have another line item on our agenda here to discuss a proposed additional funding request. That's an ongoing way that would actually operate on when we have supplement to our revenue over budget, but we have not had a chance to meet and put our heads together on that. So that's one of the reasons why the charitable donations policy continues to go down year over year. Now, that's just a guideline for what the budgeting purpose would be for Council. But we do have a proposal for ongoing if we have excess revenue.

Peter Leonard-Morgan: Thank you for that. Darlene, do you have a comment? Because you're very involved and you've been very involved over the years.

Darlene Kirk: I'm going to suggest maybe we table this until our next meeting so that they can [off mic].

Peter Leonard-Morgan: Kevin. So, I think that's a great idea if we table that until. [off mic].

Danny Davis: No.

Peter Leonard-Morgan: It's not.

Rhonda North: No.

Peter Leonard-Morgan: But there was a part here which said we could put it on the November 9th agenda for adoption, but we'll leave that I think, for the time being. Right.

Bud Jacobs: We could vote on the other three, though, right?

Danny Davis: If you wish. There's no rush at the time. And yeah, I think that's fine. And if there's any inputs or questions about how we've split them or defined them, please feel free to reach out to Rhonda or me and we can talk with you further.

Peter Leonard-Morgan: Great. I think a lot of thought has gone into it and really appreciate that. But yeah, I think it's good if we table it. And also, we'll be able to come back with some more information from you. Thank you for that. Super. The next item is, Oh, request for additional funding Middleburg Charitable Foundation. So, who's up on that? There's no one, Town Manager.

Danny Davis: Well and that's one as well that we'll just kind of push that discussion to the next meeting as well. Thank you.

Peter Leonard-Morgan: Sounds good. Wonderful. And then on to Quarterly Review of Strategic Initiatives. Mr. Davis.

Danny Davis: Thank you very much. And the updates are ones that you are already very familiar with, particularly the R-2 zoning discussions that we've had. That's one of your strategic initiatives. And as noted, we're waiting on that kind of follow up report and then scheduling of the joint meeting with the Planning Commission. So, we are making progress on that. And so, I appreciate the Council's involvement in those discussions and the community's involvement as well. So, we will continue to move forward with that as discussed. The other key one that we've moved forward with, as you

know, is the South Madison Street improvements. And thank you for your efforts related to that, it is progressing through the VDOT grant review process. We have had some continued positive conversations with VDOT. In fact, Mr. Moore will be heading to the great city of Petersburg tomorrow for a training so that he can be eligible to administer the program should we receive those funds. So, the next steps really on that one are to work with our engineer on refining aspects of that concept. So, once we get things settled next door and through the events of next week, we'll be working with them to start refining that so we can have further community discussions about specific aspects of the South Madison Street Project. And then, as noted in the planning stages, as you know, we had our July 4th Independence Day wonderful event, continuing to look at some other community focused events for spring of 2024. And then Asbury Church, we have received a proposal from a firm to guide some public conversations in that arena. I have not had a chance to speak with the Mayor and Vice Mayor on that, but I will bring that up at our next meeting together, and we'll talk through that project and then potential next steps for discussing with the community, desired uses and possible what the community would like to see at Asbury Church, which will guide design and future rehabilitation. So that's where we are currently on the strategic plan. And then of course, leading into around January February time frame, we would look to have a Council Retreat where we talk about the next two years. So, you'll have elections this fall and a new council officially as of January 1st. So, to look at the strategic plan, what should stay, what should be added or taken off. So that will be coming up in the next 3 or 4 months as well.

Peter Leonard-Morgan: Wonderful Danny. Thank you. Any questions for staff?

Darlene Kirk: I'm just [off mic] going to say we can move to the other side of the new town hall and the police station.

Danny Davis: We have a few different places in the town hall that could accommodate a nice day long activity, that's for sure. [00:30:00]

Peter Leonard-Morgan: Cindy.

Cindy Pearson: On it you have the completed with a partnership of MBA. Is there anything in the first in the background.

Danny Davis: Correct.

Cindy Pearson: Is there anything at all [off mic] that?

Danny Davis: That's just that was the formalization of our MOA with them. And things continue to go well. Partnering well and Ali is of course doing a fantastic job representing the town with MBPA.

Cindy Pearson: Thank you.

Danny Davis: Yeah.

Peter Leonard-Morgan: Any other questions? I just one quick question, and maybe it's too early to ask about the Joint Town Council Planning Commission meeting late 2023. Any ideas on that or is it too early to?

Danny Davis: Not timing as of yet? I think that'd be a great conversation as well with you and the Mayor at our next agenda review meeting, just to look at potential dates with a few other items on the agenda. My guess is, honestly, if you know, to be frank, it's probably after Christmas in Middleburg. So, it's probably the, you know, second or third week of December in between the two holidays. But we'll work to find a date that works.

Peter Leonard-Morgan: Super. Thank you for that. Bud.

Bud Jacobs: [off mic] won't have it, obviously, until we've got the report.

Danny Davis: That's correct. That's correct.

Peter Leonard-Morgan: Great. Thank you very much. And I just want to apologize. I realize we could have had a couple of items so you folks could go home, but we're almost there. I think we've got one more here. This is the holiday lunch and cancellation of November and December meetings and gift certificates. So over to Rhonda.

Rhonda North: Thank you, Mr. Mayor. So, Mr. Vice Mayor, so this is our annual item that we present to you each year. You all have done a holiday luncheon for the staff. And just want to see if you'd like to continue to do that. If so, if you have an idea of what date and who on the Council would like to lead that charge. Also, traditionally we have canceled the second meetings in November and December as they conflict with the holidays, with the understanding that we could have a meeting on the third Thursday of the month if necessary. Actually, in November of this year, the Mayor will be doing his State of the Town Address on the third Thursday. And we are also planning to do an open house for the new town office prior to the State of the Town Address.

Peter Leonard-Morgan: What Thursday.

Rhonda North: The third Thursday. So, November the 16th. Yes, November the 16th. And then the final item are the gift certificates. You all have traditionally given the town staff \$100 gift certificates that are good to whatever businesses in town are willing to accept them, \$50 certificates to the regulatory committees. And the question is, would you all like to do that again this year? So, three items under that.

Peter Leonard-Morgan: So, let's start with the employee luncheon. Any thoughts on what we should do for the employee luncheon? We will be in the new town hall. But is it appropriate to do it there or go somewhere else.

Darlene Kirk: Has Bridge said anything about it because he did come up with Hunter's Tavern.

Peter Leonard-Morgan: Yeah, I haven't heard from him. And funny enough, I was chatting with someone about Hunter's Head and that might be another a nice opportunity unless anyone disagrees with that. [multiple speakers] Isn't it may.

J. Kevin Daly: It may be a good idea to simply appoint someone to take charge? Oh, I don't know. Bridge perhaps. [laughter]

Chris Bernard: Be careful what you wish for. We're going to be eating bag lunches.

Philip Miller: We'll have lunch at Sheetz.

Peter Leonard-Morgan: I do believe that. I think Hunter's Head was his idea last time.

Philip Miller: It was.

Danny Davis: I think so. I think so.

Rhonda North: And I think the staff enjoyed that greatly. [multiple speakers]

Philip Miller: It's my last go. I'll do it.

Peter Leonard-Morgan: All in favor. [applause] Philip appreciate that, dear boy. Shall we go for Hunter's Head? Organize that.

Philip Miller: If that's what everybody wants. If that's common consensus. Otherwise, we can.

Bud Jacobs: Staff liked it. Right?

Peter Leonard-Morgan: We'll try and get the Hill School bus again.

Chris Bernard: And I think it's good not to do it in town [multiple speakers].

Peter Leonard-Morgan: Exactly.

Chris Bernard: In town restaurant.

Peter Leonard-Morgan: Yeah. Okay. Super. Well, I think we've made a decision on that one. Gift certificates. How do we feel about the \$100 for members of the regulatory boards and commissions? Sorry, that's \$50.

Rhonda North: No that's \$50.00.

Peter Leonard-Morgan: For the. Staff \$100. Actually, let's make it the other way around. Staff get \$50. No. I'm kidding. So, 100 bucks for the staff and \$50 for boards and commission members. What's the thoughts on that, ladies and gentlemen?

Cindy Pearson: I think staff deserves like a ten, 100 times more. But since it is [laughter]

Rhonda North: 10 100 times more. [laughter]

Chris Bernard: [off mic] spreadsheet.

Peter Leonard-Morgan: Any ideas? Any comments?

J. Kevin Daly: I'm [00:35:00] good to go with that.

Philip Miller: [multiple speakers]. Have we ever included the charitable foundation board on that?

Darlene Kirk: [multiple speakers]. Health Center?

Philip Miller: Not one of those. No. Okay. [inaudible]

Rhonda North: It's what we've done in the past are the regulatory committees. So that's Planning Commission, HDRC, BZA. So, it's the committees that actually vote outside of the Council and have authorities outside of the Council.

Chris Bernard: That's the whole town.

Peter Leonard-Morgan: Okay. All right. Okay. I think are we agreed on that? [off mic] Super. And the meeting schedule. I think that's pretty clear. No, we won't meet on Thanksgiving Day. [laughter] No, no, that was the third. That's the fourth. Yeah. So, we wouldn't meet on it.

Danny Davis: Yeah.

Peter Leonard-Morgan: Okay, great. So do we have. Let me see. Do we have a motion?

Rhonda North: We don't need a motion. I just need some direction. And I have it now.

Peter Leonard-Morgan: Sounds good. Thanks, Rhonda.

Rhonda North: Thank you.

Peter Leonard-Morgan: Okay, great. Now we are on to the request of the Museum of the Hounds and Hunting North America for a Special Use Permit for a museum at 11 West Washington Street, zoned C2 town commercial District. Mr. Moore, thank you so much.

Will Moore: Thank you, Mr. Vice Mayor, Members of Council. So, this is a request that just cleared the Planning Commission on Monday. So, they held their public hearing, although no members of the public outside the applicant spoke on this. So just a quick rundown. This is the 11 West Washington Street. They refer to it as the Duffey House. I had not heard that nomenclature before. McEneaney Associates for decades, it was the Sporting Gallery. So, a very beautiful historic converted home. So, the request is again, it's the Museum of Hounds and Hunting in North America. They currently have a presence in Morven Park in Leesburg. They would be keeping that, and this would be an additional location for them. The Commission gave this review. It was forwarded to you recommending approval. They did not have any associated conditions that they recommended. In terms of the discussion of the use there was I think the main discussion of the use was just trying to get some at least assurance that it will be open. So, this is the C2 district. Past councils have taken steps to prioritize certain types of uses retail, personal services, restaurants by eliminating additional parking requirements for those just to try to maintain the vibrancy of the core. So, and even with that prioritization, in the past, we've had some quirky shops where, you know, they almost seem like hobbies sometimes. So, it's not always known if they're going to be open and things like that. So, but the Commission had a frank discussion with the applicant's representative and received some verbal assurance that they plan to be open on weekends. Now, what exactly that means? The materials submitted, they plan to be open on Saturday, but maybe not Sunday. So, you certainly have the opportunity to have that conversation with the applicant's representative as well.

Peter Leonard-Morgan: Thank you for that. And I did watch the Planning Commission meeting, and I know that Council Member Jacobs had asked a couple of very good questions. I appreciate that. Are there any questions for Mr. Moore? And then perhaps we can invite the applicant, if you'd like to speak. Darlene.

Darlene Kirk: I thought we trying to have everything on the Main Street pretty much be retail? Yeah. And this doesn't sound like it's going to be retail. It kind of goes against what we're trying to get on that street to bring people into town.

Will Moore: It's an interesting point. Council again, the past Councils took those steps to prioritize certain uses. The C2 district is wider than just Washington Street, so it's South Madison, other portions of other streets as well. So, this is why it is a special exception use. It's not guaranteed. It's not by right. But so, it's an interesting point.

Peter Leonard-Morgan: Thank you Darlene for that. Any other questions, comments?

Philip Miller: Are they going to be renting the building or purchasing it outright?

Will Moore: My understanding is they'll be renting. But if it pleases Council, we could invite the applicant's representative. [inaudible]

Peter Leonard-Morgan: Would you be interested in talking to us?

Mary Ewing: Certainly.

Peter Leonard-Morgan: Thank you very much. If you could, please. You'd be very kind to state your name and then.

Mary Ewing: I'm Mary Ewing.

Peter Leonard-Morgan: Thank you.

Mary Ewing: A Board Member of the Museum of House and Hunting. I spoke at the Planning Commission meeting. I've just come [00:40:00] from our board meeting. I left a little early so that I could be here and answer any questions that you might have. I might say and follow up to Will's comments that we do absolutely plan to be open on Saturdays and Sundays. We're planning on being open from 10 to 4 and also by special request, will be available. We also plan to be

available at various times in the evenings for receptions for events that we would be hosting, not probably past 7:00 or 7:30, but in the evenings. And to address your question also, Councilwoman Kirk, we do have actually a retail component. We sell various items, and we also have at Morven Park and we'll have it here as well, an art exhibition and sale. So, we do have a retail component.

Peter Leonard-Morgan: Thank you very much. Appreciate your comments. Any other questions on that. [off mic]

Philip Miller: Do you have any plans to have events or marketing to drive traffic to the location?

Mary Ewing: Yes, we certainly do want to drive traffic through the location. That would be associated with, for example, we'll plan something during Christmas in Middleburg. We on a regular basis, though, will be having information fliers about what's happening there. We're going to have various changes in our exhibition and letting people know, not just within the community itself, but in the greater spread of what I'll call the fox hunting community or for those who are interested in fox hunting, we have a large collection of really beautiful things, many, much of which is in storage right now. We don't have. When we first started at Morven Park, we had five rooms. Now we're down to two, not from our choice, but by theirs. So, a lot of our things, which are really historic and beautiful and fit in so well in the historical nature of what we call the Duffey House, fits so well that I think people will be excited to see it and learn about it and come see it. Let me just tell you about one thing that is so cool. If I might just have a minute, I should have brought a photograph. If there are any Scotsman, you know what a quaigh is. It's a little kind of oblong with little handles, two handles that you can both drink out of. Well, it's kind of like that, except it's about this big and it has this beautiful carved handle. And all across the carved handle all the way around are jewels. And it's made by Faberge. It's just exquisite to see; that's in storage. It's literally in storage. And I think it deserves its own display case because it's so lovely. So.

Peter Leonard-Morgan: Well, thank you so much for that. Really appreciate it. Any other comments and questions? Chris.

Chris Bernard: Can you tell us a little bit about your plans for what you're going to do with the inside of the building?

Mary Ewing: We won't be making any changes. Was that what your question was?

Chris Bernard: [off mic] Are you going to be doing any [off mic] renovations or anything? No, we're.

Mary Ewing: Not going to be doing any renovations. The building is quite suitable for the use that we have. I don't know if you've been in it since, you know, as you probably know, it sat empty for many years and then the real estate company came in. But the rooms are small and access from floor to floor is by stairway, and they're steep. [laughter] But for our collection, it's we can present our beautiful items in just a really lovely way for people to see. The entry floor level will have a receptionist there at a desk to greet [00:45:00] people, but there'll also be some items for sale and some of our exhibition. In the room to the back, we'll have more of our exhibition items with a table, and there will also be bookshelves. There are existing bookshelves, and we have lots of things that we can put on the bookshelves, as well as historical books. We'll have floors with different uses for each floor that complement what we see as will be of interest to people coming in, that we have beautiful things to show. We want to have educational things. We want to have a room for children to have their interests included. We plan to have. You may know that Morven Park. We have we honor every so many years a particular 1 or 2 huntsmen who have been very noteworthy in their field. That room at Morven Park is essentially full. So. We're probably going to move some of the things, maybe the older pieces, the older honorees will go. And in this location, if we're approved and allowed to be there, we're looking at various avenues. [off mic].

Peter Leonard-Morgan: No. Go.

Mary Ewing: Please.

Chris Bernard: Hopefully these weren't things that were asked at Planning Commission because I didn't check that meeting out. Someone asked about whether you're renting or leasing or are you leasing? You're not buying. How long is the lease?

Mary Ewing: It's a three-year renewable.

Chris Bernard: Okay. And then, is there admission? Are you charging admission?

Mary Ewing: No.

Chris Bernard: Where's your funding come from?

Mary Ewing: [laughter] That's a good question. Hopefully from our membership, from our fundraising events, from our retail sales, from the art sales.

Peter Leonard-Morgan: Well, thank you very much for that. I must say, this is the right place for it as the nation's fox hunting capital.

Mary Ewing: Totally, totally is.

Peter Leonard-Morgan: Do you have anything else you'd like to say to us or? We really appreciate you coming tonight.

Will Moore: If I may Mr. Vice Mayor.

Peter Leonard-Morgan: Yes, please. [multiple speakers]

Peter Leonard-Morgan: Well, not tonight. No. Yeah, we will do. Yeah.

Will Moore: You will have a hearing. I've given you a couple choices. So, with only one meeting in November. So, November 9th is your first meeting with the recent code changes. In the state code we can actually meet the advertisement requirements to hold the hearing on November 9th, but that is quite soon. It's generally a little quicker than maybe you would entertain actually taking motion on a Special Use Permit, but that's an option. Otherwise, it would need to be at your December 14th meeting. So [off mic].

Peter Leonard-Morgan: Thank You. I think the 14th of December sounds good, unless there are any.

Chris Bernard: I have a question. I was just wondering about their timeline with their lease. Are we holding them up by pushing it like that?

Mary Ewing: We were given a 90-day extension. December might be cutting it. It would also, we would love to be open for the Christmas in Middleburg which is December 7th. Sorry. Second.

Philip Miller: In that case that was going to be my question.

Mary Ewing: If it doesn't work for you then obviously.

Peter Leonard-Morgan: No, no, no, we don't want to obstruct anything. In that case the 9th of November sounds fine. Is there any? Fine. Great. [off mic] Thank you.

Mary Ewing: Thank you, all of you very much. Thank you.

Peter Leonard-Morgan: The next item is request of Liz Ann White Driskoll for a Special Use Permit for two upper story apartments at five East Federal Street, zone C3 General Commercial District. Mr. Moore.

Will Moore: Thank you again. So, two special use permits on the same agenda. So, you have my report on this. So many of you are familiar with this building probably as most for the location of Middleburg printers. Mr. Print. So, the building

is kind of built into a hill. So, there's an upper level which is access from the east side, and that's the level where Mr. Print is. And then there's an upstairs above Mr. Print where there are two vacant offices. There's also a lower level that has a salon, a vacant office and the Driskoll's family office in it as well. So, what they are requesting to do is the two upper story [00:50:00] office spaces. One is about 400ft², one is about 550ft². They're requesting to convert those into apartments. So that is apartments above shops and business buildings is permitted in C3 with a special use permit. So, you have some floor plans included as, an attachment. That kind of gives you an idea of how those would be laid out. The smaller unit would be laid out as a studio apartment. There may be kind of a room divider added to give privacy for the sleeping area, but it's a studio apartment, and then the 550 square foot one would be a one-bedroom apartment. Some renovations would be necessary to the one-bedroom unit, as it only currently has a half bath, so they would have to do some expansion of that restroom. The smaller unit actually currently has a full bath, so both would require some renovation to do a kitchen area for both, as those are shown on the floor plans as well. So, the Commission did review this one as well. There was some discussion. Obviously, there is support in the comprehensive plan for redevelopment in the Federal Street corridor. That was a very big part of the comprehensive plan. In fact, it went even further to advocate for converting this type of use in C3 to a by right rather than a special. So that is specifically called out in the comp plan, but that change has not been presented or not been, so it still does require the Special Use Permit. One of the things we talked about with the commission was in that Federal Street Redevelopment section in the plan, it envisioned introduction of the mixed-use kind of corridor, Federal Street that was envisioned, but being accompanied by significant public infrastructure improvements, most notably sidewalks. So, it's not served well by sidewalks. But that use that vision was for kind of a much larger use. The Commission discussed this, and they felt comfortable with a small conversion like this, that would only add two residential units that not having the complete pedestrian connected network right now would be okay with a small conversion like that. But I think if we were to see more of these start to come in, in that section of Federal Street, which I don't think you really have the infrastructure for with the buildings, this is probably the one opportunity, but that might be a bigger conversation. Introducing residential uses when they're not connected. But the Commission again, they did review this. They forwarded it to you recommending approval. Some basic conditions, three basic conditions that just have to do with compliance with their plans statements that they're going to make some upgrades to paving, landscaping, fencing and lighting just to make it a little more hospitable for residential use. And then just a basic reminder that code compliance is necessary, building code and things like that, which would apply anyway. But it's worth reiterating in this type of application. So, with that, I'm happy to answer any questions. But we also have Will Driskoll here representing. Will, please come up. Thank you. [off mic]

Will Driskoll: Will Driskoll 36078 Little River Turnpike. Thank you, Will, for the introduction. And thank you, Council, for having us here tonight. The two I just want to start with the two upper units we have in that building we've had them on the market for below market price per square foot for two, maybe three years now and just can't seem to find any tenants. So, we thought the next best step would be to go through this process. And we don't want to make any, you know, major exterior renovations to the building, just smaller minor renovations to the interior to kind of get a good base of, I guess you'd call it affordable housing. So. Yeah. Any questions I can answer?

Peter Leonard-Morgan: Great. Thank you very much Will. Any questions for Mr. Driskoll?

Cindy Pearson: I have a question. I don't know if it's appropriate at this point is, but I'm going to ask it anyway. You can tell me if it's not. Should there be another exit from these apartments? There only seems to be one entrance.

Will Moore: That's a building [00:55:00] code issue. Generally, as long as there are windows of a certain size functioning in the sleeping areas, that can serve as a secondary means of egress. Thank you. That would be reviewed by the building official.

Peter Leonard-Morgan: Thank you for that. I wanted to ask about parking. I know you've got a big parking lot there, so you probably have a couple of spaces.

Will Driskoll: So that upper parking level, we have about 13 to 14 spaces. And one of we do plan on repaving and remarking those spaces. Renumbering, yes.

Peter Leonard-Morgan: That's great. And then access for the apartments. Is that front door always open and?

Will Driskoll: Correct? The front door is always open, I guess, during office hours. But each tenant will have access to their own key. I'll probably end up putting an electric keypad on that front unit.

Peter Leonard-Morgan: Great. Thanks, Will. And Bud, did you have any questions? You had the presentation on Monday. Anything you might mention?

Bud Jacobs: No, I support it and hope we can go ahead and schedule the public hearing.

Peter Leonard-Morgan: Okay. Thank you. Any other questions from Council? [multiple speakers] Yes, please.

J. Kevin Daly: I like the concept. When my daughter moved out to New York City, she had an apartment over a restaurant, and it was a tight studio apartment. I think they're wonderful and a good use of space, having commercial and overhead apartments, and especially for that area. I think it's a win win situation.

Peter Leonard-Morgan: Thanks, Kevin. Thank you. Yeah, my first apartment in London was smaller than either of those and it was great. [laughter] It was two 10 by 10 rooms with a kitchen and a shower. And that was it. So, on the Fulham Road above a shop. Well, thank you for that. So, unless you've got any questions for us, we'll probably go ahead and schedule that public hearing.

Will Moore: Same question. You have the option of November 9th or December 4th.

Peter Leonard-Morgan: Rhonda, do you think we'll have enough time to put this on the November the 9th? Yeah, I think we should do that, so we don't waste any more of the applicant's time. Super. We'll do that. Thank you very much.

Will Driskoll: Thank you Council. Appreciate it.

Peter Leonard-Morgan: Thanks very much Will.

Will Driskoll: Thank you Will. Appreciate.

Peter Leonard-Morgan: All right. Next is the item 12 G zoning text amendment 23-04 an ordinance to repeal and reenact article six of the Middleburg Zoning Ordinance pertaining to advertisement, and notices of hearings for plans, ordinances, amendments, appeals and applications. I believe this is Mr. Moore.

Speaker14: It is. Yet again. Right. [off mic] For what it's worth, Mr. Jacobs, I agree with that sentiment for this item. This is kind of a.

Peter Leonard-Morgan: I don't get this very often, so I'm just trying to drag it out a bit.

Will Moore: Thank you. This is mostly a housekeeping item. [laughter] So the 2023 General Assembly saw some changes in state code as to advertising requirements for hearings for certain types of applications. So, I kind of give you a rundown of what you should be aware of in terms of that, we still must place a newspaper ad. It has to be published in successive weeks, one week after another, for these certain types of applications. Previously they wanted some space between the second ad and the hearing at least five days. That's no longer in the code. So theoretically, you could have your second advertisement the same day of the hearing, which will be the case for the November 9th hearings on those. But they want the first running of it to be no more than 14 days before the hearing. And actually, they used the phrase before the intended adoption, which is interesting as it applies to certain types of cases. In conversations with the town attorney, it kind of seems in the past there were times where maybe you or the Planning Commission would hold a hearing, but you would defer action until a later meeting because you wanted to have some time to digest that. In this case, I think the conservative interpretation, and I'll certainly let Martin chime in on this, would be that if you did decide to defer action, you would hold another hearing at that later meeting. I think that's.

Martin Crim: That's right. The conservative approach to avoid problems is to have a second public hearing with a second set of advertisements that drives up the cost. But compared to the cost of litigation, it's very low. That's been the approach that I believe the Loudoun County zoning office has taken. [01:00:00] Fairfax is, my understanding, is following suit on that and various other jurisdictions around the state are doing the same thing. Although we're all scratching our heads about what the General Assembly meant, we're trying to avoid litigation as much as possible.

Chris Bernard: [off mic] waste more money.

Martin Crim: More notice is always good. I mean, you know.

Will Moore: Speaking of more notice. So, one of the things that our current ordinance has is a requirement for posting of signs for certain types of applications. So, which gives more notice to the public. That's not a state code requirement. That's just a local requirement that we put on ourselves. I've retained that in the draft because I think it's a valuable thing to have. So, we would still have that requirement that the signs would be posted. But otherwise, what we're doing, the current ordinance actually goes very deep into attempting to restate all the provisions in the code. And rather than doing that, we're just going to reference the code in our ordinance. And then as minor changes might be made to the code in the future, we wouldn't necessarily need to do an amendment. It would just be adopted by reference. So.

Peter Leonard-Morgan: Wonderful. Thanks for that. Questions?

Will Moore: Yeah. And we would plan on having this on the November 9th.

Peter Leonard-Morgan: November the 9th?

Will Moore: Yes.

Peter Leonard-Morgan: Is that enough notice?

Will Moore: It is two weeks. It is the second notice will publish November 9th.

Peter Leonard-Morgan: Great. Sounds good. Martin, any other comments about that or is that?

Martin Crim: No, it's a housekeeping measure.

Will Moore: Thank you.

Peter Leonard-Morgan: Great. So, I think we are almost done. Any information items?

Danny Davis: If it pleases the Council, as you all are well aware, but for the public's notice and also just to thank our staff, today was a very special day getting to move the personnel into the town hall. It's been a long time coming and we are thrilled to be there. Thank you to all who stopped by who helped. Cindy and Darlene have offered to help tomorrow answer phones. The phones are working. We don't know how to answer them, but they are working. I think you still kind of pick it up and talk, but we are getting our IT systems up and running. We'll do some training of staff tomorrow, and then final move of a few items from this room as well as from our offices. But just huge kudos as you all know and have acknowledged previously specifically to Ms. North for her diligence, her organization, her fierce attention to detail, fierce. [laughter] [off mic] And we wouldn't be at this point without her work. So, thank you to her for that. It's a very special opportunity to be part of a project like this. So, I know there's a chance for more comments down the road. But having moved in today, we all went and then changed real quick, and we're really excited to serve the public formally open to the public on Monday. And we, as Ms. Murdock mentioned during public comment, we hope the community will enjoy it as much as we do.

Peter Leonard-Morgan: Thank you, Danny and I echo those sentiments about Rhonda who was here, I think, at 7:00 this morning. [laughter] I promised we wouldn't go past 10 p.m. tonight so she can get home, but amazing work. I know

it's not over, but it's a major milestone, so congrats to everyone. Any other thoughts and comments? I went today to try and help. You know, there was no they said. [laughter]

Chris Bernard: [off mic] Same it must have been between when we were there.

Darlene Kirk: Which time do you want Cindy and I and where?

Danny Davis: Yeah. I mean if it's whenever you're available we, I mean the phones magically turn on night ring at 5:00 and magically turn off at 8:30. So we will take your assistance whenever you're available during the day. And then really, all we'll need you to do is just take messages, and that's fine.

Peter Leonard-Morgan: Okay great.

Chris Bernard: I'll call you back.

Peter Leonard-Morgan: Thanks for that. And I don't think we've got any other. We don't have closed session today.

Danny Davis: We don't need it. Yeah.

Peter Leonard-Morgan: So, unless there any other comments any questions I think we will adjourn.

Cindy Pearson: Yay.