

**MIDDLEBURG TOWN COUNCIL
Regular Monthly Meeting Minutes
Thursday, November 18, 2021**



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

STAFF: Danny Davis, Town Manager
Martin Crim, Town Attorney
Rhonda S. North, MMC, Town Clerk
William M. Moore, Deputy Town Manager
A.J. Panebianco, Chief of Police
Ali MacIntyre, Director of Business Development & Community Partnerships
Tina Staples, Town Treasurer/Finance Director

The Town Council of the Town of Middleburg, Virginia held their regular monthly meeting on Thursday, November 18, 2021 in the Town Hall Council Chambers, located at 10 West Marshall Street. Mayor Littleton led Council and those attending in the Pledge of Allegiance to the flag. The roll was called at 6:04 p.m.

Public Comments

Catherine Mack, 3321 Bust Head Road, The Plains, noted that she owned 6 Chestnut Street, which was rental property. She advised that her sewer lateral had partially collapsed under the road, where it connected to the public sewer main; and, while it was still free flowing, it had backed up twice. Ms. Mack advised that she contacted multiple plumbers, with only two providing quotes ranging from \$36,000-50,000. She requested assistance in getting her lateral replaced.

Swearing-In Ceremonies

Mayor Littleton thanked Gary Clemens, Clerk of the Loudoun County Circuit Court, for coming to Middleburg to swear in those members who were re-elected during the November elections.

Mr. Clemens advised that it was an honor to come to Middleburg. He administered the oaths of office to Councilmembers Pearson, Leonard-Morgan, Kirk, and Jacobs as a group. Mr. Clemens then administered the oath of office to Mayor Littleton.

Public Presentations

Resolution of Appreciation – Todd Hathaway

Mayor Littleton read the resolution aloud. He presented a signed copy to Mr. Hathaway, along with a Middleburg paper weight.

Councilmember Leonard-Morgan moved, seconded by Councilmember Daly, that the Council adopt a resolution extending its appreciation to Todd Hathaway for his service on the Middleburg Sustainability Committee from June 27, 2019 through November 3, 2021.

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

Resolution of Commendation – The Christmas Sleigh – 20th Anniversary

Mayor Littleton noted that The Christmas Sleigh was an integral part of the community. He read the resolution aloud. Mr. Littleton presented a signed copy to Dieter Rausch, owner of The Christmas Sleigh, and thanked him for his service to the community.

Councilmember Daly moved, seconded by Councilmember Pearson, that the Council adopt a resolution commending The Christmas Sleigh for celebrating their 20th anniversary in November of 2021.

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

Staff Reports

October 2021

Stuart Will, of IES, advised Council that he took notes during Ms. Mack’s presentation and would see what could be done to help her. He opined that if her lateral connected to the manhole, she may be able to line it, which would save her some money.

Town Clerk North reported that most of her time was being taken up with the Town Hall Project. She advised that she recently received a Scope of Work (SOW) from MCCI for the development of the online meals tax forms and the integration of those payments with InvoiceCloud and noted that this would be presented for Council’s consideration during their December 9th meeting. Ms. North reported that she and the Town Treasurer would meet with MCCI soon to begin developing the SOW for the online submission and payment of business licenses. She advised that she continued to transfer the Town’s files into the Laserfiche archive as time allowed and reported that all the approved meeting minutes for the Council, Planning Commission, HDRC and BZA were now archived and that she was working to transfer the ordinances, resolutions, and proclamations into the system.

Town Treasurer Staples reported that the General and Utility Funds were in good shape at this point. She advised that a QR code was included on the utility bills so customers could pay their bills online. Ms. Staples opined that the new online payment system through InvoiceCloud was working well. She reported that as of the date of the transfer, 57 of the 480 utility accounts received e-bills; however, many people were signing up for them as they created an account with InvoiceCloud. Ms. Staples reminded Council that customers could now sign up for auto pay for the exact amount of their bill or could pay by text, which was very easy. In response to an inquiry from the Council, she advised that her target for getting customers signed up for e-bills was half, which she believed to be reasonable. Ms. Staples advised that the staff would perform outreach and hold workshops to help customers sign up for InvoiceCloud. In response to an inquiry from the Council, she confirmed the customer would only pay a fee if they paid with a credit card. Ms. Staples reminded Council that the Town absorbed the e-check fee.

Business Development & Community Partnerships Director McIntyre reported that she had been meeting with businesses for the past two and a half months and had now met almost all of them. She advised that she was working with the Middleburg Business & Professional Association (MBPA), the Middleburg Arts Council and the Economic Development Advisory Committee. Ms. McIntyre reported that she recently attended the Piedmont Fox Hunt and visited the American Legion. She advised that she created a ribbon cutting page on the Town's website and noted that a ribbon cutting would be held for Rosemary Antiques on November 19th. Ms. McIntyre reported that she was devoting a lot of time to communications/marketing and recently did another Content Day, which focused on obtaining fall streetscape photos. She advised that she would continue to put out the weekly eNewsletter. Ms. McIntyre reported that the recent post on The Christmas Sleigh had outperformed other posts.

Council noted that they were receiving compliments on the eNewsletter.

In response to inquiries from the Council, Business Development & Community Partnerships Director McIntyre advised that she prepared an online form so businesses could send her content for Instagram and Facebook posts. She noted that the submissions started off slow; however, they were building.

Council noted that prior to the COVID pandemic, the Town had a contract with Visit Loudoun; however, it had since expired. They suggested the need to look at developing a new MOU for the coming year.

Town Manager Davis reported that the staff had spoken with Beth Erickson of Visit Loudoun, who confirmed they would like to continue their partnership with the Town. He advised that Ms. McIntyre and Ms. Erickson would work on developing a MOU for the Council's consideration.

Chief Panebianco reported that he was meeting with officials from Christmas in Middleburg later in the week to walk the parade route. He further reported that over six hundred parking passes had been sold, with only passes for the Mickie Gordon Park remaining available.

Chief Panebianco reported that the Town-wide Clean-Up went well and noted that approximately thirty volunteers participated.

Councilmember Leonard-Morgan expressed appreciation for the Police Department's assistance that day.

Chief Panebianco recognized his staff and noted the extra work they took on during holiday events. He also recognized Officer Jason Davis who was recently elected as Leader of the Week at the FBI Leadership Training Academy. Chief Panebianco reported that Officer Davis would complete his classes in the next week.

Deputy Town Manager Moore reported that the Planning Commission held a kick-off session with The Berkey Group to examine issues associated with the redevelopment/infill development in the Ridgeview area. He further reported that the Commission would discuss potential policy recommendations, including how applications would be weighed, regarding short-term rentals during their upcoming meeting. Mr. Moore advised that he recently sent the Town Attorney a rough draft of his recommendations.

Council noted that they have noticed a lot of tourists who were walking in the Ridgeview subdivision. They suggested the need to maintain the character of this area. The Council suggested consideration also be given to developing a long-term sidewalk plan for the town and noted the two pedestrian incidents that recently occurred.

In response to an inquiry from the Council, Town Attorney Crim reported that the only item he had heard that would be raised during the upcoming session of the General Assembly was whether the legalization of marijuana sales should be moved up. He noted that it was currently scheduled for January of 2024. Mr. Crim advised that an idea was being floated to use existing medical cannabis dispensaries as the retail outlets. He noted that he expected the Virginia Municipal League and Virginia Association of Counties to propose legislative agendas that were similar to those presented in the past.

Mayor Littleton advised that he would like the General Assembly to consider reversing the mandate that municipal elections be held in November.

Town Manager Davis reported that a mailer was recently distributed to the broader Middleburg area to alert residents to the COVID services that were available in the area.

Town Hall Project Report

Town Clerk North reported that since her last report, the Invitation for Bids was issued, and a mandatory pre-bid conference and site tour was held. She further explained that the due date for the bids was pushed back to December 8th at the request of some of the general contractors. Ms. North reported that one addendum had been issued and a second was about to be issued in response to questions raised by the contractors. She advised that the Town contracted with Xpeditors Plus to assist with the building permit process and noted that most of the documents had been assembled for the application. Ms. North advised that the only outstanding one was the final site plan, which the Deputy Town Manager was currently reviewing. She reminded Council that a special meeting would be needed to award the bid and opined that this would occur sometime between December 20-22, if not sooner.

Update on Holiday and Christmas in Middleburg Activities

Business Development & Community Partnerships Director McIntyre reported that a contract had been signed with the vendor to provide carriage rides on December 12, 18 & 19. She noted that there would only be thirty-six slots available and opined that they would go quickly. Ms. McIntyre advised that Scruffy's would provide hot cocoa to visitors on December 5, 11, 12, 18 and 19, as well as possibly on December 26th. She reported that decorated trees would be located on the east and west ends of the business district, as well as on the four corners at the traffic light. Ms. McIntyre advised that the MBPA confirmed they were prepared for the majority of the events they would host.

In response to an inquiry from the Council, Town Manager Davis reported that the Town was assisting the Middleburg Museum Foundation with the tree lighting ceremony scheduled for December 3rd. He noted that the Police Department would close the portion of Marshall Street that was adjacent to the Pink Box so there would be additional space for people to spread out.

In response to an inquiry from the Council, Town Manager Davis advised that he heard there would be a Menorah Lighting Ceremony on November 28th; however, he had not been contacted about it. He confirmed the staff would reach out to learn more about it so it could be included in the Town's communications.

Project Status Report

Deputy Town Manager Moore reported that the contractor completed the pavement corings on Pinkney Street and noted that he expected the results to be received next week. He reminded Council that those results would help to inform the options the staff would present for the best path moving forward.

Deputy Town Manager Moore reported that the wayfinding and comprehensive sign bids were received earlier in the day, with three bids being submitted. He opined that the Town had some hard decisions to make to trim them down, as the bids were in the \$400,000 range, with the costs being evenly split between the wayfinding and the street signs. Mr. Moore reported that the staff was evaluating the bids and would return to the Council with a recommendation.

Town Manager Davis reminded Council that the bid document split the sign packages so they could be separated if needed. He suggested the staff could send Council the information on the bids prior to the next meeting if desired so they would have some extra time to review it.

In response to an inquiry from the Council, Deputy Town Manager Moore reported that the steel posts were driving some of the cost. He opined that nothing would correct itself anytime soon.

Mayor Littleton asked that the staff provide the Council with detailed information regarding the signs, such as materials, so consideration could be given to the use of cheaper materials.

In response to an inquiry from the Council as to what the bid entailed, Deputy Town Manager Moore reported that the bids were to fabricate and install the new signs and to remove the old ones.

The Council suggested the old signs be saved and auctioned off. Deputy Town Manager Moore noted the need to look at the bids to make sure it was not anticipated that the contractor would get the old signs for the scrap value. He confirmed he would coordinate the saving of the signs if it was possible. (Councilmember Daly left the meeting at 7:08 p.m.)

Council suggested the first priority be the replacement of the entrance signs on each end of town. In response to a suggestion from the Council that the entrance signs include rock formations or planters, Deputy Town Manager Moore advised that the opportunity existed for that; however, it was not a part of this contract.

Consent Agenda

Mayor Littleton asked that Council add the Resolution of Appreciation for Lin Watts to the consent agenda, to which the Council agreed.

- (A) Council Approval – October 28, 2021 Regular Meeting Minutes
- (B) Council Approval – Resolution of Appreciation – Lin Watts

Councilmember Leonard-Morgan moved, seconded by Councilmember Jacobs, that Council approve the consent agenda as outlined, with the addition of the resolution for Lin Watts.

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

No – N/A

Abstain: N/A

Absent: Councilmember Daly

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

Action Items

Council Approval – Purchase of Nutrient Credits – Town Hall Project

Town Manager Davis explained that the purchase of nutrient credits was required as a part of the stormwater management permit for the Town Hall Project. He reported that the staff was recommending the acceptance of the low bid from the firm who ran the credit bank for the Town of Purcellville. Mr. Davis advised Council that the closing was moved to December 18th in the event the Town decided not to move forward; however, he reiterated that the credits were needed for the project. He asked that the motion contain a clause making the approval subject to final modifications by the Town Manager and Town Attorney related to the indemnification clause. In response to an inquiry from the Council as to whether the purchase was always anticipated, Mr. Davis explained that issues such as these could not be determined until the detailed engineering was done. He further explained that this was required when building occurred in a tight configuration and the phosphorous or nitrogen could not be removed.

Town Clerk North advised Council that the purchase was for a tiny amount of credits.

Vice Mayor Miller moved, seconded by Councilmember Kirk, that Council authorize the Town Manager to sign and execute a Nonpoint Source Credit Purchase and Sales Agreement with The Davey Resource Group, Inc. for the purchase of 0.57 nutrient credits, for a total cost of \$17,100, subject to final minor revisions by the Town Manager and Town Attorney, for the Town Hall Project.

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

Council Approval – Amendments to Transient Occupancy Tax Ordinance

Town Attorney Crim explained that effective September 1st, there were new laws governing the collection and payment of transient occupancy taxes, primarily related to accommodations intermediaries such as Airbnb, which required changes to the Town Code. He noted that he also picked up on some other changes that were needed to keep the ordinance consistent with State law.

Councilmember Pearson moved, seconded by Councilmember Kirk, that Council adopt an ordinance to amend Article VIII of Town Code Chapter 97 to address recent changes in State enabling law regarding transient lodging taxes and to make related changes.

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

Council Approval – Participation in ARPA Municipal Utility Assistance Program

Town Treasurer Staples reported that ARPA funding was set aside for delinquent utility bills. She advised that she submitted and received an award from the State for some bills; therefore, the Town needed to enter into an MOU with Loudoun County so they could serve as the pass-through agency if the Town wished to accept the award. In response to inquiries from the Council, Ms. Staples advised that while the State did not require an individual to sign something confirming the delinquency was due to COVID, they were encouraging it. She further advised that she planned to prepare a certification form for the affected customers to sign. Ms. Staples noted that this would create some additional paperwork; however, she went after the money knowing that would be the case.

Councilmember Leonard-Morgan moved, seconded by Councilmember Jacobs, that Council approve the acceptance of Utility Relief Funding and thereby approve the Town Manager and staff to enter into a limited MOU with Loudoun County to serve as a pass-through agent for the Town regarding ARPA SLFRF Municipal Utility Relief Funding.

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

Discussion Items

Status of Development of Middleburg Charitable Foundation

Town Manager Davis reminded Council that the Health Center Fund’s balance was currently \$668,000; however, it would increase to \$918,000 as a result of the Council’s direction to repay the \$250,000 loan from it for the COVID assistance programs. He further reminded the members that they discussed establishing a charitable foundation and

transferring the money to its control. Mr. Davis advised that the Council must structure the foundation so it was a separate entity from the Town government; therefore, he revised the draft Articles of Incorporation and By-laws accordingly. He reported that as proposed, the Board of Directors would contain only two members of the Council so the Town would not have overview of the foundation. Mr. Davis advised that the Articles of Incorporation would limit the amount of money the Board could distribute to the net proceeds that the foundation brought in; however, it would be allowed to dip into the principal upon a unanimous vote of the Board. He reported that the documents were ready and, if the Council agreed, he would send them to the auditors so they could apply for IRS approval of the foundation as a tax-exempt entity. Mr. Davis expressed hope for a quick decision, at which point, he would return to the Council so they could nominate the Board of Directors and distribute the Health Center Funds prior to the next fiscal year. He noted that the draft name for the foundation was the Middleburg Charitable Foundation; however, this could be changed if desired.

After some discussion, the Council agreed to appoint a sub-committee consisting of Mayor Littleton, Vice Mayor Miller, and Councilmember Kirk to review how this would proceed, after the auditors' review but prior to sending the application to the IRS. They suggested they also receive input from the members of the Health Center Advisory Board and that the Town Attorney be present for the review. Council asked that the review meeting be scheduled at least a month in advance.

In response to inquiries from the Council, Town Manager Davis reported that he had received requests for Health Center Fund donations from four or five organizations to date, with the deadline being November 19th. He advised that he was targeting the week after Thanksgiving for a Health Center Advisory Board meeting so they could review the applications and make a recommendation for the consideration of the Council during their December 9th meeting.

Council suggested that input be sought from the Health Center Advisory Board on a name for the foundation.

Temporary Construction Easements – Town Hall Project

Town Manager Davis reminded Council that approval had been given for the permanent easements associated with the project; however, temporary construction easements were needed from three property owners and three additional easements related to temporary construction, stormwater management and the relocation of the water line were needed from Salamander. He advised that the easement documents were prepared and noted that he was only waiting for the final plats. Mr. Davis reported that he had already spoken with the affected property owners and was using the same language as was used for the other Salamander easements. (Councilmember Daly returned to the meeting at 7:33 p.m.)

Council advised that they would be willing to hold a special meeting if necessary to accept the temporary deeds of easement, as they did not want this to affect the project schedule.

Information Items

Strategic Planning Session

Mayor Littleton expressed concern that the town was becoming a victim of its own success and explained that people were no longer coming here to eat due to the long wait times. He questioned whether Middleburg's success was starting to spoil the visitor experience. Mr. Littleton opined that the Town was not doing anything wrong; however, he suggested the need to think about limiting capacity going forward. He questioned whether the Council felt they should hold a strategic planning session to discuss this.

Vice Mayor Miller advised that this same conversation was happening in his store. He noted that more of the online reviews were from people who were upset with their experience than were happy with it. Mr. Miller opined that this was the right time to have this conversation and noted that this issue was affecting the town detrimentally.

Councilmember Kirk noted the need to encourage visitors to use the sidewalks, as opposed to walking in the streets. She thanked the Police Department for posting the no U-turn message on the message boards; however, she advised that people were still doing it.

Chief Panebianco reported that the officers have stopped individuals for making illegal U-turns. He advised that they were limited as to what they could do with regard to the use of sidewalks due to the recent State Code changes.

Council opined that there were ways to mitigate the issues that were causing these problems.

Composting Program

Councilmember Leonard-Morgan reported that there was not enough participation to do the food composting program. He opined that it would happen eventually; however, it was probably too early to propose it at this time.

Closed Session

Vice Mayor Miller moved, seconded by Councilmember Leonard-Morgan, that Council go into closed session as authorized under Section 2.2-3711 of the Code of Virginia, for the discussion or consideration of (1) appointments to a public body related to the Middleburg Sustainability Committee as allowed under Subsection (A)(1); (2) the disposition of publicly held property related to the Asbury Church, as allowed under Subsection (A)(3); (3) briefings by staff members pertaining to actual or probable litigation, where such consultation in open meeting would adversely affect the negotiating or litigating posture of the public body related to two requested boundary line adjustments as allowed under Subsection (A)(7); and (4) the performance of certain public employees as they relate to project bonuses as allowed under Subsection (A)(1). Vice Mayor Miller further moved, seconded by Councilmember Leonard-Morgan, that the Council thereafter reconvene in open session for action as appropriate.

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

No – N/A

Abstain: N/A

Absent: N/A

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

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.

Appointment to Middleburg Sustainability Committee

Councilmember Leonard-Morgan moved, seconded by Councilmember Daly, that Council appoint Cristina Tonda to the Middleburg Sustainability Committee to fill an unexpired term, said term to expire May 12, 2024.

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

No – N/A

Abstain: N/A

Absent: N/A

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

Mayor Littleton directed the Town Manager to move forward with the employee actions that were discussed in closed session.

There being no further business, Mayor Littleton declared the meeting adjourned at 8:10 p.m.

APPROVED



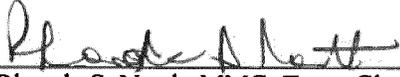
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Trowbridge M. Littleton, MAYOR

ATTEST:



Rhonda S. North, MMC, Town Clerk

November 18, 2021 Middleburg Town Council Meeting

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

Bridge Littleton: All right. You know what, we have people waiting, I'm going to go ahead and get started, so we will call the meeting to order. Let's see here the first item is the Pledge of Allegiance.

Everyone: I pledge allegiance to the flag of the United States of America and to the Republic, for which it says One Nation under God, indivisible with liberty and justice for all. Bud.

Bridge Littleton: Mr. Jacobs. [off mic]. Oh gee, I've only ever said that a hundred times in my life. Ok, next item is roll call.

Todd Hathaway: Anything else Bud? [off mic]

Chris Bernard: Chris Bernard.

Bud Jacobs: Thanks. Yeah. No, just had some. [laughter] [off mic] Bud Jacobs.

Darlene Kirk: Darlene Kirk.

Bridge Littleton: Bridge Littleton.

Peter Leonard Morgan: Peter Leonard Morgan.

Cindy Pearson: Cindy Pearson.

J. Kevin Daly: John Kevin Daly.

Darlene Kirk: Philip.

Philip Miller: Philip Miller.

Rhonda North: Rhonda North, Town Clerk.

Martin Crim: Martin Crim, Town Attorney.

Danny Davis: Danny Davis, Town Manager.

Bridge Littleton: Okay, I am going to change things up a little bit. Just we have folks waiting and no sense in keeping them here. So I will open public comment first. Any member of the public who would like to address the town council on any item. Now is your opportunity to do so. Come forward, have a seat. Give us your name, address and the floor is yours.

Catherine Mack: Good evening, most honorable Mayor and esteemed council members, I am Catherine Mack, long time resident of 3321 Bust Head Road, The Plains and since 2013 I have been the owner of a house in Ridgeview at 6 Chestnut Street, which is the corner of Chestnut and Martin Streets. I inherited this house when my parents died and since that time I have rented it to Kimberly Tapper, who is the co-founder of Middleburg's A Place To Be and she might

like to purchase this house. But besides rising house prices, there is a pressing sewer problem that is lurking beneath Chestnut Street. That problem is in the form of a collapsing section of the old Orangeburg pipe, which now attempts to connect the main to a new section of plastic pipe that my parents put in from the house to the edge of the street. Currently, sewage is flowing properly, but it has backed up twice and needs to be fixed from the edge of my property to the main, which is a distance of about twenty four feet, 14 feet of which is under the street and goes to the [inaudible] to a manhole that's the center of the intersection of Chestnut and Main. I have followed up all the helpful suggestions given me by the town officers, and I have contacted 11 different plumbing companies. Eight of those companies were very polite, but felt the job was beyond their scope. One possible company hasn't yet gotten back to me, although they might be able to help. Two companies have given me quotes that vary between thirty six and fifty thousand dollars. Some I find astounding, since the only materials needed are a twenty four foot plastic pipe and some gravel. I'm in need of some creative suggestions, and I hope that you might be collectively able able to offer me some assistance or who knows a new pipe? Thank you very much.

Bridge Littleton: Thank you, Mrs. Mack. We appreciate it. So Danny, let's talk about this later during the information session. Okay, so with public comment, we're not allowed to go back. It's just your time to speak. And then we'll talk about it later on in the meeting.

Catherine Mack: Okay.

Bridge Littleton: But thank you so much for coming in.

Catherine Mack: Thank you for listening.

Bridge Littleton: Ok. Anybody else wish to address Town Council? Ok, we will close the public comment session, as everybody knows, we recently had an election, at least some of us did. [off mic] What's that? It was back in May, don't you remember? Oh, wait, that's when it should be. So as required by the Constitution, the Commonwealth of Virginia, the recently elected or reelected members of council, need to be sworn in by our esteemed Loudoun County Clerk of the Circuit Court, who is here this evening to fulfill his constitutional duties as he does so distinguish [inaudible] across the county. Mr. Clemens, thank you so much for being here and the floor is yours and and we're in your capable hands.

Gary Clemens: Thank you, Mr. Mayor and Members of the Council. It's always an honor to come to Middleburg as a former resident of Western Loudoun and the 56 year resident of Loudoun County as a whole. I enjoy our towns visiting our towns, and I love the Town of Middleburg and I thank you for your service, of this wonderful town. Mr. Mayor, I'm at your pleasure in terms of how you'd like to proceed. For the council members I can administer the oath to you as a group or individually. The Mayor, of course, will do his own oath because it's a slightly different oath. So I'll defer to the council members how you desire to have your oath administered to you. [multiple speakers]. Very good. In that case, if you all would like to rise from your seats. It's my understanding you each have been elected or reelected to a term of office in the Middleburg Town Council. Is it your desire to continue serving in this capacity?

Cindy Pearson, Darlene Kirk, Peter Leonard-Morgan, Bud Jacobs: Yes.

Gary Clemens: Then please raise your right hand repeat after me. I do solemnly swear.

Cindy Pearson, Darlene Kirk, Peter Leonard-Morgan, Bud Jacobs: I do solemnly swear.

Gary Clemens: That I will support the Constitution.

Cindy Pearson, Darlene Kirk, Peter Leonard-Morgan, Bud Jacobs: That I will support the Constitution.

Gary Clemens: Of the United States of America.

Cindy Pearson, Darlene Kirk, Peter Leonard-Morgan, Bud Jacobs: Of the United States of America.

Gary Clemens: And I will support the Constitution of the Commonwealth of Virginia.

Cindy Pearson, Darlene Kirk, Peter Leonard-Morgan, Bud Jacobs: And I will support the Constitution of the Commonwealth of Virginia.

Gary Clemens: And I will faithfully and impartially.

Cindy Pearson, Darlene Kirk, Peter Leonard-Morgan, Bud Jacobs: And I will faithfully and impartially.

Gary Clemens: Discharge all the duties.

Cindy Pearson, Darlene Kirk, Peter Leonard-Morgan, Bud Jacobs: Discharge all the duties.

Gary Clemens: Incumbent upon me.

Cindy Pearson, Darlene Kirk, Peter Leonard-Morgan, Bud Jacobs: Incumbent upon me.

Gary Clemens: As a member of the Town Council.

Cindy Pearson, Darlene Kirk, Peter Leonard-Morgan, Bud Jacobs: As a member of the Town Council.

Gary Clemens: For the Town of Middleburg, Virginia.

Cindy Pearson, Darlene Kirk, Peter Leonard-Morgan, Bud Jacobs: For the Town of Middleburg, Virginia.

Gary Clemens: According to the best of my ability.

Cindy Pearson, Darlene Kirk, Peter Leonard-Morgan, Bud Jacobs: According to the best of my ability.

Gary Clemens: So help me, God.

Cindy Pearson, Darlene Kirk, Peter Leonard-Morgan, Bud Jacobs: So help me God.

Gary Clemens: Congratulations. Duly sworn. [applause] I'd like to ask each of you to sign your oath. I have three original oaths. I ask you sign each one under the signature lines in the middle of page. And you will keep one for your records and you'll give one to your wonderful town clerk and then I will take one back for retention in the courthouse. Thank you so much. [multiple speakers].

Bud Jacobs: Wait a minute, Gary this appears to be an enlistment contract. [laughter]

Gary Clemens: I'm glad you're reading, sir.

Bridge Littleton: [off mic] FC Bud Jacobs. [multiple speakers] [laughter]

Gary Clemens: [off mic] Take two [off mic] Rhonda. [off mic] Sign one for you. [off mic] Very good, thank you.

J. Kevin Daly: So tomorrow evening [multiple speakers] everybody around while Chris is serving at [inaudible].

Bridge Littleton: That is right Chris is serving. [multiple speakers]

J. Kevin Daly: That is the tradition the newly elected Council Member buys the first round. [off mic]

Rhonda North: Absolutely.

Gary Clemens: Thank you all. Congratulations again on your election and reelection to the Town Council. Now it's my honor to give the oath of office to your esteemed mayor. Mr. Mayor. Congratulations on your reelection.

Bridge Littleton: Thank you.

Gary Clemens: Are you prepared to commence another term of office serving the town of Middleburg in this capacity?

Bridge Littleton: I am.

Gary Clemens: Very good. Raise your right hand. Repeat after me, sir. I do solemnly swear.

Bridge Littleton: I do solemnly swear.

Gary Clemens: That I will support the Constitution.

Bridge Littleton: That I will support the Constitution.

Gary Clemens: Of the United States of America.

Bridge Littleton: Of the United States of America.

Gary Clemens: And I will support the Constitution.

Bridge Littleton: And I will support the Constitution.

Gary Clemens: Of the Commonwealth of Virginia.

Bridge Littleton: Of the Commonwealth of Virginia.

Gary Clemens: And I will faithfully and impartially.

Bridge Littleton: And I will faithfully and impartially.

Gary Clemens: Discharge all the duties.

Bridge Littleton: Discharge all the duties.

Gary Clemens: Incumbent upon me.

Bridge Littleton: Incumbent upon me.

Gary Clemens: As the Mayor for the Town of Middleburg.

Bridge Littleton: As the Mayor for the Town of Middleburg.

Gary Clemens: According to the best of my ability,

Bridge Littleton: According to the best of my ability.

Gary Clemens: So help me, God.

Bridge Littleton: So help me, God.

Gary Clemens: Congratulations, sir.

Bridge Littleton: Thank you. [applause] All right. I [off mic] two years. [laughter].

Danny Davis: James is already watching you starring at it. [laughter]

Bridge Littleton: [off mic] Gary, thank you so much.

Gary Clemens: Congratulations again, sir.

Gary Clemens: Thank you, sir.

Bridge Littleton: Pleasure seeing you again.

Gary Clemens: Always my pleasure. Ladies and gentlemen. You know, I'm very fond of all of our towns, and I'm at your service, at your disposal whether it's court related or [inaudible] or not, I'm always happy to help you and your service to this wonderful town. So please, further reach out to me and let me know how I can help you to keep doing the good things you are doing in Middleburg. Keep up the good work. God bless all of you. Happy Thanksgiving!

Council All: Thank you so much. Thank you.

J. Kevin Daly: Safe driving.

Gary Clemens: Thank you. I'll sign this [off mic]

Bridge Littleton: OK. Next item we have are some special recognitions. First one is for Mr. Todd Hathaway.

Todd Hathaway: Do I have to get up?

Bridge Littleton: Oh, yeah. Let's go. Chop chop front and center.

Todd Hathaway: Right here?

Bridge Littleton: Right there.

Todd Hathaway: OK.

Peter Leonard Morgan: You have to sing a song.

Todd Hathaway: Ok, I'm like sweating.

Bud Jacobs: So as everybody knows, Todd served on the. What's it this week?

Peter Leonard Morgan: [multiple speakers] Sustainability.

Bridge Littleton: Middleburg Sustainability Committee. And he was on Go Green. [laughter] [off mic] He did. You know. [multiple speakers] He took us through the renaming, the rebranding. [multiple speakers]

Todd Hathaway: Yeah rebranding.

Bridge Littleton: And we greatly appreciate Todd's support and all his efforts, both as a member of the committee but also as its chair. And so in honor of your service to the town and especially keeping him in line, we wanted to present a

resolution of appreciation. So let me read this first. Now, hopefully somebody would actually make a motion to pass it. [laughter] But yes, we'll have to see.

Bud Jacobs: I'm out. [laughter]

Todd Hathaway: Bud's met me like, you know, three times, and he already knows he's out. [laughter].

Bridge Littleton: So here we go. Resolution of Appreciation Service on Middleburg Sustainability Committee Todd Hathaway. Whereas Todd Hathaway was appointed to serve on the Middleburg Sustainability Committee, formerly known as Go Green on June 27th 2019. And whereas during his tenure, Mr. Hathaway served as chair of the committee and whereas Mr. Hathaway was instrumental in promoting the name change of the committee. And whereas Mr. Hathaway resigned his seat on the Middleburg Sustainability Committee effective November 3rd, 2021. And whereas the Middleburg Town Council deems it appropriate to express its gratitude to Mr. Hathaway for his personal dedication, exceptional service to our community over the past two years. Now, therefore, be it resolved that the mayor and members of the Middleburg Town Council of Middleburg, Virginia, recognize and express our sincere appreciation for the exemplary service of Todd Hathaway as a member of the Middleburg Sustainability Committee from June 27, 2019 through November 3, 2021 and express our profound thanks to him and hope for his continued success in life. So, Todd, if you want to come up.

Bridge Littleton: [off mic] That's right.

J. Kevin Daly: Was there a motion?

Bridge Littleton: You know, that's a good point.

J. Kevin Daly: Peter, do you want to be [multiple speakers]?

Bridge Littleton: Would anybody like to make a motion?

J. Kevin Daly: Peter has to [multiple speakers]

Peter Leonard Morgan: I would be honored to?

Bridge Littleton: Yeah, I jumped ahead.

Peter Leonard Morgan: I move that the Town Council adopt a resolution extending its appreciation to Todd Hathaway for his service on the Middleburg Sustainability Committee from June 27, 2019 through November the 3rd 2021.

J. Kevin Daly: Second.

Bridge Littleton: All those in favor say aye.

Council All: Aye.

Bridge Littleton: Opposed abstentions. Ok. [off mic] Come up front. [multiple speakers] This better go in your memoir. [laughter]

J. Kevin Daly: Todd is it true you resigned because of the name change?

Darlene Kirk: Watch the cord. [off mic]

Bridge Littleton: Yeah. [off mic]. And it wouldn't be complete without a town [multiple speakers].

A.J. Panebianco: Do the video one more time with you shaking his hand. I had stopped.

Bridge Littleton: [multiple speakers] And I'm actually smiling under the mask. [laughter] [multiple speakers] Thanks a lot.

Peter Leonard Morgan: Appreciate it. [multiple speakers].

Rhonda North: Thank you very much.

Gary Clemens: [multiple speakers] Well, good to see you. [multiple speakers] Congratulations.

Todd Hathaway: Thank you.

Bridge Littleton: Okay. The next recognition we have is a really important one, and it's an unbelievable milestone. It's for Dieter and for his 20th anniversary of the Christmas sleigh, which is you know absolutely astounding. So Dieter if you don't mind coming up.

Dieter Rausch: Most of these people here know me.

Cindy Pearson: Very well.

Bridge Littleton: So I'm just going to say real quickly, I cannot imagine when you open the store 20 years ago that and being someone remembering the store opening 20 years ago, that this would be where it is today. And it is just an absolute joy to be able to do this because you I mean your store, but you personally have become such an integral part of the community and you mean so much to everybody here. And we just are thrilled that you've hit 20 years and we can't wait to be doing this in 20 years from now at your 40th. So all the best and all the success in the world to you and thank you for everything you do not in just in running a great business, but being such a giving, contributing member of the entire Middleburg community. And yeah. [multiple speakers].

Dieter Rausch: I give [inaudible] station to the store. I opened on the 2nd November of 2001 and the night before it was the night before Linda and I we decorated all. The locksmiths come make a new lock. Everything is fine until the locksmith goes home and we stay in the store and cannot close. [laughter] Linda and I we go on the floor because [inaudible] only, but I have a little star of fox fur. I put it under my hat and sleep. [laughter]

Bridge Littleton: Yeah, that's amazing, well, I mean, now you're coming into the busy season. Christmas in Middleburg will be back, so again, just nothing but the best success for a great Christmas this year. And thank you for everything that you do. I want to take and read the resolution first and then we'll, you know, Present it and do a picture and all that. So it's entitled Resolution of Commendation for the Christmas Sleigh. Whereas in November of 2001, Dieter Roush and Linda Tripp brought their vision of bringing a taste of international holiday craftsmanship to America by opening the Christmas Sleigh in Middleburg, Virginia. And whereas the Christmas Sleigh offers a wide variety of high quality handmade European Christmas decorations, including limited edition pieces and mouth blown ornaments. And whereas the Christmas Sleigh also offers American crafts such as Colonial Williamsburg Holiday decorations, Breyer's Choice decorations and White House ornaments. And whereas the Christmas Sleigh also offers non holiday gifts such as German beer steins, as well as an extensive selection of exclusively beautifully made Austrian and German traditional, I know I'm going to say this wrong.

Dieter Rausch: Tracht clothing.

Bridge Littleton: What? Tracht clothing. And whereas the Christmas Sleigh recently celebrated its 20th year in business, and whereas Dieter and his staff have contributed greatly to the town of Middleburg through excellent customer service and the economic development benefits that the Christmas Sleigh provides. Now, therefore, be it resolved that the mayor and members of the Town Council of the Town of Middleburg applaud Mr. Rausch and the dedicated employees of the Christmas Sleigh for their faithful support of the community, as well as their longstanding service to our visitors

and citizens. Be it further resolved that we congratulate the Christmas sleigh on reaching this 20th anniversary milestone and express hope for many more to come. Adopted November 18th 2021. [applause]

J. Kevin Daly: Mr. Mayor, I would like to make a motion.

Bridge Littleton: Please.

J. Kevin Daly: I move that council adopt a resolution commending the Christmas Sleigh for celebrating their 20th anniversary in November of 2021.

Cindy Pearson: Second.

Bridge Littleton: Any further discussion?

J. Kevin Daly: Yeah, I got one other thing to say. Little known fact, Dieter, thank you very much. You're the first one to welcome me into the town and I've been living here 20 years, all because of you. Thank you.

Rhonda North: Aww.

Bridge Littleton: So that's who we blame. [laughter] [multiple speakers] Yeah, exactly. Ok, all those in favor say aye.

Council All: Aye.

Bridge Littleton: Opposed abstentions? Oh, Philip, sorry.

Philip Miller: Sorry, thought I was unmuted. Aye, of course.

Bridge Littleton: Perfect. Awesome motion carries. Dieter if you'd like to come up real quick. Is our photographer here? Oh, yeah there she is. [laughter].

J. Kevin Daly: It's official now.

Bridge Littleton: There you go.

Dieter Rausch: Cheese. [laughter]

Bridge Littleton: Perfect. Dieter, thank you so much. Well done. [applause] [off mic]

Darlene Kirk: You are.

Cindy Pearson: Absolutely.

Bridge Littleton: It even sounds German. [laughter] Great.

J. Kevin Daly: Thank you. [inaudible]

Bridge Littleton: Ok. Excellent. Now we will go on to staff reports. Stuart.

Stuart Will: Good evening. Do we have any questions? [off mic] Thank you.

Bridge Littleton: Anybody have any questions for Stuart?

Cindy Pearson: Hope you have some suggestions for Catherine at some point.

Bridge Littleton: That's exactly what I was going to ask. Yeah.

Stuart Will: I actually scribbled some notes, and I'm going to investigate to see if there's anything that can be done. Yeah.

Bridge Littleton: You know what? Actually, let's do that. Let's talk about it right now. That way, the Mack's don't have to stay until the information, which is at the end of the council meeting. I mean, I know you want to be here till 9:00, but.

J. Kevin Daly: If you're lucky, it's nine.

Bridge Littleton: Yes, that's right. It's always much quicker.

Stuart Will: I am with utilities for the town. You indicated that you thought that your sewer connection terminates within a manhole.

Catherine Mack: Yes.

Stuart Will: If we can verify that for sure, there's potentially what they consider a trenchless technology where they line the pipe. And I don't know if they do it for small diameter pipe, but what would be necessary is up outside the pavement. When you get in the pavement, that's where it gets very expensive.

Catherine Mack: Yes.

Stuart Will: They could dig it up outside the pavement, access the other end of it in the manhole, clean the pipe out real good. Pull this lining material through and they do this for large diameter stuff like the mains here in town. But I'm going to look in to see if they could possibly do that, because that would probably save you an incredible amount of money. Oh, I'll get into diligently researching that first thing in the morning.

Catherine Mack: Oh, fantastic. Oh, thank you.

Bridge Littleton: Thank you, Stuart. [multiple speakers] That's a great idea. And Danny, outside of that, you know, just if you could work with Stuart and what other other potential options are there and we could put that all together and get it back to them, that would be great.

Danny Davis: Absolutely. We'll keep working with them.

Bridge Littleton: Ok, very good.

Darlene Kirk: Thanks Stuart.

Bridge Littleton: Thank you Stuart. [multiple speakers] Appreciate it. Ok, what's. [off mic] Oh, yeah. [off mic] Yeah, no problem. So and Dieter, you're more than welcome to stay for the meeting, but. [off mic] OK. And so Mr. and Mrs. Mack is that, you know, so I think Stuart's going to look at those two options. I'll circle back with Danny in the morning and figure out how we'll put it together. Maybe just like a memo with different recommendations that they can come up with, and we'll get it back to you next week.

Catherine Mack: Great Thank you.

Bridge Littleton: Ok, perfect. Thank you.

Catherine Mack: Thank you very much.

Bridge Littleton: Ok, Rhonda.

Rhonda North: Thank you, Mr. Mayor. So the majority of my time right now is being dedicated to the Town Hall project. I'll give that report here shortly. We did receive a statement of work from MCCI. They're our Laserfiche engineer on doing the meals tax online and integrating with Invoice Cloud. That statement of work will be on your next agenda for your consideration. And then Tina and I are going to meet shortly with MCCI and start developing the next scope of work, and that would be for paying BPOL the business license online. So we're working to move through that. I'll let Tina report on the utility payment piece, which is already well underway. On staying in the Laserfiche realm. I have now transferred all of the regulatory bodies approved meeting minutes into that archive. I'm now working on transferring over all of the ordinances, resolutions, and proclamations. So just sort of trying to eat the elephant one bite at a time. And so I'm available if you have any questions.

Bridge Littleton: Have any questions for Rhonda? Ok. [off mic] Ok, perfect, thank you, Rhonda. Treasurer's report.

Tina Staples: Thank you. Hello, everyone. [inaudible] Is it okay if I stand because the chair [inaudible] my back?

Bridge Littleton: Sure.

Tina Staples: Ok, thanks. So obviously Rhonda was talking about Invoice Cloud. I'm just going to start first with the general fund really briefly. All of the funds are in really good shape at this point throughout the year. But I wanted to take a minute just to make sure that and for the public to, to understand that when we're looking at percentages of the budget in a timeline. So we say we're thirty three percent through the budget for this month throughout the year, but our revenue funds may be at 12 percent or 24 percent. And that's just because of the influx in the way the revenues come in during the year. So I just wanted to make that clear in case any of it was confusing, because at the beginning, I can say that your revenues at 28 percent in the general fund, but we're at thirty three percent of the budget year. So that's just why I wanted to give an explanation. So the utility fund, I actually put the QR code for you right in my report. And if you're daring, you can pull your, not this at this moment, of course, but pull your camera out at home and, you know, let that take you into Invoice Cloud. [laughter] I think the system is working pretty well. When we initially put everyone into the system, we have fifty seven accounts that are set to E-Bill. So I think that my immediate need is to get that number up. Most new people that are signing up for accounts are electing the E-Bill, so that's good. That's promising. And then just trying to get some of the other residents in town to switch over to that system, I think will help a lot.

Peter Leonard Morgan: And I think it's also got the option now for auto draft, auto debit, right?

Tina Staples: That's correct, yes. Auto pay your bill in the actual bill amount. And I just keep bringing this up, but I love the text payment. I just it is unbelievable how easy that is. You just text yes. And it send your payment. So there's lots of options and the QR code. But outside.

Bridge Littleton: Tina real quickly.

Tina Staples: Yeah, yeah.

Bridge Littleton: So question you've got 55 people on it.

Tina Staples: That's correct.

Bridge Littleton: Out of how many accounts?

Tina Staples: Four hundred and eighty thereabouts.

Bridge Littleton: 480. What's the target? [off mic] Well, no, I mean, yeah, that'll never happen, but I mean.

Tina Staples: Ideally half. I'd like to see half, I think that's reasonable. [multiple speakers] I'm sorry.

Peter Leonard Morgan: I'm sorry what was that? Oh for this system.

Tina Staples: For the E-Billing.

Peter Leonard Morgan: The E-Billing.

Tina Staples: Yes, I'd like to get to half and it absolutely will not happen next week, but I'd like to try to pick away at that. We're going to try to do some different outreach and some other. Do workshops if we need to, to help show people how to pay it online. So we're going to work on it and see what we can come up with.

J. Kevin Daly: And just for clarifications for the the folks out there in TV land. This is solely an e-payment for the bill. There's no additional fees attached.

Tina Staples: There is only a charge if you use a credit card. The system is, I think, it's 2.64 or whatever the percentage is now they charge when you pay on a credit card, but the E-Check the town is absorbing the E-Check fee as you all decided to do so that is free so you can use your checking account for free. Thank you. Outside of that, I listed the accounts payable and I have some other things on the agenda tonight outside of just the monthly report. But if you have any questions on this, I am happy to answer them.

Bridge Littleton: Any questions for Tina. All right. Thanks, Tina.

Tina Staples: Thank you.

Bridge Littleton: Well, look who it is. Come on down. This is your this is your first full report, right?

Ali McIntyre: What?

Bridge Littleton: Did she do it last one? [off mic]

Chris Bernard: You were gone. [off mic] [laughter]

Bridge Littleton: Oh, that's what it was.

Ali McIntyre: Ok.

Bridge Littleton: I was with this rude British folk. [multiple speakers]

Ali McIntyre: All right. Good evening, everybody. I just wanted to go over a few things, and most of the information is in here. But just in terms of business and community partnerships, I've still been getting out meeting the businesses. I've been here for about two and a half months now. I've met, I'd like to think almost everyone, but there's still a few businesses I haven't gotten to meet face to face yet. I have continued to just be a part of the MBPA, whether it's the Biz Buzz or the board meetings. Talk to Punkin frequently, so [inaudible] very involved in that. And then, along with the Middleburg Arts Council and EDAC. I took the opportunity to actually go to the Piedmont Fox Hunt, which is technically outside of Town of Middleburg limits, but was invited by a Middleburger. And I really got to experience that side of Middleburg, so it was really cool and got some really great pictures and just you know got to learn about that side of the town. I also Council Member thank you so much for inviting me to the Middleburg Legion. I had a wonderful time, got to see also a different side of things.

Bud Jacobs: Oh it's different all right. [laughter]

Ali McIntyre: Well, [multiple speakers] they're very welcoming, and very kind. So outside of that, just we have the ribbon cutting page up now we actually do have a ribbon cutting. I did leave that off of this Friday for Rosemary

Antiques, and that's going to be at three o'clock. I think you guys all got the invitation. So if you haven't RSVP'd, please do so. And that's for Alfred Pollard. And then the communications and marketing have been taking up I would say the majority of my time. I'm still communicating with Red Thinking on a daily basis. That's our marketing firm via Slack email, so on and so forth. We did complete another content day, which we took a different approach, this time just in terms of going around the town and capturing the streetscape and the fall weather to use throughout the winter season. And I also took them around to meet the business owners so they could get a better understanding of the Middleburg community. And then, yeah, the E-newsletter will continue weekly. I initially planned on doing it bi-weekly, but people like it, so we're going to keep it going out every Friday. Yes. Any questions?

Bridge Littleton: Kevin.

J. Kevin Daly: Ms. McIntyre, you have met Dieter, haven't you?

Ali McIntyre: Yes.

J. Kevin Daly: Just she introduced. OK.

Ali McIntyre: Yeah. My first week here he actually, he was one of the very first shops I went into and told me it was his 20th anniversary on November 2nd. So and his post actually got the most engagement. I think it was about three hundred and forty seven likes, which no offense to any of the other posts, but his has performed the best in my time here. So thank you. [laughter]

Bridge Littleton: Bud.

Bud Jacobs: I've received, I guess, two highly complementary messages from folks about the newsletter. So I think people find it useful. It's very well done. I have to say, and please keep it up.

Ali McIntyre: Thank you.

Bridge Littleton: Peter.

Peter Leonard Morgan: How is the program with different businesses contacting you to do Instagram and Facebook posts? Are they taking up that option a lot?

Ali McIntyre: Yes. They are. So since the development of the social media request form, we have been getting some submissions. A couple of the same businesses have been sending information in. So it's slower, but it's definitely building. And some people will also just pick up the phone and call me, which is also totally fine. And yeah, it's been so far so good.

Bridge Littleton: Philip, any questions? You good. Ok. Hey Ali, I had one question, and this is just to put on your radar. So before the pandemic, we did a contribution every year to Visit Loudoun and it was like 30, 40, 50 thousand bucks, something like that. And we had developed a sort of working contract with them, stuff they would do for us and stuff we expected and stuff. And what not. We suspended it during COVID. I think we actually gave them the money towards their grant program for restaurant workers and things like that. You know, so and I know I mean, I haven't seen what the next iteration of it's going to be. I would imagine council would want to, you know, revisit doing that again and having the new contract and making sure. You know so much has changed from an economic development standpoint from pre-COVID to now. What we're doing, you're here. So it probably would be good to revisit the whole sort of work scope and all that kind of stuff. So I'm just throwing it on the radar screen to make sure we get that in place for next year, if that's something council wants to do.

Philip Miller: Are you talking about our MOA?

Bridge Littleton: Yeah, exactly.

Philip Miller: Yeah, I agree. I think that's a good conversation to start having now. It was actually something that I thought about the other day. If that's something that council wants to continue with. It's better to get started on that soon. [multiple speakers]

Danny Davis: So we had some initial back and forth right before Ali began with Beth about getting the MOA back to the council because the current one technically did expire as of June 30th. So for this current fiscal year, there is none and they have not approached us, but I do believe they would enjoy continuing that partnership. And I think your comments about relooking at the scope of work would be a great thing for Ali and the Visit Loudoun team to work on.

Bridge Littleton: Yep. Perfect. Ok. Thanks, Ali.

Ali McIntyre: Wonderful. Thank you.

Bridge Littleton: That guy in the back with the gun.

A.J. Panebianco: That's it. [off mic] [laughter] That's [inaudible].

Bridge Littleton: Will, you're next.

A.J. Panebianco: All right. Find my glasses. First and foremost, I guess the biggest thing on our plate right now is Christmas in Middleburg. We continue to work. As a matter of fact, I meet with Doug tomorrow and we're going to walk the event, let him see what we see and what we look for. So that should be going well. And it appears as of today, they have roughly six hundred and some parking spaces, so they're sold out at Salamander and the Brewery. So the only parking spaces available are left down there at Mickey Gordon. So they're doing well with their sales on that. And Danny, and whoever is our IT person here has a really nice pop up. When you go to our page, it says, Hey, get parking. So great job with that because that's going to encourage what we're looking to do. The Great Middleburg Cleanup went well and I think we had about 30 volunteers. And so we appreciate all the hard work that Peter put into that because it's like herding squirrels. [laughter]

Peter Leonard Morgan: [multiple speakers] We really appreciate your support and your team at the police department. You know, it really it's not just having you there for safety. There's this morale thing. It's amazing.

A.J. Panebianco: Yeah, it's a great community event. And what was really neat is people that would see what was going on would ask questions and just thought it was really neat, especially if they were a visitor, that this was a community event and we weren't using them as community service workers. You know, shotgun crew, they had volunteered to do this. And so we got a lot. I would say I probably had four or five people, which is a lot just mentioned how nice it was during the event. So I think that's really great. Our staff, I just have to recognize them because they have done an amazing job of accepting all the extra work that comes with holidays and events that come up and really proud of the work that they're doing and the time that they're giving up from their families to make sure that Middleburg has the events that it needs to do. One side note of today, Jason, who is in our LEEDA which is an FBI Leadership Program. His third part of that, he was selected as the I don't know what the term is yet, but it's like a leader of the leadership of the week event that he can conducted in the class they give out two a week. And this is a week long course, and he got the first one. So kudos to Jason. He is taking that class very seriously and will complete the trio of the classes this Friday, so we'll probably have more on that next week. Maybe our next council meeting, I'll probably bring him in and make sure he gets recognized for that. So any other questions or any questions, I guess?

Bridge Littleton: Any questions for A.J.? A.J. thank you.

A.J. Panebianco: Thank you.

Bridge Littleton: Now the other guy with a gun. [laughter] Mr. Moore.

Will Moore: Mr. Mayor. Council, you have my report. Just a couple of things to highlight. The Planning Commission has taken up a couple of important efforts that were referred to them by council. They had a kick off meeting with the Berkeley Group consultants that are going to be assisting staff and the commission with examining ongoing concerns with development, redevelopment, infill development, the character of that. So last month they held a kickoff meeting with Berkley. Berkley had been in town earlier that day, kind of toured the area, met with the Mayor, and Mr. Jacobs as the Planning Commission liaison before the commission meeting. So got a good start to that and then also taking up this month, beginning discussions about some potential policy recommendations when it relates to short term rentals and how some applications would be weighed if and when some start coming in. So I was just talking with Town Attorney a little bit earlier today, sent him kind of a first, very rough draft of some ideas and we're making some progress there as well. Otherwise, you have my report and happy to answer any questions.

Bridge Littleton: Darlene.

Darlene Kirk: I have. Can you hear me?

Bridge Littleton: Yes.

Darlene Kirk: Well, you can you are right beside me. Okay. I just had a comment. I noticed that when we get, we have a lot of tourists, and our town needs tourists to survive. And I'm seeing so many of them now walking up through Ridgeview. I mean, they have always done that, but it's like.

Will Moore: Interesting.

Darlene Kirk: You know, and I think we really have to work hard to keep the character of our developments there because if we become all those little clutter, you know, big clutter houses on small lots, that's not going to be. They're not going to come here. Why bother? But it's been kind of fun because I haven't seen you though.

J. Kevin Daly: Well, I've been going out at o'dark hundred. [laughter].

Darlene Kirk: OK. [multiple speakers] But a lot of people, they ask questions, you know, if you're out in the yard or whatever.

Will Moore: True.

Darlene Kirk: And we all, everybody speaks to them. So I just thought I'd mention that.

Will Moore: Yeah, thank you.

Bridge Littleton: Yeah, I noticed there's this older gentleman with a little black dog who walks around every single day. Have you noticed that?

Darlene Kirk: Yes. [off mic]

Bridge Littleton: Yeah, he does. He's actually going to start bringing Christmas presents around too, for everybody who plays with his dog.

Darlene Kirk: Oh good. [laughter]

Bridge Littleton: It is like it's become this ritual of my father. Every day at four o'clock, he takes Hope. Oh God, and they walk probably for an hour, and all they do is go all around Ridgeview. He goes by and sees Dotty and all that kind of stuff. So I have to say this really quickly this is kind of funny. So my dad has this old pickup truck that I'll use every now and then to haul stuff or whatnot. So for their Christmas Present, I got him this fire pit. So they've got this big stone pit, but they don't ever use it because it's kind of a pain in the butt to do a fire. So I have this metal one called Solo Stove,

and they're great. So I got them one and it fits perfectly in there, but it got shipped to my house. So to get it there, I couldn't fit it in my car. [multiple speakers] So I went to my dad's house, got the pickup truck and figured, let me see if I can sneak, you know, because he wasn't there. I just didn't think that he was out walking. So I drive back to Ridgeview and I'm going up the street and he's walking this way with the dog. And here I am in his pickup truck, and he couldn't at first tell it was me. And you see him. He's got the look on his face going [laughter] because he leaves the key in the ignition. I'm glad I just said it out loud.

Cindy Pearson: He won't anymore.

Bridge Littleton: Exactly so I'm driving by and he's sort of, yeah, I'm driving by. He's sort of going like this, and I wave and go right on by and I go up there and I pick this thing up and I'm coming back and it's hysterical. I decided to go on a different street and that was the street he was walking up and I wave. And he's just like going, Yeah, oh, it was so funny. [laughter] So there's no I mean, Ridgeview you're absolutely right. Ridgeview is actually a really pleasant neighborhood to walk through. [off mic]

Will Moore: Yeah, that particular gentleman has an unfortunate habit of walking right in the middle of the road sometimes. [laughter] [multiple speakers]

Bridge Littleton: I'll discuss it with him. I'll let him know that the Deputy Town Manager was really annoyed.

Will Moore: I wasn't annoyed. I was just concerned for him. [off mic]

Bridge Littleton: Well, OK, any other questions for Will? Sorry for the sidetrack.

Philip Miller: I would just say on a serious note, I know I walk through town a lot with my dog. I also have noticed a considerable increase in foot traffic. So it may be something for us to think about long term in terms of planning for additional. I hate to say this pedestrian sidewalks as a consideration or some kind of safer passage for the people as we had these two incidents recently. I'm thinking.

Bridge Littleton: Darlene.

Darlene Kirk: I think one I agree with you that sidewalks would be better, but I think one of the things that at least it seems like the tourists kind of enjoy is being able to stroll down the road and just kind of chat with people. And, you know, you see, they've got bags, they've been shopping. So. But yeah, I understand what you're saying.

Philip Miller: I love to stroll down the road, too. I just don't like to dodge the people who are paying more attention to their phone.

Darlene Kirk: I agree with you. I agree.

Philip Miller: So just something for us to consider long term. [laughter]

Bridge Littleton: Any other questions? Input anybody? All right, thank you, Will.

Will Moore: Thank you.

Bridge Littleton: Mr. Crim.

Martin Crim: Thank you, Mayor. You read my report and I stand ready to answer any questions.

Bridge Littleton: Any questions for Mr. Crim? So Martin, I have a question.

Martin Crim: Yes sir.

Bridge Littleton: So is there anything on the, so it's going to be an interesting legislative session.

Martin Crim: Indeed.

Bridge Littleton: As we now have a divided state government and a new governor? Is there anything coming out of any of the trade associations or VACo or anything like that as to where things are headed? Or, you know, I mean?

Martin Crim: Most of the talk has been around the question of whether the legalization of marijuana sales will be moved up.

Bridge Littleton: Moved what?

Martin Crim: Moved up because currently it's not until January of 24.

Bridge Littleton: Yeah.

Martin Crim: And so there was going to be some discussion this coming General Assembly on that. One idea that was floated was to use the existing medical cannabis distributors dispensaries rather as retail sales sources. So that's where some of the talk has been. Other than that, I'm not really aware of any major. [multiple speakers] No big issues, right.

Bridge Littleton: Ok.

Martin Crim: I expect the VML and VACo legislative agendas for next year will read very similar and things like please don't take away any more of our power, especially about taxing.

Bridge Littleton: Right. No, it's interesting. I've spoken to a couple of people and I'd love as I sort of jokingly said it earlier, but I actually was dead serious about it. Can we get that, you know, mandatory November election thing removed and everybody go back if they want? So it'd be interesting to see if that's something that could happen. Yeah, it was. Well, I guess it was really the Senate that drove that it was the Senator Serval, I think, is his name from the Newport News area.

Martin Crim: No Serval is from northern Virginia, but there was it is a Tidewater initiative because I think it was a city of Chesapeake that could not seem to get the election results that they wanted. [multiple speakers] And so they did something at the state level to change that outcome.

Bridge Littleton: Anyway. Ok, yeah, I'm just curious. All right. Thank you. Any other questions for Martin? All right, Danny.

Danny Davis: Thank you, Mr. Mayor. Just a couple of brief items. We did send a mailer to all residents about COVID services that are available. Hopefully, you've got that in the mail. It actually went to a broader distribution than just in town residents, but we wanted to make sure we covered every single mailbox within the town, including P.O. boxes. The other items I think we'll cover under information items. So as of now, that's all I have Mr. Mayor.

Bridge Littleton: Ok, any questions for Danny? All right. Next item, I believe, is Town Hall.

Rhonda North: Thank you, Mr. Mayor. So since we last met, the invitation for bid was issued on November the 3rd. We had a mandatory pre-bid conference and site tour on the 5th at the request of some of the general contractors. We did extend the due date back a week, so the bids are now due on December the 8th. So the day before your next council meeting, we've issued one addendum thus far and we're about to issue a second one in response to questions that were submitted by the general contractors. So, that's moving along. We contracted with Expeditors Plus. They're going to help us go through the building permit process. Most of those documents have been assembled at this point. I think we're just waiting for the final site plan, which Will, I think is going to have his review of that completed hopefully tomorrow. And

so then we can start moving forward with the building permit process. And at this point, we are anticipating asking for a special council meeting somewhere between December 20th and 22nd to consider the Bid award. We may even have to do it a little sooner the week before. We're starting to hear from folks that a lot of folks are only holding their bids for a small window of time. So we're going to work through whatever we need to work through.

Bridge Littleton: Any questions for Rhonda? All righty, thank you. Rhonda. Christmas in Middleburg.

Ali McIntyre: Hello again. All right. So just a little bit of an update we do have and I know you guys all have the document, but the carriage rides. I spoke with the vendor. Those are confirmed. I'm working to have the Eventbrite link up tomorrow.

Darlene Kirk: Somebody told me it wasn't up. [off mic]

Ali McIntyre: Yes. Yes, and the dates are going to be the December 12th, the 18th and the 19th, and they'll be going from 11 to two. There will only be thirty six rides available, so we do expect them to go pretty quickly. The hot cocoa has been confirmed and these are the town sponsored items. The hot cocoa has been confirmed with Scruffy's and those dates are actually going to be the 5th, 11th, 12th, 18th, 19th and then potentially the 26th weather pending. So she's been awesome there. And then we're just waiting on a response. We've received the invoice for the tree decorating, which is going to be at the east and west entrance and then on the four corners by the stoplight. So we're just waiting to get that contract signed as well. And additionally, the MBPA has confirmed the majority of their events. Would you like me to go through them?

Bridge Littleton: I don't think so.

Ali McIntyre: Ok, sorry.

Bridge Littleton: Any questions for Ali?

Peter Leonard Morgan: Yeah, Ali, it's not really Christmas in Middleburg, but it's the day before. We got the tree lighting, haven't we at Five O'Clock? Is it on the 3rd? [multiple speakers]

Ali McIntyre: I want to say it's six.

Peter Leonard Morgan: Six o'clock. Okay, great. Thank you.

Danny Davis: And, if I may, we will be assisting the Pink Box. Sorry. Strike one for me.

Bridge Littleton: Keeping track.

Danny Davis: Thank you, Mr. Mayor.

Bridge Littleton: Ten dollar penalty every time you say it.

Danny Davis: Council Member Leonard Morgan. That being said. [laughter]

Danny Davis: We are working with the organizers of the tree lighting to shut down the short portion of Marshall Street between the Safeway parking lot and North Madison to give additional room for folks to stand safely in the street and to not have to be crowded into the green. Originally, the request was to shut down North Madison Street, and that was too much of a challenge for evening traffic. And so we're going to accommodate them on West Marshall.

Bridge Littleton: Awesome. Any other questions? All right, Philip. Sorry, go ahead.

Philip Miller: Danny, have you had any conversations with [inaudible] Pink Box about a menorah lighting on the 28th?

Danny Davis: I've heard that there would be a menorah, but I have not received any information from them about a lighting or any type of activities. But if there is, we're happy to [multiple speakers].

Philip Miller: I happen to know two people you can reach out to.

Danny Davis: I bet.

Philip Miller: [inaudible] And Mark.

Danny Davis: Ok.

Philip Miller: The menorah is actually in the shop, right?

Danny Davis: We're more than happy to get that out [multiple speakers].

Philip Miller: Planning. And I think it's just occurred to me that perhaps you were not brought into the loop.

Danny Davis: Great. I'll have Ali stop by and talk with Suzanne and or Mark and get all the details so we can include that in all of our communications.

Philip Miller: That would be great, thank you.

Bridge Littleton: All righty onto project status update. Excellent.

Danny Davis: Mr. Mayor, I'm going to delegate this conversation to Mr. Moore at this time as he has most of the updates.

Bridge Littleton: Well, I figured it was Will because it's got bullets. [laughter]

Will Moore: So just quickly the changes, if you will, update since the last meeting, we did complete the pavement corings on Pinckney Street. Those are currently under analysis. We're expecting those results next week. So maybe before Thanksgiving break, but that will better inform choices that we can present to you as to what might be the best path forward going with Pinckney Street. So awaiting that. The wayfinding and comprehensive sign plan package, which we bundled together came in today, bids were due. It's a little bit of a sticker shock on the bid. We had three bids. They were all two of them were very close together, one good bit more. But we may have some hard decisions to make. We may look for some options to trim down some of those. But I've not had a chance as they just came in this afternoon to fully evaluate them yet. But we will be coming back with you, but we're in the \$400,000 range or [inaudible]. Now, consider this includes replacement of all street signs, up signs throughout the town and first glance that part of the package is coming in at about 50 percent of the cost, and the wayfinding is coming in at about 50 percent, just roughly so.

Danny Davis: Oh, yeah. And [off mic] when we put the bid documents together, we purposely split out the various components of the signs so they could be considered in either phases or separate individual contracts if you chose not to do the full spectrum. So that could be even as much as just doing the entry signs and then doing the street signs or just doing, you know, a portion. So we can our suggestion would be that we bring that back to council at the next meeting for review of those options. We'd be happy if you'd like more information, you know, prior to that meeting, we could give you a little bit extra time to review and consider with a memo, you know, prior to that. But however much time you'd like to spend kind of discussing that, we'll want to give you so that we're comfortable with that.

Bridge Littleton: Is there anything driving that cost that is unexpected, i.e. material costs for COVID or whatever?

Will Moore: Well, I think there's a lot of steel involved with the with the post, but other than those costs, I don't think there's anything. I don't see anything that's going to correct itself anytime soon.

Bridge Littleton: Ok. So when you guys bring this stuff, let's do this too. Give us the particulars of the signs, right? Like, Oh, these are made of wood or it's made of a laminate or it's, you know. So not only just what it is, what it looks like, but the materials and how we're doing it and how it's being fabricated. Because that could be a choice, right? Like the wayfinding, we could do what they recommend. And if we're saying that the street signs are wood and there's nothing wrong with, you know, a cheaper material because they are just street signs. And I'm not saying we will. I'm not saying it is, but those might be choices we have to think about. So Darlene.

Darlene Kirk: So just be careful if you're talking about wood signs because my mailbox, just the wood, just that wind last week, it just split it right into.

Will Moore: Understood no wood in any of [multiple speakers].

Bridge Littleton: Let me, you know, one other thing and that's just the cost of installation, right? That's not the maintenance cost of owning them.

Will Moore: Right. That's fabrication and installation. [multiple speakers] And also demolition of the [multiple speakers] existing.

Bridge Littleton: The old stuff. Wait a minute.

Philip Miller: But we have that stuff in the plan, right? We looked at all this before.

Will Moore: Yes.

Bridge Littleton: Yeah.

Philip Miller: Okay. So I mean, it shouldn't be a problem to produce that pretty quickly?

Will Moore: Producing. I'm a little. [inaudible]

Philip Miller: With the materials are [multiple speakers]

Bridge Littleton: I understand provided. [multiple speakers] I'm just saying provided in the memo package, that's all.

Will Moore: Yeah, yeah, no problem providing that.

Bridge Littleton: Just a thought. The old street signs [off mic] Exactly. There might be people who want their street sign.

Chris Bernard: [off mic] Or donate them to like someone who will auction them.

Philip Miller: Yeah. Well, auction them off for bricks for the new pocket park sidewalk.

Chris Bernard: Actually, you know what? You'll auction them off the same way they do the foxes on the fence. All online. You put a picture of it up. People can bid. You open it up for a month. You'll make a hundred thousand dollars.

Darlene Kirk: And think about maybe donating [off mic] [multiple speakers].

Bridge Littleton: I tell you what. Hey, let's do this. Let's get the signs. And then we'll figure out what to do with them. There is value there. Don't throw them and don't let them take them.

Philip Miller: Yeah. Right [multiple speakers] a hundred thousand.

Bridge Littleton: Chris has got a commitment of one hundred thousand.

Chris Bernard: So thinking about how many streets there are?

Bridge Littleton: Exactly. Well, that's the whole point. Exactly, exactly. Yeah Darlene.

Darlene Kirk: You guys got me so confused. I forgot what I was going to say.

Bridge Littleton: Mission accomplished.

Cindy Pearson: I want to say while she's thinking. So the entrance signs? Would they be maybe the first thing that we take care of? I just kind of cringe at that every time I come by, it just looks so bad. [multiple speakers]

Will Moore: Those have always been considered I think the first priority is the gateway signs, understanding that if costs were out of hand, they would be first priority.

Cindy Pearson: Cool sorry.

Darlene Kirk: I remembered.

Cindy Pearson: Ok.

Darlene Kirk: And could some of the yeah, maybe the donations are [multiple speakers]

Philip Miller: Correct me if I'm wrong. We did say that they might be a bit of an evolution based on some of the other improvements, like rock formations and planters around them to make them look a little bit [inaudible] grand, if you will.

Will Moore: Yeah, I think that that opportunity still exist. It's not part of this contract, but there would certainly be ways we could enhance the base of those gateway signs once they're installed.

Philip Miller: Right? It's not stage one this is installed as a, you know, grand thing.

Philip Miller: Correct.

Bridge Littleton: Ok.

Darlene Kirk: Okay, I was going to say it would be nice if some of the funds that we get from the auctioning off of the signs could go to the Health Center Fund too. That's another good thing we could do with it.

Bridge Littleton: Well, we'll come back with ideas. The key is let's make sure we save the signs.

Darlene Kirk: Yeah, I'm just mentioning it, so people will have it in their minds.

Bridge Littleton: Yep, yep. I see I'm looking at Will and Danny, they're both like, OK, we were going to do something with those signs, but now they want us to uhh.

Will Moore: No.

Cindy Pearson: Now they're thinking of how this is going to happen is what they're thinking.

Bridge Littleton: Where are we going to put them all? [multiple speakers]

Will Moore: Yeah, it's just a coordination issue with the contractor. We would have to make sure that it wasn't contemplated in their bid for demolition, that they would get the scrap value. So maybe a discussion, but we can figure that out.

Bridge Littleton: Ok. [multiple speakers]

Philip Miller: eBay.

Bridge Littleton: All right. Yeah. It ain't theirs. All right. I'm sorry. You guys keep going Will on your projects.

Will Moore: So that's all I had in terms of updates since last month.

Bridge Littleton: Anybody had any questions on the project updates? Ok.

Darlene Kirk: Good job. [off mic]

Danny Davis: No, there are no updates on those.

Bridge Littleton: There's no updates on the other ones. Yeah, those are just ongoing. Ok, thank you, Will.

Will Moore: Great. Thank you. [off mic]

Bridge Littleton: All right, Dieter have a good night. [multiple speakers]

Cindy Pearson: Good night Dieter.

Darlene Kirk: Be careful.

Bridge Littleton: Ok. Consent agenda. I would like to add one thing to the consent agenda, and that is the resolution for Lin Watts. Any objection?

Darlene Kirk: No.

Cindy Pearson: None.

Bridge Littleton: Ok? Is there a motion on the consent agenda?

Peter Leonard Morgan: I move that council, adopt the consent agenda as outlined and add the resolution of appreciation to Mr. Lin Watts.

Bud Jacobs: Second.

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

Council All: Aye.

Bridge Littleton: Opposed abstentions. Ok, that is done. All right. Council approval purchase of nutrient credits for the Town Hall project.

Danny Davis: Thank you, Mr. Mayor. As part of the Town Hall project enlisted out here, the town is required to purchase a small amount of nutrient credits for our stormwater management permit. We did, through our construction

manager, bid this out to various firms and are recommending moving forward with the lowest bidder. I would note that this is a new nutrient mitigation bank that is owned and by the town of Purcellville, and they use a firm to sell those credits. And so it's actually kind of neat that we are able as a town. [multiple speakers] It is they're Aberdeen properties. So as a town, we're able to support their town in the purchase of our nutrient credits. Two two quick items of note. One, the closing of the credits is extended out to December 18th should for any reason, we decide that it's not appropriate to move forward with it after we've had the chance to review bids for the project this gives us an opportunity to not close on these if we choose not to, though at some point we're going to need the credits if the project is to be completed. The second item is there is one minor revision that we're going to need to request in the contract that I failed to get reviewed ahead of time. So if I could just simply request at the end of the draft motion, if council is amenable to it, just simply add something to the effect of subject to final modifications, as approved by the town manager and the town attorney. It's an indemnification clause that's necessary. We're happy to answer any questions you might have.

Bridge Littleton: Any questions for Danny? Yep.

Peter Leonard Morgan: I hope I don't sound ignorant, but was this something that was always there? Because it looks new to me, it's fascinating, and I was just curious really.

Danny Davis: In terms of purchasing nutrient credits in general?

Peter Leonard Morgan: Yeah, having to do it. And do we know about it all from the beginning or is this something that pops up as you go along?

Danny Davis: It's one thing that you typically find as you get into more detailed engineering in a project. There are often times where, depending on the size of your project, you can accommodate all of the stormwater and all the nutrient removal in a, say, a stormwater pond or in a facility that's large enough to accommodate it. Other times, especially when you're building in a more urban or tight configuration, you might be able to help the stormwater runoff, but you're not able to remove the phosphorus or nitrogen or things like that. So that's why you buy the nutrient credits wetlands offset credits. Exactly. So it's pretty standard.

Rhonda North: And it is a very tiny amount.

Danny Davis: Yeah.

Chris Bernard: It's just like the overage of what you can't contain yourself.

Peter Leonard Morgan: Thank you.

Bridge Littleton: Any other questions. All right, is there a motion?

Philip Miller: I move that, the council authorize the town manager to sign and execute a non-point source credit purchase and sales agreement with The Davey Resource Group Inc for the purchase of .57 nutrient credits with the total cost of. How would you like me to finish it Danny?

Danny Davis: You can include the cost, but add just subject to final minor revisions as approved by the Town Manager and Town Attorney.

Philip Miller: Total cost of Seventeen thousand one hundred dollars subject to the approval of the Town Manager and Town Attorney for the Town Hall Project.

Darlene Kirk: Second.

Bridge Littleton: Any discussion? All's in favor say Aye.

Council All: Aye.

Bridge Littleton: Philip.

Philip Miller: Aye.

Bridge Littleton: Opposed abstentions? OK. Next item is amendments to the TOT Tax. Mr. Crim.

Martin Crim: Thank you, Mr. Mayor. September 1st of this year, new laws took effect governing the collection and payment of the transient occupancy taxes. These changes primarily deal with accommodations intermediaries such as BRB, Airbnb or one of those VRBO. The upshot of that is it required some extensive changes to your ordinance, and I picked up some other changes over the decades since it was originally adopted that needed to be made, so it's now thoroughly consistent with state law.

Bridge Littleton: Any questions for Martin? I know we talked about this last time. Ok. Is there a motion?

Cindy Pearson: I'll make a motion.

Bridge Littleton: Go ahead.

Cindy Pearson: I move that council adopt an ordinance to amend Article eight of Town Code Chapter 97 to address recent changes to state enabling law regarding transient lodging taxes and to make related changes.

Darlene Kirk: Second.

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

Council All: Aye.

Bridge Littleton: Opposed abstentions? Ok. Next item is ARPA Municipal Utility Assistance Program.

Tina Staples: Thank you. So as part of the ARPA funding, they have again set aside some money to help people with delinquent utility bills. They did this in the CARES Act also. So things are a little bit different this time. The last time the Loudoun County had their own system in place for helping with utility bills, and they didn't want to participate in this. And this time they have agreed to serve it as the pass through agent for the towns and towns that are interested in applying for this funding. So I went ahead and submitted our information the delinquent amount of the utility bills during the time frame portion that we are allowed to look at and submitted them for approval. We did receive an award from the state to pay those off. In order to do that, we would need permission to to engage the county with a MOU to at a limited basis just to service the pass through agent so that they can pass the grant funds through to us. And then it will be some additional reporting and a lot of happy people that got their delinquent utility bills paid off. Do you have any questions,

Bridge Littleton: Any questions for Tina?

Bud Jacobs: Yes. Go ahead, Peter.

Peter Leonard Morgan: My question really is about these delinquent bills, and I think it's wonderful that folks who really are suffering and can't pay their bills that this can be paid. But I guess there's no method mechanism for us to work out that people just forgot to pay it or couldn't be bothered to pay it. They can pay it and they.

Bridge Littleton: Need versus not.

Tina Staples: Right, right. Well, there they are, not requiring every person to sign a addendum like they did before. That says this is a result of impacted by the pandemic or some passion. But we would still like to get those certifications from people. So I'm just going to make up a simple one pager that says this is the amount we've been awarded to pay for your utility bills. But you know, and they have to certify that this is a result from the pandemic or in some fashion surrounding that. So I think that should help some with that, because that's a very valid point.

Philip Miller: We're legally allowed to do that?

Tina Staples: Yes, that's actually a requirement from the first time they wanted certifications from everyone. This time they're not requiring it, but they're still encouraging it. And I just think it actually gives more protection for the town

Peter Leonard Morgan: They are actually encouraging it?

Tina Staples: Yes.

Peter Leonard Morgan: Oh, that's great,

Tina Staples: Because you've the certification just basically again, it just enforces that, that they were impacted and that they do need help other than someone who maybe did not. So that's important. That's important part because it's grant funding, of course.

Peter Leonard Morgan: Martin, you're happy with that, right? You know, right? Thank you so much.

Bud Jacobs: But just a quick one, Tina, as I read your memo for our purposes this evening, this is basically a paper exercise, correct? We're serving as a pass through nothing more. I mean, the certification thing is great. I encourage that great. But it's pretty much a pro forma exercise.

Tina Staples: Yes.

Bridge Littleton: Any other questions?

Philip Miller: My question is there's no extra weight on staff to perform this?

Cindy Pearson: Well somewhat.

Tina Staples: It does. I mean, it gives me a little bit of additional paperwork, but I went after this funding intentionally to try to get it for the residents, so I would be happy to do the additional paperwork for it.

Philip Miller: I just want to make sure nobody's being pushed beyond their limits.

Tina Staples: Thank you, I appreciate it.

Philip Miller: Thank you for volunteering your time and doing what's right for people.

Cindy Pearson: Getting some help.

Peter Leonard Morgan: Can I make a motion? I move that the Middleburg Town Council approved the acceptance of utility relief funding and thereby approve the town manager and staff to enter into a limited MOU with Loudoun County to serve as a pass through agent for the town regarding ARPA SL FRF municipal utility relief funding.

Bud Jacobs: Second.

Bud Jacobs: Any other discussion? All those in favor say aye.

Council All: Aye.

Bridge Littleton: Opposed abstentions. Ok. Next item. Thank you, Tina. Next item here is Middleburg charitable foundation.

Danny Davis: Thank you, Mr. Mayor and Council. Just to briefly overview the memo and lay out next steps. The Health Center Fund, currently, as of to date, has a balance of approximately six hundred and sixty eight thousand six hundred six to eight thousand six hundred and fifty six dollars. And the council gave direction at the last meeting to repay the Health Center Fund that two hundred and fifty thousand dollars that was used during COVID. So that will bring the total funds over nine hundred and eighteen thousand dollars. Along with that, with a renewed desire to establish a charitable foundation. The last time that we talked through this, there were a few pitfalls that we had found as we talked with our auditors about needing to or that we had not necessarily structured it in such a way to create the separation of the foundation or entity from the government so that it could be considered a completely separate entity. As such, we've reviewed through the various articles of incorporation and bylaws to create that separation. That's based on the conversation we did have with council. Specifically, that council would have two members on the board of directors and that the the town council would not retain any kind of annual budget overview or approval authority. That being said, in the articles of Incorporation, we would integrating information in there that would limit the amount that could be distributed by the foundation each year to just the net proceeds, the net investments or revenues that they bring in, or should they wish to dip into the principle. It requires a unanimous vote of the board, which would include two council members. So there are some checks and balances, even though there's not authority remaining with the Town Council for next steps. We do believe it's at a form that is ready to move forward with, so I intend to if council agrees to send this to our auditors for the next steps of preparing the IRS documents. That is probably a six to eight week process, especially with the holidays involved. But they do have experience in developing these and creating that for these kind of new entities. Subsequent to that would be submission to the IRS and hopefulness. That review can occur in an next or a relatively quick fashion, but that's a little bit subject to their process. And then should that occur we would bring it back for final nomination of board members and approving of the distribution of funds to the health or to the new foundation so that it could then begin prior to the fiscal year. The next question before you would be whether there's a desire to consider a particular name of this foundation or organization. Again, we've been calling it to date the Middleburg Charitable Foundation, which is broad, but I think it gives that community sense of what it's for. But if the council is interested there, there could be potential opportunities for whether it's naming it after someone instrumental in the health center and charitable efforts or some other type name. But that's kind of leave it at the council's discretion. Happy to answer your questions.

Bridge Littleton: Ok, thanks. Philip, you had a question.

Philip Miller: Can I suggest that before we bring this whole thing back to council, we, once it's gone through all this process, perhaps have a select committee of the mayor, Darlene and I would humbly suggest myself to just go through the various nuances of exactly how this proceeds.

Bridge Littleton: You mean, so you're suggesting the three of us take a when it's ready, take a real good lengthy maybe a couple hours afternoon deep dove into all the nooks and crannies spend the time certainly wouldn't want to do it in a council meeting because we'd be here till midnight and then bring it back to council?

Philip Miller: And even if it is a one on one or a two on one or we have to structure it with Rhonda, I think it's worthwhile at all kind of looking through the nuances of finally getting this thing done, after all, we've gone through to get here.

Bridge Littleton: I've got no issues with that at thoughts anybody else. I don't think it's a bad idea.

Bud Jacobs: Philip, are you suggesting that you do this after submitting the documents to the IRS for approval? I'm not clear on the sequencing

Philip Miller: The auditors first.

Bud Jacobs: Yes.

Philip Miller: Yeah, after we submitted them to the auditors, yeah.

Bud Jacobs: And gotten their comments back then, you guys sit down and do a deep dove. I think it's a great idea. Yeah.

Philip Miller: Correct. Yeah.

Bridge Littleton: Yeah, I don't think it's a bad idea at all. I would say do it all at once. Martin, probably have you here for whenever we schedule that and probably would set aside two to three hours to really just labor over it really intensely. And, you know, make it a public meeting. I mean, that's fine. People can come and sit here. Anybody who wants to come and come. But at least the three of us will, you know, obsess over every comma. And yeah, yeah, I don't think it's bad.

Philip Miller: Yeah. I mean, there's there's nothing precluding us from inviting the members of people who work so arduously on the Board, the health center for so long from showing up and giving their input as well.

Bridge Littleton: Yeah. [off mic] Yeah, I think it's a great idea. So let's I mean, we don't have to figure it out today. But Danny, if you got the direction you want to do so, yeah, right. I would say, let's try to get it on the books at least a month out from when we want to happen it one to happen. So just, you know, and Darlene's point is a good one, you know, like Howard and and folks like [multiple speakers] There's an hour and a half at the beginning and then there's, you know, a break and then after that. So yeah, I think it's a good idea. Any other questions?

Darlene Kirk: Yeah, I did. Danny, did you say the end, you didn't say the end of this year. You meant when did you because you.

Bridge Littleton: Before the end of this fiscal. So the thing on there says May. Yeah, Philip, something else?

Philip Miller: Except for the cat climbing on me, I wanted to ask how we are doing on our responses from people for health benefits requests refunds.

Danny Davis: I believe I've received four or five of the nine or 10, perhaps that I've sent out. I did request them by tomorrow, I believe was the deadline. So so I'll check on what's kind of outstanding and make sure that it's not been missed by them, but we send it both email as well as hard copy in the mail. Thank you.

Philip Miller: And have you reached out to the committee members to think about when we can get together?

Danny Davis: I have not had a chance to. I'll take care of that tomorrow, but we're targeting the week after Thanksgiving for that first, you know, kind of. Oh yeah. Yeah. So we could bring it to council for the December 9th council meeting for review and approval.

Philip Miller: Great. Just want to make sure we're on track. Thank you.

Bud Jacobs: Ok. Unless there's any other thoughts or input, there's a motion waiting. There's a motion on the memo.

Martin Crim: I thought this was just a discussion item.

Bridge Littleton: Oh, we don't have them yet. I'm sorry. Ok. Yep, yep. That's my bad. Sorry. I got it. We're good.

Chris Bernard: We've lost over the naming thing.

Bridge Littleton: We'll do that. I think we do at the same time. Yeah, because I mean, I'd love to get Howard's input and see what he thinks if he has any good ideas and others. Ok. Next item is oh, just a quick discussion item. It's on the temporary deeds of easement. Danny, do you want to touch on that, or do you want me too?

Danny Davis: I'll be happy to. So as part of the Town Hall project, as you're likely where we've approved or the council has approved a number of easements already to date, some of those on the property of salamander after extensive negotiations with them and after final final site plan development, including revisions to the stormwater requirements and the approval of that permit, as well as clarifying the limits of disturbance of the property, we do have to finalize the stormwater easement, the limits of disturbance, temporary construction easement with salamander, as well as a small relocation of the water line easement on salamander property. So there are three easements outstanding for salamander. And then there are three additional easements temporary construction easements required from our adjacent property owners. That's Dr. Helvey and his apartment building. The Verizon building and Natty Kaye. We've had conversations with all of those entities. The documents themselves are pretty much completed and final. We're waiting on actually the final plats from our engineers to be in hand, but I expect to get those, if not this evening, tomorrow morning from our engineers and then distribute those out for final approval. The ones for salamander use the exact same language as used in the other easements, so we hope and anticipate not having significant challenges in that, though we had some back and forth with them prior to the development of this because of a few items that they've raised. So with that, I think we're at a place where we are ready for approval of those and bring those forward to December 9th for the council's approval. Mr. Mayor, any questions or additional information you'd like me to share?

Bridge Littleton: No, I guess my only question is what do you need from council when these are ready?

Danny Davis: It's just a form of vote of approving the deeds of easement.

Bridge Littleton: Ok. So do we need to have a special meeting?

Danny Davis: At this point, no.

Bridge Littleton: Well, here's the reason, because I don't want us to run out of time. And I don't want us to given. Understanding the history I am, I am concerned with lengthy back and forth over the placement of a period, so I just want to make sure, let's put it this way. I'm just going to say from a council perspective, sometimes negotiating with some of these parties has been extremely difficult. So we may have to go back and forth and suck up a lot of time putting us down to a day or two that, oh my goodness, we can't start construction. I'm seriously worried about that. So I just ask everybody on council to be prepared. They may go just fine and it won't be. There'll be no big deal. And the next meeting, we clear them off the off the landing pad and we're done. Or it may be literally it's down to the day and we call everybody and have a meeting the next morning. So just heads up. That's all.

Rhonda North: Yeah, we can have a special.

Philip Miller: I would also say Bridge all evidence to the pessimistic [inaudible].

Bridge Littleton: Yeah, yeah. I mean, I just it's happened at every single stage of this event. And so I just wanted everybody to be prepared. So and we have to have these signatures, we can't do the construction without them. So. Ok, cool. Thanks. Last thing I wanted to mention before we go into closed session, this is just something to think about. Danny, I've been talking about this for a number of months, and this is literally just a thought jogger that when we have our next strategic planning session or whatever next year, is it something we want to put on the agenda to think and talk about and what the question is, is this? And I'm not saying that we're there, but the question is, are we getting there? And it is. Us being careful about being a victim of our own success, so I absolutely have people who mention, you know, I don't even try to go to eat in Middleburg anymore because it takes three hours on the weekends to get the, you know, and it's like, you know, it's like we've done such a good job of creating economic development that so many people have come here. It's actually is it. It's a question. Is it starting to actually spoil the experience? So I think back to years ago, we can actually say years ago now Christmas in Middleburg. We had, you know, twenty thousand people that one year because we drove so much, we've promoted so much. The weather was good. It was a perfect storm. And then actually

everybody came and said, that was awful. You know, and then we figured it out and got it right sized and all that kind of stuff. So I'm not saying we're doing anything wrong. I'm not saying that it's not right, but it certainly is, you know, trying to go to one of the restaurants on Saturday at lunch or Saturday or dinner or Friday at dinner or Sunday, and it's hours waiting. And so do we just want to do we need to think about how that thoughtfulness happens and economic development going forward? So again, not raising alarm bell, not saying there's a problem, but just something to be thoughtful of, you know, it's like there's a limit of capacity and after that, you actually start ruining it for everybody. So anyway. Philip, did you have your hand up?

Philip Miller: Yeah, I did. I actually did have a conversation a lot in the shop lately. It's a mixed bag. And the people who are upset or if it's the typical online review, right, they are way more upset than the people who are happy. They're far more vocal. People are at times willing to wait and to shop in other places while they wait for their spot at whatever restaurant. But I do think it's the right conversation to have at the right moment. And I think it is becoming an issue that is actually going to start affecting us detrimentally very soon, if not already. So I appreciate you bringing it up.

Darlene Kirk: [off mic] I was going to thank A.J. for the sign you all put up and said, don't take U-turns in the middle of the route 50. They're still doing it.

A.J. Panebianco: [inaudible] On the sidewalk thing. We're very limited on what we can do in enforcement. After the last special session, when they enacted a lot of new legislation that limited our interactions.

Philip Miller: What about outside of the sidewalk? I will tell you today, three times I actually asked people not to cross in front of the [inaudible] and just walk the next ten feet down into the sidewalk. The crosswalk. People just don't care.

Bridge Littleton: It's like driving with a cell phone. Everyone knows the law. Everyone knows it's dangerous. They do it

Cindy Pearson: Anyway. And they do. They just pop between those cars and you're, you know.

Chris Bernard: I'll walk around with A.J. and when someone does something wrong, you just tap me on the shoulder and I'll yell at them.

A.J. Panebianco: Like, sometimes even over the P.A., I suggest that you're twenty five feet from a crosswalk. It's much safer to use that, but I can't actually make a stop on them.

Bridge Littleton: I think you should mention that on Saturday.

A.J. Panebianco: He's well aware of all that.

Philip Miller: I do think it is. Ultimately, we're talking about human behavior. And if it's not something, we're ever going to be able to correct 100 percent. But I think if there are ways that we can find to mitigate the issues that are causing the problems that we're experiencing. We got to do it.

Bridge Littleton: Good point. Ok. Anybody, any other information before we go to a closed session? Go ahead.

Peter Leonard Morgan: Sadly, the composting program has died. We couldn't get enough sign ups, unfortunately. So despite a lot of hard work and effort on behalf of my esteemed colleagues on the sustainability committee and I appreciate all their work on that.

Cindy Pearson: I'm sorry about that, but it kind of timing on that might have been a spring thing could have maybe? [off mic]

Philip Miller: Peter, in your in your composting program. I'm just curious if it's such a rather miniscule amount of money. If the town funded the first whatever you need, 25 people every month, twenty five buckets, would that help?

Peter Leonard Morgan: That's a great question, we debated that, and I really came up with this as an answer, which is if you give this sort of thing to for free to people, sadly, the people who take it up probably aren't really that committed. You have to be committed to do it, you know, my house, I love doing it. And then someone else in my house doesn't, you know, it's a real problem then. It's really the desire and the will to want to do it. I think so. I love what you're suggesting, but I just think it would be probably throwing good money after.

Chris Bernard: Is there a situation where we could set up like a like a sorry, like a public, you know, maybe it's at the town hall, maybe at the police station. Well, where people can drop off in a big bucket.

Peter Leonard Morgan: There's a great question.

Philip Miller: Or some other incentive within the towns ability to say, Hey, you get a \$10 utility credit and we'll pay for you to compost instead of whatever.

Peter Leonard Morgan: Yeah, anyway, you know what Chris is saying, it's going to happen because it's just started with Montgomery County. And in fact, we tried to also do it with some of the restaurants, the bigger restaurants, and they were talking about it but didn't go for it, which is a shame if that would have helped a lot. But I think, you know, Montgomery County started doing it in a big way. I mean, 60000 tons of landfill that's now possibly going to go towards the composting and then people actually pick it up and plant the flowers with it, which is a great thing. So probably Fairfax will be the next one and then Loudoun will be the next one in a year or two or three. And maybe we're just too early here.

Bridge Littleton: It was a good run.

Bridge Littleton: Anything else?

Philip Miller: [inaudible] and your effort?

Bud Jacobs: Any other items before we go to close session. Going once, going twice. All right. Who's going to read this memo? Philip. [off mic]

Philip Miller: All right. Let me let me let me pull it up here. Take a deep breath. I move that council go into closed session as authorized under section 2.2-3711 of the Code of Virginia for discussion and consideration of 1) Appointment to a public body related to the Middleburg Sustainability Committee, as allowed under subsection A1. 2), Discussion of publicly held property related to Asbury Church as allowed under subsection A3. 3) briefings of staff members pertaining to actual or probable litigation, where such consultation in opening meetings would be adversely affected would adversely affect the negotiating or litigating the posture of the public body related to two requested boundary line adjustments as allowed under Section A7 and 4? The performance of certain public employees as they relate to project bonuses under subsection A1. I further mover that council thereafter reconvene in open session as appropriate.

Peter Leonard Morgan: Second.

Bridge Littleton: All those in favor say aye.

Council All: Aye.

Bridge Littleton: All right, we're in close session.

Chris Bernard: We're trying to get out of here.

Bridge Littleton: All right. Here we Go. We're back in session. [off mic] We don't need, Will. I asked the council certified for the best of each member's knowledge. One only public business matter as lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and two 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. I would like to remind those Present for the closed session that anything that any discussion that occurred within it should be treated as confidential.

Chris Bernard: Yes.

Bud Jacobs: Aye.

Darlene Kirk: Yes.

Bridge Littleton: Yes.

Peter Leonard Morgan: Yes.

Cindy Pearson: Yes.

J. Kevin Daly: Aye.

Philip Miller: I said yes first.

Bridge Littleton: Oh OK, Motion?

Peter Leonard Morgan: I move that council appoint Christina Tonda to the Middleburg Sustainability Committee to fill an unexpired term said term to expire May 12, 2024.

J. Kevin Daly: Second.

Bridge Littleton: Also those in favor, say aye.

Council All: Aye.

Bridge Littleton: Philip.

Philip Miller: I said aye.

Bud Jacobs: Ok. Next item is. Yeah, so directing, Danny, you are directed to move forward with the employee actions as discussed. Is that good? All right. Anything else? Meeting adjourned.

