



MIDDLEBURG TOWN COUNCIL
Regular Monthly Meeting Minutes
Thursday, September 10, 2020



PENDING APPROVAL

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

STAFF: Danny Davis, Town Manager
Martin Crim, Town Attorney
Rhonda S. North, MMC, Town Clerk
William M. Moore, Deputy Town Manager
Jamie Gaucher, Economic Development Director
Estee LaClare, Planning & Project Associate
Julie Rivard, Finance Director/Town Treasurer
A.J. Panebianco, Chief of Police

The Town Council of the Town of Middleburg, Virginia held their regular monthly meeting, beginning at 6:00 p.m. on Thursday, September 10, 2020. Due to Governor Northam’s executive orders requiring that people social distance, the Council meeting was held remotely with most of the Council and staff participating from their respective homes.

Mayor Littleton explained for the viewing audience that it was the Council’s responsibility to conduct essential public business despite the COVID-19 pandemic; however, it recognized the need to do so safely, not only for its members but also for the Town staff and members of the public. He further explained that to that end, in accordance with the Council’s resolution declaring a local emergency and its ordinance implementing emergency procedures and effectuating temporary changes to address the continuity of governmental operations, the Council would hold its meetings via remote access until such time as the Governor rescinded his executive orders. Mr. Littleton advised the viewing audience that copies of the agendas were available on the Town’s website and that the meetings would be livestreamed and recorded for viewing on the website. He explained that anyone wishing to participate in the meetings during the public comment periods or the public hearings could do so by dialing (540) 339-6355. Mr. Littleton reviewed the process that would be utilized for the remote meetings.

Mayor Littleton led Council and those attending in the Pledge of Allegiance to the flag. The roll call was called at 6:00 p.m.

Public Hearing & Action Item

Ordinance to Amend Article 1 of Town Code Chapter 97 Pertaining to Business License Taxes

Town Clerk North reminded Council that periodically, the staff reviewed the Town Code to ensure it was still in line with the State Code. She reported that the staff was recommending amendments to the business license ordinance, including adding a definition for a contractor; proposing to set the fee for a business’ first year in business at the minimum charge; and, adding a category for federally regulated contractors and setting a rate of three cents per hundred dollars of gross receipts for that category. Ms. North noted that the addition of this new rate was what necessitated the need for a public hearing on the ordinance amendment.

No one spoke and the public hearing was closed.

Councilmember Pearson moved, seconded by Vice Mayor Miller, that Council adopt an ordinance to amend Article 1 of Town Code Chapter 97 pertaining to business license taxes.

Vote: Yes – Councilmembers Miller, Bernard, 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 Presentation

Status Report – 2020 Christmas in Middleburg

Jim Herbert, Organizer of Christmas in Middleburg, reported that much thought had been given to whether to hold Christmas in Middleburg this year. He further reported that they reached out to their constituents through an on-line survey for their input, with 65% of the five hundred and fifty respondents saying they would come and 35% saying they would not come and that it would not be responsible to invite people to come. Mr. Herbert noted that Christmas in Middleburg was an event that branded Middleburg and advised that he would not want to do anything that would harm the town. He reviewed the options that were available and ultimately opined that it would be better to cancel the event. Mr. Herbert suggested he could assist the business community by sending messages through Christmas in Middleburg's social media accounts identifying the things that could be done in Middleburg. He advised that while he would like to do something for the residents, it would not be prudent to hold a public event. Mr. Herbert noted that the Town staff agreed with his recommendation. In response to an inquiry from the Council, Mr. Herbert confirmed he was committed to holding the event in 2021.

The Mayor and Council agreed that cancelling Christmas in Middleburg was the responsible thing to do this year. They questioned whether holding mini events would attract too many people to the town. The Council offered some alternative solutions, such as creating a video of past parades and posting it on the Christmas in Middleburg website.

In response to an inquiry from the Council, Town Manager Davis confirmed that formal action was not needed on the part of the Council to cancel the event. He reported that the staff was meeting with the Middleburg Business & Professional Association to identify other activities that could be undertaken to attract visitors to Middleburg. Mr. Davis advised that he would return with a plan during the next meeting. He opined that no action would be needed from the Council unless the plans required funding from the Town.

Mr. Herbert reported that he had over forty thousand followers on the Christmas in Middleburg website and social media account. He offered them as resources if needed.

Memorandum of Agreement – Visit Loudoun

Economic Development Director Gaucher advised Council that he worked closely with Visit Loudoun over the past twelve months and opined that they had a great relationship. He reported having obtained a lot of data from them. Mr. Gaucher reminded Council that they introduced Middleburg to The Miles Partnership, who was helping the Town to implement their brand.

Beth Erickson, President of Visit Loudoun, summarized that she planned to update the Council on the COVID projections regarding (1) traveler's sentiment; (2) the business community's pulse in the area, specifically related to travel; and, (3) what Visit Loudoun was seeing. She noted the traveler sentiment report that talked about COVID hotspots. Ms. Erickson reminded Council that Virginia was tied closely to the Washington, DC area and advised that the report spoke to the way Virginia was viewed regarding being prudent and social distancing. She reported

that fifty-three percent (53%) of leisure travelers indicated they were ready to travel but were hesitant about doing so. Ms. Erickson opined that Middleburg was handling the COVID pandemic wonderfully. She advised that forty-two percent (42%) of travelers were interested in seeing information; therefore, it was important to advertise now so that Middleburg would be in the tops of their minds.

Ms. Erickson advised that people were beginning to get out and opined that they wanted a Christmas experience; however, they were concerned about crowds. She suggested people would be comfortable being in their cars; therefore, Visit Loudoun was focusing on promoting road trips. Ms. Erickson opined that this positioned Middleburg well.

Ms. Erickson advised that a spending priority for travelers was food and opined that having food offerings that could be eaten outdoors or taken away would address a key area of traveler spending. She advised that based on the destination analysis, the key travelers to Loudoun County would be female, ethnically diverse, affluent, and well educated. Ms. Erickson opined that Middleburg brought tremendous value to them.

Ms. Erickson advised that regarding the role of social media, digital advertising was the best place for the Town to spend its money as this was where travelers were getting their information. She further advised that they were looking for information from state and local tourism offices. Ms. Erickson reiterated that leisure travelers were expecting the coronavirus to get better and were planning to travel within the next six months.

Ms. Erickson reported that regarding business travel, businesses, governments, and non-profits were important travel sectors and noted that they had halted their travel. She advised that before sending their employees back out, they were looking at what restrictions/precautions were being put into place. Ms. Erickson opined that this section would begin moving in three to six months. She advised that they were getting their travel information from Facebook and LinkedIn.

Ms. Erickson advised that Visit Loudoun was seeing great results from their ads and noted that Loudoun County was seeing forty-two percent (42%) occupancy rates, which were higher than those in Northern Virginia. She reported that Salamander's occupancy rate was down by .3% over last year and advised that they were outpacing their competitors. Ms. Erickson noted that leisure travel was driving their bookings. She reported that they were hitting their occupancy rates as projected and seeing movement as leisure travelers were ready to travel to safe places. Ms. Erickson opined that Middleburg was moving in the right direction regarding safety protocols.

Ms. Erickson opined that Middleburg and Visit Loudoun were doing great work together and expressed hope that the Council would extend the memorandum of agreement.

The Council thanked Ms. Erickson for Visit Loudoun's support.

In response to an inquiry from the Council, Economic Development Director Gaucher reported that there was only one substantial change in the MOA over last year. He noted that they were asking for the same level of funding.

Councilmember Kirk moved, seconded by Vice Mayor Miller, that Council approve the Memorandum of Agreement with Visit Loudoun for FY '21, effective September 10, 2020.

Vote: Yes – Councilmembers Miller, Bernard, 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)

Staff Reports

Town Manager Davis reported that Well 4 was back on line and processing one hundred thousand gallons of water per day. He advised that Well 3 was no longer in production and noted that it introduced sediment into the system. Mr. Davis reported that IES would conduct a town-wide flushing of the water system soon in order to remove the sediment. In response to an inquiry from the Council, he reported that Well 4 was offline for almost three years.

Town Clerk North reported that the on-site training for the Laserfiche system had been scheduled for the third week in October; therefore, this project would soon resume. She advised that Bill Turnure resigned from the HDRC effective the end of next month as he was moving from the area. Ms. North noted that as such, she would advertise that vacancy.

Town Manager Davis reported that the Deputy Town Manager was dealing with some property maintenance issues and asked that the members of Council let the staff know of any areas of concern they may see. He noted that in some cases, the Town would have to perform the clean-up and bill the property owner.

COVID-19 Status Report

Town Manager Davis reported that between forty-three to forty-seven percent of the positive COVID-19 cases in the Northern Virginia area were for individuals between the ages of 23 and 49. He opined that they were likely not taking precautions and encouraged the public to do so. Mr. Davis also encouraged the public to get a flu shot.

Town Manager Davis noted that plexiglass protective barriers were installed in the Town Office. He reported that in-person activities, such as people seeking notary services and paying bills, were increasing.

Town Manager Davis asked that the Council allow the Town committees to resume in-person meetings with conditions, to which the Council agreed.

Town Manager Davis reported that the Town Treasurer's reports would now be distributed during the second meeting of the month in order to allow for better reporting of revenues. He advised that July's meals tax revenues were down by twenty-five percent (25%), which was an improvement over this past Spring.

Town Manager Davis reported that the General Assembly approved the use of drop boxes for absentee voting. He advised that the General Registrar was looking at potential locations for them in Loudoun County and noted that he would share that information once it was available. In response to an inquiry from the Council, he confirmed that individuals would be able to vote in-person.

Town Manager Davis reported that the census would complete their door-to-door campaign the end of the month. He opined that most of the people had been counted in Middleburg as a result.

In response to an inquiry from the Council, Town Manager Davis reported that standard operating procedures had been developed for use of the Council Chambers and would be sent to the Town's committees and staff.

Options for Supporting Restaurants & Retail During Winter Months

Mayor Littleton noted that as the weather got cold, outdoor seating would be less of an option without changes to the current set-up. He further noted that this may entail zoning approvals or temporary structures. Mr. Littleton opined that the businesses may need help in implementing these changes and suggested the Town needed to determine what it could do to help them do so and be safe.

Council noted that Warrenton closed their Main Street from 5:00 p.m. until midnight on Fridays and Saturdays so the restaurants could expand their outdoor seating and suggested there was an opportunity to do this on the side streets in Middleburg. They further suggested the Town could provide a large space with tables for restaurant

patrons use. The Council noted the need to identify cleaning procedures and police the seating areas. They suggested it was critical to identify one or two large ideas and to develop action and contingency plans for them. The Council suggested the need to do this in coordination with the Middleburg Business & Professional Association (MBPA). They also suggested the Town work with the Christmas in Middleburg Committee to develop a package of items that could be distributed to visitors. The Council noted the need to develop the plans sooner rather than later.

Use of Second Round of CARES Act Funding

Town Manager Davis reported that the County received the second round of CARES Act money and would distribute it using the same allocation as with the first one. He explained that, as a result, Middleburg would receive \$74,842. Mr. Davis suggested the majority be used to aid residents with financial hardships due to the COVID pandemic and advised that this would be done in partnership with a non-profit, such as the Windy Hill Foundation, as they already had the systems in place to handle it. He reminded Council that the money must be spent by December 15, 2020. Mr. Davis suggested that some of the money be used for Town operations and to support businesses as was discussed during the last meeting. He advised that during the next meeting, the Council must certify receipt of the funds and confirmed the staff would bring forth a plan for spending them.

Town Manager Davis noted that during the recent Coalition of Loudoun Towns (COLT) meeting, some towns indicated they were having difficulty spending their money. He advised that a discussion was held about the possibility of the towns requesting that the County redistribute any monies that could not be spent to the towns that had spent more than was allocated to them. Mr. Davis reported that he spoke with the County Administrator who indicated this could work; although, there were some logistical issues that would need to be addressed. He noted, however, that a challenge could be that the guidance regarding how the money could be spent changed weekly. Mr. Davis explained that any money that was not spent by the towns must be returned to the County by December 15th so they could spend it.

The Council reviewed some options for spending the money, such as to cover utility bills. Town Manager Davis reported that another possible use of the funding was to increase the cleaning of the Liberty Street restrooms, if the cleaning company had the ability to do so, and noted that some businesses have requested they be open seven days a week. The Council agreed this could be explored; however, they expressed a desire to spend the money on people in need.

Consent Agenda

- A. Council Meeting Minutes – August 13, 2020
- B. Loudoun County CIP Funding Request – New Town Hall
- C. Contract to Update Historic District Guidelines – Frazier Associates
- D. Contract for Water Tank Maintenance – Suez

Vice Mayor Miller moved, seconded by Councilmember Kirk, that Council adopt the consent agenda as proposed.

Vote: Yes – Councilmembers Miller, Bernard, 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)

Action Items

Foxes on the Fence

Economic Development Director Gaucher reminded Council that the Middleburg Garden Club was no longer able to organize Foxes on the Fence and noted that the Middleburg Arts Council (MAC) had expressed an interest in taking it over. He reported that the Middleburg Beautification Committee volunteered to act as the fiscal agent; therefore, there would be no fiscal impact to the Town. Mr. Gaucher advised that, if acceptable to the Council, MAC would like to move forward with organizing Foxes on the Fence in conjunction with the Beautification Committee. He noted that the Beautification Committee had the funding available for the initial cash outlays. The Council agreed with this recommendation.

Rescission & Adoption of Continuity of Government Operations Ordinance

Town Manager Davis explained that the original ordinance would expire the end of the month and recommended the Council rescind it and adopt a new one. He reviewed the contents of the proposed ordinance and noted that it would be good for another six months.

In response to an inquiry from the Council, Town Attorney Crim advised that he was not sure the Council could extend the original ordinance; therefore, to be safe from legal challenge, he recommended it be rescinded and a new ordinance adopted.

Councilmember Leonard-Morgan moved, seconded by Vice Mayor Miller, that Council adopt the Ordinance to Re-Implement Emergency Procedures and Effectuate Temporary Changes to Address Continuity of Governmental Operations during Pandemic Disaster (COVID-19), dated September 10, 2020.

Vote: Yes – Councilmembers Miller, Bernard, 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)

Suspension of Water/Sewer Disconnects During COVID Pandemic

Town Manager Davis reminded Council that earlier in the year, they suspended the disconnection of utilities for non-payment, as well as the imposition of late fees, for sixty days, which expired in June. He noted that there were several outstanding accounts; therefore, the staff was recommending the late fees and penalties continue. Mr. Davis advised that the staff was also recommending the suspension of disconnects for a period of six months or whenever the emergency expired, whichever came first. He reiterated that the ten percent (10%) penalties would continue to accumulate if the accounts carried a balance. Mr. Davis reminded Council that under the Town Code, customers could set up a payment plan that would allow them to pay over a period time. He noted that the staff did all it could to get delinquent account holders to communicate with them so they could assist them or direct them to available resources.

The Council asked that the staff look at the Town’s penalty structure and opined that ten percent (10%) may be too high. They also asked that the staff research what other towns did. The Council directed that this item return to them at their next meeting.

Town Manager Davis reported that the Town Clerk was already working on an amendment to the Town Code to combine the water and sewer ordinances into one. He opined that there were several key points that needed to be addressed. Mr. Davis suggested the items identified by the Council be addressed in the short-term, with the entire re-write being presented in the Fall.

In response to an inquiry from the Council, Town Manager Davis confirmed that Middleburg FISH and the Windy Hill Foundation would assist individuals who were having difficulty paying their bills. He advised that the staff was reaching out to folks through late notices, door hangers and articles in the newsletters.

In response to an inquiry from Council as to why the Town could not suspend the late fees for six months, Town Manager Davis explained that when they waived the late fees earlier in the year, the Town experienced a significant increase in the number of customers who were not paying their bills, which affected the Town's revenue stream. He reminded them that the Utility Fund had less of a buffer between revenues and expenditures than in the General Fund. Mr. Davis reported that during the last COLT meeting, at least one town noted that after they suspended late fees, their revenues decreased significantly, almost to the point of affecting their operations. He opined that it was important to keep them.

In response to an inquiry from the Council, Town Manager Davis reported that late fees were imposed thirty days from the billing date and again ten days later. He opined that thirty days was standard. Mr. Davis noted that the latest bills went out earlier in the day and were due on October 13th.

The Council held some discussion of the billing process. They expressed concern that the penalties could be excessive and punitive under the current circumstances. They asked that the staff look at those as well.

In response to an inquiry from the Council, Town Treasurer Rivard confirmed the Town did not have many outstanding bills.

Councilmember Jacobs moved, seconded by Councilmember Kirk, that Council, under authority granted in Town Code Sections 113-29 and 83.1-44, suspend service disconnects for users of the Town's water and sewer systems for a period of six months or until the expiration of the local emergency, whichever occurs first.

Vote: Yes – Councilmembers Miller, Bernard, 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)

Affirmation of Votes Taken by Council While Meeting Remotely

Town Attorney Crim advised Council that their actions were not invalid; however, he recommended affirming the votes taken while meeting remotely to protect the Town against and deter any legal challenge.

Vice Mayor Miller moved, seconded by Councilmember Kirk, that Council affirm and ratify all motions made and approved during meetings in which some or all members of Council met electronically due to the COVID-19 Pandemic, to include: March 25, April 9, April 23, May 14, May 28, June 11, June 25, July 9, July 23 and August 13.

Vote: Yes – Councilmembers Miller, Bernard, 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)

Resolution to Initiate Zoning Map Amendments 20-1 – Town Hall Site

Deputy Town Manager Moore explained that this was the initial step that was required following the signing of the letter of intent with Salamander. He reminded Council that in the LOI, the Town agreed to initiate a zoning map amendment for the parking lot, as well as for the Kaye property, prior to the Salamander property being acquired. Mr. Moore reported that this would be sent to the Planning Commission to initiate a rezoning of the properties to C-2 Commercial to conform to the zoning of the current Town Office property. He noted that the Town would also apply separately on behalf of Salamander for a proffer amendment to remove the requirement that they provide a Town Office site and clean up any issues associated with it.

Councilmember Bernard moved, seconded by Councilmember Kirk, that Council adopt a Resolution to Initiate Zoning Map Amendment 20-01.

Vote: Yes – Councilmembers Miller, Bernard, 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)

Information Items

Mayor Littleton announced that the closed session item had been removed from the agenda.

In response to an inquiry from the Council, Town Clerk North reported that she had received several inquiries from firms regarding the AE and CM requests for proposals for the Town Hall Project.

Mayor Littleton reminded Council that this time last year, he provided a State of the Town Address. He questioned their thoughts on offering another one this year. After some discussion, the Council agreed it should be done virtually and made available on the Town’s website and Facebook page.

There being no further business, Mayor Littleton declared the meeting adjourned at 7:45 p.m.

APPROVED:

Trowbridge M. Littleton, MAYOR

ATTEST:

Rhonda S. North, MMC, Town Clerk

September 10, 2020 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 these September Middleburg Town Council Meeting to order, first item is Pledge of Allegiance. And if you're watching at home, please just mouth along.

Everyone: [Pledge of Allegiance]

Bridge Littleton: All right. Now, I'm going to do the meeting announcement for Covid, OK. It is the Middleburg Town Council's responsibility to conduct essential public business despite covid-19 pandemic. However, it recognizes the need to do so safely, not only for its membership, but also for the town staff and members of the public. To that end, in accordance with the resolution confirming the declaration of a local emergency and the ordinance to implement emergency procedures and effectuate temporary changes to address continuity of governmental operations during covid-19, the town council will permit participation in its meetings via remote access until such time as the governor rescinds his emergency order mandating social distancing. Copies of the previously referenced documents are available on the town's website for those who wish to view them. If you wish to provide public input via remote access during the public hearing or the public comment session, advance sign up is required by calling the town office by 4:30 PM the day of the meeting. OK, and next item here is to do the roll call. And so what I'll do is I'll call your name and then you say your name into the speaker and then I'll do the folks here in the room first and then I'll do those calling in by the conference line.

Bridge Littleton: Chris Bernard.

Chris Bernard: Chris Bernard.

Bridge Littleton: Phillip.

Philip Miller: Phillip Miller.

Bridge Littleton: Bridge Littleton.

Peter Leonard-Morgan: Peter Leonard-Morgan Lane.

Bridge Littleton: Darlene

Darlene Kirk: Darlene Kirk.

Rhonda North: Rhonda North town clerk.

Bridge Littleton: Bud.

Bud Jacobs: Morris Jacobs.

Danny Davis: Danny Davis town manager.

Bridge Littleton: Cindy.

Cindy Pearson: Cindy Pearson. Can you hear me?

Bridge Littleton: Yeah. Kevin.

Kevin Daly: John Kevin Daly.

Bridge Littleton: And Martin.

Martin Crim. Martin Crim town attorney.

Bridge Littleton: Ok, perfect. Thank you. At this point, we will open the public comment session. Any member of the public who's called in and would like to address the town council you may do so. Rhonda do we have anybody that called in?

Rhonda North: Mr. Mayor, we do not.

Bridge Littleton: OK, we will close the public comment session and move right on to a public hearing and other related matters. First item is ordinance to amend Article one of the town code, chapter 97 pertaining to business license taxes, I believe this is from Rhonda and Julie. So who would like to present the memo. Or discuss it.

Rhonda North: I can begin, Mr. Mayor, as you know, periodically we take a look at our town code provisions and make sure that they're in line with the state code as the state code can change from time to time. So we are proposing some amendments to the business license ordinance to bring it in line with the state code. We're also proposing to add a definition for contractors to make it clear that that reference is building contractors. As we've had some confusion in the past with regard to that, we are also proposing that for new businesses who secure their very first business license with the town, that they simply pay the minimum fee, which is currently thirty dollars, as we've had some businesses who've had difficulty estimating their gross receipts during their first year. So we think just charging the flat minimum charge will assist those businesses. And it's also a nice marketing tool for recruiting businesses. And then finally, the item that necessitates the public hearing is there is a new category in the state code for federally regulated contractors and sending a fee of three cents per 100. So we're proposing to add those provisions in as well, since that is a new fee that's being established that necessitated the public hearing that you're having this evening.

Bridge Littleton: Ok, thank you very much. At this point, we will open the public hearing for anybody who wishes to provide input or comment on this portion or this item, Rhonda is there anybody called in?

Rhonda North: There is not, Mr. Mayor.

Bridge Littleton: OK, we will close the public hearing. I'll go around the room and see if anybody has any questions for Julie or Rhonda. Chris?

Chris Bernard: [off mic]

Philip Miller: No questions.

Bridge Littleton: Peter.

Peter Leonard-Morgan: No questions. Thank you.

Bridge Littleton: Darlene.

Darlene Kirk: No.

Bridge Littleton: All right, Cindy.

Cindy Pearson: No, no questions.

Bridge Littleton: Bud.

Bud Jacobs: No questions.

Bridge Littleton: Kevin.

Kevin Jacobs: No questions.

Bridge Littleton: Ok, excellent. Rhonda, I assume the next step is if somebody wants to make a motion.

Rhonda North: Yes, sir.

Cindy Pearson: I'll make a motion.

Bridge Littleton: Cindy, go right ahead.

Cindy Pearson: I move the council adopt an ordinance to amend Article one of the town code, chapter 97 pertaining to business license taxes.

Philip Miller: Second.

Bridge Littleton: Any further discussion? All right. We'll do a roll call vote. Rhonda, do you want the roll call vote?

Rhonda North: Vice Mayor Miller.

Philip Miller: Yes.

Rhonda North: Council Member Bernard.

Chris Bernard: Aye.

Rhonda North: Council Member Daly.

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: All right, your ordinance amendment passes. Next item is public presentation, Christmas in Middleburg. Jim, your timing is amazing. Just like Christmas, the same day every year

Jim Herbert: When the stuff runs on time. It's good.

Bridge Littleton: So real quick, let me put the memo here.

Danny Davis: If I may, Mr. Mayor, for Mr. Herbert's sake, the folks on the TV remotely are hearing you from the microphone down here. So if you would just make sure you project as much as you're able.

Jim Herbert: I'll do the best I can.

Danny Davis: That's for Swagit and this is for the telephone.

Bridge Littleton: Oh, got you. OK, yep. Ok, so did we want to jump right into it with Jim's presentation or Jamie has his memo.

Danny Davis: Whatever you prefer. We're happy to overview the memo but I think we can just begin dialogue with Jim.

Bridge Littleton: Ok. Jim over to you.

Jim Herbert: So I would suggest that the memo did not come out of a vacuum. Much thought has been given to it across many fronts. One of those fronts was Christmas in Middleburg itself reaching out to all of its known constituents. We have a subscriber base of six and a half thousand emails, and while sixty five percent of those responding said they would, they would definitely come to Christmas in Middleburg, however it was held. Thirty five percent said no way. And among those thirty five, many suggested that it would not be responsible to even invite those who would come into perhaps their own harm. Our thoughts have been that this is not just a community event. This is an event that widely brands Middleburg and we don't want to do anything where there would be a blowback of second guessing on that brand. So we're taking a look at a few different options. One being we can have an invitation only to the approximately fifteen hundred people who subscribed pre-paid online to car parking. Limit tickets to a fixed amount, for instance, a small number that would only fit in the Salamander parking field. Have tickets be closed online, electronically when that number was reached. But four hundred cars in Salamander field would still be a thousand or maybe two thousand people invited into town. And the prevailing wisdom is we do not do any public promotion of a single one day event like Christmas in Middleburg has been. Alternatively, we have a lot of attention being focused on our platform. We can send messages once a week for eight weeks about all the things that can be done this coming weekend in Middleburg or next weekend in Middleburg. Or don't miss this or don't miss that, but don't have a multi thousand person event in Middleburg on that one day, so for the first Saturday in September, the Middleburg Hunt feels like they want to provide a community service. They would still love to ride through town or through the residential neighborhood. They would like for the people of Middleburg not to miss that event, which has become a signature for the town, and they're happy to cooperate with the town and anything that makes sense. So at the end of the day, a single publicly promoted event does not seem to be prudent, doesn't seem to be responsible, even if a number of people would come. So we do not plan to do that. And Mr. Davis, Mr. Gaucher have done a great deal of work, both anecdotally through our town and systematically. They are in agreement not to do an event. So that is our submission, that we promote individual micro events throughout the course of the season without promoting a single multi thousand person one day festival.

Bridge Littleton: Ok, well, Jim, thank you very much. I know a lot of work and thought went into that and it's a you know, Christmas in Middleburg for so many. It's a labor, but it's a labor of love, especially you. And it means so much to the town and the people who come here. But, you know, personally speaking, I think the one sentence is exactly correct. It's the responsible thing to do. So God forbid someone got sick, you know, all the best intentions,

you know, go right out the window with that. So does anybody have any questions for Jim? And I'll go around the room, Chris. Philip.

Philip Miller: Will you commit to 2021?

Jim Herbert: We're there. [laughter]

Philip Miller: Just making sure.

Jim Herbert: We've already leapt forward, I should add, before we get to Peter. We had over five hundred and fifty responses from six and a half thousand invitations to respond. Every single one of them talked about their love for the event, their love for being in this town on that day, and the goodwill they expressed throughout that broader community for Middleburg and Christmas in Middleburg was profoundly moving. If that's a trust, we don't want to betray that either.

Bridge Littleton: That is an excellent point. Peter.

Peter Leonard-Morgan: Jim, thank you very much. I think everyone probably has the same feeling. My question would be, your database is so big that even if you send out little mini invitations, will could that create too many people coming to town? It's kind of a rhetorical question.

Jim Herbert: If we told people that there was no afternoon parade. There would be a lot of disinterest in and coming without that attraction, if we told people that there would be a parade and even whispered about that, they would still be five thousand people coming to it. So without mentioning the Hunt review and not having a Christmas parade itself, but having multiple restaurants on a featured promotion day or multiple retailers on a featured promotion day, that I believe we would be able to get maybe two or three, four hundred people out, but not in the thousands. It's not a scientific guess, but that would that would be my plan. If we don't tell anybody about the Hunt review and we don't even have a 2:00 p.m. Christmas parade that will not attract hordes.

Bridge Littleton: Darlene.

Darlene Kirk: It breaks my heart to not have a Christmas parade, but I think it's a smart, wise thing to do. Thanks, Jim.

Bridge Littleton: Cindy.

Cindy Pearson: Hi, Jim, thanks for coming in. I do believe that you just mentioned the word hunt that you have thousands of people here, because the parades the last couple of years that we had good weather, the streets were lined with people for that hunt parade. So might not be a good idea for this year, maybe in a different way somehow. I don't know, maybe do a video of the past Christmas in Middleburg parade to put on your website might be something. I don't know. I'm sure there's lots of different things you guys have thought of. But yeah, it seems crazy not to have it. But for the goodwill of all, I agree that it should not happen. Thank you.

Bridge Littleton: Bud.

Bud Jacobs: Well, I think it's a real shame, but I don't know how you could come to any other recommendation. So I appreciate the work you've put into it. We'll hope for 2021.

Jim Herbert: I think the picture will be changed by then.

Bridge Littleton: So, Kevin, any input?

Kevin Daly: it's the right thing to do. All one has to do is look at the historical large congregations these past few months of people showing up on beaches, motorcycle rallies, and each time two weeks after there's a surge and Covid cases. So this is the right thing to do.

Bridge Littleton: Is so, Jim, again, appreciate the input. Danny is there any formal action you need from from council from this perspective?

Danny Davis: No, sir, not not at this time.

Bridge Littleton: OK.

Danny Davis: And then the next conversation that we're having with MBPA and then, of course, loop in Jim as much as possible is about what those other activities and events can be. And outside of this meeting, I'm happy to meet with each of you or get your specific ideas. But our intention as we come back to your next meeting with a framework or plan of what that looks like so that we can talk through some of those ideas, because I think, again, I don't even think those to a degree would need council direction, except perhaps to direct some funds if necessary. But other than that, I think we're going to continue on our path where we are right now.

Bridge Littleton: Ok, great. Jim, thank you very much. Really, really appreciate it.

Jim Herbert: Very welcome. We have in the past 40,000 thousand people easily who double check on the website. Ten thousand people who subscribe to the Facebook page. Six and a half thousand people for whom we have emails. And you may consider them a public resource and we'll do whatever whenever seems most appropriate. Thank you all.

Bridge Littleton: Thanks, Jim. Thank you. All right. Next item is the memorandum of agreement review with Visit Loudoun.

Danny Davis: And I think Jamie's going to be making his way up [inaudible].

Bridge Littleton: And I see Beth online.

Danny Davis: Beth is online, and I'll.

Beth Erickson: Good evening.

Danny Davis: I'll turn it to Jamie [inaudible].

Jamie Gaucher: Good evening, Thank you Mr. Mayor. Beth, good evening to you. Thank you for being here. As I stated in my memo, we've been working very closely with Visit Loudoun over the last 12 plus months. And I think the relationship between the town and Visit Loudoun has never been better. Not only do we have regular data from Visit Loudoun and their websites and their marketing campaigns, the most recent uptick in value, if you will, has been around the fact that Visit Loudoun has introduced us to the Miles partnership and we started our implementation of the branding work, specifically based on the data and the investments and the work that Visit Loudoun has already made. So I'm very pro Visit Loudoun at this point in time, and I know Beth has put together some slides. It might be appropriate for you to walk us through your slide deck, Beth.

Beth Erickson: Certainly. Thank you so much. I know that you have a copy of the slides in front of you. So, Mr. Mayor and town council, I'm here to give you an update on what we're seeing from Covid projections. I'll be focusing on three areas, the travel side of it, to give you an idea of what we're seeing for those that are coming in to Loudoun County and [inaudible] in the area. [Inaudible] has recently done a really great report and spoke to our business community in the greater Washington area to kind of get a feeling of, [inaudible] putting their people back to travel. I know that is a concern as we look at the health of group travel returning to Middleburg Salamander and

Loudoun County. And then I'm going to walk you through briefly a little bit about what we're seeing from our forecasting standpoint. So moving back into the discussion on the travel sentiment index report. You've seen some of this information, not disinformation in particular, but you I spoke with you before, and our last meeting is a [inaudible] from destination analysts. They are really, truly one of the best in our industry. And they have been serving almost on a weekly basis with travelers in terms of how they're feeling, what their comfort level is and what they are seeing in the future. Pulling from that report the first one is if you look in your packet it tells a little bit about where the coronavirus hotspots are. And again, this is in a national survey. And one of the things of why I wanted to put this in is it highlights the fact that Virginia is tied very closely to Washington, D.C. I think that is our closest competitor, if you will, and it really does speak a lot to the way that Virginia has been viewed in our prudence in the way that we have gone about the opening and our adherence to social distancing guidelines is a really important indicator in terms of the comfort level of how they are [inaudible] region. So when we look at travelers individually in terms of what they are looking to do in this instance, this is the leisure traveler. When you look at numbers that 53 percent of those that are either ready to travel or are ready to travel but may have some hesitation, that has [inaudible] really coming back to that consumer confidence item which is you're really taking a look at making sure that our businesses are mapped and that we are complying to the social distancing guidelines, which I think Middleburg is doing absolutely brilliantly. Right. So we're a consumer confidence as well. But regarding the Miles contract that I know that you have entered into the next [inaudible] talks about how open people are to receiving information about traveling. And what we're seeing is that 42 percent or 43 percent are really interested in seeing information out there that they're looking for inspiration. They're looking for things that are making them happy, which in this instance is really looking at branching out from where they have been in the last six months and beginning to start going out into the area. So that's a really important metric when you look at why advertising now is important. And I think this is really [inaudible] as we go through what we're going to see over the next couple of months, the importance of making sure that Middleburg is top of mind. And that is really important. So we'll put those upcoming travel plans. I don't think that this is a surprise on the bar chart that you'll see before you. [inaudible] see a lot of people, the vast majority is a little hesitant in terms of saying we want to make sure that we're seeing what's in the vaccine or pick a number. But we are seeing movement and we are seeing people going out. I'm looking forward to seeing what the Labor Day number is brought forward, but we're seeing that people are interested in going out for Thanksgiving. And the discussion about the Christmas Middleburg was a timely one because I think the people want to go out and have a Christmas experience, but they're going to be very concerned about crowds and about social distancing. But I think that the conversation that you're having is really important and spot on. The next slide is what I think is really interesting, the difference between those that are willing to take a road trip and those who are interested in getting on an airplane. When we talk about commercial airlines, you're going to start seeing those numbers begin to start moving forward a little bit more [inaudible]. But at this point, people are comfortable in their cars. They want to go someplace where they can get to easily. They feel that their family is going to be the safest car. So we're seeing that. That is why Visit Loudoun is really focused on the road trip itinerary, pushing information that this is a safe destination that can be accessed by car. [Inaudible] Loudoun County and Middleburg really, really well for what that target market is, any amount of people that can come in. [Inaudible] here to go to the next one under their spending priorities. What's going to be important is food that's going to be consumed at home, whether that is outdoor dining or literally taking away. Still, it's going to be probably in travelers mind. whether that is craft beverages, whether that [inaudible] restaurant picking up food and going back. The food is continuing to be one of the key things that people are spending their money on, food and culinary. When you look at leisure travel to visit friends and family, again, that is what we are devoting a lot of our time and effort from marketing and branding [inaudible]. Road trips we're on and we're right there to the gifts for friends and relatives I think it's important for your retail sector. The next two slides I'm going to show you this comes from Destination Analysts', which is why the graphics and the photos are what they are. But [inaudible] Loudoun County [inaudible] visitor is really aligns very closely with the visitor to Middleburg. That they are [inaudible] female, that they're ethnically diverse, that they are affluent, well educated, and they are really are looking for those assets that I think that Middleburg brings tremendous value to them. The next slide in terms, again, about those aspirational visitors from the left is talking about the role of social media. So when you're looking at spending those advertising dollars that we are spending, leveraging that relationship, looking at social media and digital is really going to be the best place to spend those precious marketing dollars because that's where people are getting their information. right hand side. They're really trusting what those reviews are when people are in their destination or in our destination, when they see positive things about social distancing, when they're showing pictures of themselves on the streets of

Middleburg, that is a really important part of travel [inaudible]. I think they also continue to look for information from local tourism offices and state [inaudible] offices. So the partnership that Middleburg has with Visit Loudoun is very important. The partnership that we have with Virginia Tourism Corporation is equally important. So as we wind down this section and move to the next, again, these are slides from Destination Analyst. And I believe that is Annapolis, which is interesting. But when we start looking at it, they the traveling public is expecting the coronavirus to get better in the next [inaudible] they're going to be traveling over Labor Day, Thanksgiving and Christmas holiday. We look at the final aspect of that is that they would feel happy if they saw an ad promoting a destination and that they are viewing, scheduling and planning a trip as something that is been great happiness within the next six months. So, again, that is the leisure traveler. So as we look into what's happening in the corporate market, which I think is really important, this is the information that is coming through. It's not a surprise that [inaudible] has been hit very hard. I know you've seen those numbers, but they are looking at about a 95 percent decrease in travel and traffic. But [inaudible] beginning to start coming up, which is great. So this is [inaudible] study, and I'm going to let you go through this in greater detail. But really, the first slide is talking about, you know, that these are North American companies. They are in our region and that their employees are based in the D.C. metropolitan area. The right people for [inaudible] to be speaking to. The next slide is when you look at the primary sector of business. Government, technology, nonprofit, those are three really important travel sectors, not only for Loudoun County, but for Middleburg in particular when you look at technology nonprofit, that's what's driving a lot into Salamander. So when they start talking about the actions that they have taken as a result of covid-19 it might be not a surprise the majority has to travel. But what's encouraging and important on the next slide is what do they need to see to start sending their employees back out to need to get to the business of business. And so they're looking for those travel restrictions. They're getting back to the governor's orders. But they're also will feel more comfortable if there are precautions that are being taken in destinations. So we're working very closely with Salamander, with our hotel property to make sure that when we're going after people in the business, that they understand the planning protocols all the way down to the chemicals that are being used because meeting planners need to see that. And we're working very closely with Salamander on that and make sure that we've got a group of elite travel [inaudible] coming in next week. We are discussing that with them first and foremost on what Salamander is doing to protect their employees. As we look at it, again, that's three to six months timeframe is when people are going to start to move, which is really important. So the last slide in this section and I'm going to be wrapping up my comments. Really is, again, looking at Facebook, where people are getting their information, but I brought this specifically to show you LinkedIn. [inaudible] at twenty eight percent Visit Loudoun has been marketing very heavily to the group market and for meeting planners through LinkedIn. And we're seeing some really great results from it. So again, we know that we are positioning our product in the right place, but this is very, very affirming and very positive. So as we look at the forecast overall for Loudoun County, we are actually beating the rest of Northern Virginia slightly. But we are seeing Loudoun County at 40 percent. Forty one percent. Forty one almost forty two percent occupancy, which is there is still something that I would be excited to say that we're at forty two percent occupancy, but that is very encouraging and that we're seeing growth. So we saw a nearly 30 percent increase month over month and our numbers preliminary for August are also strong. But I had a chance to talk with Reggie before the presentation and he shared with me that there are twenty eight day recap that their hotel, the Salamander's, put themselves into the competitive set there at this point from a from an occupancy perspective over last year at the same time, they're at .3 percent decline where others are about seventy five percent decline. So they are outpacing by a large margin data set. They are also seeing a twenty six percent increase on that average daily rate. Again, understanding that was it been 28 days, but that's really being driven at this point by the leisure traveler is coming to experience Middleburg to Salamander and that's really important. [inaudible] also very important indicators about twenty six percent up. So the occupancy slide that is next is showing you the dotted line is where we have projected at the beginning of Covid. So we were a little bit below but we're now getting it back to where we thought we would be. [inaudible] average daily rate perspective we're exceeding it so that it has an overall county indicator showing us that we are seeing some movement [inaudible] in some really positive indications, which are really important indicators for us that we are pleased to see. So in my last wrap up, I think what's important is that we're hearing from our leisure travel our leisure travelers that they are ready to travel and that excitement is building to do so. They're looking for those base destinations that have open space, culinary, everything that we are well positioned to do. It talks about the importance of promotion in the next three to six months to reach those leisure travelers. So, again, spot on. You guys are moving in the right direction that we are meeting and exceeding market forecasts. Salamander is leading the charge when it comes down to really feeding those market forecasts, safety protocols that are here. And I heard the

mayor reminding everybody yesterday during the day before during [inaudible] the importance of those safety protocols. And it is front and center and critically important. So I think the last thing that I would say is I appreciate the comments that Mr. Gaucher made. And I would echo those. And I think that to continue to build and leverage the effective relationship that we have with the town is a really great opportunity for us in this period of uncertainty. I think what is certain is that we are doing great work together and we are seeing the benefit of a lot of planning in place and executing at the right time. I know you have the item before you. I'm happy to answer any questions, but I certainly hope that you will consider this recommendation.

Bridge Littleton: Thank you, Beth, appreciate it. Does anybody have any questions for Beth? I'll go around the room, Chris.

Chris Bernard: No questions. Thanks Beth.

Bridge Littleton: Philip?

Philip Miller: No questions, but thank you for everything that you've been doing to support Middleburg and Salamander. It's been great. Thank you.

Bridge Littleton: Peter.

Peter Leonard-Morgan: Thanks, Beth. No questions.

Bridge Littleton: Darlene.

Darlene Kirk: No questions.

Bridge Littleton: Bud.

Bud Jacobs: No questions. Thank you.

Bridge Littleton: Cindy.

Cindy Pearson: No, no questions. Thank you Beth for changing gears like you do.

Bridge Littleton: Mr. Daly.

Kevin Daly: No questions. Great report. Thank you.

Bridge Littleton: All right, Jamie, was there anything else you wanted to add about the MOU? I did note the one change or the one add in there, which I think is very appropriate. Anything you wanted to, you know, have further update on before we review a motion.

Jamie Gaucher: That one addition to the document was the only substantive change from the memorandum that we executed last year. And the only thing I would add is we're asking, I should say Visit Loudoun is asking to maintain the same funding level from last year.

Bridge Littleton: Danny any input?

Danny Davis: No, sir.

Bridge Littleton: Ok, if there's no questions. Would anybody like to make a motion.

Darlene Kirk: I'll do it. I move that the town council approved the memorandum of agreement with Visit Loudoun for fiscal year 21, effective September 10, 2020.

Philip Miller: Second.

Bridge Littleton: Any further discussion? Ok, we'll do a roll call vote, Chris.

Chris Bernard: Aye.

Bridge Littleton: Philip.

Philip Miller: Aye.

Bridge Littleton: Peter.

Peter Leonard-Morgan: Aye.

Bridge Littleton: Darlene.

Darlene Kirk: Aye.

Bridge Littleton: Bud.

Bud Jacobs: Aye.

Bridge Littleton: Cindy.

Cindy Pearson: Aye.

Bridge Littleton: And Kevin.

Kevin Daly: Aye.

Bridge Littleton: Ok. The motion passes. Beth, thank you very much.

Beth Erickson: Thank you so much. I look forward to continuing to work with you.

Bridge Littleton: Us too. Take care.

Beth Erickson: Thank you.

Bridge Littleton: OK, next up are the staff reports is someone covering for Stuart on utilities?

Danny Davis: I am.

Bridge Littleton: You are OK. Here we go. [off mic] Yeah, I got some pictures I sent you of some water over the weekend anyway. So any. [off mic] Well, not for my laundry it wouldn't. Any questions for Danny on the utility report? Danny, any specific updates?

Danny Davis: I just like to mention Well 4 did go back online Tuesday this week, so two days ago we're producing about one hundred thousand gallons per day from Well 4 and the treatment plant and currently, Well 3 has not been producing water. As you all know, that's the Well that typically [inaudible] uses more of the sediments iron traditionally into the system that can get stirred up at times. So it is good news that Well 4 is running. We have not

done backwash yet, but we are trying to push out some of the cycles because we think we can actually run it longer before we need to do some of these regular cycles anyway. All that being said, very good news. It's up and running. We hope that continues. And if it does continue well, for the next two weeks, we expect to hopefully do a town wide flushing pretty soon to again get any sediment out of the mains.

Bridge Littleton: Well, you know, it took longer to get that done than most marriages last, but congratulations, that's great.

Philip Miller: I was going to say, how many years has that been offline?

Danny Davis: It would have been three years this November. So and, you know, we did bring it back online middle of this year. But then because it had not been running for a while, we had to go get some different parts and pieces to it due to some other things [inaudible] just aren't [inaudible] We are hopeful that this continues forward. And I appreciate all [inaudible] good work on this.

Bridge Littleton: Ok. Stuart, those guys do a great job. OK, any questions for Rhonda on her report? Rhonda, anything specific you need to note?

Rhonda North: Mr. Mayor, I will note that we do have the training scheduled for the Laserfiche system the third week in October. So that project is going to start moving forward again. I also just wanted to let you know that Bill Turnure has resigned his position with the HDRC effective at the end of next month. So you'll be seeing an advertisement go out seeking applications, interested folks for the HDRC.

Bridge Littleton: He's been chair longer than this building has been here. [off mic] Yeah, that's true. That is true.

Rhonda North: Yes, he has served on the HDRC for 30 years now.

Bridge Littleton: [multiple speakers] Yeah. After that short a time, he's abandoning us. [off mic] Yeah, exactly. That's true.

Danny Davis: One item he did mention, though, is that as we're going through the historic district guidelines update, it's a natural transition period for a new chairman and a new person to come on.

Bridge Littleton: That's a good point to take the lead on that. Yes, that's a good idea. Yeah. [multiple speakers]

Rhonda North: So we will be bringing a resolution of appreciation to you, obviously.

Bridge Littleton: So Cindy did the committee as a whole reject his resignation.

Cindy Pearson: I was the one that rejected that loudly, but no they wished him well.

Bridge Littleton: All right. OK, Jamie. I guess he's good. Is Will online?

Danny Davis: Will's upstairs. And I can he can come down if there any questions specifically.

Bridge Littleton: Yeah. Does anybody have any questions for anything for Will. All right.

Danny Davis: If I may.

Bridge Littleton: You're not Will .

Danny Davis: As listed there we have been doing with some property maintenance issues we are dealing those property owners and trying to get them cleaned up. Just a fact of whether Covid or a transition of ownership. But as

always, if there were any concerns, whether nuisance or blight or anything like that, please let us know, [inaudible] to address those issues with property owners. And in some cases, we do actually go on the property and clean it up or take care of it ourselves, and then we will build it back to the property owner.

Bridge Littleton: That reminds me, I got to ask a question about condemnation and demolition or demolishing a structure because it was just in such a bad state. I need you to ask about that. And AJ has disappeared, which is fine. Martin. Or any questions for Martin? I need you to stand right there. Anybody have questions for AJ? [inaudible] [laughter] Yeah, I said AJ, not Jason. Yeah. So anyone have any questions for AJ on his report? OK, AJ that was good. Thanks. And Martin. Any questions for Martin? Ok, Martin, I understand there's been some interesting happenings in the state capital.

Martin Crim: You know it. Every time the General Assembly is meeting you hold your breath.

Bridge Littleton: The only way you get through it, OK, and then any questions for Danny on his town report? No, no, I'm sorry I saw town attorney, I thought, Danny, I just gave you a law degree. Ok, Danny, update on the Covid.

Danny Davis: Yeah, a few things that I've just like the walk through. And then some of the topics we'll be discussing separately. I think is important. I did highlight the fact that for Northern Virginia, between forty three and forty seven percent of positive cases are those ages twenty to thirty nine. That means likely people just not taking the proper precautions. It's a continual reminder to especially in indoor settings, public places, to be wearing your face covering. Don't be gathering carelessly and even in social gatherings, just being able to take the appropriate precautions. So it's a continued concern in the region and something I think worth mentioning and referencing. I will also mention the encouragement to get your flu shot with it being a difficult year with Covid also not wanting to compound that, with also getting the flu. So the health department, of course, strongly encourages that you get a flu shot. And so consider that and look for areas where you can do that. Clearly, we've made some changes here in the town office. You see some of the plexiglass if you haven't been to the front, we have updated the desk to provide better separation as well as service and public and protection as it relates to Covid and physical barriers. And we think that is really going to serve our staff and help them stay safe. As you've seen and probably noticed, a lot of activity here actually at the offices, taking up a lot of requests for notary services. Obviously, people coming in to talk about businesses and bills and things like that. So we are meeting more and more regularly. As discussed we're meeting here primarily in person and we're encouraging or asking that you support committees to also meet in person as much as possible or as they wish, but also with the remote capabilities. But again, with the same requirements here, separation, face coverings and allowing the public to participate remotely. We will be providing you the Treasurer's report at the second meeting of the month now so that we will have better info for the prior month. Those taxes get paid on the 20th so that allows us to be able to report better about what happened in a prior month than is listed here. Meals taxes actually in July we're only down twenty five percent, which is not great, of course, for our revenues, but it is much better than it could be. So we are glad to see the definite marked improvement over the spring months and then the final two reminders about voting. There is continuing changing information on that, such as the governor, the General Assembly adopting and the governor signing legislation about drop boxes for absentee ballots. The general registrar is looking at ways to put those throughout the county in accordance with the regulations that were approved in the legislation that may be in places such as libraries as long as they can be secured. They're also discussing an idea of secure drop boxes at every precinct on the day of voting so that if you've already filled out your absentee ballot but don't want to mail it in, then you could drop in at your voting location, but not actually have to come of the building and vote in the location. So what I would say is anyone.

Bud Jacobs: So that's being implemented?

Danny Davis: That is I believe they are exploring that and trying to figure out the best way to implement that as long as it complies with the legislation. But I would say that the Office of Elections is right on top of this issue and we'll continue to share as much information as we find out from them as well as [inaudible]. And then I guess,

Darlene Kirk: Are they going to have places that you can come in and vote as well?

Danny Davis: You can still have in person voting at every precinct. And that is the intention. And the general registrar, Ms. Brown, did say that as of this time, they believe they have enough volunteers to fully staff at all of the precincts so that they should not have any issues as far as that. So that's going that continues to be the intent. And then in terms of the census is completed the end of this month, from what I understand, they have resolved most of the issues here in town by going door to door. So far as we know, anyone who should have been counted or contacted at least has been contacted here in town limits. And that's good news. So we're glad to hear that. And I believe that specifics on Covid at this point.

Bridge Littleton: Ok, next item is options for supporting or real quick, does anyone have any questions for Danny on the Covid report? Yes, sir.

Peter Leonard-Morgan: Danny with advisory committee meetings is are there more protocols that you can let us know about in terms of, you know, yesterday, for example, we had our go green meeting, the first one since April, actually on, you know, recorded, etc. And we read out the required statement. If there's any changes, could you just let us know on that what we should do for here?

Danny Davis: Absolutely. And Rhonda and I've worked on a standard operating procedure for use of the room. And then we can make sure that also captures anything that needs to be stated at the beginning of the meeting as well. And we'll make sure that we email that to all of you and then the staff will have that as well.

Peter Leonard-Morgan: Thank you. Appreciate that. Because I think it'd be great to be able to meet in person now. Thank you very much.

Bridge Littleton: Any other questions for Danny on the code update? Ok, next action item is options for supporting restaurants and retail during the winter months. And Danny, I will tell you the length of this kind of a memo is great. This is a thought for the future. [off mic] Exactly. [laughter] In four paragraphs. In four paragraphs. [off mic] Yeah. No, no. We're talking to folks. We'll let you know back. No, Danny, we're not laughing at you we're laughing near you. Yeah, OK. So actually, I think I'll pitch hit this real quick. So, you know, the idea here really was and Danny, the guys are reaching out as to what we can do for the businesses. But, you know, as it starts to get colder, the outdoor seating thing is going to be less and less of an option unless something else is done, meaning some types of temporary structures with heating or whatever. But in order for the outdoor rules or whatever to still apply, you know, you've got to make sure they have the right ventilation and all that kind of stuff. And some of this may actually entail, you know, zoning approval or temporary permits or temporary structure permits or whatever. And the businesses might need help in actually trying to figure it out. So I think the whole goal here was for Danny and Jamie and probably Will, too, from a zoning perspective, do really an assessment of the businesses, the restaurants, the specifically and the retail and figure out what can we do to help them be able to accommodate more customers but in a safe environment. And maybe that includes, you know, sidewalk usage on the weekends. Maybe that includes, you know, enclosure's, which normally wouldn't be approved, you know, and whatnot. So that's what they're working on. And so the whole goal here was put this in front of everybody and see if anybody has any other thoughts or ideas or suggestions or concerns. So anybody other than Chris who would like to say something. So we'll just go around the room real quick. Chris.

Chris Bernard: Just real quick, other than the outdoor seating. Have you guys seen what Warrenton has been doing on the weekends?

Jamie Gaucher: I have not.

Chris Bernard: Starting at 5:00 p.m. on Friday, they shut down Main Street. Completely closed off. And that allows the restaurants to expand their outdoors sitting. And people can kind of mill about and do whatever they do. And I think they leave it shut down till midnight or whatever at night. And then they do the same thing again Saturday night. It's kind of interesting. It's a very different situation because our main street is not.

Bridge Littleton: They have a bypass.

Chris Bernard: Yeah. So but some of these side streets, maybe there's an opportunity to do something there.

Danny Davis: Absolutely, and I think this is a conversation that we've heard from some of the restaurants that that is the general interest, depending on which side street or what location.

Chris Bernard: Just like a place to go once they've gotten their takeout. Sure. To just, you know.

Bridge Littleton: Like seating.

Chris Bernard: Yeah. You put a tent out with some tables and they're spaced out, kind of make sure that it gets policed a little bit.

Bridge Littleton: So you know, one thing to think about, Danny, is that's something that we provide, right. Is a larger space with really spaced out tables. I don't know where we would do it with a community center parking lot or something. Put a permanent tent up there for a couple of months.

Chris Bernard: [off mic]

Bridge Littleton: But I'm saying like I mean, I'm talking about permanent 24 by seven for the next three months.

Philip Miller: Just think about the that list of cleaning the tables every single time.

Bridge Littleton: Yeah. No, I got you.

Philip Miller: The trash is taken out. It's policed.

Chris Bernard: [off mic]

Bridge Littleton: So yeah, it's not a bad idea to think about. Chris. Anything else, Philip?

Philip Miller: I think it's it's critical. We got to have at least one, if not two big ideas ready to roll. And not just ideas, but action plans as to what it takes, exactly where it's going to go, who's going to put it up for how long. You know, at what point does it not work? What weather conditions means that, you know, that options off the table. If we get a blizzard and, you know, Thanksgiving week, something happens. You know, we want to have contingency plans for this, too, because we want to continue to be able to support our businesses as long as possible. And if there are parking implications, of course, that's an issue, too. I also I hope that this is something being talked about in coordination with the MBPA and Christmas in Middleburg and how our restaurants and our retailers can hopefully partner together to maybe put together these packages that I mentioned the other day, something that is a Christmas in Middleburg home with you, your meal, your, you know, swag, all that kind of stuff. But I look forward to seeing what it looks like.

Bridge Littleton: Peter.

Peter Leonard-Morgan: Thank you, Mr. Mayor. To move on from what Chris has said, of course, Leesburg has been doing the same thing on the weekends, which it's been incredibly successful. I always wondered whether we could look at South Madison Street as a potential.

Cindy Pearson: Kevin can you mute your phone? I think we're getting some noise back the way back on you.

Bridge Littleton: That did it.

Peter Leonard-Morgan: Ok, so I was thinking about South Madison Street even before all this happened, you know, we've talked about that from time to time and I know there are practical issues, but it's a different world we're in now. My only note I put down here, which is outdoor heaters to supply to the restaurants. But that's a minor consideration compared to everything else. Thank you.

Bridge Littleton: Darlene.

Darlene Kirk: I don't have anything to add at this point.

Bridge Littleton: OK, thank you. Bud.

Bud Jacobs: Probably stating the obvious, but from the conversations that I've had around town, the one thing we can count on is maximum hearty cooperation, at least from our restaurants and dining establishments. They're so grateful for what we did with the restaurant vouchers that they've kind of figured out that we really are here to help them so that I know you guys know that already, but needs to be stressed I think. [off mic] the diners yeah that's true. Yeah.

Bridge Littleton: Cindy, any thoughts?

Cindy Pearson: I have lots of thoughts, but I'll wait to bring them up another time with Danny or something.

Bridge Littleton: Kevin.

Kevin Daly: Nothing to add at this time.

Bridge Littleton: Ok, thanks. Well Danny, thanks for that. You know, I think Philip's right, though, sooner rather than later, because, you know, you can actually see that the sun ain't coming up early anymore. [off mic] Oh, don't don't be a wuss. All right. Next item is the use of the second round of CARES funding. Danny.

Danny Davis: So the county has received additional funding in the same amount from the Commonwealth and they are distributing out the same amount to the towns. So there will be 74,824 dollars allocated to Middleburg for again, the purposes that qualify under the guidance from US Treasury. There was in discussions with the mayor there is the suggestion of taking the majority of these funds as much as possible and trying to target them towards the residents who may have specific needs, who can demonstrate financial hardship due to covid-19 and also demonstrated challenges in paying rent or mortgage or things like that in a way that would qualify for these funds. I would note a couple of things related to that. One is, I would prefer that if we could do that with the partnership of the nonprofit and I reached out to Windy Hill and spoke with them again today, and they were more than happy to work with us on that type of program. And in fact, they already have the systems and infrastructure in place to do a lot of that information gathering and tracking, which is really good. I would also note, though, however, that we only have between now and December 15th essentially to expend those funds. So it is a short timeframe, but if this is the direction the council is interested in going, we can put that together and get that ready to go. In addition to that, we also have some suggested uses for town operation purposes and then also potentially some of these dollars. We're talking about supporting businesses in other ways that may partner along with the conversation we just had. So I'm at this point asking again, similar type idea. I think we might have a conversation to make sure we're going to the right pathway here. And then we would bring back an item at the next meeting to certify the funds, the receipt of the funds, and then also put together a high level spending plan for approval by the county.

Bridge Littleton: All right, anybody have any questions for Danny on the CARES? Chris, Philip?

Philip Miller: You want to add on the thing we discussed at COLT last night? That's all.

Danny Davis: [off mic]

Bridge Littleton: Well, no, no. About you talking to Tim.

Danny Davis: I'm sorry. Oh, yes. My bad. The other conversation we did have was that some of the towns may, I won't will say will but may have difficulty spending all of their allocation. That comes from the fact that, well, it doesn't matter, but they may have challenging spending all their dollars. So at the COLT meeting last night we discussed the possibility of those of the towns together requesting of the county that any funds that may not be able to be spent by town be redistributed out to the other towns who will be able to spend all of their funds or may have already. [inaudible] more funds than they have been granted through this formula. Briefly, I'll say, I think practically in speaking with the county, with the county administrator, it can technically work, but there will be some logistics that we need to work through. But I think that is something I can bring to you and also at the next meeting or at the appropriate time that may allow us to potentially have a few extra dollars if their accountant can use their full allocation. One of the challenges I will say, though, the guidance changes almost weekly, if not multiple times per week. And so some towns are hesitant to give it up too soon in fear that if the guidance changes or they're given six extra months to spend it, then they don't have those funds. On the flip side, if whatever, we don't think we're going to spend by December 30th, we have to return to the county by December 15th so that they can spend it because no one wants to get it back to the state or the feds. So there are timing challenges here and we will have to deal with that with the other towns behind the scenes. But that is another piece on the table that we're working through.

Bridge Littleton: Yep, thanks. Any other questions from anybody with Danny on the CARES funding?

Bud Jacobs: Quick one. The late November date to expand the fund. I've lost track of my terms of art obligating the funds. Does that count as expending?

Danny Davis: It does not.

Bud Jacobs: Sadly.

Bridge Littleton: Bill has to be paid.

Bud Jacobs: OK, thank you.

Bridge Littleton: Yeah, Bud you can't put in a cash account and float it for two years. Oh, it's two year money. As long as I obligate it. Cindy, did you have a question?

Cindy Pearson: I do. Danny. On the 50,000 you have the residents support. Have you heard from the nonprofit or Windy Hill that they have that much need for that type of assistance? And with the water bill, maybe we could take some of that and put it in the business and restaurant support.

Danny Davis; That's correct. So, Windy Hill specifically with their current residence here in Middleburg have actually not had any significant requests for assistance during this time. Now, we we do think it's possible that that changes as the unemployment benefits expired on July 31st and it's now been six weeks, give or take. However, that being said, Bob Dale did say he would be very quick to reach out if they had specific needs of their own regarding support requests from their direct residents. That being said, he only sees his residents specifically in there very well. And the other residents within the town that have challenges or needs but are not Windy Hill residents and they wouldn't go to Windy Hill for that kind of support. So I don't know the level of need, honestly, to tell you the truth, at this point, I don't know if a full \$50,000 may be expended. It might be that we set it aside and if by December 1st we don't expend it, we have other things that we could [inaudible] so that we make sure that we don't have to turn any dollars back in.

Cindy Pearson: Yeah, I that's a good idea to be able to use that for other thing, especially with supporting our businesses. And, you know, if there's another way with our residents that we could come up with and it just seems like a lot, although you never know, people don't ask it unless they know it's there.

Danny Davis: Yes. And I will say, you know, one other town has taken the approach. We cannot we cannot give ourselves I'm sorry. We can't give customers credits on their bills out of the CARES fund on their utility bills. However, one town took the approach where they include, they sent to every one of their residential customers, a form that said, if you have had a financial hardship, state what your hardship is sign this form and we'll send you a 45 dollar check. So it was a grant to their customers who claimed that they had a financial hardship due to Covid. That's not revenue replacement. That's a grant. Now, it doesn't technically mean they use those 45 [multiple speakers] But, you know, we can look at options like that where we can tell the residents if you had if you have trouble paying your utilities and it doesn't even have to be our utilities, it'd be if you have trouble paying any of your bills. Demonstrating a financial hardship and we could give a grant to our residents of some dollars.

Bridge Littleton: Well, it's also not forget the police option now. Worst case out of it, we can use it for police salaries.

Danny Davis: So one of the latest guidance changes was that. And it is. And I had this conversation with Mr. Crim and there continues to be differing viewpoints by, you know, by different people have a review of five different ways. But my understanding at least, is that we can presume that all police activities from March 1st through December 30th were in direct response to Covid, which means that they are eligible expenses to be covered by CARES funding. And so that is a fallback position if there are dollars that we haven't expended in other type programs or we get other funds from other towns that they weren't able to expend it. [off mic]

Bridge Littleton: So Cindy I think if we needed to catch all, that's what's there. OK, any other questions before we move on to the consent agenda. [inaudible]

Danny Davis: I will note and this falls a little bit into the Covid but also CARES funding. We currently still have the public restrooms only open Friday, Saturdays and Sundays. Our concerns continue to be about keeping them clean and appropriately cleaned after regular use. I've heard from some business owners that would prefer that if they were back open seven days a week. I number one don't know if our cleaning company could do that but number two. That gets to be a very expensive proposition. But that is one potential thing that we could look to spend some CARES dollars on, which is the enhanced and additional cleaning only if we wanted to open and back up, especially getting into the fall in the holiday period on a 7 day a week basis. So if you'd like, I can at least explore that option and see what that might be.

Bridge Littleton: I mean, if you want to, but don't assume it has to be seven days, maybe just add Thursday, right? I mean, what's what's the big [inaudible] I mean, I would certainly want to understand what the costs are, you know, because if I had the choice of spending 40,000 dollars on the toilet or 40,000 dollars helping people in need, I'd much rather do people in need only.

Darlene Kirk: I'm sure some of the business owners I know that we had a business that was you got a ton of people coming in, just passing through, wanting to use a bathroom, didn't matter what day of the week it was. So I'm sure that's what the problem is. Yeah.

Bridge Littleton: OK. Any other questions before we move onto the consent agenda. All right. Is there any item anyone would like removed from the consent agenda? All right, Philip, you want to make a motion?

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

Darlene Kirk: Second.

Bridge Littleton: Any discussion? All right, we'll do a roll call vote. Chris.

Chris Bernard: Aye.

Bridge Littleton: Philip.

Philip Miller: Aye.

Bridge Littleton: Peter.

Peter Leonard-Morgan: Aye.

Bridge Littleton: Darlene.

Darlene Kirk: Aye.

Bridge Littleton: Bud.

Bud Jacobs: Aye.

Bridge Littleton: Cindy.

Cindy Pearson: Aye.

Bridge Littleton: Kevin.

Kevin Daly: Aye.

Bridge Littleton: All right, the consent agenda is approved. next, action items, foxes on the fence, Jamie Gaucher take it away.

Jamie Gaucher: Mr. Mayor, thank you very much. As we discussed at the last council meeting, the Middleburg Garden Club is no longer interested or capable of managing and organizing this event. And as we also talked about, the Middleburg Arts Council is very receptive to taking on those responsibilities. The primary update that I want to share with the council this evening is that the Middleburg Beautification Committee, which is a standalone 501c organization and has independent funding from any line item associated with the town budget, has volunteered. They've stepped up and they are interested in being the fiscal agent for the Arts Council as the Arts Council moves forward with foxes on the fence. That consequently means that there is no fiscal impact to the town at this point in time. So if it is acceptable to the council, the Middleburg Arts Council would like to gain their authority, I suppose, to move forward with this, given the fact that the beautification committee will act as their fiscal agent, is there anything else you'd like to add, Mr. Bernard?

Chris Bernard: [off mic] their initial outlay or they are? No,

Jamie Gaucher: No, they are. The beautification committee has the funds for that initial outlay. And as we've discussed, it also solves the problem from a marketing perspective and should not negatively impact the expected dollar amounts that should be raised from the event. So.

Bridge Littleton: Very, very cool. I mean, I think Foxes on the fence is an awesome event.

Chris Bernard: And it's perfect for right now.

Darlene Kirk: Oh my God, yes it is.

Bridge Littleton: Yeah, couldn't be any better. Anybody have any questions for Jamie on this? I mean, I think it's just really an info item right?

Jamie Gaucher: Correct.

Bridge Littleton: Any questions? OK, Jamie, thank you. Rescission and adoption of continuity of government operations ordinance say that three times really fast.

Danny Davis: Mr. Mayor the the original ordinance adopted by council would expire at the end of this month. We are recommending that you rescind that ordinance and adopt a new one. But is essentially a repeat of that. What this does is that gives us the flexibility in our operations to address situations related to the emergency operationally and to deal with certain issues that may arise. It's also the authority by which we can waive enforcement of certain regulations. These are some of the things we use to help with some of these business support type programs, such as sitting on the sidewalks or on parking areas. So our recommendation is to adopt the new ordinance, which rescinds the old one, and we readopts this language for another six months. That's as longest they're allowed to go that's correct.

Bridge Littleton: Ok, yep, thank you. Anybody have any questions for Danny on the ordinance rescission and adoption, Chris? Philip? Peter?

Peter Leonard-Morgan: More curious, really, what's the difference between rescinding it and just extending it?

Danny Davis: So I'm not sure, I'll refer that to Mr. Crim. I'm not sure if there's a technical ability to extend it per say, but I'll leave that to the attorney [inaudible].

Martin Crim: We don't want to find out if you can extend it so the easiest thing to do is just to end the current one and start a new one. The wording in the statute is kind of odd because it was predicated on enemy attack and then through another disaster at an afterthought. So when you have an enemy attack [inaudible] so when you have an enemy attack like say September 11, 2001, that would be an enemy attack. For another disaster it's six months after the disaster. Well, how long is the disaster an ongoing disaster? We really nobody has ever litigated this issue. And so the safest course, the most prudent course of action is just to terminate the existing continuity of government ordinance and adopt a new one based on the ongoing pandemic.

Peter Leonard-Morgan: Thank you, Martin.

Bridge Littleton: Darlene.

Darlene Kirk: No questions.

Bridge Littleton: Bud.

Bud Jacobs: No questions.

Bridge Littleton: Cindy.

Cindy Pearson: No questions.

Bridge Littleton: And Kevin.

Kevin Jacobs: [inaudible] No questions.

Bridge Littleton: Ok, thanks. All right, so would anybody. There you go.

Peter Leonard-Morgan: I move that the town council of Middleburg adopt the ordinance to reimplement emergency procedures and effectuate temporary changes to address continuity of governmental operations during pandemic disaster covid-19 dated September 10th, 2020.

Philip Miller: Second.

Bridge Littleton: Any further discussion. All right, we will do a roll call vote, Chris.

Chris Bernard: Aye.

Bridge Littleton: Philip.

Philip Miller: Aye.

Bridge Littleton: Peter.

Peter Leonard-Morgan: Aye.

Bridge Littleton: Darlene.

Darlene Kirk: Aye.

Bridge Littleton: Bud.

Bud Jacobs: Aye.

Bridge Littleton: Cindy.

Cindy Pearson: Aye.

Bridge Littleton: Kevin.

Kevin Daly: Aye.

Bridge Littleton: Ok, great. Um, next item is suspension of water and sewer disconnects during the pandemic. Let me guess, Danny. How did I know that.

Danny Davis: Mr. Mayor, early in the pandemic, you suspended water. First of all, you adopted changes to your ordinances and then use suspended service disconnects for a period of 60 days and also suspended late fees and penalties for a period of 60 days. Both of those items expired as of June 16. And in the prior billing cycle, we didn't have any significant issues. However, there are a number of people who were outstanding, and I know the intent likely that we don't want to cut people off during this time period. However, it is our recommendation that we continue to keep the late fees and penalties at this time because that continues to be a very important item for us. We will pay our bills to have revenue coming in. And we have heard from other towns who have suspended those late fees and penalties that they have a fairly significant amount of unpaid water bills just because there's no harm to the customer unit, they have the financial ability to. So our simple request here is to formally suspend service disconnects for a period of six months or whenever the local emergency expires, whichever comes first.

Bridge Littleton: So to clarify this is that if somebody doesn't pay their bill, we're not going to cut it off, but late fees will continue to accrue.

Danny Davis: And our ordinance does allow for us to continue to add penalties monthly if their bill remains unpaid. And so our stick, more than a carrot, is to say you really need to pay your bill or else you're going to continue incurring I believe it's 10 percent penalties monthly and new bills will be added on top of that. And for what it is worth, we already have the ability in our ordinance to enter into payment plans and support plans, not direct financial support, but to allow them to pay it over a period of time. We're going to clarify those in our future updates to the ordinances. But at this point, if someone comes and says, I really just can't pay, my bill will enter into a

payment plan with them. We also will then direct them to resources that are available, whether it is [inaudible] or the county or some other resource. So we are doing everything we can to get people to talk to us if they can help because we are really here to help them.

Bridge Littleton: Now, I know this is separate and apart from that ordinance. One of the things that we will put on the future council agenda maybe, hopefully next time, we definitely do want to look at our penalty structure as well. You know, 10 percent. I don't know if that's right or wrong, but I do know that in other jurisdictions it's not as much or whatnot. And maybe it's 10 percent up to a certain, you know, period, or maybe it's a flat fee or whatever. And the second thing, too, is, you know, do we need to empower the staff and the town government to waive penalties or fees under certain circumstances? Because right now we don't have a choice. I mean, even if somebody came in with the absolute best reason in the world that made the most sense, they actually legally just cannot do it. So and maybe, you know, at the end of the day, we'll look at what other towns do and stuff like that. And maybe in the day we decide not to change that. But I don't think it's a bad idea given what's going on in the world, the economy and hardship on folks just to take another look at it and make sure that, you know, we're in lock step with what we need to do for the community. So not on the agenda for tonight. But, you know, the plan is to have it next time, if not certainly the first meeting in October.

Danny Davis: So, you know, I will note that Rhonda has been working on those ordinances. There are a number of items that we were wanting to clean up anyway language wise. And this is a topic I think what you will see when we bring this to you is probably between four and six key discussion points that are worth bringing up. You may wish to implement some of those immediately and then send others for further review and discussion because some are long term implication conversations, but others might be short term. Let's do what we can to help our community at this time.

Bridge Littleton: Perfect. OK. Any questions for Danny? Chris? Philip?

Philip Miller: Nope.

Bridge Littleton: Peter? Darlene?

Darlene Kirk: No sir.

Bridge Littleton: Bud?

Bud Jacobs: Yes, Do we know if Middleburg Fish or Windy Hill, will help folks who have demonstrated in need with late fees and penalty payments, or will they only help them meet their obligations to pay the utility principal?

Danny Davis: That's a good question. I believe they will help the whole bill. But I did not ask that question specifically. But I do believe when we've seen checks come in from them, it would cover the whole bill, which likely by that point wouldn't [inaudible]. But I really can't answer that to 100 percent.

Bud Jacobs: Thanks.

Bridge Littleton: Cindy? And Kevin.

Kevin Daly: Hello, can you hear me?

Bridge Littleton: Yes, yes, sir.

Kevin Daly: All right, all right. How are you reaching out to those people who have late fees now and letting them know what their options are [inaudible]?

Danny Davis: I missed the last part of that. How are we reaching out?

Kevin Daly: So how are we reaching out to those people that are remiss or have late payments to tell them how they can address and what resources are available to them for help.

Danny Davis: Yes, sir. So a couple of different ways. One is when we have sent out the late or delinquent bill notices, we have noted on there we had to come speak with us if we need assistance or connection with folks. And then last week, we put door hangers on the doors of those who would have normally been eligible for service disconnect, cut off. But we didn't say we're going to come off. It was please come see us. And we included a letter that says we know things are really tough right now. Please come talk to us and we will work with you to develop a payment plan or to put you in contact with these organizations. So those are the two direct ways. And then I'm trying to recall if we put anything in our newsletter this time around. OK, I know we did in the last newsletter that we've identified there are these organizations here in the town that are here to assist. And so using those mechanisms to spread the word.

Kevin Daly: The other follow up question for these individuals, why, again, are we not recommending suspension of the 10 percent rate fee for the duration of another six months? Is income for that significant?

Danny Davis: So I will note that when we waive the late fees and penalties in April or in March for the bill due on April 14, we saw a fairly significant increase in number of customers that did not pay their bill by the normal time frame. And even as much as when the next bill came out, we essentially have to set a reminder to say, don't forget your prior bill is due as well. I mean, it showed up on their on their new bill, but we still sent a separate reminder because those late fees were going to begin kicking in June as well. So I would say a couple of answers to that. One is, yes, we did see quite an uptick in number of folks not paying, which does affect our revenue stream our utility funds is the the tightest of our two funds. There's less buffer there in our between our revenues and expenditures than perhaps there is in our general fund. And so we don't want to impact that negatively. And second of all, as I briefly referenced, there was a town at COLT last night that that one of the seven towns, six of them currently are imposing late fees and penalties. There's only one that has suspended them this entire period and they are down in their revenue streams. I don't know percentage wise, but a significant dollar wise. And I think that.

Bridge Littleton: To the point where it's almost impacting operations.

Danny Davis: Yeah, exactly. So, you know, for our for our purposes, I think it's important that we keep it there so that we can continue to get the revenue streams.

Kevin Daly: The follow up question on that, so the late fee began with the first statement that they missed or the second payment if they still owe for the first payment.

Danny Davis: Not sure I quite followed how you said that. But I'll describe for you the bill. The bill goes out and we set by code, we set a due date of 30 days from the bill date upon the thirty first day, we will impose a 10 percent late fee. And then if that is still unpaid after 10 additional days, then we will impose an additional 10 percent penalty. And so that is that is definitely a quick turnaround for the second penalty. I will note that obviously people can choose to get their e-mail bills. We know that the post office sometimes takes longer than normal. So if they can demonstrate, you know, issues with that or that they put it in the mail and it took two weeks to get here. We can be flexible to a degree. But 30 days is fairly standard across the board for payment due dates and bills like this. But that type of penalty, definitely we could push out a little bit further if necessary. There reasons why is there and we can go into that in future meetings.

Kevin Daly: For clarification through saying they have 30 days from the date of notice to make their payment.

Danny Davis: They have 30 days from the date of the bill. So, for instance, today we we put the bill in the mail today, however, we had pre dated it Julie, if I'm correct, September 12th, I believe.

Julie Rivard: Yes, that's correct.

Danny Davis: So we actually even the dates attempt we had predated the bill a few days postdated. Excuse me. So it actually says September 12th on it and it's due October 12th, which we have to remember is a holiday. So really they're due October 13th. So again, it depends on the mail. If they get it in a day and they have 30 days and they get in a week, they have three weeks or. Twenty three days, so, yes, that is that is correct. And then if it's not paid on that due date, which in this case October 13th, then the next morning, we will add penalties to all the accounts that have not been paid as of that date. But again, that's 30 days from the bill date.

Kevin Daly: That's quite a lot of time for someone to come up and pay for, OK, I thought it was like four days after they received notice that they don't pay the bill. So they have 30 days from the date of notice.

Danny Davis: From the date of the bill. And the challenge, too, is that if extended it too far out we do bill bi monthly. So by the time you get delinquent on one or choose not to pay for some reason, you'll soon be facing another bill. And so it can compound very quickly if it remains unpaid.

Bridge Littleton: So, Kevin, just to be clear, though, it's you don't get 30 days from the first delinquency, you get 10 days from the end, you don't get notified, we don't you don't get notified. It's 10 days. Once it's late, you got 10 days to pay. If you don't pay, irrespective if you hear anything from the town or not, you get another you get another penalty.

Danny Davis: But we do send out late bills.

Bridge Littleton: But that is irrelevant to them getting assessed. It doesn't say if you don't get a notice from us of being late, it doesn't apply. So whether we send a notice out for them paying late or not, after ten days that they're late, they get hit with another penalty.

Kevin Daly: Ok, I understand.

Bridge Littleton: Ok, hold on, Bud was first.

Bud Jacobs: Danny, I think I understand the reasoning and the structure behind these fees and penalties in normal circumstances or normal times. These are extraordinary times. And on the face of it, it seems to me that both the structure and the procedures we're following, as well as the percentages of the fees and penalties are excessive and punitive, which may be appropriate under normal circumstances. I'm not sure they are now. So I'd like to urge you, if you would, please, to move this up on the to do list. I think the mayor or somebody suggested that maybe it was time to look at whether we want to charge 10 percent or look at a smaller number, whatever. Let's maybe move that forward and take care of the issue as quickly as we can, assuming we can agree on what the solution is.

Bridge Littleton: Darlene.

Darlene Kirk: Do we have any large outstanding bills? I know at one point we had some that were over 10,000. So that's why I'm asking that.

Danny Davis: I'm not aware of any that are that large. There's one property that's been vacant, vacant and subject to some of your blight discussions that has a fairly large balance, but that's primarily because late fees were being charged every month and it just compounds, I don't expect will ever recover that. Other than that, my recollection is no. Julie, you did you did speak to her. You might recall if there's anything excessive that you remember.

Julie Rivard: No, there really isn't. [Inaudible] and I have gone through an extensive amount of effort to go back and collect. When I first came on in leading into, you know, let's say March through May, there were several accounts that carried significant balances. But we put a lot of effort into trying to collect the outstanding bills. And we were pretty successful in collecting a lot of the outstanding balance so we've been able to keep that outstanding balance down.

Darlene Kirk: Thank you.

Bridge Littleton: Ok, unless there's anything else, would someone like to make a motion?

Bud Jacobs: I'll do it.

Bridge Littleton: Bud.

Bud Jacobs: I move that the town council under authority granted in town code sections 113-29 and 83.1-44 suspended service disconnects for users of the town's water and sewer systems for a period of six months or until the expiration of the local emergency, whichever comes first.

Darlene Kirk: Second.

Bridge Littleton: Any discussion? All right, we'll do a roll call, Chris.

Chris Bernard: Aye.

Bridge Littleton: Philip.

Philip Miller: Aye.

Bridge Littleton: Peter.

Peter Leonard-Morgan: Aye.

Bridge Littleton: Darlene.

Darlene Kirk: Aye.

Bridge Littleton: Bud.

Bud Jacobs: Aye.

Bridge Littleton: Cindy.

Cindy Pearson: Aye.

Bridge Littleton: Kevin.

Kevin Daly: Aye.

Bridge Littleton: All right, that motion passes.

Danny Davis: Based on this conversation. I think what I suggest we do is at the next meeting we'll bring back some suggested language related to penalties and fees separate from the rest of the changes in the water and sewer ordinances just so we can have that conversation and address that directly.

Bridge Littleton: Perfect would be great.

Danny Davis: We'll take care of the rest of those issues or at least tee up rest of those issues.

Bridge Littleton: Sure. Not a problem. That's great. OK, next item is affirmation of votes taken by council while meeting remotely.

Danny Davis: So when we began meeting electronically, Mr. Mayor.

Bridge Littleton: Wait, isn't this a legal issue? Shouldn't Martin be briefing all this?

Danny Davis: I'd to be happy [inaudible]?

Bridge Littleton: I have no doubt this. I have no doubt of where this came from.

Martin Crim: That was mine anyway. You're absolutely right Mayor. This is just about the standard item to. I don't think there is anything invalid about any action taken by council, but the method of deterring anybody from challenging any of the actions taken by council when you were meeting remotely. This is intended to protect against that and to deter it. Or if we have to mitigate it, give us something else we can waive in court and say, well, at the very worst, the actions taken were ratified on September 10, 2020.

Bridge Littleton: Ok, yeah. I mean, Martin, you can't you can't get away with putting it off on Danny You know, like he came up with all of us all of a sudden. Ok, no, totally understood. Anybody have any questions for Martin on this? OK, so who would like to make a motion?

Philip Miller: I will.

Bridge Littleton: All right.

Philip Miller: I move that the town council affirm and ratify all motions made and approved during meetings in which some or all of the members of the council met electronically due to covid-19 pandemic to include March 26th, April 9th, April 23rd, May 14th, May 28th, June 11th, June 25th, July 9th, July 23rd and August 13th.

Darlene Kirk: Second.

Bridge Littleton: All right, we'll do a roll call vote. Chris.

Chris Bernard: Aye.

Bridge Littleton: Philip.

Philip Miller: Aye.

Bridge Littleton: Peter.

Peter Leonard-Morgan: Aye.

Bridge Littleton: Darlene.

Darlene Kirk: Aye.

Bridge Littleton: Bud.

Bud Jacobs: Aye.

Bridge Littleton: Cindy.

Cindy Pearson: Aye.

Bridge Littleton: And Kevin.

Kevin Daly: Aye.

Bridge Littleton: All right Martin. You got off light. All right. Next item is a resolution to initiate a zoning map amendment 20-01 town hall site. Mr. Moore.

Will Moore: Mr. Mayor, how are you doing?

Bridge Littleton: [inaudible] joining us this evening?

Will Moore: Thank you. This is just an initial step following the successful issuance and agreement by Salamander MLV LLC to our letter of intent. Within that letter, we agreed to a couple of follow up items, one of them being initiating a zoning amendment. This would apply to the portion of property that we are going to acquire from Salamander. Specifically, what we're referring to is the parking lot property and then also to the property that we previously acquired for Ms. Kaye directly behind the town office site here. So this is to start the process. You would be sending this to the Planning Commission so that they would then initiate their required public hearing and recommendation, and that is to rezone both of those referenced pieces of property to C2 which is the zoning of the current town office site, as well as the surrounding properties on West Marshall Street. Separately, we will be as agreed to in the letter of intent, applying for on behalf of Salamander, a proffer amendment to clean up some items related to the location of the town office site, removing the obligation of them to provide a town office site. But that will be done through a separate process as an application. This is simply starting the process again to rezone to C2 he parking lot property and the portion of the Kaye property that we acquired.

Bridge Littleton: Ok, does anybody have any questions for Will? [off mic] All right. I'd like to make a motion.

Chris Bernard: I move that council, adopt a resolution to initiate zoning map amendment 20-01

Darlene Kirk: Second.

Bridge Littleton: Any further discussion? All right. We will do a roll call vote, Chris.

Chris Bernard: Aye.

Bridge Littleton: Philip.

Philip Miller: Aye.

Bridge Littleton: Darlene.

Darlene Kirk: Aye.

Bridge Littleton: Peter.

Peter Leonard-Morgan: Aye.

Bridge Littleton: Bud.

Bud Jacobs: Aye.

Bridge Littleton: Cindy.

Cindy Pearson: Aye.

Bridge Littleton: And Kevin.

Kevin Daly: Aye.

Bridge Littleton: All right. Motion passes.

Will Moore: Thank you.

Bridge Littleton: Thanks Will. Up next, any other discussion or information items? And just let everybody know we will not be doing the closed session item tonight. Everybody gets so sad.

Peter Leonard-Morgan: I have a question.

Bridge Littleton: Wait, wait, wait. I'm sorry. Hold on. Peter's keeping us here.

Peter Leonard-Morgan: Just a quick question. Curiosity. Have we had any responses to our RFPs?

Danny Davis: I'll let Ms. North respond to that.

Bridge Littleton: In one word or less.

Rhonda North: Yes. [laughter]

Peter Leonard-Morgan: Thank you very much. Well done.

Rhonda North: I have probably had about a half a dozen inquiries from each RFP. The ones related to the construction management are with regard to the Class A contractor's license that we were requiring in both cases the question about the liability insurance amount that we're requiring, both of those are things that were recommended by the town attorney's office. So, I mean, essentially the response, you know, is yes, those are our requirements. So that is more a pretty easy, pretty easy responses. [off mic] Yeah, yeah. I mean, I do expect, based on the questions that I've had, that we're going to have, that we are going to have a few proposals.

Bridge Littleton: Any other questions or information items from anybody. Ok, we will now also open up the second public comment session. If anybody wishes to address the council for any reason, please do. Rhonda I'm assuming we have no one on the line.

Rhonda North: We have no one on the line.

Bridge Littleton: All right. We will close the public comment session. Yes Danny.

Danny Davis: You asked me to remind you to bring up the discussion of the State of the Town address.

Bridge Littleton: Oh, right.

Darlene Kirk: That you need to do that.

Bridge Littleton: Yeah. So the plan is to do about the same time we did last year. And the idea is, which was like, what, mid-October? If it was like mid late October. So the idea is to do it again this year. We can get it, we can, you know, host it at the community center, but literally we'd have to like put seats with six foot circles around all that kind of stuff. I mean, we could do that. I've got no problem doing that. [off mic] With a little radio. Roosevelt.

Roosevelt. [multiple speakers] Or we could do it 100 percent, virtually like right here from the town office. Is there any preference that we want people to go come in public or just be able to log in and and watch and ask questions and all that stuff?

Darlene Kirk: I think you're going to get more people. We had a good crowd.

Bridge Littleton: We got a great crowd last time.

Darlene Kirk: It was awesome and it was a lot of fun. And it might you know, it'd be nice to have that again if we can open it up without harming people.

Bridge Littleton: I would say this. Let's ask Olivia, you know, in that room, if every chair had a six foot circle around it, how many could you actually get in there?

Chris Bernard: [off mic]

Bridge Littleton: That's very difficult because sound and you've got to have the AV. There's a slide deck and you got to set the video up. I just don't think outdoor works is too tough.

Cindy Pearson: You have to remember that our audiences are older here and most of the people that came to that last time were older.

Bridge Littleton: Yeah, I know. And it's at nighttime. It's at seven o'clock. I said it's at seven o'clock, so, you know, it's all dark.

Cindy Pearson: I wasn't talking about that I was talking about the age of the people that come to that. I don't think you should put people in that situation. You should do it virtually.

Bridge Littleton: I mean, we can I mean, they can always virtually call in. But if your if your recommendation is to mandate virtual, then that's fine.

Darlene Kirk: But I think we're going to lose a lot of people. I mean, I don't see a lot of the older people tuning in. I mean, I don't say that.

Bridge Littleton: it's a catch 22. The older ones you don't want coming in person because they're so susceptible.

Darlene Kirk: I know.

Bud Jacobs: What did we have last year? About 50, 75 people,

Bridge Littleton: 50 or 60 people showed up.

Chris Bernard: I think those people would go find it if they care that much. And you make the video available.

Darlene Kirk: [off mic]

Cindy Pearson: The video was available on our website later.

Chris Bernard: [off mic]

Bridge Littleton: Ok, we'll do it. I'll tell you what. We'll do it virtually here from the town office.

Chris Bernard: [off mic]

Bridge Littleton: Ok, cool. Got your decision. All right. Any other items in one word or less? All right. This meeting is adjourned.