



MIDDLEBURG TOWN COUNCIL
Regular Monthly Meeting Minutes
Thursday, April 28, 2022



PENDING APPROVAL

PRESENT: Mayor Trowbridge M. Littleton
Councilmember Chris W. Bernard
Councilmember J. Kevin Daly
Councilmember Morris E. "Bud" Jacobs
Councilmember Philip M. Miller
Councilmember Cindy C. Pearson

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

ABSENT: Vice Mayor Peter A. Leonard-Morgan
Councilmember C. Darlene Kirk

The Town Council of the Town of Middleburg, Virginia held their regular monthly meeting on Thursday, April 28, 2022 in the Town Hall Council Chambers, located at 10 West Marshall Street. Mayor Littleton led Council and those attending in the Pledge of Allegiance to the flag. The roll was called at 6:00 p.m.

Staff Reports

Stuart Will, of IES, noted that his monthly report now contained more information. He reported that in looking at the year-to-year comparison, the water and wastewater productions were down this year. In response to an inquiry from the Council, Mr. Will advised that as to the wastewater treatment, the reduction was because this was a dryer year. He further advised that the water demand was greater last year.

Town Manager Davis explained that there was a discrepancy at a meter at Well 3 that was misreading for approximately six months, which artificially inflated the amount of water processed by the Town. He reported that based on the last two billing cycles, the billed-to-produced rate was almost 91%. In response to an inquiry from the Council, he confirmed the new meter reading system would help identify water leaks sooner; however, it would not address the issue that was discovered with the meter at the well. Mr. Davis advised Council that he would look to see whether that could be added to the system. He noted that the staff would look for discrepancies when it prepared the monthly report.

In response to an inquiry from the Council, Mr. Will reported that the Town had the capacity to produce 400,000 gallons of water daily; however, it was currently only processing 140,000 gallons daily. He confirmed there was excess capacity for growth.

In response to an inquiry from the Council, Mr. Will confirmed it was rare for water and sewer flows to match due to inflow & infiltration (I&I) that was experienced when surface water intruded into the sewer collection system.

Town Manager Davis reported that the Town recently experienced an instance in which a contractor tampered with a fire hydrant. He noted that not only did this stir up the water and create a threat to the system, it was theft. Mr. Davis asked the public that if they saw someone other than a fire truck taking water from a hydrant, they please report it to the Town Office or Police Department immediately. He noted that they would be fined if caught illegally connecting to a hydrant.

Mr. Will opined that they did not think they were doing anything wrong because they were using a Loudoun Water meter and were in Loudoun County. Mayor Littleton asked the staff to figure out a way to put a stop to this.

Public Comments – Other Town Items

Mayor Littleton explained that for the next couple of months, the Council would break the public comments into two sessions – one for the BLA-related requests and one for all other Town items. He noted that the Council could only accept public comments and could not discuss them. Mr. Littleton advised that BLA-related public comments could also be submitted through the online survey form on the Town’s website. He noted that once the public comment section was closed, the Council would discuss the BLAs, would immediately answer any questions that may have been raised if the answer was known and, would receive an update from the staff. Mr. Littleton stressed that no decisions had been made and that the Town was in an information gathering mode. He noted that no formal application had been received related to either BLA request. Mr. Littleton explained that the desire was to obtain community feedback before advancing these items further.

No one offered public comments of a general nature.

Public Comment – Boundary Line Adjustment (BLA) Requests

Mike Morency, of Landmark School Road, opined that the Windy Hill Foundation proposal was a reasonable one and noted that their development would not be visible from anywhere. He opined that affordable housing was needed. Mr. Morency expressed concern regarding the number of units associated with the Homewood Farm proposal. He noted that when combined with the Windy Hill proposal, it would result in one hundred twenty-six (126) new units in the town, which equated to a 26% increase. Mr. Morency advised that he had two main concerns, the first of which was the conservation easement on the Homewood Farm property. He questioned how the Town would assure that further development would be prohibited in the easement area and opined that it was important to know what would be developed there. Mr. Morency expressed hope that development would be restricted on the one hundred ninety acres. He advised that he hoped the same would apply to the conservation easement for the Windy Hill property. Mr. Morency noted that the Wolver Hill conservation easement was not a done deal at this time.

John Donovan, 122 North Jay Street, questioned who prepared the development maps that were used as a part of the public information meeting. He noted that it was indicated that having an entrance for the Homewood Farm development on Route 50 was a “non-starter”; however, he questioned how easy it would be to sell the cottage style homes and townhouses if they would experience four hundred vehicle trips per day in front of them. Mr. Donovan expressed hope that having an access on Route 50 was not a closed issue.

Status of Boundary Line Adjustment Proposals

Mayor Littleton agreed with Mr. Morency that if the boundary line adjustments were approved, the devil would be in the details. He noted that the question was “*how the Town could ensure everyone got what was promised and how the Town could protect Middleburg as best as possible*”. Mr. Littleton reiterated that the Council wanted to see what people wanted. He advised that the Council would then look at what was doable and what it could force; and, noted that if it could not force things to be legally done, the requests probably would not be approved. Mr. Littleton explained that as to the Wolver Hill conservation easement, the property owner must own the property for a year before he could place it in an easement and opined that the year would be up next month. He advised that he understood the owner planned to develop up to nine building lots on the five hundred sixty acres.

Mayor Littleton advised that as to Mr. Donovan’s questions, the applicants provided the maps/concept plans to the Town. He opined that nothing was off the table and advised that if having an access on Route 50 made good sense from a traffic safety perspective, it would be on the table for discussion. Mr. Littleton noted that it was up to VDOT to determine how to access the development safely. He advised that the access to the Windy Hill property would be on Route 50 and noted the need for traffic engineering.

Town Manager Davis advised that VDOT reviewed development plans and determined when a full traffic analysis was required. He reminded the audience that they could provide feedback through the online survey on the Town's website, by calling or emailing the Town Clerk, or by submitting comments on the community input section of the website. Mr. Davis noted that the website contained a page specifically related to the BLA requests, including the videos of the public information meeting and the presentation/exhibits that were used.

Councilmember Jacobs noted that seven public comments had been received to date. He suggested the question related to having the applicants make a public presentation on their requests was a good one and expressed hope they would do so. Mr. Jacobs advised that the comments submitted by the Wades included some interesting ideas and showed they were looking ahead to the future. He noted that the Council needed some good ideas and opined that they would help the Council if they found they would have to make a decision on the requests.

Mayor Littleton cited the process that occurred when Salamander was pursuing their development, which included a design charrette, and suggested this was something that should be explored for the two BLA requests. He noted that he received a suggestion from someone that the Town hire an independent third-party to look at the proposed projects and analyze what they would mean for the community. Mr. Littleton opined that this was a good idea.

Council noted the question related to when the Town was first alerted to the fact that Salamander did not plan to construct the workforce housing in the MUV District. Town Clerk North reported that she conducted some research and found that Prem Devadas, of Salamander Hospitality, first hinted at this in 2016. She explained that he stated during a Planning Commission meeting that the development of the MUV District would be market driven and that the market was not showing signs that it should be done. Ms. North reported that Jonathan Rak, Salamander's attorney, appeared before the Planning Commission in 2017 and stated in more certain terms that it was unlikely it would be developed as approved. She noted that since that time, representatives from Salamander have stated during other Planning Commission meetings that the MUV District would not be developed as approved; however, 2016 was when the Town was first alerted to the possibility.

Councilmember Daly noted that this was a free market and property owners could do what they wanted with their properties. He opined that corporations could purchase the proposed homes to turn them into rental properties and questioned what could be done to prevent that from happening. Mr. Daly opined that the Windy Hill Foundation had a terrific program; however, he noticed maintenance issues associated with their properties, including a handicap accessible ramp that was broken and playground fencing that was missing. He opined that it was important that they maintain their properties. Mr. Daly advised that he liked the idea of holding a charrette to discuss the BLA requests.

Councilmember Jacobs agreed with the idea of hiring an independent third-party consultant to analyze the impacts of the requests on the Town. He advised that he had received a healthy amount of feedback to the effect that doing nothing was okay. Mr. Jacobs suggested the consultant look at that too.

Mayor Littleton reported that he had spoken with members of the Windy Hill Foundation's Board of Directors about the maintenance issues associated with their properties. He advised that they confirmed it was not an issue of money, but rather was a contractor one. Mr. Littleton noted that he gave them a deadline for addressing this before it became a public issue. He suggested that if the issue were money, the Town could think about using some of its surplus funds to help them.

In response to a suggestion from Mr. Morency that the public comments be posted on the Town's website, Mayor Littleton agreed. He concurred with the Town Manager's suggestion that a FAQ sheet also be posted to answer some of the frequently asked questions. Council asked that the public comment sheet and FAQs be updated on the website weekly.

Public Hearing & Action Item

Comprehensive Plan Amendment – Short-term Rentals

Deputy Town Manager Moore reminded Council that the Comprehensive Plan was silent with regard to short-term rentals, with the regulations being contained in the zoning ordinance. He noted that the Planning Commission was tasked with reviewing the regulations in light of the growing popularity of short-term rentals and the pending development in town. Mr. Moore reported that the Planning Commission decided to first recommend an amendment to the Comprehensive Plan and, if adopted, would follow-up with recommendations for updating the zoning ordinance.

No one spoke and the public hearing was closed.

Mayor Littleton expressed appreciation for the Planning Commission's work on this item.

Councilmember Jacobs moved, seconded by Councilmember Daly, that Council adopt Comprehensive Plan Amendment 22-01 as contained in the draft dated February 28, 2022.

Vote: Yes – Councilmembers Bernard, Daly, Jacobs, Miller, and Pearson

No – N/A

Abstain: N/A

Absent: Councilmembers Leonard-Morgan and Kirk

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

Staff Reports (continued)

Project Status Updates

Deputy Town Manager Moore reported that he met with the paving company to discuss the Pinkney Street and Chinn Court repaving projects and was waiting for their final proposal. He noted that VDOT made some changes to the type of paving that was needed. Mr. Moore reported that the work would most likely be done in May, with each street taking approximately a week to complete. He noted that outreach would be done to let the public know of the projects and the staff would work with the Chinn Court property owners to assure they would continue to have access their driveways. Mr. Moore reported that the contractor would need to mill the street down 4.5 inches before it could be repaved on Chinn Court and the bad spots would need to be removed from Pinkney, with a two-inch layer of asphalt being applied.

Status of BLA Proposals (continued)

Mayor Littleton noted that he had heard statements that the Town wanted to do the BLAs because it needed to pay for the Town Hall Project. He advised that the Town's revenues were projected to total \$4.4 million in FY '23 and the expenditures to total \$3.6 million. He further advised that the real property tax only generated \$500,000 in revenues and noted that the operating costs for the Police Department alone were \$850,000. Mr. Littleton advised that adding homes was not about generating revenues and noted that 72% of the Town's revenues were generated commercially. He stressed that the proposed homes were not about funding the Town Hall Project.

Marshall Street Water Tower Project

Town Manager Davis reported that work would begin in June and noted that it would be disruptive in terms of timeliness and noise. He advised that the staff would reach out to the property owners in May to discuss the project. Mr. Davis reminded Council that the tower contained lead-based paint and noted that the removal would be fully contained, with

the work being monitored throughout the project. He advised that while the Town would not typically take a water tower out of service during the peak season, the paint removal would be done when the Middleburg Charter School was not in session. Mr. Davis confirmed the school would still be impacted, as the repainting would occur once they were back in session.

Consent Agenda

A. Council Approval – April 14, 2022 Regular Meeting

Councilmember Miller moved, seconded by Councilmember Bernard, that Council approve the consent agenda as proposed.

Vote: Yes – Councilmembers Bernard, Daly, Jacobs, Miller, and Pearson

No – N/A

Abstain: N/A

Absent: Councilmembers Leonard-Morgan and Kirk

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

Action items

Council Appointments – 2022 VML Policy Committees

Town Clerk North explained that the Virginia Municipal League had combined two of their policy committees into one. She noted that the Council was being asked to make appointments to the committees. Ms. North reminded the members that while the staff could be appointed, at least one member of Council must be appointed first. Ms. North noted that no more than two individuals could be appointed to serve on a committee.

After some discussion, the Council agreed to nominate the following: Councilmember Miller to the Community & Economic Development Policy Committee; Councilmember Daly to the Human Development Policy Committee; Councilmember Bernard to the Infrastructure Committee; Councilmember Jacobs to the General Laws Policy Committee; and, Mayor Littleton to the Finance Policy Committee.

Information Items

Town-Wide Clean-Up Event

Council noted that the Town-wide clean-up, drug takeback, and battery/razor blade recycling events would occur on April 30th.

Loudoun County Zoning Ordinance Amendments

Mayor Littleton announced that the County released their draft zoning text amendments for public review and comment. He noted that he was a member of their Zoning Ordinance Committee (ZOC) and advised that he was frustrated that the County was driving to a schedule instead of working to get the amendments right. Mr. Littleton noted that ZOC had not reviewed the full text; however, it was already out for public comment. He asked that the Town staff put a link to it on the Town's website so the citizenry could review it.

Mayor Littleton noted the Rural Policy Area, which included Middleburg, and advised that the zoning text amendments did not give the land or natural resources any additional protection. He expressed concern about the uses that would be allowed by-right, as well as the intensity of those uses. Mr. Littleton cited as an example a brewery and noted that one that had two thousand visitors a day was different than one that had two hundred. He suggested the need to discuss the

intensity of the allowed uses as the rural roads may not be able to handle it and services, such as police, may not be available to serve them. Mr. Littleton encouraged the Council and Planning Commission to review the thousand pages of text amendments, particularly Chapters 2 and 8, and to offer their comments.

In response to an inquiry from the Council as to whether the development community was familiar with the proposed zoning text amendments, Mayor Littleton advised that the affordable housing sub-committee met this week and noted that there were developers in the room. He reported that the developers have said “*it was too hard to do development in Loudoun County*” and that there needed to be more flexibility. Mr. Littleton advised that he pointed out that Loudoun County’s population has been growing by 5% annually for the last twenty years; whereas, the national average was only 1%, so he didn’t believe the developers were having a problem getting projects approved.

Mayor Littleton noted that the County had an affordable housing crisis and opined that the proposed zoning text amendments did not address this effectively. He opined that if the existing ADU program had been effective, the crisis would not have occurred. Mr. Littleton advised that he pointed out the need for better controls and to shrink the size of the houses. He opined that there would not be an affordable housing crisis if what had been built was smaller and affordable. Mr. Littleton further opined that the controls needed to be tighter. He noted that no one had done anything wrong or illegal. Mr. Littleton further noted that developers met frequently with the members of the Board of Supervisors, whereas conservationists met with them much less frequently.

Mayor Littleton noted that the public comment period would close on July 18th. He encouraged the public to review the document and make comment on it.

Salamander Forbes Five-Star Ratings

Mayor Littleton noted that the Council would issue a resolution during its next meeting commending the Salamander Resort & Spa on attaining two Five-Star Ratings from Forbes Travel Guide.

Councilmember Bernard noted that Forbes also recognized four of Salamander’s employees and, named one of them Service Person of the Year world-wide. It was noted that Salamander was one of only thirty-three resorts in the United States to have a Five-Star Rating.

Town Hall Project Tour

Town Clerk North reminded Council of the upcoming site tour for the Town Hall Project on May 2nd. She further reminded the members of the need to wear their safety equipment if they participated in it.

There being no further business, Mayor Littleton declared the meeting adjourned at 7:11 p.m.

APPROVED:

Trowbridge M. Littleton, MAYOR

ATTEST:

Rhonda S. North, MMC, Town Clerk

April 28, 2022 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: Okay. We will call the meeting to order. First item is the Pledge of Allegiance.

Everyone: [Pledge of Allegiance]

Bridge Littleton: Okay. The next item is the roll call.

Chris Bernard: Chris Bernard.

Bud Jacobs: Bud Jacobs.

Bridge Littleton: Philip Miller.

Bridge Littleton: Bridge Littleton.

Cindy Pearson: Cindy Pearson.

J. Kevin Daly: John Kevin Daly.

Rhonda North: Rhonda North, Town Clerk.

Danny Davis: Danny Davis. Town Manager.

Bridge Littleton: Ok, Special Recognition. We have none of that. We're now going to go to. I know. I know we're going to. Oh, before we do that, we have our water report. Water sewer report from Stuart. So he doesn't have to wait through all the public comment and he can head on home. Stuart, do you want to give you a report right now? Great. Thank you.

Stuart Will: I assume you have copies of. So are there any questions about what you're seeing there?

Bridge Littleton: Any questions for Stuart? Oh, sorry. Go ahead.

Stuart Will: A little bit more information than what you guys are accustomed to. Looks like our water and wastewater production year to year is a little bit down, so I don't know if that indicates anything.

Bridge Littleton: Stuart, what do you think drives that?

Stuart Will: Wastewater side for sure is we are a drier year this year than previous years. And then water wise demand. So for whatever reason, at this time last year, there was a greater amount of demand on the water system. Yeah.

Danny Davis: We also do know we had an issue with a meter at, well three that was misreading for a six or seven month period of time. And so it was.

Stuart Will: It was artificially inflating the water numbers.

Danny Davis: So we're, you know, that will affect our or we may have to pull those numbers out when we do the annual audit on billed to produced. And so that's why Tina and I are going to work to provide this last page chart on a rolling bi

monthly basis every time we do a billing cycle. So based on last two billing cycles we're between 88 and 90%, almost 91% of billing to produced, which is much better than the 75% we were at.

Stuart Will: So that's actually phenomenal. I don't know of any other municipalities that do that.

Danny Davis: So we're going.

Bridge Littleton: Well, I would say real quick. And the meter has no effect on anybody's bill. That's what we track went out gross. Everybody has their own individual meter.

Danny Davis: Absolutely. That was the meter at the well was running even when the well was not turned on.

Bridge Littleton: Got it. Okay.

Philip Miller: Want to reiterate in your report, we don't have a water system problem and we're running it very efficiently.

Stuart Will: Correct.

Philip Miller: And but how long were we having the issue with this meter at well three before we noticed?

Stuart Will: Six months.

Danny Davis: Before we noticed, yeah. I'm not sure before we noticed. [multiple speakers]

Stuart Will: Six months before we noticed.

Philip Miller: Now, will the new radio system help us identify that quicker?

Stuart Will: It absolutely will. Excellent. Thank you. Well, no, it will not, because the radios, the wells and assets are not reporting into the radio system. It will help you identify leaks on a residence, something of that nature. But no, it will not.

Philip Miller: Is that something that could be added on to this system in the future. [off mic] Yeah, that would make a difference.

Danny Davis: So technology aside, we'll look into that alternative. What it takes is for us as we're looking at monthly reports to see discrepancies that pop up, because we should notice there's no way we produce 5 million gallons of water because there's there's just not that demand in our town. So we should be seeing that. Or why is there water being produced on a weekday when it should only be running on a weekend or once a month? So that will we will take a better effort to watching those regularly. And really, it's at every well point in the system. Okay.

Bridge Littleton: Kevin.

J. Kevin Daly: Since you mentioned that water capacity, at what level are we operating at? What capacity could we build up to? Are we at 30%, 40% total capacity.

Stuart Will: Our daily capacity for the VDH is I think just over 400,000 a day. So and we're producing not near that.

Danny Davis: 120,000 140,000 a day. Yeah, so a third.

J. Kevin Daly: So there's potential for growth.

Bridge Littleton: Okay.

Bud Jacobs: One quick. Yeah.

Bridge Littleton: Yeah.

Bud Jacobs: Stuart is there a scenario in which the total flow and the wastewater total flow more or less normally kind of sorta match up?

Stuart Will: Very rarely, Bud. And that's due to I & I on the collection system, on the wastewater side.

Bud Jacobs: I & I?

Stuart Will: I & I is influx and infiltration. the groundwater that gets into our sewer collection system.

Bud Jacobs: Got it. Got it. Okay, good. Thank you.

Philip Miller: And of course we're going into watering season for outdoors. So that's also going to add to the discrepancy, right?

Stuart Will: It shouldn't. Most of the people that have meter that have irrigation systems here that's going through their meter.

Bridge Littleton: They use their meter hose. Yep. It's their own house, so they'll pay for it. All right? Yep. Any other thing for Stuart?

Danny Davis: I'd like to just make one note, since we do have some members of the public here and we want to try to get the word out, we had a situation where we believe a contractor landscape or some other contractor improperly tampered with one of our fire hydrants last Friday afternoon. And when that happens and someone opens a fire hydrant, it creates a situation where it can stir up the water in the mains and create a it's both a theft of our water and it's threatening our system, but it also creates potentially some discoloration in our water. So what we would ask the public and we're going to put this in our next utility bill to the public as well, is if you see something, say something. If you see somebody hooked up to a fire hydrant here in town and it ain't a fire truck, then give us a call. Call us. Call the police department and we'll let you know if they're authorized or not. And we like to find those people who are doing it improperly and we issue them fines.

Bridge Littleton: I was going to say illegally.

Danny Davis: Yes, illegally.

Stuart Will: The bad part, a lot of these contractors think they're going about it correctly because they go to Loudoun water, they get a meter for Loudoun water, and they're reporting their meter read to Loudoun water and they're using Loudoun water's meter to sell them to get our water. So they think they're in the green because they're in Loudoun County, but they don't understand that we're not.

Philip Miller: Only are they stealing it, they're paying somebody else for it. Lovely.

Danny Davis: So a little PSA there. All right.

Bridge Littleton: No, I know that's happened multiple times. It'd be great if you guys figure out a way that there's a lug nut or something. We can do that the average one doesn't work, but you guys figured it out. Stuart, thanks a lot. Awesome. Have a safe trip home.

Stuart Will: Very good. Thank you.

Bridge Littleton: Okay. We're going to go to the public comment session. Rhonda, do you want to let me think about this? Suppose we do this? Let's do this. Let me walk through how we're going to do the public comment sessions for the next two months. So the rules of the road. And then you can give people on the phone the instructions for giving public comment over the phone and then we'll jump into it. So we're going to break public comment session into two sessions for the next two months. One is for any like every normal public comment session, any time anybody has got any public comment about anything, you know, the price of rice, you know, come on up and speak your piece. You got 3 minutes. Give us your name, your address. And it is a one way only council is prohibited from actually having a you can't it's not a discussion, it's public comment and then we'll do all of that. And then with the annexation BLA discussion, they'll probably be a lot more public comment around that. So what we thought was for folks who are here about a unique issue, let them go first. Probably shouldn't be that many people. They can leave. And then the folks who want to talk about the BLA or annexation we'll do all those folks at the at once. And then and we're going to do that as I mentioned in the information meeting last week, we're going to do that every council meeting for the at least the next two months, maybe more, which is for the next four meetings. So we meet the second and fourth Thursday of every month at 6 p.m.. Also we have the town web page and the email address and all the information there. We have a website or we have an online form to actually provide written comment to the town. Carter, I know you did. Thank you. I appreciate it. So recommend folks go there as well to provide written comment. And then what we're going to do after public comment is over is council will then have a discussion on the topic of the boundary line adjustment slash annexation. So and it's really going to be for two reasons. Number one, if there is a question that comes from the community during public comment and we know the answer immediately, we want to give it to the community immediately. If we don't know the answer, it was, you know, we want to be able to say right there to the public, we don't know, but we'll get back to you. The second reason is because if folks are coming for the public consultation or a public comment about the BLA and the annexation, and they want to know as much information as up to date as possible Council is going to discuss it with with updates from the town staff right then and right there. So after you've addressed in public comment, if you want to stay and hear whatever the latest and greatest is, we wanted to put those two things right together to save folks as much time as possible. So the last thing I want to say and then we'll jump into public or Rhonda will read the instructions for folks online. The last thing I want to reiterate from the public information session we had a week and a half ago was. Absolutely. By no way has there been any decision made. This is all information gathering. The applicant nobody's actually filed an application. They've given us an intent of what they might or might not seek to do. And before we wanted anybody to go any further, we wanted to put it out in the public domain and get people's feedback. So if the feedback is one way, it might even tell the applicant, don't waste your time. Right? So or everybody says, go do this differently. We want it to be as efficient and transparent about it as possible. With that, Rhonda, do you want to give folks online the rules of the road for public comment? Oh, last thing I'll say, we will do people in person first and then those online second and and we'll take it that way. Rhonda.

Rhonda North: So for those of you who are online on Zoom, we've automatically muted you so that you have listen and view capabilities. And when we get when the mayor opens for comment, we will ask you to if you want to speak to, please let us know by using the raise the hand function on your device. Entering a message into chat. If you're on the telephone, you can press star nine and once we have granted you permission to speak, if you'll please unmute your device, if you're on the telephone, you would press Star six to do so.

Bridge Littleton: Perfect. Thank you. And everybody will have 3 minutes. And Rhonda will be the timekeeper as I can't even see it. So with that, we'll go to the first public comment session for anybody who would wish to address council on anything other than the BLA and the annexation. Rhonda, was there anybody online who wanted to comment?

Rhonda North: I have no one showing their hands raised and. And I'm not showing any comments.

Bridge Littleton: Okay, perfect. We will now open the public comment session related to the annexation boundary line adjustment item. Is there excuse me, anybody who would like to address council first who's in the room? Mike.

Mike Morency: Mike Morency. I have grown up in the area. My father had a business here in town for almost 50 years, and my parents lived in town for 30 years. And I live about a mile and a half out of town on Landmark School Road. So I

consider Middleburg my hometown. I have a lot of affiliations here. I thank the mayor and the staff and everyone who is involved for the program a week and a half ago I thought it was very informative and I appreciate it. I just wanted to take the opportunity to comment on the two. I think the Windy Hill proposal seems like a very reasonable one. It looks like, from what I can tell, the buildings would not really be visible from pretty much anywhere as far as I can tell. And there's certainly a need for affordable housing and controlled rental prices. I have more concerns about the Homewood property in that there are quite a few units proposed put together. The both the Windy Hill and the Homewood developments would add 126 units, I think, to what was presented as 400 and some 26% increase in the number of units in town. So that's that's quite a large increase. But two concerns, two main concerns I have at this point and I realize there's a long way to go are about the easement on the Homewood property. And so the way it was presented, it appeared that if things went as proposed that the development would be in the town and the east property would prohibit further development and provide for the greenbelt around the town. However, the devil is really in the detail because within the easement there could still be a number of houses in the on that property, there could still be the agricultural commercial development. And so I think it's imperative to know what would be in the easement and hopefully it would be restrictive in the sense that nothing else would be built on the 100 and I guess it's 190 acres. Same is true of the Windy Hill property, although I think that would be a very difficult property to do anything with. But that's my main concern about the Homewood property and also the other attraction was that the Wolver Hill property would be put into easement, but that's not a done deal. And so, you know, until these things are more certain, I would certainly have reservations about approving the BLAs. Thank you.

Bridge Littleton: Thank you. Anybody else who's in council chamber. Sorry, Mr. Donovan.

John Donovan: Thank you. John Donovan I live at 122 North Jay Street, so I'm front and center for the Homewood proposal. And so yep, I have sized high stakes for us, but that doesn't mean Mr. Prince is not obligated to perpetuate my beautiful view of his property. So I realize that. I was surprised at how well kept under wraps the discussions that evidently you've been having with the Prince team have been until you had a week and a half ago the very informative meeting at the Hill School. And then before that I knew that that you, the council members were meeting in closed session, executive session, and one or two chuckled as they explained to me that if they breathed one word of what was going on, that they would be decapitated, that capital punishment would be the suitable punishment for that crime. And all that is understandable. But then when you, Mr. Mayor, presented the the wannabe annexation plan, although you say that no formal application has been submitted yet and everything is still highly conditional, and that's great. But you showed a map of the 22 acres and over at the easternmost edge where the 48 excuse me, multifamily units, the three story buildings, 48 units, and then there was a cul de sac with ten homes wrapping around it. And then right up close to the road were eight townhouses. If I remember correctly and I believe an access road running across the property from Foxcroft Road to the 48 units whose product was that that that site map. Is that was that something generated here. Was it presented by Eric Prince's representatives that didn't it didn't just puff appear who who drew it? It's my question and then my next question, or at least I came away unclear, but alarmed because I thought I heard that an access road from the 48 multifamily units down to 50 was a nonstarter and that therefore the road would have to come spanning the property from east to west, which among other things, I wonder how easy it would be to sell those cottage style units or the townhouses when you figure that if there are 48 units with, say, on average two people living in each one and and two vehicles per unit, I'm done. Did I just did I just get the hook?

Rhonda North: I'm sorry. It's supposed to be, but for some reason it's not.

Bridge Littleton: When that hits zero, that's 3 minutes.

John Donovan: So anyway, I wonder who would want to buy one of those ten cottage style units with maybe 400 trips across easily between the people that live there alone, plus the HVAC guy coming and FedEx and all the rest coming. That's a lot of traffic. So I hope that that is not a closed issue. I know that coming along 50 around that curve.

Bridge Littleton: So I apologize. We need to keep it to 3 minutes, but we actually have some answers to those questions. So we'll talk about it when the public comment is over.

John Donovan: Thank you. Yep. Sorry. Sorry for rambling.

Bridge Littleton: On. No, no, no. It's fine. Yeah. Would anybody else like to address council? Who's here in the room. Going once, going twice. Ok Ronda, is there anybody online who would like to speak?

Rhonda North: So no one has raised their hands as of this moment.

Bridge Littleton: How about in the chat or anywhere else?

Rhonda North: No chat.

Bridge Littleton: Okay. So we'll just for folks on line or on the phone, if you're not familiar with Zoom, there's a little button somewhere that looks like a hand that it raises. That's one way you can let us know you have a question or want to address council, or you can go in the chat box and let us know you want to address council. So we'll we'll give everybody another 15 seconds to navigate the technology.

Rhonda North: Not seeing anything.

Bridge Littleton: Nothing yet. Okay. We will close the public comment session. And then now it really just going to be, as we said, any discussion from council, I'm sure since the public meeting last week, you all may have had, you know, phone calls, emails, whatever. I certainly have. Folks have caught me in the in the post office on the street. So just a couple of quick things. I want to address some of the questions Mike had and some of the questions that Mr. Donovan had. Number one, Mike, you're absolutely right. With any of this, if we move forward, the devil's in the details. Right. And how do we legally do what's required to ensure everybody gets what's promised no matter what we do, even if the do is do nothing. You know, we how do we make sure we protect ourselves as best as possible? So, you know, I think our goal is to hear everything, see what people want, and then figure out what that may or may not look like if it's doable or not. And then, you know, then it comes down to the black and white lawyer work of what can you force on people, what you can't force on people? How can you insure? How can you not insure? And all at the end of the day, if there's things that we want to do, but legally we can't get it. You know, then might not happen. You know, probably wouldn't happen. I mean, if you can't force people to do what they commit to where is the assurance? So it's a great question, but we got to figure out what it looks like because right now it's totally up in the air. On the question about Wolver Hill, this is what I know. You have to wait a year and the year hasn't come yet. But the last I heard and so this is total scuttlebutt. It's next month he he hits a year of owning it. Then you can do the conservation easement. The last I heard of it was it was going to be eight or nine potential building lots on the 560 acres. Don't exactly quote me on that, but I think that's what it was [off mic]. Right. It would be a conservation, open space easement, all that. But with the right to build one, I think it's up to nine. Maybe it's seven. You know what? I'll find out and tell you, Mr. Donovan, to your question, you're right. Devil's in the details. Who did the map? The applicants did the map. So that was not the town. They hired their own engineering firm and say both applicants or both potential applicants did their own map and conceptual plan. The road. Yeah, I would say I don't think anything I don't think anything is off the table in terms of any element of what we do or what we don't do. So if it makes sense or not or whatever to do something or some form of it. And from a traffic safety perspective, Route 50 would be good to connect to. Is that a decision? No. Is it on the table for discussion? Absolutely. What will it be driven by? What VDOT tells everybody in their wisdom is the smart, wise thing to do to make sure you don't have traffic, congested roads, people get hurt, stuff like that. And I think, Danny, correct me if I'm wrong. Windy Hill. I mean, Wendy Hill's going to be, you know, potentially where they are. They're going to be dumping out right onto Route 50 as people are flying into town. They're going to have to have traffic engineers figure that out. Right.

Danny Davis: There would have to be there would have to be review by VDOT as they go through the process of development plans. Whether a full traffic analysis is required remains to be seen. But definitely any time there is a connection point onto a VDOT road, they would be looking at it for sight distance, engineering, things like that.

Bridge Littleton: Perfect. So, again, we appreciate everybody coming in. We really do. It helps us understand better what, you know, good can look like. And again, good can be nothing. So, yeah.

Danny Davis: I would just reiterate for those watching that might just be watching the live stream and not through Zoom, we have continuous feedback opportunities that are listed on our website that's as easy as calling the town office and providing information to Rhonda. It could be emailing the town. We do have a form on our website as well that can be filled out. And if you go to MiddleburgVA.gov. Hover over the government tab, you'll see a headline for possible annexations and BLAs. And on that page we have the full presentation from last meeting. They're actually two different videos on there. One has better audio and you can hear the Q&A much better than the Zoom link. We have the presentations and other exhibits also listed out on the page that can be downloaded. So for those who seek to get additional information or wish to provide input, there are multiple ways to be able to reach out to us here at the town office.

Bridge Littleton: Great. Members of Council. Any feedback? Any thoughts? Any. Just an input at the moment, Bud.

Bud Jacobs: I don't know if you all have had a chance to review the six or seven comments that we've received, including some very relevant questions from Mr. Wiley. I want to draw attention to one of the suggestions or questions actually that was made about whether the applicants might consider going before the public and presenting their proposals when it's right. Seem to me that's a really good idea, and hopefully they will. Each applicant would accept some encouragement from us to do that, and I'd like to draw people's attention to the Wade's comments. There are some interesting ideas that they put forth, and most importantly, I really like the spirit in which they made their comments. They're looking a little further ahead than a lot of people are, and I think that's really good. And they understand, I think, the intent behind your efforts to communicate what's happening with these two issues. And hopefully that's the spirit that will catch on with the public and we'll hear more good ideas, which is what we actually need as this process unfolds. It's not just a matter of shooting down bad ideas, but hopefully hearing some suggestions that are going to actually help us when the time comes to make a decision if we ever get to the point of having to make a decision.

Bridge Littleton: Bud, I will add one thing real quickly, which was an idea came from somebody in the community earlier today, which I thought was a great idea. It was a lesson from Salamander, right? So when the Salamander process went forward, it was an initiated as a town discussion or whatnot. And there was. What's the word I'm looking. It starts with a V, the word vigorous. There was vigorous community input. And then the suggestion came, why not do a charrette? You know, the applicant being, you know, the the I guess Sheila Johnson at the time it wasn't there was no Salamander but you know, her team come work with everybody, do a charrette so sit down, get a big company or a big meeting all together. Everybody bring ideas. Here's what we think. What do you think? How do we like this? How do you not like that? Whatever. And I mean, I remember that it was very well received by the community. Everybody came and brought in really great ideas and it really helped shape what Salamander ended up becoming in a positive way, you know, and Sheila Johnson's team was very receptive to most of the feedback. I mean, I think the feedback there was wasn't going to be homes was going to be something else. The community input, what was let's have a conference center. And I mean, that's not a conference center, but it kind of took that form. So I think that is a really good idea we should explore. I'm curious for real estate's the same thing, helping facilitate a charrette with the with the applicants to the community. And then the second thing was I got a call a little while ago and the individual told me what type of consultant it was. I can't remember the name of it, but basically it's a consultant that can come in and look at these types of socioeconomic projects and they can do an analysis on what it means for your community, what it could potentially mean for your community damage, harm potential, the good, the bad, all the type of ugly. And what's what are the what are the unintended consequences that we don't foresee? And I thought it was a really, really good idea. He's going to get me the name of one that it's another elected official in a different jurisdiction who I met through VML. He's going to give me the name and number. But, you know, let's I think we should definitely take a look and see what it is to have an independent third party, look at all this stuff and and the public comment and feedback and understand exactly what this means. Because we're not experts in this stuff by no means any other feedback or input or thoughts or questions from the community. Yeah. Which one. When did town know Salamander was not building workforce housing in relation to. Oh, good question. Yeah.

Danny Davis: So we had Rhonda look look into the past minutes. So I think she might be able to give you some info there. This is a question about when did Salamander inform.

Bridge Littleton: That they weren't they weren't planning to do the. Yeah.

Rhonda North: So I did a quick research of the Planning Commission minutes. And in 2016, Prem Devadas sort of hinted mentioned that, you know, their plans were market driven. And at the time at that time, the market didn't lead them to believe they would be developing the property in that manner. So it was kind of a hint. And then in 2017, Jonathan Rak, their attorney, appeared at a planning commission meeting and said it a little more solidly that that they weren't planning to develop the MUV district in that manner. So that gave me some starting dates. I didn't continue, but I know they've that it's been mentioned other times in the Planning Commission meetings since probably 2016 would have been the first reference I found.

Bridge Littleton: And I know he's mentioned to me several years ago that it's just not feasible. I appreciate that. Any other Kevin.

J. Kevin Daly: Random thoughts from going about on my usual walkabouts through the town. A couple of questions come up. We have a free market system and of course a property owner can do anything they want with their property so they can build homes there. So so corporate investment companies out there that could swoop in and purchase all the homes and turn them into rentals. Is there me I'm not asking for a solution, but is there a means in which we could kind of guide that so that it doesn't happen? If we're trying to create homes, that's one of our goals for all socio economic scales and not for a corporation to come in, swoop up and at their decision, decide what the rentals will go for. Another item in my walkabouts, Windy Hill is a terrific program and the town is justifiably proud of them. But I have noticed that at the facilities, who is responsible for maintaining those rentals? I saw what appeared to be a disable ramp that was disabled. It was broken, it wasn't able to be used. I noticed that there were chain link fences missing from around a playground. That's important that if Windy Hill is a landlord, that they maintain their property for the welfare of all concerned. So that was a concern that was brought up and something that I had noticed. And apart from that, nothing's been decided. I'm still keeping an open mind. And I want to hear and see. And I like the idea of the charrette where they come in, sit down and address the questions of not just the town council, but the community at large.

Bridge Littleton: Yeah, Bud.

Bud Jacobs: The idea of having a consultant who works in this sector I think is a really good idea. And I'm reminded that some of the feedback that I've received has been a fairly healthy skepticism that doing nothing would be okay, that we could we could rely on Loudoun County's ordinances and so forth to protect our interests. And it occurred to me that as a if a consultant is engaged, that might be an issue that they could look at for us, tell us the pros and cons and the consequences of both options and not just doing Homewood [inaudible]. So if I could throw that out there, I think that would be worth considering.

Bridge Littleton: Yeah. No. So when I get the name of the guy down, give it to you. So Kevin, on to your point about Windy Hill. I've in the last. So I've been down there several times, you know, visiting folks, and I've had several engaged conversations with the Windy Hill board members and stuff like that because, you know, same exact thing. You know, folks at Windy Hill have come and talk to me about, you know, maintenance and stuff like that. They working on it. I asked directly, is it an issue of money, you know, because we can do things to help in that area. Is it really an issue? No, it's not an issue of money. It's an issue of the contract that they have. So they're working through that. So I basically gave them, you know, about a certain amount of time that, you know, please address these things. If not, we're going to bring this as a public issue a little light every now and then, get the contractor off the duff. And that's almost about now. So your question is apropos. But yeah, I've noticed that when I've gone down and, you know, visited folks in Windy Hill and it's not good. I mean, it does need to be addressed. And, you know, at the end of the day, if if the contractor does actually say, actually, it is money, I think we need to think I mean, we're running, you know, 8 to 900000 surpluses every year from the meals and the hotel tax helping those folks get. You know, the things back in order. You know, we've done it before. I think we should. We may need to consider that too. Just heads up. Ok Any other. Yeah. Oh, I'm sorry, Mike.

Mike Morency: I just wondered if you if you could post the public comments that you get to the website. I think it'd be interesting for everybody to be able to see them.

Bridge Littleton: Yep, absolutely. You know, totally will. I mean, as of now, I think we have seven and I mean, like like Bud said, the [inaudible] one and Carters were very detailed and very thoughtful. So I think how we should do this well, because some of these questions we can just answer, right. We know like like Carter's question about when did Salamander give sort of the details that they didn't want to build workforce housing.

Danny Davis: Right.

Bridge Littleton: We can we can just answer and put it to bed.

Danny Davis: Yeah. We can create a running FAQ or, you know, responses to questions raised, and then we can keep this sheet updated with both public comment we receive during meetings like this, comments that that we receive over the phone or again submissions through the system. We will update this online as so we will plan to give this to you before every council meeting like we did today. And at that time we will then just similarly update it and put it online.

Bridge Littleton: Is there any way we can make it live?

Danny Davis: Live?

Bridge Littleton: Yes. Like when somebody somebody fills the form out, they hit send. There's a page where just automatically people can view it.

Danny Davis: Our system is not quite that sophisticated, but we could seek to update it more regularly than every other week. I mean, we can we can work to update it.

Rhonda North: And they're not all coming through the website system.

Bridge Littleton: Okay.

Rhonda North: Yeah, I'm getting some in the form of emails, some in the form of telephone calls. So it's one of those things that I'm. But because we've got four sources.

Bridge Littleton: I get it. Okay.

Philip Miller: So why don't we commit to every Friday. Yeah, exactly. One consistent day a week at a certain time we will have updated the website with all new relevant comments and answers as applicable as possible.

Bridge Littleton: Right. If we have the answer, we'll give it. If it's a question like how would you do Route 50? We don't know. So I think that works. Everybody good with that. Okay. Any other discussion on BLA or annexation before we move on to the rest of the agenda? Going once, going twice. Next item is a public hearing on the comprehensive plan amendment for short term rentals. Oh, yeah, big stuff. Will, you had it right. Your instincts were there.

Will Moore: Thank you, Mr. Mayor. Members of Council. I have no updates from the last meeting during which we presented the recommended amendment that was forwarded by the Planning Commission to you just for the benefit of the public. In short, our comprehensive plan is currently silent on the subject of short term rentals, even though we do have some regulations in our zoning ordinance pertaining to that. The Commission was tasked with relooking at the issue of short term rentals in light of the growing popularity of that form of transient occupancy, as well as pending development that is coming to town. So the first step was to address the issue in our comprehensive plan. So that is the amendment before you and subsequent to your potential adoption of this, the Commission would work on strengthening and or updating the current regulations pertaining to the topic.

Bridge Littleton: Great. Anybody have any questions for Will before we go to the public hearing? We'll now open the public hearing for short term for the short term rental comprehensive plan amendment. Any member of the community

who would like to speak about the short term rental comprehensive plan amendment, please come up. Speak. You have 3 minutes. Just like public comment. Rhonda, anybody online?

Rhonda North: I have one person left online. If you'd like to speak, would you please use the raise the hand function?

Bridge Littleton: Nope.

Rhonda North: Not happening.

Bridge Littleton: Okay, we will close the public hearing. Well, hey. Well, I just want to say real quickly, please thank the planning commission. You too Bud. I think that you guys did a really good job on this. I think it's perfect. I mean, I know it took you months to get it, but get it right, but it's great. Okay. Any other discussion or would we like. Would someone like to make a motion?

Bud Jacobs: I'd like to make a motion. I moved the Town Council adopt comprehensive plan amendment 22-01 as contained in the draft, dated 2/28/2022.

J. Kevin Daly: Second.

Bridge Littleton: Any other discussion. Rhonda, this has to be a roll call vote, right?

Rhonda North: We can do it by roll call vote. Council Member Bernard.

Chris Bernard: Aye.

Rhonda North: Council Member Daly.

J. Kevin Daly: Aye.

Rhonda North: Council Member Jacobs.

Bud Jacobs: Aye.

Rhonda North: Council Member Miller.

Philip Miller: Aye.

Rhonda North: Council Member Pearson.

Cindy Pearson: Aye.

Bridge Littleton: And the ayes have it. Ok. Thank you, Will. Let's see here. Next item is staff reports. Stuart's already gone. Danny Davis and Will Moore Project Status Update.

Danny Davis: What are you looking at me for. [laughter]

Bridge Littleton: It's 63 degrees.

Will Moore: We're starting to talk about road paving, you know? Thank you, Mr. Mayor. A couple of quick updates here. We did meet with our paving contractor yesterday on both Pinkney Street and Chinn Court. That was we also had our contract engineer in town, so we all met together. I thought it was a very effective meeting, gave clarity on the final details of both of those projects. And at this point, we are waiting on a final proposal from the paving company with just a few tweaks from both VDOT who once again changed their request of the type of paving that we do, but also to ensure

that it's done the most effective way for the longest lasting quality. With that coming that that revised quote, we expect them to do work on both of these projects, likely the third week of May. And so we will do significant public outreach to the affected property owners, the Pinkney Street Project. While it does affect one access point from the townhomes, there is a secondary access point, so there's not as significant of a concern. We would still do a lot of notice, though, for people who use Pinkney to get from Marshall to Washington Street on Chinn court is a little more challenging because there were four or five driveways right off Chinn Court. But the contractor will work very closely with us and with them to help access when appropriate and to leave it in a place overnight where folks can still access their driveways as much as possible. We expect, I think, each project, well, maybe in totality about a week between the two. So I think that was the finality of the the meetings that you had with them on site. It's it's the amount of cutting, cutting and removal and then the two layers that VDOT is requiring for that for their standards. It is it is quite amazing. We have to go down four and a half inches, I think it is now. So for for Pinkney, we're going to to cut out the worst areas do some sealing and scraping of other areas, maybe use some creative fabricating to keep the spidering or alligating from from continuing and then that's just a two inch layer on top. And we're confident that should last a fairly long time.

Bridge Littleton: Great. So real quickly. I've gotten several questions and I just wanted to put it out there. And you and I talked about it this morning, Danny, in terms of revenue. One of the questions I've been asked by some people on the BLA is or it's not really a question, it was a statement. It was that part of the reason we wanted to annex home or have homes built or whatever, so we can pay for the town hall. Yeah. So it is just I think it's important for folks to understand from a revenue perspective and from an expenses perspective, real estate taxes make up about \$500,000 of the town's revenue per year and our total revenues are 4.4 million and our expenses are 3.66 million. So there's \$3.6 million worth of services provided to the town and residents and businesses and real estate taxes only make up 500,000 of it. I mean, the the police department alone is 850,000. So by no means is adding homes about revenue at all. It's actually the opposite. But where we really generate our revenue, as you can see on the dollar bill over there is for meals tax, business license tax and occupancy tax, which are all commercial based taxes. So that's 28%, 30%, which is 28%, 58%, another 14.

Danny Davis: 72.

Bridge Littleton: 72. So 72% of the taxes that pay the freight come from commercial based taxes. So these homes by no means are about funding the building of the building. It's the commercial revenues that are funding the building of the building. So I just wanted to make sure folks had that perspective. Okay. Next item here is. Yeah.

Danny Davis: Real quick on the project status update, we did add one additional item on this update that we'll keep for the next four or five months, and that is the rehabilitation project on the East Marshall Street water tank. That is something that we are anticipating to begin in mid early to mid-June 1st with relocating of the T mobile tower to a temporary tower on the charter school site. And then with the actual work, it will be disruptive in terms of both timeliness and noise. We intend to reach out to the neighbors in early May as soon as we have the final schedule from our contractor to sit down and talk and we can provide information on a flier and also host them here or wherever they'd prefer to talk through the project and the safety steps and aspects of it, as well as the expectation of what this will look like.

Bridge Littleton: Any questions for Danny on the water tower?

Bud Jacobs: Will there be a private briefing for Miss Pearson?

Danny Davis: I think she's taking a two month vacation.

Bridge Littleton: She'll be phoning in for the next two months council meetings.

Danny Davis: Medical reasons.

Philip Miller: Finally, the beach background will be real.

Bridge Littleton: Real. There's no. Is there a lead based paint with that?

Danny Davis: There is.

Bridge Littleton: Okay. All right. So I get it. [multiple speakers]

Danny Davis: All that. Full containment. Full environmental quality testing and monitoring throughout.

Bridge Littleton: Well.

Danny Davis: And that is why we are doing it in the summertime. Typically, we would not take a water tower offline in our high season, but because of the students at the charter school. They're all gone. And we want to get in and out as quickly as we can. Of course they have a non-traditional summer break schedule which makes it even tougher. But we will begin the worst of the sandblasting part of the project early in the project, as soon as they're out of school. And then there may still be some impacts to the site once they return back to school. But most all of that will be the actual just coating process.

Bridge Littleton: That's putting paint on, not taking paint off. Okay. Any other project status updates?

Danny Davis: No, sir.

Bridge Littleton: Okay. Let's move to the consent agenda.

Philip Miller: I move we approve the consent agenda as proposed.

J. Kevin Daly: Second.

Bridge Littleton: A lot of controversy. All those in favor say aye.

Everyone: Aye.

Bridge Littleton: Opposed abstentions. Okay. Next item is council appointments for VML policy committees. [multiple speakers] You're absent. You get appointed. Okay, Rhonda.

Rhonda North: So, Mr. Mayor, the VML has done a slight change to their policy committee structure. They have taken two of their policy committees, the Transportation Committee and the Environmental Quality Committee, and they have combined them into one committee, now known as the Infrastructure Committee. So we need to make appointments to that committee, the Finance Committee, General Laws and community and economic development committees, and to the Human Development Policy Committee under the VMLs rules. At least one council member must, must be appointed. I mean, you don't have to appoint any committee, but if you make appointments, at least one must be a council member. You can also appoint a staff member as the second person, but you can have no more than two people serving on each committee.

Bridge Littleton: We'll make this easy. I'll do it.

Rhonda North: You'll do all of them?

Bridge Littleton: No. [laughter] I'll do the new infrastructure committee. [off mic] The new committee.[multiple speakers]

Rhonda North: Ok, anyone want community and economic development. [off mic] Human development policy. Anybody want human development? [off mic] General laws. Bud.

Bud Jacobs: Jeez, Rhonda, I just twitched.

Rhonda North: I saw fingers pointed in your direction.

Philip Miller: It's like landing an airplane.

Bud Jacobs: Okay.

Rhonda North: Okay. And Finance Policy Committee.

Bridge Littleton: I'll do it.

Bridge Littleton: No, no. You can only do one committee. Is that the one? Is that the one you want?

Bridge Littleton: Yes. Chris will do the transportation or infrastructure. I'll do the finance. All right. [inaudible].

Chris Bernard: [off mic]

Rhonda North: I think there's only one meeting a year.

Bridge Littleton: No, it's two.

Rhonda North: Is there two meetings a year?

Bridge Littleton: There's the one. They always have one in Richmond in the summer. Then they have one at the annual meeting.

Rhonda North: I knew they did one in July. Yeah. okay. I'll submit those names.

J. Kevin Daly: [off mic]

Bridge Littleton: October's annual meeting. But then there's another meeting in the summertime to sort of set out what the policy stuff is for the October meeting. Where is. Oh, I think it's going to be down in Pennington Ave, isn't it?

Rhonda North: The annual conference this year.

Bridge Littleton: Or maybe that's. No, maybe that's next year. [multiple speakers] No, it's [inaudible]. You can throw a rock and hit Tennessee and North Carolina. Kentucky or Kentucky, right. I mean, it is at the toe.

Danny Davis: This year will be in Richmond.

Bridge Littleton: It's Richmond. Richmond. And then the next year it's going to be down when Jill. They're going to do it down there for Jill Carson.

Chris Bernard: Cool. That year. I just take me off the thing. [multiple speakers]

Rhonda North: The July meetings are in Richmond.

Bridge Littleton: So July meeting is going to be in Richmond. [multiple speakers] . Sorry. We're getting off track here. All right. So we got that done. Any other discussion items?

Danny Davis: Yes. Well, it's more of an info item. I apologize, sir. I'm jumping ahead.

Bridge Littleton: Any discussion items. Any information items.

Philip Miller: This weekend? Drug takeback, cleanup and Arbor Day.

Bridge Littleton: Saturday cleanup starts at 8 a.m. at [multiple speakers] Arbor Day is at 9:00 where is Arbor Day starting at the pink box. But the clean-up is going to go to ten. So if you're going to go to both, you're going to have to double time.

Chris Bernard: We'll stop and clean up the Arbor Day.

Bridge Littleton: There you go. And then the drug take back. And is it just drug takeback or battery take back too.

Rhonda North: Battery and razor blades.

Bridge Littleton: And razor blades. That's all. Here, do all that. [multiple speakers] No, he's out busy filming real estate videos. Okay, good. So, yeah, I had that written down. The other thing I was going to mention was this so and this is dead serious. So Loudoun County has released for its 90 day referral the draft zoning text for the. So we had the new comprehensive plan in 2019 that was adopted. Then you got to write the whole new zoning ordinance for the county that and I'm on the zoning ordinance committee I'm a little frustrated with how that's working that. Well you know that's that's a that's a to drink story so they're driving to a schedule, not to getting it right. That's the problem. So the zoning ordinance committee hasn't even seen the full draft text of the zoning of the zoning ordinance rewrite, and they have released it for full public comment, which starts a 90 day clock without the input of the 18 of us who are supposed to be the subject matter experts on the zoning ordinance rewrite. It's like I haven't even seen four sections of it and it's out for public comment. And it's just, you know, I would think the public would want the value of all these different subject matter experts view why we're there. But that being said, Danny, I think we should put a page on the website that gives the links that people can go look at all this stuff. The real thing is this. In the rural policy area, which is where we all live, which is east or which is west of well. It's Parsons Road and Evergreen Mill, but basically just say 15. The zoning ordinance, text amendments and changes for the rural policy area really do not give any additional protections for cluster development or land development or much protection for natural resources and everybody. Well, a lot of us are still very concerned about. The. Commercial uses in rural land. And I will say, I think the conservation community has done a very good job of framing the discussion the right way. The discussion shouldn't be about, you know, you have a horse petting zoo or you have a brewery or you have a, you know, an event hall. Those in the right scale are all perfectly good things. And it's a great way to make money off your land and still keep it in open space. The problem is we're not addressing intensity of use. That's the problem. So, you know, a brewery that has 200 visitors on a Saturday, that's great. You know, a varnish brewery which has 2000 a day, that's way different. That's might as well be a shopping mall. It's so big and totally by-right permitted. So we've been trying to advocate that whatever the use that's permitted, the agricultural or commercial agro tourism use that is there, we need to have a discussion around intensity. Right. It can't be so big that you can have 1000 cars. And so that's the that's where it puts the stress on the community. That's where it creates the noise. That's where the rural roads can't handle it. That's where you get 100 people drunk leaving at the same time. And there's no policing, you know. Well, in town there is none in the county. Yeah. I mean, no, but it's a great point. Right. There's 500 deputies and at any given time, there's four in the western part of Loudoun County, which is 236. Right. 236,000 square acres. It's two thirds of the county and there's four patrol officers in the west. There's no way that they can do the things that are needed to be done from a safety perspective. So I really encourage all of you all, but I think the planning commission having to look at it in one of your meetings would be really important. It's big. It's 1000 pages. If you focus on anything, focus on. Chapter two and Chapter eight, which is also attainable housing and what's actually the ADU program the Affordable Dwelling Unit program. They're not going to achieve it. So but they really need to hear from the community at large or it's, you know, the things we're all the Banbury Cross of the world aren't going to change.

Chris Bernard: What's chapter two? What's Chapter two. The RPA or what?

Bridge Littleton: No, it doesn't. So. So each chapter is basically like transportation, and then they'll break that chapter out by urban policy Area. Suburban policy area. Transition Rural. Right. Affordable dwellings. Right. It'll go up. So it goes by the policy areas. But each chapter is sort of an element. Right. So design standards and stuff like that. Anyway.

Bud Jacobs: Quick question, Bridge. Are we correct to assume that the development community is probably intimately familiar with the rewrite?

Bridge Littleton: So I will recount a conversation we had earlier this week in a affordable housing subcommittee meeting. So we're talking about density and in an affordable dwelling, you know, the ADU program in the urban area. So that's the right place for them. And it's about getting density bonuses and things like that and trying to understand what the FAR is, you know, the floor area ratio for going up, you get this and whatever and the developers in the room and I won't name them. And look, I'm not saying they're bad people, they're representing the interest of their business and that's fine, right? Our job is to represent the other side of the coin. What they keep saying is and they say it's too hard to do development in Loudoun. We need more flexibility. We need more. Don't put us into these boxes. Let us have flexibility and make it be easier. Make it not be so expensive. Well, the comment I made to Matt or the developer was, look, in the last 20 years, we grew at 5% a year. The national average was 1% a year. I don't think developers had a problem, you know, getting stuff approved through the system. I think that was just fine. You know, I said and what my point to Matt was, is the developer was, look, the county has an acknowledged affordable housing crisis. I mean, the board has defined it as a crisis. And we have an ADU program that's been on the books for 20 years. If it was an effective program, we wouldn't be having a crisis. And it's not just 80 years. It's also a lot sizes and all that kind of stuff, right? And setbacks and maximum square footage and footprint and all that. If we had done better planning in the urban and suburban area, we wouldn't be in this crisis. And what you're telling me is we have a crisis. We had a set of rules. Those rules permitted what was to be built. We now have an affordable crisis because nobody built something that was small and affordable. And you're telling me that you want more flexibility? I was like, I'm sorry. It needs to go the opposite way. It needs to be tighter control. It needs to be you know, we didn't get the result. The trust me to Mike's question earlier, didn't work. So we need to be more prescriptive on the controls and the setbacks and the shrinking things down and minimizing it. I mean, that was my comment and a couple and other folks commented like, yeah, that's that's exactly right. And I think in that conversation, the staff sort of went, Yeah, that's actually a good point. We, you know, we didn't get any we had this stuff and we didn't get any and nobody did anything wrong. Nobody did anything illegal. Nobody did anything against the rules. So, you know, we're going to learn and do better or but that has been the that has been the key phrase of the development community. We need more in every single chapter. We need more flexibility. We need more flexibility, which means ambiguity, which means then it comes down to the subject determination of a zoning administrator or a planning department person to just do whatever they want. And I will tell you, if you want to see something amazing, this will be my last rant. [off mic] So when developers meet with an elected official, the county has disclosures, right? I met with someone. So I met with so and so, you know, at the beginning of every meeting and Bud, you guys just the Planning Commission. Planning Commission does the exact same thing. When they go into their general session and they do their general disclosures. Listen to the disclosures that every single board member and Planning Commissioner member makes. It's astounding. I mean, again, nobody's doing anything wrong. And our job is to make our elected officials to our job is to make ourselves available to the public. But the amount of meetings I mean, one plan one board member will have in between meetings will have met with 20 developers and there'll be one conservation person, you know, so and conservationists or conservation community, this is our pastime. Developers are paid to do this.

Chris Bernard: They're trying to achieve something. The conservation people are there's not an active goal they're trying to build.

Bridge Littleton: Yeah, I mean there's an active goal. But they have actually full time jobs. You know, they don't get paid to go there at 2:00 on every other Wednesday and meet with the board members. They're doing it because it's heart and soul passion. Not for you. Yeah. So anyway.

Bud Jacobs: The other implication of this, of course, is that the subject matter experts from the development community have a much deeper and much broader knowledge of what's going on and so forth than any member of the community, however committed to their goal could possibly ever get.

Bridge Littleton: They live in it. Yeah, yeah.

Bud Jacobs: Yeah. And they're making they're getting paid to do it.

Bridge Littleton: Right. So but I will say honestly, you know, the zoning ordinance, even a layperson can read it and go, I mean, there's plenty in there which you go what FAR? But you read it and you go, wait a minute, that doesn't make any sense. So someone has to build affordable dwelling unit, but they're required to build it as big as a big house. And then after 15 years, that affordable dwelling unit leaves the program and now it's market rate. So now that house is no longer affordable because it was artificially priced capped. Now it's no longer affordable. You just actually lost an affordable house. So a lot of that stuff is actually ready to go. This just doesn't make common sense. So I really encourage everybody to and the public to take it. I will give county staff credit and I will give I will give county staff credit, I would say, to board some members of the board. Absolutely. They do read every comment. They do want to understand. They do want to do right. But when they hear ten times to one what something should be. Engagement matters. Just like with our discussions on the BLA. So that was in the 90 day clock is started. So the window closes July 18th, I believe the clock started the 18th.

Chris Bernard: [off mic]

Bridge Littleton: And the link and you go and anything you read, you can put in [inaudible]. It's sort like a spreadsheet. Go in there and fill out what you don't like and make your comment. Anything else? Because after that. Yes, ma'am.

Cindy Pearson: How about Salamander? You want to share with them their five star?

Bridge Littleton: Oh, right. I'm sorry. And we're going to do a resolution next time for them. Yes. Salamander achieved its Forbes five star rating. [off mic] Just Forbes for the resort and for the for the spa.

Chris Bernard: And three of their employees. Also got four of their employees. And I don't know the name of.

Bridge Littleton: It's like Forbes great person of the year for how well they do the service for. Yeah.

Chris Bernard: Well they had say they had four people at the resort got called out especially for getting the five star rating. But they actually had an employee at one of their islanders, I guess half moon. Half moon got the like Forbes Service Person of the Year around the world.

Bridge Littleton: Of all service people with five star resorts, this their person was named the best one in the world.

Chris Bernard: Big scores. over 98%.

J. Kevin Daly: Yes, definitely a feather in their cap as well as one in Middleburg.

Chris Bernard: And I think they're 30 or [inaudible] resorts in the whole world or in the United States that carry the five star, both the resort and the spa. That's less than one per state. So it's pretty cool.

Bridge Littleton: Very cool. It was a nice event. Okay.

Rhonda North: Mr. Mayor?

Bridge Littleton: Yes, ma'am.

Rhonda North: I just want to remind the council that if you're interested in taking the site tour of the town hall site, project site, the next one is this coming Monday at 12 noon. Please wear your hardhat, your safety glasses, your gloves. [multiple speakers] And close toed shoes.

J. Kevin Daly: But they still won't let you on the equipment.

Rhonda North: No, sir.

J. Kevin Daly: Kevin go at night.

Chris Bernard: And they leave at 3:30.

Bridge Littleton: Ok. I don't think we have anything else. There's no closed session item, so unless there's any other feedback motion to adjourn. Meeting is adjourned.