



MIDDLEBURG TOWN COUNCIL
Regular Monthly Meeting Minutes
Thursday, April 11, 2024



PENDING APPROVAL

PRESENT: Mayor Trowbridge M. Littleton
Vice Mayor Chris W. Bernard
Councilmember Pamela Curran
Councilmember Morris E. "Bud" Jacobs
Councilmember C. Darlene Kirk
Councilmember Cindy C. Pearson

STAFF: Danny Davis, Town Manager
Martin Crim, Town Attorney
Rhonda S. North, MMC, Town Clerk
Deputy Town Manager William M. Moore
Ali MacIntyre, Business Development & Community Partnership Director
Police Chief Shaun Jones

ABSENT: Councilmember J. Kevin Daly
Councilmember Peter A. Leonard-Morgan

The Town Council of the Town of Middleburg, Virginia held their regular monthly meeting on Thursday, April 11, 2024 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.

Public Comment

Gary Nickelson, Commander of the Middleburg American Legion, announced that Miss Hosseini of Freedom High School ended up winning the district and regional oratorical competitions and took second place at the state level. He advised that in addition, they took six girls and ten boys to the state interview competitions. Mr. Nickelson thanked the community for their donations to cover the cost of these events. He noted that the kids came prepared, knew their civics and were patriotic. Mr. Nickelson advised that the competition also re-energized the Legion's membership.

Mr. Nickelson reminded Council of their desire to organize a community baseball team. He reported that he recently heard from the County Parks & Recreation Department that they were going forward with allowing cricket to be played on the field at the Mickie Gordon Park for the season, which left the Legion with no place to play. Mr. Nickelson requested the Town's assistance in getting the baseball field returned to this use.

Michael Rocconi, of 105 Sycamore Street, noted that the Town's Comprehensive Plan warned against the saturation of short-term rental uses within any new development, as they would be contrary to the character of the town. He opined that this was applicable to the Salamander Residences, as that was the only new development. Mr. Rocconi inquired as to the action to achieve that goal and noted that thirty percent of the current residents had applied for approval for short-term rental use. He noted that once all forty-nine homes were built, this could mean that fifteen of the homes could be used as short-term rentals. Mr. Rocconi advised that less than one percent of the Ridgeview homeowners had applied for this use. He noted that the Planning Commission recently voted to recommend approval of the use, with a ninety-day cap on the majority of the special use permit applications. Mr. Rocconi opined that ninety days was a reasonable amount for the Salamander neighborhood, as well as the Ridgeview one. He asked that the Council not approve a special use permit for short-term rental use unless the applicant agreed to let the permit expire when the property changed ownership. Mr. Rocconi questioned what would happen to the value of a home if a real estate listing showed it to be permanently approved for short-term rental use.

Public Hearing

Lease Agreement – EV Charging

Mayor Littleton questioned whether there were any other offers to be submitted related to the proposed lease agreement. None were offered.

Town Manager Davis reminded Council that the Town had been attempting to find a firm to provide Level 2 electric vehicle charging throughout the town. He reported that two locations had been identified for EV charging stations – the Liberty Street Parking Lot and some on-street parking spaces on West Federal Street that were adjacent to the Methodist Church’s parking lot. Mr. Davis advised that Greenspot had worked with other jurisdictions in Virginia and expressed hope that once a lease was approved, they would make progress in placing EV charging stations in Middleburg. He reported that the request before Council was for a fifteen-year lease, with the potential for a five-year extension at the end. Mr. Davis advised that the costs for the stations and infrastructure would be borne by Greenspot, with the Town receiving minimal revenue. He opined that this was not about revenue making for the Town but rather was about providing a service to the community. In response to inquiries from the Council, he advised that he did not have an estimate on the value of the entire contract; however, he could provide it at a later time. Mr. Davis explained that the number of parking spaces being proposed for this use was suggested by the Town. He noted that Greenspot agreed the number was appropriate; however, they could return in the future to adjust it up or down based on the usage. Mr. Davis explained that the staff wanted there to be enough critical mass to ensure all the spots would not always be in use, which could create a negative situation. He confirmed that future modification of the agreement could occur as long as it was mutually agreed to by both parties.

No one spoke and the public hearing was closed.

Councilmember Pearson moved, seconded by Vice Mayor Bernard, that the Council adopt an ORDINANCE AUTHORIZING AWARD OF BID FOR LEASING TOWN PROPERTY FOR ELECTRIC VEHICLE CHARGING STATIONS AND ASSOCIATED FACILITIES ON TOWN-OWNED PROPERTY, to Greenspot JC, LLC, approving the agreement for a maximum term not to exceed twenty years.

Vote: Yes – Councilmembers Bernard, Curran, Jacobs, Kirk, and Pearson

No – N/A

Abstain: N/A

Absent: Councilmembers Daly and Leonard-Morgan

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

Staff Reports

March 2024

Town Clerk North reported that five proposals were received for the RFP for Community Engagement Services for the Asbury Church Project. She noted that the evaluation committee would be meeting later in the week to review them to determine which firms they wished to bring in for an interview and advised that the goal was to bring a contract to the Council for their consideration so the Town could begin the community engagement process. Ms. North reported that she was working on the invitations for the Town Hall Ribbon Cutting Ceremony to be held just prior to the start of Middleburg Day on May 31st. She asked that the members let her know of anyone to which they would like to send an invitation.

Town Manager Davis announced that the Loudoun County Fire Marshall would hold a community forum on April 23rd in the Town Hall to talk with property and business owners about fire safety. He encouraged property and business owners to attend and noted that the Fire Marshall would conduct door-to-door inspections beginning the week of April 29th.

Business Development & Community Partnerships Director MacIntyre reported that she was working with the Middleburg Business & Professional Association (MBPA) to get the information out about the forum. She reviewed the upcoming list of events to be held in May, including the start of the Community Farmers' Market, Art in the Burg, and Middleburg Day. Ms. MacIntyre noted that the invitations for Middleburg Day would go out next week to all the residents in town, with RSVPs being due on May 8th.

Mayor Littleton noted that there was a class action lawsuit against Visa and suggested the need for the Town to send the information about it to all the businesses in town. He advised that apparently, Visa overcharged people for transactions fees from 2003-2019 and advised that there was a multi-billion-dollar fund to reimburse businesses for the excess charges. Mr. Littleton noted the May 30th deadline to apply in order to be eligible for reimbursement.

Police Chief Jones noted that the Town's annual Spring Clean-Up event would be held on April 27th. He further noted that the Police Department would host a Drug Take Back event, in conjunction with other law enforcement agencies, that same day. Chief Jones advised that the Town was also partnering with Atlantic Union Bank for a Shred Fest at the Town Hall on that day. He noted that there would be a two-box limit on the shredding of documents. In response to an inquiry from the Council, he advised that the Clean-Up event would begin at 8:00 a.m. at the Town Hall.

Councilmember Pearson noted that the Arbor Day Celebration would also be held that same day beginning at 9:00 a.m. at the Middleburg Community Center.

Councilmember Curran noted the amount of training the officers have been attending, in addition to everything else they did.

Chief Jones advised that when the officers had some down time, he encouraged them to participate in a webinar or online training, which benefited the Town.

Deputy Town Manager Moore thanked Martha Mason Semmes for filling in for him during his absence and advised that she did a wonderful job. He noted the number of zoning permits she issued while he was out on extended leave. Mr. Moore also thanked the Mayor, Council, staff, and community for their support during his absence and noted that it meant a lot to him.

Town Hall Project Report

Town Clerk North reported that work continued on Phase II of the project, with the final coat of asphalt and the road markings being completed. She further reported that most of the plantings were in place; however, a few were still missing. Ms. North advised that there was still work to be done in Phase II, including trim work and painting. She reported that as to Phase I, Boland Trane was onsite earlier in the week to address some programming issues related to the HVAC system. Ms. North advised that not much else had occurred with regard to the project.

In response to an inquiry from the Council as to whether it was possible to designate a parking space close to the payment drop box, Town Clerk North explained that because the drop box was located off the fire lane, a parking space could not be designated in the immediate area. She advised that the parking lot side of the building was the closest available parking in relation to the payment box.

Consent Agenda

A. Council Approval – March 14, 2024 Regular Meeting Minutes

Councilmember Jacobs moved, seconded by Councilmember Pearson, that Council approve the consent agenda as presented.

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

Action Items (non-public hearing related)

Council Appointments – 2024 Virginia Municipal League (VML) Policy Committees

Town Clerk North reminded Council that they annually appointed members to serve on the VML’s five policy committees. She noted that former Councilmember Miller served on the Economic Development Committee; therefore, a replacement would need to be found for him even if the other members agreed to continue their service. Ms. North further noted that Mayor Littleton had been asked by the VML to serve as the Chair of the Finance Committee.

After some discussion, by consent, the Council agreed to make the below appointments. In addition, Mayor Littleton agreed to see if Councilmember Daly would continue to serve on the Human Development & Education Policy Committee.

- Community & Economic Development Policy Committee – Vice Mayor Bernard
- Finance Policy Committee – Mayor Littleton
- General Laws Policy Committee – Councilmember Jacobs
- Infrastructure, Transportation & Environmental Quality Committee – Councilmember Curran

DISCUSSION ITEMS

Mayor Littleton advised the audience that this was not the public hearing for the four special use permit applications for short-term rental use, nor would any action be taken. He explained that this was just an informational discussion item. Mr. Littleton further explained that because the Council had only had one other such application, they felt it was a good idea to ask the four applicants to explain their requests so the Council could ask questions. He advised that the public hearings for the applications would be held on April 25th. Mr. Littleton noted that following the public hearings, if the Council was not inclined to vote, they would push it back to the following meeting and would schedule a second public hearing. He further noted the importance of getting this right and advised that special use permits had their own laws. Mr. Littleton explained that the Council wanted to take their time and be thoughtful in considering the applications. He noted that he had asked Deputy Town Manager Moore to provide the Council and community with a high-level explanation of special use permits and the processes related to them so everyone would understand the rules.

Deputy Town Manager Moore explained the difference between a special exception permitted use and a by-right use. He explained that the zoning ordinance identified uses that were either permitted uses, which were uses allowed as a matter of right, and special exception uses per zoning district. Mr. Moore further explained that special exception uses must obtain a special use permit, as they were considered to potentially have a greater impact on neighboring properties or the general public than a by-right use. He further explained that due to those potential impacts, special exception uses were reviewed on a case-by-case basis so the Council could consider the imposition of conditions to address those impacts. Mr. Moore advised that by its nature, a special use permit pre-supposes a use may be allowed in one part of the zoning district but not another. He explained that a special use permit was legislative in nature, meaning the Town Council was the approving authority and noted that they used their best judgement in acting upon an application. Mr. Moore advised that the ordinance provided a framework for how the Council reviewed an application and noted that there were certain conclusions that must be reached in order for the Council to approve a special use permit. He reviewed the conclusions that must be reached. Mr. Moore noted that the Comprehensive Plan also included language regarding short-term

rentals. He advised Council that there were minimum standards that must be met for short-term rental use applications, such as that the house must be primarily used for residential use. Mr. Moore noted that there was some confusion by the applicants during the Planning Commission meeting about the minimum requirements and advised that they were not a checklist of requirements for approval of a permitted use. He explained that they were simply minimum standards, and that approval of the permit was not guaranteed simply by meeting them. Mr. Moore advised that the ordinance was very clear that additional, more stringent conditions could be imposed in connection with a specific application. He reiterated the need for a case-by-case review of each application. Mr. Moore noted that once approved, a special use permit ran with the land and remained valid as long as the use operated in conformity with the permit, including any imposed conditions.

In response to inquiries from the Council, Deputy Town Manager Moore reiterated that a special use permit was a legal right in perpetuity, as long as the property owner did not violate the conditions of the special use permit. He advised that, based on the advice of Town Attorney Crim, a previous applicant voluntarily offered that he would surrender the right to the special use permit upon the transfer of the land. Mr. Moore noted that this was not a condition the Council could impose and advised that they could only accept it if it was voluntarily offered.

Mayor Littleton advised the audience that Deputy Town Manager Moore would provide an introduction to each application, with the applicant then having five minutes to make their presentation. He reiterated that this was an information gathering exercise so the Council could learn more about the intentions of each applicant and understand their requests.

SUP 24-01: Request for Special Use Permit for Short-Term Rental – 800 Old Saddle Drive – Salamander Farms, LLC

Deputy Town Manager Moore displayed a map of the Residences at Salamander and noted the twelve lots on which homes had been constructed to date. He further noted the location of the home for this application and advised that it was located in the larger lot section. Mr. Moore advised that the land to the north contained the Salamander Resort, the land to the east was in an open space easement, and the land to the west and south were where future homes would be built. He noted that the staff report contained commentary on the minimum requirements. Mr. Moore reported that the application met the minimum separation requirements. He advised that the rental property management plan was included in the agenda packet and noted that the resort would manage the rentals. Mr. Moore reported that the staff's main concern regarding this application was compliance with the requirement within the short-term rental ordinance that the dwelling must be used for residential occupancy for one hundred eighty-three days per year. He opined that the narrative in the application was vague as to this. Mr. Moore advised that based on a meeting with the applicant's representative, he anticipated the materials would be revised to provide greater clarity related to the intended primary use of the property; however, they have not been received to date. He reported that the applicant's representative made verbal statements during the March 25th Planning Commission meeting describing how the owner intended to use the property; however, the staff remained unconvinced it met the threshold of being primarily used for residential purposes. Mr. Moore reported that the Planning Commission forwarded a recommendation for approval to the Council, on a four to three vote.

Scott Little, Operations Manager of Salamander Resort, appeared before the Council representing this application, as well as the Perdikis application. He opined that the applications far exceeded the minimum standards in the statute.

John Walburn, an attorney from McGuire Woods, appeared before Council representing this application. He submitted that the applicant's materials satisfied the requirements under the zoning ordinance to qualify as a short-term rental. Mr. Walburn advised that with regard to the residency issue, he would submit written materials that were consistent with their oral representations as to how the property would be used. He noted that there were findings by the Planning Commission that the application met the elements required for approval and included a recommendation for short-term rental use for one hundred eighty days. Mr. Walburn asked that the Council adopt that recommendation. He opined that the concept of "residential use" was not defined in the zoning ordinance and noted that it was defined under Virginia and federal law. Mr. Walburn further opined that "residential use" did not mean it was a person's domicile. Mr. Walburn advised that by affidavit and other written materials, they would assure the property would be primarily used for residential purposes and stated that it would not be used for any other purpose. He opined that there was a precedent set

through the approval of a special use permit for short-term rental use for a property on Jay Street. Mr. Walburn expressed hope that the Salamander property deserved the same entitlement. He noted that it was five times the size of the Jay Street property and had adequate buffering from adjacent uses. Mr. Walburn reminded Council that the Jay Street special use permit was for one hundred eighty days of short-term rental use. He noted that it had multi-family uses on two sides at distances that were much closer than in this application.

Mayor Littleton questioned how the Salamander Resort's management of this use would be memorialized. He further questioned how the resort would make sure all the boxes were checked and the home was done in a compliant manner.

Mr. Little advised that the houses in the Residences at Salamander were encumbered by a property owners association that was established and recorded against the land. He further advised that each property owner was subordinated to the covenants and restrictions. Mr. Little noted that as to the short-term rentals, there was another comprehensive agreement in place.

In response to an inquiry of the Council as to whether this was in the form of an agreement or contract, Mr. Walburn advised that it was probably both. He noted that the document was recorded; therefore, it was a contract. Mr. Walburn advised that it was also a covenant that ran with the land and noted that it was enforceable.

Mayor Littleton questioned whether the rental management was the responsibility of Salamander in perpetuity. He further questioned whether the owner could ever withdraw from that.

Prem Devadas, President of Salamander Hospitality, advised that it was a contract that consisted of a two-year rental agreement. He further advised that it was terminable by the owner and that they could go with another rental company if they wished. Mr. Devadas confirmed the owner could go with Airbnb as the management company. He advised that as long as it was under Salamander's management, it fell under their program, their rules and their control features.

Town Manager Davis opined that the homeowners association's rules prohibited the use of Airbnb.

Mr. Walburn advised that it was his understanding that some of the documents were recorded and ran with the land or were covenants that extended beyond. He suggested he provided the documents in writing to make sure that what they were saying was accurate.

Mayor Littleton suggested that if the Council was to approve an application which ran in perpetuity based on assurances offered by Salamander, they needed to make sure those assurances were perpetual assurances. He noted that if it was only a two-year agreement, they were not. Mr. Littleton noted that if all forty-nine homes decided they did not want Salamander to run their rentals, this could potentially become forty-nine different businesses.

Mr. Walburn noted that they had not submitted a writing to date because they wanted to hear what some of the issues were. He advised that they would submit information in writing to provide clarity as to the relationship and terms. In response to an inquiry from the Council, Mr. Walburn advised that they were asking that the property be rented for short-term rental use for the maximum number of nights as allowed under the ordinance. He further advised that the intent to achieve one hundred eighty nights for short-term use would depend on the owner and noted that the owner may wish to use it for more days in a particular year. In response to an inquiry from the Council as to what would happen if the property was sold, he advised that the number of days could change by owner, or it could change by the owner's inclination from year-to-year. Mr. Walburn reiterated that the number of days of use as a short-term rental could change by owner and by individual issues.

Mayor Littleton reminded Mr. Devadas that when the development was being pitched to the Town, one of the overarching sentiments that were expressed by Salamander and with which the community really connected was the idea that the residences would not be vacation homes, but that people would live in them. He noted that the idea was that they would be integrated into the community, the residents would become members of the community, and the homes would not just be a place they went to for a couple of weeks a year. Mr. Littleton reiterated that the idea was the residences would be an integrated community and part of the Middleburg community.

Mr. Devadas opined that the concern was that the homes would be used as an extension of the resort, to which he said “that was not the intent”. He opined that the discussion was not specific as to whether the homes would be vacation homes. Mr. Devadas advised that he made the statement that they would not be used as an extension of the hotel in order to expand the number of rooms. He noted that they have not done that and that the resort has been successful. Mr. Devadas advised that this was purely about the ordinance that existed for all the residents in Middleburg and making sure the property owners in the Residences at Salamander had the same rights as anyone else in town.

Mayor Littleton questioned what would happen if Salamander was bought out and the new owner no longer wanted to manage the rentals. He further questioned the assurances that were being offered. Mr. Littleton noted that there was a great deal of commentary during the Planning Commission’s public hearing that Salamander would never allow things to happen; however, there was no such thing as “never” and “always” when talking about rights that went in perpetuity. He questioned Salamander’s plan for alleviating these concerns.

Mr. Walburn noted the nature of a special use permit. He further noted that absent a voluntary agreement, the permit ran with the land. Mr. Walburn acknowledged that the concern was a valid one; however, he reminded Council that this was a concern that applied to every special exception. He suggested if the property ever sold and the conditions of the permit were violated, this would become a zoning enforcement issue. Mr. Walburn advised that the solution was to shut the new owner down.

Mayor Littleton noted that there was a level of commitment from Salamander to take on the burden of addressing issues. He further noted that if Salamander was no longer the management entity that burden would shift to the Town. Mr. Littleton suggested this was something the Council needed to think about and that it would have to be prepared to accept that burden. He advised that this was a concern that Salamander needed to think about.

Mr. Walburn expressed an understanding and suggested the representations made in the application would be binding and, if approved, would run with the land. He further suggested that if Salamander went out of business, and the new owner operated the resort at a level that fell below the representations in the application, the Town could shut the short-term rental use down for violation of the special use permit. Mr. Walburn acknowledged the promises that were being made and advised that Salamander intended to keep them; however, he also acknowledged that a successor may not. He advised that while they did not want that to happen, there was a process to address it.

Councilmember Jacobs inquired as to the relationship between the resort and the enrolled property owner. He questioned whether someone who wished to rent a short-term rental would call the resort or the property owner.

Mr. Little confirmed they would call the resort. He advised that this was where their qualifications would be checked and managed. Mr. Little explained that guests in the short-term rentals would be subject to the same conditions, restrictions, and management that the rest of the property had to comply with.

Councilmember Jacobs advised that it was comforting that the resort would play a role; however, he opined that during peak occupancy of the resort, it would be a temptation for Salamander to treat the short-term rentals as additional rooms. He noted that there was a concern by the town residents about the net effect of the short-term rental program on the character of the resort and on the town as a whole.

Mr. Little advised that any other occupancy would yield to the owner of the house and explained that the owner would let them know when they did not want to use the house.

Mr. Devadas advised that the majority of rental companies provided black outtings of dates, in which the rental company would tell the owner they could not come during those dates because it was peak week. He noted that they were one of the few programs that had no restrictions on what an owner could do and advised that they could come anytime they wanted.

Mayor Littleton noted that this could change at any time and suggested that future owners could change the dynamic. He further noted that Mr. Devadas' successor could feel this was a missed opportunity and push for more. Mr. Littleton opined that it was important to address that level of probability and noted that it was very concerning. He explained that the Council would be making a decision that would last for centuries.

Mr. Devadas expressed an understanding. He noted, however, that this applied to any residence for which a special use permit was granted and opined that Salamander was no different.

Councilmember Kirk noted that she served on the Council when Salamander was approved. She advised that one of the reasons the Council agreed to a one hundred sixty-eight room resort was because the houses were going to be occupied by families and would be integrated into the town. Ms. Kirk advised that the Council did not want temporary housing. She opined that this was understood and advised that it felt like Salamander was going back on that.

Mr. Devadas opined that he was not and advised that he would never want to mislead the Council. He opined that at the time, there were no discussions of short-term rentals. Mr. Devadas advised that they did not want to be treated any differently. He noted the individual who spoke during public comments regarding the potential number of rental properties and advised that no one would know what the future held. Mr. Devadas reiterated that there was no discussion years ago of short-term rentals. He advised that they built their homes for families and that they were being purchased primarily for the enjoyment and use of families. Mr. Devadas explained that some of the owners would like the opportunity to offset certain expenses. He advised that he had no intention of misleading the Council and opined that Salamander had proven over the years that they were not trying to expand the resort even though they could certainly successfully support an additional forty rooms. Mr. Devadas advised that this was not their intention. He explained that they were only representing the property owners who wanted to put their homes into a rental program in accordance with the ordinance.

Councilmember Kirk advised that the Council talked about giving the resort a greater number of rooms because they did not want the houses to be built to be rentals.

Mr. Devadas reiterated that there was no discussion of this when Salamander was approved. He questioned whether the Council was waiving any right in the future to have rentals. Mr. Devadas acknowledged what people may have thought at the time; however, he advised that Salamander was not trying to do anything different.

Councilmember Kirk opined that the Council did discuss that they did not want the houses to be rentals because they felt the hotel was big enough. She noted that Salamander said it would make money with one hundred sixty-eight rooms. Ms. Kirk questioned whether Salamander was using the ability to rent the houses as a way to sell them.

Mr. Devadas confirmed they were not. He advised that Sotheby's, their real estate representative, was explicitly told they were not allowed to speak to rentals in any way. Mr. Devadas noted that the owners were familiar with the opportunities related to rentals in the same manner as someone who purchased a home in the Ridgeview area. He advised that if anyone asked about the rental program, Sotheby's referred them to Salamander. Mr. Devadas noted that Salamander did not have a requirement that property owners rent their properties through them and advised that Salamander did tell them about the Town's ordinances and the need to observe them. He advised that Salamander was not trying to actively sign up property owners for their rental program.

Mayor Littleton questioned whether Salamander or any of its representatives in its current or previous dealings with potential buyers, ever pushed the rental program as a feature or aspect of buying the property.

Mr. Devadas advised that the previous agent knew he was not supposed to do that; however, he (Mr. Devadas) was not one hundred percent sure he never did it.

Councilmember Pearson opined that when Mr. Devadas was no longer with Salamander or there was a future owner of the Salamander Resort, they would not do everything right.

Mr. Devadas agreed this was a thoughtful point. He advised that Salamander had no plans to sell and opined that they have been a good community citizen. Mr. Devadas suggested that if something should happen one day, including that his successor did not follow the same commitment of meeting the standards or ordinance requirements, the Town had the ability to take away the right to the special use permit. He opined that if someone were to take over the operation of the Salamander Resort, it would be with the understanding that it was a five-star resort and would be operated at that level of quality. Mr. Devadas expressed an understanding of the fears and questioned whether fifteen years ago, anyone would have thought they would be dealing with short-term rentals.

Councilmember Curran questioned whether there would be any homes that would adjoin this one. She further questioned whether Salamander had any other short-term rental programs in any of their portfolios.

Mr. Devadas advised that Salamander did not currently have any properties that had residential short-term rental programs; although, he noted that they historically did have two, both of which were in Florida. He opined that the majority of the people who signed up with the resort did so because of the assurance it would be done right. Mr. Devadas noted that the most important thing for the property owner was that when they came to use their property, it would be well taken care of, which was the primary goal.

Councilmember Curran noted that Mr. Devadas had heard the community and residents' concerns. She questioned whether he had anything to offer as to how they would deal with the quality of life and peace concerns.

Mr. Devadas noted the concerns raised during the Planning Commission meeting. He opined that all of them were related to the Residences at Salamander and that none were voiced about the application on Washington Street. Mr. Devadas advised that Salamander was all about the ordinances and was thinking about safety and security in an effort to be good neighbors. He opined that they had a robust management of all aspects of a short-term rental from security to ensuring the Town would receive its tax revenues. Mr. Devadas offered to share the list of things that put them at the "top of the heap." He noted that they had a relationship of trust with the Town. Mr. Devadas advised that they were not perfect; however, if something happened or someone voiced a concern, they would look into it. Mr. Devadas advised that he looked forward to continuing the conversations to allay the concerns that people had about the unknown.

Mayor Littleton noted that he believed what Mr. Devadas was saying and trusted him; however, he did not know who Mr. Devadas' successor would be. He noted that the resort's assurances were great for today; however, they were non-existent in the future because he did not know the future. Mr. Littleton advised that he was concerned when the resort made assurances about "always" doing something and "always" being a five-star experience and noted that there were plenty of five-star resorts that no longer existed or that have downgraded. He advised that what the Council was being asked to approve was something that would last forever. Mr. Littleton questioned how Salamander would address this. He acknowledged that Salamander planned to update their application and provide additional information. Mr. Littleton advised that from a community perspective, it was not that he did not trust them today – it was that he did not trust the person he did not know tomorrow. He questioned how they would legally address this in their application, covenants or otherwise. Mr. Littleton noted the issue of the dwelling being used primarily as a residential use and opined that the general feeling of the community was that definitionally this lied with the person who owned the house. He further opined that it was not intended to be like a beach house that the owner went to for a couple of weeks a year and then allowed to sit empty for nine months. Mr. Littleton advised that the idea was that it really was something that was used primarily for residential purposes by the owners or a long-term renter. Mr. Littleton questioned whether Mr. Walburn's view was that if the permit was approved as submitted, the owner could basically allow it be rented as a short-term rental for one hundred eighty days and sit vacant for one hundred eighty-three days/year and that it would still meet the definition of "primarily used for residential purposes".

Mr. Walburn confirmed it was. He acknowledged that the Town ordinance required the dwelling to be used primarily for residential use; however, he opined that this term was not specifically defined. Mr. Walburn cited a federal court decision that dealt with this issue in which the courts said that a locality could not discriminate against someone who may be an out-of-state owner or discriminate against non-residents in favor of residents in a commercial activity. He noted that he would share the case. Mr. Walburn opined that the suggestion that "primarily residential use" meant that if it was not being rented out that the owner had to live there was legally incorrect.

Mayor Littleton noted that his question was not that the owner must primarily live there but rather was that the owner chose to have no occupancy. He questioned whether that met the definition and noted that clearly one hundred eighty days of use would be as a short-term rental. Mr. Littleton questioned whether Mr. Walburn was saying that if the owner chose to leave the dwelling empty, with no occupancy for the remaining period, it would meet the definition of primarily for residential use.

Mr. Walburn expressed his belief that it would legally meet the definition. He advised that this would not be the facts on the application and noted that none of the applicants intended for their properties to remain vacant.

Mayor Littleton noted the need to prepare for future property owners.

Mr. Walburn expressed an understanding of the hypothetical. He advised that he reviewed the Jay Street application for a special use permit for a short-term rental that was approved and opined that there was no representation that the owner would occupy it for a minimum period of time. He further opined that the staff found that he qualified under the definition and the short-term rental use was approved for one hundred eighty days. Mr. Walburn noted that that application, which was acceptable to the staff, was less than a full page and contained handwritten notations. He questioned whether pressure was applied to that applicant as to what would happen if the property was sold.

Mayor Littleton noted that in that case, the applicant voluntarily gave up his right for the permit to convey with the land.

Mr. Walburn opined that the issue of primarily residential use was not related to that. He advised that he planned to submit a legal position on what “residential use” meant and opined that it went to the occupancy permit. Mr. Walburn advised that this property was zoned residential and had an occupancy permit for residential use. He opined that non-residential uses were prohibited. Mr. Walburn advised that the applicant would not submit an application that said it would not be used.

SUP 24-02: Request for Special Use Permit for Short-Term Rental – 606 Martingale Ridge Drive – Alexander Perdikis

Deputy Town Manager Moore reported that this property was zoned R-3. He advised that while it was located within the smaller lot section, it well exceeded the minimum lot size standard. Mr. Moore noted that the home was in close proximity to existing homes and was in closer proximity than the home in the previously discussed application. He advised that this home also met the minimum separation requirements from the homes on either side. Mr. Moore advised that like the previous application, the staff was concerned about the lack of clarity regarding to the applicant’s intent to occupy the home primarily for residential use and expressed an understanding that the application would be appended before the next Council meeting. He advised Council that the ordinance contained a definition of “residential use,” which qualified it as one hundred eighty-three days of residential occupancy per year. Mr. Moore noted that during the Planning Commission’s public hearing, the applicant’s representative provided verbal clarity of the owner’s intent to occupy the home for two to three weeks per month and advised that if that came to fruition, it would meet and exceed the requirements. He noted the need to see the revised application materials so a better analysis could be provided. Mr. Moore advised that otherwise, the minimum standards were met. Mr. Moore reported that the applicant was seeking a permit for short-term rental use for the maximum of one hundred eighty days/year and reminded Council that this was the maximum that could be considered. He noted that conditions could be imposed to address potential impacts. Mr. Moore displayed an aerial map of the area and reiterated that the house was in fairly close proximity to the neighboring homes. He suggested that in the more dense areas where short-term rentals were being proposed, there was a greater likelihood for impact on neighboring properties, which was one of the main considerations when considering a special use permit application. Mr. Moore reminded Council that the property was located on the north side of Martingale Ridge Drive and was bordered by open space to the north and existing residences on the remaining three sides. He reported that the Planning Commission recommended approval of the application with the condition that the use be limited to ninety days/nights per calendar year.

John Walburn, an attorney from McGuire Woods, appeared before Council representing the application. He noted that many of the issues were the same as were discussed in the previous application. Mr. Walburn further noted the Planning Commission's recommendation that the short-term rental use be limited to ninety days/calendar year. He opined that it was implicit in the recommendation that the three elements subject to review were satisfied. Mr. Walburn advised that during the Planning Commission meeting, the Town Manager stated that while conditions could be imposed, there had to be grounds under the ordinance and a rational basis for them. He noted that this was not included in the Commission's recommendation or the staff's report. Mr. Walburn asked that the Council vote to allow this use for one hundred eighty days, as they believed the rationale was the same as for the previous application and the Jay Street application. He opined that no dangers to the public health or safety had been articulated that would allow for a shortening of the use. Mr. Walburn reiterated that much of the previous discussion was apropos to this one and acknowledged that they had not yet submitted written materials for this application. He advised that they intended to do so and would address the same issues.

Councilmember Kirk noted that these houses were much larger and almost went to the property lines. She questioned how someone renting them would not disturb others. Ms. Kirk inquired as to the size of the side yards.

Deputy Town Manager Moore advised that the minimum side yard required for this district was 7.5 feet; however, in this case, there was thirty-three feet of separation from the neighboring dwelling on one side and approximately thirty feet from the dwelling on the other side. He noted that the ordinance required a minimum of twenty-five feet of separation for short-term rental use.

Councilmember Curran questioned whether Mr. Perdakis attended the Planning Commission public hearing or any other meeting during which his application was discussed.

Mr. Walburn confirmed he had not and noted that Salamander was representing the application on his behalf.

Councilmember Curran opined that this spoke a little to the concerns expressed by the residents about people being a part of the community.

Councilmember Pearson noted that she had used Airbnbs and was respectful of the people in the community around her. She further noted that she lived next to the Stray Fox and could hear people entering and leaving and smoking during the night. Ms. Pearson opined that there were things related to short-term rentals that Middleburg had never dealt with before. She expressed hope that Salamander would keep their eyes open and take into consideration the things that could really upset the neighbors, such as the slamming of doors late at night. Ms. Pearson suggested that when people were on vacation, they were simply enjoying themselves.

Mr. Walburn expressed an understanding of this and noted that while Salamander was not perfect, they were in the business of addressing such things. He advised that they could not promise that this would not happen; however, there was a commitment to address it when it did.

SUP 24-03: Request for Special Use Permit for Short-Term Rental – 601 Martingale Ridge Drive –
Mary & Thomas Gillespie

Deputy Town Manager Moore reported that this property was located in the R-3 District. He noted that there was a strip of land to the east that provided further separation from the future home that would be built. Mr. Moore reported that the property exceeded the minimum separation requirements for the lot to the west. He noted that while there was an open space easement to the rear of the lot, the dwelling was in close proximity to the existing development on Stonewall Avenue. Mr. Moore advised that the applicant proposed an enhanced landscaping plan that they would implement and noted that this could be a condition of the special use permit in order to mitigate the impacts of being in closer proximity to an existing developed neighborhood. He reported that the Planning Commission recommended approval of the permit with the condition of a recommendation for a ninety-day cap on the number of nights for short-term rental use. Mr. Moore advised that the Commission discussed the reasoning for this, which was that relative to the first application which was in a larger lot section, this one was in closer proximity to existing and future residences. He reminded

Council that one of the things they looked at when considering a special use permit application was the impacts on neighboring properties. Mr. Moore reiterated that the Planning Commission recommended approval with a cap of ninety days. He reported that in the case of this application, the applicants had been present for all the Commission meetings and engaged regularly with the Town staff. Mr. Moore advised that when the application was first received, it lacked clarity on whether the primarily residential occupancy requirement, as defined in the ordinance, would be met, and noted that after some engagement, they revised the materials to provide additional clarity. He advised that if they followed what was stated in their application, it would meet the threshold for being used primarily for residential use as defined. Mr. Moore reported that these applicants would use a different management entity – Loudoun Stay – and noted that this company was located within a twenty-five-mile radius as required under the ordinance.

Mayor Littleton noted that a filing was received earlier in the day from McGuire Woods. He asked the Town Attorney to address any points raised in it.

Town Attorney Crim noted that the action by the Council to approve or disapprove a special use permit or to impose conditions on the approval was a legislative act. He advised that there were consequences of any review of Council's action by a court system. Mr. Crim explained that although the position statement looked like a pleading, the Town was in a legislation action at this time, not a judicial one. He advised Council that there was no entitlement to a special use permit just because an applicant met the minimum criteria. Mr. Crim explained that if the Council chose to deny a permit application, it would have to articulate somewhere in the record a legitimate basis for doing so and noted that this was a low threshold to meet. He advised that regardless of what the brief said, the Council was under no obligation to grant approval or to grant approval under the same conditions as any other special use permit that had been granted for a property that was distinguishable. Mr. Crim noted the example cited by Mr. Walburn and advised that it was a much smaller property, with only one bedroom that allowed for the occupancy of two individuals, and advised that it was a very different situation than what was being discussed.

In response to an inquiry from the Council, Deputy Town Manager Moore confirmed the applicants attended all the meetings during which their application was discussed. He noted that Mrs. Gillespie was present.

Mary Gillespie, one of the applicants, advised that they lived in Great Falls; however, they spent a lot of time in Middleburg. She reviewed the history of their acquisition of the property in the Residences at Salamander. Mrs. Gillespie advised that they needed to defray some of the costs of ownership until they moved to Middleburg full-time, which would be in a couple of years when their son went to college. She noted that this was not a commercial enterprise for them and was only intended to defray their costs until they moved into the area. Mrs. Gillespie advised that family and friends would be staying there. She asked that they be granted approval for short-term rental use. Mrs. Gillespie reported that they invested in additional parking on the property. She expressed an understanding of the impact of this use on the neighbors and advised that this was one of the reasons they chose the largest lot in their section of the subdivision. Mrs. Gillespie noted that they were beholden to their homeowners association, even if Salamander sold the resort. She reiterated that they invested in additional parking to make sure there was enough for them and their guests. Mrs. Gillespie advised that they selected Loudoun Stay as the rental management entity. She noted that Salamander had been supportive of them partnering with a different entity and opined that they had done their due diligence and understood that they were a concierge level company. Mrs. Gillespie advised that representatives from Loudoun Stay had attended all the meetings regarding their application and were present now. She noted that she already had people that had children in the Foxcroft School who wanted to rent from her and advised that Loudoun Stay was catering to people who were already attached to the community to some degree. Mrs. Gillespie reminded Council that they voluntarily agreed to give up the special use permit if their property was conveyed to another owner in order to show this was not a business for them. She acknowledged the Council's concerns regarding Salamander serving as the management entity. Mrs. Gillespie advised that she could not imagine any of the homeowners partnering with a rental company that did not provide the same level of services as Salamander. She noted that the HOA restrictions prohibited the use of Vrbo or Airbnb. Mrs. Gillespie advised that if they wanted to use an entity other than Salamander, under the HOA restrictions, it needed to be someone at the same level as Salamander. She noted that Loudoun Stay would greet each guest.

Mayor Littleton thanked Mrs. Gillespie for appearing in person and noted that it made a big difference. He further noted that offering to let the special use permit expire upon the sale of the property was also helpful. Mr. Littleton opined that it would be good for the Council to see and understand the covenants of the subdivision.

Councilmember Curran noted that the application included letters of support. She inquired as to what they were supporting. Ms. Curran questioned whether they were supporting the fact that they did not mind short-term rentals or that they believed the Gillespie's would maintain community.

Mrs. Gillespie advised that she could ask them to be more specific.

Mayor Littleton suggested it would be good to know whether they supported short-term rentals in general or only the Gillespie's application.

Mrs. Gillespie advised that she asked them to support the other two applications in their neighborhood as well.

Councilmember Kirk noted that Mrs. Gillespie mentioned that friends would be staying in her house this weekend. She questioned whether they were just staying there, to which Mrs. Gillespie confirmed she was not charging them.

Mrs. Gillespie asked that the Council vote on their application following the public hearing on April 25th and advised that this would be helpful to them.

Mayor Littleton noted that the Town had deadlines for the publication of its agendas. He suggested that if the applicants did not have their revised applications available by the deadline, they could either pull the application if they wanted the additional materials to be considered or they could leave the applications on the agenda for the April 25th meeting and they would be considered without their additional materials. Mr. Littleton noted the need for the public to review everything. He suggested Mr. Walburn and the applicants get together with the Town Manager and Deputy Town Manager to determine a date/time by which any revisions would be submitted if they wished them to be considered during the April 25th meeting.

Mrs. Gillespie advised that although they were asking for approval for short-term rental use for one hundred eighty days, she did not imagine she wanted that much wear and tear on her house. She further advised that they did not feel that ninety days was fair and asked that they be considered for one hundred eighty days. Mrs. Gillespie opined that they would probably max the number of days out at one hundred twenty.

In response to an inquiry from the Council as to whether the Gillespie's bought their property specifically to rent it out, Mrs. Gillespie advised that they bought it to move here. She noted that as a realtor, she knew the interest rates and price of the home would be going up eventually, so they decided to get in now. Mrs. Gillespie advised that in the long term, they knew they could not use it now and expressed hope to defray some of their costs through a rental arrangement.

SUP 24-04: Request for Special Use Permit for Short-Term Rental – 700 W. Washington Street – Doree Goodman

Deputy Town Manager Moore reported that the property was located on the northwest corner of the intersection of West Washington and Locust Streets and was in the R-2 District, which was one of the Town's older existing residential districts. He reminded Council of the Comprehensive Plan language that stated the need to be mindful of the potential impacts of transient uses on the older residential neighborhoods. Mr. Moore reported that the property was bordered on three sides by residences, with the one to the north being under construction. He further reported that the property to the south was zoned AC and consisted of agricultural land with a home. Mr. Moore advised that the dwelling would be primarily used for residential purposes. He explained that the owner was a flight attendant who wished to rent her one and only home out during the eighty-seven days when she traveled for work in order to generate additional income. Mr. Moore reported that the applicant planned to use Airbnb as her booking authority and to use a designated local resident as the management company. He noted that Airbnb would remit the collected taxes directly to the locality. Mr. Moore advised that in this case, the applicant would have to obtain a business license and would be responsible for giving the Town an accounting so it could justify it against the checks received from Airbnb. He reported that the property was in

close proximity to some of the neighboring ones; however, there was sufficient buffering. Mr. Moore noted that Locust Street intervened between this property and the ones to the east and west. He further noted the driveway between this property and the neighboring one, which separated the two. Mr. Moore reported that the Planning Commission recommended approval of the application, with a cap of ninety days on the short-term rental use. He further reported that the applicant voluntarily offered to terminate the special use permit if there was a transfer of the ownership of the property. In response to an inquiry from the Council, he advised that the property owner would be responsible for getting a business license. Mr. Moore noted that this could be subjugated through the representative.

Doree Goodman, the applicant, advised Council that she would relinquish her rights to sell the special use permit with the house. She further advised that she would only do ninety days a year and explained that the short-term rental use was just to help supplement the cost of the home. Ms. Goodman noted that she loved the town and her house, which she had owned for over two years. She advised that she did a lot of due diligence before submitting her application. Ms. Goodman expressed appreciation that the Council would consider the applications separately and advised that she would follow the regulations regarding the use.

Councilmember Jacobs expressed concern about the management component of the application. He questioned what steps would be taken if noise or other nuisance issues arose from the short-term rental and Ms. Goodman was in flight status at the time.

Ms. Goodman advised that she had communications while on the ground or in the air and noted that was important to her job. She advised that it never stopped and reiterated that she had complete communication. Ms. Goodman explained that the airplanes were equipped with the highest technology available for satellite and internet services. She advised that Linda McKenna would be the first person that people would call if there was an issue.

Linda McKenna, the applicant's property manager, advised that if there was a maintenance issue, she and her husband would handle it. She further advised that she and her husband would be the first point of contact with the guests when Ms. Goodman was in the air. Ms. McKenna noted that Ms. Goodman would also be notified of any issues that they were responsible for managing. In response to an inquiry from the Council, she confirmed she would let people into the property and remind them of the rules. Ms. McKenna noted that she would be the person the police would speak with if there was an issue.

In response to an inquiry from the Council, Ms. Goodman advised that every single one of her neighbors were in full support of her application. She noted that she had spoken with each of them to ask if they would provide letters if needed. Ms. Goodman advised that one of her neighbors was at the Planning Commission meeting in case she needed to speak. She reported that her neighbors to the left and right have said "they're great."

In response to inquiries from the Council about the ninety-day cap, Ms. Goodman advised that she was only going to rent it for ninety days anyway. She further advised that it was a three-bedroom house and would have a maximum of six guests. Ms. Goodman noted that she had four parking spaces, including one on-street parking space.

Councilmember Pearson opined that eight people was a lot for this house and noted the number of cars this would entail. She advised Ms. Goodman that the Council had the same concerns about her application as it did with the others, those being noise and possible disturbances.

In response to an inquiry from Council as to why she selected Airbnb, Ms. Goodman advised that she had friends and a co-worker who used Airbnb with great success. She noted that they also had great insurance coverage.

Mayor Littleton thanked the applicants for attending the meeting. He reminded the public that the public hearings for these applications would be held on April 25th. Mr. Littleton noted that normally, the meetings began at 6:00 p.m.; however, due to a scheduling conflict with an event in town, it would not begin until 7:00 p.m. that evening.

Follow-Up to Council's Strategic Planning Retreat

Town Manager Davis reported that the Council had a very successful Strategic Planning Retreat. He advised that draft minutes have been received from the facilitator and noted that they were forwarded to the Town Clerk and Deputy Town Manager for their review, following which they would be forwarded to the Council. Mr. Davis noted that there were positive discussions regarding the direction of some potential projects related to strategic initiatives for the next two years. He advised that he would work with the Mayor and Vice Mayor to make sure those were represented correctly and would get them to the Council during their May 9th meeting for adoption.

Proposed FY '25 Utilities Fund Budget & Capital Budget

Town Manager Davis reminded Council that a 3% increase in the water and sewer rates had been built into the proposed budget, which was based on the recommendations of the rate consultants and financial advisors. He noted the need to keep up with inflationary costs and to avoid significant rate increases in any given year. Mr. Davis advised that the staff continued to watch consumption trends and noted that they varied by year, depending on tourism and other trends. He reported that the Town may exceed projected revenues in the current fiscal year; however, he was hesitant to budget a number beyond the 3% increase for FY '25. Mr. Davis advised that the only other significant revenue increase was in the interest revenues, which was projected to increase by \$59,000.

Town Manager Davis advised that from the expenditure side of the budget, administration costs were relatively flat, with some line items increasing and others decreasing. He reported that as to the utility operating costs, which included operations and maintenance, the staff continued to watch the cost of chemicals. Mr. Davis advised that he was proposing a 25% decrease in those costs for FY '25 based on ongoing use patterns. He reminded Council that one of the challenges had been to keep the equipment replaced and maintained and reported that maintenance costs continued to increase. Mr. Davis noted that this could involve anything from a pump that needed to be replaced to line repairs, such as a water main break. He noted that those costs could vary depending on the item. Mr. Davis advised that water main breaks could be challenging, as it was difficult to be proactive in that area. He noted that the staff was continuing to make sure funding was appropriately placed and was watching the increases that were occurring due to changes in operations. Mr. Davis reported that the Town was seeing some increase in its sludge and noted that the cost for hauling it to another facility that was willing to accept it for processing was standard.

Town Manager Davis noted the cash transfer from the Utility Fund to the CIP Fund, which was proposed at \$355,000 in FY '25. He advised that it would be used for three primary purposes – the water main infrastructure, general water system improvements and sewer system improvements. He reminded Council that the Town was experiencing water main breaks, particularly in the Ridgeview area, as those lines have not been updated. Mr. Davis advised that the cost of replacement was fairly sizable and noted that the staff was trying to set aside funding so it could occur over time. He noted that the \$20,000 in proposed funding for general water improvements was just a holding fund in the event the Town experienced a sizable break. Mr. Davis advised that \$85,000 was included so the Town could be more proactive with regard to sewer system work. He proposed that IES begin a proactive video inspection program for the sewer system, with the entire system being viewed over a five-year period. Mr. Davis explained that the approach would be two-fold – find any issue before it became critical and address it before it became an emergency. He advised that IES was working to procure video capabilities and noted that the staff would look at such services either through IES or a third party. Mr. Davis reminded Council of the discussions to develop an asset management system based on GIS data and advised that any videos of the sewer system could be added to that system, which would allow the Town to pull up all data on the assets at a certain location. He noted that the more data that was available, the more effective the Town could be in the field.

Town Manager Davis advised Council that the Utilities Fund continued to be self-sustaining, which was important. He further advised that it was healthy and noted that the Town tried to be very careful in its approach to spending money. Mr. Davis noted the need to spend money for repairs and upgrades. He expressed appreciation for the Council's investment in the system and expressed hope to continue to make progress on the issues the system faced.

Councilmember Kirk asked that the CIP report be updated and distributed to the Council.

INFORMATION ITEMS

Christmas in Middleburg

Vice Mayor Bernard reported that he attended his first Christmas in Middleburg meeting as the Council's representative. He further reported that the Middleburg Business & Professional Association (MBPA), Christmas in Middleburg Committee, and Town discussed a new draft of the Memorandum of Understanding, which would be presented to the Council soon. Mr. Bernard noted that in addition to addressing responsibilities, it would include language on parking, which was one of the biggest hurdles of the event. He opined that everyone agreed the parades were the right size or could be smaller and more community focused and noted that the question was how operations could be tightened with regard to safety, parking and the things that enhanced the experience for people who attended.

General Assembly Legislative Update

Town Manager Davis reported that the Governor made two amendments to SB 544 related to short-term rentals and advised that the bill would now return to the Senate for review of the changes. He advised that they did not help the Town's position, as they further emphasized limitations on the Town's ability to make further amendments to its short-term rental ordinance. Mr. Davis noted that the Town staff was working with the Virginia Municipal League to ensure the bill was not signed by the Governor, but was sent back with amendments.

Town Manager Davis reported that the Governor made two significant amendments to HB 1071 related to speed limit reductions. He explained that the first would require re-enactment of the bill by the General Assembly during the next session and the second would require that VDOT (Virginia Department of Transportation) perform a full study of the potential impacts and effects of this legislation.

Closed Session

Councilmember Jacobs moved, seconded by Vice Mayor Bernard, that Council go into closed session as authorized under Section 2.2-3711 of the Code of Virginia, for consultation with legal counsel employed by the public body regarding specific legal matters requiring the legal advice of such counsel related to (1) the Town Hall Project contract and (2) zoning matters, both as allowed under Subsection (A)(8). Councilmember Jacobs further moved, seconded by Vice Mayor Bernard, that the Council thereafter reconvene in open session for action as appropriate.

Vote: Yes – Councilmembers Bernard, Curran, Jacobs, Kirk, and Pearson

No – N/A

Abstain: N/A

Absent: Councilmembers Daly and Leonard-Morgan

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

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.

There being no further business, Mayor Littleton declared the meeting adjourned at 9:24 p.m.

APPROVED:

Trowbridge M. Littleton, MAYOR

ATTEST:

Rhonda S. North, MMC, Town Clerk

April 11, 2024 Middleburg Town Council Meeting

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

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

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

Bridge Littleton: Next item is the roll call.

Bud Jacobs: Bud Jacobs.

Darlene Kirk: Darlene Kirk.

Bridge Littleton: Bridge Littleton.

Chris Bernard: Chris Bernard.

Cindy Pearson: Cindy Pearson.

Pam Curran: Pam Curran.

Rhonda North: Rhonda North, Town Clerk.

Danny Davis: Danny Davis, Town Manager.

Martin Crim: Martin Crim, Town Attorney.

Bridge Littleton: Great. All right. Next item is public comment. Any member of the community would like to address the Town Council on any item. You may do so by approaching the dais. You would have three minutes. Give your name, address, and the floor is yours. So. Gary.

Gary Nickelson: [off mic] One of these days I'll actually sign up.

Bridge Littleton: It's Gary Coleman. [laughter]

Bridge Littleton: Gary.

Gary Nickelson: Mayor, Town Council Members. My name is Gary Nickelson. I'm the Commander of the Middleburg American Legion 111 the Plains Road right here in town. It's been a few months, so I just want to come in and give you a quick update. So, back in March, if you remember, our oratorical contest winner, Miss Hosseini from Freedom High School, she end up winning the district competition, the regional competition, and then competed at the department or the state level competition and ended up taking second place. So great job for her and for us for running that the first time in many years. Then we leveraged that. So just a few weeks ago, we had our boys and girls state interviews, and we had over 60 applicants from six high schools here in Loudoun, Fauquier County. So, we brought in 19 girls and 14 boys and ran them through the gamut. And we're able to select ten boys and six girls. And that's only because we were only given that limited number of slots. So, thanks again to one [inaudible] you for and the community for coming up with all those donations, because everything is self-funded by the community itself. A great program. And, you know, I say we do it for

the children, but some of our members, you know, retired. So, they came to me, and they were even more excited about the program because these kids, they came prepared. They came excited. Civics, they just knew their civics. Very patriotic. And my members were saying to me that they loved it because they felt re-energized. Just seeing that the youth and how energetic they are about this program. So, it kind of goes both ways. And then I want to talk a little bit about baseball you may have seen on social media through uncensored or the Blue Ridge Leader that there's been some letters to the editor for us saying out that we're trying to get a team this year. A couple again once the community saw back in May, we raised \$10,000 from the community. And it's a stretch goal for us. We're trying to get a team. We've basically started from scratch. But we did hear back from Loudoun County Parks and Rec that they are going forward with cricket this year for the season. So that leaves us without a place to play. So, if you can help bend their arm and give us our field back. And all we're asking for is our baseball field that used to be out there. But you know, regardless, we're still going to go forward with that. We'll play where we can, and then maybe next year we can get back to the park. So please help us along with that. But thanks again for everything that you do and help support us coming into May is Memorial Day weekend. So, you'll see us out there [inaudible] the other stores selling [inaudible] and pushing out and continue to make a good force and change in the community. So, thanks once again. Yeah. [applause]

Bridge Littleton: Gary, thanks. And I will call Steve Torpy tomorrow.

Gary Nickelson: Thank you.

Bridge Littleton: Okay. Would anybody else care to address Town Council?

Michael Rocconi: Yes, sir. My name is Michael Rocconi. I live at 105 Sycamore Street. In the section on short term rentals within our comprehensive plan, the author's issue a warning against allowing a saturation of short-term rentals within any new development, noting that allowing such a saturation could be contrary to the character of the town. The only new development I know of is the Salamander Residences. So, our comprehensive plan seems to advise us to prevent a saturation of short-term rentals within the Salamander neighborhood. The question then becomes what is the plan of action for achieving that goal? Currently, as I understand it, about 30% of the Salamander residents have applied for short term rental authority. If that rate continues, that will mean that 15 of the 49 planned Salamander homes could be short term rentals. In contrast to this, less than 1% of Ridgeview homeowners have applied for short term rental authority. Although the Ridgeview R-2 residential district continues to be the target of additional homeowner restrictions. With our comprehensive plan clearly in mind, our Planning Commission unanimously recommended a 90-day annual cap on the majority of short-term rental applications that they recommended for approval at their last meeting. 90 days a year is a reasonable compromise that I think is appropriate for the Salamander neighborhood, as well as for the Ridgeview R-2 neighborhood. That level of days will offer a reasonable amount of short-term rental income, while also limiting the impact upon the neighborhoods. I hope the Council will adhere to our comprehensive plan, heed the Planning Commission's unanimous recommendations. And institute a 90-day annual cap for all qualifying applicants now and in the future. Lastly, but most importantly I suggest that you never approve any short-term rental application unless the applicant agrees to let the special use permit end when the subject property changes hands. Issuing permanent short term rental authority would be a huge mistake. What will happen to the resale value of homes when real estate listings start advertising in bold print that this home has been permanently approved for short term rental income. Thank you. Thank you.

Bridge Littleton: Thank you very much. Would anybody else wish to speak for public comment? Going once, going twice. [off mic] All right. We will close the public comment. Next item is a public hearing related action on EV charging lease agreement. Before we open the public hearing, I would like to ask if there was anybody else in the room who would like to submit a bid for this opportunity. Okay as we see none. Let me see who was the author of the memo?

Danny Davis: That's me, Mr. Mayor.

Bridge Littleton: All right, Danny if you want to give us a quick overview, that'd be great.

Danny Davis: Very quickly. Thank you, Mr. Mayor. And Council Members, as you know, we've been attempting to partner with a firm to provide level two electric vehicle charging throughout the town. We've identified two key spots

that we'd like to approach for this one being the Liberty Street parking lot, as well as some on street parking on West Federal Street likely just on the other side of the sidewalk from the Methodist church parking lot. We attempted to work with a couple other firms and things just did not pan out. So, we found another firm that has worked with the Town of Ashland, City of Martinsville and some other areas here in the Commonwealth. And we have hopes that they'll be responsive and be able to make progress once a lease and an agreement is entered into. So, what you have before you is request for an agreement with Greenspot, perhaps the one change from what we had seen in prior submissions. This is for a 15-year lease, so it is a longer lease than we had seen in prior requests, with the potential of an additional five-year extension at the end. So, a total of potentially five years or 20 years for this agreement. All of the costs, all of the stations, the infrastructure would be borne by Greenspot the entity we're working with, the town would receive minimal revenue. But in our opinion, it's not about revenue making or generation for the town. It's about providing a service for the community and having it available. So that is the proposal that we have in hand. And before you, I'm happy to answer any questions you might have and look forward to moving forward if possible.

Bridge Littleton: Any questions for Danny? Bud.

Bud Jacobs: Danny, do you have a back of the envelope estimate of what this entire contract is worth or might be worth?

Danny Davis: I really don't know, sir. I can get that information if it's important, or I can track it down and provide it later after.

Bud Jacobs: In my case, it's more curiosity, I think.

Danny Davis: Sure thing.

Bridge Littleton: Yes, Cindy.

Cindy Pearson: For the amount of parking spaces that they is this what they suggest or what we suggest?

Danny Davis: It was our suggestion, and this is kind of the approach we've taken for the last few years as we've been looking at this. They felt that it was appropriate and an appropriate amount. We can always adjust if they come back and potentially say that the four are not being utilized and maybe we just dial it back to two, or if there are more spaces needed, we could come back to Council with potential amendments to the lease for additional spots. But we felt in developing this out that there's an importance to having enough critical mass where if you have only four spots and they're all taken constantly, then it creates a negative situation. And hopefully this works out.

Cindy Pearson: Thank you.

Bridge Littleton: So, if we need to make a future modification, is that a bilateral or unilateral modification?

Danny Davis: It would be a mutual.

Bridge Littleton: So, they'd have to agree to it?

Danny Davis: Yes.

Bridge Littleton: So, it's not just simply a matter of coming back to Council, it's a matter of them agreeing to the change as well.

Danny Davis: That's correct.

Bridge Littleton: Okay. All right. Any other questions on this item that we've been working on for seven years? No, it's been a wild ride for EV charging. Okay.

Cindy Pearson: Is Peter going to call in to make this? [multiple speakers]

Bridge Littleton: Yeah. We should have him. All right. With that, if there's no other questions, I will open the public. Yeah. Yep. Yeah. No, I will open the public hearing. Anybody wishes to speak on the contract for the EV charging. You may address Council if you so choose. Gary. Okay. [off mic] Smart man. Okay. We will close the public hearing. And unless there's any other questions from Council, would someone like to make a motion?

Cindy Pearson: Sure.

Bridge Littleton: Cindy.

Cindy Pearson: Yes. For now [off mic], I move the Council, adopt an ordinance authorizing award of bid for leasing town property for electric vehicle charging stations and associated facilities on town owned property to Greenspot GC, LLC. Approving the agreement for a maximum term not to exceed 20 years.

Chris Bernard: Second.

Bridge Littleton: Any other discussion. Rhonda, do we have to do roll call on this?

Rhonda North: Yes, sir.

Bridge Littleton: Call the roll.

Rhonda North: Vice Mayor Bernard.

Chris Bernard: Aye.

Rhonda North: Council Member Curran.

Pam Curran: Aye.

Rhonda North: Council Member Jacobs.

Bud Jacobs: Aye.

Rhonda North: Council Member Kirk.

Darlene Kirk: Aye.

Rhonda North: Council Member Pearson.

Cindy Pearson: Aye.

Bridge Littleton: Okay. Next item is staff reports. Miss North, you're up.

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

Bridge Littleton: Or does it say mahalo?

Rhonda North: Mahalo. So, as you all know, we had an RFP out for community engagement services on the Asbury Church. Five proposals were received, and the review committee is in the process of reviewing those. We will be meeting in the morning hopefully ranking them and determining who to bring in for an interview. Ultimately, the goal is

to have a contract that will bring forward to the Council so we can begin that community engagement process. I'm starting to work on invitations to get the invitations out for the ribbon cutting ceremony for the town hall that will be held just prior to Middleburg Day. So, if you do have anyone you would like to receive an invitation, please let me know. And other than that, pretty much just catching up from my time off last week.

Bridge Littleton: Any questions for Rhonda?

Bud Jacobs: How was Hawaii?

Rhonda North: Hawaii was beautiful.

Bridge Littleton: Okay. Next up is, where's Ali?

Ali MacIntyre: Sorry in advance. I lost my voice wasn't yelling at anybody, I promise. So, you guys have my report? Just wanted to make a few notes. First of all, I think the April 23rd the fire marshal will be hosting a little actually, Danny can you help me out?

Danny Davis: Sure thing. A community forum to talk with property owners and business owners about fire safety and their places of business. And it will be held here 6 p.m. on April 23rd. So, we really encourage any of the specifically business owners, landlords, property owners to attend that because the fire marshal will be doing door to door inspections beginning the week of April 29th. And that's really just, again, a safety issue for our community and our visitors. And I'm happy to cover anything else if your voice gives out.

Ali MacIntyre: Yeah. That's good. We'll be working with MBPA to get that information out as well. Additionally, just planning for all the events happening in May, Farmer's Market, Art in the Burg, and of course Middleburg Day. So, if you don't see me, it's because I'm working on those events. You should be receiving your invitations for Middleburg Day early next week. I think we ended up. Sorry. Sending out about we'll be sending out about 550 to all the residents here in town. And we've worked out RSVP. Wow, that's loud. RSVP's as well and those are due on May 8th, so if everybody can get those in that'd be super great. Any questions?

Bridge Littleton: Any questions for Ali? [off mic] No. Yeah. [laughter] Hey, Ali. I'll do this to you [inaudible]. No. We're good. You can have a seat. Thanks. One thing I wanted to mention real quickly. Ali just reminded me about it made me think of it with the note about the fire marshal. Danny, this is in relation to that information I sent you about the class action lawsuit against Visa. I think it was. So, we're going to send us out to all the businesses. A friend of mine works at a law firm who's representing a class of litigants. Apparently, Visa was overcharging people on transaction fees from 2003 to 2019. I believe it what it was and there is a multi-billion-dollar fund. And if you know, if a business owner can, you know, you have to enter the class if the business owner can provide the information, even if they're no longer in business, they can get reimbursed for those excess fees. And in some businesses, it's like millions of dollars. So, I am not advocating for one law firm or the other. There's multiple firms representing people do this, but the close off period is like May 30th. If you don't get your information in, you're not eligible to get the payout. So, we will send it out to everybody. But I just want to make, you know, folks aware of it. Okay. Next up is Chief Jones.

Shaun Jones: Good evening. Just a couple things. You have my report for you. Do you have any questions?

Bridge Littleton: Any questions for Shaun?

Shaun Jones: I just have two quick things. Number one is on April the 27th at 8:00 a.m., we will have our Annual Town Cleanup. We'll be meeting here at the town hall immediately following that. It's going to be 10 a.m. to 2 p.m. is our drug take back event. We're partnering with other law enforcement agencies to conduct that event. We're also partnering with Atlantic Union Bank to host a Shred Fest here at Town Hall as well, so you can drop off your unused unwanted medications and shred documents you no longer need. It's a two-box minimum. And then the staff is currently just preparing for all of the upcoming events we have. Any questions?

Bridge Littleton: Quick question on the Town Cleanup.

Shaun Jones: Yes.

Bridge Littleton: It's starting at eight, where again?

Shaun Jones: Eight here. It's going to start here.

Bridge Littleton: Town hall.

Shaun Jones: Yes, sir.

Bridge Littleton: Okay. And then from town hall we're going to dispatch.

Shaun Jones: Yes, sir.

Bridge Littleton: Okay, great. Thanks.

Cindy Pearson: In that dispatch, are you going to dispatch them up to Arbor Day and join in on that for just a few minutes at the community center?

Shaun Jones: If I have the information, the exact times, I will definitely.

Bridge Littleton: 8:30.

Cindy Pearson: No 9:00.

Bridge Littleton: Are you sure?

Cindy Pearson: Yes.

Bridge Littleton: Because Punkin told me 8:30. We'll double check.

Shaun Jones: I'll double check and get the times. And I will advise the participants on Arbor Day events.

Bridge Littleton: Great.

Cindy Pearson: Okay.

Bridge Littleton: Pam.

Pam Curran: I just wanted to make a comment that the number of trainings that you and all the officers have been attending is really great. I mean, in addition to everything else you do, I mean, the number of trainings they're all going through, I was really surprised you had time to do that, but I thought it was just outstanding.

Shaun Jones: Thank you. When they get some downtime, I encourage them to attend webinars or any type of online training that we can to help benefit us.

Pam Curran: Yeah. No, you're doing a great job.

Shaun Jones: Thank you.

Bridge Littleton: Downtime. What's that? Any questions for Shaun? All right. Thank you. All right. Next up is Mr. Moore.

Will Moore: Thank you, Mr. Mayor. You have my report. I just want to highlight in there. And I think it's worth highlighting my personal thanks, as well as just the town's thanks in general to Martha Mason Semmes for filling in when I was out for an extended period. She did a wonderful job. You'll see a laundry list of zoning permits that were issued during this period. The majority that she handled so it was invaluable having an experienced person to step in during that time. On a personal note, my thanks to Mayor and Council, the staff the community as a whole so many people reached out during my absence, and it meant a lot to me. So, thank you for that. Happy to answer any questions you have on the report.

Bridge Littleton: Any questions for Will? Well, I think we're good at the moment.

Will Moore: Thank you.

Bridge Littleton: Thanks. All right. Next. Miss North. But it will be nice when this is no longer an action item on the.

Rhonda North: You're telling me. [laughter] Okay. Well as far as phase two of the town hall project is concerned as you probably have noticed and driven over, they do have the final coat of asphalt down. Did the road markings earlier this week. And the plantings are mostly in. There's still a few things that are missing. We still have some work to do on phase two. Some trim painting things of that nature. As far as phase one is concerned, Boland Train was in earlier in the week working on the HVAC system. We had some programming changes. Hopefully that system is going to work much better now. Other than that, not much else has occurred with regard to the project.

Bridge Littleton: Any questions for Rhonda? Pam.

Pam Curran: And this may not be for Rhonda, but I'm going to ask her anyway. The drop off box for after hours. I've had some older people like myself actually, that have asked about whether or not there was a parking space that could be designated closer to that drop off, because I think there's a fire lane right there. And they. You know what I'm talking about.

Rhonda North: Yes. So unfortunately, that is the fire lane, so we cannot put a parking space in that fire lane. No, I just I wasn't sure if there was any place we could put one closer for them. Unfortunately, you know, this side of the building is as close as we can get them. Okay. All right. Thank you.

Bridge Littleton: Any questions for Rhonda? Okay. Any reports of town committees? All right. Consent agenda. Would anyone like anything removed from the consent agenda? All right. Would someone like to make a motion on the consent agenda?

Bud Jacobs: I move that Council approve the consent agenda as presented.

Cindy Pearson: Second.

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

All of Council: Aye.

Bridge Littleton: Opposed? Abstentions? Okay. Excuse me. Next action or next item is VML policy committees. And let me pull this up real quickly. Miss North.

Rhonda North: So, thank you, Mr. Mayor. Each year the Council does appoint members of the Town Council to serve on the five VML policy committees that exist. Those consist of community and economic development, finance, general laws, human development and education, and then finally infrastructure, transportation and environmental quality. You

do have the list of members who have served in the past. Former Council Member Miller served on the community and economic development policy. So, if you do wish for the others to remain in place, you will need to appoint someone to at least fill that committee. And I understand the Mayor has been asked to Chair the Finance Committee.

Bridge Littleton: Oh, yeah. Nothing but fun. I do it for the money. [laughter] All right, so quick question. Philip was doing economic and community development. And I will check back in with Kevin on if he wants to continue to represent human development. But is and we've got you know; Pam is a new Member of Council. Does anybody want to change a committee? I mean, like, Chris, I was thinking is did you want to do economic development? And Pam, would you be interested in infrastructure or are you happy doing what you're doing or? [off mic] That'd be great, if you don't mind. And it would be great if someone was willing to do infrastructure, transportation, environmental quality. So, it's two meetings a year. So yeah. So, Pam, do you mind? That'd be great. Okay. And Mr. Jacobs, you're still you're okay with general laws?

Bud Jacobs: General laws.

Bridge Littleton: Yep. And then that covers that one. And I will check in with Kevin. Kevin on human development. Human development. Okay. And yes, I was asked to Chair the Finance Committee, and, I guess I will say yes. [off mic] Yeah. Okay. Let's see here. Any other action items? Nope. Okay. The next items we have up are discussion items. And these are for the. Excuse me? Special use permits or applications? I should say for short term rentals. This is not a public hearing tonight. This is not a vote or a decision on any of the applications. It's really just an informational discussion item. So, because there are literally four coming all at once, and we've only ever had one other application we felt it was a good idea to ask the applicants to come in, give them each five minutes per application, to give us a presentation on their thoughts and what their plans are. Council may have questions. I know, I've got some questions. And really, again, this is a discussion item. This is not intended to be dispositive or to make a decision. We will have the public hearing on the 25th. But as I mentioned in the last meeting, if Council, based on public feedback or input or any other information that comes along now or later or whenever does not feel inclined to vote on the 25th, we'll push the vote. And we'll have to have another public hearing and do notice and all that kind of stuff. But it's very important that we get this right. And there's a lot of detail here. I mean, special use permits have their own laws. The ordinances are specific. So again, we want to make sure we take our time and are very thoughtful about it. At a high level before we turn it over to the applicants, I've asked Mr. Moore just to level set sort of for Council, but also for the community. What is special use permit is how the ordinances work, what the process looks like, you know, not really down to the weeds, but just understanding what the steps are, rules of the road. You know what it means, what it doesn't mean and stuff like that. So, Mr. Moore, the floor is yours.

Will Moore: Thank you, Mr. Mayor. So, thank you. It's important to understand the special use verses of permitted or a matter of right-by-right use of some referred to them. So, our ordinance as do most typical zoning ordinance, identify uses in our various districts as either permitted uses. Those are the matter of right uses that you have a right to do or subject to meeting all ordinance requirements and special exception uses. Those are uses that may be allowed in a district subject to securing a special use permit. Special exception uses are considered to have potentially greater impact on neighboring properties and or the general public than those permitted as a matter of right, and those potential impacts warrant a case-by-case review of the applications to include possible imposition of conditions to address those impacts. By its very nature, a special use permit presupposes that a use may be allowed in one part of the zoning district, but not another. Special use permit is legislative in nature. That means that the legislative body, in this case, the Town Council, is the approving authority, and you use your judgment or discretion in acting upon the application. Now, that being said, the ordinance gives some guiding framework to how you review these. There are certain conclusions that you must make in approving any special use permit. Those are listed in the individual staff reports toward the beginning. They go along with the applications. But a couple of those findings that you must make are that the use would be in harmony with the area in which it's to be located, and that it be in general, conformity with the comprehensive plan. As the speaker during public comment mentioned earlier. Your comprehensive plan does include specific language related to short term rentals. That language is also included in each of the staff reports. Now, in addition to those general findings, for any special use permit, there are specific minimum standards for short term rental special use applications that must be considered. Those include requirements for example, that the dwelling must primarily be used for residential use, a minimum lot size separation from dwellings, off street parking requirements. So those kinds of things. And important thing to note here,

and this was subject of some confusion with some applicants at the Planning Commission is that this list of specific minimum requirements is not a checklist of requirements for approval for a permitted use, a permitted use not subject to special exception if you meet all the requirements, it's allowed. These are simply minimum standards. Now you're not guaranteed approval just by checking the minimum standards. And the ordinance is very, very clear on this, stating that additional or more stringent conditions than those minimum standards may be imposed in connection with specific applications. Again, based on that case-by-case review that you do for special use permits. And finally, once approved, a special use permit runs with the land. It remains valid as long as the use is operating in conformance with the permit to include any imposed conditions. So that's the high level for special use in general. A little information on the short-term rental's specifics. Happy to answer any questions or Mr. Prem if I've missed anything, please feel free to jump in as well. Thank you.

Bridge Littleton: Martin, any other input?

Martin Crim: No, I think that covered it well.

Bridge Littleton: Okay. And Will, just for the sake of the public, I know it's a legal term of art. When you say runs with the land. It means that it is a legal right in perpetuity, as long as they don't violate the conditions.

Will Moore: Correct.

Bridge Littleton: Okay.

Cindy Pearson: But can the owner suggest that it is null after they sell it? I'm not maybe not using the right language, but.

Will Moore: So, we have upon Mr. Crim's previous advice accepted a previous special use application where the owner voluntarily offered that as a condition that he would surrender the right to the special use permit upon transfer of the land. That's not a condition that we can impose, but it is a condition that we can accept if it's offered voluntarily.

Cindy Pearson: Thank you.

Bridge Littleton: Okay, great. Any questions for Will on that? Will, that was great. I really appreciate it. Okay, so here's how we're going to do this portion of it. Because we want to be equally fair to everybody. So, I'm going to impose time restrictions. So, for each application the applicant or their representative has a total of five minutes and no more than five minutes to make a presentation. If they would like to have one person do two minutes, another person, that's fine. But it is five minutes and Rhonda will have the magic clock going with the green, yellow and red. And if it hits red, the podium blows up. [laughter] No. Yeah or the floor drops in. That's right. So, and excuse me I'm fighting pneumonia. But So. Yeah. Exactly. And then also. Yeah, Danny.

Danny Davis: Mr. Mayor and just want to make sure Mr. Moore can intro each.

Bridge Littleton: Oh, absolutely. No, no. Yeah. Absolutely. So, what we're going to do is we're going to have Mr. Moore provide an overview of his memo for each application, because every application is unique and different, and they stand on their own. The applicant will have five minutes. And then if Council has any questions, we'll, you know, ask our questions. Again, there are no decisions tonight. This is an information gathering exercise, so the Council can learn more about the intentions of each applicant and understand what the ins and outs of their request are. I will use Mayor's prerogative and ask questions first. And then we'll go to, you know, whoever else on Council has questions. And we'll take it from there. So, from Council, any other feedback before we get started? Okay. So, we'll go to the first application, which is the request of Salamander Farms LLC for a special use permit for the short-term rental at 800 Old Saddle Drive. Will, if you want to give your memo we'll get started.

Will Moore: Yes, sir. Thank you. So, for this one you see the graphic on screen, we'll have a close-up view of the actual home in a second. Our county's aerial photography is because this is a development underway. Did not have a good

zoomed out view, but so in this case, this is a base map of the development of the Residences at Salamander. The red dots indicate where homes have been constructed. To this point, there are a total of 12. For this particular application that you see highlighted in yellow on the screen this is the only home that has been constructed in the R1 zoned section of the developer refers to it as the stables section of the development. The larger lot section, the R1 this is on the north side of Old Saddle Drive to the north of the property. You see, is the resort property itself. To the east is HOA open space, and then to the west and south are future home lots there. So again, this is the only home constructed in this section to this point. The Commission did conduct their review of this application. You have kind of a line-by-line commentary within the staff report on each of those short-term rentals, specific minimum requirements that is included. This is again, it's a large lot section. So, this is well over 50,000ft² in area for the lot size, where 10,000ft² is the minimum. While none of the adjacent homes have been constructed at this point, they will have no problem meeting the minimum separation requirement. A lot of the other things of rental property management plan that is required is included in the package. In this case, the applicant is planning to use the resort itself as the management entity for the rentals. So, the resort would be taking the rentals. They would be making the arrangements with the people who had occupied the home to pick up the key to help them during their stay, if any issues arose. The rental they would also be responsible for collection and remittance of transient occupancy tax on behalf of the owner. In this particular application staff's main concern from the time of its initial filing and the concern that remains to this point is compliance with the first requirement within the short-term rental specific section of the ordinance, and that is the requirement that the dwelling be used primarily for residential purposes. And the way we define that within that section is to be used for residential occupancy one hundred eighty three days, a year or more simply meaning that it's more than half the year that it would be used for residential occupancy. The narrative included in the application materials is very vague on this point. Staff met with the applicant's representative shortly after the commission's first review of the application in January and highlighted this point. Based on that meeting, we did anticipate revise materials to provide greater clarity in the intended primary use of the property. We have to date not received those materials. The applicant's representative has made some statements during Planning Commission meetings. And specifically at the March 25th [inaudible], we're trying to verbally describe how the owner would use the property. And staff remains to this point, still unconvinced that it would meet the threshold of being primarily used for residential purposes. That being said, however, the Planning Commission did conduct its review, and after their hearing on March 25th, it was forwarded to you recommending approval by the Commission. That was on a 4 to 3 vote of the commission members. Those are my highlights of the application that you have. Happy to answer any questions or if you want to save those until after the applicant's presentation, that's fine as well.

Bridge Littleton: I think we'll go to the presentations and then we can do questions. Okay. So, on [inaudible] Salamander Farms LLC application we will turn the floor over to the applicant. Thank you.

Scott Little: And I'll watch for that trap door. Good evening, Mr. Mayor. Excuse me. Good evening, Mr. Mayor and Council members Scott Little from 500 North Pendleton Street here in Middleburg. I'm representing tonight and speaking in support of the special use permits for Mr. Perdakis and Miss Johnson and these applications for short term rentals, we feel strongly far exceed the minimum standards written in the statute. And truly, we appreciate Mr. Mayor, you spoke on the 28th. Very well, in sort of establishing the importance of this discourse over short term permits, short term use permits. And we really appreciate that getting the facts out there is important. And I know you all have been working diligently on that to assist us in demonstrating this point. I've asked John from McGuire Woods to continue with our presentation and or continue forward. Thank you, John.

John Walburn: Thank you, Town Council. My name is John Walburn. I'm an Attorney with McGuire Woods. I'm watching the clock tick down and I'll get done before we hit zero. With respect to the first application, we'd submit that the applicant's materials satisfy the three requirements under your zoning ordinance to qualify as a short-term rental. I appreciate the comment from the Deputy Town Manager with respect to residents. And we'll submit written materials consistent with our oral representations about how it will be used. But in terms of staff report, I haven't seen the staff report that would accompany tonight's hearing. I have reviewed the staff reports for this application and the other applications that you hear about next. And in those staff reports, there were findings by your at least Planning Commission staff that the elements were either met, confirmed, met by Planning Commission, or would be supplemented and confirmed by Planning Commission. And each of those instances, including this one that was a recommendation for approval. In this instance, a recommendation for approval of 180 days. And we will ask at the appropriate time that you adopt that recommendation. In terms of residential use, there is the concept is not is not defined specifically in your

zoning ordinance, but it's defined well under Virginia law and under federal law. And residential use does not mean it is your domicile, your primary residence. And I'm not sure if that's what the deputy town you're nodding no. So, it sounds like we're in agreement on that, but we can assure you we will do it by affidavit and other written materials that this property will be primarily used for a residential purpose under your zoning ordinance. You've got residential, you've got commercial, and you've got agricultural. And it is zoned for residential R1 it's built for residential use. And it won't be used for those other purposes. So, we will submit. I hear the comment from the Assistant Town Manager. We'll submit written materials that will address in writing what we've said verbally in terms of our intent to use this for residential purposes throughout. Are there any questions that you may have about this particular application that I can address?

Bridge Littleton: So, like I said, you've got five minutes.

John Walburn: Yeah.

Bridge Littleton: So, if you're done and other questions or?

John Walburn: Yeah, I was just going to focus on the comment from the Assistant Town Manager. I do think it's worth noting that there is precedent, and I understand this is probably in the materials that you've received. There's the Jay Street property that's been talked about at previous hearings. And when you compare the use that's allowed on the Jay Street property to what the applicant is requested here, it seems obvious, at least to us. And we hope eventually to this body that the Salamander property deserves at least the same entitlement. The property here is approximately five times the size of the Jay Street property. You can see from the overhead here that it is predominantly rural use with adequate, more than adequate buffering from adjacent uses. And if you look at the Jay Street property, which was approved for 180 days, it's less than a quarter acre. It's got multifamily uses on at least two of the sides, and it's got residential uses on three of the sides. At distances that are much closer than residential uses will be at this property. So, in terms of precedent, you're correct that there's not much precedent on this issue, but there is at least the one that we'd suggest is compelling that's the Jay Street property.

Bridge Littleton: Okay. I think. Yeah. Okay. So, I guess I'll start with some questions.

John Walburn: Okay.

Bridge Littleton: I've got a number of written down, so. Excuse me. That works. And I'm sorry. I've already forgotten your name.

John Walburn: That's okay. John Walburn.

Bridge Littleton: John. Okay, great.

John Walburn: Yes, sir.

Bridge Littleton: Well, I appreciate you coming in.

John Walburn: Thank you.

Bridge Littleton: A couple quick questions here. So, as I understand it, for the Salamander Farm LLC property, which is in the R1 district, it's going to be managed by the resort.

John Walburn: Yes.

Bridge Littleton: Okay, so how is that relationship of management memorialized?

John Walburn: Well, actually, I may defer on this one.

Scott Little: Could you repeat that please, Mr. Mayor?

Bridge Littleton: Just how is the relationship where Salamander Resort, probably the best way to say it, is going to make sure all the boxes are checked and that the home is done in a compliant manner. How is that relationship memorialized?

Scott Little: Thank you. So that entire district where these houses are contemplated are encumbered by a very robust property owners association that was established and recorded against the land before a single spoon of dirt was turned. Each owner of any houses there is subordinated to those covenants and restrictions. Those are robust, and I've referred to those in the past as well. In the case of the short-term rental, there is a separate another comprehensive agreement that.

Bridge Littleton: So let me stop you right there.

Scott Little: Surely.

Bridge Littleton: It's a contract. You say it's an agreement? Is it a contract?

John Walburn: Well, it's probably both. If I'm hearing correctly, then these are recorded. Yes. Yeah. So, it's a contract and it's also a covenant that runs with the land in the same way that we talked about earlier. So, it's enforceable in contract and it's enforceable in equity.

Bridge Littleton: So, where I'm going with this is all the rental management is the responsibility of Salamander in perpetuity. And the owner can never withdraw from that.

Scott Little: No.

Bridge Littleton: No. So, it's not in equity. It doesn't run with the land. So, it's a legal contract.

Prem Devadas: It's a contract that actually is, to my understanding is set up as two [off mic]. Right can be. Sorry.

Bridge Littleton: Oh, yeah. Yeah, yeah.

Prem Devadas: Just to answer the question. Yeah. Prem Devadas. Hi. It is two-year rental agreement, similar to outside companies that have rental agreements. It is terminable by the owner. They can go with another rental company if they wish.

Bridge Littleton: They could go with Airbnb if they like.

Prem Devadas: They could choose to do that. Yeah. But while it is being managed by Salamander, then it is under our program and our rules and regulations and as well our control features with regards to the ordinances.

Bridge Littleton: Okay. So, if I understand. Yeah.

Danny Davis: I do think it's important for Mr. Little to clarify that I do believe there are HOA rules prohibit Airbnb specifically.

John Walburn: I was going to say, I think what we ought to do because I'm not sure that's exactly correct. My understanding is at least some of these documents are recorded and do run with the land or covenants that extend beyond. But the better way to answer your question so that we get it accurately is to get the documents and we'll submit it in writing because I want to make sure that we're accurate. But I'm fairly confident that that these documents are recorded and would have that continuing. But I want to make sure that we say it correctly. So, we'll submit it in writing.

Bridge Littleton: Yeah. Because what I want to make sure of, right, is if we're going to approve an application which runs in perpetuity assurance is made by Salamander. Those assurances need to be perpetual assurances. And if it's only a two-year agreement, it's not a perpetual assurance. So, we have to take into consideration that all 49 homes at some point decide, I don't want Salamander running this for me. I'm going to do it my own special way. So, the management of off-street parking, the management of noise, you know, all that kind of stuff sort of goes out the window. And these all can potentially become 49 individual separate businesses. So, and I'm not saying it's good, bad or indifferent, but we need to understand that level of clarity.

John Walburn: I think so, one of the things I said to Mr. Crim earlier today is we had not submitted a writing in advance for Salamander. And part of the reason is we wanted to hear some of the issues, and this is one of those that when we do submit, we will submit to you in writing. And this is a point that you've raised, and we'll submit it so that you have the clarity, and know, exactly what the relationship and what the term is. So, we'll do that.

Bridge Littleton: Yeah. No, I agree, that's great. No, I appreciate it. Okay. Second question, quick question here was you guys or the application you're wanting the full 180 days?

John Walburn: Correct.

Bridge Littleton: Okay. Which says to me that you anticipate renting it out for up to 180 days. Otherwise, why would you ask for it?

John Walburn: You [inaudible] have the right to do that. I don't know, I don't know.

Bridge Littleton: You wouldn't ask for a right you don't intend to maximize; you know. Right? I mean.

John Walburn: We're asking for the maximum allowed under the ordinance.

Bridge Littleton: Okay. So, I guess the question is, then, is the intent to try to achieve 180 days of rental?

John Walburn: It'll depend on the use.

Bridge Littleton: Whether you can or can't is a totally different question. Is the intent to try to do that?

John Walburn: Yeah. I don't know that it is. It'll depend on the owner. It'll depend on the owner. The owner may want to utilize it for more than 185 days in a particular year, or the [multiple speakers].

Bridge Littleton: Rental side.

John Walburn: That's what I mean too. The owner may want to utilize it more than allowing it to rent for 180 days, for example. My point is that an owner may want to use it seven eight months a year, one year or nine or 10 or 12, but have the right the following year to short term rent it for 180. So, I think that that will change.

Bridge Littleton: Okay. So, then the question then begs that's great for the current applicant. What happens when that home gets sold? And that individual says I am driving to maximize 180 days forever.

John Walburn: Yeah, I mean, it could change by owner, and it could change by owners inclination from year to year.

Bridge Littleton: Sure, absolutely.

John Walburn: If you have a vacation place, you may rent it out as much as you can one year and you may rent it out not at all the next year, depending on your use. So, if what you're asking is can that change by owner. Yes. And it can even change by individual sort of issues. [multiple speakers] Correct.

Bridge Littleton: From year to year. Sure. Yeah. Yeah. No, it's a that's a great point. I think one thing too, that I want to provide is sort of a little bit of a level set. And I'm going to look at Prem. When the development was being put together and pitched to the town. One of the overarching sentiments that I think was important and that the community really connected with was the idea that these residences were not to be vacation homes, that the people who lived there were. The idea was that it was integrated into the community. Right. And that these people became, you know, members of the community because they it wasn't a place they went to a couple of weeks a year. Right. And I'm not trying to put any benchmarks on one side versus the other. Because you're right. You know, someone may live in a community, but only be there three months, one year, and they may be there 11 months the next year. Right? But the idea was that it was an integrated community, you know, part of the Middleburg community. So, I just want to, you know, make sure that that understanding is out there. So

Prem Devadas: If I can just clarify and boy, it was a few years ago.

Bridge Littleton: 20 now. [laughter]

Prem Devadas: But the concern was that homes would be used as an extension of the resort. That was very specific. The concern was, oh, you're going to have more hotel rooms. And we said, absolutely, that is not the intent. So, it wasn't about there was nothing specific about whether it gets used a vacation home, whether it's used one month a year by the owner, but it was not going to be used. And I made that statement. It's not to be used as an extension of a hotel, hotel rooms, nor and in the broader context, it was concerned that we might come back and say we'd like to have more hotel rooms, you know, as the resort was successful. As we all know, we have not done that. The resort has been successful. We haven't done that. So that's not the intent. This is purely about the ordinance that exists for all residences in Middleburg, and simply wanting to make sure that we have the same rights to do that as anybody in Middleburg.

Bridge Littleton: Okay. Next question I had here. Oh, yeah. What happens in the future if and well and when Salamander gets bought by somebody else. And decides we no longer want to be in this rental business. We don't want to manage this stuff. We're out. You know, we're not going to provide the parking. We're not going to. You know that's over there. Do what you want to do, but we're out of it. So, I guess my question would be the assurance is being offered. And I watched the public hearing, right, that there's a lot of great commentary of Salamander would never allow this. Salamander would always do that. Well, there's no such thing as never and always when you're talking about rights that go in perpetuity. So, what is Salamanders plan? Or how is Salamander going to alleviate some of those types of concerns?

John Walburn: Yeah, I think the starting point really goes back to the nature of a special exception. And I think you mentioned this, that they run with the land, they typically run with the land absent, absent an applicant volunteering otherwise. And I think that that concern that you have is a valid one. And I can see my colleague wants to address it. But before he does, I would sort of remind the body here that that applies in every special exception. They all run with the land. And so, the applicant that originally stands up with you to, you know, in, let's say, 2000 and obtained a special exception for some use somewhere, there's no obligation that they own that property forever. And what happens when a business, for example, is sold or somebody passes away, an heir takes their property, or they sell their property is the special exception continues. But if those conditions, whatever they were, are violated, you know, for example, there's a traffic problem, there's a noise problem or [inaudible] problem. It's a zoning enforcement issue. So, a neighbor who says Salamander was running it, great. They're gone. We have somebody else who's running it, and it's not being run the way it's supposed to be. You call zoning enforcement. They go out and they enforce it, and your ordinance deals with that issue. So, I understand the point you're making, but we have that in every instance of a special exception. And your ordinance has a solution, which is if the new owner doesn't operate in the same way as required by the special exception, then you shut them down. The special exception evaporates. So that's the answer. But I think there was something.

Scott Little: That was the answer. Yeah.

Bridge Littleton: No, I guess the question I've got, and it would be great to understand how you guys are going to address this is right now for people that are in the program. Right. There's been a level of commitment from Salamander

to address enforcement, to address issues, take on the burden of, you know, some of these, some of this stuff. And that's part of the consideration, right?

John Walburn: Yes.

Bridge Littleton: Well, if that goes away, that burden now shifts to the town. And I guess that burdens ultimately there anyway. But that's something that we have to think about. And we have to be prepared to meet that burden. So not don't need an answer. Right. Just letting you know it's a concern.

John Walburn: I understand.

Bridge Littleton: Something you guys need to think about.

John Walburn: I understand, but one thing I would just suggest here is that the representations made in the application on the way things will be run, those become binding. Those are part of the application that if it's approved is, you know, those conditions run with the land in the same way.

Bridge Littleton: But Salamander is not a party to the license.

John Walburn: But I guess my point though is the obligations are. And so, let's say you're right. Salamander goes out of business and someone else steps in is operating and they may operate in a better level or a worse level, but if they're operating at a level that falls below the representations that you just described that are part of our application then you can shut it down. Then the zoning administrator says you're in violation of your special use permit. There's it's true. There are promises that are made by an applicant to you and to the community, and we intend to keep them. But it's always possible that either we or someone else down the road a successor doesn't keep them. And then the hammer comes down, whether it's on us or a successor entity, to revoke the special exception. We don't want that to happen. But that's how the process would work.

Bridge Littleton: No. Fully understood. So those are the questions I had on this application. Bud.

Bud Jacobs: Want to go ahead. [off mic] I want to blow a little bit into the question of the short-term rentals providing additional room inventory to the resort. I'm not entirely clear how the relationship between the resort and an enrolled property owner would operate. For example, during the pony show every June, I assume you guys do pretty well on occupancy. When somebody wants to rent a short-term rental in the resort, who do they call? Do they call Salamander, or do they call the property owner?

Scott Little: Thank you, Bud. They call the hotel. So those guests that are enrolling in short-term or asking for the short-term rental. They're calling the hotel, and that is the major check valve that distinguishes these short-term rentals from others. And that is where all these qualifications are checked and managed, and they're administrated through the hotel and the guests of the residences, in the case of a short-term rental, are. Sorry I lost my track there. In the guest, in the short term, rentals are subject to all the same conditions and restrictions and management that the rest of the property would have.

Bud Jacobs: I understand that, and for many of us, it's comforting, actually, that the resort is going to play that role. However I can imagine that in a period of peak occupancy, when you happen to know that one of your residences is not currently occupied and is available for short term rental, that the temptation might be really great for, not necessarily you, but for the Salamander manager to simply treat those rooms as additional inventory for peak periods during the year. And it is of concern precisely because of the reason that John mentioned, there's a great deal of I guess I can say concern on the part of a lot of our residents about the net effect. The a very energetic or large, short term rental program is going to have, first of all, on the character of the resort, but more importantly, on the character of the town as a whole.

Scott Little: The owner of the house has first dibs on all occupancy. By the structure that when we submit those documents, you'll be able to see that any other occupancy yields to the owner of the houses want and need. And that can

be long term planning. Let us know when you don't want to when you're going to use it. Versus I'm coming this weekend, and we have to have operationally would have to have a plan to deal with those and that, you know, there are there are ways to reserve so that we're able to accommodate that and we have to. Yeah, go ahead.

Prem Devadas: Just amplifying on that point, if I may say more than not across the country in these kinds of rental programs, whether they be a rental program through the resort where the residence sits or whether it be an outside rental company. The majority of rental companies do what's called black outing of dates. Your example of the Upperville Horse show. It is very, very typical that in something like that, that actually the rental company would say to the owner, you can't come during that week because that's peak week. We are one of the few programs actually it has zero restrictions on what an owner can do any time they want to come, any number of days they want to come there. There are zero restrictions that we have. It makes it very, very different than those vacation rental kind of programs that you're actually talking about and describing where the goal is to maximize. So, I just wanted to note that as a technical fact.

Bridge Littleton: So, Prem before you leave that's only in your rental program as it stands today, and you can change that in the future. Future owners can change that dynamic. The next Prem could be all about guys. That Prem guy missed a huge opportunity. We're going to drive, drive, drive, and there's nothing that restricts that. Fair enough.

Prem Devadas: Well, I think that I'll defer to our response in writing on that because I've been here almost 20 years. I'm still going.

Bridge Littleton: So, so and I think what is really important is that that level of possibility. I won't say possibility. I will say probability. It's very concerning. I trust you. I don't know the next Prem. Right. And we're making a decision which will last for centuries.

Prem Devadas: I understand that.

Bridge Littleton: That's why this is so. [multiple speakers]

Prem Devadas: I understand the point and I would understand the point. These are the any resident in Middleburg no matter where it's located that you are granting the special exception to. Not just so I don't think Salamander is different.

Bridge Littleton: I, you know, well. I mean.

Prem Devadas: Again, we'll submit in writing. But I just want to share I understand the concern. I understand for any property. Thank you.

Bridge Littleton: Yeah. Darlene, you had a question.

Darlene Kirk: Prem, I was there with you back there 20 years ago?

Prem Devadas: Yes, you were.

Darlene Kirk: And one of the reasons we agreed on 168 rooms is because those houses were going to be houses with families and people in them that could integrate into the town.

Prem Devadas: Yes.

Darlene Kirk: And we didn't want temporary housing to be extended to those houses for that. And I felt like that was something we understood, and you understood as well. And I feel like you're going back on it.

Prem Devadas: No, I think that I don't feel like I'm doing that Darlene. I would never want to mislead you. I think at the time, there was no discussion about short term rentals in the town. No ordinance. Again, this is about the town, in my view, and always has been. We don't want to be treated any special, don't want to be treated any differently. So, in fact, I

know the gentleman got up early and said, you know, 30% of the homes are rentals. So, in theory it could be this. It's not 30%. I mean, Will said, there are 12 homes that are there are three applications. There's really 25%. Who knows in the future what it will be. Yeah, it could be 100. It could be two. So, Darlene, the main point was there was no discussion about short term rentals from a town standpoint. And so, it wasn't something that came up. We absolutely have built the homes and are building the homes for families. And I have to say, the buyers have all been in one way or the other families. And they have bought the homes primarily including these applicants, but they have bought the homes primarily for the enjoyment and use by them and their families, and they're already demonstrating that in many different ways. So, this is just a process of some of them. As I said the last time understand the short-term ordinance the town has, they understand by the limitations of it, you know, some of them have probably bought homes where you didn't have a 180-day limit. And they're fine with that. They would like the opportunity to offset certain expenses that they have, just like any other resident in Middleburg. So, I want to tell you, I've certainly no intention to mislead, number one. Number two, I think we've proven over a number of years that we're not trying to expand the resort even though it has been successful. And we could certainly have another 40 rooms, you know, and probably do very well with it. But that was never our intention and it's not our intention now. We're representing from a rental standpoint, these particular owners who do want to, in accordance with the ordinances, put their room into a, their home into a rental program that doesn't take away from the compelling questions that you have that we'll respond to.

Bridge Littleton: Appreciate it.

Darlene Kirk: But. I would like to finish my question. I've got a couple. But we didn't talk about any two-day rentals or anything like this. We talked about giving the resort more rentals when we thought we maximized the number of rooms. We were. We did not want the houses that were built to be rentals.

Prem Devadas: No, we didn't talk about it at all. You're right. I didn't talk about it. Other people didn't talk about it. There was no discussion at Council at that time. About now, are you going to waive any right in the future to have rentals? It wasn't a question and there wasn't an answer to it. It just wasn't a discussion point. I can understand what all of us might have thought at the time. We're not trying to do anything different.

Darlene Kirk: I could promise that I and a couple other people that I talked to who really felt that we discussed that we did not want these rented because you have a big enough hotel, and you all said that you were going to be making money with your 168 rooms. Now, the other question I have is, are you using the I don't know. I don't want to call it a ploy, but are you using the ability to rent their houses, as hotels, as a way to sell them?

Prem Devadas: No, we're not. In fact, the people that sell, which are the realtors. Sotheby's is our representative for our partnership today. They explicitly are not allowed to speak to rentals in any way. They're not allowed to speak to any specifics about rentals. I guess I would say that the owners are as familiar with the opportunities to rent here and in different communities as any other owners, including people that buy houses in Ridgeview. And so, if they ask us about a rental program or if they ask Sotheby's about a rental program, Sotheby's does send it to us and says, can you please give them information about your rental program? Most important, though, I don't think, you know, we have no requirement of an owner to if they want to rent, we have no requirement that they rent through Salamander. We do tell them there are ordinances. You have to observe those. You should be aware of those. But if you want to rent it yourself and you understand the ordinances, you can do that. So, we're not we're actually actively not trying to sign them up, Darlene.

Bridge Littleton: So, Prem, I want to make sure you just made a very important assertion. I want to make sure I get this absolutely clear. In your current dealings with potential buyers and in all your previous dealings with buyers, whether it's through South Street or anywhere else, you guys never pushed the rental program as a feature or aspect of buying the property.

Prem Devadas: When you say you guys.

Bridge Littleton: I mean whoever is representing the sales team. [off mic] Yeah. Or whoever, right? Yeah.

Prem Devadas: Yeah. Yeah. They're not supposed to do. And when I say they, I can tell you I never have I've never had it. I don't sell agents and nobody on the Salamander side sells. And so, we haven't done that. We wouldn't do it. I just explained that Sotheby's is not allowed to talk about details of a rental program.

Bridge Littleton: How about your prior agents?

Prem Devadas: I'm sorry?

Bridge Littleton: Your prior agents before Sotheby's.

Prem Devadas: Which would have been primarily one, which would have been Earl Carrara, who is still involved in the project with South Street. And he knows what he's supposed to do and not. Did he ever do it? Or did he ever do it? I don't know, for 100% sure. Does he understand that we should. That you're not allowed to do that? Yes, he does. And Sotheby's similarly has they actually understand it from past experiences.

Bridge Littleton: Okay. Does anybody else have any questions, Chris? Cynthia.

Cindy Pearson: Yeah, thank you. [laughter]

Bridge Littleton: Please.

Cindy Pearson: My mother's called me the name.

Bridge Littleton: I didn't call you Pearce.

Cindy Pearson: You didn't. You didn't. And I understand that, you know, Salamander could do everything right to me. This is just the, and I'm going to use it as the gut feeling we all get that when you are no longer taking care of it and the next company comes along, that it's not going to happen, and you all are the only ones can make that difference so that doesn't happen. We can't ask, as we said earlier.

Prem Devadas: Yeah. No, it is a very clear point and a thoughtful point. And I will go back to what John said. Listen, if we were to sell, which by the way, there is no plan, as you know, Cindy. [multiple speakers] As you know, there were people saying, we're going to sell a week after we got approval to build the resort before it was even built, it was going to become a Marriott. It was going to, you know, be sold to some rich sheik. There are all kinds of stories. Here we are ten years after opening we have, I believe, done what we said we would do. I believe we've been a good community citizen and there is no interest in selling. But if something should happen one day. Absolutely if our successor, my successor does not follow through with the same with the same commitment to meeting the standards and the ordinances. Then you have the ability in accordance with your own law. You have the ability to take that right away. And I would just tell you the other thing is if somebody were to take over you know, and they're going to take over with the understanding that it is a five-star resort. And that's the expectation. And it's going to be operated at that level of quality with that level of commitment.

Cindy Pearson: Just want you to always remember.

Prem Devadas: Of course.

Cindy Pearson: The community.

Prem Devadas: Oh yeah. Always. And as I said, I think we try to do that every day. We're not perfect. We but largely we have done that. And I understand the fears of the unknown and you've brought it up today. We understood that 15 years ago when we went through the approvals process, started building. And I.

Cindy Pearson: Who would have thought that many years ago that we'd have been dealing with short term rentals?
[laughter]

Prem Devadas: Well, and that is my point also. That's the point.

Cindy Pearson: Seriously.

Prem Devadas: That's right. Thank you.

Bridge Littleton: Miss Curran.

Pam Curran: Are their homes going to be built adjoining this property up there so that there will be homes on each side? Okay, that was one question, I thought so. All right. And then the other question is, does the Salamander do short term rentals in any of their portfolio other than what we're proposing here?

Prem Devadas: Let's see currently. Currently, I don't believe we have any property that has residential short term. We have historically done it. We operated two resorts in Florida for eight years from 2011 to 2019. Reunion Resort in Orlando, which is a golf resort with condominiums and private homes, and Hammock Beach Resort on the northeast coast of Florida. And both of them have the resort operated a rental program. Once again, it's Florida, so it's different, but large scale and an environment where owners could choose who they wanted to rent. And there were other rental programs, but the majority of the rentals signed up with the resort because of the assurance of it being done right. In other words, it being maintained, being cleaned properly, providing good service to the owners. And you know, the most important thing to those owners were that when they come to use their property, that it was being taken care of well, that they were being taken care of well, that was their primary goal. But they did have it in the rental program.

Pam Curran: Okay, so having said that, you've heard what our residents have said and how the community is concerned. Do you have anything that you could offer at this time as to how you'll deal with the quality of life and peace?

Prem Devadas: And yeah, yeah, you know, and we will articulate this, I think, on the 25th and in the packages that you're going to receive is really interesting. At the Planning Commission meeting, we did hear a lot of those concerns. I was fascinated that those concerns were all about Salamander Residences, and there were no concerns voiced about one that happened to be on Washington Street. None. When it comes to the ordinances and part of the reason that I thought it was a good idea that John, come and help us to kind of articulate, you know, facts is because we have been all about the ordinances. We've been thinking all about safety, security, you know, being great neighbors. That's what we've done, and that's what we've come to meetings prepared to talk about. And I was just struck that in the last meeting, it wasn't the discussion point. I'm glad you're bringing it up today. So I can tell you that as Scott has said before, we have the most robust possible management of all aspects of a short term rental from security 24 seven, 365 days a year to and the collaboration that we have had for ten years with the Middleburg Police Department and with Loudoun County Sheriff's to the way that we account for revenues and ensure that the town gets the tax revenues, which can has been in other jurisdictions, an issue. We have a trusted method of doing that, and we have accountability as well. So, I can tell you that we can of course, share and articulate a whole list of those things that put us at the top of the heap. And then the last thing I'll tell you is that the number one thing that we have over and above any other rental committee is we have a relationship with the town that has been built over time. That's a relationship of trust that, as I said nobody is ever perfect and we're not. But whenever something has happened that we needed to look at, that somebody has voiced a concern we have always responded to it, whether it be the town or our neighbors. A neighbor on Marshall Street today called me. And I've seen her a couple times over the years. Actually, she was concerned about the Reed Street extension a couple of years ago, that discussion, and I met her, and she was describing to me an issue that she has in her house. She backs up to our property, and she was telling me about an issue she has in her house, and she started out by saying, listen, this has nothing to do with you guys, and I'm not blaming anybody, but it is an issue. And I know that you're going to be building homes back here. And I was wondering if you'd come over and take a look at it with me, and maybe you might think of some things that you might do over time that could help the situation. And I said, of course, I told her Scott's really the best guy to go over and see it, but we'll do that. We do that countless times, Pam and because that's what we should do a good neighbor. So, I look forward to continue the conversation and trying to allay the concerns that people have about

the unknown in the same way that many years ago, before we built the resort and we were seeking approval for the resort, we had to do the same. Thanks

Bridge Littleton: So real quickly Prem I'm just going to give you a piece of commentary. I think the. And then I have a follow up question for John. I believe everything you're saying. You know, you and I know each other very well. I implicitly trust you, but I don't know who the next Prem is. So, all of the resort's assurances are great as of today but are nonexistent tomorrow because you don't know the future. I don't know the future. I don't know who's. So, I get very concerned when the resort makes statements such as we will always do this. It will always be a five-star experience. There are replete five-star resorts and hotels that are no longer and have downgraded themselves to three star. You know, someone comes in and offers Miss Johnson billions of dollars and decides to go on the cheap because they want to maximize profit. And that's not evil people. That's their choice. Those assurances evaporate. And what we're being asked to approve is something that will last forever. So that is the concern you guys have to wrestle with and how you're going to address it. And I think the challenge is Salamander Resort will always do this. That's not addressing the concerns. So, I don't know what the right answer is.

Prem Devadas: Yeah, Bridge I know that we're. [multiple speakers].

Bridge Littleton: You know what I mean?

Prem Devadas: Yeah.

Bridge Littleton: So, hold on. Let me just stop you there because we really want, we need to get moving. But I know you guys are going to update your filings. You're going to provide information, come up with new ideas. You've got great attorneys to help you out. Right. But I think from a community perspective, it's not that I don't trust you today. It's I don't trust the guy I don't know, tomorrow. Right. So how do you legally address that, either in your application or your ordinances or not ordinances or covenants or whatever. Right. So that would be my, you know, feedback for you guys to take a deep, hard look at. So, John, I have a quick question for you.

John Walburn: Yes, sir.

Bridge Littleton: Yeah. So, and you brought it up. We were talking about residential primarily for a residential use.

John Walburn: Yes.

Bridge Littleton: Right. Okay. I think the general understanding, the general feeling in the community is that where that definitionally lies is that the owner you know, the person who owns the house is it's not like a beach house that they, you know, go to twice, two weeks a year and it's rented. But then nine months out of the year, it's empty, right? No one goes to the beach in December. I think the idea and the concept there was that it really is something they use primarily for residential purposes, for themselves, or if they want to rent it out for nine months to a long-term renter. I mean, that's fine too, right? That's a residential use. Is your view that if someone if the application was approved as is, that, you know, it was rented out for I don't care 100 days. Right. And the other 183 days, the owner basically just let it sit vacant. If they chose to do that. Would that meet the definition of primarily used for residential purposes? It is a legal question.

John Walburn: It meets the legal definition.

Bridge Littleton: So, in your view having it rented for 180 days and empty the other 183 days is a-okay.

John Walburn: A-Okay is not, I mean, that is a different question. I mean, but legally and there's a reason why I'll sort of back up and I'll get to whether it's a-ok. There was a case that came out. It'll be in our filing and Mr. Prem will see this. So, when we look at your ordinance, I look specifically for that concept. Primary residential, you know, residential, primarily residential use. It's not a concept that you have specifically defined in that way. It is a concept that comes up elsewhere in the law. Elsewhere in the law. There was a federal court decision it will lay this out, that relatively recent decision that dealt with this issue, dealt with this issue. And the question there on a short-term rental, it wasn't Virginia,

but it was a federal court case applying federal law under the Dormant Commerce Clauses. Can you require that somebody actually live there? Can you only allow short term rental when I'm going to occupy it for a certain period of time, it's going to be my residence. And what the federal court says is you can't do that because that inherently discriminates against somebody who may be an out of state owner. That's the Dormant Commerce Clause. You can't favor you can't discriminate against nonresidents in favor of residence in commercial activity. And so, and we will share that case. But that's why legally, if what's being suggested or hinted at is the what primarily residential use means is that if I'm not renting it out and I have to live there I think that's legally incorrect. It's not a [multiple speakers].

Bridge Littleton: So let me stop you. Wasn't a question.

John Walburn: Okay?

Bridge Littleton: Question was if no one lives there. Right? Not that I primarily live there. The owner chooses to have no occupancy. Does that meet the definition? Because clearly the 180 days on her short-term rental is not primarily a residential use. Right. That's short-term rental. That's the whole definition. So is if the owner chooses to say it will be empty, no occupancy.

John Walburn: Right.

Bridge Littleton: Is what you're saying that is good for the definition of used primarily for residential use?

John Walburn: I think legally, yes.

Bridge Littleton: Okay. That's good. No, no. It's good. Well, you guys just provide that detail. How you see that that fits that definition. And, you know, we'll review it and take a look at it.

John Walburn: It's also won't be the facts on the application. I don't think that any of these applicants that we're talking about tonight intend that it remained vacant in the period that way they don't. But I understand the hypothetical, but.

Bridge Littleton: Well, we got to be prepared for all future owners.

John Walburn: Yeah, I understand the hypothetical. I will also point out one of the things that it doesn't go to the Fifth Circuit case. It doesn't go to your ordinance, but the one that was approved, the applicant. I had an opportunity to review that the applicant is a resident of Fairfax and there's no representation that or promised by him that he will occupy it for a minimum period of time. And here at least staff found that that qualified as residential use under the ordinance and approved him for 180 days. And so, it really does go to the point that Prem was making. And by the way, that application, no criticism of the application. It was approved. But when that applicant described his short-term rental process, some of that was handwritten. I mean, it was less than a full page, some of it was handwritten and that was acceptable to staff. I haven't heard, I haven't read the transcripts of the hearings, but I don't I'd be surprised if there was any pressure on that applicant to say, well, what happens when you sell this, who's going to enforce this? You know, three quarter [multiple speakers].

Bridge Littleton: Remember that application he voluntarily gave up his right for it to cover carry with the land.

John Walburn: That's right. And so, but the issue, for example of primary residential use is not related to that.

Bridge Littleton: Sure. Understood. Understood.

John Walburn: But no, we'll submit the sort of the legal position on what residential use means. And it really it goes to for example, the occupancy permit. This property is zoned residential. You have an occupancy permit for residential. It's prohibited from using nonresidential uses. And I'll share the body of case law that we think supports it. But I think perhaps most importantly, the applicants will not be submitting an application that says that they won't use it.

Bridge Littleton: No. Understood, I appreciate it. Okay. I think that's. We're good. Yeah. I think the next three will probably go pretty quick.

John Walburn: Well.

Bridge Littleton: So, the next one here is the request from Alexander Perdikis. Real quick question. It may have been a misstatement, but at the beginning, Scott, it may have been you. You said that on the first application, it was Miss Johnson and Mr. Perdikis. They're not associated. Okay?

Scott Little: No.

Bridge Littleton: You just meant the next application. Okay. Yeah. No worries. That's fine. Okay. John.

Danny Davis: Should we have Mr. Moore?

Bridge Littleton: Oh, I'm sorry Will. That's right. You're quick overview.

Will Moore: Thank you, Mr. Mayor. So, this application you see again, the same map in this case, you see a cluster of nine homes within the smaller lot section. This is the R3 zone section of this particular development. What the developer refers to as The Vineyards section. So, in this case I say smaller lot. That's relative of, you know, this is an 18,000 square foot lot. So, it well exceeds the 10,000 square foot minimum. But it is in closer proximity to existing homes. And closer proximity than homes will be to the first application when they are eventually built, because those are larger lots. Again, but it does meet the minimum separation requirements of well over 30ft from either home to either side. In the review of this application of the initial review, staff noted the same concern that we noted in the first application and that is in the applicant's written materials, and we understand that those will likely be appended before your next meeting. But as it stands right now, there is lack of clarity on the applicant's intent on how they intend to occupy the home primarily for residential use. We can talk later about definition of residential use. We actually qualify that within our ordinance. So, a residential use that is undefined might have a certain definition that is assumed, but we qualify that as 183 days of residential occupancy per year. So just to clarify that. Again, within the applicant's written materials, there was lack of clarity on whether that would be met. We again, when we met with the applicant's representative after the January commission meeting, we expressed that concern. And we expected, based on that meeting, to receive additional materials. We have not received those yet. But again, we understand those will likely be appended. Unlike the first application, though, during the applicant's representatives' statements at the hearing on the March 25th meeting, they did provide at least additional verbal clarity that it was the owner's intent. Intent is an interesting word, but it was the owner's intent to occupy the home 2 to 3 weeks per month. So, if that indeed would come to fruition, that would well exceed the 183 days of occupancy per year that would be required. But again, we look forward to seeing the revised materials when they're submitted so we can provide better analysis of that. Otherwise, most of the minimum standards that are talked about within the ordinance are met at least at the minimum amount. Like the first application there's no they are seeking the full approval of the maximum of 180 days that can be considered. Again, that is a maximum that can be considered, but that can be conditioned if it is done to address a potential impact. This the aerial view gives you a little better understanding of where this home is located, relative to the neighboring properties. As you can see, it is in fairly close proximity, even though it does meet the minimum separation standards. But staff would suggest that in the more dense areas where short term rentals are proposed, there is greater likelihood for impact on neighboring properties, which is one of the main considerations when considering special use permits. So again, this one is on the north side of Martingale Ridge Drive. It is bordered by make sure I get this right. I think that's HOA open space to the north. That's not the resort property, but it's HOA open space to the north. And then existing residences on all other three sides. That's the highlights of this application, but I'm happy to answer any questions you might have.

Bridge Littleton: Does anyone have questions for Will?

Will Moore: Oh, sorry. One additional thing.

Bridge Littleton: Yeah. Oh, sorry.

Will Moore: The commission did recommend approval on a unanimous vote on this application, but with the condition that the use be limited to 90 days or 90 nights per calendar year.

Bridge Littleton: Great. Thanks. Okay. So, John, do I understand that McGuire Woods is representing. Is the legal representation for all three applicants?

John Walburn: Yes.

Bridge Littleton: Okay.

John Walburn: Yes. And I won't belabor much of what we talk about because I think the issues are the same. The reason we're here on this application in particular, and the next one in a few moments is staff recommended approval in the Planning Commission, I believe recommended approval, but only at 90 days. So at least implicit in that is a recognition that the three elements that are subject to review are satisfied. But that condition of 90 days was imposed. I think the town manager, if I heard correctly raised at the meeting that while you could impose that condition, there had to be grounds under the ordinance stated there had to be a rational basis within the criteria of the ordinance for it. I didn't hear that in the Planning Commission presentation or see it in staff's report. And we're asking you to when you ultimately vote on this, to allow the 180 days in the same way that Planning Commission recommended for the first property and for the 2022 property that I've talked about already, we think the rationale behind them are the same. We haven't heard articulated a danger to health, public or safety the criteria under the ordinance that might allow for a shortening of that. And that's really the point on this one and the next application as well. And I wanted to answer any questions. I think much of the discussion that we had over the last 20 or 30 minutes is apropos to this. And so, we have not yet submitted written materials for this applicant. We intend to and we intend to address, you know, some of the same issues. If not, it's likely to be a joint submission for the two of them. But with that, I've got time on the clock. But I'll turn to questions if the Council has any.

Bridge Littleton: Okay. Thanks. I don't think I've got any other questions unless anybody else does. Yeah Darlene.

Darlene Kirk: Is the applicant? I mean, is the gentleman that owns the house here? No.

Speaker1: Not here, no.

Darlene Kirk: Okay, so you all are just. Okay. These houses are much, much bigger and they almost go line to line. How can somebody that's renting one of these not disturb the others? That's my concern. They really look like they're on top of each other. I mean Will, how much is there a side?

Will Moore: Yeah. So, the minimum side yard required in this district is. Let me make sure I get this right. Is only 7.5ft is the minimum required. However, in this case the home on one of the neighboring lots is 22ft from the common property line, and it's an additional 11ft from that property line to the subject home. So that would be the home to the West. There's actually 33ft of separation from dwelling to dwelling. Our ordinance has a bare minimum requirement of 25ft. And for the home to the east, the subject property is 22ft from the property line. So, on the east side there's the driveway, obviously between home and the side property line. So, there's 22ft just to the side property line and a minimum of 7.5ft. I think it's more to the home. So again, it's approximately 30ft or more to from that one. So again, the minimum separation requirement is 25ft. It exceeds it by at least 5 to 8ft.

John Walburn: I think that's right. Appears to be 33ft between the property's subject property and the property to the east. And 34 between the one to the west.

Darlene Kirk: I don't have anything else. Okay.

Bridge Littleton: Yeah. Pam. Go ahead.

Pam Curran: Has Mr. Perdakis been at any of the Commission hearings or at all?

John Walburn: No, I believe signed an agency agreement and Salamander was prosecuting the application on his behalf.

Pam Curran: Yeah. I mean, it speaks a little bit to what the residents, I think are concerned about, you know, with people being present and being part of the community and actually being here. I mean, it's not, you know, it's not an ordinance. It's not anything that's in writing. But I do think, for what it's worth, I just wondered if he'd been to any of them. To speak.

John Walburn: I don't think he has.

Bridge Littleton: Okay. Any other questions? [off mic] Yeah, yeah.

Cindy Pearson: One more comment. I've used an Airbnb. You know, I'm respectful of the people around in the community. I do live next to the Red Foxes, Stray Fox. And during the night you do hear people out going to their car and beeping their car locks. And you do have people outside smoking and the smoke flies across. I mean, they're in the proper place to smoke, but it does come across. There's just things that we all know that's going to come up with these short-term rentals that we've never had to deal with. This is the hardest part of this whole situation, and we hope that with your managers and things, that you are keeping your eyes wide open and taking into consideration these little irritating facts, that's going to really piss off the neighbors. And I don't, you know, saying that as easy as I can because it is it's very irritating at 2:00 in the morning. Beep beep, beep beep or whatever. Slamming doors or people coming in. They're on vacation, they're enjoying themselves. So, it's just to be aware of what things are going to change.

John Walburn: Understood. And you've heard Prem talk about he's been in the business of addressing. We're not perfect. And those things do. I've experienced those and they're awful. When you're on the receiving end of them. So, I don't think there's any promise that that type of thing will never happen. But I think that there is a commitment, as shown by what Salamander's done over the last decade or so, that they will address those if they come up.

Bridge Littleton: Excuse me. Okay. Any other questions? Okay. Excuse me. God. Will if you want to give a quick no if you want to give a quick download on the Gillespie application.

Will Moore: Certainly. Thank you. Once again, you see this particular lot highlighted on the development map. This one is also located, excuse me, in the R3 zoning district. It has a strip of land of open space just to the east that you see, which provides even additional separation from the future home that would be built on the lot on the east side of that open space. They well exceed the minimum requirements from separation to lot 17, which is to the west as well. But like the previous application, this is in the relatively smaller lot section of the development. It is the largest lot within that section of the development. It also does back up, although there is a strip of HOA open space to the rear. It is in close proximity of any of the applications you've seen to this point to the existing developed area along Stonewall Avenue the Fox Hill subdivision. So we do believe in our analysis that the strip of buffering between their rear lot line and the rear lot lines along Stonewall plus with this particular application, the applicant has included and it's in your package, an enhanced landscape plan that they will be implementing that could be conditioned as part of the application package that they are adequately mitigating the impacts of being in closer proximity to the existing developed neighborhood. So that was a very good part of this particular application. I do want to just point out I don't want to get a back and forth with the attorney, but there was a statement made that the recommended condition of the Planning Commission, which they recommended also a 90-day cap for this one. There was some discussion about reasoning for that. And the reasoning in particular was relative to the first application, which is in the larger lot section, which is further to the west. These are on lots that are in closer proximity to existing residences or residences that may be built in the future. So, so there is some correlation there. And again, one of the main things that you look at when looking at special use permits is potential impacts on neighboring properties and when those neighboring properties are in closer proximity than those potential impacts are heightened. So that again like the previous application, this one was recommended for approval on a unanimous vote by the commission with the recommended condition of a 90-day cap. In this particular application, also distinguishing it from the previous two applications of the owners of they have been present at all of the meetings of the

Commission. They have engaged with staff regularly. Similar but not the same to the first two applications when their first set of materials came in, there was a little bit of lack of clarity on whether the residential occupancy requirement to as we define it, to meet that standard for being used primarily for residential purposes. There was a little bit of lack of clarity. But when we engaged with this particular applicant, they responded by giving revised materials that provided additional clarity. And we would suggest that if they follow what is stated in their application materials, this particular one would meet that threshold for being used primarily for residential use as we defined. And also distinguishing this application is the particular applicants here would not be using the resort as the management entity. So, they would be using a different party, which it's called Loudoun Stay that that company is based in Purcellville. So, we have a maximum kind of radius, which the responsible entity, the management entity has to be within of I believe the ordinance is 25 miles, but they're well within that being based in Purcellville. So again, happy to answer any questions you might have on this application.

Bridge Littleton: Okay. Real quickly. Uniquely to this application you all may have seen it. It came in late this afternoon. There was a filing from McGuire Woods. I read it. I don't know if you guys all had the time to read it. A lot of legalese in there. So, I asked Martin if he wouldn't mind just giving us his quick precis of any salient points from that discrepancy or whatever. So, Martin, if you just want to give your input, that'd be great.

Martin Crim: Yeah. Thank you. I just wanted to make a couple of quick points about that. And I appreciate the opportunity Mr. Mayor. One is that as has been stated several times before, that the action by Council on approving or disapproving the special use permit or imposing conditions on it is a legislative act, and that has a couple of important follow ones. A couple of consequences for any review of your action by the court system. So, and although the position statement looks a lot like a pleading, we're in a legislative action right here. We're not in a judicial one. So, one thing is that there is no entitlement to an SUP. Just because you meet the minimum criteria doesn't mean that you're entitled to an SUP. The requirement for the Council would be to, if it chooses to deny, the SUP would be to articulate or have somewhere in the record articulated a legitimate basis that makes the grant or the denial a fairly debatable. And so that is a very low threshold that you have to meet. It's very deferential on the court's part to the action of the legislative body. And so, I wanted to make that point very clear that these, you know, regardless of what the brief says or implies. You're not under any obligation to grant it and you're not under any obligation to grant it under the same conditions as any other SUP that's been granted for a property that is distinguishable. So, for example when I spoke to Mr. Walburn this morning, I mentioned that the Jay Street property is a much smaller property that has, I believe, one bedroom with an occupancy of two. Correct me if I'm wrong on that. But that's a very different situation than the kind of occupancy that we're generally talking about here.

Bridge Littleton: Perfect. Will, thanks. All right. Martin. Excuse me. Any questions for Will or Martin?

Darlene Kirk: [off mic] Remember that and I'm loud. Did you say that the applicants did come that the homeowners did come to the meetings?

Will Moore: Yes, they have been at all the meetings.

Darlene Kirk: I thought they did.

Will Moore: And I believe Mrs. Gillespie is here tonight as well.

Darlene Kirk: Okay.

Bridge Littleton: Great. Okay.

John Walburn: Ms. Gillespie you want to?

Mary Gillespie: Call me crazy, but. He's done a great job, but I think you guys want to know who your neighbors are. So, I had statement, but now I have typed up something else because I want to address some of the questions that came

up. But you know, we'll just let me just reintroduce myself. Mr. Jacobs has seen me and my husband, Tom Gillespie, three times before. My husband's flying back from Colorado, as you speak, for work. So.

Bridge Littleton: Space Symposium.

Mary Gillespie: So. Yes. Yeah. Very good. He goes every year, and I never get to go with him. Right, right. That's funny. So, yeah, he's a space guy. Anyhow, so we've lived in Great Falls for 23 years, and I'm from the area, born in D.C. and was raised in northern Virginia, but spent a lot of time out here in Middleburg as a kid with my folks. Tom and I actually were engaged at the Bears Province Hall in White Post, because Salamander didn't exist yet. So, we do have an affinity for the area, and we're excited to be here. When we put a lot deposit down. Sorry, am I too loud? Three and a half years ago, October 2020. We're one of those crazy Covid people that said, let's do something different. We really were excited about this development because we've had great experiences at Salamander. We love Middleburg and we're edging towards the empty nest opportunity to do something different. So, with that said, we went forward with it, but we need to defray some costs until we actually move there full time because our youngest is 16 years old, have a couple more years before he goes to college. So, this is not a commercial entity for us. This is a way to defray some costs while we transition into the area. I'm here a lot. Tom can work remotely. He's here some, but I'm here probably more than he is. And then we have family, extended family, and then some friends. I have friends coming this weekend and staying there because their kids are out of town. I said, go, we're not going to be here this weekend. So, it's been a really neat opportunity for us to just spend time in Middleburg with friends and family. But we would like to be approved for the short-term rental with the special use permit. Let's see we invested in additional parking. I wanted to remark on that. I do understand concern about impacting neighbors. And that's one of the reasons why Tom and I chose the largest lot. By far. It's 0.57. So that's almost 25,000ft², which is two and a half times what's required. So, I just wanted to make sure, you know, I put that out there. I think the Mayor mentioned if Salamander moves on, what about parking? Well, we're beholden to an HOA whether Salamander moves on or not. Tom and I invested in three extra parking spots you can probably see behind or in front of the garage. Just because, you know, we wanted to make sure there was enough parking for us and for our guests. And if we did do short term rentals. We've selected to go with a company called Loudoun Stay. And there's a lot of information in our original application about Loudoun Stay. Both Prem and Scott have been very supportive of us partnering with a different company, in part well I'll let them speak for that, but in part because I think they've done their own due diligence seeing that it's a concierge level niche, feet on the street, property management, it is not Airbnb, it is not Vrbo. And I also wanted to and there's a lot of information in the application, but they came to the first two hearings, and they were more than happy to come tonight. I said, don't worry about it, but they'll be here on the 25th. The owner and then the woman who's my main point of contact, who does bookings. And there's people already that parents from Foxcroft that want to rent when they move the kids in. So, it's very much they're catering to people who are already to some degree attached to the community. So, we did voluntarily offer to give up conveying the special use permit because we wanted to demonstrate this is not a business for us, not that the other applicants, it's a business, but because we are investing in our lives here. And so, yes, it could impact how much we sell the property for, but we don't want to sell the property. So, it's okay with us to not convey that. And we understand your concerns on that. I would like and I know seven seconds [inaudible] the Salamander issue that you have questions. I really would like to address that, if you don't mind about Salamander moving on if they sell.

Bridge Littleton: Oh, sure. Sure, sure.

Mary Gillespie: Is that okay?

Bridge Littleton: Yeah. Yeah.

Mary Gillespie: Because my five minutes are up. Okay. Okay. So, we all know Salamander runs a beautiful resort, and I understand your concern. But these homeowners have invested in, you know, very lovely homes, and I cannot imagine any of them partnering with a rental partner or company that wouldn't provide the same level of service as Salamander. They just part of our HOA restrictions are no Vrbo or no Airbnb. There's a reason for that. Salamander already thought through that. If we they can't demand that we use their service. But if we are going to go with someone else, it better be at the same level, which means and there's bullet points feet on the street. The Loudoun Stay needs to come and greet each guest. I mean, it goes on and on and I'm happy to give that information to Will. So, I do hear your concern, but I

also I just can't we're not allowed to do Airbnb and Vrbo, and those are not feet on the street companies. They're tech companies. Right. So, with that, any questions?

Bridge Littleton: No, no. Well, let me just first say thank you very much for coming in person. Oh, sure. Really, really do appreciate it. Okay. Hang on. And it makes a big difference. And I think also, you know, you guys are providing to, you know, let the use expire if you sell the property is very helpful. And it would be great to see what the covenants are. You know, I mean, I understand that there's the rental agreement, but there's also covenants that say, [multiple speakers] you know, whatnot. So, I think it'd be good to understand that as well. And I think the other aspect is Well, you know, I'll just leave it that I. No again really appreciate you coming in. I don't have any other questions. Okay. No, it was great. It's a pleasure to meet you.

Mary Gillespie: Thank you.

Bridge Littleton: Does anybody have any? Yeah Pam.

Pam Curran: I do. And Mary, I've seen your house and how many friends you already have in Middleburg. And I'm with the Mayor on it's nice to have you here.

Mary Gillespie: Thank you.

Pam Curran: But I noticed in the packet you submitted, you had quite a few letters of support. What are they supporting?

Mary Gillespie: So, they're supporting our application to for short term rentals in the community.

Pam Curran: Supporting the fact they don't mind short term rentals, or they believe you'll maintain community, I mean, that was the question I had. What are they supporting?

Mary Gillespie: Yeah. I think I can ask them to be more specific. I did just kind of reach out to them this week and thought, hey, it might help to reach out to some of our neighbors that have already bought we've already got to know each other. Salamander has done a great job of hosting events so that we can all get to know each other and build a community. And so, I reached out to 3 or 4 that I know they've been to my home. They're excited about what we're doing, and I think they know we're just responsible homeowners. So. But I can ask them to get more granular.

Pam Curran: No. Thank you. Thank you.

Mary Gillespie: Okay.

Bridge Littleton: Yeah, I think it's a good I didn't even think about it, but I read it I thought but you know that you mentioned it is do they support short term rentals in general or your application? I'm sure it's probably your application.

Mary Gillespie: Well, it's not just it's just not mine. It's I also asked them to support the other two that are in our neighborhood.

Bridge Littleton: Okay.

Mary Gillespie: So, both Miss Johnson's and also Mr. Perdakis, I did ask for them to support all. I mean, I didn't say, well, you know, do it. I said, we're going in front of the Council. Are you comfortable with going on record saying you support these three applications? Okay.

Bridge Littleton: Yeah, yeah. That's great.

Mary Gillespie: Yeah.

Bridge Littleton: Darlene, do you have a question?

Darlene Kirk: I do. You're not renting to your friends this weekend. They're just going to stay there. [multiple speakers]

Mary Gillespie: Yeah.

Darlene Kirk: I just want to make sure you weren't doing it.

Mary Gillespie: No, no. I would love to, but. [laughter] But I don't think they'd be happy to be my friends if I was charging them. Yeah, yeah. No, no.

Bridge Littleton: Go ahead. You were saying.

Mary Gillespie: Just the last thing I'd say is if it's okay, if I can say that is when Tom and I went through the application process both Will and Danny have been super helpful. So, I do appreciate that. And patient with all my questions and all that, but I guess Tom and I are asking to be seriously considered on April 25th and have a vote. Because we've been at this, this would be our fourth hearing. 25th, I believe Tom can make it be our fifth. And we really would like to have a decision. It'd be helpful to us. And so that's all I ask.

Bridge Littleton: So real quickly, the only thing I would say on that is. And I might as well go ahead and mention it now and I'm really looking at Danny and Will and John. We have deadlines to publish the agendas and publish the materials to be available. And I think what the way I'm going to look at this. If it's not in by the deadline. You have one of two choices. You can either pull the application if you want that, if you want additional material considered or if you want to stay on the 25th, that's fine, but your additional material will not be considered. We need the public to have as much ability to review everything as possible. So, and I know, John as I understand you just came on board to help. So as an example, that memo today, if this is the 25th then that's not being considered. So, I and there's publication dates and there's agenda publication dates and all that kind of stuff, you can get that from Will and Danny as to like look 5 p.m. on X date. If it's not in by then, it's, you know, we'll pull it for you or it's not going to be considered. But we want to make sure that the public has everything, you know, on time. So same thing for you, Miss Gillespie. Anything you need any help from them? Any help from us?

Mary Gillespie: Yeah. Okay.

Bridge Littleton: Got questions? Want to get together? No problem.

Mary Gillespie: Okay.

Bridge Littleton: You know, happy to do that.

Mary Gillespie: Okay. Thanks. And the last thing about the 180 days, just, you know, just because we're asking for 180 days, I can't imagine wanting that much wear and tear on my home, even though I expect our paid guests to be respectful at the price point, frankly, that they'll be paying similar to, you know, the level of what Salamander and the other inns charge. But at the same time, we don't feel like the 90 days is really a fair. I guess fair is probably the wrong word, but we'd like to be considered for the 180 days, and we're thinking, you know, probably max out somewhere around 120. We think but that's just kind of what we're guessing. But I just wanted to put that out there that we would like that to be considered as well.

Bridge Littleton: Okay.

Mary Gillespie: Okay. Thank you.

Bridge Littleton: Thank you very much.

Mary Gillespie: Thank you.

Bridge Littleton: Yeah. Oh. I'm sorry Cindy. One moment. Cindy has one quick question.

Cindy Pearson: Wanted to make sure I heard this right. I know you didn't work with Sotheby's to buy your property if they've just started. So, when you bought the property, did you specifically buy the property to rent it?

Mary Gillespie: We did not work for Sotheby's, so we were so early. [laughter].

Cindy Pearson: I know I just said that. [multiple speakers]

Mary Gillespie: We worked with the development company. Yes. No, we bought it to move here. So. And I'm a realtor and I knew interest rates would be going up eventually. I figured the price of the homes would be going up eventually. So, I said, let's get in now. And let's I mean, we also considered long term, but then we can't use it. So, if we do, you know, 90 days at a time to take advantage of the fall market per se, where people are willing to pay a lot, then that means we can't enjoy it. We can't come out, you know, for to enjoy. I mean, what better time to come to Middleburg than the fall? So no, that was not our intention. But our hope was to defray some costs through some type of a rental arrangement. Yes.

Mary Gillespie: I understand that. Thank you.

Cindy Pearson: Okay.

Speaker11: Okay. Thank you. Thanks a lot.

Darlene Kirk: Thanks, Cindy.

Bridge Littleton: So that is all the applications that are pending for Salamander. Okay. So now there is a special use application request from Miss Goodman for 700 West Washington Street. Is Miss Goodman here. Oh. I'm sorry. God.

Danny Davis: And Mr. Moore can intro.

Bridge Littleton: Yes. And I keep I keep cutting well out. Will if you'd like to go first. It's up to you.

Will Moore: Thank you, Mr. Mayor. So, you see on screen here the subject property. It's at the northwest corner of West Washington Street and Locust Street. This one is in the R2 district. So, between the four applications, we have all three districts in which the use can be considered represented. So, the R2 district is defined as one of our older existing residential districts. That's one of the purposes of the district. And one of the statements in the comprehensive plan is specific to being mindful of potential impacts of transient uses on our older residential neighborhoods. So slightly different light to look at this particular application. In this case, the application, as you see, the property is bordered on three sides by residences. The one to the north is actually under construction. It's not been granted occupancy but will be in the fairly new near future. The property to the south, on the opposite side of West Washington Street is zoned AC it consists of some agricultural land, along with the home that you see at the bottom right corner. In this particular application it is clear that this would be used primarily for residential purposes. The applicant outlines that clearly in her materials within which she identifies that she works as a flight attendant for a private company and travels a maximum of 87 days per year. So, but this is her one and only home. And the hope that she has is during some of those periods where she was away that she could rent it for some additional income. She also highlights that a lot of the time that she is away is mid-week. So, there's a likelihood that there will be even fewer rentals there. Now, for this particular application, Miss Goodman does propose using Airbnb as the booking authority, but it's not a management company. So, she actually has designated a local resident, has worked with somebody who would be her manager. So, so when some, when a guest arrives and Miss Goodman is away, there's a local person right here within town who would greet the guest, who would be the point of contact if there were any issues, would be the go between. If, you know, if a pipe burst, you call that

person who can then contact the plumbing company those kinds of things. So that. I simply highlight that because Airbnb has been disparaged a little bit here this evening, and I'm probably, don't sue me, Airbnb. Rightfully so. But again, they are not the management entity. That's simply the platform that would be used for booking the arrangements. Particular to this application, however Airbnb remits the collected taxes directly to the locality. However, due to some of their quirks we don't get a proper accounting of those remissions to us. So, money shows up in a check, but we don't know what property was for or properties those kind of things. So, while some of the previous applications would fall under the business license of the management authority, in this case, the applicant would have to obtain the business license and would be responsible for giving us some sort of accounting so we could justify that with the checks that we receive from Airbnb without that accounting. So that would be one differing factor. Again, you see the property it is in fairly close proximity to some of the neighboring ones, but there is sufficient buffering particularly to the property under construction to the north. They have a fairly large backyard, plus a garage like the rear property line. They have obviously Locust Street intervening between the subject property and the one to the east and the one to the west. There is the driveway on the neighboring property that separates those residents. So, there's well, more than the minimum additional the minimum required separation from those dwellings. I think that encapsulates my report. Like the two previous ones, the Commission forwarded this to you with a unanimous recommendation for approval, but with a cap of 90 days per year on the use.

Bridge Littleton: Will did the applicant voluntarily provide any other?

Will Moore: Oh, yes. Thank you for queuing that up. Yes. And like the Gillespie application this applicant also voluntarily offered to terminate the SUP if there was a transfer of ownership of the property. And that is included in her materials.

Bridge Littleton: Great. Thank you.

Cindy Pearson: I have a question.

Bridge Littleton: Yeah.

Cindy Pearson: Will, you said did you say the manager will have to get a business license or the owner?

Will Moore: The owner would be responsible for getting the business license. Now, that can be subjugated through a representative. But I would imagine that the owner would want to do that herself. But.

Bridge Littleton: Okay. Ms. Goodman, the floor is yours.

Daree Goodman: Thank you, Mr. Mayor and Council. Thank you. And thank you, neighbors, for being here. And I think Will, it's nice to see you back. Thank you, Danny, for holding my hand through the process. But anyway, I think we'll pretty much covered everything. I'm going to relinquish my rights to sell it with the house, the rental, and I'm only gone probably 90 days a year anyway, so it was just to help supplement with some of the cost. And my children come less and less because they're older, and one just got married. [laughter] And so I don't fill the house up. It's only me there, and I just feel like it's kind of a waste, you know? It's a beautiful town, and I live within proximity of walking distance. And I love my town. I love my home. I'm very particular. And I have a mentor person who has helped me with Airbnb set it up and just with the coaching, telling me what to expect, what how to handle and what to prepare for. And they're a pilot within my organization that I fly with. So, before I did it, I've also I've owned the house over two years. So, before I did it, I did a lot of due diligence with that. And asked myself the question, do I really want to do this? But anyway, I just appreciate that you're going to treat us all separately and you'll do your vote next. I guess in two weeks for me individually and consider that I'm willing I've followed under everything that's required. I've done everything that needs to be done. And do you have any questions? I've got three minutes, but.

Bridge Littleton: Any questions? Bud.

Bud Jacobs: I'm a little concerned about the management piece. What will you do? What steps will you take if you receive a report that or a complaint that there's a noise issue or some other nuisance issue arising from your house. And let's say you're in-flight status that day. How are you going to resolve the problem.

Daree Goodman: So, flight status I just so you know, my communication on the ground, in the air, everything is including with my client on board. It revolves around this thing. It's very important to my job. And it's also very important also for communication back home and with my children. It never stops. I have complete communication. Our plane has the highest technology you can have for satellite and internet and whatever. It's very important. So, I do get that. And then my friends and neighbors are Linda and Mike and best friends. And anyway, she's been kind enough to put her number down as the number to call first.

Linda McKenna: And I'm walking distance from her house, and some of you know me. And if there's noise, trust me there will be silence.

Daree Goodman: Don't mess with her. [laughter]

Linda McKenna: I can handle it. But if there's a, you know, maintenance issue. My husband has done extensive renovations, so I would be the one greeting them, letting them in. And I would be the first point of contact my husband and I while she's in the air. And then she would be notified so we'd be responsible for managing.

Bud Jacobs: So, people checking in would meet you first.

Linda McKenna: I would go over to the property and let them in and remind them of the rules. Yeah.

Bud Jacobs: And Shaun who will you be talking to? I guess you, in the event that there's an issue.

Linda McKenna: Yeah, we're the boots on the ground and right around the corner.

Daree Goodman: Yeah.

Bud Jacobs: Okay. Thank you.

Daree Goodman: Everybody needs a Mike and Linda.

Bridge Littleton: Any other questions? Yeah. Pam.

Pam Curran: Hello. Have you been [inaudible] to Miss Gillespie? Have you spoken to your neighbors to get their support?

Daree Goodman: Actually, I have. And it's funny. I love my neighbors. Every single one of them have been in full support. They've I've spoken to each one of them and asked them, and if I need to get letters, I could. They came one of my neighbors came last to the last meeting, just in case she needed to speak. But Yes, both my neighbors to my right and my left have both said they're great.

Pam Curran: And did I read that you were going to cap the number of renters? Not have it [multiple speakers].

Daree Goodman: Right. I'm only going to do 90 days anyway.

Pam Curran: No, the number in the house.

Daree Goodman: Oh, right. Yes. It's a three-bedroom house, and there's. So, it's only 1 to 2 per bedroom. It's six people total is max.

Pam Curran: Number of off-street parking.

Daree Goodman: Oh, I have four parking spaces.

Pam Curran: Okay.

Daree Goodman: Yes, three in front of the garage. And then one on the street. That's its own designated spot. Yes.

Bridge Littleton: Any other questions? Cindy.

Cindy Pearson: Mine was the same with the amount of people that you're going to allow in not to be the eight, because that's a lot for that house. I have been in that house many years ago. I'm sure it's changed a tad. And being with your community with as many cars, that, of course, goes along with that many people. You know, so we do have all the same concerns that we have for any of the other applicants with the noise and the disturbance, but. Just wanted to make that statement. Thank you.

Daree Goodman: Thank you.

Bridge Littleton: Darlene.

Darlene Kirk: I'm not know if I'm supposed to ask this, but why did you choose Airbnb? Did they have did somebody, you know, use them and you like them or?

Daree Goodman: Goodness. Yes. I've lived in Florida before. I lived here and my very best friends there's a two-star general in the Air Force. And his wife, they had two Airbnb's in the neighborhood that I lived in, and they were like, they had all the best reviews and whatever. And so, she's done that with great success as well as this pilot who I fly with currently. And she has also five-star reviews. And so. That's why I went with them. And they have great insurance and coverage. It's amazing. It's like \$1 million policy. It's all on them. That's felt like security to me and my guests. Thanks.

Bridge Littleton: Thank you very much.

Daree Goodman: Thanks.

Bridge Littleton: All right. I think that's everything for the moment. I want to thank all the applicants for coming by and helping us make sausage. It's never fun. But hopefully something, you know, good comes out on the other end. For the public's perspective again, the public hearing is two weeks from tonight. It is going to; Danny get me right. We're going to start at seven, right?

Danny Davis: That is correct.

Bridge Littleton: Yeah. So normally Council meetings are at six, but we are going to have this Council meeting start at 7 p.m.. The reason is because there is an event at Salamander for Windy Hill. And most of Windy Hill residents will be there and people who support Windy Hill. So, we wanted to make sure that folks had it's going to be a two-hour event, but we wanted to make sure folks had an opportunity to at least be able to go out there for the first hour. So just note for the public, our meeting will start at seven and the public hearings will be at the front of the agenda. So, with that thanks everybody. Appreciate it. And now we get to go on to the rest of the exciting part of the agenda. Danny, follow up on the Council Strategic Planning Retreat.

Danny Davis: Thank you, Mr. Mayor. I appreciate the opportunity.

Bridge Littleton: Actually, let me do this real quickly. We will take a 90 second break for anybody who wants to dash out the door and not appear to be rude. Sorry.

John Walburn: Thank you.

Danny Davis: And Council Members just briefly say we had a very successful strategic planning retreat. I have draft minutes from the facilitator that I've had a chance to review and have forwarded on to Miss North and Mr. Moore to review as well. Obviously, Miss North was not there, but she did have a chance to take a look at it. So, I believe I'll give it one more look and then forward that on to Council. But coming out of that had some positive discussions about kind of direction on some potential projects ahead strategic initiatives for the next two years and look forward to working with the Mayor and Vice Mayor to make sure that we represent those appropriately and then get those to Council. And I know our next meeting is intended to be just on the short-term rentals. So perhaps we bring this back to the May 9th meeting for kind of adoption from Council.

Bridge Littleton: Sounds good to me.

Danny Davis: Works for me.

Bridge Littleton: All right. Next item is the utility fund budget.

Danny Davis: Thank you, Mr. Mayor. And I will take as long or as little on this as you'd like. I know we've had a long meeting already with an additional period of time on some other items. But just to go over briefly, it is important that we take a chance to talk through our utility budget. And if it turns out that we need to set some additional time at a future meeting or at a special meeting, we can do that as well. Just as a reminder, we have proposed and built into the proposed budget 3% increase in our utility rates for water and sewer. Again, this is based on the recommendation of both our rate consultants or our financial advisors, as well as just long-term planning to ensure that we can keep up with inflationary costs, other costs and expenses, but also so we can avoid having significant rate increases in any given year. And so, we do show in our revenue lines a 3% increase in revenues. We continue to watch consumption levels. They vary year by year. Depends on sometimes it's based on tourism trends. Sometimes it's based on other trends throughout the year. So, we might exceed our projected budget for current fiscal year, which could potentially lead to some additional revenues both this year and into the future. But again, I'm hesitant to recommend raising that budgeted number beyond just the 3% over fiscal 24. The only other, again, significant increase in revenues for the utility fund is similar to the general fund, which would be interest revenues. As you know, a portion of our investments are for the utility fund. So, we allocate those earnings between the general fund and the utility fund. So that does show a sizable increase 59,000 or 5900%. But that's going off of a base value of \$500. So, we believe that will be fairly sizable revenue for this coming year. Looking at expenditures for the administration is generally across the board relatively flat when you take the whole kind of administration side into consideration, some increases, some decreases, the main part would be on the last page of the utility operating, which is operations and maintenance. We continue to watch our chemical costs. As you know, it takes us a significant amount of chemicals to run our plants. We had some anticipated costs. And, of course, those can vary depending on the plant's operational status, as well as shipping costs and fuel surcharges. I am proposing, though, a reduction in those costs for fiscal 25. Again, looking at kind of our ongoing use patterns for the last couple of years. As you know, one of our challenges is continuing to keep our equipment replaced and maintained. So, we do continue to see increases in our maintenance costs. That can be anything from a pump that goes down that we need to continue to replace to line repairs, which would be from a water main break. Each one of those can be anywhere from a probably minimal \$6,000 to depending on where the break occurs. Could be \$25,000 just depending on the cost to find the leak. And if it's in a significant roadway, the cost to repair the roads. So, and you never know where those might pop up especially in the water side. That's the challenge is it's harder to be proactive there. On the sewer side similar continuing to try to make sure that our dollars per fund are appropriately placed. And continuing to watch increases as we see some changes in our operations. One we were able to reduce over the period of time was our sludge removal. When we do our wastewater process, the solids settle down and are pumped to a holding pit. And for a long time, we're being very successful in not having to haul off a bunch of sludge. And that was just through some good chemistry, I think, and biological processes. But we're seeing some increase in our sludge. And so that's pretty standard cost of having to haul that off to another facility. Who's willing to accept that. So, in general then we have a cash transfer from the utility fund to the CIP. The utility CIP, currently budgeted at an amount of \$355,000 for the upcoming fiscal year. And that's broken down into three primary uses. One of the items, and I know we discussed this at the Strategic planning retreat, is looking strategically at our water main infrastructure, the ones primarily where we've continued to see breaks in our water lines. I know for

myself that would be primarily Stonewall Avenue and Chestnut Street, where we have not updated those lines and in Ridgeview. So, looking at the replacement of that. The challenge with that is the cost is fairly sizable. And so, looking to try to plan that out over a period of time, either a section at a time, a block at a time. And so, beginning now to set aside dollars for that and hopefully be able to, to address those before they continue to become issues. On the other two CIP investments, one is general water system improvements at just \$20,000. That might be again kind of it's just a holding fund where we put money aside every year for when we might have a sizable break or a sizable need. In this fund is essentially like a set aside. And so it might be that we don't use that for two years. And then all of a sudden in the third year we have \$100,000 repair. And that gives us those funds where we can actually have that ready to go and tackle that without having to tap into our reserves. On the sewer system side, under sewer system improvements, the proposed budget has \$85,000. And this also gets to the comment that we were discussing about taking some more proactive measures for sewer system work. What I would like to propose and begin tackling with Inboden is a proactive video inspection program for our sewer system where we can, over a 4-to-5-year period, cover the entire town with an allocation of, say, 25, \$30,000 of that per year. And we can identify really the hot spots, that kind of has a twofold approach. One is if we find an issue before it's become critical, sometimes you can line the sewer pipe for a whole lot cheaper than completely replacing it. But if we do find issues where there are failures in the pipe, we can catch it before it becomes an emergency issue like the one at Windy Hill Road. We will work with and Inboden further, but he indicated to me that his firm is looking to actually procure video capabilities because they serve enough clients now where it would become financially feasible for their company, and also a service that they know is really important for all of their customers. And so, whether it's through them or whether it's through a third party being able to begin getting that information. One additional thing we've been discussing, and Council Member Leonard-Morgan has been part of these talks, is the ability to really, truly develop an asset management system based on GIS data, where we can pull up maps in the field, and it will show you all of our assets in that location. Maybe it's a water main or a sewer main or a valve or a hydrant. And if we have video data for that sewer main in the field, you can pull up that sewer main and see the video of it as you're standing right there. Similarly, if you have a water main break, we could identify for this section of line the one, two, three valves that you need to shut off to isolate that line. Right now, it's kind of a we don't know, find the closest one, turn it off, see if it helps. So, the more we get that information in data, we can actually fill in and have a technology-based system that will allow us to be more effective in the field. So, we're looking at those options as well to give us better information as we tackle on the utility side. So, I realize I just ran through that real quickly. I will say our utility fund remains self-sustaining, which is important. It remains healthy. And we continue to try to take very careful, a careful approach to spending our dollars. And yet, on the flip side, we know that when we need to spend the dollars to make repairs and make replacements that we can do that. And so, we appreciate the investment of the Council in this fund and hope that we can continue to make good progress on these issues that we faced and seen over the past few years.

Bridge Littleton: Great. Any questions for Danny? Darlene. Turn your mic on.

Darlene Kirk: I did I remembered. I'm turning away. I know you've been super busy in the past two weeks, but if we can get that CIP report updated, and I'll be glad to come in and help if you need it.

Danny Davis: Will do. Thank you.

Darlene Kirk: Thank you.

Bridge Littleton: Any other questions for Danny? All right, Danny. Thank you. Any information items from Council? [off mic] Well. Fire away.

Chris Bernard: We had our first well, I guess my first Christmas in Middleburg meeting yesterday. So just to catch you guys up, because I know we assigned me to go hang out with them and see what's going on. It was a good meeting. We got the MBPA and Christmas in Middleburg Committee and the town in the same room and looked at like a new draft of an MOU that we'll have a copy of soon, but really just kind of broke up all the responsibilities and going to get started on parking, which is, I think, one of the biggest hurdles. I think we all agree that, you know, the parade's either the right size or it can be a little bit smaller and more community focused. So, it's how do we tighten up the operational things like

those, you know, the safety and the parking and all that stuff to just enhance the experience for people that are here. That's all.

Bridge Littleton: Thank you. Yeah.

Danny Davis: Would you like me to give a brief legislative update on those two items?

Bridge Littleton: Okay.

Danny Davis: Senate Bill 544 the short-term rental bill. Governor made two amendments to the bill. So that goes back to the Senate for review. They do not help the town's position. I'll put it that way. They kind of further emphasize limitation on the town's ability to make further amendments to short term rental ordinances. And so, we have are working with VML in discussions related to that so that that was not officially signed by the governor but sent back with amendments. Similarly, on HB 1071, the speed limit reduction bill, the governor made two actually very significant amendments to that bill. The first is that it requires reenactment at the next General Assembly session. In other words, we have to go through this whole same process again. It seems odd to me that a bill of this, what I would say is relatively minor nature, would require that process. But maybe it's borne out by the other amendment he made. [multiple speakers]

Bridge Littleton: It's a poison bill.

Danny Davis: Which is he's asked VDOT to do a full-blown study of the potential impacts and effects of this legislation. The cost of the signage, the dot, dot dot.

Chris Bernard: It's ridiculous.

Danny Davis: It's unfortunately we thought we had a good bill that would give us the authority to make these changes in the town as we see appropriate. And now it's just created additional roadblocks. We'll build some.

Bridge Littleton: Speed bumps. [off mic] Okay. Any other information items? All right. Does somebody want to read the closed session memo? [off mic]. Someone.

Bud Jacobs: I got it. Do you want to do it?

Bridge Littleton: All right. Bud, hit it.

Darlene Kirk: All right. [off mic]

Bud Jacobs: No. I move that Council go into closed session as authorized under section 2.2-3711 of the Code of Virginia for consultation with legal counsel employed by the public body regarding specific legal matters requiring the legal advice of such counsel related to one the Town Hall project contract and two zoning matters, both as allowed under subsection A 8. I further move that the Council thereafter reconvene in open session for action as appropriate.

Chris Bernard: Second.

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

All of Council: Aye.

Bridge Littleton: Opposed? Abstentions? All right. Closed session it is. Nothing was discussed except the matter or matters. One specifically identified in the motion to convene in closed session, and two lawfully permitted to be discussed in a closed session under the provisions of Virginia Freedom of Information Act, as cited in the motion. I would like to remind those present for the closed session any discussion that occurred within it should be treated as confidential.

Bud Jacobs: Aye.

Darlene Kirk: Yes.

Bridge Littleton: Yes.

Chris Bernard: Aye.

Cindy Pearson: Yes.

Bridge Littleton: And with that meeting adjourned. [off mic]