



MIDDLEBURG TOWN COUNCIL
Regular Monthly Meeting Minutes
Thursday, August 24, 2023



PENDING APPROVAL

PRESENT: Mayor Trowbridge M. Littleton
Vice Mayor Peter A. Leonard-Morgan
Councilmember Chris W. Bernard
Councilmember J. Kevin Daly
Councilmember Morris E. "Bud" Jacobs
Councilmember C. Darlene Kirk
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
Tina Staples, Town Treasurer/Director of Finance
Shaun Jones, Chief of Police
Ali MacIntyre, Business Development & Community Partnerships Director

The Town Council of the Town of Middleburg, Virginia held their regular monthly meeting on Thursday, August 24, 2023 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

July Utilities Report

Stuart Will, of IES, advised that he was available to answer questions.

Vice Mayor Leonard-Morgan commended the contractor working on the Marshall Street Water Tower Project. He noted that they worked in the heat and the work they did was dangerous. Council noted that the crew members were very nice.

July Staff Reports

Town Clerk North reported that the refreshed website launch would occur on August 30th. She noted that staff training on the website software would occur on August 29th. Ms. North reported that Councilmembers Pearson and Bernard and Town Manager Davis and herself were scheduled to meet on August 28th to review and discuss updates to the Town's grant/sponsorship policy.

Business Development & Community Partnerships Director MacIntyre thanked the Council and staff for their support during her recent maternity leave. She advised that she met with most of the new businesses that opened during her absence and noted that many were excited about having an opportunity to do a ribbon cutting ceremony. Ms. MacIntyre advised that she was working on the planning for upcoming events.

Council noted that the owners of Middleburg Books praised Ms. MacIntyre for her hard work. Council also recognized Kim Shelly for her help with the Middleburg Community Farmers Market.

Mayor Littleton questioned how Ms. MacIntyre felt in terms of preparedness and the ability to execute the upcoming events well. He noted that when events became too large, they were less fun. Mr. Littleton opined that the Town had achieved a good balance in terms of attendance in the past and questioned whether that balance would continue.

Business Development & Community Partnerships Director MacIntyre confirmed they would. She noted that she felt good about the planning for Oktoberfest. Ms. MacIntyre advised that the planning for the Millie Miglia was ahead of where it had been in previous years. She suggested the most important thing related to the events was to get information out regarding parking. Ms. MacIntyre reminded Council that the Middleburg Business & Professional Association had taken over the organization of the December events.

In response to an inquiry from the Council, Town Manager Davis advised that while he did not know the number of participants signed up for the Millie Miglia, the Town had fifty volunteers signed up to help with the event.

Town Treasurer Staples reported that the Town ended FY '23 with a revenue surplus of \$1.651 million. She further reported that the Utilities Fund ended with a surplus of \$437,739. Ms. Staples noted that these figures were pending the completion of the audit. She advised that the question was how the capital monies would be treated. Ms. Staples noted that some of the projects were funded with bond proceeds and advised that the auditors had not allowed the staff to show that money as revenue in the past, which was why the expenditures exceeded revenues. In response to an inquiry from the Council as to how the budget was supposed to be balanced in that case, Ms. Staples noted that this was the problem when it was treated this way. She reminded Council that the majority of the CIP projects were in the General Fund. Ms. Staples agreed this was confusing and advised that she hoped to address this with the new audit firm.

In response to an inquiry from the Council, Town Treasurer Staples advised that the Miscellaneous Income line item was a catch all for revenues that did not have a line item in the budget and noted that she could provide the Council with a list of those revenues. She advised that it was difficult to budget for them as they were unexpected.

Town Manager Davis noted that the largest contributor to the increase in Miscellaneous Income was interest and explained that because the rates have skyrocketed, the income was \$195,000, as opposed to the projected \$10,000.

Police Chief Jones thanked the Council for their support during National Night Out and noted that it was well attended. In response to inquiries from the Council, he advised that he had received calls from individuals about the police officer vacancy and was just waiting to receive their applications.

Town Manager Davis reported that he and Chief Jones developed a brochure that they hoped would help with the recruitment effort.

Chief Jones advised that some of the challenges to recruiting were that agencies around Middleburg paid higher and some offered signing bonuses. He opined that to offer such a bonus would not be fair to the current employees. Chief Jones reported that recruiting was not just a challenge in Middleburg and noted the lack of people who wanted to get into the law enforcement profession. He advised that even large agencies were having recruiting problems.

In response to comments from the Council, Town Manager Davis advised that the Town did a compensation analysis that resulted in some slight changes. He advised that Middleburg was unique in that it competed with agencies surrounding it, some of which paid higher and some of which paid lower. Mr. Davis opined that the Town's salaries were on par with other agencies in a similar situation. He reminded Council that Middleburg provided a COLA this year and noted that he was in the process of looking at merit increases. Mr. Davis advised that he discussed this with the Town's human resource consultant. He noted the need for the Town to keep up with the market.

Mayor Littleton opined that it was difficult for Middleburg to keep up with Fairfax and noted that police officers' jobs in Fairfax were more demanding and dangerous than that of those in Middleburg. He opined that there were other things the Town could do. Mr. Littleton suggested giving employees a bonus if they personally recruited someone to fill a vacancy.

Council noted that the Town usually pulled from the Shenandoah Valley. They suggested the Town promote its robust training program as a benefit.

In response to inquiries from the Council, Chief Jones reported that Officer Nugent was taking more shifts, which allowed the other officers to take their vacations. He opined that the Town was not in danger of losing any officers. Chief Jones advised that Middleburg was different in that it did not have a lot of service calls or the stress levels that officers experienced in other communities. He noted that he was promoting that in his recruiting efforts.

Deputy Town Manager Moore thanked the Council and staff for their support during his recent loss. He acknowledged that Middleburg was a special place.

In response to an inquiry from the Council, Town Attorney Crim reported that he, Town Manager Davis and Town Clerk North discussed the Virginia Supreme Court's ruling in Gloss vs. Wheeler. He urged the members to exercise caution and noted that he did not know whether the courts would use this as an opportunity to issue findings of FOIA violations for items that were previously not considered to be a violation. Mr. Crim further noted the risk for lawsuits as a result of it. He urged members to exercise caution when discussing Town business outside of a noticed Council meeting.

Town Manager Davis reported that Town Attorney Crim would attend an agenda review meeting in the future so this could be discussed with the Mayor and Vice Mayor. He further reported that it would be a closed session discussion in September so the Council could get legal advice on the legal obligations and risks as a result of this ruling.

Town Hall Project Status Report

Town Clerk North reported that the contractor was working to address the items on the deficiency list, including the major issues involving the chiller, cupola, Council Chambers dais and Administration transaction windows. She reported that additional signage was installed. Ms. North advised that Swagit installed the camera/recording equipment in the Council Chambers and were now receiving the audio feed; however, they would not receive the presentation feed until the remainder of the Crestron equipment was installed. She reported that STS installed the wired and wireless access points in the building. In response to an inquiry from the Council about a walk-through in September, Ms. North reminded Council that the first Monday in September was a holiday and suggested the walk-through occur on a different day.

Special Projects Report

Deputy Town Manager Moore noted that the Well 4 Project was added to the report, as requested by the Council.

Town Manager Davis acknowledged the contractor's good work on the Marshall Street Water Tower Project. He reported that the tank was being refilled and would be put back in service once the sampling was complete. Mr. Davis noted that some minor work would be done in September; however, it would be quiet work. He advised that he would notify the public of the dates it would occur.

Town Manager Davis reminded Council that they previously discussed some interim fixes to Well 4 and reported that the total cost was \$44,000 to remove the sand, replace the nozzles and repack the sand. He advised that the apparent low bid for the Clearwell Project was \$755,000. Mr. Davis reminded Council that \$500,000 of ARPA funds would be put toward the cost. He advised that this project was necessary for both the plant and to provide the best quality water possible for town residents. Mr. Davis noted that the award of the contract would be presented to Council in September.

Consent Agenda

- A. Council Approval – July 13, 2023 Regular Council Meeting Minutes; July 27, 2023 Regular Council Meeting Minutes
- B. Council Approval – Award of Contract - SCADA System Maintenance

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

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

No – N/A

Abstain: N/A

Absent: N/A

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

Action Item

Council Approval – Town Policies – Town Hall Use; Use of Town Grounds; Disruptive Persons

Town Clerk North reminded Council that the staff worked to develop three policies related to the new Town Hall building, Town Grounds and disruptive persons. She noted that the policies were reviewed with the Mayor and Vice Mayor and that the Council discussed them during their last meeting. Ms. North advised that they were now being presented to the Council for adoption.

Town Manager Davis reminded Council that the staff was preparing for the move into the new building and developed guidelines related to the use of the meeting rooms and outdoor spaces. He explained that they were intended to protect the community and the property. Mr. Davis expressed hope that the Town would never have to use the Disruptive Persons Policy. He suggested the policies may need to be tweaked once the Town had some experience with them.

Mayor Littleton commended the Town staff for doing a great job in developing the draft policies.

Councilmember Pearson noted that the building would close at 5:00 p.m. She questioned whether the rental time should be changed to 4:30 p.m. in the policy to assure that public use of the spaces would be over by 5:00 p.m. so the staff would not have to stay late.

Town Manager Davis suggested the staff see how things went for the first six months. He advised that the intent was that people would be exiting the space by 5:00 p.m. Mr. Davis opined that this would not be a burden on the staff.

Town Clerk North noted that the policy stated that the reservation time must include set up and clean up times.

Council suggested that people be billed in the event they ran over and caused a member of the staff to work late.

Town Manager Davis noted that if people abused the closing time, there were provisions in the policy that would allow the Town to ban them from using the rooms again or their ending time could be set at 4:00 p.m. He advised that the staff would look at a billing system; however, he noted that most of the Town staff were salaried. Mr. Davis opined that this would not become a significant issue.

Council asked that the staff be flexible on how often an individual was allowed to reserve a space.

Town Manager Davis confirmed they would be. He explained that the goal was to keep someone from reserving the space frequently so it would not be available for others to use.

Vice Mayor Leonard-Morgan thanked the Town Clerk for her hard work in developing the policies.

Councilmember Miller moved, seconded by Councilmember Daly, that Council adopt the Town Hall Facility Use Policy and the Town Grounds Use by Public Policy, said policies to be effective upon the opening of the Town Hall building. Councilmember Miller further moved, seconded by Councilmember Daly, that Council adopt the Disruptive Behavior and Facility Ban Policy, said policy to be effective upon passage.

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

No – N/A

Abstain: N/A

Absent: N/A

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

Council Approval – Award of Contract – Septic Conversion Program

Town Manager Davis reminded Council that the Source Water Protection Plan included a goal to eliminate septic systems in the town limits. He reported that the Town received both a Virginia Department of Health and a Virginia Department of Environmental Quality grant for this project. Mr. Davis noted that the Town would own the force main on Stonewall Avenue that would be constructed and reported that five properties would be connected to it, including two that already had grinder pumps. He advised that there were two homes on Lincoln Road that already had grinder pumps and noted that their systems would be re-routed to flow into the manhole at the end of the road. Mr. Davis reported that the bid was higher than the available grant funds; however, there was money in the Utilities Fund to cover the difference. He advised that one bid was received and recommended a contract be awarded to Fuog InterBuild. Mr. Davis noted that the goal was to complete the project before the end of 2023. In response to an inquiry from the Council, he advised that the septic tanks would be abandoned in place in accordance with the Health Department's regulations.

In response to an inquiry from the Council, Town Clerk North confirmed this was the same contractor who performed the Marshall/Madison Street Intersection Project.

Town Manager Davis noted that since that time, they have performed water and wastewater projects successfully in other communities.

Councilmember Jacobs moved, seconded by Councilmember Kirk, that Council authorize the Town Manager to enter into a contract with Fuog/Interbuild for the Stonewall Avenue/Lincoln Road Septic Conversion Project in the amount of \$188,237.70.

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

No – N/A

Abstain: N/A

Absent: N/A

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

Discussion Items

Mickie Gordon Park

Mayor Littleton reported that the County Parks & Recreation Department would hold a Community Workshop on August 31st at the Middleburg Community Center. He advised that the goal was to do a charrette and break the audience down into round table groups so people could identify what they wanted and did not want at the Mickie Gordon Park. Mr. Littleton noted that the department would hold a second session in mid-September. He advised that he reiterated to Parks & Recreation Director Steve Torpe that the preference was for the department to withdraw their special use permit application; however, he (Torpe) continued to maintain his position that it should be placed on hold. Mr. Littleton noted that he reminded him of his commitment to the community to start the process over and advised that the community felt misled because he had not withdrawn the application. He noted that he had engaged with some folks in the County government, who were going to engage with Mr. Torpe about this. Mr. Littleton encouraged the community to attend the workshop to share their ideas. He suggested that if individuals could not attend, they email or call the Parks & Recreation Department to share their concerns. In response to inquiries from the Council, Mayor Littleton advised that the reason the Parks & Recreation Department did not want to withdraw their special use permit application was because of the fees they paid and the amount of work that had been done thus far on the application. He explained that if they withdrew it, they would lose their fees and would have to pay them again. Mr. Littleton further explained that they would have to start the application process from the beginning. He advised that Mr. Torpe's idea was to hold the public input sessions, tweak the application and site plan as needed and then resume the application process. Mr. Littleton acknowledged that substantial changes could not be made to a special use permit application without starting over and noted that he pointed this out to Mr. Torpe, who continued to state that he did not want to make a commitment to withdraw the application. In response to a comment from the Council, Mr. Littleton advised that the lost fees were the price Mr. Torpe may have to pay to rebuild the community's trust.

In response to a comment from the Council, Town Manager Davis advised that the County's land use fee was probably waived; however, the engineering or consulting fees could not be. In response to an inquiry from the Council, he advised that the special use permit process generally took from nine to fifteen months to complete. He noted that the applicant could delay the proceedings; however, there were timelines that must otherwise be met.

Mayor Littleton reiterated that if the department withdrew their application, the process must begin again. In response to a comment from the Council, he advised that his suggestion was that the community focus on what they wanted and didn't want at the park during the workshops. Mr. Littleton noted that the idea was to develop a wish list. He further noted that each workshop would only last for 1.5 hours.

Information Items

County Zoning Ordinance Revisions

Mayor Littleton encouraged members of the community to appear before the County Board of Supervisors to share their concerns related to the County's zoning ordinance rewrites. He suggested people review the PEC's list of concerns and let the Board know their thoughts.

Board of Supervisors Candidates Debates

Mayor Littleton reminded Council that the Coalition of Loudoun Towns (COLT), the Loudoun Times Mirror and Loudoun Now would host five debates for the contested Board of Supervisors races. He further reminded Council that the Little River District debate would be held on September 13th at the Middleburg American Legion. Mr. Littleton reported that one of the candidates in the Dulles District race and one in the Ashburn District race pulled out of the debates and advised that COLT was looking at doing something else in those districts. He advised that a candidate for the Chair race pulled out of the race; however, the Republican Party had until September 8th to nominate a candidate. Mr. Littleton reported that the Chair debate would be held on October 5th at the Ida Lee Park. He advised that the other debates would be held in either a library or a school.

South Madison Street Improvement Project

Town Manager Davis reported that the two concept plans for the South Madison Street Improvement Project would be reviewed by EDAC next week. He noted that the plans would be forwarded to the Council, Streetscape Committee and those members of the public who provided input for their review as well.

School Related Items

Town Manager Davis encouraged motorists to drive slowly, as school was back in session.

Town Manager Davis noted that Cornerstone Christian Academy was open and, as a result, the town may experience a significant amount of additional traffic. He asked that the public let him or Chief Jones know of any traffic issues they may encounter. In response to inquiries from the Council, he advised that the Academy had four or five buses and used a ride-share program. Mr. Davis estimated they had 120-140 vehicles entering the school for each drop-off/pick-up. He noted that VDOT would be replacing the Goose Creek bridge but not until next Fall.

Closed Session

Councilmember Miller moved, seconded by Councilmember Kirk, that Council go into closed session as authorized under Section 2.2-3711 of the Code of Virginia, for consultation with legal counsel retained by the public body regarding specific legal matters requiring the legal advice of such counsel related to the Town Hall Project contract as allowed under Subsection (A)(8). Councilmember Miller further moved, seconded by Councilmember Kirk, that the Council thereafter reconvene in open session for action as appropriate.

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

There being no further business, Mayor Littleton declared the meeting adjourned at 8:19 p.m.

APPROVED:

Trowbridge M. Littleton, MAYOR

ATTEST:

Rhonda S. North, MMC, Town Clerk

August 24, 2023 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: We will call the month of August meeting to order. Exactly not where I want to be. First item is Pledge of Allegiance.

All Council: [Pledge of Allegiance]

Bridge Littleton: All right, Next item is Roll Call.

Chris Bernard: Chris Bernard.

Bud Jacobs: Bud Jacobs.

Philip Miller: Philip Miller.

Darlene Kirk: Darlene Kirk.

Bridge Littleton: Bridge Littleton.

Peter Leonard Morgan: Peter Leonard Morgan.

Cindy Pearson: Cindy Pearson.

J. Kevin Daly: John Kevin Daly.

Rhonda North: Rhonda North, Town Clerk.

Danny Davis: Danny Davis, Town Manager.

Martin Crim: Martin Crim. Martin Crim Town Attorney.

Bridge Littleton: Okay, next item is public comment. So if any member of the public would like to address town council on any matter, you may do so. You have three minutes. State your name and address and please come forward. Anybody like to address town council? Except Helen Wylie. Okay. With that, we will close the public comment and move right on to staff reports. Stuart, are you online?

Stuart Will: Sir, good evening.

Bridge Littleton: Good evening. You're up.

Stuart Will: Yes, sir. Do any of you have any questions?

Bridge Littleton: Any questions for Stuart?

Peter Leonard Morgan: Stuart, I'd like to make an observation about the crews who have been working on the water tower. Big shout out to them with all the heat and the dirty work that is and the dangerous work and. It's amazing, really. So if you speak to them, please pass on my appreciation.

Chris Bernard: They're also very nice.

Peter Leonard Morgan: They're very nice.

Chris Bernard: They were like very friendly. And because we walk by there all the time.

Peter Leonard Morgan: Amazing job, I mean, what a job to do. The heat.

Stuart Will: I'll be sure to pass that on to them.

Bridge Littleton: Thanks, Stuart. Have a good night.

Stuart Will: Yes, sir. Have a good night.

Bridge Littleton: Yep. Next item is town clerk's report.

Rhonda North: Thank you, Mr. Mayor. So we will be launching the refreshed website on August the 30th. The day prior to that, the staff will receive training on the website. Also next week, council members Pearson and Jacobs and Town Manager Davis and I will be getting together to start our review of the grant slash sponsorship policy. And that's all I have.

Bridge Littleton: Any questions for Miss North? Okay. It's been a while. Where have you been?

Ali MacIntyre: On vacation. Somebody called [inaudible].

Bridge Littleton: That's what I heard. Yeah.

Ali MacIntyre: So much sleep. Yeah. Yes. No, I know you guys have my report, but just wanted to say thank you for the outreach and support, and I had a lot of text messages and calls. I know. I was here like a week later for Michelle's birthday, but I just. I just really meant a lot to me. All the support from the staff and council and just so much love. So thank you. I'm also very happy to be back. You can only wear your pajamas, but so many times anyways. I just wanted to give a brief update. I have met a lot of the new businesses with Federal and Black. I met with her today. Rebecca Posh Pixie's. I haven't met with the Accidental Peacock, but I've been to a lot of the new businesses. They're all excited about doing ribbon cuttings pretty soon and as you guys know, it's fall and before we know it, Christmas in Middleburg will be here. So almost fall and we're just back to the grind with planning. So any questions on any of the upcoming events?

Bridge Littleton: Any questions for Ali. Bud.

Bud Jacobs: I had a chance to talk to the Morrell's, the new bookstore people, and I got a little tired of hearing it, but they were really singing your praises, So kudos to you. Thank you.

Ali MacIntyre: Thank you guys so much.

Peter Leonard Morgan: Yeah, there's a comment, too. Thanks for pointing out about Kim Shelly and appreciating her for farmers market because she really is doing so much for that. And it's hard, you know, it's not an easy thing right now. And I think, you know, to support the vendors and to get as many people into the farmers market as possible is just she's.

Ali MacIntyre: She's doing a phenomenal job. Yeah.

Peter Leonard Morgan: So thanks for mentioning that. [off mic]

J. Kevin Daly: I only put out the signs.

Bridge Littleton: So, no, Ali. I just want to say welcome back. You were deeply missed. It's not only by us, but by all the business as well. And congratulations on the newborn. Thank you. You've only got 30 more years till their out of the house.

Ali MacIntyre: Pretty much.

Bridge Littleton: And from your just one sort of general question. So we got a lot of events coming up starting beginning of September through January. How do you feel in terms of preparedness and being able to, you know, execute them well, as are things you guys are missing, things you guys need? I certainly don't think we have a problem of over advertising. I mean, one of the things that Danny and I have talked about this a lot, right? When we get these events to big, they actually become less fun. So a lot of the stuff we've done in the last couple of years, we've gotten a really good balance. And do you feel that that's where we'll be?

Ali MacIntyre: I do. I do. So prior to my departure and even throughout the duration, I did hop on a few calls with our events team in preparation for Oktoberfest and that everything is pretty much buttoned up as it is less than a month away. So we're feeling really good about that. And we had a lot of notes and feedback from businesses and residents and just all over the Middleburg community about what we can do better. So we've implemented that for this year and I feel really good about that event. The Mille Miglia event, there's been so much more just having experienced it, as you know, and if you haven't experienced it yet, it's a little bit difficult to really have a good grasp on it. But I feel like we're way ahead of the ball compared to previous years. So yeah, I think just getting the communication out about parking is a big thing because people who are coming to Middleburg for the first time experiencing these events, just being able to set the expectation. I think we're we're much more prepared than previously and a little bit further out from the pandemic. I think we'll have a good crowd, but not an overwhelming crowd. And same with the December events. MBPA has done a wonderful job at taking over and really for the December events this year. The town's very much involved. But Punkin and Katie have they're just full steam ahead. So she gave me the debrief last week.

Bridge Littleton: Cool. How many sign ups do we have for the Mille Miglia?

Danny Davis: I don't know. I've tried reaching out to the team in Italy a few times and have not made connection yet. So I will say it is August. That's true. They did just have Pebble Beach as well. So I know that was busy. I will say we have 50 volunteers who have signed up already to help. 18 or 20 of those on or 15 or so on the technical team, which is the one where we really need you for days helping out, which is phenomenal. And then others who can help out during the events here in town.

Bridge Littleton: All right, cool. Any other questions for Ali? Okay, Ali thanks. Tina.

Tina Staples: Hello, everyone. So my report is basically just encapsulating the end of the FY 23 fiscal year. And I'm happy to report you still have money. Just some of the highlights. And all of these are pending pending our audit outcome because there are a couple of things that can be treated differently and I'll talk through those real briefly. But the general fund revenues came in at 1.150863, and the general fund expenditures came at \$3,000,499 and 314 cents. So that leaves a surplus of 1.651 million and \$549.

Bridge Littleton: You said at the first that you said 1.1 million. It's 5.1 million.

Tina Staples: Did I say one?

Bridge Littleton: Yeah, I was like going did I miss something?

Tina Staples: I think it came out five and you just all misheard me.

Bridge Littleton: So this might be government, but it's not the federal government.

Tina Staples: Excuse me. 5.150863. Sorry. And then the utility fund also ended up with a surplus of \$437,739. Because of that, they were able to contribute some funds as a transfer to the utility fund CIP to keep that the revenues over the expenditures so it didn't end up underneath. So the question becomes is how the capital project CIPs will be treated. And this is an auditor question because some auditors view it in different ways. Whenever we pay for project, all of them bond money gets put into what's called the state arbitrage program, which is like their own little version of a bank account. It's tax free, and that's where we pull the funds to pay for the project. The auditors don't allow us when we pull those funds to count them as revenue, when they're coming into our bank accounts, they're just bank account transfers. So that's why you end up with a larger amount of expenditures and a much less size of revenue because we're not able to count those. Does that make sense?

Bridge Littleton: But then how does the balance sheet balance. Because it last time I checked, the balance sheet is supposed to balance to zero. I mean, I'm not an accountant, so I just.

Tina Staples: The problem is, as I see it and I don't do audits, but the majority of the money for the CIP has been sitting in the general fund on the balance sheet. So instead of it being moved over to the CIP general fund, it's just in the general fund. So if there are transfers that are going back and forth from the general fund, that would be why. So it gets a little.

Bridge Littleton: Oh, yeah. I mean.

Tina Staples: Visually it makes it very confusing, which I absolutely agree with.

Bridge Littleton: So visually, it makes you look like you're in the hole.

Tina Staples: So hopefully we can with new auditors, maybe we can find a better way to at least detail that and what's happening there. But overall, yes, you're making money and things are good.

Bridge Littleton: Any questions, Bud?

Bud Jacobs: Tina on the revenues slide. The miscellaneous income actuals are way out. I don't want to say out of whack, but much higher than the actual or the projected budget. What two questions really. What falls into miscellaneous income and why is it so high this time?

Tina Staples: So miscellaneous income is kind of like our catch all for anything that we don't have a specific GL code for, for it's a grant or a donation or taxes. So miscellaneous can be any number of things. Profit sharing, people just paying fees. You're also going to get the transfer because the general fund CIP owed the general fund money. So you'll see a transfer to that shoots up that line. Sorry, let me get to that graph. Which is 375,000. So it takes it from \$734,000 and then \$375 of that is a transfer. So then that will bring it down a little bit more to what a relative amount would be. But I can give you a itemized list of what all goes in there, but it's anything we don't have a name for is kind of. Falls into that place and it's a little difficult to budget for because a lot of times the things that go in there are unexpected.

Danny Davis: Yes. And one of the bigger line items beyond the transfer from prior year surplus was the fact that interest rates have skyrocketed. And so we had budgeted \$10,000 and we brought in \$195,000. And so thankful for our positive investments.

Bridge Littleton: That's the interest accrual on our investment accounts?

Martin Crim: That's correct.

Tina Staples: You're welcome.

Bridge Littleton: Any other questions for Tina? All right. Next is. Shaun.

Shaun Jones: Good evening, everyone. Thank you for everyone who came out and helped support the National Night Out event that we had at the beginning of the month. It was an outstanding event, well attended and well received by the public. You have my report before you. If you have any questions, please let me know.

Bridge Littleton: Any questions for Shaun? On that issue we talked about over the weekend. Yes, sir. I'll call you later. Yes, sir.

Shaun Jones: All right. Thank you.

Bridge Littleton: Thank you, no I appreciate it. Yes, sir.

J. Kevin Daly: How are we doing with recruiting?

Shaun Jones: Received a few phone calls, so I'm waiting to see what we get as far as applications.

Danny Davis: The chief and I worked on a little more graphic based brochure. That can be a one pager to hand out that's a little more catchy than a typical government job flier. So hopefully he can use that as he does some outreach to either other departments or through his professional contacts. And maybe that gets to talk about who we are as a community, but also promoting the benefits that come with being a police officer in Middleburg.

J. Kevin Daly: Follow up, what's some of the biggest challenge right now in recruiting?

Shaun Jones: One of the biggest challenges, honestly, with recruitment is you look at agencies around us in this area, they start at a higher rate of salary than what we do here in the town of Middleburg. That's one of the things and some of the other challenges that we face is that other agencies are offering signing bonuses for officers to come work with the agencies. But I don't see how that's fair to people that are currently here working for us and doing the job on a daily basis and are dedicated employees. So how can that be fair for someone that's new. But what about our folks that are here?

J. Kevin Daly: So quite a few challenges ahead.

Shaun Jones: Quite a few challenges, but it's, I've been to a few conferences and just assisted another agency with a promotional process recently. And it's a challenge is not just here in Middleburg, it's all across the country with the lack of applicants for law enforcement and the lack of people that want to get into the law enforcement profession. So it's a challenging times for everywhere, just not here. It's harder for smaller agencies, but larger agencies are having a difficult time as well.

Peter Leonard Morgan: Didn't we have a lot of discussion in the last couple of years about salaries and tried to get them on par or get them?

Shaun Jones: That was prior to me taking this role.

Peter Leonard Morgan: Maybe things have changed a lot in the last year even.

Danny Davis: We did and we worked with our HR consultant to do a compensation analysis and a study for the police department first and then for general employees after that. And their analysis did result in maybe some slight changes, but also recognizing that I think our unique situation where we sit is actually challenging because we can compete north and east of us. We can also compete south of us. And so we, we and west. And so we fit in a really kind of weird spot in terms of competing with salaries that might be 20% less than what we pay currently, or 20% more than what we pay at the time. I believe they felt that our salaries were pretty much on par and appropriate. Since that time, the council has provided cost of living increases and we're going through the performance review process now for potential merit increases. But there are some agencies that were offering 10 to 15% pay increases over this past year. And so I don't think we're at a point where we have to necessarily keep up with the Joneses yet. But it is a conversation I did have with

our HR firm last week to say we need to be aware of this. And and if this is something we've fallen too far behind, we need to keep up with that.

Bridge Littleton: So let me recommend a couple of things. Right? So I think it's very hard for us to compete salary rise, salary, right, Salary wise with places like Fairfax. Right, Right. It's crazy. It's an entirely different job. It's way more demanding. It's way more dangerous, all that kind of stuff. Right? So and if we try to do that, we'll, you know, but there are other things that we can do. The number one most effective way to recruit is through personal referrals. So why don't we look at offering our officers a \$3,000 bonus if they can help recruit somebody into the police force. They have great networks of folks to reach out to who they know are good people and they don't want to hire some. They don't want to bring somebody on the force they don't think it would be a good fit and they'd be the best person to know. So, I mean, I would be all up for I mean, you guys got to take a look at it and talk to whoever, but.

Danny Davis: Maybe general employees too.

Bridge Littleton: What's that? Absolutely. Absolutely. No, I mean, like, you know. Refer. Yeah, right. [off mic] Bud you get fajitas. But but yeah, no, I mean. I don't want to speak for the rest of the council but I mean I'd have no problem with something like that.

Shaun Jones: We've been reaching out to folks that we know. The problem is the salaries that they make at their current agency they're going to be taking a pay cut to come to the town of Middleburg.

Cindy Pearson: [inaudible] much more here than where they are.

Shaun Jones: Try to explain that. But.

Darlene Kirk: [off mic]

Danny Davis: I think it's a great point. And I think, you know, to to that we should continue to encourage all of our staff to speak not just highly of where we work, but also to reach out to those we know and encourage them in this field. Particularly say if you're looking for something different, this is an amazing community.

Bridge Littleton: Actively shake your network. And now there's an incentive to do so.

Danny Davis: That's right.

Bridge Littleton: Anyway, but you guys figure it out.

Danny Davis: I can put a memo together.

Bridge Littleton: Bud. I'm sorry. Go ahead.

Bud Jacobs: This may not apply in law enforcement. I don't know. But institutions such as the military use training opportunities as an enticement for recruitment. You maintain a pretty robust menu of training for your folks. Is that something that in some way could be highlighted for highlighted for people thinking about coming here.

Shaun Jones: Sir, that that could be. Yes, sir, it could be. It's one of the things that I try to do is make sure that we do stay on top of training and do some type of training, whether it's going to the academy or doing something online monthly. So that could be an incentive.

Bridge Littleton: Yeah, but I think what Bud's saying is that needs to be in the job rec. You know that like, look, if the regional averages, they spend \$2,000 a year on police training and our average is 5000. Let's say it. You know, we beat the regional average for police officer training by 100% because we invest in our people. That's a great you know, that's a

great, you know, things like that to what do they call it? Sell the sizzle, you know what I mean? So but those are the intangibles that yeah, you may be making five grand more, but guess what you're not getting. So yeah.

J. Kevin Daly: Given the current up tempo with one less officer, how's everybody standing up?

Shaun Jones: Everybody's standing up. Well, when we need somebody to fill in, Bill is always there to fill in for us. He's one of our most dedicated part time officers that we do have. So guys are able to take their vacation. Mark is on vacation right now. So Bill was filling in for Mark while he's on vacation. And Mark will return from vacation tomorrow is his first day back. He's been gone for about two weeks now. So we're able to accommodate vacations and time off for the guys, but we still would like to get that one person filled so Mark can come and start working on some of his other duties as well.

J. Kevin Daly: One other question.

Bridge Littleton: That's your third one other.

J. Kevin Daly: A third other question. Given that others in the area are paying more, are we any in any danger of losing our our officers.

Shaun Jones: Don't think so.

J. Kevin Daly: Poaching operations?

Shaun Jones: No, I don't think so. I mean, it's the quality of life that you have here for your for our officers. So you don't run from call to call like other agencies do. You don't have that high call volume. You don't have that high stress level like other agencies do here in the town of Middleburg.

J. Kevin Daly: Are we stressing that in our advertisement, in our recruiting.

Shaun Jones: Everybody we talk to, we do that. I mean, you know, I spoke with some guys at another agency the other day and it's like, well, what's your biggest problem you had in the town of Middleburg? And you explain it to them or you explain the number of calls that we do per year. And they come at us like, Man, we do that in two days. So it's a big difference.

Bridge Littleton: Okay.

J. Kevin Daly: Thank you.

Bridge Littleton: I'll say Kevin. Did he miss something on your list?

Shaun Jones: I apologize. I'm over my time limit.

Bridge Littleton: Yeah, yeah, yeah.

Shaun Jones: Third time.

Bridge Littleton: Where's my thing?

Bridge Littleton: All right. Mr. Moore.

Danny Davis: To move it.

Will Moore: Oh, thank you, Mr. Mayor. Members of council, if you'd indulge me for a second, I just kind of like Ali. I would like to thank everyone for their support during a second trying time for me this year. The support from the elected officials, my fellow staff, individual members of the community reaching out. It's not lost on me how special a place this is and meant a lot. So thank you. That being said, you have my report. Happy to answer any questions scripted or not.

Bridge Littleton: Any questions for Will? All right. Boy, you got off light. You be careful with your cord. You can turn it over, you know? Martin.

Martin Crim: Thank you, Mayor. You have my report. I'm happy to answer any questions.

Bridge Littleton: Any questions for Martin? So this whole Gloss versus Wheeler, huh?

Martin Crim: Oh, yeah. It's a big one.

Bridge Littleton: They all say that.

Martin Crim: Well, Rhonda and Danny and I had a conversation about that earlier today, and so thank you for that. That lead in. We are urging extreme caution under these circumstances because we really don't know to what extent the courts are going to take this as an opportunity to beat local governments with a stick for doing things that have previously not been considered to be FOIA violations. You know, if you all are all at the park on the same day and, you know, is that going and somebody walks by and hears you mention the traffic on Washington Street, is that going to be a FOIA violation? So far, we haven't had the kind of people that other localities have had who will file multiple FOIA complaints and lawsuits, but they're not far away. You know, the county has folks like that. And there's always that risk that they will take and direct their attention on you. So I would urge great caution in regards to any discussions of public business matters outside of a notified noticed council meeting.

Chris Bernard: [off mic]

Martin Crim: Yes. A county park.

Danny Davis: We did also speak this morning that we're going to ask Martin to join us at our agenda review meeting before the next meeting and then suggest we have a closed session discussion about the implications of this decision as it relates to your legal obligations and risks under this decision, which just takes it kind of to the next level of what how we had applied for several levels in the past. And so I think we can have further discussions in that closed session. Closed session, if that's okay.

Bridge Littleton: Yep. Okay. Any questions for Martin? All right. Town hall project, Rhonda's favorite topic.

Rhonda North: Thank you, Mr. Mayor. So at this point, the contractor is focusing on addressing things on the deficiency list. We've got a few major items that we're still working on starting the chiller. We've got some issues with the cupola as well as the council dais and the transaction windows. So those are kind of the four big ones that we're working on. Additional signage has been installed in the building. Swagit installed the camera system that's now been linked with the audio. The only thing that's missing there is the link with the presentations, and that will not occur until one piece of equipment comes in the fourth quarter of the year. And STS has been in the building installing both the wired and the wireless access points. So, you know, things are happening.

Bridge Littleton: Awesome. Any questions for Rhonda? Kevin.

J. Kevin Daly: Are we going to have a walk through in September.

Rhonda North: Well, the first Monday in September is Labor Day. So we will probably look to do it a different day.

J. Kevin Daly: First Tuesday.

Rhonda North: Possibly.

Bridge Littleton: Any other questions for Rhonda? All right. Yeah.

Darlene Kirk: It was a good walkthrough last time, and we could see that a lot had been done and that the end is nearing.

Bridge Littleton: Darlene, go outside, turn around three times and spit, because you just jinxed the whole thing. [off mic] Any Town committee reports. Peter.

Rhonda North: You missed one.

Peter Leonard Morgan: Thank you, Mr. Mayor.

Rhonda North: You missed one.

Bridge Littleton: Oh, I'm sorry. Will Moore. Apologize. I was just so excited for Go Green.

Rhonda North: Darlene got you excited.

Will Moore: So at the request of council, we have added an additional item. That being the Well Four project to the project status update report. So between town manager and myself, we can answer any questions you might have on any of these individual projects.

Danny Davis: I want to reiterate the comments about the water tank project. The latest crew, the final crew they had there, as well as the painting crew, were very good. And we've already received a number of compliments on how good the tower looks. So they were refilling it this morning. I've not actually checked in with Stuart to see how that's gone, but so far so good. And getting that we'll then sample it to be able to put that back in service, which is good. There will be some minor additional work occurring probably the week of Labor Day to replace some of the cross support beams. But that's quiet replacement work. We will give notice to the community, especially because deliveries may affect traffic for a brief period of time. On the Well Four project, I do want to highlight the information that we've provided here. The first of all is as the last council meeting we had, we discussed potential interim fixes and it's really fixes that are necessary even with the Clearwell project coming online. Total cost of all that together from [inaudible] costs as well as the materials from the manufacturer will end up being about \$43,000 - \$44,000. But that is to completely remove that sand, clear it all out, dispose of it, clean the nozzles, get new nozzles, make sure everything's good, and then repack it and make sure it's running appropriately. The second piece of this then is the Clearwell project itself. You know, we've kind of gone through a unfortunately, a failed effort to get USDA rural Water grant funding for that. So we have gone back through the process, issued the RFP and the apparent low bidder is at \$755,000 for that project. But as noted here, we do have about half \$1 million of ARPA funds that we had intended to use towards this project. So we do believe that's still a very important and necessary project for the long term functionality of the water treatment plant and really for providing the best quality water for the town residents. So we intend to meet with that contractor next week and then plan to bring that contract to you for review and hopefully approval at your first meeting in September.

Bridge Littleton: Any questions for Will or Danny on the special projects? Next up is Peter. [off mic] Consent agenda. Would anyone like anything removed from the consent agenda? All right. Well, is there a motion?

Chris Bernard: I move that we adopt the consent agenda as proposed.

J. Kevin Daly: Second.

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

All Council: Aye.

Bridge Littleton: Opposed. Abstentions. Okay. Next is action items. Council approval for town policies, town hall use, town grounds and disruptive persons. I wonder who you mean there. All right. Who is taking the lead on this one?

Rhonda North: I guess that would be [inaudible].

Bridge Littleton: Rhonda.

Rhonda North: So we did the council did review the three draft policies during the last meeting, and they are now being presented to you for your consideration.

Danny Davis: And we believe they're ready to go for our occupancy when we're ready to take move into the new building. These are important just for how we manage the conference rooms. We want the public to feel like they can use the space as appropriate, but also having those guidelines in place. And then any time we have kind of outdoor spaces, especially now with a park on the Marshall Street side, making sure that we just have some general guidelines to get around that for the protection of the community, but also our property. And then we've talked about the disruptive behavior. You know, we hope to never have to use that, but it is important to have in place and have a process so that if there is any kind of issue or we need to be able to ban someone from the property that we have that in place and then go through the progressive nature of that process. So we're happy to answer questions. But if council is willing to, we're we believe these are ready for approval. And then also we understand that as we get into a new building, you figure things out as well. And so maybe there are things we need to adjust or tweak as we see how things go for six months. But we think this is a good starting point.

Bridge Littleton: Any question for Danny or Rhonda on the I mean, I know we've done a lot of work on this and I think you guys have done a great job. I mean, it's this is hard stuff, especially when you're talking about using a public space and respecting First Amendment rights, but also in a, you know, respectful manner and having decorum and all that stuff. So any questions for Danny or Rhonda? Go ahead, Cindy.

Cindy Pearson: I have a thought or maybe a concern on the times that you're offering it from 8:30 a.m. to 5 p.m., because that probably then involves one of you all staying late to make sure the room is closed up, that if you backed it up a half hour, at least on the end of the day, maybe even on the beginning of the day, it would give you time that you're not having to provide overtime.

Danny Davis: I think it's a fair consideration. It's one of those where I think we might see how it goes, you know, for the first six months. And I believe the intent is that we by limiting it to 5:00, that people would be exiting the space by five. Now we know how that goes, right? They get to 5:00, they have ten minutes left in their meeting. Generally, one of us is, you know, not all of us staff are jetting out the door at 5:01 on the dot. But I also don't want that to become a burden for our staff or feel like we're obligated.

Cindy Pearson: But you have extended your day already for the new building, which is an extra half hour. So not that I'm I don't think that's needed, but it is. It's just then extending them another half hour, which is then an hour longer. So I think it's something to consider.

Rhonda North: So the policy does state that when you reserve a room, that time needs to include both your setup and your breakdown down. So we would hope folks would take that into consideration and would end their meeting in enough time to break down and get out and be out the door by 5:00. But I think, as Danny said, we can probably work through through most of it.

Bridge Littleton: Darlene?

Darlene Kirk: Maybe we want to put something in there that if the organization does, you know, group or whatever, forces us to stay forces to someone to stay late, that we can bill them for the person's time, that might encourage people to leave on time.

Danny Davis: Yeah. And again, I think there are some mechanisms already in here that if people abuse the policy, then that gives us a way to say, you know, you can't use it again, or if next time you use it, you need to end your meeting at four instead of five. We'll look at the billing side. Most all of us right now who would be here late are salaried anyway. So it's. But I hear your point. I think, you know, the concern for us and for our time is much appreciated. I don't see it becoming a significant issue. But but again, we will be aware of that. And we'll come to you with recommendations if we need it.

Bridge Littleton: Okay, Bud.

Bud Jacobs: Danny, I'd also like you to be fairly flexible on the restriction of an organization being allowed to use the space once per month. I sort of don't see the necessity of doing that. I, in fact, I don't see any necessity to do it. So as we work through this, could we be kind of flexible and see what what the usage rate actually is and who's using it frequently?

Danny Davis: Absolutely. And I think we can we can identify if we've overshot on that limitation or we really don't know, you know, we open the doors, maybe it's not used for six months or maybe people start using it. The real goal there was to ensure that someone doesn't come in and reserves every Monday, Wednesday and Friday from nine to noon, and then it's not available for others to use or even for us to use. But you're absolutely right. I think there's some flexibility potentially available there. And then we see, again, usage patterns. [off mic]

Philip Miller: Danny. I believe you can operate this under your discretion. I'm ready to make a motion if anybody's.

Peter Leonard Morgan: I just want to make a final comment. Thanks again, Rhonda. I mean, we've had a lot of meetings about this, and it started off quite different to this. But you did a lot of research and homework and and then we had meetings here and honed it down. And I think it's got to a pretty good, pretty good, [inaudible]. Thank you.

Bud Jacobs: Everybody should have a Rhonda but we got the only one. [laughter]

Bridge Littleton: And Bud, just so you know, I do have a DNA sample in case. Cloning is necessary. Okay. Philip.

Philip Miller: So. Yeah, I move the council, adopt the town hall facility use policy and the town grounds use by public policy. Said policies to be effective upon the opening of the town hall building. I further move that Council adopt the disruptive behavior and facility ban policy, said policy to be effective upon adoption.

J. Kevin Daly: Second.

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

All Council: Aye.

Bridge Littleton: Opposed. Abstentions. Okay. Next item is the award of the contract for the septic conversion program.

Danny Davis: Thank you, Mr. Mayor. And council members, as noted in this item and discussed with you previously, one of our goals is seeking to eliminate any remaining septic systems in the town limits. That's a goal of our source water protection plan, and we have been working on some grant opportunities for this. We've received a grant for our wellhead protection and then we are generally, we think, approved and are working on the final details of the contract with DEQ for an additional about \$105,000 grant as well. This would run a communal or town owned force main up Stonewall Avenue and would connect five properties on Stonewall, three of which are currently on septic systems. So that would eliminate three septic systems right there and the other two already have grinder pumps. So we would just be connecting

their existing grinder pumps to the new force main town owned main. The other two are on Lincoln Road at the very end and similar they would be grinder pumps, but in their case there's a manhole not far from where they are. So the grinder pumps would go straight into the manhole at the end of Lincoln. So this is really a great project. It is slightly above what we had budgeted or anticipated, but the cost is something that we have available funding in the utility fund and the utility CIP to cover those additional costs. So our recommendation we received one bid from Fuog InterBuild from Purcellville and positive references from their other municipalities who have worked with them. So we recommend approval of the contract and if so, then. We will get moving. And our goal is to try to complete this, if possible, before the end of the year.

Bridge Littleton: Which year?

Danny Davis: This year, 2023. Thank you.

Bridge Littleton: Just confirming. So I just want to say real quickly, I think this is I'm really excited we're doing this and I'm really thankful that you guys found the grants. I know the folks who are on these septic systems are, you know, doing backflips that they can now get on regular town sewer. And it's a big deal. And especially not having them having not having to bury the cost, it's great. So anybody have any questions for Danny on this?

Peter Leonard Morgan: One question. So with the demolition of the septic tanks, does that mean they don't need to be abandoned because they're being taken out, removed?

Danny Davis: So I believe we'll actually be abandoning in place like a typical however that goes. Sometimes you cave it in, sometimes you just simply fill it in as appropriate. So we'll do it in accordance with all the Loudoun County Health Department requirements.

Bridge Littleton: Okay. Cindy.

Cindy Pearson: Just a minor question. The name of the company that got the bid Fuog InterBuild. That's nothing with the Fuog that.

Rhonda North: The same company.

Cindy Pearson: They did the intersection down here. [off mic]

Danny Davis: Okay. And they have. They have. And I'm not sure if they did as many water and wastewater projects back then, but they have definitely expanded their scope into more water and wastewater. Round Hill, Purcellville others using them and.

Bridge Littleton: Had to bring that up, didn't you?

Cindy Pearson: Yes. I'm sure you've done your homework.

Bridge Littleton: Okay. Is there a motion?

Bud Jacobs: I'll do it. I move that the town council authorize the town manager to enter into a contract with contract with biddy Biddy Biddy.

Bridge Littleton: Say it three times real fast.

Bud Jacobs: With Fuog InterBuild for the Stonewall Avenue Lincoln Road Septic conversion project in the amount of \$188,237.70.

Darlene Kirk: Second.

Bridge Littleton: Any discussion?

Chris Bernard: Where's the \$0.70 come from?

Bridge Littleton: The bid. Martin, Do we have to do this as a roll call?

Martin Crim: Yes.

Bridge Littleton: All right, Rhonda, call the roll, please.

Rhonda North: Vice Mayor Leonard Morgan.

Peter Leonard Morgan: Yes.

Rhonda North: 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 Kirk.

Darlene Kirk: Aye.

Rhonda North: Council Member Miller.

Philip Miller: Aye.

Rhonda North: Council Member Pearson.

Cindy Pearson: Aye.

Bridge Littleton: Okay. On to discussion items. Mickey Gordon Park. Is everybody ready? [off mic] Yeah. So. Okay. So as the memo says, Parks and Rec is coming to town on August 31st to the community center at 6:30. They're going to bring a number of staff. They're going to have big blown up maps and different, you know, diagrams and stuff like that. And I spoke to Steve Torpey earlier this afternoon. The goal of this outreach session is to do like a charrette. So break out in a small ten people, roundtable groups find out what the community wants in terms of amenities and facilities at Mickey Gordon. Also, what we don't want, right? Hey, I don't want lights. I don't want the Route 50, whatever, whatever those things are, they have committed. And Steve did not have a date to having a second session in mid late September. So they want to give the community two bites at the apple for folks who can't make it in August. I'm looking forward to it. I appreciate them coming. Um, I reiterated to Steve in several emails as well as on the phone today that it would be much more it would be preferred if they would withdraw the application, not simply put it on indefinite hold. He stuck with where his position is at the moment and he gave me a, you know, a reason why. And I and my point back to him was, I understand that's not unreasonable. But, you know, the commitment to the community in June was that we would start over. And so. You know, the community feels a little misled. Rightly or wrongly, that's the emotional feeling with how this whole thing went down to begin with. And you own that and you took responsibility for it. And that's great.

You're committed to starting over. And starting over means starting over. We start with a blank sheet of paper. We don't let this other application just float out there indefinitely. So yeah, and that's the concern from folks. And so but he remained where he was. So, you know, I have spoken with a couple of the folks at the county government and they're going to be engaging with him on that. So we'll see how that goes. I feel actually good that those folks will have have a. Better results than I have. So but yeah, I mean, my encouragement to the community is let's go there with this is an ideas session. Let's go there with ideas, let's go there with concepts, things that we want, things that we don't want. Let's try to put this about the future. Mickey Gordon Just for this event, right? If we want to bring up concerns or problems about cricket or anything else. Absolutely. The application process, absolutely. Email the Parks and Recs, call their offices, whatever. But it would be great if we could stay focused on on the 31st and when they had the second one. So that's the latest and greatest on Mickey Gordon unless anybody's got any questions. Yeah, Bud.

Bud Jacobs: A couple of things I noticed. I noticed PEC is putting out a lot of material and heads up about the meeting, so that's good. Could you share with us his reasons for not withdrawing the application at this point?

Bridge Littleton: Sure. Some of them I understand. Some of them I don't. The main one was they've paid the fees and they've done all the application work and gone through the county planning and zoning process to get to a point where they've been issued a application number and have gotten, you know, there's a waiting, there's a waiting line, right. And so his one of the viewpoints is if we withdraw the application, we lose all those fees. And when we're ready, we got to start over. So we literally go back to the beginning of the queue, which could add a year to being able to actually do anything. I get it right. That makes total sense. But so his view was, well, let's have these input input meetings and if we need to tweak the application and tweak the site plan, we can do that. That'll be easy. And then we're already in the queue and we can jump right in.

Bud Jacobs: Tweak as in substantially amend.

Bridge Littleton: That's and that was the and Will's going to be like nodding his head and you know, as being on the planning commission you can't make substantial changes. And so that was the point I made to Steve. Well, I mean, like.

Danny Davis: They haven't been to public hearing.

Bridge Littleton: No, no, I got it. But that that he confirmed that this was told to him by planning and zoning. Right. If you want to go from two cricket, three cricket fields to two, okay, that's not substantial. That's a modification. We're okay with it. But if you want to say no cricket fields back to this move. Lights change parking. No, that is a substantial change and you have to start over. So and that's what planning and zoning told them. So. My point to Steve was that's exactly what's driving the concern, right, is that if we come out of these charettes and we all get together and say we have a whole new concept and this is what we want to see. And I even laid it out to him to that level and said. And planning and zoning told you they would require a new application. Would you commit to withdrawing it? He said, Well, I don't want to make that commitment. I was like, okay, this is the this is where the rub is. This is where, you know, I get the wasting, the \$10,000 on fees. I get all that and I don't like throwing money away either. But it's about rebuilding trust.

Bud Jacobs: Perhaps if he had consulted with the community before, he wouldn't have lost the \$10,000.

Bridge Littleton: That's and. And I said to him, This is the price you pay to rebuild trust.

Chris Bernard: [off mic]

Bridge Littleton: I know it's money from one pot to the other pot, but it's out of his budget into somebody else's budget.

Cindy Pearson: Is there a time frame?

Chris Bernard: [off mic]

Danny Davis: I actually I actually think maybe the maybe I don't want to speak for Loudoun. I think the land use fees themselves might actually be waived. It's probably more likely the engineering costs and the consulting costs of all the pieces you have to put together.

Bridge Littleton: So he said there was costs and fees that they would lose if they had to restart and maybe that's it, right? I if I have the plat as it is and I make some little tweaks, it's a lot cheaper than redrawing a whole new one.

Cindy Pearson: Is there a time frame on those applications? Just like ours or, you know.

Bridge Littleton: I mean, you it's two week notice, so they have it on hold. And so they could ask the county to put it back on the Planning Commission's agenda at any time. But they got to meet all the statutory notification requirements.

Chris Bernard: Two week notice.

Bridge Littleton: What is it, two weeks?

Danny Davis: Well, it's the notice requirements have changed a little bit recently. Are you asking notice for public hearing or the actual process for a special. So again, again, I don't want to speak for the county. Generally, there are special exception process. They would say 6 to 9 months. Oftentimes that's nine to 12 to 15 months again, depending on again, sometimes our state code requirements, but they can be requested to be delayed by the applicant or if there if things are not ready to take forward to the planning commission. Generally, there are some timelines they have to meet. But I mean, in general, I think that's what you could expect.

Bridge Littleton: And I mean to and again, I want to be fair to Steve, that was actually one of his points that if we fully start over, that 12 months that we've already gone through has to be gone through again. And I. Fair enough. Right. But it's bigger than that.

Cindy Pearson: I have another concern. There's been some community members that are trying to get a I don't know how to word this certain questions asked or spoken to at this meeting and telling them not to bring up other ideas. I would like to clarify that we need any idea that you have to bring it at that time, not just go for these few specific information items.

Bridge Littleton: Yeah. I mean, what I've told a number of folks is, look, this is a public meeting. People are free to say what they like to say, but. But it would be great if we could focus the conversation on the amenities we want and the things we don't want to see. Right. You know, if someone wants to talk about the application process, then they can talk about the application process. But they're coming out here with a dozen or more staff members and they're going to break into ten people circular tables. And the whole idea is to find out our wish list. So if we lose and they're only going to come out for an hour and a half. So if we waste a lot of time on this is our opportunity to tell them what we want. This is our Christmas list. Let's give them a Christmas list. But yeah, outside that, whatever anybody wants in the Christmas list, let's have it right. And there'll be a lot of people with a degree with 15% of the things and there'll be 1 or 2 people who want, you know, racket ball and that won't make it up and but doesn't mean don't mention racket ball. Yeah. Any other? Yeah. Any other questions on Mickey Gordon? Going once, going twice. The only other thing I would mention is I would seriously encourage folks and the public the board is going to have it's either 6 or 8 public comment sessions on the zoning ordinance rewrite. So if there's anything in there you'd like to opine on, I plan on going in about three weeks and giving my four minutes worth of concerns on the. Haphazard document that's been produced, but would strongly recommend you take a look at what PEC's put out as their sort of top ten issue lists. Like the rural roads, the big one, and let the board know. So I think that's about it. Anybody on the dais has got any action items or info items, Peter?

Peter Leonard Morgan: Just a request. Do you know anything more about the supervisors debates?

Bridge Littleton: Oh, yeah, yeah. Great question. Yeah. Yeah. So COLT, Loudoun Times-Mirror and Loudoun Now are holding supervisor debates like we did four years ago. And here are the debates. I've got all the dates and times I can send it to everybody and we need to start putting on social media and all that kind of stuff just to get the word out. The

Little River debate between Rahm and Laura will be here. American Legion, September 13th from 7 to 8:30. That'll be great. We are going to have a debate for Algonkian, for Broad Run, for Little River, for Catoctin, and for the chair at large. There's two other districts which are competitive races. One is Dulles. The Democratic candidate has declined the invitation to participate. Their choice. And then in the Ashburn district, the Republican candidate has declined the invitation to participate in the debate. So, again, totally their choice. We're trying to figure out if for those two districts we can do something, maybe a forum with the candidate who was willing to do the debate or something. But so, yeah, of the seven races, we will have debates for five of them.

Peter Leonard Morgan: Did I see that one of the candidates for chair has pulled out? Is that right?

Bridge Littleton: Yes. Steven. Something like that. Yeah. But Sam Creutz is still running. I was on the phone yesterday with Loudoun Times-Mirror. Interestingly enough, the Republican Party still has until September 8th to nominate a candidate and be on the ballot. Apparently, there's a state law that says a major party can nominate a candidate to a ballot. Within 60 days of the election, even though the filing deadline was back in June. So whether they find somebody or not, who knows? But the paper told me that there was a that he had heard a bunch of people were running around trying to find a Republican candidate. So but, yes, we will have a chair debate at the moment. It will be between Phyllis Randall and Sam Creutz, and he's running as an independent. No, that'll be at Ida Lee Park October 5th, although the dates and locations are between. So the the September 13th debate, which is ours, is the first one. The chair debate is the last one, October 5th. The other ones are in between there and all of them are going to be at a school or a library in that district. So but I will I'll send everybody the we just got everything finalized yesterday and then got the email this morning that the Ashburn Republican pulled out. So. Anyway. Any other questions? Danny, you had one.

Danny Davis: I do have two quick items. We are bringing forward to the meeting on Monday morning a discussion of two concept plans for South Madison Street, so all council members are welcome to attend. We'll forward that agenda on to council so that you have that as well as to streetscape and all those who have provided input on that topic. And so that's on Monday morning at 9 a.m. with EDAC. The second item is just a reminder School has started back some started a few weeks ago. Hill School starts after Labor Day, but Loudoun County Public Schools started today. So we just encourage the community to drive slowly, safely, especially during school hours. Watch out for kids. And as most of you all also know, Cornerstone Christian Academy has opened back up at the former Middleburg Academy property. My understanding is they have 550 students. And so you probably have seen, if not already, you will see some significant additional traffic coming through town. Hopefully that will also benefit our coffee shops and our sandwich shops. But just be aware. And if there are issues that you notice either with traffic backing up at the traffic light or otherwise, please let the chief know or let me know because we want to make sure people can travel safely, but also just want people to be aware of additional cars on the streets.

Cindy Pearson: Will they have any busses at all?

Danny Davis: They do have 4 or 5 busses, so they are bussing many of them up to Leesburg to their church campus at Sycolin and Battlefield. They're also using what they say is an innovative it's like ridesharing app for carpooling. So it pairs up people in similar neighborhoods so that they can limit the number of vehicle trips. I think they were estimating 120 to 140 vehicles for each pickup period, which is still a lot of cars.

Cindy Pearson: I hope VDOT does something with that road because that is horrible right now. 611 is.

Danny Davis: It's a challenge and not to get too much, but I will inform you that VDOT intends to replace that bridge across the Goose Creek at their entrance, I believe in the spring or next fall, maybe next fall. That's going to introduce some complexities as well. So just it's really out of our jurisdiction, but it is important for our community to be aware of.

Bridge Littleton: And actually, I will say. As the school opens and they deal with this traffic stuff, you may have members of folks who live on that road and others who live on Saint Louis Road reach out and call with concerns about traffic or turning or whatever to just I mean, I would say heads up. I've gotten a number of emails, Dan's gotten a number of emails. And we've forwarded on well, we've tried to connect people as best we can. We've forwarded it on to Robin

and to Tony Buffington's office and to Phyllis's office, and they're working with VDOT to try to resolve the issues. But yeah, there's a there's definitely it's an unknown, right? So there's concern.

Cindy Pearson: [off mic]

Bridge Littleton: Okay. Any other discussion items? All right, so we're ready for the closed session. Let the fun begin. What? Who would like to read the motion for the closed session? Philip.

Philip Miller: I move that council go into closed session as authorized under section 2.233711 of the Code of Virginia for consultation with legal counsel retained by the public body regarding specific legal matters requiring the legal advice of such counsel related to the town hall project contract as allowed under Subsection eight. I further move that council thereafter reconvene in open session for action as appropriate.

Darlene Kirk: Second.

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

All Council: Aye.

Bridge Littleton: Opposed. Abstentions. All right. We are in closed session. Thanks, everybody. Good seeing you. Thank you. All right, here we go. I ask that council certify that in the closed session just concluded. To the best of each members knowledge, nothing was discussed except the matter or matters specifically identified in the motion to convene in closed session and to lawfully permitted to be discussed in a closed session. Under the provisions of the Virginia Freedom of Information Act, as cited in the motion, I would like to remind those present for the closed session that any discussion that occurred within it should be treated as confidential.

Chris Bernard: Yes.

Bud Jacobs: Yes.

Philip Miller: Yes.

Darlene Kirk: Yes.

Bridge Littleton: Yes.

Peter Leonard Morgan: Yes.

Cindy Pearson: Yes.

J. Kevin Daly: Yes.

Bridge Littleton: Meeting adjourned.