



MIDDLEBURG TOWN COUNCIL
Regular Monthly Meeting Minutes
Thursday, May 23, 2024



PENDING APPROVAL

PRESENT: Mayor Trowbridge M. Littleton
Vice Mayor Chris W. Bernard
Councilmember Pamela Curran
Councilmember J. Kevin Daly
Councilmember Morris E. "Bud" Jacobs
Councilmember C. Darlene Kirk (arrived at 6:02 p.m.)
Councilmember Peter A. Leonard-Morgan
Councilmember Cindy C. Pearson

STAFF: Danny Davis, Town Manager
Martin R. Crim, Town Attorney
Rhonda S. North, MMC, Town Clerk
William M. Moore, Deputy Town Manager
Police Chief Shaun Jones

The Town Council of the Town of Middleburg, Virginia held their regular monthly meeting on Thursday, May 23, 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

Terry Cooke, 602 W. Washington Street, thanked the Council for appointing him to serve on the Planning Commission and advised that it had been a pleasure to work with his fellow Commissioners and the Town staff. He expressed regret that he had to step away; however, he advised that he would continue to be involved in the process remotely. Mr. Cooke noted that he lived in the R-2 District and was interested in what happened there. He further noted the short-term rental discussions and advised that he would continue to follow the discussions on changing that ordinance. Mr. Cooke advised that although he would be on the sidelines, he planned to continue to be a part of the discussions.

Mike Meredith, of Upperville, advised Council that Gary Nickelson asked him to report to the Council on their progress to bring an American Legion baseball team back to play at the Mickie Gordon Memorial Park. He reported that it did not appear they would be able to get the cricket players out of the ballfield this year. Mr. Meredith thanked the supporters of the baseball team; however, he noted that they would have to play elsewhere. He reported that The Hill School had stepped up and would allow them to play on their field. Mr. Meredith advised that they had a place to play and would show the County Department of Parks & Recreation that they had a team. He expressed hope that the Mickie Gordon Park would be available for their use next year. Mr. Meredith reported that they now had seven players, with tryouts scheduled for next week. He advised that they would play seven teams in the area. Mr. Meredith noted the desire to make the Mickie Gordon Memorial Park available for playing baseball.

Mayor Littleton asked Mr. Meredith to provide the Town with a copy of their schedule, including who they were playing and where. He questioned when Parks & Recreation Director Torpe was scheduled to speak with the Council.

Town Manager Davis reported that his goal was to be at the next Council meeting. He noted that Mr. Torpe may need to participate remotely.

John Kevin Daly noted that on Veterans Day, he was able to celebrate with his friends; however, on Memorial Day, he honored those who were no longer with us. He reminded those present of the upcoming eightieth anniversary of D-Day. Mr. Daly noted the statistics regarding the number of soldiers who lost their lives; however, he advised that for their families, this number was 100%. He thanked those families who lost a son or daughter in all of America's wars.

Special Recognitions by Mayor & Council

Resolution of Appreciation – Terry Cooke

Mayor Littleton noted that it was bittersweet to recognize someone who served the Town in a volunteer capacity in an important, meaningful way. He advised that he was sad to see those people go and noted that their mark on the community would always be remembered. Mr. Littleton noted that Mr. Cooke had served on the Planning Commission for eight years, including the last four as its Chair. He advised that he served with great caring, thoughtfulness and distinction. Mr. Littleton further advised that he was a wonderful person to lead the Planning Commission and noted that he guided the members aptly, gracefully and with charm, dignity and respect. He opined that the Commission was immensely effective due to his leadership. Mr. Littleton noted that Mr. Cooke took his responsibility seriously and opined that his thoughtfulness brought out better results. He thanked him for taking on this role and for all he had done for Middleburg.

Councilmember Jacobs noted that he had the honor of serving on the Planning Commission under Mr. Cooke’s leadership. He acknowledged his knowledge of the law and advised that he was diligent about sussing out the issues. Mr. Jacobs noted that Mr. Cooke always had the welfare of the citizens in mind. He advised that he was grateful to him for dealing with the members of the Commission with the utmost of grace.

Councilmember Leonard-Morgan noted that he watched the Planning Commission meetings online and opined that how Mr. Cooke chaired the meetings was masterful. He thanked him for his service.

Vice Mayor Bernard expressed appreciation to Mr. Cooke for keeping an even keel in some stressful and tenuous situations.

Councilmember Pearson thanked Mr. Cooke for his service.

Mayor Littleton read the resolution aloud and, following the vote of the Council, presented a signed copy to Mr. Cooke, along with his name plate and a Middleburg paperweight.

Councilmember Jacobs moved, seconded by Councilmember Daly, that Council adopt a resolution expressing its appreciation to Terence S. “Terry” Cooke for his service on the Middleburg Planning Commission from July 14, 2016 through April 18, 2024.

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

No – N/A

Abstain: N/A

Absent: N/A

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

Resolution of Appreciation – Mike Kilian

Mayor Littleton advised that Mike Kilian had served on the Economic Development Advisory Committee (EDAC) for three years. He noted that he was moving from the area; therefore, the Town was losing him on EDAC. Mr. Littleton advised that Mr. Kilian had served the Town with distinction. He acknowledged the amount of work EDAC had performed and opined that it found great focus once Mr. Kilian assumed the role as Chair. Mr. Littleton expressed appreciation to Mr. Kilian and noted that he cared about the community.

Vice Chair Bernard noted that EDAC spent a lot of time focused on marketing. He advised that it was nice to have Mr. Kilian’s leadership as EDAC tried to determine how to help the businesses succeed.

Councilmember Leonard-Morgan noted that when Mr. Kilian assumed this leadership role, the Town was just coming out of COVID. He opined that not many people would want to take on that role during that time.

Mayor Littleton read the resolution aloud and, following its approval by the Council, presented a signed copy to Mr. Kilian, along with a Middleburg paperweight.

Vice Mayor Bernard moved, seconded by Councilmember Daly, that Council adopt a resolution expressing its appreciation to Michael Kilian for his service on the Economic Development Advisory Committee from August 26, 2021 through April 22, 2024.

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

No – N/A

Abstain: N/A

Absent: N/A

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

Mr. Kilian advised that it had been an honor and privilege to serve. He opined that Middleburg was the most special town in Loudoun County.

Public Hearing & Related Action Item

Lease Franchise of Town Property for Telecommunications Facilities – Stonewall Avenue Water Tower

Town Manager Davis reminded Council that AT&T had cellular communications facilities on the Stonewall Avenue water tower and advised that they approached the Town about adding a generator to the site. He reported that the Town staff supported this, as the Town’s public safety cell phones used the FirstNet AT&T network. Mr. Davis advised that AT&T approached the Town about leasing the property on the ground level under the water tower that was previously used by another vendor. He noted that the Town was required to open this opportunity up for bids and asked whether anyone had a bid to submit. (No bids were offered.) Mr. Davis recommended the award of the lease to AT&T.

No one spoke and the public hearing was closed.

Councilmember Leonard-Morgana moved, seconded by Councilmember Daly, that Council adopt an ORDINANCE AUTHORIZING AWARD OF BID FOR LEASING SPACE FOR TELECOMMUNICATIONS EQUIPMENT AND ASSOCIATED FACILITIES ON TOWN PROPERTY.

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

No – N/A

Abstain: N/A

Absent: N/A

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

Public Presentations

Annual Report – Historic District Review Committee

Chair Clites noted that Vice Chair Lee and Committee Member Anderson were also present. He advised that the other Committee members included Virginia Jenkins, Linda Wright, Margaret Littleton and Councilmember Pearson. Mr. Clites noted that their written report contained the details of their work and advised that the Committee found the workload to be manageable. He reported that the members participated in continuing education and training, which they found useful, and noted that this was required for the Town to maintain its certified local government status through the

Virginia Department of Historic Resources. Mr. Clites noted the County's Joint Architectural Review Board awards program, which the HDRC participated in, as well as the HDRC's own Legacy Award and Historic Preservation Awards that were given away annually. He reviewed the details of these awards. Mr. Clites noted that May was Historic Preservation Month and advised that, while the Committee was behind schedule in making its awards this year, they would issue them in 2024. He reported that the Committee was working on proposed amendments to the Historic District Guidelines related to outdoor seating and lighting and opined that they would be forwarded to the Council shortly.

Chair Clites reported that the Committee did not have any outstanding goals or projects at the moment; however, he and Vice Chair Lee discussed the fact that the entrance corridors, which come into the Historic District, were consistently raised as a discussion item. He noted that he recently attended a joint meeting of the Council and Planning Commission regarding the R-2 District and opined that these two items had overlapping concerns. Mr. Clites advised that if the Committee had a goal, it would be to start looking at and understanding whether it should have some level of oversight with regard to the entrance corridors. He opined that this may not automatically be an extension of the Historic District but could be some type of overlay that was similar to what occurred for Salamander.

Chair Clites recognized the support the Committee received from former Planning & Project Associate LaClare, Deputy Town Manager Moore and Town Clerk North, who did an amazing job. He advised that the members always felt well prepared and well guided. Mr. Clites opined that the Committee members worked well together to find a consensus and noted the level of respect amongst them. He reminded Council of the variety of backgrounds the members brought to the Committee.

Chair Clites noted a question that was asked during the recent joint meeting between the Council and Planning Commission as to what an architectural control district would look like and opined that, from his perspective as an architect and a member of the HDRC, this was a great question to ask. He offered to respond to any questions the Council may have about the Committee's work.

Councilmember Leonard-Morgan noted that he watched the HDRC meetings online.

Mayor Littleton opined that the HDRC did a great job and noted that the members took their work seriously. He advised that he was asked about things coming before the HDRC and noted that it was not a matter of what the members liked, but rather was about what was in the Historic District Guidelines. Mr. Littleton opined that the Committee did a great job of giving applicant's thoughtful input and helpful ideas to make their projects better. He further opined that they did a great job of helping applicant's make their projects unique, special and complimentary to the town. Mr. Littleton noted that the members took their work to heart, which resulted in great products. He thanked the members for giving their annual report.

Staff Reports

Utilities Report – April 2024

Mark Inboden, of Inboden Environmental Services (IES), advised that a lot of things unfolded in April, including changes in operational personnel and in the way the Utility Committee handled some items. He reported that the Town on average used 133,000 gallons of drinking water per day in April, which was standard, with the majority of the water coming from the Stonewall Treatment Plant and the Well 3 plant. Mr. Inboden advised that they ran Well 2 intermittently during the month. He noted that the Town experienced a slight communication issue with Well L, which was corrected. Mr. Inboden reported that IES conducted hydrant flushing throughout the town to improve the water quality and flush out the distribution lines.

Mr. Inboden reported that on the wastewater side, the Town experienced a TSS and TKN violation in April due to filter issues at the treatment plant and described how that occurred. He advised that he pulled in additional personnel and resources to address the issue. Mr. Inboden noted that this violation was reported to the Virginia Department of Environmental Quality as required, with a follow-up report on the remediation actions taken being filed with them as

well. He advised Council that IES was able to regain full function of the filter on April 11th through a deep cleaning and noted that this would be a part of their standard operating procedures. Mr. Inboden advised that this incident allowed them to find a number of items that needed repair and reported that IES brought in contractors to do so. He acknowledged the assistance they received from other municipalities and contractors on a regional basis while this was occurring. Mr. Inboden reported that IES was working with the manufacturers to replace or repair some mixers and pumps and was working to identify the most cost-effective options for doing so.

In response to inquiries from the Council, Mr. Inboden explained that the Environmental Protection Agency (EPA) recently finished the promulgation of the PFAS regulatory actions and limits. He further explained that PFAS were chemical substances that did not break down in nature. Mr. Inboden advised that the EPA established a zero threshold for the maximum contaminant level; however, they were enforcing a four parts per trillion level because that was the lowest level a laboratory could detect. He reported that all utilities had until 2027 to perform sampling and adhere to the sampling procedures and frequencies the EPA had set. Mr. Inboden advised that IES' compliance team was gearing up for a comprehensive and extensive sampling event at all its facilities and was looking to start sampling in the third quarter of 2024 and to be finished all the sampling in the third quarter of 2025. He explained that the reason it would take a year was because Middleburg was a groundwater system, which required two samples in a twelve-month period. Mr. Inboden advised that the cost of the testing was unanticipated and unknown at this time. He noted that PFAS testing was not a standard analysis and advised that IES' labs were not accredited for PFAS analysis at this time. Mr. Inboden reported that they would send the samples to a network of sub labs for analysis and noted that those labs were being inundated. He advised that he was working to identify the cost of the analysis and expressed hope to gain a volume discount.

Councilmember Leonard-Morgan noted that he served as the Council's representative on the Utilities Committee. He thanked Mr. Inboden for accepting responsibility regarding the issues that occurred, including covering the costs for mitigating the problems. Mr. Leonard-Morgan advised Mr. Inboden that he had full faith in him and appreciated that he was here personally and brought in his staff until the problem was resolved.

Jilann Brunett, of the Source Water Protection Committee, noted that the Town had a state-of-the-art treatment system and explained that while the staff who operated it was good at keeping the Town informed, at some point, that fell apart. She noted that Mr. Inboden brought in his team, who took care of the problems. Ms. Brunett advised that in the future, the Town staff and IES would be more vigilant. She noted that IES was putting together spreadsheets of various components of the water and wastewater systems, which would identify the frequency with which items needed to be replaced or repaired. Ms. Brunett noted that this would allow the Town to have an idea of the cost in the future. She advised that IES would look at the equipment weekly and update the spreadsheets. Ms. Brunett noted that the Utilities Committee would do the same thing and opined that the system would be stronger going forward. She advised that she would be asking for tours of the facilities and to be more involved in the systems.

Status of Special Projects

Town Manager Davis reported that the Town was replacing the last components at the Well 4 Treatment Plant and was close to restarting it. He noted that the clear well did not have the proper valves to allow the Town to fully isolate the plant from the clear well and reported that they have now been installed. Mr. Davis advised that the intent was to restart the plant prior to commissioning the new clear well. He reported that as to the clear well project, the concrete base had been poured and was ready for the 64,000-gallon ground level storage tank to be set. Mr. Davis reminded Council that the storage tank would be connected to the treatment plant through piping and pumps.

Town Manager Davis reported that the South Madison Street Improvement Project had been placed on hold while the staff worked through some other priorities that the Council identified during its strategic planning retreat; however, the staff wished to continue that dialogue. He reminded Council that they awarded the contract for community engagement services for the Asbury Church Project and reported that Town Clerk North worked with the consultant to tighten the schedule as discussed by the Council, with the goal being to report back to the Council in December.

Consent Agenda

- A. Council Approval – April 25, 2024 Regular Meeting Minutes; May 9, 2024 Regular Meeting Minutes
- B. Council Approval – Water-Sewer System Acceptance & Performance Bond Release – The Residences at Salamander

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

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

Action Items (non-public hearing related)

Council Approval – Appropriations Ordinance – FY '25 Budget

Town Manager Davis reminded Council that they reviewed and discussed the fiscal plan for FY '25 a number of times and reported that the appropriations ordinance was ready for adoption. He noted that the General Fund revenues were anticipated to be just above \$5 million, and expenditures were projected to be \$4.7 million, leaving nearly \$400,000 in unallocated revenues, which would be used as contingency reserves or in the case that revenues were not coming in as projected. Mr. Davis advised that the Utility Fund's contingency reserves were much tighter due to the operational needs of the system.

Councilmember Daly moved, seconded by Councilmember Leonard-Morgan, that the Council approve an ORDINANCE TO APPROVE THE BUDGET, AFFIRM TAX RATES AND MAKE APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE 30, 2025.

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

Council Approval – Acceptance of Sponsorships & Donations – Middleburg Day

Town Manager Davis reminded Council of the ordinance that required that they accept sponsorships and donations for Town events. He explained that this item was being brought to them to approve the acceptance of donations for Middleburg Day on May 31st and into the future. In response to an inquiry from the Council, he reported that the Town had received between three hundred fifty and four hundred RSVPs for the event.

Vice Mayor Bernard moved, seconded by Councilmember Daly, that Council authorize the acceptance of sponsorships and donations for Middleburg Day. Vice Mayor Bernard further moved, seconded by Councilmember Daly, that Council retroactively approve the acceptance of sponsorships from Bowa and Northwest Federal Credit Union for the 2024 Middleburg Day event.

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

Discussion Items

Follow-Up – Joint Meeting with Planning Commission – R-2 District

Mayor Littleton noted that he asked Town Manager Davis and Deputy Town Manager Moore to develop a timeline of what the Council and Planning Commission needed to do. He reminded Council that they set a goal of having the zoning text amendments implemented by the first of the year.

Deputy Town Manager Moore thanked those who participated in the joint meeting between the Council and Planning Commission and opined that it was helpful in providing the staff with a starting point. He reviewed the proposed timeline, which he acknowledged was an aggressive one. Mr. Moore reported that it identified the date of final adoption of the amendments as the Council’s second meeting in October, which would allow for more time if needed for reviews. He advised that following the Council’s review of the timeline, he would like to affirm some things with the Council so he could immediately begin drafting the initial zoning text amendments for their consideration. Mr. Moore reported that he would present them to the Council during its second meeting in June and would brief the Planning Commission as to what the initial draft looked like in order to keep them informed. He advised that the proposal was to have the Council review the draft in June and July and adopt a resolution to initiate the zoning text amendment during their second meeting in July. Mr. Moore further advised that the Planning Commission would then have three months to review the amendments, hold a public hearing and return a recommendation to the Council so they would have it during their first meeting in October. He reiterated that the Council could hold a public hearing and potentially adopt the amendments during its second meeting in October. Mr. Moore further reiterated that a couple of extra months had been built into the process in case it was needed. He advised that he was confident the amendments could be adopted this calendar year.

In response to a concern expressed by Council that the Planning Commission was down a member and did not currently have a Chair, Deputy Town Manager Moore advised that he anticipated the Commission would elect a new Chair during its June meeting. He further advised that they would review the three applications received to fill the vacancy during that same meeting, and could then potentially forward their recommendation to the Council. Mr. Moore noted that it was anticipated that the Council could potentially fill the vacancy in July.

Deputy Town Manager Moore reiterated his desire to affirm some of the staff’s takeaways from the joint meeting with the Planning Commission. He opined that they would be proceeding with the options contained in The Berkley Group’s report, specifically a combination of Options 2 and 3, which were zoning ordinance amendments. Mr. Moore noted that this would include revisions to the existing R-2 District standards and the implementation of new supplemental regulations. He advised that the staff would not immediately proceed with work on an architectural control district, but rather would return to the Council with more information on what a district would look like once the zoning text amendments were turned over to the Planning Commission.

Deputy Town Manager Moore explained that the components of Options 2 and 3 would include possible revisions to the building height regulations. He reminded Council that the current regulations set a maximum height of twenty-five feet; however, they allowed the building to go higher if increased side yards were provided. Mr. Moore advised that at a minimum, he would propose removing the provision that allows the height to go higher. He noted that he would also propose to increase the side yard minimum requirements, which were currently seven and a half feet. Mr. Moore advised that a third component that could address size concerns was the introduction of a floor-to-area ratio component. He reminded Council that there had been discussion about affecting the affordability of attainable housing and suggested that one way to do so was to limit the sheer size of the house. Mr. Moore advised that size could be affected through the yard and height requirements and a floor-area ratio. He summarized that he was proposing to the Council that the

amendments consist of a combination of these things. Mr. Moore reminded Council of the ordinance provisions related to non-conforming situations, which allowed exceptionally small side yards to be reduced even further, and suggested those provisions be revised as well. He reminded Council that one of the largest takeaways from the community input session was the opposition to front-loaded garages. Mr. Moore advised that he would propose language that would affect where garages could be placed and suggested they be limited to the rear yard behind the rear plane of the building. He noted that this was the framework he would use to draft the zoning text amendments that would be reviewed by the Council during their second meeting in June and asked that the members let him know if he was off the mark.

Mayor Littleton expressed appreciation for the staff's quick movement on this item. He agreed with the need for floor-to-area ratios. Mr. Littleton noted the need to address this quickly and advised that if outside resources were needed, the staff should use the services of the intern who was working for the Town this summer, as well as The Berkley Group.

Councilmember Daly expressed concern that in the meantime, a builder could purchase a lot and build a house with a multiple bay garage. He advised that time was of the essence in addressing this item.

Deputy Town Manager Moore acknowledged that it was. He advised Council that he recently issued two permits for new dwellings on Martin Avenue under the current ordinance. Mr. Moore noted that the trend of redevelopment or infill development was not going away.

In response to inquiries from the Council, Deputy Town Manager Moore confirmed the proposed amendments would not differentiate between infill development, new construction and existing homes. He advised that one of the unintended consequences of lowering the building height was that someone could ask for a flat roof. Mr. Moore explained that, outside of some very limited circumstances, the design of a house could not be affected by normal zoning standards.

Mayor Littleton explained that the idea was that Options 2 and 3 were things that could be done very quickly. He noted that the establishment of an architectural control district could take up to eighteen months. Mr. Littleton reminded Council that the goal was to get the zoning text amendments going and, once they were handed over to the Planning Commission, for the Council to look at the details of an architectural control district and determine whether that was something they also wished to initiate.

Information Items

Councilmember Curran reported that approximately two thousand people attended Art in the Burg in May. She recognized Business Development & Community Partnerships Director MacIntyre and the Middleburg Arts Council for their hard work. Ms. Curran noted that they had already begun to look at what could be done to better manage the flow of traffic, as well as the cost of food and t-shirts. She opined that the new additions to this year's event were appreciated. Ms. Curran reported that the Arts Council was already working on Oktoberfest and Foxes on the Fence.

Vice Mayor Bernard noted that the Farmer's Market was taking off, with there being more vendors and people. He opined that the new location was awesome. Mr. Bernard reminded Council of Middleburg Day and the Town Hall Ribbon Cutting Ceremony, which would be held on May 31st.

Closed Session

Councilmember Jacobs moved, seconded by Councilmember Leonard-Morgan, that Council go into closed session as authorized under Section 2.2-3711 of the Code of Virginia, for (1) briefings by staff members pertaining to actual or probable litigation, where such briefing in open meeting would adversely affect the negotiating or litigating posture of the public body, related to zoning matters, as allowed under Subsection (A)(7); (2) a personnel matter related to benefits of certain Town employees, and (3) the performance evaluation of the Town Manager, both as allowed under Subsection (A)(1). Councilmember Jacobs further moved, seconded by Councilmember Leonard-Morgan, that the Council thereafter reconvene in open session for action as appropriate.

Vote: Yes – Councilmembers Bernard, Curran, Daly, Jacobs, Kirk, Leonard-Morgan, and Pearson
No – N/A
Abstain: N/A
Absent: N/A
(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.

Council Approval – Employee Benefits

Councilmember Leonard-Morgan moved, seconded by Councilmember Daly, that Council authorize a one-time allocation of up to six additional days of personal leave to certain members of staff as discussed in closed session.

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

There being no further business, Mayor Littleton declared the meeting adjourned at 8:15 p.m.

APPROVED:

Trowbridge M. Littleton, MAYOR

ATTEST:

Rhonda S. North, MMC, Town Clerk

May 23, 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 will call the meeting to order. Wait, I got to turn on this thing. Where are we? Okay. First item is Pledge of Allegiance.

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

Bridge Littleton: All right. Next item is roll call.

Peter Leonard-Morgan: Peter Leonard-Morgan.

Bud Jacobs: Bud Jacobs.

Bridge Littleton: Bridge Littleton.

Chris Bernard: Chris Bernard.

Cindy Pearson: Cindy Pearson.

John Kevin Daly: John Kevin Daly.

Pam Curran: Pam Curran.

Rhonda North: Rhonda North, Town clerk.

Danny Davis: Danny Davis, Town Manager.

Bridge Littleton: Darlene is on her way.

Pam Curran: She just pulled in.

Bridge Littleton: Okay. The first action item is public comment. If anybody would like to address the Town Council on any matter, you may do so, Mr. Cooke.

Terry Cooke: Thank you for your patience. For the record, Terry Cooke, 602 West Washington Street, here in Middleburg. I just wanted to take a moment to first of all, thank you on the Town Council for your confidence and your appointment of me to the Planning Commission several years ago and a few times since that initial one. It has been a pleasure. Well, for the most part, it has been a pleasure. And no, in no small way, because of the pleasure I've taken in working with my fellow Commissioners and the great town staff that the Planning Commission has the benefit of. I also wanted to personally express my regret in stepping away at this time. I would prefer that it not have come to this, but reality is what it is. And, I want you all to know that I will continue to participate in the process. I watched the joint meeting on Monday evening. That is one of the things I was looking forward to being involved in. The R2 building standards, building regulations is, as everyone at that meeting acknowledged a very difficult issue. And I will continue to participate probably remotely in that process. I do live in R2 and so I have a keen interest in what happens there. Another issue is going to be what to do about this short-term rental controversy. I personally believe there's some tweaks that can and should be made to the ordinance, and I'll be following that discussion as well. In the months ahead. So again, I just

wanted to say thank you so much. It's been a pleasure. And I look forward to being on the sidelines but continuing to be a part of the discussion. Thank you.

Bridge Littleton: Thanks, Terry. Would anybody else like to address Town Council? Yes, sir. Mike.

Mike Meredith: Thank you. My name is Mike Meredith, and I don't live in Middleburg. I live just northwest Upperville. But I've been involved in a lot of things with Middleburg go back with [inaudible] 20, 30 years to Little League. And I took over from her with the President of Middleburg Little League, and I coached Babe Ruth alongside Mickie Gordon. And I had the 15-year-olds. He had the 18-year-olds. He'd helped me a coach with the pitchers. But then I got away from it. My boys got big, and I got a business going, so. So, I got busy, and so when actually, Gary Nicholson asked me to come speak to you where we're progressing on the ball team. Because as you know, we didn't want to keep the cricket going over there. So, if we're not going to have the cricket, we got to have something. We got to show them something that we're going to have. And so, this year, it doesn't look like we're going to be able to get the cricket out of the ball field. According to the county Parks and Rec, but we are going to be able to have a team. And thanks to the support of a lot of you and the community we can have that ball team and finance it, and it's very strongly supported, but we'll have to play somewhere else. But that's not a problem. Hill School stepped up. We can go to the ball field down there at the Marshall. That is a really nice ball field at that park there. And then we can also play down here at the school. What's the name? Cornerstone. They have a nice field, too. So, we got a place to play, so we're going to show them that we have a team and we're going to be playing for hopefully for the park to be open next year to baseball. And it's been a real struggle for me to get this thing going. Started about three weeks ago visiting games, mostly down route 50, because those are the schools that are closer to us and talking with parents and everybody's very open to us having a team here for American Legion, and they have an American Legion team up in Leesburg, too. And so, it's been a real struggle getting the players. A lot of them are signed up already to travel teams, to colleges and even some of them to pro sports. And so, I did get a newsletter out to the Blue Ridge Leader, and I got a coach from that. The guy that does play by play for the Cannons and Purcellville. So, we're excited about him, and just like, a week ago, I didn't have but two players, and so then Leesburg has stepped up, and now we're up to seven, and we're going to have tryouts next week. And we expect that we'll be able to have enough players for a team, and then we'll be playing teams. Is that my time?

Bridge Littleton: That's your time. But if you want to finish your sentence, just go ahead. Yeah. Go ahead.

Mike Meredith: Okay. Just one little thing. We're going to be playing seven teams in the area. It's going to be very exciting once we get going. And hopefully we'll have the county not only give baseball back, but we need to emphasize the fact of Willie Hall and the African American, and we want that whole park to be not only Mickie Gordon, even [inaudible] Furr and Willie Hall. So, they've been the coaches the last 100 years. So, we're trying to get that to be symbolic, to be more popular for, for the community. So that's where we're at. Thank you very much. Thanks. Thank you, thank you.

Bridge Littleton: Hey, Danny, two quick questions. Number one, Mike, when you guys get your. No, you have to get up. Just a question. When you guys get your schedule, can you send that to us? And we'll make sure we put it in our weekly newsletter.

Mike Meredith: Great. Yeah.

Bridge Littleton: You know what? Who you're playing and where you're playing in times.

Mike Meredith: Yeah, we want [off mic] The more people that know, the more.

Bridge Littleton: Exactly, exactly.

Mike Meredith: Trying to get statistics and.

Bridge Littleton: Yep.

Mike Meredith: And all that stuff.

Bridge Littleton: Yeah. And then Danny, when is Steve Torpey scheduled to speak to us?

Danny Davis: At the next Council meeting? Is his goal, okay? He might have to be remote, but it.

Bridge Littleton: Might be remote. But he's going to speak.

Danny Davis: Yes.

Bridge Littleton: Okay, great. All right. Anybody else. Did you want to say something, sir? If not, I'll close the public comment.

John Kevin Daly: Just real quick. This is an. On Veterans Day, I get to sit with my friends and drink with them. On Memorial Day. I sit with my friends, but we drink to our friends who are no longer with us. It's kind of awkward to say, have a Happy Memorial Day, when the reason we're having Memorial Day is to honor those who are no longer with us. Coming up a little bit later. We have the 80th anniversary of D-Day. And there's a paraphrasing. I'm paraphrasing what General Eisenhower said just before he gave the word go. They were given statistics about how many casualties for the paratroopers. How many casualties for those landing on the beaches? And he said something to the effect. Well and we're facing 33 to 60% casualty rates killed in action. But what we need to remember for those families that represents 100%. So, to the sons and daughters and the parents who lost their sons and daughters in all of America's wars. I just want to take a moment to say thank you.

Bridge Littleton: Thank you. Would anyone else like to address Council? Okay, we will close the public hearing or public comment session and move on to special recognition. These moments are always bittersweet especially when we have really great people who have served the town in a volunteer capacity in really, really important ways and meaningful ways and made a huge contribution to our community. And then, you know, they decide to up and leave us. But for all good reasons. And but we're saddened to see them go. And their presence will always be felt. Their mark on the community will always be remembered, and we will always wish them the best in their next endeavors. So, the first one. First individual we'd like to recognize is Terry Cooke. So, as most folks know, Terry has been on the Planning Commission. It's going to be written down here somewhere. Since 2000, so for over four years. What did I say? 2000? Whatever. Yeah, it's just a two. [laughter] Since 20. Yeah. Terry's been there 24 years. Probably felt like 24 years. But no, Terry was joined the Planning Commission. Excuse me? Terry joined the Planning Commission in 2016. So, he's been on the Commission for eight years, and he served as Chair for the last four years, and to sort of coin a cliché, I can't think of anybody who has served with greater care, thoughtfulness and distinction than Terry. He has been an absolutely wonderful person to lead that Commission, and that is not an easy Commission to lead. There is a potpourri of personality. And Terry has guided that aptly and with grace and with charm and with dignity and with respect. And there's nothing you could ever ask for more in someone who leads a committee than what he's done. And that committee has been, you know, immensely effective because of your leadership. And I think the other thing I would say is you know whenever we volunteer for a, you know, it's a volunteer position, right? It's up to the individual what level of degree and care and diving in they want to put to it. Terry is among one of those folks who took it as seriously as anybody and went into the details, into the weeds. He sweated the small stuff which is, you know, incredibly difficult. And his thoughtfulness always brought out the other side a much better result. And he brought out the best in the Commission. So, Terry, I cannot thank you enough for taking that role on and doing all you've done for this town. And we are deeply going to miss you. We know you're not going anywhere. And as you said earlier, you're, you know, your well as you're now not the Chair. You have the free rein of thorniness as much as you'd like. [off mic] Exactly, exactly. [laughter] So if you want to put this in your diary right now, we're going to move the Commission meetings to 2 a.m. on Wednesdays. So, feel free to show up anytime. But no, again, I mean, from the bottom of my heart, I want to say thank you very, very much. I know there's probably some folks on the Council who want to thank you as well, but you know you've been fantastic. So, does anybody have any other. Well, I'm going to. Yeah, Bud.

Bud Jacobs: I think unique among Council Members, Mr. Mayor. I've had the honor and privilege of serving on the Planning Commission under Terry Cooke, and I can't add much to what you've said except to note that while Terry has

deep knowledge of the law, is diligent to the extreme in sussing out the issues and the second and third order effects of decisions that we take. Always with the welfare of our citizens and the impact of our decisions on those citizens uppermost in his mind. He did it with decency, humor, and given the what how did you put it? The potpourri of personalities on the Planning Commission, I would say with the utmost grace. And I'm grateful to you, sir.

Bridge Littleton: Peter. Go ahead.

Peter Leonard-Morgan: Terry I may not have been to many sorry, any Planning Commission meetings, [laughter] but I can assure you I watched every single one of them with these cameras and in the old town office. And I really thought the way you chair those meetings was masterful and obviously lots of characters and some of them very contentious issues locally. But beautifully done. And thank you ever so much. We'll really miss you.

Terry Cooke: Thank you, Peter. And I will say [off mic]

Peter Leonard-Morgan: I have actually been told that many times by this gentleman right here. Get a life actually, is what he said. [laughter]

Bridge Littleton: Terry, the sad thing is that is his hobby. [laughter] Chris? Yeah. Go ahead.

Chris Bernard: No, we've certainly thrown you guys some curve balls over the past few years. And as a much more casual observer of the Planning Commission meetings I certainly appreciated you keeping such an even keel because there have certainly been some stressful and tenuous situations. So, thank you for everything.

Bridge Littleton: Would anybody else like to? Yeah, Cindy, sorry.

Cindy Pearson: I'd like to just say thank you again. Of course. I have to write Terry a note because I knew I'd never get through the words here tonight. So, I just wanted to say thank you again so much.

Bridge Littleton: All right, so we have a resolution of appreciation which I would like to read, and then some distinguished Member of Council, if we have one, we have to make a motion? So, resolution of appreciation. Terence S. "Terry" Cooke on Middleburg Planning Commission. Whereas Terence Terry S Cooke was appointed to the Middleburg Planning Commission effective July 14th, 2016, and Whereas on January 27th, 2020, Mr. Cooke was elected as Chair of the Planning Commission, a position he held until his resignation from the Commission on April 18th, 2024. And Whereas, during his tenure on the Planning Commission, Mr. Cooke led the Commission during the review of several major projects including adoption of the new Comprehensive Plan amendments to the R2 zoning district regulations, adoption and subsequent updates to the Short-Term Rental Ordinance, and review of various site plans and subdivisions. Whereas throughout his tenure as Planning Commission Chair Mr. Cooke stressed his belief in the need to balance individual property rights with the well-being of the community as a whole. And whereas Mr. Cooke demonstrated extraordinary personal dedication to the Town of Middleburg during his tenure and will be greatly missed by the Commission, Members of staff and Council. And Whereas the Middleburg Town Council, deemed it appropriate to express its earnest and heartfelt gratitude to Mr. Cooke for his exceptional service to the town over the past eight years. Now, therefore, be it resolved to the Mayor and Members of the Town Council hereby recognize and express our sincere appreciation to Terence S Cooke for his exemplary service to the Town of Middleburg from July 14th, 2016 through April 18th, 2024, on the Middleburg Planning Commission, including his service as its Chair for four years, and expressed our profound thanks to him and hope for his continued success in life.

Terry Cooke: Thank you very much.

Bridge Littleton: What would you like to make a motion?

Bud Jacobs: I move that Council adopt a resolution expressing its appreciation to Terence S. Terry Cooke for his service on the Middleburg Planning Commission from July 14th, 2016, through April 18th, 2024.

Peter Leonard-Morgan: Second.

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

All of Council: Aye.

Bridge Littleton: Opposed? Abstentions? Okay. Terry, as you've seen before. Do have a plaque for you? We also have your nameplate. [off mic] And no Middleburg recognition of being the [inaudible]. There you go. That's really important that it's a lot of glass. Namely. Thank you very much. [applause] Yeah. Okay.

Bridge Littleton: Next item. We have one second here. Pull it back up. We have another resolution of appreciation for Mike Kilian. Mike, how are you? [off mic]

Bridge Littleton: So, for everybody for, as most folks know, Mike, excuse me, has served on the EDAC Economic Development Advisory Committee. For a while now about almost three oh, just over three years since 2021. Mike lives right at the edge of Sanford and Route 50 in the beautiful stone house. But I believe Mike Watts, that if anybody wants it, it is for sale. Mike's got the QR code to go to the listing later. But As folks may or may not know, Mike and his lovely bride have bought a place in further west in Loudoun.

Mike Kilian: Lovettsville.

Bridge Littleton: Lovettsville. Oh boy, I'm never going to hear the end of this from Corn Baker. And we'll be moving up there, so we will be losing him to EDAC but what's also important, much like Terry, Mike has since I think 2022, served as the Chair. And again, aptly done it and served the town with distinction. What is it about all the Chairs leaving? Look at Tim. [laughter] Do you guys have, like, a secret meeting or something that we don't know about? So, But no, Mike has, you know, been a God send in leading the EDAC Committee. You know, EDAC it's done a lot of great work for a number of years. They've done a lot of they've done a lot of great things. But when Mike took over as Chair, it really found a great focus and really sort of tightened up what they wanted to accomplish and what they wanted to achieve. And that focus really helped them bring a lot of great things forward, with purpose. And, you know, that's the hallmark of a great leader, you know, I mean, it's that old saying, a great leader, you know, defines the bus, gets the good people on the bus and then lets the bus drive itself. So, we owe Mike a lot. And we really appreciate, you know, all that you've done. And you know, what you did for the town with the new town hall, you know, and the board we have out front all that technology was due to Mike's generosity. So, someone who truly cares about the town, cares about the community, has given us a lot. So, Mike, we're going to miss you. And you know, by all means like, Terry, if you'd like to come down every meeting and opine, you're more than welcome to. We'll assign tasks as appropriate. But with that no, and we wish you guys all the best up on a bigger parcel of land. [off mic] You bet. So would anybody like to add any. Yeah. Chris.

Chris Bernard: Yeah, so EDAC, you guys think the Planning Commission has some characters? [laughter] EDAC I'll tell you what. All a bunch of business owners in a room together trying to figure out what the town needs to do. It's always interesting.

Bridge Littleton: They're all competitive.

Chris Bernard: That's right. No, we have a good time. But we spent a lot of time wandering through the marketing wilderness, and it was nice over the past couple of years to have Mike's focus and leadership, trying to get everyone steered down a path of trying to figure out things that we can do from an infrastructure perspective or from a legislative perspective to help our town businesses succeed. It's not always about getting more people here, so thank you for that.

Bridge Littleton: Anybody else? Yeah. Peter.

Peter Leonard-Morgan: I think it's notable also that Mike came in, I guess we were coming out of Covid, but it's quite a difficult time, really, to go on to an Economic Development Advisory Committee. So, thank you for that. Not everyone

would want to do that and take that on. But again, thank you so much for all you've done, Mike. It's been great. I'm sorry to see you go.

Bridge Littleton: All right. So let me read the resolution here. Resolution of appreciation for Michael Kilian service on Economic Development Advisory Committee. So, whereas Michael Killian was appointed to the committee also well, Economic Development Advisory Committee, also known as EDAC, effective August 26th, 2021. And Whereas, on August 22nd, 2022, Mr. Kilian was elected as Chair of EDAC, a position he held until his resignation from the committee on April 22nd, 2024. And Whereas during his tenure on EDAC, Mr. Kilian led a renewed focus on strategic initiatives of the committee, helped create prioritization around the committee's purpose and goals, and introduced renewed engagement in key issues facing the business community. And Whereas, Mr. Kilian led EDAC in focusing its efforts around the importance of infrastructure, providing an avenue to review and recommend certain improvements at South Madison Street in accordance with the town's strategic initiatives, with the express goal of enhancing community vitality. And Whereas, during Mr. Kilian's tenure on EDAC, the town's marketing efforts continued to increase and demonstrate success, which helped increase foot traffic in town and at town business. And Whereas, Mr. Kilian demonstrated extraordinary personal dedication to the Town of Middleburg during his tenure and will be greatly missed by the committee, staff and Council. And Whereas the Middleburg Town Council deem it appropriate to express its sincere and heartfelt gratitude to Mr. Kilian for his exceptional service to the town over the past three years. Now, therefore, be it resolved that the Mayor and Members of the Town Council, hereby recognize and express our sincere appreciation to Michael Kilian for his exemplary service to the Town of Middleburg from August 22, 2021 through April 22, 2024 on the Economic Development Advisory Committee, including his service as its Chair, and express our profound thanks to him and hope for his continued success in life. Okay. Would someone like to make a motion?

Chris Bernard: I move that Council, adopt a resolution expressing its appreciation to Michael Kilian for his service on the Economic Development Advisory Committee from August 26, 2021, through April 22, 2024.

John Kevin Daly: Second.

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

All of Council: Aye.

Darlene Kirk: Aye. It wouldn't come on.

Bridge Littleton: Opposed? Abstentions? Okay. Resolution is approved. Mike, if you'd like to say something, you're more than welcome to. I know you did that one time before, so it's up to you. If not, we've got a plaque and a paperweight.

Mike Kilian: I'll reiterate what I said that it's just been an absolute honor and privilege, and it's one of the most special towns in Loudoun County, so just privileged to be a part of it. Thank you.

Bridge Littleton: It's not one of it is the most. Yes.

Mike Kilian: The most.

Bridge Littleton: Yes, I know Lovettsville likes to say it's the top town of Virginia, but that's simply because it's the most furthest north. [laughter] [off mic] Exactly. Thank you.

Mike Kilian: I appreciate it.

Bridge Littleton: There you go. You got to wait at least a week before you put it on eBay. [laughter] [applause] Okay. Next item is the public hearing related action item. The only item we have on there is the lease. The franchise agreement of the town property for telecommunications facilities on the Stone Wall Water Tower. Danny, you want to give us a quick precis.

Danny Davis: Thank you, Mr. Mayor. Very briefly, as you all know AT&T has communications cellular facilities on our Stone Wall Water Tower. They have approached us to desire having a location for a generator on site, which we fully support primarily because our public safety cellular phones use the FirstNet AT&T network. So, they have approached us to lease an additional pad site on the ground level under the water tower that was previously used by another vendor. We have opened this up for bids and as required under the Constitution of Virginia. So, if anyone does have a bid to submit, I would ask they present that to the Town Clerk at this time. Otherwise, Mr. Mayor the information before you, the lease is attached, and we recommend approval.

Bridge Littleton: Thank you. Would anyone like to submit a bid to the town? Okay we will now open the public hearing for this item, if anybody would like to address the Town Council on this action item in the lease you may approach and do so for three minutes. All right. We will close the public hearing. Any questions for Danny or Will or anybody? On the item. I mean, I know we've been through this once already, so. Okay. With that I don't Danny, I don't think I have any questions. I think we're all good. If a Member of Council would like to make a motion.

Peter Leonard-Morgan: Sure. I move that the Town Council adopt an ordinance authorizing award of bid for leasing space for telecommunications equipment and associated facilities on town property.

John Kevin Daly: Second.

Bridge Littleton: Any discussion? Roll call vote, please.

Rhonda North: Vice Mayor Bernard.

Chris Bernard: Aye.

Rhonda North: Council Member Curran.

Pam Curran: Aye.

Rhonda North: Council Member Daly.

John Kevin Daly: Aye.

Rhonda North: Council Member Jacobs.

Bud Jacobs: Aye.

Rhonda North: Council Member Kirk.

Darlene Kirk: Aye.

Rhonda North: Council Member Leonard-Morgan.

Peter Leonard-Morgan: Aye.

Rhonda North: Council Member Pearson.

Cindy Pearson: Aye.

Bridge Littleton: Okay. Next item is the annual report from the HDRC. All right, everybody, strap in. Here we go.

Chris Bernard: Wait you're not Bill Tenure.

Bridge Littleton: Yeah. No, no.

Tim Clites: I tried to convince him to come. But. [laughter] [multiple speakers] He wouldn't even answer his phone, I don't.

Bridge Littleton: Well, he's got caller ID. Is this your fourth year?

Tim Clites: I don't know, I think. Yeah, since I came back it's my third, I think.

Bridge Littleton: Third. So, third, fourth. So, you've got 27 to go to beat Bill.

Tim Clites: Exactly.

Bridge Littleton: Good. Okay.

Tim Clites: I'm hoping I [inaudible] live that long. I mean yeah. No. Yeah. And I never came to watch Bill do this, so I don't even know how this is supposed to go. I asked Rhonda, and she kind of said, good luck.

Bridge Littleton: Hey, you got something out of her.

Tim Clites: No, actually, thank you. As you know, Tim Clites, I've been elected Chair. I think, kind of unfairly. They're not supposed to meet before the committee, but when I got there, I noticed that everyone had a smile. That was the same smile. And then there was this vote and I'm the Chair.

Bridge Littleton: And it looks just like that one right there. [laughter]

Tim Clites: Yeah, it seems like you've seen that before. So. Mayor and Members of the Council, thanks for having me tonight. A couple of things I think maybe, although I shouldn't assume Rhonda is giving you a little download on what we've been doing the last year. And so, I'd like to start by just introducing the two members of our committee that are here tonight, our Vice Chair, Punkin, who I'm sure you know, and Bill Anderson, another architect on the committee that's actually been on the committee quite a bit, both much longer than me which is very helpful. Other members of our committee are Virginia Jenkins, Linda Wright, and I'm glad Margaret's not here because it was going to feel awkward to introduce her to her son and just, you know, there's this whole anyway. And Cindy is our Council Representative, and we appreciate her input. I'm not going to go through all the details of what was submitted to you. We kind of have a workload that we find to be manageable pretty consistently. Sometimes it's light, but we never, I don't think, as a committee, feel overwhelmed by what we're asked to do. And members do participate. Excuse me? in how? [inaudible] This way. Members, can you hear me now? Members, do participate in. No more P's. Continuing education or training, which is useful to us, and I think useful to the process of being a certified local government. I think it's into its third year now. The county had put on hold for a while during Covid their JARB Awards which are the Joint Architectural Review Board Committees, get together, nominate projects either in within their jurisdiction or the county actually will accept nominations for historic projects anywhere in the county. And then members of each committee go, and we vote and elect countywide awards. And we use that as kind of the inspiration to create our own series of awards, which I'm sure you're familiar with, the Legacy Award and the Historic Preservation Awards. And the difference there is legacy awards are really about the legacy of either people organizations or buildings in town. And the historic preservation awards are celebrating applicants that have come before us and we think have done an exemplary job of following the standards and contributing to the historic character of the town. We use our internal awards as the list that we send to the JARB Awards, so it has some convenience there. And this being May, it's Historic Preservation Month. We're a little bit behind making our submission for this year but hope to do so. So that we can have awards for 2024. We're working on some outdoor seating and lighting standards, which I think you'll all see shortly, and we've had a number of discussions about those. And if ever we're submitting anything, and you would find it helpful for me to come on behalf of the committee to answer questions, I'm happy to do that. Probably a habit I should get into. And one of the things that Rhonda suggested, is that we make any comments around any upcoming goals, projects, or resources we need. And I would say that at the

moment we don't have anything with a burning need. But Punkin and I talked about what consistently comes up when we talk about what the committee should be concerned about. And the thing that's consistently come up is the potential to look at our entrance corridors that come into the Historic District. There's five roads, and they're really, they're what people first experience before they experience our historic downtown. And it's interesting, I came to the meeting that you had your joint meeting just a few days ago. And in fact, the R-2 district is predominantly one side of one of the two most important entrance corridors, which is the, you know, Route 50 coming from the west. So, it's a little bit of an overlapping concern there. But I think if there were anything that we might add either independently or to some other work that the committee could, would support moving forward, it would be starting to look at and understand how we might have some level of oversight or entrance corridors. That, doesn't it at least at the moment I don't think Will could speak to this more at another time, but I don't think that is automatically an extension of the Historic District. I think it's another layer of oversight, similar to similar to the layer that we have for the salamander properties that are being built. They have HDRC oversight, but they're governed or guided by a different set of requirements. I want to come back to that in a second. I'll try to finish up here. I want to describe the committee a little bit. First, I think we're supported by excellent staff. We were sorry to see Estee go, but happy to have Eric here. And I really have to say it, Will and Rhonda just do an amazing job as you know. I'm sure they do for you, but they do for us. We always feel very well prepared, well guided, and when we deservingly need it well corrected, we're not as disciplined as you all. We tend to sit and talk to each other when we're not supposed to, and we talk over each other. We don't turn our microphones on. And so, if Will's frustrated on occasion, it's for a good reason. But the committee itself, I think, works really well together to find consensus. I think there's a lot of respect among all the members, which come from a variety of backgrounds and experience with the town, and I actually value that as their Chair, because I feel like everyone has an equal voice, and we all appreciate the perspective that each person brings. Kind of an anecdotal thing I'll mention. It just happens to be that last night I presented to the Leesburg BAR on a project we're working on up there, and I expected it to take, well, you know, at least three meetings, like the last project I presented to Middleburg's Historic Review Committee, and we got approved in one meeting. And so, I thought, well, man, they must maybe I should complain about how hard it is to get through Middleburg's BA or HDRC. And then I thought about what actually happened. And the project I'm speaking about is the one at the end of town, the first house, as you start to come up in town, part of our entrance corridor. And when I looked back at the notes, I have to honestly say that the critique that the committee gave me as the applicant architect improved that project dramatically. And so, I think they do that for everyone. And I think it's a great compliment to the entire committee that they really take their work, which is sometimes very subjective. I think they take it very seriously. The last thing that I'll say. And this is a little bit off script if I'm allowed. And it is to address a question that Bud asked two nights ago, which is what would a design overlay look like? And I think that's a great question because that was going through my mind, not because I'm the Chair on the HDRC, but as an architect. Plus being on the HDRC and as a Chair, I think it's a good question to ask. And so, I'll leave the question open, and I'll offer for myself and happy to discuss with our committee that perhaps there's some usefulness or helpfulness in having some or all of the members of our committee at least give some insight, if that were ever useful. As you start to think about what that looks like. I'll leave you with that. Any questions for me?

Bridge Littleton: Any questions for Tim? Tim, I'll just say real quickly, thanks for doing this. I know Peter watches every meeting.

Peter Leonard-Morgan: I actually was going to mention that, but then I thought I better not get more grief. But yes, I do watch every meeting.

Tim Clites: Some of them are fun.

Peter Leonard-Morgan: And I have been to a couple.

Bridge Littleton: Yes, you did. You had one real fun one.

Peter Leonard-Morgan: And I have been to a couple.

Bridge Littleton: Yeah, yeah, yeah. Yes, you did. No. But what I was going to say is you guys do a great job. And, you know, we're very blessed to have you and Punkin and Bill and everybody on the committee. You guys really take it

seriously. You work really hard. What I, you know, it's funny because as a family member constantly asked me questions and pokes and prods about certain things coming up on HDRC or why did Council do this or why did Council do that? What I always think is interesting is I will remark to the individual, it's not about what you like, it's about what the guideline. But I don't like that. Well, but you guys do a really good job at giving thoughtful input to folks. Like you said, it is about the guidelines. It is about the standards. It's about doing it right. But you also go the extra step to give them helpful ideas to make it better. Doesn't mean they agree and they always do it, but it is amazing how many times I've watched one of those meetings and you guys have said, well, you know, you don't have to do this, but if you did, this boy, you know, and that person then ends up doing it. So, I think you guys do way more to help applicants make stuff that is unique and special and complimentary to the town than just being. Did you check box 2A, yes. Okay. Move on. You know, you guys really take it to heart, and you take it personally and you know, you want to see a great product come out the other end. So, I mean, one thing I've always thought of is that if at any point I was ever going to, you know, do something in town, in a Historic District. Before I hired an architect, I'm going to scribble stuff on a cocktail napkin, come to you and get a bunch of free advice.

Tim Clites: Go talk to Punkin.

Bridge Littleton: So. But no, again, it was great. Thanks for giving us your report.

Tim Clites: You're welcome. Thanks for your time. [multiple speakers]

Bridge Littleton: Appreciate it. All right. Next item is staff reports, utility report. Who's taking the lead on this?

Danny Davis: Mr. Mayor, we have Mr. Inboden here to walk through the utility report this month. Thank you.

Mark Inboden: Good evening, Mayor, Members of Council. It's always an honor to be with you guys. Of course, you guys have the reports in front of you. And as you can see, there's a lot of events that unfolded in the month of April. And events that resulted in some significant changes here in town, both operational personnel as well as just systems and processes, and also the way that the Utility Committee handles various items going forward. And so, I'll walk through the majority of the or cliff notes of the report with you all. And then I would be happy more than happy to take any questions that you have. And so, for the drinking water side, we averaged about 133,000 gallons of water a day, which is standard and normal values for the town. The majority of the water was coming from the Stone Wall and the Well 3 plant. We also had, Well 2 on for intermittent periods throughout the month. We did have a slight issue with, Well L and that was a communication issue that our on call contracted controls specialist Valley Automation was able to correct for us. There was a few other operational notes that are there, including hydrant flushing. For the month of April, we conducted a pretty thorough hydrant flushing throughout the town to continue to improve water quality, maintain water quality throughout town, and to flush out the distribution lines. On the wastewater side, it's kind of a different story. So, the first paragraph, we always comment on effluent quality. And in the past that effluent quality has always been no issues. The effluent quality pass permit limit. But as I stated before, there was some significant issues that we had in the month of April, beginning of the month that did result in a TSS and a TKN violation. Now you might wonder what is TSS and what is TKN? The very end of this report, we have included a glossary that gives some definitions to these acronyms that we so often use in these reports, but there was a slight exceedance on TKN and TSS that it was nominal to note, but I felt it needful to explain that to you as well included on this report, the treatment facility did average 117,000 gallons per day. But at the beginning of the month, we had a lot of issues resulting around poor filter ability of the wastewater. And if you know anything about the wastewater treatment plant there's not a drop of water leaves that plant unless it goes through a filter first. And by design, that's just how it works. The filter is there for solids, liquid separation. And when we are unable to have that solid liquid separation, the residual effect of that is the basins will fill, the EQ basin will fill, and the headworks will become inundated and overwhelmed with wastewater. And that's essentially what happened. We had to pull in additional resources and staff throughout the state to handle the issue. And all of the pertinent details are included in your report. I'd be more than happy to go into as much detail as you like. But what we had to do is some unconventional operations, including and taking place of the filter. Because we had no filter ability, we had to do some unconventional operations of the treatment plant by settling the sludge and decanting the supernatant or the clear water from the top. All of this was reported and including the exceedances, it was reported to DEQ as required by our permit and the regulatory agency that oversees the wastewater plant. And we also followed up with a letter five days later

explaining in detail the incidences that occurred and what was done about them and what we're doing to prevent it in the future. We were able to regain essentially full function of the down filter on April 11th. And the reason why we were able to regain filter ability of that filter on April 11th is because we performed a really deep overnight soaking clean and citric acid of the filter. And that is a process that you are allowed to do that it's part of the SOP for or from the manufacturer and that netted us essentially 100% recovery. And so, we're very pleased to see that once that filter was back online, the process was ramped up and the basin levels were drawn down to levels that were more baseline of what they should be. But through this process, there was a lot of things that we found that needed some repairs. IES has brought in several of its contractors. We also brought in several contractors to do pump and haul activities. Local towns and other municipalities were of great help to us. And so, it was certainly not just a company wide effort. It was a Utility Committee effort. And it was also a regional effort with surrounding municipalities. There is a few other items that you know of mention and of note. There are some mixers and some pumps that we are working with the manufacturers to replace or even repair, and we are trying to identify the most cost-effective option for the town moving forward. We want the funds that we expend on repair and replacement to be most effective. And so that is pretty much the entirety of our report. We do have the graphs as we normally provide. And then we did provide a glossary for the acronyms. But at this time be more than happy to take any questions that you have.

Bridge Littleton: Any questions? Bud.

Bud Jacobs: Thanks for the report. It was really good, and the written report was especially helpful. So, thank you very much. Could you talk to us a little bit about upcoming PFAS certification what that's going to look like, certain timelines maybe?

Mark Inboden: Certainly. So, in beginning of April, what middle of April, EPA finished the promulgation of the PFAS regulatory actions, the limits for PFAS. And if you don't know what PFAS is, it's chemical substances that essentially don't break down in nature. And the through various testing and study and data made available, EPA has established a limit to what they feel is enforceable. And that limit is four parts per trillion, which is very small. It's about a teaspoon in an Olympic size swimming pool. And so, the concentrations are very small. But the EPA has established a zero threshold it's a maximum contaminant level. But they are enforcing four parts per trillion level because that is the lowest that a laboratory can even detect PFAS. So, what the timeline looks like is the rule was just I guess inaugurated in April. We have all utilities, all public water systems throughout the nation have until 2027 to perform the sampling and adhere to the sampling procedures and frequencies that EPA has set. What we are doing internally, and Middleburg is part of that. All of our municipalities and other water systems, our compliance team is gearing up a pretty comprehensive and extensive sampling event at all facilities. We are looking at Q3 to start sampling, and we will be finished with all of our sampling in Q3 of 2025. And the reason why it's going to take a year is because the system, particularly Middleburg size groundwater systems, we are not on surface water, but groundwater systems with a population size of 10,000 or less you have to have two samples in a 12 month period, and so one will be pulled in 2024 and then a subsequent one in 2025.

Bud Jacobs: Thanks. Are there any unanticipated costs associated with this testing that we're going to have to worry about?

Mark Inboden: So, the cost of the testing is unanticipated and still unknown. The laboratories that do provide PFAS testing because it is kind of a not your standard analysis that a laboratory would perform. We have a chapter 46 laboratory, and we're not accredited for PFAS analysis. So, we have a network of sub labs that we send these samples to. But all of these labs are being very inundated right now, including the state lab. But we have we're using our contacts with those state labs or, and sub labs to identify what the cost would be. And hopefully that through the volume of business, we will get them, would gain us some sort of volume discount.

Bud Jacobs: Thank you very much.

Mark Inboden: Yes, sir. Thank you.

Bridge Littleton: Any other questions, Peter?

Peter Leonard-Morgan: As the Council Representative on the Utility Committee, I want to just say it's been a difficult situation. Thanks to a member of staff that I think we all realize didn't have enough oversight. And you have taken that on board and accepted what I call responsibility for it, but also been extremely transparent with this issue. Not to mention you and your company have covered the costs associated with this, the problem and mitigating the problem in the short term. And I really do appreciate that. And I have full faith in you. We've had several meetings. It was a bit awkward and uncomfortable in the beginning, but we got through all that, and I want to just say, I really appreciate the way you have handled this with bringing in your staff, being here personally, 24 seven through the few days that this was going on. And I also want to say I'm not an expert on this at all. I've learned a lot, but I'll never be an expert. But we do have an expert on our committee, Jilann Brunette, who has been fantastic and helped so much. And I just wonder whether it would be possible to ask Jilann to say a few words. Would you mind? I think it would be really helpful because you have no axe to grind either way. And it just would be great. And we all know you so well just to add a bit of color to the whole situation, if that's all right. Thank you. Mr. Mayor, will that be okay? Thanks.

Jilann Brunett: It says three here, but [multiple speakers].

Bridge Littleton: Peter just used it.

Jilann Brunette: Mr. Mayor and esteemed Members of the Council and staff. If it starts making noise at me, I'm out of here. I think this was difficult. I think that we all know what it could have meant. I think we got to this stage through complacency on every level. We have a state-of-the-art system. We had staff who have been very good for a number of years, keeping us abreast until it fell apart. Mark and his team brought a man in. You'd call him somebody who takes care of problems. That's what they use him for. He worked 16 to 18 hours a day, every day for that first week. In [inaudible] hindsight, what are we going to do in the future? In the future we're going to try to be more vigilant. Mark and his team are putting some things into place that we need spreadsheets of the various components of these systems, both wastewater and water. With some idea of replaceability and repair so that we have some cost issues out ahead of us. We didn't have so much of that. Danny is immediately in the very first day, Mark came in from being at the treatment plant just to fill us in, and Danny basically said, we're going to work hard to make sure that we do our part and pay attention. So, Mark has brought another team member in to give us spreadsheets of the equipment. Keep us updated. They do this every week. They look at things. We'll be able to see those whenever we want to if we know enough about them. Danny's committed to making sure that there's oversight. And I think the committee, the Utility Committee has done the same. Bob went the day that started, went down to the treatment plant and put in 3 or 4 hours himself. The committee is as committed. I think we'll go forward a stronger with a stronger base. I think we know more about our system. I think we will be stronger overall, and it's been a pleasure to not watch this develop, but certainly watch it get fixed. So, if anybody has any questions of me at any time today or any other time, I don't have many answers but I'm more than happy. For Pam, who may not know what I do, I serve as the oversight for the source water. I don't know anything about these plants. That's my downfall. Once they get things running smooth, I will be doing that. I will be asking for some tours and asking to get more involved, because I think it's prudent for all of us to be as effective as we can to help with these things. Thank you for the time.

Bridge Littleton: Thanks. Anybody have any other questions? Okay. Thanks. Appreciate it, Mark. Special project update. Danny or was it Will?

Danny Davis: Oh, we tag team always on this. Thank you, Mr. Mayor. Just a quick couple updates on what for. In fact, having Mr. Inboden is helpful for this item. We were replacing some of the last components of the Well 4 treatment plant. And as we were, again, getting closer to restarting it, recognize that the construction at the clear well did not have either the proper valves installed or in the proper location to allow us to fully isolate the plant from the clear well. I believe those have been installed. Or [off mic] not yet? Okay, not the isolation valve. So, we are awaiting those valves to be final installed so that we can shut that off and then begin the process at the Well 4 treatment plant. We do intend to start that up before the clear well is fully Commissioned. On that the clear well is coming together. If you've had a chance to drive down the Plains Road and look down, there or drive to our plant the base has been the concrete has been poured and the base is prepared for the water tank. It's a 64,000-gallon ground level storage tank that then through piping and pumps feeds back and forth from the operations of the plant itself. So, we're getting closer on that as well, which, again, will lead to better processes, maintenance and water quality across the board for the town. South Madison Street at

this point is really kind of on pause as we're working through some of the other priorities of Council from the strategic planning retreat. But we do wish to continue that dialog and want to keep that front of mind. Asbury Church as you know, Council awarded the contract for public outreach Miss North as per usual got on that the very next day and has things kicking off with the contractors in June. She was able to work with them on tightening up the schedule a bit, as discussed here at the Council meeting. And the goal would be to have that report to Council in December with being able to streamline some of the public meetings and outreach process. And so that's a brief overview of our projects at this time, Mr. Mayor.

Bridge Littleton: Does anyone have any questions for Danny on the projects? Okay, Danny thank you. Next item is. Where are we here? Consent agenda. Would anyone like anything removed from this consent agenda? All right would someone like to make a motion on the consent agenda?

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

John Kevin Daly: Second.

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

All of Council: Aye.

Bridge Littleton: Opposed? Abstentions? Okay. Next action item is Council approval for the appropriation ordinance for FY 25 budgets. Danny. [inaudible]

Danny Davis: Define [inaudible].

Bridge Littleton: Webster's.

Danny Davis: Thank you, Mr. Mayor and Council. You've had an opportunity to review and discuss the fiscal plan for fiscal year 2025, the number of times it is ready for your adoption if Council is ready this evening. As noted here revenues are anticipated just above \$5 million in the general fund with expenditures at about 4.7 million. So, there is a nearly \$400,000 amount of unallocated revenues at this time, which is used as either contingency or, in the case of revenues not coming in as expected. Utility fund is presented with a much tighter contingency just because of the tight operations and the needs of that system. But with that, Mr. Mayor, we have the appropriations ordinance, which also affirms the existing tax rates adopted or fees that are presented to you. So, if there are any questions, I'm happy to answer.

Bridge Littleton: Does anybody have any questions on the budget? I mean, I know we've gone over a bunch of times, but any other questions? Does anybody have any concerns with approving and adopting the budget tonight? Nope. Okay. I would recommend we do that. And if there's no objection if someone other than if there's any other questions, go ahead and speak now or forever hold your peace. But if not, we'd recommend someone make a motion. It'd be great.

John Kevin Daly: I move that the Town Council approve an ordinance to approve the budget firm tax rates and make appropriations for the fiscal year ending June 30, 2025.

Peter Leonard-Morgan: Second.

Bridge Littleton: Any other discussion. Rhonda, would you call the roll, please?

Rhonda North: Vice Mayor Bernard.

Chris Bernard: Aye.

Rhonda North: Council Member Curran.

Pam Curran: Aye.

Rhonda North: Council Member Daly.

John Kevin Daly: Aye.

Rhonda North: Council Member Jacobs.

Bud Jacobs: Aye.

Rhonda North: Council Member Kirk.

Darlene Kirk: Aye.

Rhonda North: Council Member Leonard-Morgan.

Peter Leonard-Morgan: Aye.

Rhonda North: Council Member Pearson.

Cindy Pearson: Aye.

Bridge Littleton: Ok. Next item is a memo on the acceptance of sponsorship and donations for the new world, the new global event known as Middleburg Day. Yeah, Ali. Come on, chop chop. Let's go.

Danny Davis: Thank you, Mr. Mayor. Miss MacIntyre could not be here this evening due to a family matter, but as you know, the Town Council's policy is to accept sponsorships or donations towards events as required under your current ordinances. And so, this item is just to bring forward requests to accept donations for Middleburg Day next Friday and then ideally into the future. Thank you.

Bridge Littleton: What's the current number of RSVP's do we know?

Danny Davis: I think I heard 350, 400.

Rhonda North: I think it's close to 350 now.

Bridge Littleton: That's great.

Danny Davis: Yeah.

Bridge Littleton: Yeah. I'm excited. Who did I see? Oh, I just went down. I was talking to Bob [off mic], and he enjoys [inaudible].

Chris Bernard: I looked at the almost up to date list yesterday, and it was it was a lot of fun names that I was like, oh, that's right. Like, you know, the people that you don't see every day. So, I think it'll be a great opportunity for everyone to get together.

Bridge Littleton: That's great. Okay. Are there any questions or concerns on accepting the donations? Okay. Would someone make a motion then, please?

Chris Bernard: All right. I move that Council authorize the acceptance of sponsorships and donations for Middleburg Day. I further move that Council retroactively approve the acceptance of sponsorships from BOA and Northwest Federal Credit Union for the 2024 Middleburg Day event.

John Kevin Daly: Second.

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

All of Council: Aye.

Bridge Littleton: Opposed? Abstentions? Okay. Next item is discussion item, which is the follow up on the joint meeting that we had earlier this week with the Planning Commission about the R-2 zoning district. Real quickly, I got with Danny and Will earlier this week and just asked if they could put together sort of a timeline between now. I mean, I think we set a goal that we would like to try to get something wrapped up and implemented by the end of the year. So, you know, there's movement in there because anything can happen. So what I asked them to do is put together sort of a timeline of what we would need to do at our next couple meetings and then at the Planning Commission, Commission couple meetings, if we want to meet the goal of hitting, you know, somewhere around the end of the year, given that if we do want to implement some changes, it's going to require public hearings and that'll have, you know, notification requirements and all that kind of stuff. So, they put that together. And with that, I'll turn it over to Will and to Danny to sort of walk us through everything.

Will Moore: Thank you, Mr. Mayor. And thank you again to you and the Commission for the meeting on Monday evening. I think that was very helpful in giving us an idea of where to go, at least from a starting point. Danny has our proposed timeline on screen, I will refer to this as moderately aggressive but with Council's stated goal is trying to get something in place by end of calendar year. That gives us, you know, as of right now, we have potential final adoption at your second meeting in October. So, we have some room to play with if we need to build in some more time along the way as we review the proposals. But the basic thing is I'm going to, after we look over this timeline try to affirm some understandings with you, and if successful, I will proceed immediately with beginning to draft an initial amendment for your consideration and would be working through that and presenting that to you at your second meeting in June. Concurrently with that, if you look down the June column there would also be a briefing of the Planning Commission at that same time frame as to what that initial draft looks like, just to keep them in the loop, give them a heads up. Then we would do some possible revisions to that draft based on your review late June into the beginning of July with another review by you at your first meeting in July. If any final revisions were necessary, those would be tweaked. And at your second meeting in July, we would propose to have you adopt a resolution to initiate an amendment that would then be referred to the Planning Commission. The Planning Commission would then build in three months of review with the Commission proposed a first review at their July meeting. So that would be the meeting that would be 3 or 4 days after the meeting in which you initiated the amendment potentially having their public hearing in August, but also building in an additional month of review before they might make their recommendation. And then returning the amendment to you with their recommendation at the first meeting in October. So, you can review their comments and potential adoption and your public hearing at your second meeting in October. So, again moderately aggressive, if we hit any big hitches and the big hitches will probably be in the initial drafting. So, the next several weeks for me will be critical to get a draft together along with some background information. So, you can see how some of these potential amendments that would be proposed might actually affect development. So that's really going to be the key step in the process. But again, we build in a couple extra months just in case it's necessary. We're confident we can still meet that adoption this calendar year. Any questions on the proposed timeline?

Bridge Littleton: Any questions for Will? Bud.

Bud Jacobs: The timeline looks great to me. I'm a little concerned because at the moment we don't have a Chair and we're down one member on the Commission. Are we? What's the sequencing? Are we going to pick a Chair first and then interview candidates for the vacancy? Or how do you want to handle that? Is what I'm asking.

Will Moore: Correct. Yes, sir. Thank you. We would anticipate that the Commission would elect a new Chair at your June meeting. We also anticipate that you would review potential applicants for that vacancy at your June meeting. And then potentially forward a recommendation if the Commission has a recommendation to the Council on who that appointee might be. I believe, I don't believe. Rhonda informed me earlier today that we have three applicants that have filed. So, it's good to have choice. It's good that there is a level of interest. So, we can get those applicant materials to you sooner than later, but again, we would anticipate potential appointment to that vacancy by Council in July.

Bridge Littleton: Great. Any other questions?

Will Moore: Sorry. Any other questions on timeline?

Bridge Littleton: Yeah.

Will Moore: Okay. So again, I just want to affirm a few things with you, kind of our staff takeaway from the joint meeting. And the first is that we would be proceeding with I'll refer to them as the Berkeley options from their report, we would be proceeding with a combination of options two and three, which are zoning ordinance amendments. So, it's revisions to existing district standards as well as some implementation of new supplemental regulations, but it's all regulatory within the zoning ordinance. We would not be immediately proceeding with work toward an Architectural Control District. However, we will be coming back to Council to give you more information on what that might look like. Timelines. I would propose doing that after we have gone through the initiation process of this amendment and maybe after it's been turned over to the Commission at that point in time, that frees up a little more staff time to get you up to speed on what an Architectural Control District might look like and timelines for that. As far as the components that we would be looking at within those options, two and three, we're looking at possible revisions to building height regulations. So right now, it's written so it's a maximum of 25ft, but with a potential to go higher that if you provide increased side yards. At a minimum, I anticipate removing that potential to go higher. We may actually tweak the maximum height to a slightly lower height, but regardless, we would remove that provision that allows you to go higher with the increased side yards. In combination with that, we are going to likely propose increase side yards the minimum, which is at seven and a half, still increasing that to a larger side yard that must be provided. And the third component that would go toward addressing concerns with size would be the introduction of a floor to area ratio component. So, I know there was a lot of back and forth about how we can maybe potentially affect affordability attainability of housing and one of those kinds of basic premises. I know the Mayor has spoken to it before is simply just the sheer size. So, while we can affect size to a degree with yard requirements and height requirements, when you couple that with a floor area ratio, we can really start getting at it. Looking at if you're on a certain size lot, you can have a maximum of so many square feet in your home. And regardless of what it might look like on the outside. So, it's a combination of those things that I intend to propose to you. In addition to that, there's a smaller component, but it's a provision in our non-conforming situations, part of the ordinance that allows people who have exceptionally small yards to provide even further reduced side yards. So, if you have an exceptionally small lot, you can go as small as a five-foot side yard. And there was one redevelopment case on Lincoln Road where that was utilized. And it was maybe not the best outcome. So, we'll be looking at tweaking that and then one of the biggest takeaways, I think, from I won't call it an aesthetic, but a design standpoint was the. And when one of the biggest takeaways from community input was the opposition to the front-loaded garages. So, we'll be proposing something that affects where garages can be placed. It may be a combination of addressing attached garages as well as the location of detached garages. Right now, accessory structures as defined can be in a side yard or rear yard. We would anticipate a detached garage having to be in the rear yard behind the rear plane of the building. So those are that's the framework in which I will be working over the next several weeks to craft something and bring it back to you at your second meeting in June. If I missed anything, if anything seems way off the mark, please let me know. Because again, I'm going to start working on this with Eric's assistance as well. Maybe as soon as tomorrow. So.

Bridge Littleton: So, Will the only thing I would say. Well, number one, I think it's great. I appreciate you guys, you know, putting the needle down the record and really, you know, getting to speed. FAR, I think is going to be great. You know, and the idea you had about, you know, a certain maximum lot, you know, if your lot is more than 7,000 doesn't matter. Your lot is treated as though it's 7,000. I really think that can because FAR is absolute, you know. So, I think that's great. The only thing I was going to say is you know, speed is important. Doing the best we can is important. So, if you need any outside help or resources, you know Danny's got an indentured servant. So, if you want him to do research,

you know, that's what an intern is all about, right? So, you know, Berkeley, I mean, again Council input, but I mean, from my perspective, whatever you guys need. And if, you know, if you need to, like go down to Virginia Beach and meet with the people there, because they just came up with some really creative stuff. Now, why is everybody getting all excited? It's like, oh yeah, we'll go on a Friday. Look at Bud. Yeah.

Bud Jacobs: I've been looking at Italian city planning and yeah, I would like to request support for a trip to Rome in the next few weeks.

Bridge Littleton: Yes, they know how to do preservation. Yeah. [multiple speakers]

John Kevin Daly: The chance would be.

Bridge Littleton: You know, and I'm all in too for if you guys are bringing forward some creative ideas that could help meet, you know, our challenges, let's try everything. So, but again, I really appreciate your guys' hard work. So, any questions for? Yeah Kevin.

John Kevin Daly: All right. This one of my concerns current ordinances are in place. These are plans to make future restrictions. Do we have if there's no moratorium, could a builder purchase a lot and build a four-bay garage with an attached efficiency apartment.

Will Moore: Not the attached efficiency apartment because it's a single-family dwelling use only, so you can't have an accessory dwelling.

Bridge Littleton: But I think where Kevin's going is a 200 square foot house with a four-bay garage.

Will Moore: Yes.

John Kevin Daly: So, time is of the essence?

Will Moore: Yes. To that end just for full transparency earlier this month I've issued two new permits for new dwellings on Martin Avenue under the current ordinance requirements. So, this is not; the trend of redevelopment or infill development is not going away. So.

Bridge Littleton: Yeah. And if anybody would like to see the architectural renderings and the house is for sale on Realtor.com already, and the lot hadn't even been cleared. And it's a cool 1.895 million, so. [off mic] You know. I will say, it's a different color.

Will Moore: It's five feet shorter. I will tell you that. [laughter]

Bridge Littleton: So, because they're going to dig down to the ground five feet. But no. Yeah.

Pam Curran: Oh, yeah. Oh, I had a just a question. Are we going to differentiate between infills and new construction and existing homes?

Will Moore: No, not in this. No.

Pam Curran: Okay. And then the other concern or question if we don't have the Architectural Review Board and we just deal with setbacks and heights and FAR I mean, how do we keep us from not just building tall, skinny buildings or homes with flat roofs and maintaining, you know, maintaining what we're trying to protect in Ridgeview.

Will Moore: It's a very good question. And one of the potential unintended consequences if you lower your height too much, you might have somebody come in and say, I'm going to build a flat roof. Well so again, the particular style of

design of a home outside some very limited circumstances like placement of garages cannot be affected simply with normal zoning standards. So yeah. So, I'm able to do anything.

Bridge Littleton: Yeah. I think the goal here is and Danny and Will. And I talked with Bud too. The idea here is option two and option three are the things that we can probably do very quickly to get in front of this fast. My comment to Danny and Will was, yeah, an Architectural Review Board might take a year, might take 18 months, but it doesn't mean we shouldn't consider it. Right. So, the goal here is get these two things going. And then once we hand it over to Planning Commission, because they're going to have a month or so to do their thing, then Will and Danny can get into the details of what an ARB looks like, bring it back to us and we can then kick it around if we like it, don't like it, and initiate another month or two later if we want to. And if we don't, and then we can always bring it back to the beginning next year. But I think that's the idea. So, it's not off the table.

Pam Curran: Because what you said, I think everybody agrees with is we want to do it quickly, but we want to do it right.

Bridge Littleton: Yep.

Pam Curran: And so, I appreciate that.

Bridge Littleton: Yep. Yeah, absolutely. Anybody have any other questions for Will or Danny on this one? No. Okay, great. Thank you. Any other information? Items? Yes, ma'am.

Pam Curran: I may be out of order, but I have an update on Art in the Burg. That right. So, yeah. So, we had approximately 2000 people attend, and the weather was good, and then the weather was bad, but it was very manageable. And I think I saw everybody there and Ali and the Committee worked hard, and they've really started to look at what they can do better with flow of traffic and cost of food and t shirts. But I think the jazz was really appreciated. And the Indian dancing was good. And they're already working on Oktoberfest and Foxes on the Fence. So, I think overall though, the traffic was great, and everybody had a great time. So that's my update, Mr. Mayor.

Bridge Littleton: Yeah, I was going to say I thought it was excellent. I know, you know, art's always tough, right? Because it's all about what you like. And I think some of the art vendors did great. Some, you know, enjoyed it. But Ali was working her tail off, so she definitely gets a big pat on the back and, you know, atta girl and all that stuff. You guys and all the volunteers were amazing, and it was a great flow. The music was fun.

Pam Curran: Yeah.

Bridge Littleton: I clearly the best art in the burg we've had yet, so really, thankful for all the hard work. [multiple speakers]

Pam Curran: A great job too. Yeah, it was really fun. Thank you.

Bridge Littleton: Okay. Any other info items? Chris?

Chris Bernard: Kind of to piggyback on that it's been really great to see the Farmer's Market kind of taking off a little bit. A lot more vendors the two. [off mic] Yeah, right. The May showers are going away. But, no, it's been really great. Like more vendors, more people out there. I think the location is awesome. And then on that note, next Friday, Middleburg Day. Excited to see everyone out there.

Bridge Littleton: Town Hall Ribbon Cutting.

Chris Bernard: And well, yeah, I mean, that too. That's Rhonda's thing.

Bridge Littleton: All right. Any other info items? Okay with that, we've got a Closed Session to go into. So, if someone would like to read the memo for that.

Bud Jacobs: I move that Council go into Closed Session as authorized under section 2.2-3711 of the Code of Virginia for one briefings by staff members pertaining to actual or probable litigation, where such briefing and open meeting would adversely affect the negotiating or litigating posture of the public body related to zoning matters, as allowed under subsection A 7 and too, a personnel matter related to benefits of certain town employees, and three the performance evaluation of the Town Manager as allowed under subsection A1. I further move that Council thereafter reconvene in open session for action as appropriate.

Peter Leonard-Morgan: Second.

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

All of Council: Aye.

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

Peter Leonard-Morgan: Yes.

Bud Jacobs: Yes.

Darlene Kirk: Yes.

Bridge Littleton: Yes.

Chris Bernard: Yes.

Cindy Pearson: Yes.

John Kevin Daly: Yes.

Pam Curran: Yes.

Bridge Littleton: All right. Would anyone like to make a motion?

Peter Leonard-Morgan: Mr. Mayor, I'd like to make a motion please.

Bridge Littleton: Please do.

Peter Leonard-Morgan: Thank you. I move that the Town Council authorize one time allocation of up to six additional days of personal leave to certain members of staff, as discussed in Closed Session.

John Kevin Daly: Second.

Bridge Littleton: All right. Any further discussion? All right. Rhonda, will you call the roll?

Rhonda North: Vice Mayor Bernard.

Chris Bernard: Aye.

Rhonda North: Council Member Curran.

Pam Curran: Aye.

Rhonda North: Council Member Daly.

John Kevin Daly: Aye.

Rhonda North: Council Member Jacobs.

Bud Jacobs: Aye.

Rhonda North: Council Member Kirk.

Darlene Kirk: Aye.

Rhonda North: Council Member Leonard-Morgan.

Peter Leonard-Morgan: Aye.

Rhonda North: Council Member Pearson.

Cindy Pearson: Aye.

Bridge Littleton: And with that meeting adjourned.