



## **MIDDLEBURG TOWN COUNCIL Regular Monthly Meeting Minutes**

**Thursday, August 23, 2018**

### **PENDING APPROVAL**



**PRESENT:** Mayor Trowbridge M. Littleton  
Vice Mayor Darlene Kirk  
Councilmember J. Kevin Daly  
Councilmember Kevin Hazard  
Councilmember Peter Leonard-Morgan  
Councilmember Cindy C. Pearson

**STAFF:** Martha Mason Semmes, Town Administrator  
Martin Crim, Town Attorney  
Rhonda S. North, MMC, Town Clerk  
Ashley M. Bott, Town Treasurer  
A. J. Panebianco, Chief of Police  
William M. Moore, Town Planner  
Jamie Gaucher, Business & Economic Development Director

**ABSENT:** Councilmember Philip Miller

The Town Council of the Town of Middleburg, Virginia held their regular monthly meeting, beginning at 6:00 p.m. on Thursday, August 23, 2018 in the Town Hall Council Chambers, located at 10 W. Marshall Street. Mayor Littleton led Council and those attending in the Pledge of Allegiance to the flag.

### **Public Comment**

Vivian Warren, 306 E. Federal Street, appeared before Council representing the Emmanuel Episcopal Church's Cemetery Committee. She reported that VDOT installed a new drainage pipe that was dumping water into the cemetery, threatening several nearby graves, making pedestrian access difficult and depositing gravel onto their property. Ms. Warren noted that there was a storm drain located in the vicinity to which VDOT could connect; however, they advised her that the water was the cemetery's problem. She explained that this was a difficult situation for them as they were a small church. Ms. Warren asked for the Council's assistance in working with VDOT to address this issue.

DeeDee Hubbard announced that there would be a Candidates' Forum for the two candidates seeking election to the vacant Council seat on October 15<sup>th</sup> at 7:00 p.m. in the Town Hall Council Chambers.

Punkin Lee appeared before Council representing the Virginia Fall Races. She thanked the Town for its sponsorship and support. She advised that as a sponsor, the Town would be listed in their marketing materials. Ms. Lee inquired as to the number of admission tickets the Council would like for the event and noted that it could distribute them at its discretion.

Dev Roszel, 14 Chinn Lane, requested the Town's assistance in getting VDOT to address Chinn Court. He noted that the property owners have been responsible for its maintenance in the past and advised that there were elderly residents who were affected when he was not there to plow the streets when it snowed. Mr. Roszel encouraged the Council to provide the funding necessary to bring the Court up to standards so VDOT would accept it into their maintenance program.

## **Public Hearing and Related Action Item**

### **Sale of Health Center Property**

Chris Burns, President of Old Ox Brewery, described the details of their proposal for the re-adaptive use of the Health Center, which would include a brewery on the first floor, retaining the existing tenants on the remaining floors, the development of a beer garden in the courtyard and the creation of a small experimental brewing system in the garage. Mr. Burns noted that this would be their second tasting room and advised that it would serve as a way to stay connected to their customers and the community. He noted that they would work with local charitable organizations and their customers to create an environment that acted like a community gathering space. Mr. Burns advised that they currently offered a Science on Tap program at their Ashburn brewery, under which they brought in a speaker from the scientific field once a month to give an educational talk.

No one else spoke and the public hearing was closed.

*Councilmember Leonard-Morgan moved, seconded by Councilmember Daly, that Council adopt a resolution authorizing the sale or disposition of Town owned property located at 14-16 South Madison Street, known as the Health Center Property. Councilmember Leonard-Morgan further moved, seconded by Councilmember Daly, that the proceeds from the sale of the property be invested in a separate Town account with the income therefrom to be used by the Town Council for charitable purposes.*

Vote: Yes – Councilmembers Kirk, Daly, Hazard, Leonard-Morgan, Murdock and Pearson

No – N/A

Abstain: N/A

Absent: Councilmember Miller

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

(By roll call vote)

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### **Approval of Meeting Minutes**

*Vice Mayor Kirk moved, seconded by Councilmember Daly, that Council approve the July 12, 2018 Regular Meeting Minutes, the July 26, 2018 Work Session Minutes and the July 27, 2018 Work Session Minutes as amended.*

Vote: Yes – Councilmembers Kirk, Daly, Hazard, Leonard-Morgan, Murdock and Pearson

No – N/A

Abstain: N/A

Absent: Councilmember Miller

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

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### **Staff Reports**

**Stuart Will, of IES**, reported that the necessary parts were received and installed at Well 4. He expressed hope to have the plant recommissioned by the contractor on August 29<sup>th</sup> or 30<sup>th</sup>. Mr. Will reported that the Town experienced an overflow due to too much rain. He advised that it was cleaned up and the Department of Environmental Quality (DEQ) was notified.

Councilmember Leonard-Morgan thanked the staff for their work on the Ridgeview water line project, including the location of some two-inch abandoned pipes.

**Town Planner Moore** reported that VDOT provided him with a list of four possible streets that could be deleted from their town-wide repaving project. He further reported that thanks to the Town's efforts, including both the staff's and a communication between Mayor Littleton and CTB Member Scott Kasproicz, they were able to convince VDOT to restore all of the roads to the project.

Town Planner Moore reported that the Town received five bids for the Marshall Street Sidewalk Project, which were under evaluation. He noted that the three lowest bids would work from a budget perspective. Mr. Moore expressed hope to have the bid on Council's September 13<sup>th</sup> meeting agenda to award the contract.

Town Planner Moore reported that VDOT skipped Blue Ridge Avenue during their tree trimming in anticipation of the road paving project. He advised that he was trying to get an answer from them as to why this occurred. Mr. Moore noted the need for VDOT to return to address it as the trees would interfere with the paving work.

Councilmember Murdock reported that the Town Clerk had already updated the New Resident Packet. She advised that she would like the **Business & Economic Development Director** to secure coupons from the local businesses for inclusion in it.

Councilmember Pearson suggested that to make it easier for the businesses to participate, the Business & Economic Development Director could ask them to offer a discount to a new resident for thirty days upon moving into the town. She noted that the individual could produce their dated utility application to identify the thirty day period. Ms. Pearson explained that rather than including coupons, the packet would simply include a list of participating businesses and the discount they offered.

Vice Mayor Kirk noted the recent news reports about The Taste of Leesburg. She further noted that this was something that had been discussed for Middleburg. Ms. Kirk asked the Business & Economic Development Director to pursue it.

Business & Economic Development Director Gaucher advised that he would have a framework for discussion during the next Council meeting.

Business & Economic Development Director Gaucher reported that he was working with Visit Loudoun on an MOU and would have it on the agenda for the next Council meeting.

Mayor Littleton inquired as to the status of the Town's funding of a bronze fox sculpture.

Business & Economic Development Director Gaucher reported that the Town had not provided any funding and suggested that municipal funding should be the last money in. He reminded Council that there was money in the budget to support the Middleburg Arts Council. Mr. Gaucher explained that he was waiting for the artists to demonstrate that they had all of their other funding in place before recommending the Council commit to funding a portion of the cost.

Mayor Littleton asked that Mr. Gaucher identify a threshold for the Arts Council upon which they needed to notify the Town for when they needed it to release its funding.

Councilmember Hazard noted that it was nice to see that the Town's occupancy tax revenues were up by almost twenty percent.

Councilmember Daly noted that with the sale of the Health Center property, the Town needed to find a new storage location for the police items that were stored in the garage.

Town Administrator Semmes reported that the staff was moving forward with a recommendation to place a storage building at the wastewater treatment plant within a secured enclosure. She noted that it would not be visible and would be on property the Town already owned. Ms. Semmes reported that the staff was evaluating the best location on the property and would report back to the Council during their next meeting.

Councilmember Leonard-Morgan thanked the Police Chief for a successful National Night Out. He noted a theft that occurred recently and questioned whether the businesses needed to be notified of it.

Chief Panebianco opined that, based on the information currently available, it was a one-time event. He explained that he could not go into detail as this was an ongoing investigation; however, it involved a shoplifter. Chief Panebianco noted that the businesses were tight and tended to let others know when there were issues.

### **Reports of Town Committees/Council Liaisons**

Councilmember Daly opined that the cemetery run-off that was raised by Ms. Warren was a big public safety issue as the runoff could expose grave sites. He suggested this needed to be looked into more deeply.

Councilmember Daly noted that the town was experiencing problems with skunks. He reminded the businesses and citizens of the need to remove any food sources that may be luring them into the area.

### **Action Items** (Non Public Hearing Related)

#### **Council Approval** - Resolution – Commonwealth of Virginia 457 Deferred Compensation Plan

Town Administrator Semmes explained that the Council adopted a resolution allowing the employees to participate in the State's deferred compensation program through the Virginia Retirement System; however, because the sample resolution had changed, VRS was asking the Town to adopt the corrected one.

*Vice Mayor Kirk moved, seconded by Councilmember Daly, that Council adopt a resolution pertaining to the Commonwealth of Virginia's 457 Deferred Compensation Plan.*

Vote: Yes – Councilmembers Kirk, Daly, Hazard, Leonard-Morgan, Murdock and Pearson

No – N/A

Abstain: N/A

Absent: Councilmember Miller

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

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### **Discussion Items**

#### **Ordinance Amendments Related to Consolidated Billing**

Town Clerk North explained that in order to allow for consolidated tax and vehicle license fee billing and collections through Loudoun County, the Town needed to bring its ordinances and procedures in line with theirs. She reported that the Town needed to amend its vehicle license ordinance to increase the fee for the motorcycle license from \$15 to \$25 and to delete the requirement for a vehicle sticker after this year's sales. Ms. North reported that as to the real and personal property tax ordinance, the Town needed to include the same fees and penalties that were charged by Loudoun County. She advised that Loudoun County's return check fee was different than the Town's; therefore, the staff proposed an amendment to the return check fee ordinance to allow the Town's fee to continue at its current rate for items that were not real and personal property tax or vehicle license fee related. Ms. North explained that because these involved new or increased fees, a public hearing was necessary. She advised that it had been scheduled for Council's September 13<sup>th</sup> meeting, which would allow the Town to meet the September 15<sup>th</sup> deadline that was included in the MOA with the County.

The Council held some discussion about the fact that there would be no Town vehicle sticker after this year. It was noted that the State inspection stickers were now being placed on the left side of the windshield when a vehicle was inspected and that the Town vehicle sticker was supposed to be moved to the left as well. It was further noted that the new stickers were available for purchase in the Town Office now in the event that the sticker was removed by the inspector during the inspection process.

#### Chinn Court Paving

Town Planner Moore reminded Council that the Village Hamlet subdivision, which was approved in 1977, included both Chinn Lane and Chinn Court. He reported that the resolution requesting VDOT accept the road into their maintenance system only listed Chinn Lane and did not separately list Chinn Court; therefore, it was never accepted by VDOT. Mr. Moore explained that in order to get it into their maintenance system, VDOT said the Town would need to reconstruct it in the same manner as Chinn Lane and submit a resolution requesting VDOT's acceptance of it into their system.

Town Planner Moore noted that despite having worked with the contractor for two weeks on this issue, the contractor reached the point where he had to pave Chinn Lane; therefore, he could no longer do a full-depth reconstruction of Chinn Court. He reported that since that time, VDOT backed off their insistence for a full-depth reconstruction. Mr. Moore advised that the staff was now exploring the possibility of only doing a top coat application and noted that if this is not acceptable to VDOT, the staff would then push for acceptance of the Court in its current condition. He noted that while not ideal, it would resolve the issue of maintenance. Mr. Moore recommended the Council approve an expenditure for this work, in an amount not to exceed \$30,000, so he could work out an agreement with the paving contractor. He noted that the cost could be much lower.

After some discussion, the Council agreed that the first goal was to get VDOT to accept Chinn Court and, if they did not, the Town would spend up to \$30,000 to bring it up to the standard where they would accept it.

Town Attorney Crim questioned whether the funds would come from an additional appropriation or whether it was already appropriated in the current budget.

Town Administrator Semmes advised that it would come from the contingency reserve funds in the current budget.

*Councilmember Daly moved, seconded by Councilmember Murdock, that Council direct Town Planner Will Moore to get Chinn Court accepted into the VDOT approval system, with a follow-up of funding approved up to \$30,000 to mill and repave Chinn Court, said funding to come from the contingency reserve.*

Vote: Yes – Councilmembers Kirk, Daly, Hazard, Leonard-Morgan, Murdock and Pearson

No – N/A

Abstain: N/A

Absent: Councilmember Miller

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

(By roll call vote)

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#### Board/Committee/Commission Code of Ethics/Standards of Conduct

Mayor Littleton reminded Council that the Town did not currently have a Code of Ethics/Standards of Conduct for how the Council expected anyone who worked for the Town, whether it was an elected or appointed individual or an employee, to behave concerning things such as identifying conflicts of interest and in treating others with respect.

Town Administrator Semmes reminded Council that, while not included in the Code of Ethics, the Town could set a limit on the value of gifts that could be accepted. She explained, however, that it must be adopted by an ordinance. The Council agreed to consider an ordinance that would set a limit on the value of gifts that could be accepted.

There was considerable discussion regarding Item #7 under the Code of Ethics, which would prohibit the acceptance of any benefit from the Town's sponsorship of a special event, such as the acceptance of free tickets, unless the individual was performing official Town duties. It was suggested that when tickets were offered as a result of a sponsorship that the Town should either decline them, make them available to anyone from the public who wished them on a first-come-first-serve basis or donate them to charity to be auctioned off, as the sponsorships were funded using taxpayers' dollars. It was suggested that this be explained on any donation/sponsorship application form the Town used. It was noted, however, that there may be times when the organization expected the members of Council to attend their event. The Council agreed to think about this some more and to discuss it further at their next meeting.

After some discussion of the draft Code of Ethics/Standards of Conduct, the Council agreed:

- With regard to Item #12, there needed to be training for individuals on how they should deal with the media;
- Move Item #16 (not interfering with administrative functions of the Town or the duties of the staff) from the Code of Ethics to the Standards of Conduct;
- Delete the word "predominance" in Item #1 in the Standards of Conduct;
- Delete Item #2 (payment of taxes) from the Standards of Conduct;
- Delete Item #5 (disclosure of confidential information) from the Standards of Conduct as it was already covered in the Code of Ethics;
- Add the following language to Item #8 in the Standards of Conduct "Each member serves as a representative and face to the Town of Middleburg and is expected to treat others at all times with dignity, professionalism and respect regardless of the forum".

The Council directed the revisions be returned to them during their September 13<sup>th</sup> meeting for further discussion and approval.

#### Implementation of Compensation Study

Shawn Patton, consultant, reminded Council that during their last meeting, they agreed to the proposed compensation philosophy and held a high-level discussion of the current personnel's compensation versus the labor market. He noted that they also discussed the compensation strategies he proposed, which included Option 1 – a cost-of-living-adjustment (COLA) only system – and Option 2 – a pay-for-performance approach. Mr. Patton reminded Council that they asked him to develop a third option that would be a hybrid of the two.

Mr. Patton advised that the third option, which was a COLA system with a performance modifier, would allow COLAs to be adjusted upward and downward based on documented employee productivity. He opined that this would be perceived as being fair by the high performers and would allow for more flexibility in decision-making, while still counteracting against inflation and ensuring comparability with the labor market. Mr. Patton reviewed four scenarios for how this could be implemented.

The Council held some discussion regarding the proposals and the effect on the budget.

Town Administrator Semmes asked that she be allowed to discuss this with the staff to get their input and feedback, to which the Council agreed.

#### Board/Committee Review Discussion (continued)

Mayor Littleton suggested the Council dispense with any discussion of the regulatory committees (HDRC, Planning Commission and BZA) as they had statutory powers. He noted that the three remaining structures were Council committees-of-the-whole, staff committees and advisory committees.

After considerable discussion, the Council agreed to the following:

- Eliminate the Land Use Committee as a Council committee as the County planning connection was something that could be handled by the Planning Commission;
- Continue to have a Personnel Committee as a committee-of-the-whole with Mayor Littleton and Vice Mayor Kirk serving as its liaisons;
- Create a financial advisory committee, which would include two members of the Council, to look at the Town's fiscal/financial policies to protect it for the long term;
- Modify the name of the Health Center Advisory Committee;
- Expand the duties and responsibilities of the Streetscape Committee to include landscaping/streetscaping in the commercial districts;
- Have the Wellhead Protection Advisory Committee appoint a representative to serve as a liaison with the Utility Committee and have the two committees meet jointly once or twice a year;

It was noted that the Pink Box Advisory Committee could eventually become a part of the museum.

In light of the fact that the Town now had a Business & Economic Development Director, the Council asked that Mr. Gaucher work with Councilmembers Miller and Pearson to make a recommendation as to how to best restructure the EDAC committee.

Mayor Littleton advised Council that he would make the remainder of the committee assignments at the next regular meeting. It was noted that some of the items that were discussed would require amendments to the Council's Rules of Procedures and/or ordinances.

### **Information Items**

Mayor Littleton noted the upcoming Virginia Municipal League Annual Conference in Hampton. He encouraged the members of Council to attend.

Mayor Littleton asked the Town Administrator and Town Planner to tell the contractor that he had received compliments from citizens on the repaving project and their politeness. He thanked Commonwealth Transportation Board (CTB) Member Scott Kasproicz for his help in keeping all of the roads in the project.

Mayor Littleton reported that he received a request from a restaurant for a "rebate" based upon their need to secure additional trash collection services. After some discussion, the Council agreed they did not have a desire to entertain this request based upon the staff survey that was done, which indicated that the majority of the restaurants in town did not want additional Town trash collection services. The Council asked the staff to explore the option of providing a second weekly pick-up for restaurants as they were now busier.

Town Attorney Crim left the meeting at 9:00 p.m.

### **Closed Session** – Salaries of Certain Town Employees; Property Acquisition; Appointments to Go Green; and, Performance of a Committee Member

*Councilmember Daly moved, seconded by Councilmember Pearson, that Council go into closed session as allowed under the Virginia Freedom of Information Act Sections 2.2-3711(A)(1) and (3) for the discussion, consideration or interviews of prospective candidates for employment, assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees and employees of the public body; and, the discussion or consideration of the acquisition of real property for a public purpose where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body. Councilmember Daly further moved, seconded by Councilmember Pearson, that these matters be limited to (1) salaries of certain Town employees; (2) the acquisition of property in the town limits; (3) appointments to Go Green and (4) the performance of a committee member. Councilmember Daly further moved, seconded by Councilmember Pearson,*

*that in addition to the Council, the following individuals be present during the closed session: Martha Mason Semmes, AJ Panebianco and Shawn Patton for the first part; Martha Mason Semmes, Rhonda North, Will Moore, Jamie Gaucher and Jeff Stodghill for the second part; Martha Mason Semmes and Rhonda North for the third part and Martha Mason Semmes for the fourth part. Councilmember Daly further moved, seconded by Councilmember Pearson, that the Council thereafter reconvene in open session for action as appropriate.*

*Vice Mayor Kirk moved, seconded by Councilmember Pearson, to amend the motion to discuss the property acquisition item first.*

Vote: Yes – Councilmembers Kirk, Daly, Hazard, Leonard-Morgan, Murdock and Pearson

No – N/A

Abstain: N/A

Absent: Councilmember Miller

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

(on amendment)

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Vote: Yes – Councilmembers Kirk, Daly, Hazard, Leonard-Morgan, Murdock and Pearson

No – N/A

Abstain: N/A

Absent: Councilmember Miller

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

(on motion as amended)

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Mayor Littleton asked that Council certify that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the closed meeting, which each member so did. He reminded those present for the closed session that any discussion that occurred within it should be treated as confidential.

Mayor Littleton directed the staff to proceed as recommended and discussed on staff matters in closed session.

#### Appointments to Go Green

*Councilmember Leonard-Morgan moved, seconded by Vice Mayor Kirk, that Council appoint Matt Cahir to Go Green to fill an unexpired term, said term to expire May 12, 2020. Councilmember Leonard-Morgan further moved, seconded by Vice Mayor Kirk, that Council appoint Wendy Weck to fill a newly created seat on Go Green, said term to expire May 12, 2019.*

Vote: Yes – Councilmembers Kirk, Daly, Hazard, Leonard-Morgan, Murdock and Pearson

No – N/A

Abstain: N/A

Absent: Councilmember Miller

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

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There being no further business, Mayor Littleton declared the meeting adjourned at 10:11 p.m.

APPROVED:

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Trowbridge M. Littleton, MAYOR

ATTEST:

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Rhonda S. North, MMC, Town Clerk

## August 23, 2018 Middleburg Town Council Meeting

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

**Everyone:** [inaudible] [Pledge of Allegiance]

**Bridge Littleton:** All right now. We will start off with the roll call starting with Bundles.

**Bundles Murdock:** Bundles Murdock.

**Kevin Hazard:** Kevin Hazard.

**Darlene Kirk:** Darlene Kirk.

**Bridge Littleton:** Bridge Littleton.

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

**Cindy Pearson:** Cindy Pearson.

**Kevin Daly:** John Kevin Daly.

**Rhonda North:** Rhonda North town clerk.

**Martin Crim:** Martin Crim town attorney.

**Martha Mason Semmes:** Martha Mason Semmes Town Administrator.

**Bridge Littleton:** Ok. So we will go now to the public comment session. The one thing I want to note real quickly we have a specific area in here around the public hearing the resolution for the sale the health center. But what I'd like to do is we have a couple other public comments that are unrelated to that. I'd like to let those folks go first. That way if they don't want to stay for the rest of that they can you know move on out. So is there any public comment tonight unrelated to the sale of the health center? We will let Miss Warren go first. Please state your name for the microphone. Please just state your name and your address and then. You have three minutes.

**Vivian Warren:** Can you hear me? All right. That's good. All right. My name is Vivian Warren I live 306 East Federal Street. And I'm a member of the Emmanuel Episcopal Church and I'm here to Doris Beavers who's our chairman of the [inaudible] Association yesterday asked me to present our very serious issue with VDOT. So I don't know how many of you know but I have. [inaudible] I just did this quickly. The issue is the VDOT has done new drainage and you will see this here. I don't have copies for everybody but they dug underneath East Federal Street and we have our two standing two steady brick entrance and they dug underneath. They put a huge which you could see the top. I'll go through quickly. And what's happening this is a private property. And they exited the water and you could see the brick the riprap and the standing water and there's nothing you could do about the standing water and then the major issue is that VDOT says it's our problem. We were notified that this was going to happen. We had no idea they did this. And then the word is that there was existing pipe from many many years ago that have been clogged up. So I think that that's the issue that had been clogged up but since then if you look at the top of the I'm sorry the culvert yes that was and you could see underneath where they dug that was all cemetery property that could have been actually there is a grave right next to it. They could have gone right through a grave and you know

not notified us. The second picture is you could see where the water is exiting it is exiting on the left hand side going south and it is bringing gravel in with it. Page 3. You can see where it's turned around. And so we're looking with the entry behind us and you could see the existing where the gravel is starting to go down that line the road is on the right hand side. But right the a possibility of diverting the water would be to go down there into all the way down to the you could see the little dot with the existing culvert that goes into the creek. Page 4 is you could see where they have add that to the existing to the existing system where the round manhole is and that the next.

**Kevin Daly:** And that will be.

**Vivian Warren:** VDOT yes so that was existing. And then you turn the page 5 and you could see the back of you and you could see number one where the water has gone and made this great gully down our street. But if you could see the grate there if you they had dug underneath the road to put a new pipe in exiting where it's existing and then right on the other side of that grate you can't see it but it drops down and there's a big oak pipe and the water you can't see because it's all covered with grass now. But that's where all the big rocks the rip rap is which goes right into the creek. So this is the issue. And I've talked to Will back there. He gave me the name of the. I have a big voice. I don't need this. I wish I had a big one here. He gave me the name of the VDOT person. He's talked to him. I had no time today to talk to him. But they disavow everything they said it's your problem. It's also my understanding that this has happened with other people's private property and they've gotten lawyers. But we're just a poor little church and it's a very difficult situation for us right now because I might say the standing water which you could see the standing water disease mosquitoes etc. even though it eventually drains a little bit rain and it just sits there in a bowl. Thank you very much for your consideration and you could contact me at any time.

**Bridge Littleton:** Vivian thank you very much we'll get with Will and then and we'll get with VDOT. Is there any other public comment unrelated to the sale. Yes. DeeDee. Sorry ladies first.

**DeeDee Hubbard:** I'm DeeDee Hubbard I'm the editor of the Middleburg eccentric newspaper and we are going to host another candidate's evening for the two candidates running [inaudible]. And it will be October 15th at 7:00 p.m. at the town office.

**Bridge Littleton:** October 15th? 7:00 p.m. in the town office. And we hope everybody comes. Any other public? Punkin. [laughing]

**Punkin Lee:** I'm Punkin Lee and I'm representing Virginia Fall races and I would like to thank everyone on council for your support of the races and for accepting our application through EDAC and for the financial support the town will be represented very well and everything we put out. You're listed as sponsor on everything in the program. The saddle tells all say welcome to Middleburg radio ads everything. So I just wanted to express my appreciation for your support and just let me know how many general admission tickets you would like and at your discretion you may distribute them as you wish. We want all new people to come so it's October 13th and we hope to see you there. Thank you very much.

**Bridge Littleton:** Thanks Punkin. And Dev.

**Dev Roszel:** I'm Dev [inaudible] I live it 14 Chinn Lane which is more affectionately called Chinn Court by our friends at VDOT. I do not have a color coordinated page although it's not as dire as what Vivian's is. I do think that the issue with Chinn court needs to be addressed and for several reasons one is it looks ugly when it's not paved and the rest of its paved so aesthetically. As far as not that I think it's even going to affect the real estate values but I do think that if you're going to pave it the should all be paved I think more importantly on the from a safety perspective. The reason why Chinn court gets plowed from the snow and cleaned up is because I do it Peter does it. Eric Combs does it so we use our own snow plows. We do our own thing and we clear it. If I'm not there to do it. We have some elderly people which I would consider elderly that if the safety equipment needs to get in there and there's two feet of snow it's not going to get they're not going to get in there. There's going to be an issue with it. So I think that is really the number one reason why they should continue to pave it because then VDOT will take it into their inventory of roads and they'll maintain it. Currently it's owned by the town from what I understand the town doesn't

plow roads. From what I understand so we're back to the same issue which is maintenance of that circle which I maintain when I purchased it was not Chinn court it was actually on the record as Chinn lane it got labeled Chinn court because that's what everybody called it. But I think my deed actually says Chinn Lane on it. So I would respectfully ask that when it does come up to be considered to vote for funding for whatever it's going to cost I'm sure think I talked to Will is probably somewhere in the twenty five or thirty five thousand dollars. I think it's money that's going to be well spent long term. And last but not least we all in that Cul-de-sac do pay taxes in town. And so I think for the trash for everything that goes in and out of there if I'm not there to maintain it which who knows it should be put into town put in VDOT's inventory. So I would appreciate it if you would consider it.

**Bridge Littleton:** Thanks Devin. This is an agenda item later this evening so we will discuss it. OK thanks. Any other public comment unrelated to the disposition of the health center? Oh OK great. So now we want to move onto the. Move on to public hearing for the health center right. Yeah. So now we're going to move on to the public hearing for the sale of the health center and the documents were posted online for everybody to view before we open the public hearing to anybody who'd like to speak about this. We would like to invite Chris from Old Ox Brewery to come and speak and just lay out you know in a public setting the vision and idea that they have around what they intend to do with the health center building handle the existing tenants and you know their their desires for the community in the town of Middleburg. So Chris if you don't mind a couple more minutes of your time. That would be great.

**Chris Burns:** Will sit. All right. Thank you Mr. Mayor thank you council members for your time. Thank you town of Middleburg residents. So we are Old Ox Brewery we are a family run brewery in Ashburn Virginia. That's my mom and my dad right there. My wife completes the ownership team for old Ox Brewery. We've been a part of Loudoun County for four years now. We first opened in June of 2014. We're a production brewery meaning that we the vast majority of our resources go to producing beer for the distribution market. In our case that's Northern Virginia Washington D.C. and most recently the Hampton Roads area. So we provide draft product and package product to restaurants and retail locations like grocery stores throughout that distribution area. When we started we didn't realize what an important part of our own tasting room would be to Old Ox brewery not just as a revenue source but also as a way to stay connected with our consumers and our community. And over time we've really realized that that is an important part of what we are. We're a connection point within our community. We work with local businesses local charitable organizations and of course our customers to create an environment that really acts as a community gathering space for the entire the entire area. We started working with Jamie about 11 months ago to identify some spots within the town of Middleburg that may be suitable for a second location. An experimental brewery tasting room and beer garden and over a period of time we became aware that the town building may be a good spot for us to consider and I feel like we've made good progress over the last several months. Understanding the town's desires for potentially selling that property and our desire to be a part of this local community and I think it could be a great fit. So just to give you a feel for our our proposed plan. The town building itself is made up of three stories so there's a basement floor. There's what we consider the first floor and then there's a third floor as well. The basement floor is currently unoccupied and then the the first floor has several tenant areas. We have a doctor's office that's currently occupied. There's a Pilates studio that's currently occupied and then there is part of a residential condo that is that is currently unoccupied. And then on the third floor there's one area that is occupied by a counselor's office and then there's the second part of the residential unit. So our plan is to have a small experimental brewing system in the garage of the property that would service a tasting room that would be located on the currently unoccupied basement floor of the property and also renovate the courtyard area which is located on Madison to create a beer garden atmosphere as well. We have every desire to maintain the existing tenants assuming they'd like to stay. And then also lease the occupied areas on the second and third floors as well. So that's a very brief synopsis of what we're trying to do. There's a lot more detail on the in the RFP response which is part of the agenda as I recall. So I encourage everybody to take a look at what we think is a pretty exciting plan and then if anybody I know we're going to open it up to questions but if anyone has any questions that they don't want to ask in public we're going to be over at the Oyster Bar I think after. [laughing] And we'd love to talk to anyone that wants to talk to us. So I'm going to stop there.

**Bridge Littleton:** Now I know Chris I appreciate it. If you one thing I think would be helpful for folks to understand too is what the programs you guys have in your existing place which I thought was really neat. And you're thinking

about doing here. I can't remember what it is but it's the science thing you guys do if you could just talk about that kind of stuff you bring together I think it's great.

**Chris Burns:** So one of the one of the ways that we work to connect with our community is bringing in programs to the Ashburn brewery that we think are unique and benefit the residents in the local area. One of those Bridge was just speaking of is called Science on Tap. It's a partnership with the Ashburn Public Library and Genelia Research Institute which is part of the Howard Hughes Medical Institute whereby we bring in a speaker on a Tuesday once a month from some scientific field. We have somebody from the FBI coming in next month. We've had talks on cyber security. We've had talks on fruit flies we've had talks on just an amazing array of scientific topics. And it's educational. It's a lot of fun and it gives you an opportunity to learn something and drink a beer at the same time. So but that's you know one of the programs that we do we also have run club that has 600 members. We have weekly corn hole leagues we have all sorts of programs that we think benefit the community that also you know help us stay in business too. But it's a great partnership between us and several local organizations to provide benefit to the community that we support.

**Bridge Littleton:** Great. Chris thank you very much. Appreciate it. So I guess you're going to be over at the Oyster Bar after this?

**Chris Burns:** We'll be over at the Oyster bar after this.

**Bridge Littleton:** Open tab on you right? [laughing]. Yeah right exactly. OK Chris thank you very much appreciate it. Move on now with the rest of the public hearing. Would anybody like to speak on the sale and if so please come up identify yourself your name your address and please try to keep your comments to three minutes. OK. We will close the public comment and public hearing for the resolution and we will move to the resolution.

**Peter Leonard-Morgan:** I move that council adopt a resolution authorizing the sale or disposition of town owned property located at 14 to 16 South Madison Street known as the health center property. I further move that the proceeds from the sale of the property be invested in a separate town account with the income there from to be used by the town council for charitable purposes.

**Bridge Littleton:** [inaudible] Any other discussion? I just wanted to say one thing. Chris I just want to thank you and your parents your wife for taking the opportunity to invest in Middleburg and we really appreciate all the hard work. And we look forward to having you guys here. Ok. All those in favor?

**Everyone:** Aye.

**Bridge Littleton:** All those opposed? Abstentions? Motion carries. Yes.

**Martin Crim:** We have a record that shows that there was a three quarters vote of council. If you could.

**Bridge Littleton:** Let's do a roll call vote. Bundles

**Bundles Murdock:** Aye.

**Bridge Littleton:** Kevin.

**Kevin Hazard:** Aye.

**Bridge Littleton:** Darlene.

**Darlene Kirk:** Aye. My computer's not on either.

**Peter Leonard-Morgan:** Aye.

**Cindy Pearson:** Aye.

**Kevin Daly:** Aye.

**Bridge Littleton:** Perfect. Thank you. Okay. Next item on the agenda is special recognition. I don't think we have anything for that. Public presentations this is Virginia Falls Races but. I believe Pumpkin's already done that so. Moving on approval of minutes. Do I have a motion?

**Darlene Kirk:** I move we approve the minutes for July 12 July 20 and July 27.

**Bridge Littleton:** Any discussion? All those in favor.

**Everyone:** Aye.

**Bridge Littleton:** Opposed? Abstentions. Motion carries. Next item on the agenda is staff reports. So as we mentioned earlier in the week we're going to not go through just this one time specific staff reports except only by exception. The reports were published publicly. Does anybody here have any questions for any member of town staff on any of the staff reports and I think what I'll do is just go through each one of them one by one. So utility reports any questions about the utility report? [inaudible] No that's Martha. And Stuart. Yeah.

**Darlene Kirk:** Stuart that's why here.

**Cindy Pearson:** I do have a question. Well 4. How's that going along? Has it been the repairs been started and what's the expected date?

**Stuart Will:** We received the parts necessary about two weeks ago. Last week the repairs were completed and next week 29 and 30th West technician will be here to commission the plant back into service.

**Cindy Pearson:** Awesome thank you.

**Bridge Littleton:** Go ahead Peter.

**Peter Leonard-Morgan:** Just one question. There was an overflow which I know is being attended to. I just wanted you to update us on that please.

**Stuart Will:** That has been cleaned up and the situation leading up to that was just too much rain and so it's been taken care of and reported [inaudible] Don't anticipate having trouble over it.

**Bridge Littleton:** We've had a lot of rain? Any other questions for Stuart? Go ahead.

**Peter Leonard-Morgan:** I've just a comment of thanks to you guys all for the Ridgeview Pipe replacement and finding all this two inch abandoned pipes.

**Stuart Will:** Yes and my coworker Danny is largely responsible for a lot of that because I'm afraid I was not much help. So that's what you guys pay us for.

**Cindy Pearson:** Well thank you.

**Bridge Littleton:** Great. Thanks Stuart. Any questions from Martha's report? Ok. Any question from Rhonda's report? All right. Any questions from Will's report? Kevin.

**Kevin Hazard:** On the VDOT paving projects. What two questions. One. Some streets were going to be affected. Any update on that?

**Will Moore:** There is so. Immediately after that communication from VDOT they give me a list of four possible deletions. We were at a staff level able to convince them to restore one of those immediately. However the mayor and Commonwealth Transportation Board member Scott Kasproicz since had some communications with [inaudible] at the VDOT and he updated us as of yesterday that all the routes had been restored to the project.

**Kevin Hazard:** And testing. The second. And it's sidewalk project. Did we get a good response on the bids?

**Will Moore:** We did we received five total bids. We are currently evaluating those to determine that they are responsive and responsible. So the lowest three any of which budget wise would work for us. So we're excited about that. There were a couple of bids that were exceptionally high. So we're in the process right now of our [inaudible] there's a potential issue with the low bid but we're working through that process right now and we hope to have something for you possibly as soon as your September meeting to approve the contract.

**Kevin Hazard:** Thank you.

**Bridge Littleton:** Yes Bundles.

**Bundles Murdock:** I don't want to bring it up but can you give them a quickie on the no limbing of trees of Blue Ridge Avenue the entire street.

**Will Moore:** So I have not received a good response and what council member Murdock is referring to is obviously VDOT was in town doing a lot of trimming in advance of the paving project and for some reason still not 100 percent clear to me. They essentially skipped all Blue Ridge

**Bundles Murdock:** [inaudible] the road.

**Will Moore:** Right.

**Bundles Murdock:** They just skipped Blue Ridge [inaudible] on purpose they were told they were not allowed to touch anything.

**Will Moore:** So I'm trying to get an answer as to why that happened. And if that's a permanent situation there's some speculation that a private citizen was having some sewer laterals replaced by our contractor and contracted with our water line replacement contractor privately and it was a good time to do these repairs and that work was going on at the same time that the tree trimming was going on. So I don't know if they're going to come back I've not been able to get a good answer to this point. So we're trying to see why that is what those trees there are clearly interfering with the height that we were told they needed clearance for their trucks.

**Bridge Littleton:** So I would assume one way or the other if they're not dropped when those trucks come through it's going to knock them.

**Will Moore:** Something will happen.

**Bundles Murdock:** [inaudible] This came to light because I had mine done at 960 dollars' worth of doing. And so when they were starting down Blue Ridge Avenue went out my little piece of paper and I said oh you're so nice. People must have been screaming at you a lot. I said yes but we're used to it. And I said Oh but we're not touching Blue Ridge Avenue and I said what. So then I looked down and there is one individual I think was very loud in not wanting their trees to be touch. But then all the way down at the end near the firehouse. I mean it's obvious that they have to do the work. So it just needs to get back on the schedule.

**Bridge Littleton:** Whatever help you need from us just you know if you need to elevate with VDOT we could do that.

**Will Moore:** [inaudible] but we hope to get an answer on [inaudible].

**Bridge Littleton:** That's number 8. OK. Any other questions for Will? Ok. Next one is Jamie. Any questions for Jamie? Bundles.

**Bundles Murdock:** I have a statement and a question for counsel which is not the first come to this first party isn't Jamie. But Rhonda has put together already we've already got packets for residents and that's been accomplished. But I had also talked to Jamie and I would like council's approval that if Rhonda continue making the main packets. But I would like to formally request Jamie to go through town and pick up some kind of vouchers to encourage them to go into our businesses. And Cindy had an idea about that.

**Cindy Pearson:** From working with them quite well I know it's hard for the individual businesses to make the vouchers and there's another idea that you could use possibly you might be able to tweak it a little bit easier is to get the OK from the different businesses even the professionals that says maybe I'm just going to pull out a few names here maybe the mill work would like to for the first 30 days after someone moves into town. The residents and they could bring their water bill in their application not their bill excuse that language their application which has the date they applied and if they showed them that he would give them a discount of 20 percent for that first 30 days. But you could keep a list and have that in that packet instead of having vouchers for each one.

**Jamie Gaucher:** Individual coupons.

**Cindy Pearson:** Yeah it depends. Some businesses have a hard time coming up with those coupons unless you want to be helpful with that.

**Bundles Murdock:** But this means asking you to work the streets and getting the approval of all the businesses. And then typing something up and give them to Rhonda to put in the package.

**Bridge Littleton:** Any other comments or questions for Jamie? Go ahead.

**Darlene Kirk:** Did you see the taste of Leesburg and Loudoun [inaudible].

**Jamie Gaucher:** I did.

**Darlene Kirk:** And you know we've been talking about a taste of Middleburg so if you can move that forward that'd be great because they it drew huge crowds they said which means business is.

**Bridge Littleton:** Great idea. We talked about it in several council meetings six eight months ago.

**Jamie Gaucher:** The Futures Group has talked about it even NBPA has talked about it. [inaudible]

**Bridge Littleton:** Oh no totally I think it's a great idea. So let's do this let's next council meeting. Let's take a look at what a notional you know framework would look like. Put that together. Great. So any other questions for Jamie? I had two. First one is visit Loudoun agreement. [inaudible] FY-19.

**Jamie Gaucher:** On the agenda for the next council meeting. Draft of it right now.

**Bridge Littleton:** Loudoun's all good with it?

**Jamie Gaucher:** We're working on it. Yes.

**Bridge Littleton:** Ok. Second one I had here was Bronze Fox sculpture. What is the status of the town funding for that and have we given it to them?

**Jamie Gaucher:** We have not supplied any funding. My take on the sculpture from a municipal perspective I always [inaudible] sort of being the last money in. So there's money in my budget to support the arts council the Middleburg Arts Council. And it's still sitting there. We're waiting for [inaudible] artists in Middleburg to demonstrate that they've corralled all the other funding and then I think it would be appropriate to make a recommendation to council about the funding and the economic development budget for that.

**Bridge Littleton:** OK so let me ask a question then. Who has the dot to make sure those other things happen?

**Jamie Gaucher:** The Arts Council.

**Bridge Littleton:** OK. All right.

**Jamie Gaucher:** And the executive director of [inaudible].

**Bridge Littleton:** Ok. So did you give them a bogey or threshold that they need to be in order to say yes we're close enough I'll release the funds.

**Jamie Gaucher:** Everything except for the money in our budget. I went back literally to get the last piece in. So we have an estimate. We had a budget. We have a quote from a foundry. We have all the different pieces. It's just a matter of identifying where the money is going to come from.

**Bridge Littleton:** Ok. Good I just want to make sure we have that completely clarified so.

**Jamie Gaucher:** And then if I may and then part of that conversation with council is going to be where should we put this. Right. That's a whole another.

**Bridge Littleton:** That's the easier one. We've got the statute now where we're going to put it. OK good. I think I understand. [laughing] Finding a place to put something you've paid for is typically the less contentious part of how you're going to pay for you know a significant piece of art. So what's that? Yeah Tiffany exactly. All right. Any other questions for Jamie? Great thank you sir. Treasurer's report. Ashley's not here. Martha I'm assuming. Oh Tina I'm sorry I didn't see you back there. Any questions for Tina?

**Cindy Pearson:** Are you surviving Tina? Thank you. [laughing]

**Bridge Littleton:** Oh man with a newborn she's watching? [inaudible] Putting the baby asleep. Exactly it. OK next one is the police report.

**Kevin Hazard:** I did have a comment about the [inaudible]. It was nice to see our occupancy was up almost 20 percent and it had been coming along like this and we just got a bump. So that was really nice to see especially at this time of year.

**Bridge Littleton:** Any other questions for Tina? All right. Next one is police report. Any questions for A.J.? Kevin.

**Kevin Daly:** Question and comment and recommendations is what I have I'm going to be addressing it to both A.J. Will and Martha as we just heard the health center is being sold along with it is the garage in which case we got a logistical support issue for the police department. They have tire's vehicles and other equipment that they need to have stored in a fairly climate controlled environment. So the question in common is being addressed to Will and Martha and A.J. have you all gotten together to come up with possible courses of action as to where to store the logistical equipment and how soon would you be able to give us your recommendations.

**Martha Mason Semmes:** Thank you council member Daly just coming back from vacation I did get briefed on this as we discuss this with you and Will and we are moving forward on a recommendation to put a storage building at the wastewater treatment plant where it is secured within an enclosure. Now it's not going to be really seen by anybody so we think that's a good location because it's property that we already own. Will is working with Tim on the plans for how to get that done and where we're actually to be located. My recommendations when you first go in if you've been to the wastewater plant on the left of the old sludge drying beds just a good location right there inside. But there's other areas that they can evaluate as well. Time frame I think we'll can report back on that at your next meeting.

**Kevin Daly:** Thank you.

**Bridge Littleton:** Any questions for A.J.? Yes sir.

**Peter Leonard-Morgan:** Chief I just want to say thanks very much for National Night Out and to Officer [inaudible]. It was a great event. Even though it started raining halfway through some of us are already wet. Exactly. [inaudible]. I want to ask you was I know there was a theft we talked about in one of the businesses any developments on that? And do we need to let the businesses keep an eye out because it's a potential issue. I don't know.

**A.J. Panebianco:** Can't say it's an issue. It appears to be a one-time event there at this particular time. We haven't had a rash of these in town it was a shoplift or a parent shoplift. And I can't discuss a lot more of the details because we're in open session but it's also an active case as far as letting the other businesses know we have a really tight group of businesses that generally alert each other when there are issues. It wouldn't hurt to have something out of response to make a know just keep an eye on your stock.

**Peter Leonard-Morgan:** Thank you very much Chief.

**A.J. Panebianco:** And Mark did a great job. [inaudible]

**Bridge Littleton:** A.J. I have one quick question. Do you have the date for next year? That way I can plan my flight again right now and [inaudible].

**A.J. Panebianco:** We'll give you the date for sure to be accurate. [laughing] Tuesday of August.

**Peter Leonard-Morgan:** I would like to just comment. The mayor was actually there. [inaudible] For half of the event.

**Bridge Littleton:** But I would have been wet on the plane [inaudible] I want to spend as much time at the event as possible.

**A.J. Panebianco:** We do appreciate all the support that council gave [inaudible].

**Bridge Littleton:** Very well done. And the last one is town attorneys report any questions for Martin? OK. Perfect. We're going to move on to the next. OK. Any reports of town committees or town liaisons?

**Kevin Daly:** Two items. One we already know Vivian's left spoke upon and I did a full transparency. I am a member of the Emmanuel Episcopal church. I did a reconnaissance of the area of the VDOT construction and there a big culvert this comes under the heading of public safety. This runoff is exposes for grave sites to possible erosion and exposure. So I think this is something that needs to be addressed looked into a little bit more deeply so that we don't have. Somebody's aunt uncle grandparent suddenly exposed and the coffins coming up. This is someone wasn't watching what they were doing when they put that pipe in. The other item and I put a recommendation out Martha through the town a lot of people have been coming up and telling me that there are skunks raccoons oh my in the town. And sometimes brown bears do come down. But I'm noticing walking around the town a lot of people a lot of

businesses leave fruit vegetables and other shmorgishborg style items laying about. This is a great hunting ground for those animals when they come in. So police put out something in the notice paper. Clean up your own areas. Discourage the animals from coming in and enjoying a midnight snack or the skunks or the raccoons.

**Peter Leonard-Morgan:** Just to follow on about The cemetery. It's also a lovely walking path [inaudible]. It's a public service even though it's a private facility.

**Bridge Littleton:** Any other staff committee reports?

**Darlene Kirk:** Why don't we put a notice about not leaving food out [inaudible] in our next [inaudible].

**Rhonda North:** Tina already has it scheduled to go in the Friday newsletter tomorrow.

**Darlene Kirk:** Great. OK. Thank you.

**Bridge Littleton:** Anything else? OK. Next one action item resolution Commonwealth Virginia 457 deferred compensation plan. So I think it would actually be helpful. Who did the memo. Ashley did the memo. Martha do you want to speak to this briefly?

**Martha Mason Semmes:** Sorry. Yes I can speak to this briefly on the council previously approved the town's participation in this alternative 457 plan is a deferred compensation plan doesn't cost the town anything because the town doesn't match the contributions. But this allows employees to make a contribution out of pre-tax dollars into the funds that are organized by and this particular one is run by. I thought it was the compensation plan. [multiple speakers] Anyway you had already approved it. There was some issue with the original resolution and so this one is a corrected resolution and so they've requested that we adopt it.

**Bridge Littleton:** Do I have a motion or any questions for Martha? Do we have a motion?

**Darlene Kirk:** So moved.

**Kevin Daly:** Second.

**Bridge Littleton:** Any discussion. All those in favor.

**Everyone:** Aye.

**Bridge Littleton:** Opposed. Abstentions? Motion carries. Okay next item discussion items ordinance amendment ordinance amendments related to Consolidated billing. So Tina are you covering this or is Martha covering this? OK.

**Martha Mason Semmes:** Actually I think Rhonda and Martin are the ones that prepared this. I mean I know in general what it's doing but they [inaudible].

**Rhonda North:** So as a part of the consolidated billing with the county we need to bring our ordinances and our procedures in line with the counties so that county treasurer can take over the billing and the collections. There are a few things that that that's going to require under the vehicle license. We will have to increase the fee for motorcycles from 15 to 25 dollars which requires a public hearing. There also will be no stickers after the ones that are sold this year. Because if we sell them next year and then the county collects in the spring we would be double billing for that. So this would actually be the last year that folks would purchase a vehicle sticker through the town. And as far as the ordinance on real estate and personal property taxes there are some fees that the county charges that are different than our fees return check charges. They have additional penalties if you're late paying if they have to go to collections. There's a collection fee. So we have written all of those now into our ordinance so they can be collected and then the final ordinance is our return check fee. We do not want to increase our return check fee for other items

other than the real estate and personal property and motor vehicles. So so we have simply added a clause saying you know unless otherwise specified it remains as as what we have have been charging we are required under our Memorandum of Agreement with the county to have all of this in place by September the 15th. As I mentioned we do have to have a public hearing because of the rate increases and some of the new fees. And that is scheduled for your September 13th meeting. You will be able to adopt it that evening so we'll be able to meet the terms of the agreement. But we just wanted you all to be aware that this was for them.

**Bridge Littleton:** So there's no action for us just schedule a meeting schedule a public hearing. Right. Anybody have any questions for Rhonda or Martha on this?

**Peter Leonard-Morgan:** Just one question about the [inaudible] once the next one is [inaudible] residents get a different one?

**Rhonda North:** No the decals [inaudible]. Yes the county will collect the twenty five dollars however they will not issue decals so you will just be charged the fee and there will be no decal to go along with it.

**Peter Leonard-Morgan:** So there's no way to prove they paid it.

**Rhonda North:** The county will go after them in the form of collections if they haven't paid it.

**Bridge Littleton:** [inaudible] So yeah the decal fee. You won't get a decal anymore. [inaudible] They've changed it. OK. That's great

**Kevin Hazard:** [inaudible] So we're going to have a December sticker right?

**Martin Crim:** [inaudible] Come up to the microphone please.

**Tina Staples:** [inaudible]

**Kevin Hazard:** Through the spring of next year?

**Tina Staples:** It will actually go through all of 2019. [inaudible] [multiple speakers] [inaudible]

**Rhonda North:** Actually the way we've written it. The ordinance goes into effect November the 16th of next year. So from that point on no sticker is required. And then in the spring the county will do the billing.

**Bundles Murdock:** I just want to warn people that if you're having your car inspected and they're not aware that Middleburg is keeping their decal they're ready to take it off so you have to fight like mad [inaudible]. Make sure they don't take your decal off because you have to pay to replace it. [multiple speakers] The former mayor's daughter. [multiple speakers].

**Rhonda North:** And actually what we've done is we've gotten the new stickers early and we've just started selling those to folks who need to replace you know the sticker and then that you know takes care of it for them. They're done.

**Bundles Murdock:** Is that supposed to be the new sticker gets put on the left. [multiple speakers]

**Bridge Littleton:** Ok. Any other question about the consolidated billing? OK great. Thanks Tina. Next is the discussion on the Chinn court paving. So Will you're back on deck.

**Will Moore:** So many many [inaudible] last week [inaudible].

**Bridge Littleton:** Since 24 hours ago when we spoke?

**Will Moore:** Just a very quick background for the benefit of the audience here. When the village hamlet subdivision plat was approved by the town in 1977. It shows Chinn Lane which goes down the hill [inaudible] and then ends at a cul de sac at the bottom. It shows a separately named [inaudible] which is the subject of this to the sides so our subdivision plat does call it as Chinn court when it was built out in and around 1980 1981 what happens is the approval of the town of that subdivision plans 1977 and its subsequent renovation that transfers title to those rates of way to the town. What happens subsequent to streets actually being improved is the town submits a request VDOT to accept street and or streets into their system for maintenance. The resolution that the council passed in 1981 requesting Chinn lane to be accepted did not name Chinn court separately. Whether that was just a typo or just administrative overlook or something like that VDOT maintains that Chinn court was never accepted into its right [inaudible]. So they gave us as I outlined in my memo a path forward to getting it accepted is that it would be theirs to maintain in the future and that path as last week involved and as early as this week involved it being reconstructed in the same manner that Chinn Lane and most of the streets on the north side of route 50 in town are being reconstructed which is the full reconstruction of the street. This was not part of VDOT project so it was going to be on the town or private individuals to fund that. So that's what we discussed up to this point. It was our understanding even earlier this week that that would be the only way in order to get that street accepted was to go through the full depth reconstruction. I've been working for about two weeks with the contractor to try to make this happen. Contractor was willing to give to us the contract prices so we might have had an opportunity to quote ride the existing contracts so we wouldn't have to go out for separate procurement to do this we would get the same unit prices. It was estimated somewhere between very low end 22000 or high end Thirty thousand dollars to get this accomplished. However the contractors made concerns because this going to be a sign agreements [inaudible] VDOT ongoing contract was that this could create an issue with him getting his work accomplished in time and staying on schedule with the VDOT project. And it literally came down to a decision yesterday afternoon that he had made that he was not going to be able to delay pulling down the coat the first coat asphalt on Chinn Lane. He was going to try to only build it from [inaudible] up to where Chinn court starts and leave the remainder of it reconstructed base layer basically a dirt road and then try to get in to do it but he just realized he was going to be unable to keep his schedule. So he went ahead and paid and the issue then became cannot take that equipment that is used to do the full depth reconstruction over the payments so you can't take [inaudible] to do that. So the opportunity to do full depth reconstruction went away. [inaudible] But yes possibly good news. So we this morning I was in discussions with [inaudible] from VDOT and we're looking into alternative ways in which they might be willing to accept [inaudible]. So they seem to be backing off from the insistence that it would have to be reconstructed full depth. So right now we're exploring the possibility with VDOT and with the contractor of [inaudible] so taking off [inaudible] the top coat down. So that is in the exploration phase right now. If for some reason that doesn't work out we will continue to push for acceptance basically as is. That would not be ideal you know to have all [inaudible] but it would at least solve the issue of ongoing maintenance so if a pothole appears it would solve the issue with Mr. [inaudible] and his neighbors [inaudible]. So those are all in the works right now. What I would recommend council is if you're willing to do so would be to make a motion this evening authorizing your expenditure of funds up to not to exceed amount and you can still include that 30000 dollar figure although we know it won't be that now. But I don't have a good alternative figure to give you for [inaudible] overlay at this time. If you make that authorization now then we can work out the agreement with the contractor if he is able to perform an overlay and we can go ahead and take care of that. So we could end up getting this done for a lower cost. And quite frankly I think [inaudible] doesn't need to be reconstructed [inaudible] So it could end up being good news in that it could end up costing us less to get this done.

**Bridge Littleton:** Any questions for Will on this?

**Bundles Murdock:** How bad is as would be as is. I mean how I'll ask you because you live down there. How bad if we had to accept it as is?

**Peter Leonard-Morgan:** I don't live in Chinn court itself I live on Chinn lane but I know [inaudible] pretty good. I think the important thing is to get accepted into the VDOT system for the future. That's a secondary ideal to obviously have a milling and then.

**Will Moore:** I was down there recently. It has a few long cracks in the pavement but not opening up. So it's in much better condition [inaudible] it's not in that bad condition but it is still really would be a shame to not get it [inaudible].

**Bridge Littleton:** Anybody other any other comments or questions for Will?

**Kevin Hazard:** Just a comment. [inaudible] address is Chinn Lane. Has then been part of the discussion?

**Will Moore:** It's not. I think that's a deed issue the subdivision plat [inaudible].

**Bridge Littleton:** So Dev you don't really own your house. [laughing] Any other questions or comments for Will? All right so I just want to say you know Will we've talked a lot about this all week long and Dev I appreciate you call me. Was that yesterday? Feels like a century. And so I completely agree. I mean you know the goal of trying to get it all the way to whatever VDOT wanted you know that's passed us by. I am 100 percent in favor of authorizing you up to 30000 whatever it takes to. If it's just milling it and then repaving it and making it nice and clean and the best thing too is conform with the rest of the road that's being redone all at the same time. That would be the ideal thing. And then we really push hard to get VDOT to accept it. And if they don't they don't but at least we've gotten it fixed and they're more likely to accept that than not.

**Will Moore:** Ok so what I'm hearing is you would be in favor [inaudible]

**Bridge Littleton:** I would be.

**Kevin Hazard:** I would think that's a backup position but I think we.

**Bridge Littleton:** Yeah yeah yeah absolutely.

**Kevin Hazard:** And just we go for the approval first and fight hard for that.

**Bridge Littleton:** No I think Kevin's absolutely right go for the gold right and try to do it the other way first but as a backup they basically just tell us you know pound sand. They're not going to watch.

**Will Moore:** They've been really good to work with. More forthcoming on this topic then they're willing to be forthcoming on other topics that we discuss sometimes at a staff level. So I think we do have their support I'm hopeful that [inaudible].

**Peter Leonard-Morgan:** I would say if we can get it accepted to VDOT I think that really is quite important because that's looking forward you know for decades.

**Bridge Littleton:** I know Dev will be disappointed losing his exercise regimen but. So yeah I think you guys you're absolutely right. So I guess the direction is you know try to see if you can get. Was there somebody else?

**Darlene Kirk:** To make a motion [inaudible].

**Bridge Littleton:** Well I was just laying it out first. So I think the goal is number one see if we can get VDOT's commitment to accept it. And then number two if they don't. [inaudible] When they do we spend what you need to be able to get it done is a cap 30000 acceptable for everybody? Okay.

**Martin Crim:** Mr. Mayor could I ask a question. Is this an additional appropriation or is this an appropriation that's currently in the budget that we are reappropriating because that makes a difference in how that that is worded. Is this [multiple speakers].

**Martha Mason Semmes:** This would be from our contingency funds I would propose we have sufficient funds there.

**Martin Crim:** I just wanted to clarify that for purposes of this motion. So because it's an additional appropriation that was not previously done so it requires a two thirds vote of council.

**Bridge Littleton:** Okay so [inaudible]

**Kevin Daly:** I move that counsel directs city planner Will Moore to get Chinn court accepted into the VDOT approval system with a follow up of funding approved up to 30000 to re-mill and repay Chinn court.

**Bundles Murdock:** I'll second.

**Bridge Littleton:** Do I have a friendly amendment about using contingency funds? [inaudible] All right. Seconded any discussion? All in favor?

**Everyone:** Aye.

**Bridge Littleton:** All opposed? [multiple speakers] OK. Want to do a roll call vote?

**Bundles Murdock:** Bundles Murdock. Aye.

**Kevin Hazard:** Aye.

**Darlene Kirk:** Aye.

**Peter Leonard-Morgan:** Aye.

**Cindy Pearson:** Aye.

**Kevin Daly:** Aye.

**Bridge Littleton:** Motion carries. All right Will thank you and thanks for all your hard work getting us through the. I mean you got having so much fun. Okay. Next item discussion item board committee commission code of conduct. So I know we've talked a little bit about this in the past and it's one of those things where wow [inaudible] lo and behold we didn't actually have one so I think it's good that we're doing this. I guess I'll just you know the quick background I hopefully you guys have taken a moment to read it. Really what this is instituting a code of ethics and standard business conduct of how we expect anybody who works for the town whether it's a council member with town staff or somebody on a committee or commission that represents Middleburg just certain things that we expect like identifying conflicts of interest treating others with respect. You know just the normal things you have in a code of conduct. Rhonda you sent the memo out and asked for any inputs or comments. I'll ask first if anybody has any thoughts overall thoughts or general comments on the code of conduct. And then we'll go into any specific suggestions. Okay so let's just go around the room if anybody has any specific suggestions amendments or updates they'd like to to recommend. Start with Bundles.

**Bundles Murdock:** No I thought it was very well worded. Where did this come [inaudible]

**Martha Mason Semmes:** This actually was developed by staff I developed this based on ones that some examples that our town attorney gave us from a market in Manassas kind of tailored it to our needs a little bit more. I have been worked in several jurisdictions that have had these and they've worked very well

**Bridge Littleton:** Kevin.

**Kevin Hazard:** If it been worked out using other jurisdictions my first thought looking at it it seemed to be overly long and complicated for something like this but I also understand that you have to cover certain aspects.

**Bridge Littleton:** Darlene [inaudible] OK. Peter.

**Peter Leonard-Morgan:** The only comment I would have is two comments. I think it is very comprehensive and I think it readdresses an important issue and I think in this 21st century era where everything is now recorded and on video it does help us focus our minds on the fact that we're always under observation even if we think that the room is empty.

**Cindy Pearson:** I agree with Peter 100 percent and I'm glad to see this and I think it will help us tremendously with some of our committee meetings.

**Bridge Littleton:** And Kevin.

**Kevin Daly:** My past experience with a code of conduct was kept pretty simple. I will not lie cheat or steal nor tolerate anyone who does. But that was a far simpler time and today. I commend you for coming in and this is a very comprehensive code of ethics and I'll definitely support it.

**Bridge Littleton:** Martha.

**Martha Mason Semmes:** Mr. Mayor there was a one item that I noted in my memo that we couldn't include that it is a possibility you might want to include because it has to be done by ordinates and that is setting a limit on gifts that might be accepted and it might be good you know it just in light of even something that came up this evening what the fall races that you come up with a policy related to that so if you would like us to develop something like that we could you know develop an ordinance but you would obviously want to set it.

**Bridge Littleton:** The answer is yes please. That would be great.

**Rhonda North:** Actually Mr. Mayor I wanted to point out too if you look at number seven. It says no member shall benefit from a town sponsorship special event. So like the tickets that were mentioned earlier under this policy no one would be able to accept those. So more than likely the best practice would be just not to take them to begin with and that way you don't have to worry about that violation of that.

**Bridge Littleton:** I think so on that you know we and Rhonda we talked about this if the town's funds generate gifts or tickets or stuff like that I think it's great. I think it's wonderful but I think we should make them available to the public and the taxpayers on a first come first serve basis we're giving to a charity to auction off. But the policy as we have it here is neither council nor staff will have the option to use them. [inaudible] This is taxpayer money.

**Darlene Kirk:** But they also want [inaudible].

**Bridge Littleton:** That's different. So and it says in here that we're invited to participate in our public capacity. That's totally fine. No problem with that. But if we're given 20 tickets to do with as we please. And it's not because they've asked us to attend. Those were generated with the taxpayers' dollars. They are the ones who should be going first. That's my opinion. So yeah Bundles.

**Bundles Murdock:** Example the Middleburg Film Festival.

**Bridge Littleton:** Absolutely. That's the biggest one absolutely.

**Bundles Murdock:** That's the big one and they've been very generous to the mayor and members of the town council in the past. I think they enjoy having representation from the town because we partner with them and everybody loves everybody. So what happens to that.

**Bridge Littleton:** So here's what. This is the way I would propose that we handle it if they would like the whole town council to be there opening night they can invite us. But if they also because of our sponsorship give us 20 tickets to events those tickets are for the public. So they could especially invite us like if they wanted to invite you to come they could stay Bundles we would like you to come. As a member of council that would be great. But if they say Hey here are 20 tickets to do with as you please. No strings attached you know. Thank you so much for your contribution. They should go to the public first.

**Darlene Kirk:** [inaudible]

**Bridge Littleton:** We just we should not get in the business of accepting gifts with taxpayer dollars. And again that is my personal feeling if everybody here has a different view on that wants do something different. Totally understand. It is majority rules so.

**Darlene Kirk:** I don't this but [inaudible]

**Bundles Murdock:** Pushing your button the whole time you're chatting. [inaudible] but that's a gift Darlene that's different than attending an event. So I think the U.S. government works on a dollar amount up to a certain dollar amount. I mean if somebody gives you a lollipop you can keep it.

**Bridge Littleton:** It's like twenty dollars or something. Yeah.

**Bundles Murdock:** You know you don't. And but I just was worried about.

**Bridge Littleton:** The concern I have is the is the appearance of pay for play. We give them ten thousand dollars of funds which is taxpayer money to help sponsor their event and then we get tickets and we all go to the events. Right. That was a you know not pay for play. I mean we're donating it and they are graciously giving us something as a thank you. We should make those available to the public or donate them to a charity to help them raise money. But now outside of that if you know if Prem called or Sheila called and said Bundles you know we are inviting you. Not related to that then that's totally fine. Absolutely totally fine. And even inviting you in your capacity as a council member. Totally fine. But if they gave us a book of tickets those tickets should be made available to the public.

**Kevin Hazard:** I think that's a little bit of a slippery slope to. That could be a bad appearance if we're inviting you. If it's the whole council or something yes but inviting one individual might be. Here's where I think you do need a dollar amount. On a ticket of some sort. So if we're giving let's say ten thousand dollars and Bundles gets a free ticket [inaudible]. Isn't that a little. I mean if they asked the council to come in there you know in capacity of counsel. I think that's a separate situation.

**Bridge Littleton:** Well that's the right of the business owner to invite whoever they want. My point is that we give money to specific events and they in turn give us sponsorship rights or tickets to the event with no strings attached. So as an example Punkin tonight earlier mentioned you know let us know how many tickets you like for general admission we'd be happy to give them to you so we go and say hey we'll take 20 tickets right that wasn't conditioned on Bundles or me or Kevin. They gave us 20 tickets. We gave them five thousand dollars. Right. That was taxpayer money we should give those out to the community first. You know but then if the Fall Races comes in and says Hey Kevin we really like all the things you're doing on the council with planning commission we'd like to invite you as our specific guest. That is their choice. And there's no. And that's their right to do so. I will honestly tell you guys too I get invited to go speak at things or to attend things that you all probably don't get invited to. You know and that's just I mean the president gets invited to things well maybe not so much anymore. The governor gets invited to things that the state Senate the state delegates don't get invited to specific delegates get invited to events that other ones don't. So I mean that's sort of a normal course. That's their choice. [inaudible] Exactly. Exactly. Yeah exactly. I just I would like whenever we donate money to some kind of event or something and they give us something in return with no strings attached that we make those available to the public. It's not us. Well they say hey look we'd

like give you five things because we want the mayor there or what the mayor and the vice mayor there. It's a different story. It's hard. Yeah sorry.

**Cindy Pearson:** Shouldn't we then have the application that we give to like a film festival or fall races a little explanation of that?

**Bridge Littleton:** Great idea. Absolutely great idea. Do you intend to give anything to the town as you know an appreciation in recognition for the contribution? It's a great idea. But we appreciate them and we're going to make them available to the public or donate to charity.

**Martha Mason Semmes:** I would just suggest it might be easier just administration wise and not worrying about if you're going to somehow have hard feelings about who gets those just not accept them in the first place. I think that's kind of what I heard Cindy saying.

**Bridge Littleton:** So let me recommend this. I think we all need to think about this some more. It's a very important issue. And to Kevin's point and Martha's point you know 90 percent is pretty straightforward. But there's 10 percent the times where it's Oh yeah what do you do about that. You know. So let us think about it some more and let's see on the next meeting. Yeah. And Martin I mean you know Rhonda Martin Martha you know give us some suggestions on your thoughts and input. Let's put our thinking caps on some more and think about you know how we want to do this right. And we can revisit this part at the next meeting. And Martha that needs to be something specific by an ordinance then we'll then we'll do an ordinance as well.

**Martha Mason Semmes:** Yes so I would just also suggest in that light that you think about that dollar amount. I think I just threw in fifty dollars as an example of some that a lot of people will use as a gift which is different then the ticket.

**Bridge Littleton:** I would do this recommendation. Make our number whatever the federal government number is. They have a lot of smart people who really think hard about what that number should be and as they change it that way we don't have to go back and update stuff. Ok. Not yet. So we will have that. We'll just fidget that one issue at the next meeting. Yeah table that issue to the meeting. There were a couple of things I want to throw out for you guys on the policy that I just noted. So in the first section which is under code of ethics. Number 12 which is about people talking to the media and stuff like that in the press and you know all those people. Yeah right. Council's one thing committees are another thing. Not that we don't want people to talk to the press and whatnot but if people are going on are on committees and commissions they should have training on the right way and what to say and what to do. In talking to the media if they get questions so just be. What does that mean. You know what's the obligation what are they required to do what they're not required to do you know make sure they know what the rules of the road are. Darlene.

**Darlene Kirk:** Haven't we always sort of said that. Thank you for speaking for the town. It's generally the mayor or Martha but if you're speaking or ask a question you're speaking. You can say as a committee member this is my personal opinion.

**Bridge Littleton:** I don't think we've ever had that discussion with any committee member as to what should or shouldn't be done.

**Darlene Kirk:** [inaudible].

**Bridge Littleton:** But if they don't know that. Yeah. We have 12 committees. I mean we may all know that but they may not. Absolutely. Number 16 that one to me does not seem like a code of ethics that's more either a standard of conduct or just how we expect people to operate. You know don't interfere with the administration the function of government. That's not really that's not ethics. I'm just you know it's a good good piece just probably wrong spot. Under standards Number one I really recommend we remove the word predominance. OK avoid during either public or private meetings and during the predominance of public duties the use of abusive threatening or intimidating

language. No. It's just flat at all you know not predominance of your meeting just use any abusive threatening or you know harsh language that won't be tolerated. [laughing]. Forty nine percent. You're good. Yeah. OK number next one understanding of conduct. Number two I recommend we just remove that altogether. Somebody is tax status with the federal government is irrelevant. That is not a standard of conduct. You know conduct is how you conduct yourself. Number five this is actually already covered in one of your policies in the ethics section. So it's just redundant. Number eight I would recommend we add this. I can type and sent to you. Each member serves as a representative and face to the town of Middleburg and is expected to treat others at all times with dignity professionalism and respect regardless of the form. I would add that to number eight. Exactly. But I can type that and send it to you. And that was it. This is [inaudible] & conduct. It's got two sections so thank you Kevin. Very quick tonight. OK. Any other questions on the code of conduct ethics. OK. I think that would be great as you guys circle back on that get it out to us. I think the goal would be to have a final review next meeting and approve it an adopted. Next meeting [inaudible]. September 13th. Right. Ok. Next one continuation of board committee review. Tell you what. I think we're going to switch the order of that implementation of compensation study. Shawn is here. Let's jump to that one. And then we'll come back to the other one. Shawn thanks for coming in again we appreciate it.

**Shawn Patton:** My pleasure. Good to see you all. You too. [inaudible]

**Bridge Littleton:** It's the compensation guy. That's what happened. [laughing] [inaudible] Well Shawn thanks for coming back and doing the work. We actually go back and take a look at we really do appreciate your time. And I think I'm going to turn the floor over to you.

**Shawn Patton:** I understand you all have electronic copies of the presentation.

**Bridge Littleton:** We do.

**Shawn Patton:** What we want to do tonight is on own slide 2 we wanted to quickly cover what we completed in the July 26th meeting. And in that meeting we had reviewed the project scope. We identified what exactly it was we were trying to do. We had adopted the compensation philosophy statement for your memory that was talking about fairness and dignity and transparency in the whole process. We held a very high level discussion of the current personnel that should have versus the labor market and talked a little bit about some recommendations. But primarily the next bullet point is where we want to go tonight. We had reviewed and discussed strategy option one with which was the pure COLA approach. And we had discussed option 2 which was a true pay for performance approach. But the decision after our discussions was really to adapt a modified version of both of them. And so I call that simply a COLA with performance modifier. And again I've got some examples in the back. We introduced a couple of terms like comp ratio and a market ratio. Real quickly on Slide 3 that was the option one, just for your memory of the COLA. And we really decided that just wasn't flexible enough of what we were trying to do. Slide 4 which was the pay for performance approach. Still good, has some good options. But again we thought it was a little bit too aggressive. In those situations increases tend to fluctuate widely and that seemed to be a little bit too aggressive and not appropriate for an employee base of this size. So Slide 5 is really where we want to focus our attention. Strategy option number three and basically what would have called or title it is cost of living adjustments or COLAs with a performance modifier. So essentially what that would be is you would continue to go through your financial process of identifying the budgeting process of identifying amount for cost of living adjustment and then adjust that upwards or downwards slightly based on the employee's performance, their productivity, their level of successes, is what I'd like to call it. And again I underscored a document because when we do this we want to be very clear as to why the upward or downward swing. when you have a performance management discussion with your employees and you know what the budget is, when you have that discussion, the employees pretty much are going to have an idea in their head what they're going to get. It really shouldn't be a secret, you know. If you attained 100% of your goals and the budget was 3%, I'm thinking I'm going to be at 3%. If I didn't I think I'm going to get low if I hit it out of the ballpark I'd think I'm going to get more. So again this gives you a little bit more flexibility. The line still to that compensation philosophy of fairness, dignity, and transparency. This gives you a little bit of perceived fairness, better perceived fairness among the most high employers, gives you that flexibility that you're looking for and still counteracts against inflation and continued comparability with the labor market. You're still

kind of getting the increases that most employees are getting within the market. So before I go on to that was there any questions or any thoughts does that still sound like the way you want to go with your approach? Silence is gold. So here I came up with a couple composition scenarios that we want to look at. So if we focus on Slide 7, this is the strategy option number 3 scenario 1. So this isn't as simple as [inaudible]. So your employee gets a 100% payment of their documented performance goals so they had four or five minute performance goals they were to achieve during the year. They accomplished all of those goals recommend the full increase if it's a 3 percent increase give them the 3 percent. Simple as can be. Now I threw a little note at the bottom of these scenarios that the compensation discussions and decisions should occur after a complete performance review has occurred. So you want to you want to go through the performance management discussion identified goals that they attain perhaps did not obtain understand why if they did not achieve those goals was something out of their control. So you know throw that out really have that clear document performance discussion before you talk before you go into compensation and any potential increase. So that's just a footnote I wanted to put in there. On Slide 8 is scenario 2 and this is where we get into the flexibility a little bit of what you were looking for. So let's say an employee obtains 110 percent or they achieved all other goals and they say knock one or two of them out of the ballpark. [inaudible]. So the flexibility you want to have is to give them the fully budget COLA increase but then give them a positive or an up or a performance modifier a little bit of an increase. And typically that comes into generally 1 to 3 percent. You know we're not talking 5 percent and we're not talking 10 percent of that. We're talking little tweaks here that still make a difference and as an employee if you know the budget was 3 percent and hey I'm getting 3.5 I'm feel pretty good. I think I did better better than average. Keep in mind though that to stay within budget wherever you give extra weight you've got to take away is you as you know stay within budget. So it does become a math exercise at this point. But generally when you see a positive performance modifier, it's at least 1 percent if not two or three. Strategy option on slide number 9 Scenario 3. This is a situation where you have an employee that's mostly obtaining their goals. I put in 75 percent. And again I'm only looking at the goals that for some reason they didn't obtain it and it was within their scope or within their capacity. If it's something out of their control that they didn't know for example, I once had a goal of taking control of mergers and acquisitions, assimilating them into the company culture. One year, I didn't obtain that goal because we didn't have any mergers or acquisitions. So obviously it wasn't within my control, we threw that one out. So it's got to be something that's within their scope or responsibility, within their scope of control. But let's say this employee got three out of the four goals that they obtained and did not, didn't get one. So in those cases here's the downward modifier. So I would recommend something where they still receive a partial COLA increase say 2 percent. But with the budget you're actually downward adjusting them 1 percent a year you're taking away a little bit and you're very clear as to why he or she is not getting the fully budgeted COLA. And again with the with a clear performance management discussion there are going to know that there are you know why and their going to say yeah that's fair, in most cases. So this is a situation where you have the budget you pull back a little bit you encourage them to do better. You understand where their goals realizable and achievable and then you make any adjustments you know going forward. Now you know, I'd recommend that I typically recommend you don't go any lower than a 2 percent increase. I've had situations where it's been recommended I give somebody a 1 percent or one half percent increase. You're not even keeping pace with inflation these days at that point and it really becomes a little bit insulting if you know if you're trying to give somebody a 1 percent increase. So I'd generally recommend a floor level 2 percent minimum increase. You know if you think it's appropriate maybe go down to one and a half. But I really recommend no lower than 2 percent. And then the last scenario, scenario 4 on slide 10, let's say they only get 50 percent obtaining their goals. At that point I would recommend no no increase. They just didn't achieve enough of their goals. Otherwise you're again you're looking at a 1 percent increase and I think that's just not what you want to do I think you do want to distinguish a little bit, a little bit more. And then again in this case you want to understand why the goals weren't reach. Consider a performance improvement plan or PIP. It becomes a performance management session instead of really a compensation discussion. So those are four different scenarios that you can use that can help guide make your decisions and still gives you again the flexibility of what you're looking for. And again it just becomes really a math exercise because again not everybody makes the same salary. So if you give one percent more to a higher earner you're going to have to take away a couple percent maybe from a lower earner to stay within budget. So if you're really trying to stay within the budget it really becomes a math exercise and you'll take some permutations to get you there. But if you ever need help with that please, I'd be happy to do it. To help you out. You know, no charge but it really just becomes a math exercise at that point.

**Bridge Littleton:** Or you would take money from another source.[inaudible] If there is a budget shortfall because everybody exceeded their goals. Then we have to go to contingency or something like that. Ok. Right exactly.

**Shawn Patton:** And then again you've got and you've already got it built into your handbook that you've got other tools at your disposal. Like we talked about the bonuses and you know spot awards and so forth. So you've got a couple of different options that you can use and you know maybe you want to try and keep base salaries at a constant level, so use your other tools, where there one time bonuses. And then the last piece we talked about one couple just general rules of thumb and put that in the addendum, one of the terms we had talked about was the copper ratio. So essentially companies look at a couple of ratios one being this copper ratio where we're taking the employee's salary and we are measuring it against the 50th percentile or the middle point of the established salary range. Now we don't have an established salary ranges here. We developed some last time as a guidance, but if you went to establish salary ranges one of the measurement tools you could use is this copper ratio. Whereas the employee salary versus the middle of the middle of the range. We looked at this scale of generally in most cases if they are comp ratio is 80 to 90 percent, their generally new employees, entry level or poor performance but most of the times its brand new employees to that role. Really we wanted to try and get folks within that 90 to 110 percent range of, for their salary. One we try to get them in the middle spot. And it takes, usually takes a couple of years to get to that middle spot but as comp professional, we really focus on the green circle rate or the red circle rates of seeing who's outside of that range. Those are the ones we're attracted to first. And then anybody above 110 percent, you see the long term employee, long tenured, really high performers. That's great. You keep them, keep them there. One other quick point, I put as a general rule most or all employees should be paid within those salary ranges within the minimum rate and the maximum rate. Employees below the salary range unless there are performance issues or shortage of budget they should be brought up to the minimum of the salary range, so that's what I have focused first in many companies. Why are these folks below the range. Tell me the reasons and if there's not a good reason, let's bump them up to the minimum because there does become some potential discrimination issues there. We want to tackle those right away. If they are at the top of the range or even above the range, we don't recommend stop giving them money but we recommend the approach go into a lump sum payment type. So we don't continue to exacerbate the problem of them being above the range. If they were due a \$2,000 increase COLA, we would eventually change that to give the \$2,000 one-time payment a lump sum payment. So their total compensation would increase but their base salary would remain within the established algorithm. [inaudible] Exactly. And then on the the last page some of [inaudible] rules of thumb, and this I gathered from a pretty good source in HR performance solutions. So if we were looking at one of the things I think it was Philip asked was, in how many years should it take somebody to get to the middle or the middle of the salary range. How many years on the job should they kind of be at market. And this was a good structure that I found. So if you take an entry level, non-exempt low level position really should only take about two years before they get to the middle of the range. And that means they are fully effective, fully operational. It's a low level job, but they know the job front ways and back ways and their really it only takes them a couple of years to get to market. Now the more difficult the more intense are the more skilled the job the becomes, the longer it takes to get to fully to market. Generally with an exempt entry level or entry level exempt person takes about three or four years to get to the middle range. And this is assuming you're getting kind of your standard increases. Whether it be 3 percent you know as long as your performance is on target and you're moving through the salary range. Here's kind of a good guy that you can use. Middle level exempt person might take five years. Another reason is as you grow up in the salary as you go up in the salary grades, the bans get larger. The bans typically get larger because there is less there's less room for growth. You're not getting promoted as much. So we want you to move with them next move laterally versus you know horizontally or horizontally versus vertically. So the bans search to increase so it takes you a little bit longer to get to the middle spot. But this is just a good kind of rule of thumb as you look at your employees and say, where are they in terms of comp ratio. Where are they in terms of market ratio compared to the current market. And then I think that strategy option 3 really gives you the flexibility that you were talking about. Any questions or concerns on that. You know what what other thoughts or what other questions that you might have had.

**Peter Leonard-Morgan:** Shawn, I think Bridge just alluded to it but the idea of making a math task to calculate someone's increase or decrease, is kind of dodgy. I think it'd be better to have, in my opinion, better to have a budget in the beginning that exceeds the 3 percent, maybe 4 percent or 5 percent. If everyone fails you know, then you

[inaudible] budget. But hopefully you know you actually end up spending most of that additional budget because everyone's done so well. My only comment really.

**Shawn Patton:** And that's exactly right and that's a good point. The reason I don't know the restrictions you have about setting the budget. So I look at hard facts, if you set the 3 percent budget that equals x amount of dollars. That's exactly how much I have spend. I did this once for fourteen employees and they gave me x dollar amount. It took me four or five hours if I spent to the penny, I spent to the penny because I wanted to stay within budget but give out every penny that I could to my employees. So it does come a math exercise and depending on how you decide the budget, you can always do that. And if you have extra, great you know keep it in reserve you know. In those cases, I say don't give it to them unless they deserve it. Don't give them just because you have money. You want to have documented reasons as to why. And that speaks to your comp philosophy. Fairness, transparency and.

**Cindy Pearson:** Not sure if this is the exact spot for this but it's in a small office of course when one person has a project to do it takes the whole office to get that project done. So it's kind of hard here to go project wise. I mean I know there I like the part where you have the money set in the handbook you know for those projects like with Tina doing what she's doing right now.

**Shawn Patton:** Spot awards.

**Cindy Pearson:** Yes, spot awards. That's great. And is it the town administrator by themselves or is it that personnel committee or whatever it's going to be called these days that does this. When I was on Visit Loudoun forever I was on their Audit HR Committee and boy they had those accelerators and I mean that was a nightmare. It was more than one person's decision on whether that person should get what they should get. Is that built into this too or is that just a decision from us?

**Bridge Littleton:** I think that's a decision for how I think and Shawn, correct me if I'm wrong in your experience. I think what this is is this is the framework under which a supervisor would evaluate the performance and COLA adjustment of an employee. So you know Martha's got six employees. She sets out five goals per employee each year. It comes time for performance review and everybody hit all five goals and Will did four more than he wasn't supposed to do. So all of them get the COLA and then Will gets COLA plus a little bit more because he went above and beyond did things that weren't on his task list. I think that's it.

**Cindy Pearson:** My question is when they didn't. Who helps decide and the reason because you gave some explanation maybe that you didn't have those whatever that one year, you couldn't reach that goal because that wasn't an option.

**Darlene Kirk:** But that shouldn't be the employee's fault.

**Cindy Pearson:** Right.

**Bridge Littleton:** No no I don't think we're saying that.

**Cindy Pearson:** Other reasons.

**Bridge Littleton:** I don't think we're saying that. I think what we're saying is and again this is for all of us to decide. Right. But I think the idea is this, you have five goals, I'm just going to make them up, right, you have five goals that truly you own. I mean those other things where everybody has to participate for Christmas in Middleburg. I mean that's kind of different. But you know you own it like Will owns zoning applications and the execution of the comp plan, whatever it is, right. If you got those five goals you get to the end of the year, you only accomplish four of them. But the reason you didn't accomplish the fifth one was because it went away. Like we thought we're going to have to do it then we no longer had to do it. Well that wasn't anything to do with that person, so they hit 100 percent. But if you have a situation where a person has five goals and they accomplish four of them because the fifth one, they just didn't do it. That's lack of performance so then that comes into the calculus that you didn't hit 100 percent,

you hit 80 percent. So or wherever the math is, I guess it's the right math. Yeah. So you're going to go from 3 percent to 2.2. I think that's the framework we're thinking about, but it's the person's manager and I guess the personal community would oversee that you know review it make sure it's right. I think it's the person's manager who's responsible for all that.

**Shawn Patton:** Exactly. And that's a great question. So Martha and her six employees, she could have four that attained a hundred percent of their goals and two that knocked it out of the ballpark. And she wants to give extra. She should at first submit extra for those two that went over and then go to whomever, go to Bridge or go to Darlene and say, Bridge, Darlene, I'm going over budget for my you know my, is that doable. Bridge may say yes. Kevin came in under budget. We have the additional money for it. So it's really a budgeting exercise. But Martha should still at first submit following that adopted guideline of I have two employees that accomplished 125 percent, I at least have to propose it and then again it becomes that math exercise where you said yeah you put in additional 2 percent each extra Put in one point five and see how the math works.

**Kevin Hazard:** Just looking at this. So I'm an employee and I read 75 percent of my performance goals. And we have a cost of living has gone up 3 percent. So you're really not going backwards is what you're saying.

**Shawn Patton:** Right. Right.

**Kevin Hazard:** So it's not that they're not getting a raise they're actually getting slightly less money than they got before. Right.

**Bridge Littleton:** I was thinking the same thing. I think what we can do is we can set a policy that it will never be any lower than inflation. [inaudible] You know, that's the baseline, right. And then it's the whatever we decide is you know so it's let's say inflation's 2 percent this year and we authorize one point five percent on top of that for 100 percent achievement. And if someone gets 75 percent. Well then you're sticking with inflation. But we could I mean we could do that set inflation as our floor. Yes.

**Cindy Pearson:** There is the problem with doing that with inflation though because you might be back at your budgets tight and you won't be able to hit that inflation number again which it has done over.

**Bridge Littleton:** It's a policy. I don't think we would do it as an ordinance. We do it as a practice and we adjust as we need to.

**Shawn Patton:** I looked at that time is running 2.9 percent. So it's going up. So just try to get that flexibility while that's a good thought. I don't want you to get yourself tied into something you're going to regret later. Now you may think about that when you were doing the budgeting process. But do that part first before you do the compensation process.

**Bridge Littleton:** And in fair, I mean you know we had years when they were tight no matter how great your performance was nobody got a thing. It was zero and we always, I mean, correct me if I'm wrong, we always retain that authority. Yes so we will be, the analysis piece at the beginning but then there's the budgeting piece. You know Shawn's calling it budgeting exercise I call it a budget, you know it's more than an exercise right it's not a spreadsheet it's a really consideration of the pluses and minuses.

**Shawn Patton:** And I think what employees want again is transparency. Hey I know I did great this but the company's [inaudible] and I know you don't have the budget. You were honest with me at least, I understand. Yes it stinks but we're all in the same ship.

**Bridge Littleton:** Any the other questions for Shawn?

**Kevin Daly:** Just a recommendation, but what are we basing it on? Consumer price index as far as what inflation is. Are we going to use the same index that the government uses for Social Security COLA which right now as you pointed out set at 2.9, but in October they come up with the final figure.

**Shawn Patton:** That I would want to, that I think we should consult with your colleagues [inaudible] and how they do that budgeting process. That I don't feel comfortable saying either or so I would talk to your peers and see how do you come up with your budgeting process and inflation in the past four years has varied quite a bit. Couple of years ago it was almost nil. It jumped up to 2 percent now it's jumped up to 3 percent. So I would want to understand better how to do it. Now I've come from mostly the private sector where were you look at we do market studies based on supply and demand. You know all that good stuff. So the more information they probably want. The comp is generally everybody knows it's going to go up 3 percent each year and as much as a comp professional I like to say they're wrong. They're actually right. They actually right. It varies. It might go 3.2. They're saying 3.2 next year, but it's not far off from that 3 percent. The only difference has been more companies now are using the variable pay, the incentives, the bonuses to really make a difference in the budget.

**Bridge Littleton:** Peter?

**Martha Mason Semmes:** It's me. Hi. Thank you. I just wanted to note that I hadn't had time to really look at this I'd like to be able to digest it, talk to my staff about it and come back with some recommendations and thoughts from the staff as well for you all. Just think that you would need to have that benefit. I know one of the difficult issues that we deal with, and I'm sure they deal with this also in the private sector. My experience in government is there are some people that just have a kind of a routine job like so they don't have a project right? They're only processing utility bills or they're only you know and on some of it you're dependent on people coming in and doing something right. Like for example if Will's processing zoning permits what would his goal be? I mean you know and that's the things we need to talk about. I'd like to talk with you all about you could say you want him to process every zoning permit within a certain amount of time, but you certainly can't say he's got a complete you know 10 zoning permits a year because who knows how many were going to come in. So I just want us to be aware that we need to characterize if you're going to rely on performance management for any part of this. And I remember back to when Shawn first talked to us he kind of because of the size of our organization and the fact that we're a lot of times departments one and/or if there's a project we're working together on it that it sometimes becomes difficult to get the performance based goals. And I'm also a little concerned that if you know we have to be careful in setting those goals that we all understand what those levels of goals can be because you can get to a point where the staff will they'll set a goal that's so easy to attain you're not challenging them to set ambitious goals I guess if you're penalizing them for not getting there. Do you know what I'm saying?

**Kevin Daly:** If I may intercede on that. One of the things we had from my past was management by objective and it's a management issue. I, as manager, sit with my subordinate. I say what are your objectives that you say you're going to complete. They may give me five. I said OK I like those five. However, those are too easy. I'm going to give you one additional one which is going to be your reach objective. You got the other five, but you got to work a little bit harder for this one. They understand what their objectives are. You understand what their objectives are. They agree to the objectives that they're going to reach and in a situation that you have in here every individual staff member you have has a slightly different job so their objectives are going to be slightly different. But it's something you as manager and they as subordinates work out and agree to together. So there's no surprises at the end of the evaluation period when you come up and say Not only did you fail to meet your four substandard objectives, but you didn't even an attempt to reach the reach objective.

**Shawn Patton:** And Kevin brings up an excellent point. I've see situations where I've been required to submit three or four goals on my own and then my boss my supervisor would add one on top of that to help keep us aligned together in line with the company. So something that you could do is one of the goals be dictated by your supervisor identifying goals. You're absolutely right. So you have a generally routine job it's hard sometimes to hit something out of the ballpark when you're required to do this kind of routine job. Very quick example I had a Senior HR Generalist who's primary duty was labor mapping so as these proposals came in. They need 10 software engineers, five mechanical engineers and so forth. We would do the labor mapping. We would match the hobs we had in the

company and provide some recommended rates of pay and what they could expect to pay. I told him I said it's not you didn't hit it out of the ballpark because you these labor mappings this year, you hit it out of the ballpark because you did 500 labor mappings this year. You went way above what was expected of you and that's where you hit it out of the ballpark. So you have to not only look at the duties, but you have to look at the scope and say what can they do to really hit it out of the ballpark and achieve 110% or 125%. That really good performance management discussion from the beginning of identifying clear and achievable and you know reach goals if you're wanting them to reach establishing those goals.

**Bridge Littleton:** And I think you know Martha to your question I think everybody who works for you you annually have expectations of what you expect them to achieve even if they have a routine job. You know they treat people with courtesy and respect. No complaints about rudeness or unresponsiveness you know and maybe it's the [inaudible] right. If everybody says hey it's great to work with so-and-so. Maybe that's the thing. But if people come back and say they don't answer my e-mails or I always get a response late or they forgot this on whatever. It can be simply that. I think you'll figure it out with each employee. As an example you know what you expect of Will every year. And that's what it is. If he doesn't meet with that expectation is there's the issue. So I appreciate that. I think we want to have a full you know all the way around the table discussion to make sure we do it. But every job has performance expectations. That's why we get paid because we're performing. And if we perform badly you know. On the reverse side we perform great we should be treated as such. So Shawn before we go forward anybody have any other questions or thoughts for Shawn? Okay. Hey Shawn. Thank you very much for all your hard work. We really do appreciate it. It's been very very helpful for us and I think your approach to sort of a modified way to do it for government is it's a good start for us to figure this out.

**Shawn Patton:** And it doesn't tie you to do it every year. give it a shot.

**Bridge Littleton:** Yeah. Exactly.

**Shawn Patton:** Make this a year you give it a shot and try it, see how it works and if it doesn't, adjust it.

**Bridge Littleton:** Yeah it's a framework to start with. Yeah. Perfect. Thank you very much. Martha.

**Martha Mason Semmes:** Yeah the only other I was going to bring up if you wanted Shawn to stay around later to have that discussion about compensation for individual positions or not?

**Bridge Littleton:** I think we're good. We've got your framework here and also what the metrics are and how they work. I think we're good. [Inaudible]. OK. Sounds great. Thank you Shawn.

**Martha Mason Semmes:** We'll grab you again.

**Bridge Littleton:** OK. Next on the agenda. We're coming back to the discussion of board and committee review. So first Rhonda thanks for putting everything together in these really cool block outlines to sort of conceptualize how it looks. I did a lot of deep diving on this stuff. What's that? [Inaudible]. But that's closed session. So the discussion with Jeff's in closed session. Right?

**Rhonda North:** Right.

**Bridge Littleton:** Yeah. OK. So sorry Jeff, apologize. You've got one more thing to suffer through and you're suffering through org chart., so I know it's exciting. [Laughter]. Anyway, so real quickly. So we've really got three basic. So I just want to remove from the discussion, if everybody is ok with that, regulatory committees. We've got HDRC, Planning Commission, and BZA. They're regulatory commissions that have statutory powers and do what they do. They exist, are always going to exist. I mean was everybody comfortable with us removing them from discussion because they are what they are.

**Bundles Murdock:** Yup

**Bridge Littleton:** OK. So from that we basically got three types of committees or boards or councils whatever you're going to call them that we currently have in our structure. One is committees of the whole. The other is staff committees which are very much kind of an ad hoc structure. And then we've got actual town advisory committees which we authorize through an ordinance and we can grant them powers and we appoint people and stuff like that. So as I understand it and I went and looked at Loudoun County, they have three committees of the whole. And what a committee of the whole is it's a committee that every member of the council sits on, but one person or more than one person is the representative who does the day to day or month the month of that and then brings things back to the council as a whole on an as needed basis. So yeah.

**Darlene Kirk:** Can I just add something on there?

**Bridge Littleton:** Yeah.

**Darlene Kirk:** We used to not be that.

**Bridge Littleton:** Right.

**Darlene Kirk:** [Inaudible] came in and that was his decision to make everything in council committee of the whole. We ended up before that we would have smaller groups of three or four that would meet regularly.

**Bridge Littleton:** Did you find it efficient or inefficient the older way or the newer way?

**Bundles Murdock:** Depended on the committee.

**Darlene Kirk:** Yeah it does. I think the first the older way was a little bit more convenient because we could bring you know like when we do the property committee.

**Bridge Littleton:** The ad hoc. and it will have a different a. To it and you don't have to rethink it. That's OK. And Bundles you here when it was [inaudible].

**Bundles Murdock:** [inaudible]

**Bridge Littleton:** Ok. Which did you think was a better approach?

**Bundles Murdock:** It's so much on the committees on the type of committees. I can't say which will be better.

**Bridge Littleton:** OK. All right so as of right now we have police and public safety which is Kevin. We have on our town charter land use. I don't know it's ever done anything or met. [inaudible] OK [inaudible] What did it do? I mean there's nothing there's no charter of it. So what did you do? Ok.

**Darlene Kirk:** We talked about possible ideas for things but nothing was really accomplished. I don't think it had a goal.

**Bridge Littleton:** OK.

**Darlene Kirk:** If it did maybe that would help.

**Bridge Littleton:** So I'm throw this idea out land use outside of the town in the Middleburg and our relationship with Loudoun County and what they do in their zoning and land policies and all that stuff is obviously becoming very much more important to me that's what land use kind of sounds like you know how is the lands and all around us handled and managed. Is there desire here to actually constitute that formally either in a committee as a whole or a separate committee or add it. I hate to say it as a requested additional task of the Planning Commission? And I

don't you know Will I mean your input on time commitment. Kevin your thought on what that might mean for them or whatever. Or is it just not worry about it.

**Kevin Hazard:** When I was looking at it and then you were talking I was thinking well that's really what the planning commission does.

**Will Moore:** [inaudible] was done before the planning commission existed. Planning Commission essentially is your land use committee. That's my take. That would be. [inaudible].

**Kevin Daly:** There's certainly a lot of overlap and it would be you know a case a redundancy to have two separate organizations basically doing the same type of work and having a coordinated effort. Land use city planning. You can't separate them. I think that would be very inefficient.

**Bridge Littleton:** Kevin how do you feel?

**Kevin Hazard:** I agree. Again I was thinking that as I read that that really is the planning commission [inaudible].

**Darlene Kirk:** But do you all have time to look at sort of the greater Middleburg area and be able to do what you need to do to keep an eye on that and keep us up to date.

**Bridge Littleton:** It's a resource question.

**Kevin Hazard:** And in response to that. I know that Eric now is the liaison to [inaudible]. [multiple speakers] And he was happy to do that. And really in his function as head of the planning commission. So we right now we are very busy with the comp plan but when that's done there's got to be time to do a lot of things with that. And that's a very brave group.

**Darlene Kirk:** I just don't want to [inaudible].

**Bridge Littleton:** Here's what I would suggest then. And I can help you. I mean with the Loudoun piece I can help you guys. But you know maybe identify the one or two things that would you know we want to make sure we always keep a bead on one of the things I've asked the county about is and they committed to doing it. So we'll see is a towns and Planning Commission's from the county and planning commissions and the towns having a regular touch base maybe it's once every six months. Here's what we're thinking about. Here's what we're worried about. What are you doing. Here's what we're doing and maybe what we do is bullet out with those two or three things are to make sure you guys have visibility on it. And as you know start engaging if it becomes too much of a time drain or you need more resource then we can look at adding a person to the Planning Commission getting Will part time help or whatever it is. But let's figure out first if it is too much of a heartburn and headache. Does that feel good?

**Kevin Hazard:** That seems quite fair.

**Bridge Littleton:** OK. Will any issues with that? OK. So yeah. So what we'll do is we'll take land use out and just add that functioning that county connection piece into the roles responsibilities of the Planning Commission. OK. So the next one we have as a committee as a whole is the personnel committee. Thinking about it I mean Darlene you served on that forever. I recommend that we keep it. And I would you and I can do it together. [inaudible] Start yeah cross domain knowledge and really have that be focused on personnel issues right solely. Exactly. And then maybe what we do is every six months you and I have the responsibility to report back to council as needed but nothing less. Every six months. Right exactly. Any concerns issues thoughts? OK. So we'll do that. And in the last one that was in there was well actually personnel and finance were together. So it doesn't make sense for them to be together. But there is a finance committee discussion as to what we want to do with that. So it could be a committee of the whole. Or it could be a town Advisory Committee or it could be a staff committee. So I've done a lot of thinking about this and I'm going to throw out a recommendation. I would like to recommend that we actually make it a formal advisory committee. And here is the reason why it's not so much just about the budgeting and looking at tax

revenues and looking at expenditures. It's also about long term fiscal policy. So as an example what is the appropriate reserve policy. How do we develop the right kind of triggers so if certain economic conditions happen we are able to use those reserves and to what degree how are we going to approach handling debt and bonds. And I know these are all hard and important things. I know I don't know the answers to them. And it would be really helpful to have people like you know Bob Elliot who's a CPA or Joe Bolling and I'm just throwing out names not that they've agreed to do anything but you know people who are in the community who are very financially savvy and have actually done things like issue bonds for municipalities understand the banking side of it versus the user side of it. I think we could just really pull in a great wealth of knowledge to help us update our financial policies. And then also monitor them over time as economic conditions change. So it wouldn't really be a thing of are we balancing a checkbook. It's really do we have the right kind of fiscal policies in place to protect the town long term. I would say that committee does exactly like every other committee they report on. You know we have a monthly report on what's going on. And anything they would recommend it would be an ordinance or a resolution or whatever. And not that we wouldn't all be engaged and fully involved. But.

**Darlene Kirk:** I mean I don't think it needs to be a committee of the whole [inaudible] I just don't want it to become.

**Kevin Daly:** Correct me if you're not saying that we advocate our role because we definitely are the ones who determine where money is going to be spent how money is going to be spent on the policy. So they may have be an advisory group but I think we should designate a member of the council to sit on that advisory board.

**Bridge Littleton:** Yeah absolutely. Yeah. I was going to recommend too because it's I mean you're absolutely right. It's really important stuff. You know times are good right now. We've got extra money that we can do things with. But now is the time to fiscally plan for the next downturn because it will come you know. And so I think you know I think somebody like Joe Bolling if he'd be willing to serve he'd be an incredible wealth of knowledge to help us think about these things they've done. They did tons of municipal bonding and just just all. And to your point Darlene they are would be like the utility committee will make decisions. They gave us recommendations.

**Darlene Kirk:** Right [inaudible].

**Bridge Littleton:** It would be I think what would it leave us with is police and public safety and personnel are still committed to the whole. So Kevin's committee is the whole town council he leads it on our behalf and brings issues to us as we need. Because I don't think we need outside experts or consultants to help us with that. I think Kevin and AJ do a great job and as things comes up they just bring it straight to us. That's to me the biggest the biggest difference. Yeah sorry Cindy go ahead.

**Cindy Pearson:** When you were talking about that committee meeting once a month. I think that might be good at the beginning but you've got to remember that there accountants they'll be accountants or financial people who can't meet all the time. I think you have to be very you know aware of their [inaudible]. Yes absolutely. [laughing] There will be no meeting in April. [multiple speakers].

**Bridge Littleton:** Cindy that's a great point. We may find out that like you know some of our other committees after we get a lot of stuff take in place. Maybe it's just a quarterly review right. You know watching stuff and making sure we're still up to date. That's a great point.

**Kevin Hazard:** I think on finance committee I think it really is going to serve two roles. One would be long range planning and two would be you know just the workings of the town to work with staff you know advice on on budgeting etc. I think that that be a great resource for our staff. So we have to make sure that it performs both functions.

**Bundles Murdock:** That was going to be my question is they will review the budget keep up with the budget. Have a say in if the budget needs to be amended.

**Bridge Littleton:** Let me throw that out to you. Do you all feel that that would be a thing that was you'd want you'd want their input on I mean like maybe tax rates but I don't know if we want them to be going through line by line on your spending eight hundred dollars on [inaudible].

**Darlene Kirk:** That's for Martha to do.

**Bundles Murdock:** But if you have a shortfall and you need to I mean you have to they have to know that they have to keep up to date with the budget. They're not going through it line by line. But if we go over or times are tough then that's when they really do need to work. I mean I was here when times are tough and we didn't have enough money and we could have used your suggestion all the help we could get.

**Bridge Littleton:** I think what they'll be really in when we get into a crunch they're going to be great. Hopefully we get the right people in there. A great resource to tell us levers that we could pull that we didn't even know existed. So I think that's kind of what you're going to. Peter.

**Peter Leonard-Morgan:** I was just going to say you know this is very important and I do think this is a long range committee so they probably don't need to meet more than once every three months. And there might be times when they'll have to do an Ad Hoc meeting for some reason. But as a bigger picture isn't it then just budget next year's budget.

**Bridge Littleton:** Absolutely.

**Darlene Kirk:** Ok this is sort of changing the whole scope of what the Finance Committee was. I think what we need to do is be very clear what we want from this committee because before it's just been budget working with the budget had not been looking long range. So we do for anything that we change we need very clear goals on what their duties are what we expect of them. I don't think we will want to waste their time going over the budget line by line. I mean that's not for them.

**Bridge Littleton:** So what we'll do is we will come up with a charter or whatever it's called. By ordinance by ordinance with exactly what the you know our expectations on the I think you guys are all right. We want it. Correct. We want to be specific on those long term you know and also help when times are tough to you know get us out of a ditch or something you know. So OK we'll take that. OK. It makes sense.

**Kevin Daly:** One note of caution. I want to make sure they don't see themselves as an oversight committee because we don't need micromanagement someone standing behind Ashley's shoulder and saying move your cursor a little bit more to the right. That's it. Now hit the decimal point. That's not what they're here for. They're here for strategic not tactical.

**Bridge Littleton:** Exactly. Strategic financial planning whatever. OK.

**Bundles Murdock:** Do you want to get long range in their long range financial planning?

**Bridge Littleton:** We'll come up with a couple options and figure out but we'll capture the sentiment. All right. All right well [inaudible] now speaker on we're going to retain police and public safety as a committee of the whole and personnel's a committee of the whole. Kevin you have public police and public safety. Darlene you and I will do personnel. So the next question. Next we go to then is town advisory committees. So did everybody have and we're not going to go over these today but we have a chance to look at these when Rhonda sent them out. So Rhonda did a great job putting this together and over here on the right these are our strategic goals. There's an alignment of a committee that might be you know a a relevant committee that would help execute and achieve that goal. So one of the things I noticed in going through it was we have the regulatory committees of Planning Commission and or see other than that most everything was either was either planning commission or EDAC. So clearly we keep in planning commission and there was a finance one here which is good. But other than that every other committee on here really didn't have one of our strategic goals aligned against it. I counted three for EDAC two for Planning

Commission and one for finance. So I think the first question is when we reviewed these last time we sort of went through one by one and looked at go green and we're in agreement that you know that committee is doing a great job we want to retain the structure their health center advisory board. That's a current one that we still need. But that will modify as we sell the health center. So that's TBD. Middleburg Arts Council. I think the consensus was that we want to maintain Middleburg Liberal Arts Council.

**Darlene Kirk:** [inaudible].

**Bridge Littleton:** It may end up not actually being a town thing but it could be a board of trustees. So I mean we have to figure out legally what makes sense. Next was the Pink Box Advisory Board. We have our next Pink Box meeting in two weeks so I'm going to address that with them there. But I believe the you know the goal is to transition that over to the museum but still have the liaison relationship with the town. Will if I'm correct your desire was to maintain the streetscape committee. It is OK. Do you see or feel there's anything in there that needs to be expanded to reduce your scope of control. [inaudible]

**Will Moore:** I think there's some discussions really [inaudible] town code section in which they're covered really just talks about trees and trees alone. So I think there are some other things that we could consider. You know when we talk about maybe we're talking street furniture are we talking actual the landscaping of beyond trees are we talking even sidewalks which sidewalk should be [inaudible] This is actually a discussion I want to have with the streetscape committee. I was unable to attend their meeting this month due to medical appointments so I hope to have that discussion in September with him. There may be some areas I think that we could look at maybe formalizing expanding their scope.

**Bridge Littleton:** Okay. So Bundles you had a comment.

**Bundles Murdock:** So my question is because I asked Punkin the other day I said Now when you streetscape is just the main street. And she said yes. So I think it needs to be expanded to town not just Main Street.

**Will Moore:** So that's a misperception. So you know streetscape kind of grew out of this private non-profit Middleburg beautification that still exists and their focus is only really main street and Madison street trees that we have there that nonprofit pays for the annual maintenance of those trees which is a great benefit to the town. So there's always been this kind of [inaudible] was formalized [inaudible] but their involvement with trees in general in town is laid out in the town code. It's not.

**Bundles Murdock:** You know when we if we ever have to be repave again and we have this tree thing. I think we should use the streetscape expertise people to help advise instead of it all dumped on Will every second of it you know I mean he did an incredible job is doing a great job on this. We do have experts on that committee.

**Bridge Littleton:** Anybody have any thoughts on streetscape? So yeah would everybody and I think we would want to ask streetscape if they would want to take on the responsibility. But do you all feel comfortable with allowing them to take on things like [inaudible] [multiple speakers] and benches and stuff like that. And that as they put together these ideas like Clay we want to replace all 18 benches in town put together a budget submitted to us and we can include it.

**Kevin Daly:** Throughout the town in Middleburg.

**Bridge Littleton:** Yeah I would say explicitly federal Washington Marshall streets from J all the way up to the community center. [inaudible] commercial district.

**Will Moore:** Certainly discuss it with I'll just share with you those are things that they routinely get into discussions of anyway and we've kind of relied on them. Much like you know Martha's told me that she assembled for her own benefit. I've relied on them even though they're not formally in charge of landscaping. A committee member did the landscape plan for us because you don't want me coming up with your landscape plan because we would have

tumbleweeds going down main street. So I don't see any hesitation from them forthcoming. But I will talk with them about it.

**Bridge Littleton:** OK and I think the one thing that you would want to impress upon them is if when we add these responsibilities that actually becomes an expectation.

**Will Moore:** Certainly.

**Bridge Littleton:** That we would want them to develop the plans. We would expect them to like benches and seating it. We would expect them on an annual basis to come forward with that stuff. OK everybody good with that? Any other comments or thoughts? Okay great. So the next one here is well-head and that's getting us into a discussion around utility as well. So it's interesting wellhead production advisory committee is an advisory committee utility is a staff support committee for Martha. So yeah it's a staff committee not an official Charter Committee. I mean Martha can you even call it a committee.

**Martha Mason Semmes:** I just call the committee because it's a group of people that gets together to advise me. So I think staff committee has the right name for that. I know at the last meeting you talked about the possibility of formalizing it their advantages and disadvantages to that it's very nimble the way it is. It certainly provides what I need including keeping the council member who has been assigned to that utility area involved and apprised of all is going on. As I said last time I could go either way I think it works fine the way it is it's nimble council certainly has a connection to it.

**Bridge Littleton:** [multiple speakers] Does anybody have thoughts on formalizing it as an actual Advisory Committee. Since it's your baby now.

**Peter Leonard-Morgan:** It is my baby and I think last time we met I was having this confusion about well-head and utilities because it's sort of in a similar boat and whether maybe there's a way to connect them.

**Darlene Kirk:** I mean [inaudible]

**Bridge Littleton:** Yeah. So I think it's a great point. And I think that so some of the folks on utility and some of the folks on [inaudible] not a utility but on well head had some thoughts and have some concerns. And it was you know I actually went and talked to Bud Jacobs last night. He spent about an hour with them and it was a very great discussion. And the question was one of the points that he made and one of the things we talked about was you having a better line of connectivity between wellhead and utility and that the feeling was that I guess the appearance was that since it was the same council member for both of the time [inaudible] was there. But the people on well-head actually really doing all the work [inaudible] are the committee members. And so there was you know there was there was a missed opportunity there. So one of the recommendations and thoughts that came out that was so well-head you know they can decide how often they want to meet but that they would have a person one of their people whether it's the chairman or somebody else whoever they choose also attends and is a part of the utility committee at every meeting. Now that increases their meetings you know meeting rhythm but you know that's what they you know that's what they sign up for. So you know it's appreciated. He was very supportive of that thought that would be a great you know way in which you make sure that he's always bringing stuff back and bring us or whoever the role is bringing stuff back and forward number one. Number two the other thought was that maybe once or twice a year utility and wellhead actually meet together. You know one of their meetings one of their regular meetings is at the same time it's together and exactly they all look at each other's plans what they're doing and whatnot. So that was the second idea I thought was very good. And the third question was and this is now a question for the council to Martha's point there's advantages and disadvantages equally on it being a staff committee or an actual Advisory Committee. But does well-head become a subcommittee of utility committee. Well it's a question right so to streamline the administration somewhat. But again that was you know not that it has to be done or anything like that it was just a thought that was out there.

**Peter Leonard-Morgan:** Are there any state issues you know with regard to grants for example with well-head. Does it have to be a certain structure?

**Martha Mason Semmes:** No. The town can put together wellhead protection committee. Any way it wants it just has to have a committee that includes wellhead protection in its mission. So it doesn't have to be a separate wellhead protection committee. It could be folded into a utility committee. You could have it as a subcommittee of a utility committee as I pointed out the last meeting if you did that you would probably not want it to be a staff you probably want to make at a council committee at that point. And it doesn't mean that I wouldn't still do what I'm doing. You may create more work for whoever the staff member is that's doing that because I don't think that the Wellhead Protection folks. Well I'm not going to be here so I just say you could do away with a well head protection committee and have its function. Some of those people could be on that function could be provided by a utilities committee because I think some of the confusion that I've seen come along and it's because we reconstituted the well head protection committee in order to get the grant that was the direction that the council took is that there's some confusion about who should do what the purpose of the Wellhead Protection Committee when it was created was to do a protection plan. That's why you needed them in order to get the grant to do the plan. One could argue that that they've done their job and that this happens in other communities well protection company kind of goes away until they need update the plan again and then it comes back. I've seen that in other communities the utility committee and I know that the well protection folks have some great ideas and we talked about this last time about things that need to be done and I think they've made some of those recommendations in their plan. And you certainly want to make sure that somebody is assigned to do that. And I believe that the people for example doing a study of our wells to determine the you know how long they might last. Or you know what an age study or something or doing a more detailed aquifer study where our water's coming from that that work could certainly be done as a project by the staff using our consultants. For example you know our utility engineers were putting out to bid because that's very specialized knowledge that they don't know that you need a separate committee to do that. I think that that could be done by a staff. But I think it's very important in your wellhead protection plan that you which I don't believe we've adopted yet. Is that correct?

**Rhonda North:** No. It's still under staff review.

**Martha Mason Semmes:** So that would be really clear. Just like any plan that we assign responsibility for those items that the council agrees out of that plan. That's important for us to key to get done. As I always recommend to you all we have a limited size staff and I do believe that committees are most effective when they have staff support because they're all volunteers right. And so I would recommend that we streamline as much as possible and that that take. But I don't want to lose the expertise of those members of the wellhead protection committee. So what I believe one idea that I had that we could make them a technical advisory committee to the utility committee so that we could pull on their expertise to help us just like we do for example the Finance Committee you're talking about would be the same idea and then leave those items that are now the responsibility of your staff who run your utility system and you're to make sure that the items that are fall into that get done.

**Darlene Kirk:** All right. How long has this been under staff review?

**Rhonda North:** The wellhead protection committee voted to recommend it to council about the middle of July. They presented it to you all during your July work session. And but you know Martha and Will are the two who would would review it and Martha's been on vacation but this schedule called for it to come back to you all in September work session.

**Darlene Kirk:** Ok. That's fine I didn't know if it's been sitting there.

**Peter Leonard-Morgan:** So my biggest concern as a newbie in utilities but understand the importance of protecting our water source is to make sure that we have we never lose focus on the wellhead. So how we do it. I think that's really important. So yeah I think if we have I think we have to have some kind of wellhead name in a committee whether it's underneath utilities or anywhere else with someone focusing on it is crucial because if we have a problem with the wellwater because we haven't focused on it that is a major issue and we don't want to have that.

**Bridge Littleton:** I think Peter brings a really good point. So I respectfully disagree. I think it's the one of the most important thing we do as a town for our citizens to provide clean water and sources of water and removal of waste. Right. I mean we do a lot of important things but if you can't read the water or no water comes out of the tap. Right. I think having a dedicated committee to well head protection of water sources. You know it is a policy and a town commitment that it is a priority for us to have focused energy and focused outside help. It's not that I don't trust staff at all. It's not that at all. But I think it is a statement of the town council that we value. It's important that much that we're going to have specific focus on it and bring it outside and bring in outside volunteers and outside help. I completely agree with you. You know the thing and we're not Flint Michigan. But the thing in Flint Michigan right. It was never because anybody tried to do anything bad. They lost the focus. You know so. Exactly. So I don't want I think we need to keep it. So the question then becomes you know where does everybody feel on that and how do people feel about utility committee. I mean should that be an established committee or stay as a staff committee or we can always you know just leave it status quo and see how it goes. Yeah exactly that's fine. But I do want to make a recommendation to well-head and the utility. So I would like you guys to and again if told if all of councils in agreement allow somebody figure out you know allow well-head to pick somebody from their committee to join the meetings that utility and be that connectivity and then just figure out how once or twice a year you guys have a joint meeting if everybody's in agreement with that any issues. Okay. Kevin.

**Kevin Hazard:** I would ask the utility people what they thought because I mean they really meet with Martha give her advice and if they're fine with a yearly meeting with this other group fine. But if they don't feel that's part of their purview then we'd have to re-examine it.

**Bridge Littleton:** I'd like to ask them do it once. [inaudible]. You never know what will happen if they do it once and it's of no value. Forget it you know but it be good to see what happens in that so. OK. Are you guys good? Oh sorry.

**Darlene Kirk:** You're recommending keeping the two committees separate.

**Bridge Littleton:** Yeah I think that's where everybody's feeling is right now. Kevin.

**Kevin Daly:** Peter you're now with utilities?

**Peter Leonard-Morgan:** I am now the council representative on the utilities committee. Yes.

**Kevin Daly:** Could I recommend that you also take on the wellhead protection. This way there is continuity between the two committees.

**Peter Leonard-Morgan:** Any concern with that is I'm on go green as well.

**Kevin Daly:** Even better. I mean you got go green freshwater I mean [inaudible] apple pie. [inaudible]

**Bridge Littleton:** Assign somebody else to wellhead because it would be too much for one person to take a well-head utility and go green. Not to mention that Peters getting EDAC and Planning Commission. [laughing] [multiple speakers]. We just had a resignation.

**Cindy Pearson:** Yes I'm raising my hand to say well some of these committees don't need to meet every month.

**Bridge Littleton:** I think the committees need to soul search and to figure it out. Absolutely.

**Cindy Pearson:** Back in your. Can I just ask a question maybe I've misheard this when you said you were talking with Bud and he said that the committee members had been doing all the work on the projects that had been staff have been doing the majority [multiple speakers]

**Bridge Littleton:** No I didn't mention that one way or the other. [inaudible]

**Darlene Kirk:** [inaudible] if you're leaving it there.

**Bridge Littleton:** No Will said value and we said let's expand their scope.

**Darlene Kirk:** [inaudible] [laughing]

**Bridge Littleton:** Yeah right. Exactly. I mean so in fairness to we've assigned a couple of people but until we all kind of alignment on what every committee would and wouldn't be. I left him open. And so by the next meeting I'll talk to everybody if there's an additional assignment or whatnot and we'll finalize all those appointments at the next meeting. [inaudible] I know we'll have a new person who will have to have something. Okay the last one here is EDAC. We delayed the discussion on that from last time. Yes. So it's totally clear and understandable we need to have an EDAC right from a structural standpoint but deeper than that. What is their charter. What are their bylaws. What do we want to empower them to do. Do we want to give them authority over actual budget. You know should they be responsible for you know events and things like that. I think those are a lot of really really deep hard questions. How does that interaction with NBPA and or anything else happen. You know we do we want to assign them a thing. Yeah.

**Peter Leonard-Morgan:** So quick question so EDAC is very important but last year Jamie came on board as our economic development director permanent full time part of me has been thinking that he's doing that role. So trying to get my head around the need now for an EDAC.

**Bridge Littleton:** OK. I mean.

**Kevin Daly:** Does it then become a staff committee working with Jamie. As opposed to being up that slightly higher level as town advisory.

**Bridge Littleton:** [inaudible] Your timing is perfect.

**Jamie Gaucher:** [inaudible] on the top of my head you are exactly right. And to Bridges point I think EDAC needs to shift or repurpose itself and bring definition to the relationship between the committee and the council between that committee and the Middleburg Futures Group between the committee and NBPA between the committee and the state and county and you know [inaudible] all of that right definitely is work that can be done just with regard to the committee setting aside how large that committee is or what [inaudible] committee is responsible for happened to be or all of that I think should be on the table.

**Bridge Littleton:** If you can't live by the button [inaudible].

**Darlene Kirk:** He does my button for me but he's not here. [inaudible] And I agree. I think he should be the head of it.

**Jamie Gaucher:** And to that point it's not difficult. But I would welcome as much input from Philip who is the council member on EDAC around. You know what the steps are so I've shared some ideas. I've also shared some ideas with the chair of EDAC. I think we have a good place from which we can start. It's just a matter of putting the pieces together and then coming to town council and making some decisions.

**Kevin Daly:** Given Philip's absence and his position on it would probably be good just to table this part of the discussion till Philip is here. And I think a great idea to get some cross-fertilization ideas going.

**Bridge Littleton:** Let me recommend this to see what you all think. I think we. Is there a consensus here that it needs to be revamped? It was started with one purpose. The needs and the goals the town have significantly changed. And you know we didn't exactly we didn't we had Cindy. But it's a different role now with Jamie. Yeah

exactly. So do we want to charge Jamie and Philip and maybe with your help from your experience and one or two other whatever you think is the right. And it doesn't have to be somebody in town. I mean it could be Beth right or the Loudoun EDAC people how do you do it. What do you do. Charge them with going out and looking at OK here's our charter. Here's what we actually do. You know this is effective. This isn't and come back. You know you guys put together what you think will be the recommendation of how you'd like to see it function operate. Is everybody comfortable with charging them to do that?

**Jamie Gaucher:** I'm happy to do that at the end of the day. It's bring more businesses bring more visitors. Everything else is [inaudible].

**Bridge Littleton:** And support the existing ones.

**Bundles Murdock:** Cindy what was that committee that met once a month was it. What did they do is that job being done?

**Cindy Pearson:** That was more [inaudible]. Oh sorry. Thank you. That was more of an informative meeting to let that businesses or anyone who attends share their what's going on. So it really wasn't an EDAC.

**Bundles Murdock:** Is that being covered now in the newsletter. I mean.

**Bridge Littleton:** Remember we're going to do a mayor's coffee once a month. [inaudible] Exactly.

**Darlene Kirk:** It's on. So what sort of timeframe do you think you could have something back to us? Are we talking a month or are we talking.

**Jamie Gaucher:** Something back to you for the next meeting. Let me check with Philip. And we'll hold that right now if it makes sense. We'll do it then if for some reason Philip and I would be meet the second meeting in September.

**Darlene Kirk:** As long as it's September time frame is perfect.

**Bridge Littleton:** OK I think that would be great. A couple quick things. You know with EDAC especially and again this is just take it for whatever it's worth right. But I think EDAC is or whatever the I mean even look at the name is the name not right. Is it something that you want to see as we want to accomplish two or three specific goals every year right. And whatever those would be or is it were a connective tissue to everything or you know think about that. And you know really wrap your head around what you want your accomplishments to be. I think that will be the key because it's economic development drives so much for the town. You know I think it's we really got to think hard to get it right. So I'm excited. I think it's a great idea. Anybody have thoughts or questions for Jamie? OK. So I think Martha and Rhonda you guys have all the notes for that so that by next meeting we can have a final one of these. And we're good to go.

**Rhonda North:** There will be some ordinances.

**Bridge Littleton:** Update to ordinances exact yep. Okay perfect. That is great. Thank you. All right. I know one person was. Next what do we got here. We've got information items and then we're going to go to closed session. I had just a couple things real quickly. Reminder VML conference at the end of September down at the Newport News Hampton Roads area please go and you would ask me. 22nd through the 24th I believe. Sunday Monday Tuesday. Please go. We had a VML executive meeting on Saturday and Stanton. Tim Kane has confirmed Senator Warner has confirmed and Governor [inaudible] confirms they will all be there. Number two Will and Martha if you all could please let the contractors know. I've got nothing but great compliments from people on the work they've been. I mean it's a disruption but they've been really courteous with people. [inaudible] You know when people are backed up they you know I'm so sorry. They've been just very courteous and very polite and you know people have mentioned that even though it's a disruption that they've been very nice. Also I'd like to publicly really Will

mentioned it earlier. Thank Scott Kasprovicz who's on the Virginia Transportation Board. It really was you know they had taken off south Madison Street Lincoln Road and Windy Hill road from getting repaved and we were going to try to meet with VDOT next week. But you know we called Scott gave him the download. He made a couple of calls for us and what within by the next morning. Later that day problem solved. So we really have a big thanks to Scott. This is another issue that I want to get the council's consensus on. A business owner in town that and this issue came up once before but. And you and I talked about it. I just want to make sure that there's been another request from a business owner in town around trash pickup and the issue is we know Jamie did a great study went around to all the businesses in town asking about. Will & Jamie. Sorry. Will did all the work Jamie took all the credit. [laughing] That's it. But. So a second request has come from a business owner that you know really you know is getting private pickup for some of their trash pickup and has requested that the town. What's the best way to say [multiple speakers]. Well essentially provide them a rebate not hire more services but provide them some kind of a rebate for having to you know spend money for additional pickup. And I just want to get the consensus you know and it is a food you know business. We have what 14 food businesses in town. And you know I think almost all of them if not all of them have additional private pickup through a dumpster or something like that. I do owe this business owner a response but I wanted to see it's not an individual decision it's a group decision. Is there any any desire to entertain a rebate you know for this business or all business all food businesses in general right. I mean.

**Kevin Daly:** You can't give it to one without giving it to the all. And there's plenty of other food service organizations here that have been footing the bill on their own or are able to survive with their current pickup. So I would recommend no. No rebates.

**Darlene Kirk:** And they have been footing there. Got it on. They've been footing the bill longer because they've been in town longer. [multiple speakers] I'm not. Some of them are brand new and I don't know who's doing this but we've had some businesses in town that have been here a long time. I would rather do them than someone else. But the whole point of it is I don't think we want to start this precedent not didn't we offer to have another Pick-Up come in a weekly for them. We did offer it. We talked about that didn't we?

**Bridge Littleton:** We talked about increasing the number of pickups but then [inaudible]e survey came back that 70 percent didn't want it.

**Darlene Kirk:** Cause they used private right?

**Bridge Littleton:** Do whatever I can't remember. Will.

**Will Moore:** The one offer we made was to get agreement license if you will so they could place a dumpster or at least on a temporary basis while we're working through things right. [inaudible]

**Bridge Littleton:** And again I'm not saying the same business are different [inaudible]. Cindy.

**Cindy Pearson:** I agree that we shouldn't just pay the one person you know or refund them or anything but do you think it's time to look as a whole for the restaurants to have another pickup a week because they are busier now than they have been in years. As you see on the streets on the weekend those every restaurant in town is packed. They do need more pickups and we're receiving more money because of the funds that come back to us. So maybe it's time to revisit that.

**Darlene Kirk:** I would agree with that. But I don't want to start handing out money to businesses and or you know second pick up maybe even on the weekend if we have to maybe have a pick up on Sunday morning so they can get rid of their Saturday and Friday night stuff and then have the whatever a second pick up [inaudible] no money out.

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

**Peter Leonard-Morgan:** So Cindy raises a very good point and also I think early on we were talking about issues with rats. Well I didn't say rats [multiple speakers]. Maybe that's part of the issue. And raised a good point business'

improved and people coming to Middleburg [inaudible]. So perhaps we should consider a second pickup for businesses that produce food trash indeed.

**Kevin Daly:** Keep wanting to call it the gourmet 7-Eleven. No Safeway is also so very bad at having pieces of fruit laying about just in you know inciting skunks to show up.

**Kevin Hazard:** I think we should study it not just say [inaudible]. I mean and study it from. You know we already have a study from the restaurant owners that don't a lot of them don't even really want it. Find out what it's going to cost us how we're going to budget it and put all those factors in and we also have to think about OK we're going to give a second pickup to the restaurants. You know are we opening a can of worms I mean we have to think about everything before we go forward.

**Bridge Littleton:** So I will tell you I called BAC, Because they service a lot of folks in town and I asked them I said on average restaurant that uses you know what is their service cost you know and Peter said you know he gave me the sizes they usually get this size a little bit bigger and they usually have two pickups a week. And that's with a big dumpster. And it costs an average business between seven to nine hundred dollars per month. So to Kevin's point you know if we increase pickup that will be cost you know just assume that we'll get a bulk deal. But you know that's a lot of cost. And the other thing is and I didn't think about this until I read your guys report again. The biggest thing about it is having a dumpster in the back of your building where it's out of sight versus the trash pickup we have now is cans that are set on the street. So that's a huge piece to why these other businesses don't want more can pick up because that's what contractors force can pick up. They want behind in their parking lot dumpster pickup. So Kevin's right. It's a very complex issue. Martha when does our trash contract come up for renewal?

**Martha Mason Semmes:** [inaudible] exact month. But it is next year. I want to say mid-year. [inaudible]

**Bridge Littleton:** I think it's May. I think we have to give. Yeah. So I think we have to have this is studied maybe ask them to come out and help us really understand what they could do and can't do and how much the cost is and Darlene.

**Darlene Kirk:** I was going to say that what we might want to do to is because I know for a fact there's a skunk living under the building next door maybe we want to look at getting talk finding out where the groups of skunks and raccoons stuff are and maybe [inaudible] get an exterminator and capture them and then release them mainly out further from town.

**Bridge Littleton:** Rhonda.

**Rhonda North:** So I hate to say this but I actually was in charge of a skunk removal project in front royal.

**Bridge Littleton:** You just volunteered. [inaudible]

**Rhonda North:** But what I wanted to say there are three things that draw a skunk in food water and shelter. And until those things are removed they will continue to come back. You can relocate them but they'll come back maybe not the same ones. But the problem will not go away unless those three things and actually when those three things are are taken care of it goes away on its own.

**Bridge Littleton:** So our skunk removal protection program is now being headed by Rhonda. [laughing]

**A.J. Panebianco:** [inaudible] [multiple speakers]

**Bridge Littleton:** No. West Virginia So we will table this for further discussion as needed. Never in the future. Kevin.

**Kevin Daly:** [multiple speakers] businesses pick up trash on the daily basis [inaudible]

**Kevin Hazard:** There is a roll up going on in the trash somebody is buying up a lot of small companies. I would suggest we try and find start looking for companies now because the one we had was bought and then they were bought again. And so that we have a very large company out there. And if we're going to get competitive pricing we can't just wait. We're going to have to go out and solicit.

**Bridge Littleton:** It's waste management.

**Bundles Murdock:** And their removal. They are not working on the schedule they used to in the old days the old days it was very early in the morning the other morning I was coming back from I don't know where and the businesses you know it was the traffic was backed up because they're not picking up early enough from the businesses which is not helpful [inaudible].

**Bridge Littleton:** So Martha and Rhonda if you guys can review our contract do they have a time frame when they're supposed to pick it up by? Let's make sure they're adhering to it. If it doesn't then [inaudible]. OK. All right. Cindy you had a question? OK.

**Will Moore:** [inaudible]

**Bridge Littleton:** That's not a time frame.

**Will Moore:** [inaudible]

**Bridge Littleton:** Got it. [inaudible] They're gonna charge us more I get it. It's a builder's favorite two words change [inaudible]. Ok so we've gotten that one. OK we're now going to move into unless is there any other information items? Anybody? Great. All right. We're now going to move into closed session.

**Martin Crim:** Mr. Mayor. I noticed that I'm not required to be present for any of the closed sessions. So may I be excused at this point?

**Bridge Littleton:** You get to run for the hills.

**Martin Crim:** Thank you sir.

**Bridge Littleton:** Martin thank you very much.

**Martin Crim:** Thank you.

**Bridge Littleton:** All right. So I'm going to read the motion now. Unless anybody has any objection. Great. All right. Give me five minutes. Your button is not on you can't talk. [inaudible] Oh that's right. Who wants to read it?

**Kevin Daly:** I move that counsel go into closed session as allowed under the Virginia Freedom of Information Act sections 2.2-3711 Alpha 1 and 3 for the discussion consideration or interviews perspective candidates for employment assignment appointment promotion performance the motion salary's disciplining or resignation of specific public officers appointees and employees. The public body and the discussion or consideration of the acquisition of real property for a public purpose where discussion at an open meeting would adversely affect the bargaining position or negotiating strategy of the public body. I further move that these matters be limited to one salaries of certain town employees to the acquisition of property in the town limits. Three appointments to go green. 4. The performance of a committee member. I further move that in addition to the council the following individuals be present during the closed session. Martha Mason Semmes A.J. Panebianco and Shawn Patton. For the first part. Martha Mason Semmes Rhonda North Will Moore Jamie Gaucher and Jeff [inaudible] for the second part. Martha Mason Semmes & Rhonda North for the third part and Martha Mason Semmes for the fourth part. I further move that the council thereafter reconvene an open session for action as appropriate.

**Cindy Pearson:** Second.

**Bridge Littleton:** So I have an amendment to move the second part first. All in favor or second of that.

**Cindy Pearson:** I'll second that.

**Bridge Littleton:** Okay. [inaudible] All in agreement. [inaudible] So hold on we haven't voted on the full motion. All in favor of going into closed session as amended say all in favor say aye.

**Everyone:** Aye.

**Bridge Littleton:** All opposed? Motion carries. [inaudible] I ask that council certify to the best of each person's knowledge that. One public business matters lawfully exempt from open meeting requirements under the Virginia Freedom of Information Act and 2 only such public business matters as where identified in the motion by which the closed meeting was convened were heard discussed and considered in the closed meeting. I would like to remind those present for the closed session that any discussions that occurred in it were be treated as confidential.

**Bundles Murdock:** Yes.

**Kevin Hazard:** Yes.

**Darlene Kirk:** Yes.

**Bridge Littleton:** Yes

**Peter Leonard-Morgan:** Yes.

**Cindy Pearson:** Yes.

**Kevin Daly:** Yes.

**Bridge Littleton:** Okay. [inaudible] I further direct staff to proceed as recommended and discussed on staff matters like I said discussed in closed session. And I believe we have a motion.

**Peter Leonard-Morgan:** I move that council approve Matt [inaudible] to Go Green to fill for unexpired terms to expire May 12<sup>th</sup> 2020. I further move that council appoint Wendy [inaudible] a newly created seat on Go Green said term to expire May 12<sup>th</sup> 2019.

**Cindy Pearson:** Second.

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

**Everyone:** Aye.

**Bridge Littleton:** All opposed? Abstentions motion passes. And we are adjourn