



**MIDDLEBURG TOWN COUNCIL**  
**Regular Monthly Meeting Minutes**  
**Thursday, November 9, 2023**



**PENDING APPROVAL**

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

**STAFF:** Danny Davis, Town Manager  
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

The Town Council of the Town of Middleburg, Virginia held their regular monthly meeting on Thursday, November 9, 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.

Mayor Littleton welcomed the audience to the new Town Hall and the very first Council meeting in the Council Chambers. He thanked the Councilmembers for their work in assisting with the design of the new building. Mr. Littleton also thanked the Town staff for the incredible effort they put into the project. He noted that the Town looked forward to enjoying the building for generations to come.

**Public Comment**

John Kevin Daly, 112 N. Jay Street, noted that Veterans Day would be celebrated on November 11<sup>th</sup>. He advised that 11.4% of the American population served in the armed forces during the Second World War and 4.23% served in the Vietnam War. He advised that since 911, less than 1% of the American public had served in the military. Mr. Daly noted the number of veterans who end their lives by suicide and advised that the scars of conflict include those both visible and invisible. He noted the number of veterans who were passing and advised that very few veterans of the Second World War remained. Mr. Daly reported that there were 119,000 living veterans in the United States and advised that 131 died of old age per day. He asked that they not be forgotten, and that people recognize them by attending an event on Veterans Day.

Andrew Berkley, Executive Director of the Master of Foxhounds Association, spoke in favor of the special use permit application for The Museum of Hounds & Hunting, North America.

Gary Nickelson, Commander of American Legion Post 295, announced that the Hometown Heroes banners have gone up on the light poles in town. He thanked Mr. Print, Town Manager Davis, Deputy Town Manager Moore, and Facilities & Maintenance Supervisor Cole for their assistance with this project. Mr. Nickelson reported that this was the start of the Legion's efforts to preserve the memories of the local veterans. He noted that Middleburg's last living World War II veteran, Franklin Payne, would be in attendance at their Veteran's Breakfast and invited the members of Council to attend. Mr. Nickelson noted that the banners would be unveiled that same day, with Mr. Payne in attendance.

Pam Curran noted that she was elected to the Town Council. She advised that she was impressed with the residents of Middleburg and noted that they cared about what the Town did and how forward thinking it was. Ms. Curran reminded Council that the residents counted on them to make decisions on their behalf now and in the future related to safety, infrastructure and their properties. She noted that she was overwhelmed by the responsibility and opportunity to serve. Ms. Curran advised that she looked forward to joining the Council in January.

## **PUBLIC PRESENTATION**

### Christmas in Middleburg 2023

Michelle and Doug Myers, organizers of Christmas in Middleburg, appeared before Council to report on the 2023 activities. Mrs. Myers reminded Council that in 2019, parking was available at the Salamander Resort, on the street and at the Mickie Gordon Park and estimated that there were approximately 1,500 cars parked during Christmas in Middleburg. She further reminded Council that the Town provided a \$20,000 grant that year to help with bus transportation costs. Mrs. Myers noted that in 2020, the event was cancelled due to COVID and in 2021, the Town requested parking be limited to keep the crowds smaller. She reminded Council that no on-street parking restrictions were also implemented that year. Mrs. Myers reported that they parked approximately 1,080 cars in 2021. She reminded Council that in 2022, the Town again requested that parking be limited in order to control the crowds. Mrs. Myers advised that on-street parking was once again prohibited, with parking being available at the Mickie Gordon Park, Lost Barrel and the Middleburg Barn. She reported that they parked 1,103 cars, including in the roadways north and south of town. Mrs. Myers reminded Council that the Town provided grant money for bus transportation again last year; however, it was not used.

Mrs. Myers advised that they were assuming there would be no on-street parking available again this year and that they needed to keep parking limited to 1,000 cars. She noted that there had been an outcry on social media about parking and its costs; therefore, she initiated one hundred free parking spaces in town for residents. Mrs. Myers reported that seventy-two of them were already taken.

Mrs. Myers noted that the Council previously asked about bus locations. She advised that the National Sporting Library would be hosting a private event on the day of the parade; therefore, she needed to put the bands elsewhere this year. Mrs. Myers reported that two would be stationed at the Baptist Church, four would be stationed at the Town's Maintenance Shop, eight would be stationed at the Middleburg Millwork, and two would be on Route 50 in front of the National Sporting Library.

Mrs. Myers noted the Council's concern regarding the barricades and advised that she was working with a new vendor. She advised, however, that the cost was twice that of the previous one. Mrs. Myers noted that the previous vendor was no longer interested in providing barricades for Christmas in Middleburg, as they did not have the staff and trucks necessary to support the event.

Mrs. Myers reported that their insurance company's underwriters asked that the Town enact the active shooter and bomb policies they recommended for the event. She advised that they wanted the Christmas in Middleburg logistics team and the Town staff to walk the properties with them in order to get the policies in place before next year's event.

Mrs. Myers reported that the ban on on-street parking in town had put pressure on the outskirts of town. She noted the public safety issues that were being created on Foxcroft Road due to cars parking along the shoulders. Mrs. Myers advised that hundreds of cars were also parking on The Plains Road outside of town. She noted that she was at a loss as to what to do and advised that the Chief was not able to get additional outside law enforcement assistance that day. Mrs. Myers noted the conflict between horse trailers that left after the Hunt Parade and parade attendees. She advised that last year, some cars were parked fully in the road on Foxcroft Road.

Mr. Myers noted that cars were parked on both sides of the road and advised that he watched families with young kids walking down the middle of the road. He noted how dangerous Foxcroft Road was and advised that they welcomed any proposed solution.

Mrs. Myers advised that the Sheriff was not able to put additional staff there. She questioned whether it was possible for the Town to ask for additional assistance or to close Foxcroft Road to all but residential traffic. Mrs. Myers noted that the Town had asked how it could help. She suggested consideration be given to purchasing barricades that would either be owned by the Town or owned jointly between the Town and Christmas in Middleburg. Mrs. Myers expressed concern that the cost of renting them would only continue to escalate. She reiterated her request to seek additional traffic support, if at all possible, particularly to support the parking on the outskirts of town by either directing traffic or supporting a ban on parking in those locations. Mrs. Myers also asked that the Town not limit the parking to 1,000 cars. She requested the number be increased to 1,300, with the difference being used to offer free parking for residents.

Mayor Littleton reminded Mrs. Myers that years ago, the number of attendees at the parades got out of hand, resulting in too many people in town. He advised that everyone felt the size of the crowds have been just right over the past couple of years. Mr. Littleton suggested that if additional parking was needed for local residents, it come out of the allowance for paid parking. He noted the need to make the existing parking work and questioned whether there was a different solution.

Mrs. Myers acknowledged that the retailers felt the size of the event was manageable over the past couple of years. She expressed gratitude that people were recognizing the need to pull back. Mrs. Myers noted the additional pressure on the town due to the private event at the National Sporting Library and the Community Center's sale of parking.

In response to an inquiry from the Council, Police Chief Jones reported that in addition to the officers that manned the Mickie Gordon Park parking area, he would have ten officers from the Loudoun County Sheriff's Office that day. He further advised that he would also have four officers from the Virginia State Police and fifteen officers from other law enforcement agencies to support the Police Department. Chief Jones reported that they would have thirty to thirty-three officers in town, in addition to the Town's own officers.

In response to inquiries from the Council, Mrs. Myers reported that they had enough money in their budget to cover the extra costs for the barricades. She advised that if they asked for any additional funding, it would be to support additional buses. Mrs. Myers reported that the parade participants purchased parking spaces because there was nowhere for them to park. She advised that people dropped off their children at The Hill School and then parked elsewhere.

In response to an inquiry from the Council, Town Manager Davis reported that the Town identified sixty parking spaces that would be used by area businesses and their employees that day.

In response to inquiries from the Council, Mrs. Myers reported that the parade entries were lined up at the front of The Hill School and the horses and trailers were put in the back, with Santa being at the rear. She noted that they couldn't put anything that was loud in the same area as the horses. Mrs. Myers advised that they were already purchasing parking spaces from the Baptist Church for the busses. She reported that The Hill School parents parked on the other side of the school and noted that The Hill School also sold parking spaces. Mrs. Myers acknowledged that those parking spaces were not a part of her count and confirmed that she only committed to the 1,000 parking spaces they were in charge of. She expressed concern about cars that were parking on the outlying roads and noted that she did not have any control over those numbers. Mrs. Myers also expressed concern that someone could get hurt.

Council opined that this additional parking should not add to the visitor count. They questioned whether there was a way to add the parade participants and their families into the free parking scenario. It was noted that there were sixty-five entries in last year's parade. The Council suggested that Christmas in Middleburg should accommodate as many of them as possible.

Mrs. Myers volunteered to email their statistics to the members of Council. In response to the Mayor's offer to provide Town assistance, Mrs. Myers noted they could always use volunteers.

## **Public Hearings & Action Items**

SUP 23-03: Museum – 11 W. Washington Street – The Museum of Hounds & Hunting, North America

Deputy Town Manager Moore reviewed the history of the application and noted that there were no substantial updates to it since it was discussed on October 26<sup>th</sup>. He reminded Council that a museum use in the C-2 District required a special use permit. Mr. Moore reported that the Planning Commission forwarded a recommendation for approval. He noted that some discussion was previously held about ensuring weekend hours of operation and about free entry and suggested the Council could consider imposing such conditions if desired.

Nancy Bedford, 25985 Points Road of Marshall, VA appeared before Council representing the application. She expressed hope for an approval so they could open on December 1<sup>st</sup>. Ms. Bedford reminded Council that they had a three-year lease and expressed hope to extend it for a long time. She noted that the building had been used by the art world for many years and expressed hope that they could fulfill the same mission. Ms. Bedford advised that they wanted to portray why Middleburg was horse country and why it was worth preserving the countryside.

Mary Ewing, 8609 Spriggs Road of Warrenton, also appeared before Council representing the application. She advised that their Board of Directors was excited about expanding and locating in the Duffy House. Ms. Ewing noted that this was the National Sporting Library's original home and expressed hope that the success they experienced would be repeated by their museum. She reported that they had many activities planned and would offer retail sales. Ms. Ewing advised that the museum would not charge an admission fee unless the Council believed it would be better served by doing so. She further advised that they wanted to be good citizens and to draw visitors to their museum. She expressed hope that the Council would approve their application.

No one else spoke and the public hearing was closed.

Councilmember Jacobs explained that the discussion of an admission charge was not to encourage one but rather was related to the museum's commitment to being open to the public on the weekends. He asked that the applicant restate their commitment to the Council.

Ms. Ewing confirmed they would be open Thursdays through Sundays from 11:00 a.m. to 4:00 p.m., as well as by special request. She advised that they would like to reach the point where the demand would require that they be open more days and noted that their intention was to grow their visitor traffic. In response to concern expressed by the Council that four days a week may not be enough, Ms. Ewing advised that if there was a special event being held that would draw people into town, they would be open on those days as well. She confirmed they would meet the demand of people who wanted to visit their museum.

Council held some discussion as to whether they should impose a condition that the museum should/should not charge an admission fee. It was agreed that the Council should rely on the commitments made by the applicant.

The Council discussed whether a museum was an appropriate use for the building. In response to an inquiry, Deputy Town Manager Moore reminded Council that the special use permit would run with the land. He explained that if they approved a museum use and The Museum of Hounds & Hunting vacated the space, another museum could occupy the building.

Town Attorney Crim suggested the Council could make it a condition of the approval that if the building were vacated for two years, the special use permit would end. He advised that he did not believe this would automatically occur. Mr. Crim suggested that if this occurred and there was no condition, the Council could seek to revoke the special use permit; however, this would be a more adversarial approach. He noted that it would also have to return to the Council for a public hearing on whether to revoke the permit.

After some discussion, members of the Council opined that it was not the role of government to tell an organization how it should operate their business.

*Vice Mayor Leonard-Morgan moved, seconded by Councilmember Daly, that Council approve Special Use 23-02, as contained in the application materials.*

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

No – N/A

Abstain: N/A

Absent: N/A

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

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SUP 23-03: Two Upper-Story Apartments – 5 E. Federal Street – Lizanne White Driskill

Deputy Town Manager Moore reviewed the history of the application and noted that there had been no changes since the Council last discussed it on October 26<sup>th</sup>. He reported that the Planning Commission forwarded a recommendation of approval, with three conditions.

Will Driskill, of 36078 Little River Turnpike, appeared before Council representing the application. He thanked the members for considering their request. Mr. Driskill advised that he was available to answer any questions the Council may have.

No one else spoke and the public hearing was closed.

*Vice Mayor Leonard-Morgan moved, seconded by Councilmember Miller, that Council approve Special Use 23-03, as contained in the application materials.*

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

No – N/A

Abstain: N/A

Absent: N/A

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

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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 reviewed the history of this proposed zoning text amendment.

No one spoke and the public hearing was closed.

*Councilmember Kirk moved, seconded by Councilmember Pearson, that Council adopt AN ORDINANCE TO REPEAL AND RE-ENACT ARTICLE VI OF THE MIDDLEBURG ZONING ORDINANCE PERTAINING TO ADVERTISEMENT AND NOTICES OF HEARINGS FOR PLANS, ORDINANCES, AMENDMENTS, APPEALS AND APPLICATIONS.*

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

No – N/A

Abstain: N/A

Absent: N/A

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

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## **Staff Reports**

### **October 2023**

Town Clerk North reported that her time had been consumed the past few weeks with the move into the new Town Hall. She advised that very little other items had been accomplished.

Town Manager Davis noted that Ms. North was selling herself short and that she had accomplished a lot, even in the midst of the Town Hall Project.

Town Treasurer Staples reported that she still had not yet received the audit report for FY '23 and noted that the auditors were continuing to work on it. She reminded Council that the report was due to them before the end of the calendar year. Ms. Staples opined that this would occur during the first meeting in December, otherwise, the Council would have to call a special meeting. In response to an inquiry from the Council, Ms. Staples advised that she would have to look at the contract to determine if there was a consequence of not presenting the audit to the Council by a certain date. She advised that the State Code required that it be presented before the end of the calendar year.

Mayor Littleton opined that if the auditors failed to report to the Council by the end of the calendar year, it would be the Town's fault and that the Town would be violating the State Code. He noted that the Finance Committee had not had a chance to review the audit report. Mr. Littleton noted the upcoming holidays. He suggested that if the Council engaged the same firm next year, the contract should include a penalty clause.

In response to an inquiry from the Council as to what would happen if the Town violated the State Code, Town Attorney Crim advised that there was not a dollar value attached to the violation. He opined that it would create some unwelcome scrutiny from the State and could potentially affect the Town's bond rating.

Council asked that the Town Attorney determine what the penalties were for violation of the State Code. They opined that this would help the Town formulate its next contract with the auditors.

In response to an inquiry from the Council, Town Attorney Crim reported that he was not aware of any immediate hot list legislative activity coming before the General Assembly. He opined that everyone had been focused on the elections. Mr. Crim suggested the pre-filings would be interesting and noted that he would carefully track them.

Town Manager Davis reported on behalf of Business Development & Community Partnerships Director MacIntyre. He advised that October had been very busy with events, such as the Middleburg Film Festival, Halloween, and the Warmup USA, as well as the conclusion of the Farmers Market. Mr. Davis thanked Kim Shelly, who served as the Market Manager this year. He noted that the Town was already beginning to prepare for next year's market. Mr. Davis thanked Councilmember Daly for setting up the Farmers Market signs each week. He reminded Council of the upcoming events including Christmas in Middleburg and the tree lighting ceremony.

Councilmember Pearson reminded Council of Salamander's tree lighting ceremony on November 30<sup>th</sup>.

Mayor Littleton noted that the last two months have been incredibly busy with events and opined that the staff did an amazing job. He advised that he took the organizers of the Warm-Up USA to dinner, during which they said they were totally committed to Middleburg and loved the event. Mr. Littleton noted that the participants also loved the event, including the sense of community. He advised that they loved working with the Town staff and volunteers and opined that they felt like family. Mr. Littleton reported that they wanted to make this a long-term event. He advised that they indicated it was a pleasure to work with Middleburg and noted that this spoke volumes about the Town staff and volunteers.

Town Manager Davis advised that the drivers were enthralled with Unison and their commitment to preserving rural western Loudoun County.

## Town Hall Project Report

Town Clerk North expressed excitement that the Town had begun the move into the new Town Hall building. She reminded Council that once the entire project was complete, the Town would hold a grand opening/ribbon cutting ceremony, at which point, she planned to recognize the tremendous number of people who helped make the project a reality. Ms. North advised that in the meantime, she wanted to recognize a few firms who were on the top of the list. She expressed appreciation for the efforts of Downey & Scott, the construction management team; and, Glave & Holmes and Creech & Associates, the architects who designed the project. Ms. North also thanked the Town staff for their hard work. Finally, she thanked the Mayor and Council for their support throughout the project.

Town Clerk North reported that even though the staff had moved into the building, a large deficiency/punch list still remained. She acknowledged that the HVAC system was not operating properly and advised that the staff was working with the contractor to get the system balanced so the commissioning work could occur.

Town Clerk North reported that the Town gave away the surplus furniture that remained in the old Town Office to anyone who wished to take it and opined that this was very successful. She reported that as a result, the Town was able to turn the building over to the contractor so they could begin Phase II of the project. Ms. North advised that the contractor would begin the hazardous materials abatement at the old Town Office on November 20<sup>th</sup> and, once completed, would tear down the building. She noted that during this time, one lane of traffic would be closed on Marshall Street. Ms. North advised that traffic control measures would be in place during that time.

In response to an inquiry from the Council, Town Clerk North noted the need to hire an electrician to help get power to the electric vehicle charging station spaces in the North Parking Lot. She reported that Downey & Scott was issuing an RFP for electrical services. Town Manager Davis reminded Council that once the electrical costs were known, the EV charging station proposal would be brought back to the Council. He reported that the staff had been unsuccessful in finding an entity to provide the Level 2 chargers to date. Mr. Davis advised that he and Vice Mayor Leonard-Morgan were beginning to talk with another firm that had worked with other jurisdictions and planned to bring them to Middleburg to look at the locations where the Town intended to place the charging stations to verify they were comfortable with the locations of the power source. He expressed hope to push this project forward soon. In response to inquiries from the Council, Mr. Davis confirmed they were looking at having EV chargers in either two or four spaces in the Liberty Street Parking Lot, two spaces along West Federal Street, and one space at the Town Hall, the latter of which would compliment the Level 3 charger that would also be placed there. He reminded Council that the Level 3 charger was stored at Well 4 until the agreement was finalized with the vendor. Mr. Davis noted that the Town needed to understand the costs for the remaining pieces for that installation.

Vice Mayor Leonard-Morgan reported that two entities were potentially offering Level 2 chargers to the Town – one of which would do everything and would provide the Town with some revenue. He advised that in the case of the other, the Town would need to purchase and install some of the equipment. Mr. Leonard-Morgan advised that in that case, the Town would get 100% of the revenue, which should cover the capital costs in two to three years. He opined that the Sustainability Committee was getting close to making a recommendation.

Mayor Littleton noted that the Town had been struggling with the EV charging station concept for five years. He further noted the energy that had been expended by the staff and volunteers and questioned whether the Town should simply offer to lease the property to vendors so they could operate the charging stations. Mr. Littleton questioned whether the Town should let the market come to it.

Vice Mayor Leonard-Morgan opined that this was a great question and noted that most of the vendors were looking to serve larger jurisdictions that were closer to interstates. He advised, however, that the most recent vendor was very positive about setting up a system in Middleburg.

In response to an inquiry from the Council, Town Manager Davis acknowledged the amount of time that had been spent in trying to reach an agreement with an entity; however, he noted that the work that had been done would inform the work that could be done with this new firm.

Vice Mayor Leonard-Morgan reminded Council that the previous companies were relying on grants to provide the charging stations, whereas the current one was from the private sector. He advised that this company wanted to have as many EV charging stations in as many places as possible. Mr. Leonard-Morgan noted that the company would get the majority of the revenue, with the Town getting 10%. In response to an inquiry from the Council, he confirmed there would be no infrastructure costs for the Town. He advised that this company would do all the permitting and pay for the electricity, with the Town having to do nothing.

In response to an inquiry from the Council as to whether there was a certain point at which the Town should abandon this project if this vendor fell through, Vice Mayor Leonard-Morgan noted that the Town was getting a Level 3 charger. He suggested that if it was not possible to work out a deal with the firm for the Level 2 chargers, he may want to stop pursuing this for a while.

Councilmember Bernard noted the importance of the project to the Sustainability Committee. He suggested it should be up to them as to whether they continued to pursue the Level 2 chargers.

Councilmember Miller noted that this was emerging technology, and that the Town was trying to be an early adopter of it. He also noted that Middleburg was a small town that was not on an interstate where there would be volume. Mr. Miller acknowledged the due diligence the Town had gone through to date. He further acknowledged the amount of staff time the Town Hall Project had taken away from other projects. Mr. Miller expressed hope that with the staff's time opening back up, things would come together a little quicker on this project.

Councilmember Pearson noted that the Town had learned a lot along the way. She further noted that it was not stuck with something it could not use or that would have been a problem.

### **Action Items**

#### **Council Approval** – Resolution Adopting Policies Pertaining to Town Grants & Purchase of Sponsorships

Town Clerk North reminded Council that a couple of months ago, they asked the grants/sponsorship subcommittee to take a look at the policy that had been in place for a couple of years now, particularly with the creation of the new Middleburg Charitable Foundation. She reported that the subcommittee met a couple of times to review the policy and proposed some changes, which were presented during the last Council meeting. Ms. North reminded Council that those changes involved dividing the existing policy into three separate ones – one for grants for special events, one for grants for infrastructure projects and one for sponsorships – and the creation a new policy for charitable donations and the Middleburg Charitable Foundation. She advised that the first three policies were mostly based on the existing one.

Mayor Littleton suggested the Council review each policy individually.

The Council raised no questions or comments related to the proposed special events grant policy.

In response to an inquiry from the Council as to whether an individual could apply for a Town grant for something like a personal infrastructure project, Town Clerk North reminded Council that under the State Code, the Town could only give grants/donations to charitable organizations and could not give them to individuals. She noted that any request would also have to meet the proposed definition of an “infrastructure project” as defined in the draft policy. Town Manager Davis advised that the organization would have to be a nonsectarian, non-profit one.

In response to an inquiry from the Council, Town Clerk North reported that under the current policy, an organization could apply for up to three infrastructure grants of up to \$5,000 each annually, for a total of \$15,000 in grant funding during their lifetime. She advised that under the proposed policy, they could apply for a grant of up to \$10,000 annually, again with no more than three grants being given during the lifetime of the organization, meaning the organization could receive up to \$30,000 in infrastructure grants during its lifetime.



Mayor Littleton recommended the grants not be limited to three during an organization's lifetime and noted that the Council may wish to give more than three grants to an organization, such as the Windy Hill Foundation.

Town Manager Davis agreed this was a fair point that was worthy of a conversation by the Council. He noted that the language was a holdover from the existing policy and reminded Council that event dollars were only intended to serve as seed money to kick off an event.

Councilmember Jacobs suggested it be limited to three donations per ten-year period. He agreed with the need to change the recommended language.

Councilmember Miller agreed and noted that he had the same issue with the proposed charitable donation policy. He noted that there were non-profits that were doing good work and opined that the Town wanted to support them. Mr. Miller acknowledged that the intent of the policy was to help organizations start something that was successful so they could be self-sustaining; however, he opined that this was different from supporting organizations that helped the community. He opined that to put levels in place that would stop funding, despite there being a need in the community, was contrary to how he believed the Town saw itself.

Councilmember Kirk reminded Council that when they previously discussed this, they agreed the Town should only fund organizations to the point where they could get off the ground. She further reminded them that the Council agreed the Town should not make large donations.

Mayor Littleton recommended the sub-committee look at the lifetime grant limit for infrastructure projects.

The Council did not raise any questions or offer any comments related to the proposed sponsorships policy.

Councilmember Miller asked that the Council defer discussion of the proposed policy related to charitable donations and the Middleburg Charitable Foundation. He noted that the Foundation's Board of Directors received multiple grant requests during their last meeting and was unable to put together a funding request presentation. Mr. Miller offered to meet with the grants subcommittee to discuss some language adjustments to the proposed policy that would be based on what they were proposing.

Councilmember Pearson agreed the nonprofits did amazing work. She reminded the Council of the history of the Health Center and noted that they agreed to donate the proceeds from the sale of the building to the Middleburg Charitable Foundation. Ms. Pearson further reminded Council that in the past, they expressed a desire that committees and non-profit organizations should become self-sufficient after a period of time. She advised that there was some thought that the Town should take the money it was giving to non-profits and return it to the citizens of the town. Ms. Pearson noted that the goal of the draft policy was to have the Charitable Foundation be on its own at some point and advised that the sub-committee's thoughts were that this could occur in three years. Ms. Pearson noted that if they had a large demand one year, the Foundation could always come to the Town to ask for more money that year. She reiterated that the thought was to use the Town's excess revenues to benefit the Town citizens through lower taxes or in some other way. Ms. Pearson opined that the Town did not need to support every non-profit fully. She noted that if the Foundation received more grant requests than it had money to give, it may only be able to give what it had available. Ms. Pearson reminded Council that the Health Center Fund's annual donations were only \$20,000-\$40,000.

Councilmember Kirk noted that the Foundation's Board of Directors reviewed each grant request and realized it could not fund everyone fully. She advised that they were looking to keep this year's donations in the same range as the Town had previously given, while helping as many organizations as possible that contributed directly to Middleburg.

Councilmember Jacobs noted that the sub-committee had a lot of philosophical discussions regarding donations. He advised that they wanted to be able to address the specific needs of the community, which was one of the reasons they proposed to break the existing policy into four. Mr. Jacobs opined that the policies as proposed made sense. He suggested that without the benefit of the funding request from the Charitable Foundation on which to have a discussion, the Council was just spinning its wheels. Mr. Jacobs reiterated that this was a philosophical discussion in part. He

advised that he and Councilmember Pearson believed the Town was not a charitable organization. Mr. Jacobs advised that if the Town's coffers were full, in addition to making charitable contributions, the Council should look at things like tax rebates that would benefit the community as a whole. He noted that he was not questioning that the organizations the Foundation funded benefited the community; however, he advised that the Council's job was to balance interests and figure out what made the most sense. Mr. Jacobs asked that the Charitable Foundation keep that in mind when they made their funding request.

Councilmember Miller agreed and suggested it was time to discuss tax rebates. He suggested, however, that funding the Charitable Foundation or tax rebates would not be one in lieu of the other. Mr. Miller opined that it was not in line with the community's values to say, "we can do tax rebates and that's good enough to sustain the community". He acknowledged that there were things that non-government entities could do better, like making sure people had food. Mr. Miller advised that between 100-150 Middleburg area residents received support from area food banks on a regular basis and advised that this was a problem that the Charitable Foundation was looking to combat. He opined that tax rebates would not help that issue. Mr. Miller suggested the Town had enough money to fund all the programs and things the Council wanted to do and support organizations that volunteered their time.

Councilmember Jacobs agreed and advised that he was not suggesting a zero-sum game. He explained that he was suggesting there was a point certain, for its own viability, when the Foundation was going to have to reduce its reliance on funding from the government. Mr. Jacobs advised that his view from the beginning was that the money going from the Town to the Foundation would sunset. He noted that this did not mean the Foundation could not return to ask for funding for a specific instance or program; however, it did mean the two entities would function separately and the responsibility for funding the Foundation would lie wholly with the Foundation. Mr. Jacobs opined that if people knew the Foundation was receiving substantial amounts of money from the Town every year, it would hamper their fundraising efforts.

Councilmember Kirk noted that the purpose of selling the Health Center building was to separate the two organizations. She suggested the first step was for the Charitable Foundation to support itself. Ms. Kirk acknowledged that it would need help from the Town for the first couple of years; however, she advised that she did not see the Foundation coming to the Town for funding annually. She advised that for the first year, the Foundation wanted to make sure it got off on the right foot and that it would then separate from the Town.

Mayor Littleton noted that the recommended policy included a donation not only in FY' 25 and FY '26 but also the years beyond. He advised that he was not in favor of a forever commitment because the Town's future fiscal situation was unknown at any given time.

Councilmember Miller advised that a donation in perpetuity was not the intent. He explained that the Foundation Board's thinking was that in years of surplus, the Town could give the Foundation a donation that was based on a sliding scale, such as 5-10% of the real property tax revenues. Mr. Miller advised that the Board was happy to provide information on the Foundation's needs.

Mayor Littleton suggested the easiest thing would be for the Foundation to apply for the funding it needed rather than have an equation or metric. He expressed concern with the thought of a formula and noted that the Foundation would be locking itself into a dynamic that may not reflect its needs at some point in the future. Mr. Littleton reminded Council that policy created and set expectations and noted that there may be some other activity the Town would want to use its surplus for in the future. He questioned why the Town should treat the Charitable Foundation any differently than it did other organizations who requested funding and noted that other organizations did not receive donations from the Town based on an equation. Mr. Littleton reminded Council that there was a point where they expected the Foundation to be its own separate entity that was disconnected from the Town. He suggested the Foundation's Board of Directors needed to present their thinking and that they needed to really think it through. Mr. Littleton opined that the conversation would be a complex one. He noted that the Council wanted to do what was right for everyone and did not want to lock a future Council into having to say "no" to something.

Councilmember Kirk advised that the Foundation's Board discussed requesting funding on a sliding scale in years the Town had a surplus; however, not everyone on the Board agreed with that concept. She agreed the idea was that there was to be a point where the Town's funding would be cut off, with the Foundation returning if they found they needed money for some reason. Ms. Kirk opined that the Foundation should be treated like any other non-profit organization.

Councilmember Pearson reminded Council that the draft policies stated that Town donations were subject to the availability of funding in the Town's budget and an annual appropriation by the Council. She noted that there may be a year when the Town did not have money to give.

Town Manager Davis suggested the staff work with Councilmembers Pearson and Jacobs on the draft infrastructure policy. He advised that he would work with the Charitable Foundation's Board of Directors to develop their funding request to the Town.

Councilmember Bernard advised that the Council wanted to hear what the Foundation wanted in terms of funding and the draft policy's language; however, the two needed to be separate, as this was a Town policy, and it was the Council's responsibility to look out for the Town's interests.

Councilmember Kirk agreed and noted that the Town may also want to donate money to other things. She suggested the need to ensure the Town did not lock anyone into anything.

### **Discussion Item**

#### **South Madison Street Improvement Project Concept Updates**

Town Manager Davis reported that the grant application had been submitted to VDOT and that Deputy Town Manager Moore took the necessary training to administer the grant if received. He reminded Council that the design concept was very conceptual and needed additional discussion. Mr. Davis reported that the staff would work with Kimley-Horn to refine it, specifically at the corners of Madison and Federal Streets, which would likely require a \$15,000 task order. He advised that he intended to move forward with that unless the Council objected – to which no objections were raised. Mr. Davis noted that they would then have an ongoing conversation with the property owners, community and Economic Development Advisory Committee before returning to the Council. In response to an inquiry from the Council, he confirmed the Streetscape Committee would also be brought into the discussions and noted that they had just discussed the project earlier in the day. Mr. Davis advised that the Streetscape Committee would weigh in on items such as trees and streetlights.

Council requested an update on the Streetscape Committee's recommendations during their next Council meeting.

Town Manager Davis advised that the staff would provide the minutes of the Committee meeting so the Council could get a sense of their discussion.

#### **Trial Sidewalk Repairs**

In response to an inquiry from the Council, Town Manager Davis advised that the feedback to the trial sidewalk repairs on East Washington Street was positive.

Deputy Town Manager Moore confirmed the new product had been well received and noted that the adjacent property owner seemed very happy with it. He advised that he intended to have a conversation with the Town Manager about moving forward with additional sidewalk repairs around the other street trees where the sidewalk was heaving. Mr. Moore advised that the highest priority was in front of the Red Fox Inn; however, they may need to do a brick solution, as the new product may not blend in well at that historic location. In response to an inquiry from the Council, he confirmed the new product could be shoveled and scraped during bad weather.

**Closed Session**

*Vice Mayor Leonard-Morgan moved, seconded by Councilmember Daly, that Council go into closed session as authorized under Section 2.2-3711 of the Code of Virginia, for (1) consultation with legal counsel retained by the public body regarding specific legal matters requiring the legal advice of such counsel related to the Town Hall Project contract as allowed under Subsection (A)(8); (2) for the performance review of the Town Manager and (3) for the discussion of performance bonuses for certain Town employees, the last two items of which are allowed under Subsection (A)(1). Vice Mayor Leonard-Morgan further moved, seconded by Councilmember Daly, that the Council thereafter reconvene in open session for action as appropriate.*

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

No – N/A

Abstain: N/A

Absent: N/A

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

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Mayor Littleton asked that Council certify that, in the closed session just concluded, to the best of each member’s knowledge nothing was discussed except the matter or matters (1) specifically identified in the motion to convene in closed session and (2) lawfully permitted to be discussed in a closed session under the provisions of the Virginia Freedom of Information Act as cited in the motion, which each member so did. He reminded those present for the closed session that any discussion that occurred within it should be treated as confidential.

Mayor Littleton directed the Town Manager to move forward as discussed during the closed session.

There being no further business, Mayor Littleton declared the meeting adjourned at 9:10 p.m.

APPROVED:

\_\_\_\_\_  
Trowbridge M. Littleton, MAYOR

ATTEST:

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

## November 9, 2023 Middleburg Town Council Meeting

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

**Bridge Littleton:** We will call the meeting to order. First meeting in November. It's not as loud as it used to be. First item is Pledge of Allegiance.

**Philip Miller:** You need a bigger gavel. [off mic]

**Bridge Littleton:** Yeah.

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

**Bridge Littleton:** Okay. Next item is roll call.

**Chris Bernard:** Chris Bernard.

**Bud Jacobs:** Bud Jacobs.

**Darlene Kirk:** Darlene Kirk.

**Bridge Littleton:** Bridge Littleton.

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

**Cindy Pearson:** Cindy Pearson.

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

**Philip Miller:** Philip Miller.

**Bridge Littleton:** Rhonda.

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

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

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

**Bridge Littleton:** Okay, well, first and foremost, let me say, everybody, welcome to the new town hall, the first Council meeting at the dais. Pretty excited. I just literally want to take 30 seconds and welcome everybody. But more importantly, I want to say an incredibly huge thank you to all the hard work by not only the Council Members involved with putting together the design and the oversight, but really to the town staff for the incredible amount of effort and dedication they've given to getting the project here and getting us moved in. [applause] We're not all the way done, but the hard part is over. So and we look forward to enjoying this building for generations to come. It's absolutely a generational project. And your guys' mark is on this building. So thank you all so much. Okay. Next item is public comment. Would any member of the public wish to address Town Council on any matter? If so, hang on. If so, please approach the lectern and

you'll have three minutes. So. Would anyone like to address Town Council? If so, raise your hand. Kevin, you can go first.

**J. Kevin Daly:** So this is short. Just one page.

**Bridge Littleton:** Well, you're on the clock.

**J. Kevin Daly:** Is it started?

**Bridge Littleton:** You see the green light. Name and address.

**J. Kevin Daly:** I'm John Kevin Daly. I live at 112 North Jay Street, Middleburg, Virginia 20117. The 11th hour of the 11th day of the 11th month is almost upon us, and I want to share some numbers with you. 11.4%. 4.23%. Less than 1%. 22. What do these numbers represent? 11.4% of the American population served in the armed forces during the Second World War. 4.23% of the American population served in the Vietnam War. And in the past 20 odd years since 911 and our war against terrorism, less than 1% of the American public have served. 22. 22 veterans, mostly from the 1% who served in the past 20 years end their own lives by suicide. The scars of conflict, visible and invisible, are real. On New Year's Day 2023. Such a veteran ended his life outside our own Middleburg American Legion post. If I may paraphrase the words of a famous British American, Winston Churchill. Never in the field of human conflict was so much owed by so many to so few. Sadly, with each and every passing day, the few are becoming fewer. We have a few living World War II veterans remaining. About 70 million people fought in the Second World War between 1939 and 1945. And as of 2023, there are still approximately 119,000 living veterans [00:05:00] in the United States. And of those, 131 are dying per day due to old age. It brings to mind the words of General Douglas MacArthur. Old soldiers never die. They just fade away. Sadly, that's not quite true. Old soldiers grow old and forgotten. Please this Veteran's Day, don't let that happen. Don't let the veterans be forgotten. If you are given an opportunity to attend an event honoring a veteran, get off your fourth point of contact and run. Don't walk to do so. They deserve your thanks. They earned it. Yeah. So you don't know what the fourth point of contact is. Just ask an airborne qualified veteran. She'll tell you. Just ask Gary's wife, Annie. And don't forget to thank her. That is all. That's not a sermon, just a thought.

**Bridge Littleton:** Thank you. Would any? Yes, sir.

**Andrew Berkley:** Hi, I'm Andrew Berkley. I'm the Executive Director of the Master of Foxhounds Association. And I'd like to speak in favor of the museum that's going to be talked about today. I think it would be a huge addition to Middleburg in the fox hunting community. Middleburg is known worldwide as a center of fox hunting. I think it's a logical place for it. The Master of Foxhounds is all in favor of it, and I hope you guys will see it in good light. Thank you.

**Bridge Littleton:** Thank you. Would anybody else wish to address Council? Anybody else. Oh. [off mic] That's true.

**Gary Nickelson:** Mr. Mayor, Members of the Town Council. My name is Gary Nickelson. I'm the Commander of Post 295 here in Middleburg 111 The Plains Road. And just to echo Citizen Daly's words on Veterans Day, I'm very excited. You may have seen wind up, I believe, this morning thanks to a lot of help from Mr. Prince, Danny, Will, and Tim. Our Hometown Heroes Banners have gone up on the light post here in town, so that is just the start of what I hope to echo Council Member, Citizen Daly's words about remembering our veterans. This program kind of started at my time with the Legion, because the only history that we had on our walls were just some pictures of these old guys from the 60s and 70s, and being new to Middleburg, I didn't know who they were, but I heard a lot of stories from individuals late at night and in the early morning. And I said, We must do what we can to preserve their memory, because otherwise it's as Kevin said, their memory will die. So this is just the start of that, and I'm very proud to begin this tradition. I hope we can continue that because as more and more people find out about these banners, I'm given 5 or 6 more names, so I think we can fill them up. And this is just the start. I hope we get many more names to come. And to echo that, a few things kind of came together. Our last World War II living veteran that we have at our post, Franklin Payne. He's going to be attending our veterans breakfast here on Saturday and you're all welcome to come. Also the members [off mic] Yeah. Members of the audience our scouts are going to be cooking us breakfast for the veterans and their families. And then it

just kind of ad hoc, impromptu ceremony. You may have noticed we have a banner in front of the post office. Franklin Payne and David Beaches Lee they're both postmaster generals of Aldie and Middleburg, respectively. So around 10:30, we're going to go there and unveil the banners with Franklin there in attendance, and have a few veterans and their families hopefully speak about the significance of their fellow veterans. So please come out and enjoy that. And maybe we can continue this tradition in years to come. But always just proud to serve. And thank you so much for the help of the community. Danny and Will once again for getting this program out there. Thank you.

**Bridge Littleton:** Thank you. Gary. What time is breakfast?

**Gary Nickelson:** 9:00.

**Bridge Littleton:** All right. Would anybody else like to address Council? Yes, [00:10:00] ma'am.

**Pam Curran:** It's official. And I just wanted to say how much I enjoyed getting to know everybody and running for Town Council. It's been great. And I also wanted to say that we had four meet and greets and Bridge you attended most of them and so did a lot of you, but I just wanted to say how impressed I've been with how much really the residents of Middleburg care about what we do and how forward thinking they are. And how they count on all of us to make decisions not only about what happens now, but about the future around safety and infrastructure and, you know their properties. So, you know, I've really been overwhelmed by the responsibility and the opportunity, and they admire everybody here. And I just wanted to say I really look forward to joining you in January. So thank you very much. That's it.

**Bridge Littleton:** Thank you and congratulations. Okay. Anybody else? Going once, going twice. Okay, we will close the public comment session and go to public presentations. Doug Myers. Come on down.

**Michelle Myers:** Bringing his trusty sidekick.

**Doug Myers:** Absolutely.

**Doug Myers:** Good evening, I'm Doug Myers.

**Michelle Myers:** Michelle Myers.

**Doug Myers:** Fame, Christmas in Middleburg.

**Michelle Myers:** Yeah. And we just want to give you an update based on your request. So we wanted to go over several points of context. I think first, if everybody would bear with me for maybe two minutes, I want to go back to a couple of years past and then I'll catch you up on the date of what's happening this year. In 2019, Doug and I volunteered as admin and support with Jim Herbert, working with Christmas in Middleburg. At that time, we had parking at the Salamander Resort at town of Middleburg, on the streets and at Mickie Gordon Park. We also had in town street parking. We configure AJ and I. We probably had about 1,450 cars at that time. We sold 1,329 at Mickie Gordon, and we had several in town parking spaces. So we had around 1400, maybe 1500. The Town of Middleburg granted a \$20,000 grant at that time to help with bus transportation costs. In 2020, the parade was canceled because of Covid. In 2021, the Town of Middleburg requested limited parking to keep the crowds smaller. And we did that. And they also initiated no in town parking at that time. Still, our parking locations were the same. They were Salamander and in town parking. We had about 450 cars where this building sits today. We had about 400 cars at Mickie Gordon Park, and Lost Barrel became a new parking location for us that year. In 2021, we had 150 cars, so we kept at our promise. We had 1080 cars that year of 2021.

**Bridge Littleton:** Oh you're fine. Keep going. Hey, Rhonda, turn that off. Yeah.

**Michelle Myers:** Can I keep going? Okay.

**Bridge Littleton:** No. That's it. Thanks. [multiple speakers].

**Michelle Myers:** You are buzzed off see ya. [multiple speakers] There is do we get shot down to the bottom to the basement? Okay. In 2022, I'll go fast, I promise. [laughter] That would be really fun, a trap door. Oh I'm sorry. Okay. Sorry. In 2022, last year, just last year, also, Middleburg requested that we did limited parking to control crowds. And they also did no in-town parking. We stayed at the same three locations. Mickie Gordon, Lost Barrel and the Middleburg Barn all joined in and we had 1,103 cars last year, including roadways north and south of town. The Town of Middleburg again granted \$20,000 for help with transportation. They gave it in two different payments. Both were deposit, one was deposited in 2022 and then one was deposited this year in 2023 to offset transportation costs. We were able to not need to use all of the grant money. So we are assuming that there will still be no in town parking this year. That's our assumption. We don't know exactly, and we are assuming that we are keeping the parking at 1000 cars. We have, however, had a great outcry on social media about the parking and parking situations town wide. Not only what we provide, but the parking now at the Middleburg Community Center and the parking at the churches. We've had a little bit of pushback. So today I actually initiated some free parking in town, and I put it on Facebook to try to quiet the noise and to try to listen to the residents. So we've put out 100 free parking passes as of about 5:30 tonight, 72 of them were already gone. So we know that the need is there for parking for [00:15:00] in town residents or visitors of Middleburg. The good thing about our parking system is that I have the ability to check their zip codes and their addresses as they participate in parking, even though it's free. So, I'm going to confirm that those are actual residents close by people using that. I did not publish that parking link, except for in the private Facebook groups in which we were getting such pushback. So I hope that I have quelled those voices. We're going to visit that issue next. You did ask about bus locations, and because of National Sporting Library's choice to do a private event on the day of the parade, we do have a need to put 750 to 1,000 children somewhere safely in town. That represents all of the bands that come and participate in the parade. So we are going to put two down at the Baptist church. We're going to put four at the block building storage building that the town owns. The Middleburg Miller, Bob Ball stood up and said, help and we can help and we're going to put eight there. So that's going to be Light Ridge, the largest band that we help produce or have here. And then we're going to put two hopefully if Danny and I can work it out on route 50 eastbound right before National Sporting Library, where you had the no Parking signs there between read and the National Sporting Library. I can put Fauquier High School and Loudoun Valley as they're coming from the West anyway, and stick them right there. So I think we've solved the busses. It was super important for me to keep all of the kids on the south side of town, away from the participation, away from the neighborhoods, away from the majority of the traffic, incoming and outgoing from the Salamander. So that was really specific to keep them on that side of town. So I'm hopeful. I know you had a concern about the barricades because we're working with a new vendor. I do have a verbal agreement with Long Fence. They're a national company. They really want to build a relationship with the town. They really are excited about the opportunity but their proposal came in at almost 100% increase over our proposal from last year. So it went from 9,000 to 17,000. So now we're just banting about the financial piece. I know that the company that you guys used for Millie Miglia, the same company that we've used for many years is not interested in doing the parade anymore. It's too difficult on them and their staff. They don't have two trucks. They don't have the team. That's why the Millie Miglia event is so easy. They have enough people for that. The folks at Long Fence have assured me that they will have four team members and two trucks, and so they will go concurrently down both sides of the street. And she's come here and visited the town. So I'm hopeful. You also asked us, kids only, I think I went over that already. Our insurance policy, our insurance policy Moore Clemens has asked for the town to address the future active shooter and bomb policies that they recommend for this event. They believe that they need to sit with our logistics team, our town staff and walk the properties, walk the town because they believe that all public events of this kind are going to need these types of policies in the future, so they're not going to cover us for it this year, but they recommend that we make an appointment with them in January and that we work on having those policies in place for this event. Sadly, all of their underwriters are asking for it, so we're going to have to think that through for the next upcoming years. We have requests coming down, and I think it's because of the no in town parking. It's put a lot of pressure on the outskirts of town. We've asked to hire adjacent county staff from either Fauquier or Fairfax County, but Chief Jones, were not able to do that. We've asked for that. But I know that that's difficult. But we're seeing real issues with safety on Foxcroft Road especially. That's our biggest concern. Plains Road past the Dornan Center and Landmark School Road as you exit the Hill School property. We're seeing hundreds and hundreds of cars parked out there and I can't bust them, I can't walk them, I can't safely close those roads and I'm at a loss as to what to do, truly, because Foxcroft is really getting scary. When the Salamander Hunt goes out those trailers try to leave, they try to leave around the same time that folks are leaving for the parade, or the late comers are coming to the parade. We know that



residents and the fire access, there's nothing. We had fully parked cars in Foxcroft Road last year, so we're scared of that road in [00:20:00] particular.

**Doug Myers:** Actually on both sides of the road. I made my way out there watching families with young kids walking down the middle of the road. And as we all know, Foxcroft Road is a dangerous road in the middle of July, let alone this day. So it is a big concern safety wise, of ours, and we just want to make that known to everyone. And if we can find a solution to that, we would be welcome to it.

**Michelle Myers:** We'd be open to it. We've talked to the sheriff and he is not able to put any additional staff down there, at least from what I've heard. Maybe we could use your good graces to ask for more. Maybe we could close Foxcroft to residents only. I mean, there's just, that's my biggest concern for this year. And you said at the end of your email, how can the Town of Middleburg help? I think that at some point, because of all these events, we may want to talk about investing in barricades that we own, whether that's a shared ownership or something. I don't know how to store them. I don't know how to put them in. I don't know how to do any of those things. But I think these costs are only going to continue to escalate based on the safety concerns of these types of events. And I think that's just going to go hand in glove with the insurance policy stuff. I'd love to ask for additional traffic support, if that's at all possible. We hire five police officers from Loudoun County to be at Lost Barrel, Mickie Gordon, and at the Middleburg Barn. And we feel that if we could get more help, maybe on some of those outskirt streets, maybe just to direct traffic or to tell people they can't park, I just don't know the solution there. So if you could help kind of subsidize or help us with that, that would be great. And then the free parking for local residents. I think we need to hear their cry. And in some way, if I need to add more parking at Mickie Gordon, I need you to let me not be held hostage to that thousand cars. I feel like we're going to need to put more people. Jim said he's parked as many as 850 to 1,000 cars at Mickie Gordon, so it is possible. I'm walking the park with them on Monday to see exactly how much more I can take on the grounds before I come back to you and ask if we can increase that number from 1,000 cars to maybe 1,200 or 1,300 and have the difference the Delta free parking for residents. So it wouldn't be a financial thing, but I would need more busses to transport those folks, so.

**Bridge Littleton:** Yeah, I think on the parking piece it's there are competing issues, right?

**Michelle Myers:** Sure.

**Bridge Littleton:** One providing free parking for locals. totally get it. The other side of it is, you know, years back, the parade got way out of hand.

**Michelle Myers:** 100%.

**Bridge Littleton:** Way too many people. Way too much you know, packing the town. And I think the last couple of years, everyone has felt that the size of the amount of people in town is just about right.

**Michelle Myers:** Perfect. Okay good we're hearing that too. [multiple speakers]

**Bridge Littleton:** Yeah, exactly. And I think you guys have found a great balance.

**Michelle Myers:** Thank you.

**Bridge Littleton:** So it's locals need an extra 200 spaces or whatever for, their visitors or friends or whatever. Okay. Then that needs to come out of the allowance for paid parking. So to me the 1,000 number is 1,000 cars. You know, just going up by 200 is 200 more cars with two more people per car, which is 400 more people turned over twice. Right. You're actually packing it back, packing more people into the town. So where I'm going with this is that does become a money discussion.

**Michelle Myers:** Yes.

**Bridge Littleton:** So I think we're at where we are this year. So, you know, absolutely. We got to have a conversation about how we make that work. And is there a different solution. Yeah.

**Michelle Myers:** So and I want to make it work. I really, really do. And that's all I got. [laughter]

**Bridge Littleton:** No, no, I totally get it. Look, it's you always learn, right? And then you solve one problem. Another one comes along, so we'll figure it out but.

**Michelle Myers:** We have heard from several of the retailers, though, that they felt the size of the last couple of years was manageable. So we're hearing the same thing and we're getting a lot of gratitude. So we're thankful that people are recognizing that pulling that back is really important. We will have additional pressure on town just because of the private event at the National Sporting Library. And the community center is selling parking as well. So those, Shaun's aware of all of that.

**Bridge Littleton:** So Shaun, real quickly when we how many officers do we provide? I know you guys get 5 or 6 from the county. How many do we provide in total?

**Shaun Jones:** [off mic] Completely different than the additional ten that I get from Mountain County Sheriff's Office.

**Danny Davis:** Chief, can I ask you to come to the podium, please? So we get on record. Thank you.

**Shaun Jones:** Sorry. I've already sent in the request. [00:25:00] So we, in addition to what they have for the Mickie Gordon Park, we also get ten from Loudoun County Sheriff's Office. We also have four from the state police, and we have 14 to 15 other agencies that come in, officers from other agencies that come in to support us as well.

**Bridge Littleton:** So as I run the numbers incorrectly in my head, it's about 30.

**Shaun Jones:** Yes, we usually have around 30 to 33 people in town actual officers including our staff. Yes.

**Bridge Littleton:** Right. Okay. Any questions from Council? She beat you?

**Darlene Kirk:** Sorry. I just had a question. You said there was it was. You planned 8,000 and it was going to be like 17,000. [off mic] Do you? Yeah. Do you have the money for that?

**Michelle Myers:** We're going to figure it out. I think we do. I think we have enough in the budget right now. If we were going to ask for anything, it would be, I'm sorry. If we were going to ask for any subsidies, I think I can hammer on Long Fence to get that number down. If we were going to ask for anything I think it's more busses to help do the free parking for the citizens. That would be where I would go first. I think we can solve the financial piece with Long Fence.

**Darlene Kirk:** Okay. Thank you.

**Bridge Littleton:** Peter.

**Peter Leonard-Morgan:** Thank you, Mr. Mayor. Michelle, where do the participants park? You know, not the big bands, but the smaller ones [multiple speakers].

**Michelle Myers:** All the regular participants have to buy a parking space because there's nowhere for them to go. I don't have room at Hill School. I don't have National Sporting Library anymore, which we used to throw some of the folks there. I don't, I just don't. I don't have Salamander. I used to hold a big group at Salamander away from sales and just toss them in there. Yeah. So participants actually have to pay to be in the parade. They have to park. If they don't, if they have extra cars that go with their element. Most of the people drop off the children or the participants at the Hill School and then go park somewhere else.

**Peter Leonard-Morgan:** And as a follow up, sorry as a follow up staff members at restaurants, all that sort of thing. Last year I think you had space for them.

**Michelle Myers:** We did. We did at the National Sporting Library. MBPA usually solves that issue, so I'm sure that Punkin's on that.

**Danny Davis:** We currently have about 60, I believe, parking spaces for businesses, not quite as many as we've had in the past, but it is something we started a couple years ago. It's very popular, but right. We're attempting to help as much as possible.

**Bridge Littleton:** Cindy.

**Cindy Pearson:** So you don't have any parking at Hill School for any of the participants at all?

**Michelle Myers:** Not once.

**Cindy Pearson:** Is the parade entries what takes it all up?

**Michelle Myers:** Yes, they take up the complement of the front of the school. So the front circle through and then to the art circle, the back circle, and then all the way around into the Plains Road. We put the horses on what's called the Dornan Spur, which is the gravel, and then we put all the horse accouterment in the back, all of the trailers and all of the Santa and all of that goes in the back. And we can't put loud cars and horses together. So I have to separate everybody. I can't put kids with trombones with the horses. So just the logistics of separating everything from the animals is pretty important.

**Cindy Pearson:** I understand. But and so the Baptist Church, they sell parking.

**Michelle Myers:** They do.

**Cindy Pearson:** Is there any way to work a deal to buy those parking spaces in advance from them?

**Michelle Myers:** We are already for the busses, for the bands, but we don't provide them for the elements or for the folks lining up. Again, most of them are a car or a truck pulling something and so they know to just drop off. I know like Banneker brings two busses and I make room for them because all those kids in the Banneker float have to get on the float. But all the Hill School parents now park at the other side of the Hill School, which they also sell parking. So we take care of the school kids.

**Cindy Pearson:** So those are actually additional people attending.

**Michelle Myers:** 100% that we don't count.

**Cindy Pearson:** [multiple speakers] So that's more on the count. So it is part of your count.

**Michelle Myers:** It's not. No it's not. I only commit to the 1,000 cars. [multiple speakers] Yeah, that we are in charge of. And that's why the fear of these outreaching roads is so difficult, because I don't have any control over how many they are.

**Cindy Pearson:** Understood, I've seen that.

**Michelle Myers:** You know, and I'm just worried it's going to take one person getting hurt and all of this will be over and that it'll just break my heart. [off mic]

**Cindy Pearson:** Understood. All right. Thank you.

**Bridge Littleton:** Any other questions? Chris.

**Chris Bernard:** Yeah. I just brainstorming and I don't know the logistics behind this.

**Michelle Myers:** Please.

**Chris Bernard:** But perhaps there's a way to because it really shouldn't be adding to the visitor count. Perhaps there's a way to include the parade participants and their families in [00:30:00] the free parking scenario.

**Michelle Myers:** It's possible.

**Bridge Littleton:** But I mean, you have 85 elements, right?

**Michelle Myers:** Typically, no, I cut it to 65 last year and I'm going to cut it another maybe five this year.

**Chris Bernard:** Should be 60. I'm not saying you can accommodate everybody.

**Michelle Myers:** I'm trying really hard.

**Chris Bernard:** But maybe a certain. I don't know but it is unfortunate. I mean, if you have if you're in the parade and then you've got to buy a parking spot, it's tough.

**Michelle Myers:** It is the [multiple speakers].

**Chris Bernard:** A way to accommodate that it'd be great.

**Michelle Myers:** That's been the case since [inaudible] before us. That was never parking was never provided for them, ever. And in this temperature, with no in-town parking, it's even doubly so. So.

**Bridge Littleton:** Any other questions? Okay.

**Michelle Myers:** Thank you so much.

**Bridge Littleton:** Doug. Thank you guys very much. Really appreciate it.

**Michelle Myers:** I'm happy to email you the stats if you'd like.

**Bridge Littleton:** Oh, that'd be great. Yeah, absolutely.

**Michelle Myers:** Happy to.

**Bridge Littleton:** And as you guys go along, do not hesitate to reach out if you need anything.

**Michelle Myers:** You got it. We'll take any volunteers from the Town Council. Any volunteers?

**Bridge Littleton:** Oh, Darlene will do it.

**Michelle Myers:** Yeah. [multiple speakers] We've got vests and everything. We're ready to go.

**Bridge Littleton:** All right.

**Michelle Myers:** Thank you so much.

**Bridge Littleton:** Thanks. Okay. Next item is public hearing matters. First one is special use permit for 23-02 the request of the Museum of Hounds and Hunting North America. All right, Mr. Moore.

**Will Moore:** Thank you, Mr. Mayor, Members of Council. You have the report. No substantial updates since. I don't have a switch.

**Danny Davis:** Rhonda, can you make sure the side mikes are on?

**Rhonda North:** Yeah, they are definitely on.

**Bridge Littleton:** [off mic] 6:32 first glitch. [off mic] [laughter]

**Speaker3:** I just turned it up. [off mic]

**Will Moore:** It is on.

**Bridge Littleton:** Okay. There you go. All right.

**Will Moore:** Thank you. So again, the Council held its first review of this request at your last meeting on October 26th. We have no substantial updates to it. Again, just a quick overview. The request is for a museum use at 11 West Washington Street. Because it's in the C2 district, the museum is a special exception use, so it does require consideration of a special use permit. This was forwarded to you by the Planning Commission recommending approval. The Commission did not recommend any associated conditions to be imposed upon it. There was some discussion at the last meeting a little bit about kind of ensuring weekend hours of operation. There was also some mention of Council Member Bernard brought up a question regarding entry fees, and the applicant stated that there would be no entry fees. Those are items that you could consider imposing conditions on if you wish to. You would not be necessarily required to, but those are potential conditions that could mitigate impacts on the use. So but otherwise you have several options to consider that are included at the end of the report.

**Bridge Littleton:** Thank you. All right. We will now open the public hearing. Anybody who wishes to comment on the application may approach the podium.

**Nancy Bedford:** Hello. I'm Nancy Bedford. 25985 Points Road, Marshall. That's off of the Atoka Road. I'm the ancient Chairman of the Museum of Hounds and Hunting and North America, and we're very excited to be considered for the special use permit in Middleburg at the lovely Duffey House, historical house in the historical area, 1820, I believe or so. So we are hoping with approval, that we could be in there on December the 1st and join you all on the second for Christmas Day and fulfill a mission of exhibits and events [00:35:00] in the future. We have a three year contract. We hope and hope to extend it for a long time. This building has been in the art world on and off for many years, and we would hope we can fulfill the same mission. And both for the community, for our membership, and for visiting people in Middleburg we can portray why this is wonderful horse country and it is worth preserving through conservation the lovely countryside. And they should appreciate so much when they come out here from adjoining cities and towns to see what we have been able to accomplish here and enjoy our green spaces. Thank you very much.

**Bridge Littleton:** Thank you.

**Mary Ewing:** Hi there. Mr. Mayor, Council, Men and women, the Town Manager who seems to have disappeared, Will, and the attorney. I'm Mary Ewing. I live in Warrenton 8609 Springs Road. I'm a Board Member of the Museum of Hounds and Hunting, North America. And we are so excited at the possibility that we will have an expansion of our mission and be located in the Duffey House. We're hoping that we can start calling it not the Duffey House, but our museum house [laughter] with your grace and pleasure. One of the things that we learned was that the National Sporting Library's original home was at the Duffey House, and they have grown into the wonderful institution that it is. And we hope that that success and that they found will also be our success. We have many activities planned. We plan to have, as

we've mentioned before, retail sales of an ongoing basis with special events of more significance. There was a question raised at the October meeting whether we plan to have whether we would be having charging admission. That was not our plan. But if the town believes that the town interest will be better served by charging admission, then of course, we'll do that. We want to be good citizens in this lovely town. We want to further the people who come from out of town to come visit our museum, because as we've talked about it before, fox hunting is such a draw in this area and as [inaudible] so eloquently spoke for us as well. We want to have activities associated with the building, a bit of the other side of town, but we hope that you will approve our application, and I'm happy to answer any questions that you might have.

**Bridge Littleton:** So during public hearing, we can't do Q&A.

**Mary Ewing:** Sorry.

**Bridge Littleton:** That's okay.

**Mary Ewing:** Thank you for the correction of.

**Bridge Littleton:** No problem.

**Mary Ewing:** Thank you very much.

**Bridge Littleton:** Would anybody else like to address Council on this application?

**Bridge Littleton:** Okay. Bud you have? Over to you.

**Bud Jacobs:** One point of clarification. I think the question about whether you're planning to charge admission was not to encourage you to charge admission. [off mic] Rather the opposite.

**Mary Ewing:** Okay, good. [off mic]

**Bud Jacobs:** You'll recall from your discussion with the Planning Commission and also during our last meeting on this subject last month that there was concern among Council and some Commissioners about your commitment to open and run the museum on weekends. And just for the record. Could I ask you to restate that commitment for us, please?  
[00:40:00]

**Mary Ewing:** Oh, of course. I'm very happy to. We will be open on the weekends. Our plan is to be open Thursday, Friday, Saturday and Sunday from 11 to 4. We, and also to the extent that someone would like is going to be in town let's say and they want to have us open especially we can do that. We would like to reach the point where the demand is such that will be open more days per week. But we want to start with the intention that we're going to grow our visitor traffic by doing a really great job on those four days per week.

**Bud Jacobs:** Thank you.

**Mary Ewing:** Other questions.

**Bridge Littleton:** Any other questions? Peter.

**Peter Leonard-Morgan:** Thank you very much for that. I'm still a little personally a little bit concerned that it's 3 to 4 days a week is still not enough because we get a lot of traffic during the week. And the opportunity for people to come and see your wonderful museum on a Tuesday and a Wednesday, it would be a shame that they couldn't see that. So just my personal thought on that.

**Mary Ewing:** And a very good thought. And to the extent that there is a special event drawing people into the town of Middleburg we'll be open on those days. And we will meet the demand for people wanting to visit or see what we have to offer, which we think is an extraordinary.

**Bridge Littleton:** Any other questions? Okay. Thank you. All right.

**Mary Ewing:** Thank you.

**Bridge Littleton:** So you're not recommending that as a condition?

**Peter Leonard-Morgan:** I'm not saying yes or no to recommend it. A discussion. I'd like a discussion about it. See what my colleagues here think about that. I do think it's my maybe my biggest concern. I was going to say the same thing as bad about the charging aspect. We definitely would not like you to charge.

**Bridge Littleton:** Any. Yeah. Chris.

**Chris Bernard:** Yeah, I was going to say I'm rolling back and forth in my head on the idea of putting a stipulation on there that they can't charge rent, or they can't charge admission for the standard museum.

**Bridge Littleton:** Why would you want that as a condition? Or why would you want it as a condition that can't charge?

**Chris Bernard:** Oh, I think the idea is to provide an affordable/ free means of entertainment or something for people to do in town and have it be a resource.

**Bridge Littleton:** Bud.

**Bud Jacobs:** In general, I'm reluctant to suggest that we impose any conditions on this exception. We don't know, as do the organizers of the museum, not know what the future is going to look like and what you may have to do. And I think if we approve it, it should be just a clean approval and rely on the commitments that these folks have made to us this evening and previously.

**Bridge Littleton:** Yeah, I'm very much the same mind. I don't think it's the appropriate role of government to be telling an organization how they should run their business. Yeah. Yeah. Our question is, do we think it's an appropriate use or not. And that's it. Right. Not because you guys may find out Monday Tuesday Wednesday Thursday is when you get a thousand visitors and no one shows up on the weekends. So and you may get financially strapped and may need to charge. Right. So. That's, you know, kind of where I am.

**Bud Jacobs:** Well, the Planning Commission's recommendation, implicitly at least, was for a clean approval or disapproval. So.

**Bridge Littleton:** Yeah. [off mic]

**Chris Bernard:** Just for Will. Can you remind me, how the special use permit that doesn't convey to the next user in theory or does it?

**Will Moore:** No. A special use permit runs with the land. So if you approve a museum, use here. If for some reason this museum were to vacate the property, if another museum came in and occupied it, they would not need.

**Chris Bernard:** Two years?

**Will Moore:** Correct. They would not need to reapply for a special use permit.

**Chris Bernard:** If there was a two year gap, it would go [00:45:00] away?

**Will Moore:** That's a good question that applies to non-conformities. I'd have to consult with Mr. Crim on that if the.

**Martin Crim:** I think we could make that a condition that if it's vacated for two years that it would end. But I don't know, I don't believe that would be automatic. I think that if that's something that you want to have happen, you can do that. The alternative would be not to have a condition of two years, and building empty means it's over and just revoke it. At some future point if you feel like the conditions are such that it should be revoked, and that's a process that you can go through. But it's more of an adversarial approach that rather than simply administrative approach, because it would have to come back to Town Council for a hearing on whether to revoke. So if you think that you don't want to see the building unoccupied for two years, and that somehow that having a termination date as because it's been empty for two years would help? I don't know, though.

**Bridge Littleton:** That was the question.

**Chris Bernard:** My thing was, if it's a lot of [inaudible] if they were to move out. And it was another use in the interim could then another reason. But it's all that's not that important.

**Bridge Littleton:** Okay two years is nonconformance. Yeah. Philip had something.

**Philip Miller:** I just wanted to second that. I think that it's not the role of government to put stipulations on telling them how to run their organization, their business. And I think that it's unfair and could be potentially very burdensome on them to organize and operate their facility as they see fit, as they need to within their planned business model.

**Cindy Pearson:** I agree with what Bud said also, and I think they should have. They may have something come in that has cost them extra money and they want to charge. I mean, the sporting library charges a small fee, but I know they have memberships too, I believe. Right. So they do have other ways of bringing funds in, but I wouldn't want to make it a condition either.

**Bridge Littleton:** Any other questions or feedback and or input. Is everybody comfortable with granting a license without conditions or the special use permit? Okay. All right. Is there a motion?

**Peter Leonard-Morgan:** I move that Council approves special use 23-02 as contained in the application materials.

**J. Kevin Daly:** Second.

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

**All of Council:** Aye.

**Bridge Littleton:** Opposed? Abstentions? Okay. Motion passes.

**Mary Ewing:** Thank you so much.

**Bridge Littleton:** You're welcome. Thank you.

**Mary Ewing:** Thank you so much.

**Bridge Littleton:** We look forward to the ribbon cutting.

**Bud Jacobs:** I prefer red wine.

**Bridge Littleton:** Hey, Bud. The best thing was, I was about to say, as long as there's beer and wine, I thought that's probably not appropriate to say. [laughter] [off mic]



**Bridge Littleton:** Exactly. [multiple speakers] I appreciate it. Thank you all very much.

**Mary Ewing:** Thank you so much. Thank you.

**Bridge Littleton:** Okay. Next item is special use 23-03 Request of Lizanne White Driskill for a special use permit. Mr. Moore. You're back.

**Will Moore:** Thank you. Thank you again, Mr. Mayor, Members of Council. Similar to the previous application, this was reviewed at, your initial review took place at your October 26th meeting. There have been no changes to the application or background materials since. Just a quick refresher. This is the building at Five East Federal Street. Many people know it as the building that contains Mr. Print. There also has a salon and office use on the lower level as well. Just a quick recap. There is an upper level to this building that has been unoccupied for some time, two vacant office spaces and the request is to convert those into apartments. One would be an approximately 400 square foot studio apartment. The other one would be approximately 550 square foot, one bedroom apartment. So you have the floor plans and background materials, and once again, you have a number of different options for approval or denial or tabling at the end of the report. The Commission did forward this with three conditions [00:50:00] recommended. They're not critical necessarily, because you generally would have to comply, especially with number three, with compliance with the code. But they do commit in their application materials to make certain upgrades to the property. So we thought that would be good to include as a condition as well as just a statement of general conformance with the proposed floor plans.

**Bridge Littleton:** So I'm going to have to ask you a favor.

**Will Moore:** Yes, sir.

**Bridge Littleton:** If you can pull the mic closer. Okay. Well, we'll have to figure that out, because with the HVAC, it is a little hard to hear you. Yeah, it's just a little bit. Okay. Is there anybody here who wishes to speak on the application?

**Will Driskill:** Will Driskill 36078 Little River Turnpike, on behalf of my mom and the family, just wanted to thank everybody for considering this request and having us out here to this lovely new building tonight. And I guess it's not Q&A, so we can answer any questions that you guys still have, but we really appreciate the opportunity.

**Bridge Littleton:** So actually wait a second. As the applicant we can Q&A. I actually opened the public hearing early.

**Will Driskill:** Oh okay.

**Bridge Littleton:** So I screwed that up. So anybody have any questions for the applicant? Will you're getting off light. [laughter]

**Will Driskill:** Appreciate it. Yeah I know.

**Bridge Littleton:** Okay. Will, thanks.

**Peter Leonard-Morgan:** When you were absent. [off mic]

**Bridge Littleton:** Perfect, I watched. Yeah.

**Bridge Littleton:** Okay Will, thanks.

**Will Driskill:** Thank you.

**Bridge Littleton:** Yep. All right. At this point, we will open the public hearing. Would anybody care to speak on the application? Okay. We will now close the public hearing. Discussion from Council. Any concerns, any input?

**Chris Bernard:** Huge [off mic].

**Bridge Littleton:** I know. Going once, going twice.

**Bud Jacobs:** One comment. This application falls squarely in line with our comprehensive plan and the recommendation that, as far as possible, upper levels of commercial spaces be made available for housing.

**Bridge Littleton:** No, I think it's great. I think what you guys are doing is great.

**Will Driskill:** We appreciate it.

**Bridge Littleton:** It will fill a needed. It will help fill a needed role. So okay, if there's no concerns would someone like to make a motion. Peter, go for it.

**Peter Leonard-Morgan:** I move that council approves special use 23-03 as contained in the application materials.

**Kevin Daly:** Second.

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

**All of Council:** Aye.

**Bridge Littleton:** Opposed? Abstentions? Okay. The permit's approved.

**Will Driskill:** Thank you guys so much.

**Bridge Littleton:** Will thank you.

**Philip Miller:** Thanks.

**Bridge Littleton:** Okay. Next item. Zoning text amendment 23-04. An ordinance to repeal and reenact article six of the Middleburg Zoning Ordinance pertaining to advertisement and notices of public hearings.

**Will Moore:** Thank you again, Mr. Mayor.

**Bridge Littleton:** Mr. Moore.

**Will Moore:** As reviewed at your last meeting, this is generally just a housekeeping item. There were changes to the state code that went into effect July one, and we need to update our ordinance. So it is in line with those. So it gave you a rundown in the report of the kind of the slight variation that will be made in the way that hearings are advertised in the newspaper, the lead time, those kinds of things. And as mentioned at the last meeting, we still are going to retain our local requirement. It's not a code requirement, but a local requirement for posting of signs for certain types of applications, simply because that gives public more notice. So again, general housekeeping item. And there's a recommended motion to approve if you so desire.

**Bridge Littleton:** Any questions for Will before we open the public hearing? Okay. We will now open the public hearing. Anyone? We will now close the public hearing. All right. I'm assuming no discussion. Who would like to make the motion?

**Darlene Kirk:** I move the Council, adopt 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.

**Cindy Pearson:** Second.

**Bridge Littleton:** Rhonda, does this require a roll call?

**Rhonda North:** Yes, Mr. Mayor.

**Bridge Littleton:** I can't hear you.

**Rhonda North:** Yes, Mr. Mayor.

**Bridge Littleton:** Okay. Please [00:55:00] call the roll.

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

**Peter Leonard-Morgan:** Yes.

**Rhonda North:** Council Member Bernard.

**Chris Bernard:** Aye.

**Rhonda North:** Council Member Daly.

**J. Kevin Daly:** Aye.

**Rhonda North:** Council Member Jacobs.

**Bud Jacobs:** Aye.

**Rhonda North:** Council Member Kirk.

**Darlene Kirk:** Yes.

**Rhonda North:** Council Member Miller.

**Philip Miller:** Aye.

**Rhonda North:** Council Member Pearson.

**Cindy Pearson:** Aye.

**Bridge Littleton:** Okay. Kevin the one good thing is you never need to turn your mic on.

**J. Kevin Daly:** What?

**Bridge Littleton:** Never mind. Okay. Nothing on the consent agenda. Okay. Action item. Oh, wait. Hold on. Sorry. I went past the staff reports. Staff reports, Rhonda.

**Rhonda North:** Thank you, Mr. Mayor. As you can imagine, my last couple of weeks have been consumed with the move into the town hall building. And I'll be honest with you. Beyond that, very little other items have been accomplished. And we'll have the town hall project report here very shortly.

**Bridge Littleton:** Any questions for Rhonda? I know. [laughter]

**Danny Davis:** She sells herself short, Mr. Mayor. She actually accomplished a lot, even amidst all the town hall stuff.

**Bridge Littleton:** Okay. Treasurer's report, Tina.

**Tina Staples:** I don't, I get to sit in the back, but that's okay because I can sneak out. So it's all right. I would like to make a request that next time I can put my report up on these big screens so I can kind of make the audience fall asleep probably. But I would think it was cool. So that's just me. You have my report. I'm happy to answer any questions that you have. We still don't have an audit draft report yet. They promised me that they were working on it and then asked for something else and then promised they're working on it again. But it has to be presented to you all before the end of this calendar year. So it will probably be your first meeting in December, I would assume. Yeah. Or we'll have to call a special hearing, which I really don't want to do, so, but I will keep you posted on all of that. Can I answer any questions?

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

**Tina Staples:** Do you like my screens idea? [laughter]

**Bridge Littleton:** I won't look at them.

**Tina Staples:** You don't have to right they are behind you. Yeah.

**Bridge Littleton:** So I'm assuming there's nothing in our contract with the accounting firm to absolutely have the report to us by a dead date specific or there's a consequence.

**Tina Staples:** I would have to look back through and see if there's some kind of consequence. But it's the state code that they have to present it to you by the end of the calendar year?

**Bridge Littleton:** They have to present it or it has to be presented to Council, by then?

**Tina Staples:** It has to be presented to the Council.

**Bridge Littleton:** So it wouldn't be their fault. It would be the town's fault.

**Tina Staples:** Well, they're the auditors.

**Bridge Littleton:** No, I get it. But we'll be the ones violating the state code, not them. They failed but we're the ones owning it.

**Tina Staples:** Yes, I can probably [multiple speakers].

**Bridge Littleton:** So there is no pain on them.

**Tina Staples:** Yeah, I can inflict pain on them. I have my ways.

**Bridge Littleton:** Okay. No, I just it would be maybe thinking if this is going to become standard fare, which is not fair to you. It's not fair to the town. This is not that complex. We're not Leesburg.

**Tina Staples:** Right.

**Bridge Littleton:** And the Finance Committee hasn't even had a chance. And they've got to have a walkthrough of it.

**Tina Staples:** Yes.

**Bridge Littleton:** And we're coming up to holidays if we engage. I mean, you know, of course we're engaging them again next year. You know, we will be workable. We will be, you know, whatever. But if it's not in hand by July or November, pick the date 15th, then there's a 5% hit or something. I mean, I just, you know, there needs to be a because I remember when you and I talked about it last week, it was supposed to be last Friday.

**Tina Staples:** Yes.

**Bridge Littleton:** So and [multiple speakers] they promised and they promised and they promised.

**Tina Staples:** Yes.

**Bridge Littleton:** So okay.

**Philip Miller:** What happens if we violate state code by not.

**Tina Staples:** Presenting it?

**Martin Crim:** I don't know that there's a dollar value that's attached to that. It does potentially create some unwelcome scrutiny from the state, and it would potentially affect even our bond rating. That's my big concern.

**Philip Miller:** Can we make sure we know what the penalties are?

**Martin Crim:** Sure.

**Philip Miller:** I also think that should help us formulate the next contract.

**Bridge Littleton:** Oh, absolutely. Well, and I mean, this is going to be separate from state code. But, you know, if there are financial condition requirements in the bond, you know, like if we default on a payment or something, we could literally give them nothing and we're never in trouble.

**Martin Crim:** Not with the state. No. The bonds might be a different issue, but we'll look into that.

**Bridge Littleton:** Okay. All [01:00:00] right. Any questions for Martin? Martin, my only question for you is anything on the immediate hot list for legislative activity at the state?

**Martin Crim:** Well not really. Everybody's been focused on the election, I think.

**Bridge Littleton:** But I'm sure next week or next month once everybody's filed their pre whatever it is.

**Martin Crim:** Yeah the pre filing will be interesting and we will we'll be carefully tracking that.

**Bridge Littleton:** Okay. Great. Last is Ali.

**Danny Davis:** Mr. Mayor. Ms. Macintyre was ill today, so she was not able to make it in. So just briefly from her report as you know, it was a very busy month for events and activities between the film festival, of course, the Halloween events, the Warm Up USA, and then also the conclusion of the Farmers Market. And we just want to say thank you to Kim Shelley, who served as the market manager all year. We're already preparing for next year to try to get more vendors in place, and also to add additional things each weekend or every other weekend to be more of a draw as well, whether it's music contests, activities for the kids, so continuing to build upon that. So we want to thank Kim especially for helping bring that along each week.

**Chris Bernard:** So don't forget the Director of Signage.

**Danny Davis:** The Director of Signage, Mr. John Kevin Daly, who faithfully set out the signage boards each week. So yes. And then in addition, just as a reminder for the events coming up, not just Christmas in Middleburg, but also the tree lighting that'll be the night before. Still held at the now the Woolly Fox, the former Pink Fox building. And so that will be on December 1st at 5 p.m.. Happy to answer any questions about business development activities or other events.

**Bridge Littleton:** Any questions for Danny on behalf of Ali? Yeah.

**Cindy Pearson:** Just wanted to add one more event that we all usually or some attend is the tree lighting in Salamander. And that's on the 30th and I believe 6 p.m.. [off mic] Yes.

**Bridge Littleton:** All right, so, Danny, the only thing I was going to add was the last two months have been incredibly busy with events between the film festival, Oktoberfest and the Mille Miglia and everybody on the town staff. You guys did an amazing job and they all came off with that. Well, we don't really run the film festival, but they all came off without a hitch. I think everybody really had a great time, and I think especially those two events, Oktoberfest and the Mille Miglia, you know, they bring outside visitors, but they really are very community, very town focused. And it brings a lot of local, you know, engagement. So you guys are doing a great job. I took the Italians to dinner on Sunday night. And, you know, they were saying that they are totally committed to Middleburg. They love the event. All the participants love the event, but what they really love is the sense of community, the sense of home. They love working with you and all the staff and all the volunteers. They love working with us. And there's just this it's almost becoming like a family. And you know of anything else, you know, that in and of itself is enough that they really want to, you know, make this a long term, long term thing. And Francesca and Mark were both like, we'll get the numbers. We need them to get them. We'll, get the revenue where we need to get it. But this is just something we really enjoy. It's Middleburg for them is a pleasure, not a chore. So and that speaks volumes to you guys. So really appreciate it.

**Danny Davis:** Thank you for that. And if I can add a brief little non Middleburg comment, they all the drivers were quite enthralled with Unison. And at lunch that day they all kept saying what they kept saying what was Unison? Is that a town? I said no, I said it's not even a village, it's just a few houses. But there are folks who are very committed to preserving rural western Loudoun County and their small little village right there, or conglomerate of homes. So it was interesting to see a different perspective as they drove through other parts of Loudoun County this year.

**Bridge Littleton:** Okay. Next is Rhonda North, Town Hall.

**Rhonda North:** Thank you, Mr. Mayor.

**Bridge Littleton:** Closer to the [01:05:00] mic.

**Rhonda North:** I cannot tell you how excited I am that we are in this building. [laughter] I don't think there is anyone more excited than I am that we are. And we will at some point be having a, you know, a grand opening ribbon cutting ceremony. And at that point, I'm going to thank a lot of people, because it took a tremendous amount of people to make this project a reality. But there are just a few firms that I want to recognize tonight. Top of the list Downey and Scott, our Construction Management Team. They are just so outstanding and I don't know what we would have done without them. We're just so tickled that they were able to help us with this project. And Glave & Holmes and Creech & Associates, the two architect firms that helped us with the project. We can't thank them enough for their hard work on our project and all of the town staff who contributed, but most importantly to the Mayor and Council for your support throughout the project. You know, we couldn't have done it without you all as well. So obviously we've moved into the building. We still have quite a large deficiency list. The architects, the contractor and myself spent the vast majority of the day today walking through the buildings, reviewing the deficiency list, determining what's been completed, what still remains the largest item. As you all know, because I know some of you are a little warm here in the room tonight is the HVAC system still is not quite working properly, and we are still working with the contractor and the subcontractors to try to get that addressed so that we can commission the system and get it operating correctly. I think someone mentioned that might have been Mr. Moore, mentioned the big furniture giveaway that we had yesterday in the old town office, I think that was very successful. A lot of folks came through, took what furniture was left even some of it that was in I thought pretty rough shape. But they were able to take most of it, which allowed us today to turn the town office building over to

the contractor. So they will start phase two of the project next week, which begins first with hazardous materials abatement from the building. That will take roughly the entire week next week. And then on November the 20th, they anticipate that they will start demolition of the building. So there will be a few days where one lane on Marshall Street will be closed for the large equipment that we'll be demoing the building. We will have some traffic control measures out there. The contractor will. But yeah, we're ready to begin phase two and we're excited.

**Bridge Littleton:** Thank you, Rhonda. Any questions for Rhonda? Bud?

**Bud Jacobs:** I was most impressed by the fact that Ms. North made it through this entire process without dropping the F-bomb one time. [laughter]

**Bridge Littleton:** Publicly.

**Bud Jacobs:** Publicly. Well, she told me she came close. But my serious question, though, I've lost track of where we are on the electric vehicle charging initiative. First, with respect to whatever we were planning to do in the parking lot here. And secondly, anything else we may be doing in town.

**Rhonda North:** So we do need to get an electrician to help us get the lines out to the spaces. And the RFP on that went out, I believe Downey and Scott issued that earlier this week. So that will be the next component. From there I would kind of turn it over to the Town Manager, but I think from there it really goes into getting a contract signed and moving forward into the work.

**Danny Davis:** Yes. And thank you, Ms. North, for that part of the response. So as noted, particularly for here, getting those costs so that we can bring that back to Council for review and approval. For the remainder of the town level two chargers that we've been looking at, we have regrettably not been successful with a couple of the entities we've been working with. But Vice Mayor and I have been speaking with another entity that we heard positive things about from a couple of other jurisdictions nearby, including Occoquan and also, I believe, Ashland. And so [01:10:00] that is on our radar screen to continue working towards. I believe our next step with them was to have them come up here and take a look at the various locations that we had intended to place them, and verify that they felt comfortable with the power being close by. We had done that once before with Blink and felt confident, but again, with many of these either being funded by grants or that they are outlaying the initial capital costs, they would want to put eyes on it to understand the actual cost of it. So some of that is on my plate. And hopefully now that we're getting through these major steps of the building, we can keep pushing that forward.

**Bud Jacobs:** And the installations in town is Liberty Street in the mix there?

**Danny Davis:** Yes, sir. So we are looking at either 2 or 4 spaces at Liberty Street and then two spaces along likely West Federal Street, kind of just on the south side of the Methodist Church parking lot, and then potentially one space here at the town office as well to compliment the level three charger. And that charger is still sitting in the Well 4 treatment plant dutifully secure in a pallet until we're able to finalize that agreement. Understand the costs for the remaining pieces of that.

**Peter Leonard-Morgan:** If I could just add to that as well. There are two entities that have offered us. Potentially offered us a level two charging systems. One of them is literally completely they do everything and we get a bit of the revenue. And the other is we would buy some of the equipment or the equipment actually and install it. So there is a capital cost, but then we get 100% revenue and theoretically over 2 or 3 years we get all our money back and after that it's all profit. So there's a lot to think about and talk about and decide. We've been throwing around the sustainability committee for a while, and I think we're getting very close. But I really appreciate you asking that question, Bud.

**Danny Davis:** And if I may take just a quick point of personal privilege, one thing we've been struggling with for the last hour and 20 minutes is getting our live stream working. It's finally working. So not that you notice because we're in here, but we've been trying to get all that together. And so thankfully that's up and running.

**Bridge Littleton:** I hate to open this can of worms, but, well, I'm going to throw it out as a kind of a question. We have been struggling with this EV charging stuff for seven years and or its pre-COVID. I mean, the first time we started. What's that? [off mic] 18 and this is now five years and we have not gotten there. My question is, and it always feels like all the energy and activity and onus is on us is in a God knows how many untold hours from volunteers and from staff have been spent on this. But if you add up the time that the cost and man hours or people hours is enormous and we're still not there. My question is I want we want to have the capability. Is there not a thing where it's, hey, we will lease you at \$1 a year for spaces in a Liberty parking lot. We will lease you for \$1 a year, two spaces in the new town hall lot. Whoever wants to come and get it, install it, own it, keep all the revenue. It's yours. I mean, it's our land, but is there not a market private sector solution that doesn't require us to do all this? Invest in infrastructure, spend time just, Hey, we'll give you free dirt. [off mic] Yeah, exactly. And we're out of this.

**Peter Leonard-Morgan:** That's a great question.

**Bridge Littleton:** Let the market come to us.

**Peter Leonard-Morgan:** That's a great question. And we've been trying that so hard. And when they find out that we're little Middleburg on route 50, they really looking at the bigger picture of interstates. But this company that we're talking to you right now, they really are very positive about it. And I think that it may well work and along those lines.

**Bridge Littleton:** But how many companies we been through?

**Danny Davis:** Well, Mr. Mayor, yeah. So I do believe there is there are some time and effort on our part coordinating with these entities some of that was coordinating through our agreements with them. But ultimately all of the entities we've been discussing with previously had the intention that they were doing the majority of the work, the outlay and the effort. Our real lift is in the beginning to get the agreement in place, and we got Blink there, and then they went radio silent for nine months. Right. So I think while yes, there is time on our behalf, our [01:15:00] time to bring another entity on board is fairly minimal vis-à-vis the amount of work they'll be doing to actually create the stations and the locations. So I hear you, it's been five years. It's basically one of the first things I heard walking in. And it's frustrating that they didn't come to fruition like we had hoped, but I think we're the amount of work we've done to date will actually inform the additional work we can do with these, this other hopefully successful firm.

**Peter Leonard-Morgan:** And I would just add to that, if I may. The company that you were talking about really was relying on grants, whereas the company we're talking about now is private sector. And they see this their whole program, which is to have all their chargers in as many places as possible. And they take the revenue. We get 10%. And that's nothing to do with federal grants.

**Bridge Littleton:** But you were saying there's an infrastructure cost on us up front.

**Peter Leonard-Morgan:** Not on this one, not of that. They do all the permitting requests. They pay for the electricity. We do nothing. The other opportunity, there would be more work to that. So it's a decision. Which one do we do?

**Bridge Littleton:** So let me ask a question. Is there a certain point at which if this one falls through, we just say we're done? It doesn't work here. We're not big enough?

**Peter Leonard-Morgan:** Well, we do know we're getting the level three charger. We have that. So that's going to be here. And that's exciting because that's a fast charger with the other Liberty Street level two chargers I think perhaps that might be the case. If this doesn't work, I throw my hands up probably for a while.

**Chris Bernard:** I'm sorry. I think if the Sustainability Committee thinks it's an important issue to try to keep working on, that's up to them. And like, you know, bring it to us if it's a real scenario. But I think we just let them run with it.

**Bridge Littleton:** Philip.



**Philip Miller:** Progress is often slow. And this is an emerging technology, and we're trying to be an early adopter. And we are a small town. We are not on Interstate 95 where they're going to see volume. So I think that there's been no shortness of due diligence that we've done going through all of the various companies proposals, possible locations that we've done. But I also think that it's fair to say that the two year project of getting this building done put a real damper on our ability strategically to move this project forward, especially when it comes to the ones here at this lot. I think that if this had been done more quickly, we would already be there. But now, with bandwidth for staff being opened up a little bit and the infrastructure in place, things should come together pretty quickly.

**Bridge Littleton:** Okay.

**Cindy Pearson:** Just want to make a comment that I'm observing through this is we've learned a lot along the way, and we're not stuck in something that we couldn't use or would have been a problem. So we've not lost a lot on that. I think it's a good thing to a point.

**Bridge Littleton:** Okay. What was next? That was Rhonda. Okay. Any reports from Town Committees? Okay. I believe nothing on the consent agenda. If I read that correctly.

**Danny Davis:** You are correct.

**Bridge Littleton:** All right.

**Rhonda North:** Yes.

**Bridge Littleton:** And next action item is Council approval resolution adopting policies pertaining to town grants and the purchase of sponsorships. Who's got this memo?

**Rhonda North:** So that one would be mine, Mr. Mayor. So a couple of months ago, the Council asked that the Grants and Sponsorship Subcommittee take a look at the policy that has been in place for a couple of years now. Obviously, we've had some changes that have occurred with the development of the Middleburg Charitable Foundation. So the committee, which consists of Council Members, Pearson, Council Members Jacobs, myself, Town Manager Davis and Business Development and Community Partnerships Director MacIntyre. Boy, that's a mouthful. So we've met a couple of times and we have reviewed the policy, the proposed policies with Council during the last meeting. But just as a reminder, what we're proposing is to take the one policy that we currently have and to separate it out into individual policies. One would be related to grants for special [01:20:00] and community events. One would be related to grants for infrastructure projects. One would be related to special event sponsorships. And then the last one would be a new policy that is related to charitable donations and the Middleburg Charitable Foundation. The first three policies that I mentioned are pretty much based upon our current policy. And as I say, the fourth policy would be a brand new policy. So we have again reviewed those at the last meeting. I'm happy to answer any questions that the Council may have, but at this point it's being presented to the Council for your consideration.

**Bridge Littleton:** Okay. Let's go. Each one of these, one at a time. So on the first one, special and community events. Does anybody have any questions, thoughts or input on that one? Okay. That was a heated debate. Infrastructure projects. Any questions, thoughts, considerations on that one? Wow. My quick question was for the infrastructure projects. Are we, and I didn't see it, but I read it pretty quickly, are we limiting anybody who can apply for one? So we're not limiting who can apply for them, but we do continue to limit the amount of the award.

**Bridge Littleton:** I get the award, but if my house needs a new sewer line, which would qualify as an infrastructure, it would qualify as infrastructure. No, I mean, we just need we want to have clarity for the public.

**Rhonda North:** Yes. So as a reminder, Mr. Mayor, municipalities can only give grants and donations to certain entities. We cannot give them to individuals.

**Bridge Littleton:** Okay.

**Rhonda North:** They do have to be charitable organizations.

**Bridge Littleton:** Okay all right.

**Rhonda North:** And they would have to meet the definition of an infrastructure project.

**Danny Davis:** So it is. It is not for profits.

**Bridge Littleton:** It has to be. Okay that was okay. [inaudible] So all only not for profits or nonprofits can apply for an infrastructure.

**Danny Davis:** And nonsectarian.

**Bridge Littleton:** Nonsectarian, right. Okay. Okay.

**Peter Leonard-Morgan:** Yeah. With the infrastructure was the previous one only the \$5,000 limit or did it also include the three town three lifetime limit?

**Rhonda North:** So under the current policy you're eligible for up to \$5,000 for three grants. So a total of \$15,000 would be the max. Under the proposed policy, we're recommending the annual award be increased to \$10,000, again, no more than three grants during the lifetime of the organization, so the organization would be eligible for up to \$30,000.

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

**Bridge Littleton:** So I would actually recommend a change in lifetime. You know. So you know. So if we've given Windy Hill \$30,000 over the last 20 years. We're saying that 40 years from now, they can never have anything. [multiple speakers] That's the current draft. So, I mean, I would say no more than X amount in a 20 year period or a ten year period or a 15 year period. And I don't know what the right number is, but because we will have some I mean, Windy Hill will be here for a long, long time and they will always have needs. Right. And I can think of a couple other organizations.

**Danny Davis:** And it's a fair point worthy of conversation with the Council. It's a bit of holdover language from the events, because the event dollars were intended to be seed money to kick off an event, and then desirably, it would not need to keep coming back to the town for funding. So previously, with these two being intertwined into one policy, that's how it was made. You raise a good point that I think is valid for conversation with your Council Members. And I don't have a necessarily well, first of all, say I don't have an objection. I don't think there's anything necessarily that would be challenging with that. The question then is how do you define that term?

**Bridge Littleton:** Is generally everybody thinking that we should work on that one.

**Peter Leonard-Morgan:** Yes, absolutely.

**Bud Jacobs:** [multiple speakers] I think it's a good idea to strike the language lifetime of the organization and figure out a reasonable term. And maybe it's ten years, I don't know. But [01:25:00] yeah, we need to fix that, I think.

**Bridge Littleton:** Okay.

**Philip Miller:** I agree, I think that it's not just the language, it's the intent. So I have the same issue with the charitable donation policy. These are nonprofits doing good work that the town wants to support. I believe, as we have done for many years, these are policy holdovers, as Danny said, from economic development policies. And I think that the intent behind those was to help somebody start something that is successful, that could be self-sustaining. It's a totally different thing from supporting organizations that do good work not to make a profit, but to help the community and to support the

people of the community and to put these levels in place where we would stop funding despite a need in our community, I think is it runs contrary to how I believe we see ourselves.

**Bridge Littleton:** Darlene.

**Darlene Kirk:** We had talked about this before when we were talking about Salamander, the film festival. Remember when we said we maybe five years because we felt at that point it should be able to get up off the ground and we shouldn't have to be making any large funding donations.

**Bridge Littleton:** So I would recommend on the infrastructure projects. You guys take that one back and sort of think about, I mean, you got this general sentiment, right? So maybe it's no more than \$30,000 in any ten year window. Right. And like if [inaudible] moves to the next year and ten grand drops off, well, they're opened up for ten grand again or I mean, you guys take a look and see what makes sense. Okay. All right. The next one here is special events sponsorships. Any input, concerns or thoughts? Okay. And then and Philip the last one you said you wanted to punt that to the next meeting.

**Philip Miller:** Yes. Unfortunately, we had our meeting on Monday where we received something like 20 people come in and talk to us about their requests for grants from the foundation. And we learned a lot that night. It was a really great thing. It's the first time that we've brought people in or invited them. If they wanted to come in and talk to us about what their organization does and what their plans for the funding would be, and it was rightfully eye opening and inspiring, and we have not had a chance because we ran right to the end of our allotted time to come back and put together a presentation. And also we had board members who were not able to attend this meeting who wanted to participate in the discussion. But I would recommend that if we're going to go back with the infrastructure and bring that back, hopefully to the next meeting, we would be happy to sit down with staff and hopefully come up with some language adjustments that we would propose as well.

**Bridge Littleton:** Okay. So yeah, Cindy.

**Cindy Pearson:** And in saying that in which I understand when you're when you have them in front of you and they get to explain what this is for all those years, I mean, it's amazing what these nonprofits do, but we also have a little other discussion we'd like to have about it or thoughts. It isn't something that has to be done, but I think I'd like it at least said or on record, that over the last however many years we've had the health center, I don't know, I think we've been really good stewards of that. There was a couple of times that things got a little dicey that weren't taken care of properly, but in all in all, I think it was taken care of. The you know, we all decided to give the health center funds to the Middleburg Charitable Foundation. And I think in, you know, how we do some of these that we'd like the committees or the nonprofits to become self-sufficient after a time. But what the thought is on that is maybe with the money that we give to these nonprofits, we then return it to the citizens of the town in any way that we can. I mean, as we know, the recession, as everyone is talking now, we're going to go into a recession, the stock market's going to have lower returns. So it's going to be harder to have your money give you the bigger returns that you want in the next until the next election is over and wherever that goes. So [01:30:00] it's just a thought that at some point, I mean, you know, the money that we're thinking for the next three years, I think is on this is to, again, think of letting the charitable foundation be on its own at some point. If we have money, if they need, if they have a big demand that one year they can come back and ask. I mean, it's not that we, you know, throw you to the birds and make you do everything, but it's a thought that all the citizens in the town could have. If we have this big surplus all the time, maybe we can, I don't know what the answer is, lower taxes a little bit. Whatever that would be. So it's just keeping that thought in mind too, that we I don't think the town has to support every nonprofit to that full thing that they're looking for. And especially with the nonprofits that come to you asking for money. It's great. And I like that we're able to give them some. But you can only give what you've got. Do you see what I'm saying? You know, if you don't have \$100,000 a year to give, you don't give \$100,000, because I think we try to keep it at I'm going to say it started at 20. Maybe got to 30, 40. So it wasn't always that huge of an amount. So it's just I would like that thought to go on and we'll discuss it a little bit more too.

**Bud Jacobs:** Can I just add something to that? Yes.

**Bridge Littleton:** Hang on one second, Darlene had her hand up.

**Bud Jacobs:** Oh, I'm sorry.

**Darlene Kirk:** We did and Philip can tell you as well. We sat down and we went over each one, and we talked about them, and we realized that we can't fund everybody the way they wanted. I mean, one wanted, I mean, an odd amount, like \$26 or something added on to the end. But so we are looking at that to keep it within a range, but yet be able to help as many as possible that contribute directly to Middleburg. And that was one thing that was very good. Eric insisted on it. How is it going to help the people of Middleburg? And so anyway, that's what [off mic].

**Bud Jacobs:** We talked a lot about the philosophical or the ideological piece of this. On the one hand, we want to be able to address specific needs in the community. That's one of the reasons we broke the policy into three, well, four constituent elements. And to me, the policies as we have structured them for you makes sense. And we can noodle about the time in which we can or in which for infrastructure projects, somebody can come to us and ask for help. That's all great. I'm very sorry that we don't have the thinking and the numbers that you guys would propose from the charitable foundation. I think we're just spinning our wheels here without having some concrete numbers to look at. I mentioned that this is a philosophical discussion in some part, and where I come down on it is pretty much, I think, where Cindy does and that is we are a government. We're not a charitable organization. And if in fact, we find that our coffers are running full and leaving lots and lots of money in our different time accounts, in our different accounts. Along with looking at perhaps enhancing our charitable contributions, I think the time may be upon us that we look at things like tax rebates. We know that they will benefit the community as a whole, and I'm not questioning that the organizations that have come to you guys will also provide benefit to the community. Of course they will. But our job is to balance those interests and figure out what makes the most sense. And I would ask you to keep that perspective in mind when Philip and the Foundation come back to us with their ask and their recommendations.

**Philip Miller:** Yeah, I completely agree. And I do think that that's it's time for that discussion about tax rebates. Our coffers are full. But I think when we talk about the philosophical side, decided to make the Middleburg Charitable Foundation. It [01:35:00] was not one in lieu of the other. And I don't think that it's in line with the community values for us to say, well, we've now gotten to a point and we can do tax rebates, and that's good enough to give back to sustain the community and to help Middleburgers and the people around us and the people who make Middleburg special and is what it is. Stronger and better. There are things that non-government entities can do and frankly, do better, like making sure that people have food. And I will tell you, on Monday we learned that between 100 and 150 Middleburg area residents receive support from area food banks on a regular basis. And that's a problem that we're looking to combat that I don't think tax rebates will help. So I think two things can be true at once. We can have enough money to fund all the programs and things that we want to do, but we can also do good and support the organizations that volunteer their time to do good as well.

**Bud Jacobs:** I agree with you Philip. I'm not suggesting that this is a zero sum game. Obviously we can do a lot in both arenas. What I'm suggesting, though, is that at a point certain for its own viability if for no other reason the foundation is going to have to reduce its reliance on funds that come from the government. And I don't know what the intent may have been when all of this was started. I wasn't here, but I can tell you what my view is which has been from the beginning. At some point, the money coming from the town to the foundation is sunsetted. Now, that doesn't mean the foundation can't come back and ask for funding in a specific instance or for a specific program. But it does mean in general that we function as separate entities, and that the responsibility for funding the foundation lies wholly with the foundation. And I think, in fact, that if it is known generally that the Foundation is receiving a substantial amount of money from the town every year that will hamper your own fundraising efforts, people will look at that and say, well, they're getting money from the town. It's not necessary for us necessarily to contribute. And I think that would be very damaging to the foundation. But these are all points of discussion. And whenever you guys have your numbers and come back, we'll have that conversation. Darlene.

**Darlene Kirk:** The whole purpose of selling the health center was to separate the two. And that's what this is about. This is the first step, the first step that the charitable foundation is making to support itself. And yes, we're going to need a little help from the town, maybe the first couple of years, but we don't see that as every year we're going to be coming

back to you. There are other ideas that are going on, other thoughts that are going on. But for right now, as in our first year, we want to be sure that we get off on the right foot too, and then we will separate. That's the whole purpose of this.

**Bridge Littleton:** No, I think, Darlene, I think and I don't want to speak for everybody else. It was the question I had in my mind, I think the concern, not concern, but the question was when you look at the amounts and I know, Philip, you wanted to punt at it, but, you know, we're going to talk about it, but was, you know, fiscal 25, fiscal 26, 25,000 and beyond, which means an in perpetuity committed grant. And I think that is an alarm bell right? Because again, I'm not on board with forever committing because who knows the fiscal situation of the town at any given time. And again, you know, when you say when it says and beyond, that means after we're all long gone, is that what the intent is? Because if that's the intent, then there is a no much [multiple speakers] deeper concern.

**Philip Miller:** No, that's not the intent. That's how it's written right now. One of the things that we've discussed is it's really about putting parameters around a policy as to how the Council of the future, if the Foundation came to Council and said we would like funding this year, or if Council said, listen, we've done tax rebates, we still [01:40:00] have money in the coffers. In years of surplus our thinking was that it could be a small sliding scale, five, maybe 10% on the max side based off of real property tax. That was our general thinking. We've got some numbers around it that's a big scale, but that's our general look at what we were thinking about as a policy, just guideline that instead of us coming and saying we need \$25,000 every year, we need \$100,000 this year, it was up to the Council to decide based on the financial situation of the town. And we are happy to provide information on the needs that we have and the organizations that we support have, that if the town was in a position and willing, that would just be an idea.

**Bridge Littleton:** But I mean, wouldn't the easiest thing just be if it's 25 years from now and you guys want 30,000 apply. It's not a scale, it's not a metric, it's not an equation. Just apply. And if we got it, we got it. If we don't, we got 22 or you know what I mean. But like I guess, a formula actually even concerns me more, because you're actually locking yourself into a dynamic that you have no idea what the world will look like in 20 years. And, you know, policy creates and sets expectations. Right. So, I mean, and what if we do have a surplus, but there's some other activity. We want to put 100% of the surplus into because it's really important. What? Pick it, I don't care. Right? So a teen center, right? I mean, I guess I would throw out, I don't know why we wouldn't treat the foundation, because to your point, they are separate like every other organization who would want to come in on a yearly basis and ask for an amount. I mean, that's what we make everybody else do. We don't give equations to other nonprofits. So I mean, again, I'm not saying that's the right answer. This is a little bit different because it was the health center. It's chartered by the town. So I totally get all that. But there is a point where it was intended to be its own separate entity disconnected from the town. So I think you guys got to come in with what you're thinking, but we got to really think through that. I think it's going to be a very complex conversation, because we want to do the right thing by everybody, but we also don't want to lock people in the future into something that they had no say in. I would feel really bad doing that to a future Council that will have their own priorities. So anyway.

**Darlene Kirk:** What I was going to say, we did talk about that, the sliding scale and it sounded good when we talked about it and that we would only do it in asked for years in there and there was a surplus. But not everybody on the committee agreed with that because I'm for one, you know, I've been on it a long time. My mom was on it. This was to be cut off at some point. And I think you're right. I think it needs to be stopped. And then if they need to come back for whatever, then they do come back just like everybody else needs to be treated like everyone else.

**Cindy Pearson:** One more quick thing. It is in this that it says, subject to availability of the funding in the town budget and annual appropriations by Council. So even if next year we have on here, it's 50,000 and we don't have it because a recession has hit and we don't have the money.

**Bridge Littleton:** Sure. Yeah. You can't spend what you don't have.

**Cindy Pearson:** Right.

**Bridge Littleton:** But if you do have it, are you committed?

**Cindy Pearson:** Correct.

**Bridge Littleton:** Even though we might have a change in priorities.

**Cindy Pearson:** Totally get that.

**Bridge Littleton:** Right.

**Cindy Pearson:** Yes.

**Bridge Littleton:** Okay it's tough. Okay. So much for delaying it to next meeting. [laughter] Well, no, I mean, but, you know, Philip I mean, it's this is really hard. I mean, this is really, really hard.

**Chris Bernard:** And so I appreciate that you have the impossible task of both giving away the money and asking for it.

**Bridge Littleton:** Yeah.

**Chris Bernard:** On the one hand or the other, so that's a tough spot.

**Speaker1:** So but I mean, I think we do need to set aside at the next meeting before you leave Council and really walk through this in the appropriate amount of detail, because right now we're all sort of spit balling on it, but it's we got to get it right. Okay. So Danny, I mean, we're not taking any action tonight. I think you got this is going to be tough. I think you guys have the direction, right? We've got the one infrastructure stuff straightforward. The other two, I think everybody feels they're fine. And then there's the charitable foundation approach. [01:45:00]

**Danny Davis:** Right. Mr. Mayor. And we will work with Council Members Jacobs and Pearson on the infrastructure one, just to go over a recommendation there. I think if it's appropriate, what I'm hearing and would like to rely upon is waiting to hear from the charitable foundation. I'm happy to work with them and kind of my dual roles there, as well as they develop their recommendation and request to the Town Council. But at this point, I think we'll kind of leave our policy where it is. And then as we come back to it at the next meeting, it'll really be informed by the request coming from the charitable foundation. And then we'll have that discussion there.

**Bridge Littleton:** Okay. Chris.

**Chris Bernard:** Well I think we do want to hear, obviously, what the charitable foundation wants and what they would like language to be. We want to make sure we separate that because it is a town policy, and we'll look out for the towns interest.

**Danny Davis:** Very much. [inaudible]

**Darlene Kirk:** I just want to add one thing. And while there is a charitable foundation, the town also wants to donate money on occasion to certain things. So that's why we need to do this and not lock anybody in.

**Bridge Littleton:** Okay. I think you guys are good on that. Next item here is South Madison Street.

**Danny Davis:** This is a very brief update on South Madison that we have submitted the grant application to VDOT is proceeding. Mr. Moore has taken the necessary training. So everything is progressing through. As you may recall, in the end of September, there's still the concept that was endorsed by Council, was still very conceptual. And so there needs to be additional discussions around that. The public had requested that. So we would like to work with Kimley-Horn to refine those a little bit, specifically at the corners of Madison and Federal what that will look like, as noted here, that likely will be about a 10 to \$15,000 task order. We intend to move forward with that unless Council has any objection to us proceeding, but that will be an ongoing conversation with the property owners, the community with EDAC

particularly but then bringing that back to Council. So barring any serious objection, we're going to proceed forward in that manner.

**Bridge Littleton:** Any questions? No. Okay.

**Bud Jacobs:** Could I? Yeah. Bud. Sorry. Is there a proper role for the streetscape committee in those discussions?

**Danny Davis:** There is. And there will continue to be. We've brought them into those discussions already. They have provided some feedback and inputs. They actually discussed it this morning. I was not there. But I hear that they talk through it. And so there will continue to be a place for streetscape to weigh in specifically as it relates to, you know, the types of trees and how they interrelate with streetlights and things like that. So it's kind of a dual track. Okay. Thank you.

**Chris Bernard:** [inaudible] like to be recognized by the chair. No, can we get an update. Just at the next meeting when you have all the compiled notes from the streetscape meeting? I'd love to. Just because I don't think we have a Council Rep. Do we have a Council Rep? [off mic] Oh, you were there.

**Cindy Pearson:** And I was not notified about today's meeting and we didn't have one last month. My email address has two C's on it, and I think sometimes it doesn't get sent out to me properly. And the last couple of weeks, as we all know, has been such a zoom, I just went over my head to even think about it. But yeah, that'd be me. [laughter]

**Danny Davis:** We'll work with Estee and have those minutes to make sure that you get a sense of their conversations.

**Bridge Littleton:** All right. Any information items from folks?

**Peter Leonard-Morgan:** [off mic] Question. Actually talking about streetscape, how, any feedback regarding the Lulu sidewalk repairs?

**Danny Davis:** We've heard very positive feedback. Will.

**Will Moore:** Yeah, it's been very well received. The adjacent building property owner seems very happy with it. I intend to have some conversations with the Town Manager and about possibly moving forward with some additional repairs around other street trees where we have heaving. Probably the highest priority for me right now is in front of Red Fox. However, that's going to be a little different animal. I've had some discussions with Matilda Reuter already. It might not be the even though it's a good product, it seems to blend in well with that particular historic location. It you know, it might be a brick solution that we have to go with there. So I had that conversation with her actually this afternoon [01:50:00] and we'll be moving forward. But good reactions otherwise on that particular product.

**Peter Leonard-Morgan:** Thank you for that. I mean, as a resident, I think it's an amazing product.

**Bridge Littleton:** Will note for the future, you're either going to have to get the mic closer or speak up. It is hard to hear you.

**Will Moore:** It's going to be. We're going to need longer arms on these. I can't lean over like this.

**Bridge Littleton:** I got you. I was like, every fifth word was missing, so. All right. Yeah. Cindy.

**Cindy Pearson:** Well, just wanted to ask a question on the whatever's on top of it. The material. Will that be when there's a wet weather, icy weather, is that a different problem to solve? Can you clean it just as easily as snow? Because when you stand on it, it's got a shine to it. So it makes you think wet.

**Will Moore:** Yeah. I'm not. There was some discussion. The short answer is it can be shoveled, it can be scraped. But yeah. Okay. Yeah. That's fine.

**Cindy Pearson:** All right. Thank you.

**Bridge Littleton:** Any other info items. Okay, well, I guess we're ready for closed session. [off mic] I up front too. Peter, do you want to read?

**Peter Leonard-Morgan:** Yes. I move that Council go into closed session as authorized under section 2.2-3711 of the Code of Virginia for one, consultation with legal counsel employed by the public body regarding specific legal matters requiring the legal advice of such counsel related to the Town Hall project contract as allowed under subsection A and 2 for the performance review of the Town Manager, and three for the discussion of performance bonuses for certain town employees, with one E the last two items of which are as allowed under subsection A1. I further move that the Council thereafter reconvene in open session for action as appropriate.

**J. Kevin Daly:** Second.

**Bridge Littleton:** All in favor, say aye.

**All of Council:** Aye.

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

**Chris Bernard:** Yes.

**Bud Jacobs:** Yes.

**Darlene Kirk:** Yes.

**Bridge Littleton:** Yes.

**Peter Leonard-Morgan:** Yes.

**Cindy Pearson:** Yes.

**J. Kevin Daly:** Aye.

**Philip Miller:** Yes.

**Bridge Littleton:** Okay. And you are directed to move forward, as discussed in closed session. Meeting adjourned. Thank you.