



**MIDDLEBURG TOWN COUNCIL**  
**Regular Monthly Meeting Minutes**  
**Thursday, February 8, 2024**



**PENDING APPROVAL**

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

**STAFF:** Danny Davis, Town Manager  
Martin Crim, Town Attorney  
Rhonda S. North, MMC, Town Clerk  
Ali MacIntyre, Business Development & Community Partnership Director

**ABSENT:** Councilmember C. Darlene Kirk

The Town Council of the Town of Middleburg, Virginia held their regular monthly meeting on Thursday, February 8, 2024 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**

**January 2024**

Town Clerk North reminded Council of their strategic initiative related to the Asbury Church and reported that she drafted a Request for Proposals (RFP) for community engagement services, which was currently under review by Councilmembers Pearson and Jacobs, the Council representatives assigned to this initiative. She reported that once it was in final form, it would be issued, with a response date a month after issuance.

Town Clerk North reminded Council of their Strategic Planning Retreat to be held February 29-March 1 in Culpeper and noted that she was working to finalize the details. She further reminded Council that during their last meeting, they declared two police vehicles to be surplus and reported that the Town was accepting sealed bids through March 1<sup>st</sup> for them. Ms. North noted that the information on the sale of the vehicles was available on the Town's website. She reported that she was working to schedule the Volunteer Appreciation Reception for Monday, March 18<sup>th</sup>. Ms. North further reported that she drafted a webpage and online application form for the Citizen's Academy, which was approved by the Council during their last meeting. She expressed hope to make the page live next week.

In response to an inquiry from the Council, Mayor Littleton noted that March 5<sup>th</sup> was the Virginia Presidential Primaries, with voting occurring in the Town Hall.

Business Development & Community Partnerships Director MacIntyre reminded Council that the Wellness Fair would be held March 23<sup>rd</sup> at the Middleburg Community Center. She reported that they had fifteen approved vendors thus far and advised that she expected more applications to be received, as she was promoting the event to both potential vendors and visitors. Ms. MacIntyre reported that the Arts Council already had thirty approved vendors for this year's Art in the Burg event to be held May 11<sup>th</sup>. She advised that she was meeting with the Fire Marshall, organizers, and Police Chief in two weeks to finalize the details of the event. Ms. MacIntyre announced that the Miglia 1000 would be held October 22<sup>nd</sup> - 27<sup>th</sup>. She reported that the Italian team would be in Middleburg the beginning of March to plan for the event.

Councilmember Leonard-Morgan thanked Ms. MacIntyre for increasing the promotion of the Community Farmer's Market. He suggested the Town boost its social media promotions in order to bring more people to it.

Business Development & Community Partnerships Director MacIntyre reported that the Town was going to do some videos to showcase the vendors on social media. She noted that she gained access to the Farmers Market page, which was created by a previous market manager, that already had a large following.

It was noted that the Council would do a review of the Town's committees during their Strategic Planning Retreat. Mayor Littleton suggested Ms. MacIntyre be present for that discussion. He advised that he wanted to specifically talk about EDAC and marketing, including what EDAC did and did not do.

Town Manager Davis suggested this be discussed offline so it could be determined whether a discussion was needed during the retreat. He noted that this was something he, the Vice Mayor and Ms. MacIntyre have been discussing for many months with EDAC.

Vice Mayor Bernard opined that having more vendors was key for a successful farmer's market. He further opined that people would support it once they heard there were good vendors in place. Mr. Bernard cited the Buchanan Hall market as an example of a really good product that lured people through word of mouth.

Council opined that the promotion would be better through the use of the official Farmers Market social media page.

Town Manager Davis noted that Chief Jones was attending a Police Chief's Conference.

Town Attorney Crim reported that SB 304 related to accessory dwelling units passed the committee with a 2025 effective date; however, the House bill was continued to 2025. He advised that the Town had the ability to address accessory dwelling units for a little while.

In response to inquiries from the Council, Town Manager Davis reported that Senate Bill 304 was on the floor earlier in the day; however, the Senate passed it by. He advised that it had been heard twice and on the third time would be voted upon.

Town Attorney Crim noted that the Virginia Municipal League (VML) sent out an alert earlier in the day encouraging localities to contact their representatives, as the vote was expected to occur the next day. Town Manager Davis noted that the staff had already done so.

Town Attorney Crim reported that SB 544 related to short-term rentals was ready for a Senate vote.

In response to an inquiry from the Council, Town Manager Davis advised that he was not aware of a parallel House bill. He advised that if the bill passed the Senate, it would cross over to the House.

In response to an inquiry from the Council, Town Attorney Crim explained that the Bagby bill prohibited new ordinances that would require a special use permit for short-term rentals under certain circumstances. Town Manager Davis explained that it would prohibit localities from enacting an ordinance requiring a special use permit for short-term rental use in the case of a house that was legally occupied by the property owner as his primary residence. He advised that as currently drafted, the effective date was December 31, 2023. Mr. Davis reminded Council that the bigger concern was that the General Assembly would be meddling in local zoning.

In response to an inquiry from the Council as to whether an existing ordinance could be modified, Town Attorney Crim advised that the safer course of action would be to not do so, as someone could argue it was a new ordinance. He reminded Council that there were other options available, such as a flat prohibition on short-term rentals, which would not be in violation of the proposed bill.

Mayor Littleton opined that this was not the first time the General Assembly had adopted legislation that allowed existing ordinances to continue but prohibited the adoption of new ones. He further opined that the question of whether an existing ordinance could be amended had already been adjudicated. Mr. Littleton asked the Town Attorney to research that question so the Town would know whether it could modify its existing ordinance in the future. He noted that the Town would not be creating a special permit use requirement since it already had one in place.

Town Manager Davis reported that the Planning Commission had an initial discussion during its January meeting regarding three applications for short-term rentals in the Residences at Salamander subdivision. He further reported that the Commission would hold public hearings on them during their February meeting. Mr. Davis advised that there would be some discussion of the applications at the Council's strategic planning retreat, as well as their first meeting in March.

Town Manager Davis reported that interviews had been held with candidates for the Planning & Project Associate position and expressed hope that a decision would be made prior to Mr. Moore's absence.

Town Manager Davis reported that the most important information related to the Town Treasurer's report would be captured during the real property tax rate discussion later in the meeting.

### Town Hall Project Report

Town Clerk North reported that the steel structure, sidewalk, and electrical work were essentially complete for Phase II of the Town Hall Project and advised that the trim and ceiling were being installed on the arcade extension. She noted that the roof would be done soon, which would include the installation of the weathervane. Ms. North reported that the landscaping would be done in March once the planting season began. She advised that as to Phase I, Boland Trane was making some sequencing changes this week to the chiller/HVAC system. Ms. North reported that the cupola was being prepared for final painting. She noted that the permeable pavers were repaired and the contractor had requested a re-inspection by the County. Ms. North advised that as to the punch list, the plumber was scheduled to be on site later this week and that Vision Tech had been onsite since mid-week to work on AV and security related items.

### CONSENT AGENDA

- A. Council Approval – January 11, 2024 Regular Meeting Minutes; January 25, 2024 Regular Meeting Minutes
- B. Council Approval – Appointment of Interim Zoning Administrator
- C. Council Approval – License Agreement for Use of Unimproved Right-of-Way on East Marshall Street

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

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

No – N/A

Abstain: N/A

Absent: Councilmember Kirk

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

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### ACTION ITEMS (non-public hearing related)

#### Council Approval – EV Charging Agreement – X-Charge

Town Manager Davis reported that the agreement before them was with X-Charge Energy USA, the entity that offered to donate an EV fast charging station to the Town, including 100% of the charging revenues. He reminded Council that the Town had possession of the unit. Mr. Davis reviewed the terms of the contract and noted that X-Charge would be responsible for the maintenance of the unit. He advised that the Town's responsibility would be to prepare the site, install the unit, and maintain the site so the charger would be accessible. Mr. Davis recommended the Town move forward with the contract. In response to an inquiry from the Council, he advised that the fast charger was proposed to

be located in the Town Hall Parking Lot due to the significant power requirement to operate it. He reported that he was working with another entity to locate standard Level 2 EV charging stations in the Liberty Street Parking Lot and potentially on West Federal Street in some on-street parking spaces. Mr. Davis advised that the Town did not intend to remove any on-street parking spaces on Washington Street due to the demand for parking in that area.

Councilmember Leonard-Morgan advised that X-Charge would upgrade and update the connectors. He inquired as to how the EV charging space would be signed.

Town Manager Davis suggested the bricks be painted with the typical green square with EV inside it or that signage be installed to denote that the space was for EV charging only. He noted the need to update the Town Hall signage around town to indicate it included general public parking and an EV charging unit. Council suggested the online map also be updated to include the parking lot.

*Councilmember Jacobs moved, seconded by Councilmember Daly, that Council authorize the Town Manager to enter into a contract with X-Charge for the provision and operation of an electric vehicle DC Fast Charging station to be located at the Town Hall, as reflected in the attached (to agenda) “Joint Deployment & Charger as a Service Agreement” and the “Town of Middleburg Standard Contract for Goods, Services, Construction, or Insurance”.*

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

No – N/A

Abstain: N/A

Absent: Councilmember Kirk

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

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## **DISCUSSION ITEMS**

### **Route 50 Public Information Meeting**

Mayor Littleton reminded Council and the audience of the County’s public meeting scheduled for next week related to Route 50. He noted that the County reached out to him six months ago seeking a person who could represent the Town’s interests and advised that he asked Jim Burton to do so since he was on the original Route 50 Task Force. Mr. Littleton reviewed the history of the Route 50 Task Force Project. He explained that the County was collecting data on Route 50 between Middleburg and Upperville for future planning purposes. Mr. Littleton noted that they have prepared a map identifying the locations of major accidents and advised that the goal of the public information meeting was to get input on the fact that they were doing an assessment. He noted that he suggested to the County that if the goal of the meeting was to inform people that they were kicking off the planning and wanted their feedback, this was great; however, if they were looking for a reaction, it would be difficult since people have not seen anything yet. Mr. Littleton advised that the County also planned to change signage and add turn lanes and roundabouts, to which he responded that they could not tell people they needed to collect data and then say they had pre-decided to do certain things. He noted that he strongly recommended the County not repeat the Mickie Gordon mistake and advised them that the community needed to have a sense of comfort that nothing had been pre-determined. Mr. Littleton noted that they advised that this was not their intent. He reported that he also reminded them of the Route 50 Task Force and the associated MOU between the Task Force and the towns. Mr. Littleton asked that the Town staff locate a copy of the MOU, as well as the one related to ongoing maintenance. He noted that Loudoun County was not a party to them; however, VDOT was. Mr. Littleton reported that he reminded the County that there were handcuffs on the \$60 million used for the Route 50 Project, including that there would be no turn lanes between Gilberts Corner and Upperville, the shoulders were to be grass and gravel, and there were to be no roundabouts. He noted that only one member of the County in attendance at the meeting was aware of the Route 50 Task Force. Mr. Littleton advised that he told the County he would share the agreements with them. He opined that it was important that as many people show up for the public input meeting as possible and asked that the flyer be advertised as widely as possible. Mr. Littleton noted that he was not trying to scare anyone and advised that the County was looking at safety measures needed on Route 50 between Lena and Upperville. He reiterated that

they wanted to hear from the public. In response to an inquiry from the Council, he advised that VDOT would not have a representative present, as this was a County project.

There was some discussion of how much funding the County provided for roads. Town Manager Davis clarified that the County was not looking to make any improvements within Middleburg's corporate limits.

Mayor Littleton agreed the County was being thoughtful and looking at safety. He noted, however, that Route 50 was a protected rural road and advised that any changes needed to be thoughtful ones.

In response to comments from the Council, Town Manager Davis advised that the County's focus was on crash and speed data for the whole route so they could identify whether there were any areas where accidents were predominantly occurring. He noted that Route 50 between Aldie and Middleburg was a curvy, two-lane road and questioned whether 50 MPH was the appropriate speed limit. Mr. Davis opined that the issue was not about flow, but rather was about safety. He opined that there were no plans to expand the road.

Mayor Littleton advised that the only concern he had was that the County also wanted to consider whether they should look at implementing changes to address traffic needs in 2050. He noted that while it was not a bad thing to look at future demands, if the roadway were widened, it could create a demand for growth.

#### Overview of CY 2024 Real Property Assessments, Proposed Real Property Tax Rate, and FY '25 Revenue Analysis

Town Manager Davis reported that overall, property values increased by just over 10% town-wide; however, this included \$18 million in new construction at the Residences at Salamander. He advised that when the new construction was excluded, the increases in the property values were more modest than in the past. Mr. Davis advised that he was in the process of drafting the FY '25 Budget, which would be built upon an assumed maximum real property tax rate. He reminded Council that over the past few years, they reduced the tax rate to the equalized rate plus an inflation factor and advised that it was his intention to advertise a tax rate of \$.1236 per \$100 assessed value, which would result in a reduction in the tax rate of 4/10 of a cent. Mr. Davis explained that this equated to the equalized rate plus 3% for inflation. He reminded Council that the equalized rate was the rate at which the Town would bring in the same amount of revenue as last year, minus new construction. Mr. Davis reviewed the difference between an equalized tax rate and an equalized tax rate with an adjustment for inflation. He reminded Council that the tax rate advertised for public hearing was the maximum rate they could adopt; however, they could always approve a lower one.

Town Manager Davis reminded Council that the Mayor previously requested a comparison of the meals and lodging tax revenues over the past three years, taking inflation into account. He noted that the Town typically tracked these taxes on a fiscal year basis, not a calendar year one; therefore, the numbers could not be compared to the budget as they would not match. Mr. Davis reported that meals tax revenues increased by 11% between 2021 and 2022; however, once inflation was considered, they only increased by 3.5-5.5%. He noted that while this was still good growth, it showed that a significant amount of the growth during this period was driven by inflation. Mr. Davis advised that in looking at the revenues between 2022 and 2023, because inflation remained high, the growth was either flat or decreased by 4% year-over-year. He noted that this could be due to a number of factors, such as a restaurant that was closed for a few weeks and a fluctuation in travel patterns. Mr. Davis advised that there was nothing to cause alarm at this point. He reported that the transient occupancy tax (TOT or lodging tax) revenues were similar in that there was a slight decrease in revenues between 2021 and 2022 and a large decrease between 2022 and 2023 once inflation was removed. Mr. Davis advised that while this was not the perfect way to consider this, it did present a different picture of the revenue sources. He reminded Council that the FY '24 Budget was fairly aggressive regarding these revenue projections and opined that the meals tax revenues would be off by 5% based on what was received the first half of the year. Mr. Davis further opined that the TOT revenues would be 5-10% off the projected revenues based on travel trends during the current quarter. He advised that this would affect his projected revenues for FY '25 and noted that he would project a decrease in TOT revenues, with meals tax revenues remaining unchanged, as the Town was anticipating the opening of a new restaurant that it anticipated would be a significant contributor to the meals tax revenues.

Town Manager Davis reviewed the charts that were included in the agenda packet. He advised that even at the equalized tax rate, real property tax revenues would be up 7% due to the new construction. Mr. Davis reported that based on the trends, he anticipated utility taxes would decrease slightly. He advised that interest earnings were up significantly and noted that the Town was continuing to see 5% earnings in its investments.

In response to inquiries from the Council, he advised that he did not have a date for when the new restaurant would open. He advised that as to the demolition of existing homes and the construction of new ones in their place, he anticipated the County would consider that to be new construction; however, he would verify that with them. Mr. Davis opined that with regard to the payment of meals taxes by vendors during an event, this depended on where the food was prepared and advised that he would review the ordinance to confirm this to be the case.

Mayor Littleton noted that the Town only had two businesses in town that collected TOT taxes. He opined that to be down by 9-11% meant visitorship was down by that amount. Mr. Littleton noted that this could be due to a number of factors, such as the need to reduce rates because occupancy was soft. He opined that the trend was not good and suggested the need to dive into it further. Mr. Littleton suggested the Town contact Salamander and the Red Fox Inn to determine the reason for the changes.

Town Manager Davis advised that he would have a conversation with them and noted the importance of getting their outlook for the coming year. He advised that he did not want to assume inflation influenced the price of rooms; however, he agreed it was something that was worth looking into. Mr. Davis noted that in FY '18, the occupancy tax revenues were only \$756,000. He reminded Council that the Town could not assume the revenues would always increase.

#### General Assembly Legislative Updates

Town Manager Davis reported that the speed limit bill the Town was supporting was rolled into HB 1071 and noted that that bill passed the House. He advised that once cross over occurred, he would send a letter of support to the Town's Senator. Mr. Davis noted that it did not pass by an overwhelming majority and advised that he would continue to press for its approval.

Town Manager Davis reported that the Town continued to oppose HB 1328. He noted SB 304 and advised that the substitute bill that was passed by the Senate committee basically got into zoning law, and included language related to setbacks and parking. Mr. Davis expressed frustration that the General Assembly continued to get into decisions that should be left to local governments.

Councilmember Jacobs noted that during the last election, some members of Council had the opportunity to brief one of the candidates on their concerns regarding a number of issues; however, they did not have a chance to meet with Senator Perry. He suggested it was worthwhile to reach out to her to have a conversation about local issues of concern.

It was noted that the Town Manager had already spoken with her Chief of Staff about scheduling a meeting.

Mayor Littleton questioned whether there was a planning commissioners organization in the Commonwealth of Virginia that could comment on such legislation. He opined that there needed to be more voices than those in the VML. Mr. Littleton cited the example of the 5G legislation that Governor Northam vetoed after hearing from the public.

Town Manager Davis advised that there was a Virginia division of the American Planning Association; however, they did not have a lobbying arm. He noted that this involved more planning staff than commissioners and opined that they would be cautious to promote positions on too many items, as they could be contrary to their elected bodies' positions.

Mayor Littleton opined that there may be an opportunity for the VML to support the organization of planning commissioners and noted that each town had between seven and ten people serving in that capacity.

**Closed Session**

*Vice Mayor Bernard moved, seconded by Councilmember Leonard-Morgan, that Council go into closed session as authorized under Section 2.2-3711 of the Code of Virginia for (1) an appointment to the Middleburg Strategic Finance Committee, as allowed under Subsection (A)(1); and (2) consultation with legal counsel and briefings by staff members pertaining to probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the Town, pertaining to a personnel matter, as allowed under Subsection (A)(7). Vice Mayor Bernard further moved, seconded by Councilmember Leonard-Morgan, that the Council thereafter reconvene in open session for action as appropriate.*

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

No – N/A

Abstain: N/A

Absent: Councilmember Kirk

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

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Mayor Littleton asked that Council certify that, in the closed session just concluded, to the best of each member’s knowledge nothing was discussed except the matter or matters (1) specifically identified in the motion to convene in closed session and (2) lawfully permitted to be discussed in a closed session under the provisions of the Virginia Freedom of Information Act as cited in the motion, which each member so did. He reminded those present for the closed session that any discussion that occurred within it should be treated as confidential.

**Appointment to Middleburg Strategic Finance Committee**

*Vice Mayor Bernard moved, seconded by Councilmember Pearson, that the Council appointed Coe Eldredge to the Middleburg Strategic Finance Committee.*

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

No – N/A

Abstain: N/A

Absent: Councilmember Kirk

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

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There being no further business, Mayor Littleton declared the meeting adjourned at 7:27 p.m.

APPROVED:

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Trowbridge M. Littleton, MAYOR

ATTEST:

\_\_\_\_\_  
Rhonda S. North, MMC, Town Clerk

## February 8, 2024 Middleburg Town Council Meeting

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

**Bridge Littleton:** All right. We'll call the meeting to order. First item is Pledge of Allegiance.

**All:** I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**Bridge Littleton:** Okay. Next item is roll call.

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

**Bud Jacobs:** Bud Jacobs.

**Bridge Littleton:** Bridge Littleton.

**Chris Bernard:** Chris Bernard.

**Cindy Pearson:** Cindy Pearson.

**John Kevin Daly:** John Kevin Daly.

**Pam Curran:** Pam Curran.

**Rhonda North:** Rhonda North, Town Clerk.

**Danny Davis:** Danny Davis, Town Manager.

**Martin Crim:** Martin Crim, Town Attorney.

**Bridge Littleton:** All right. Next item is public comment. Would anybody wish. We will open public comment for anybody who wishes to address the Council. Ma'am. Miss MacIntyre, you raised your hand.

**Ali MacIntyre:** Not today.

**Bridge Littleton:** Okay. Don't fake us out like that. All right, we will close the public comment and go to the next item, which is staff reports. The first one is Town Clerk, Rhonda.

**Rhonda North:** Thank you, Mr. Mayor. So, we have, drafted an RFP for community engagement services for the Asbury Church. The Asbury Church is, of course, one of council's strategic initiatives. Council Members, Pearson and Jacobs are the representatives assigned to that strategic initiative. So, we have forwarded the draft RFP to them for their review. We will be meeting on Monday to discuss it. Once we have it in final form, we'll get it issued. And our plan is to give a one-month time for responses, at which point we'll start reviewing those. So, we have that well underway. As a reminder, the Council's strategic retreat is scheduled for February the 29th through March the 1st, in Culpeper, and working to finalize the details for the hotels and as well as the food for those, two days. During the last Council meeting, Council, surplus two of our police vehicles. We do have a notice on the website that those are up for sale. We are taking sealed bids on them. Bids are due March the 1st. So, if you know of anyone who may be interested, if you'll encourage them to take a look at our website. Volunteer appreciation reception. Based on Council's input during the last meeting, I

am working to schedule our volunteer appreciation reception separate from Middleburg Day. I am proposing the date of Monday, March the 18th. If hopefully that works for everyone. If not, if you can, please let me know. But we are moving forward with that. This year's theme will be we Treasure our Volunteers. And finally, the last meeting, Council approved the Citizens Academy, that is scheduled for August the 14th. You all should have received invites, to get that on your calendar. Have a caterer booked for lunch for that day already? And have drafted a web page, an application that's under review by the Town Manager. But I hope to have that posted here, very shortly so folks can start signing up for that academy. And that's about all I have, Mr. Mayor.

**Bridge Littleton:** Thank you. Any questions for Rhonda? Anybody else? Peter. [off mic]

**Peter Leonard-Morgan:** Rhonda, I was just on page two March the 5th the presidential primary in the Council Chambers, what's that exactly? I probably should know.

**Bridge Littleton:** That's the Virginia Primary.

**Peter Leonard-Morgan:** In here?

**Bridge Littleton:** It's voting.

**Chris Bernard:** It's where we vote.

**Peter Leonard-Morgan:** Oh, the voting.

**Bridge Littleton:** Yeah.

**Peter Leonard-Morgan:** I see. Okay. Thank you.

**Bridge Littleton:** I believe it's called Super Tuesday. I believe. Any other questions for Rhonda? Okay. Next is. Now it's your turn. Aren't you missing something?

**Ali MacIntyre:** Oh, he's somewhere. He'll be okay. He's just roaming the halls. Yeah. He's fine. Yeah, I gave him a bottle. Good evening. You have my report I just wanted. Thank you. You have my report. I just wanted to highlight a few items and make mention of a few that came up since the report was submitted. As an update, the wellness fair is next month. Laurie Salama and Stephanie Burget of the Culture and Community Events Committee have been doing an amazing job spearheading Wellness Day. We have so far 15 approved vendors, and we have promoted the event this morning at the Loudoun Chamber Breakfast, where we had the opportunity to network and promote the event to increase our vendor count and drum up an audience for that day. We do expect more applications to roll in as our deadline is next Friday. And just as a reminder, it is March, the event itself is March 23rd at the Community Center from 11 to 3. Additionally, we've been planning for Art in the Burg as well as our events for 24. The Middleburg Arts Council has received several applications in the last month. For the actual Arts Council itself after six months of not having any, now we have several and we should be bringing a recommendation, the first meeting in March. For Art in the Burg, we have over 30 approved artists and are beginning to book vendors as well as, our entertainment for that day. And it is, the Art in the Burg date is May 11th. Next week we actually are in two weeks. We actually have a walkthrough with the Fire Marshal, Travis, our event lead, Brian, Marianne, and then Chief Jones to make sure that we get all squared away for all of our events for 2024 and our applications our EDAC applications. And the Mille Miglia, as you guys now know, the dates have been selected for October 22nd to the 27th. The team from Italy is planning to visit at the end of February, beginning of March. The Amelia Island Concours is in, I think, beginning of March time frame. So, they'll be making their pit stop here to start planning for October. And then we've already started planning on our end, reaching out to the volunteers, I have a meeting with, our lead volunteer organizer next Monday. Yes. That's what I have. Any questions? Questions for Ali?

**Peter Leonard-Morgan:** Just an observation. Thank you for putting in there about the farmers market with additional advertising, because as with Kevin, I was at the market a few times with the sustainability committee table and some of

the vendors were really, you know, keen to see us up our game, as it were. And I think, you know, maybe boosting social media would be great as well to get more people in.

**Ali MacIntyre:** Yes. So, I have reached out to our market vendor. So, we are going to be doing little videos and showcasing them just through pictures and video on our social media page. I actually did get access to the previous farmer's market page from a previous market manager, so she's turned over everything to the town, so it should be much easier to market. And they already have quite a large following in addition to our 30,000 plus on our page, so marketing will definitely be better this year.

**Bridge Littleton:** Don't go anywhere. Rhonda, on the agenda for the strategic offsite. Do we have, I think we do a review of committees? [off mic] Okay. Good. And Ali is going to be there for that conversation, right?

**Danny Davis:** On Friday.

**Bridge Littleton:** Yeah.

**Danny Davis:** Correct.

**Bridge Littleton:** Okay. Yeah. I think we want to talk about EDAC and how that relates to marketing, if it does, if it doesn't, social media, stuff like that. I don't know this stuff at all. But after that conversation that we had, from the feedback I got from who, I can't remember now.

**Ali MacIntyre:** Yes.

**Bridge Littleton:** Who was it who cornered me?

**Danny Davis:** It was one of the retailers.

**Bridge Littleton:** One of the retailers. Exactly.

**Ali MacIntyre:** Yes.

**Bridge Littleton:** To Peter's point about the farmer's market. And, you know, I think we should talk more in depth about what EDAC does and what EDAC doesn't do. If there's something around marketing which is different or the same or focused or not, you know what I mean? It's.

**Danny Davis:** So, if there's [multiple speakers].

**Bridge Littleton:** A missed bubble and I don't, I can't put my finger on it.

**Danny Davis:** If I can suggest maybe we discuss this at our next agenda review meeting or maybe separately offline, and then we determine if it rises to the level of needing to be discussed at the off-site. Because this is something that Vice Mayor and Ali and I have been talking about for many, many months, not just ourselves, but with EDAC. And so, I we'll talk about that. And then if it's appropriate to bring forward, I think that's, we can plan that in.

**Bridge Littleton:** Okay that sounds great. Any questions? Any other questions. Yeah. Go ahead.

**Chris Bernard:** Just to loop back to the farmer's market. I think more marketing is good. I think really what's going to be the key for this year is vendors is having a lot of vendors and having great vendors, because I think there will be people that will come out and support it after they hear about the first three, and then it's going to be on us and whoever else in the room. It's a stakeholder to just really champion it. You know, once we have the good vendors in place, go tell everyone how great it is, because I just saw how this happened with Buchanan Hall and it wasn't advertising. It was just it was a really good product. And then people just came.

**Cindy Pearson:** And I think it would help to, because Kim will be able to post on the farmers market page, not her personal one, because people don't tend to see the personal posts. And it'll be better with a farmers market page.

**Ali MacIntyre:** Yes. So, she'll have access to that page. So that'll make it easier. And she takes beautiful photos. So.

**Bridge Littleton:** Okay. Thanks.

**Ali MacIntyre:** Thank you.

**Bridge Littleton:** Who's next?

**Danny Davis:** Mr. Mayor? Chief is at a conference, so he's not here for his report.

**Bridge Littleton:** I was going to say something.

**Danny Davis:** Very good.

**Bridge Littleton:** I appreciate Shaun's brevity. [laughter] Next, Martin.

**Martin Crim:** Thank you. Mayor. You have my report. There is some news about pending bills in the General Assembly. I could brief you on if you're interested.

**Bridge Littleton:** Can you brief us on the two of most interest?

**Martin Crim:** Yes. So, the accessory dwelling units, the Senate bill passed the committee with a 2025 effective date, and the House bill was continued to 2025. So at least for a little while, we have the ability to address accessory dwelling units.

**Bridge Littleton:** So, hang on. What does that mean?

**Martin Crim:** It means no change until at least next year.

**Bridge Littleton:** No, no. When you say the house, what does that mean?

**Martin Crim:** They passed. The Committee passed the bill as proposed, but it doesn't take effect until July 1st, 2025.

**Bridge Littleton:** But if it passes by the full Senate.

**Martin Crim:** It's been past the Committee.

**Bridge Littleton:** Okay, so it hasn't passed the full Senate?

**Martin Crim:** Still at the Committee stage, right?

**Danny Davis:** So, Senate Bill 304 is on the floor of the Senate. But they passed it by today. They did not take their [inaudible].

**Bridge Littleton:** Correct.

**Danny Davis:** So, it's been heard twice which is their process. And then on the third day it goes for the vote. And they passed it by today.

**Martin Crim:** Yeah. And there's a VML alert asking you to contact your representatives today because of the vote expected tomorrow.

**Danny Davis:** And we have done that.

**Martin Crim:** Okay. All right. So that's the one that you're really focused on. And the other the short-term rental issue, it's also ready for a floor vote in the Senate SB 544.

**Bridge Littleton:** Okay. How about the House?

**Martin Crim:** Is there a parallel House provision? Because I haven't been tracking it.

**Danny Davis:** Yeah. I'm not aware of a parallel House bill. So, this is the only bill right now. So, it'll be at the Senate. If it does pass, then it will be sent over to the House after crossover. Bud.

**Bud Jacobs:** Which Bill is that the STR? Is that the collection of.

**Martin Crim:** No, that's the Bagby bill that deals with prohibiting short term rentals. Prohibiting new ordinances that would require a special use permit for short term rentals under certain circumstances. So.

**Danny Davis:** Correct. And it would, essentially set the stage where anyone who is the legal primary resident or.

**Martin Crim:** Legal owner and primary resident.

**Danny Davis:** There we go. Legally occupied by the property owner as his primary residence, to tell localities they could not enact ordinances to require a special use permit or conditional use permit. However, it currently is drafted says, no ordinance can be enacted after December 31st, 2023, so your ordinances, on the face of it would still be effectual. However, we know this is just a foot in the door as it always is. And so that's it's the bigger concern, really, of still meddling with local zoning.

**Chris Bernard:** Martin, this is maybe a little more general, but if something says that we can't enact new ordinances or new legislation, can we modify the current one? [multiple speakers]

**Martin Crim:** Well, you know.

**Chris Bernard:** As long as it's not, like, substantial or whatever.

**Martin Crim:** It's the Dirty Harry question, Do you feel lucky? Because if you is it a new ordinance, then if you're just modifying it, somebody could certainly argue that. So, the safer course of action would not be to do that. I mean, there are other, you know, things that are available to you besides special use permits, of course. So, you know, a flat prohibition, for example, would not be in violation of that provision. There are already a number of state statutes limiting your ability to require special use permits for particular things. So that part of it is not unusual. It's just another one that they're piling on to the restrictions on your zoning authority.

**Bridge Littleton:** So, I cannot imagine that in this state of Virginia and the Great Commonwealth. There has not been a time where a law said, if you have an ordinance, you're fine, but you can't pass a new one. That can't be the first time.

**Martin Crim:** No, that's true.

**Bridge Littleton:** And it can't be an issue of first impression that someone modified an existing one. And then I've got to imagine that's been adjudicated.

**Martin Crim:** I could certainly research.

**Bridge Littleton:** If you could look, that'd be great, right? Because I mean, it would be great to know if we still have the authority, you know, if this passes with this language, which again, I think has happened before, if we modified our short-term rental ordinance, you know? Well, you know, exact, you know, can we I mean, that's, you know, can we legally do that?

**Martin Crim:** Right.

**Bridge Littleton:** And we're not I mean, I guess the point too is we're not creating a special exception or a special use permit. We have one.

**Martin Crim:** Right.

**Bridge Littleton:** We're just modifying the conditions of it.

**Martin Crim:** Great question.

**Bridge Littleton:** Yeah. So, if you don't mind, that'd be great to know.

**Martin Crim:** Okay.

**Bridge Littleton:** All right. Thanks. Anything else?

**Martin Crim:** No, sir.

**Bridge Littleton:** Anything for Martin? Okay. Mr. Moore's report.

**Danny Davis:** Thank you, Mr. Mayor. I don't have a full report for you, but just to make sure that we've shared with Council that the Planning Commission had an initial discussion at their meeting in January regarding three applications for short term rentals in the new residences at Salamander. Those are going to be going forward to a public hearing at the end of this month at the Planning Commission. We intend to I think there may be some discussions at the strategic planning retreat, but then also to provide a formal briefing to Council at your first meeting in March after the retreat. And there were some additional information we had talked about that you had requested us to present as well. We have been excuse me. We have held a couple of interviews for the planning and project associate, and so we are moving that process forward and hoping that we can make a decision prior to Mr. Moore's absence. And then the rest of the information is on our agenda. If there are any questions about other issues in Planning and Zoning, I can try to answer.

**Bridge Littleton:** Anything for Danny? All right.

**Danny Davis:** And the Treasurer's report. Mr. Mayor, I think the majority of that or the most important information would be captured in the discussion on the real property tax rate. So I'll just kind of hold off for now.

**Bridge Littleton:** Okay thanks. Any other questions for Danny on either one of those? Okay, moving down to our favorite topic. Ms. North, back to you.

**Rhonda North:** Thank you, Mr. Mayor.

**Bridge Littleton:** You do this so well.

**Rhonda North:** Phase two of the project is moving very well. Essentially, the steel structure is complete. The sidewalk is pretty much complete. They are in the process of doing trim installation and ceiling installation. Electrical work is almost complete. Pretty soon they'll be moving to the roofing on the canopy. And that will include the installation of our weather vane. And then the landscaping will be completed in March once the planting season begins. On phase one

Bolan Train has been working this week to address the sequencing issues associated with the chiller and the HVAC system. They are beginning to prep the cupola for its final coat of painting. The permeable paver repairs have been completed and they have called for a re-inspection by the county, so hopefully that will occur next week. And they are continuing to address punch list items. We anticipate having the plumber in the building tomorrow. And Vision Tech was on scene yesterday and today working on some AV issues. And they will be back again tomorrow on some security issues. So things are continuing to progress.

**Bridge Littleton:** Any questions for Rhonda? Okay. Next item is the consent agenda. Would anyone like anything removed from the consent agenda? Would someone like to make a motion?

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

**John Kevin Daly:** Second.

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

**All of Council:** Aye.

**Bridge Littleton:** Opposed? Abstentions? Okay. Next up is, Council approval. Oh, this is a new item, EV charging agreement.

**Danny Davis:** Thank you, Mr. Mayor and Council. This item before you is, follow up to the item from your last meeting related to the running the electrical to the EV charging station, with approval of that by Council. We wanted to bring back to you the agreement with X-Charge Energy USA, the entity that has offered to, essentially donate or give a fast charging station to the town, as well as 100% of the proceeds of the charging revenue. And that unit is in possession. It's just been waiting at well four until this project, phase one was, we had occupied the building. So before you as a proposed agreement for entering into this, this contract with X-Charge, and you see the terms of the agreement as the first page here that would allow it to be connected. And they have maintenance responsibility. They have service level responsibility. Our primary responsibility is preparing the site, installing it, which is what you approved at the last meeting and then keeping the site, you know, clear of snow and available for access and then letting them know should we identify any maintenance issues that need to be addressed. So as of this time, we recommend approval of this moving forward. And I'm happy to answer any questions you may have.

**Bridge Littleton:** Any questions? Pam.

**Pam Curran:** I know people have been working on this for years, but why did we decide to put it here instead of in town?

**Danny Davis:** Great question. So this is one portion of our overall EV charging strategy or efforts. This is a fast charger which requires a significant amount of power requirements. And also, the ability to pair it with this project essentially is why the fast chargers here, we're working separately with another entity to, in fact, we have a call with them tomorrow, to finalize the location in town for level two chargers, which are more kind of standard charging level that you might do as you're just topping off for a few hours. And those would be focused at the Liberty Street lot where we have the public restrooms, and then also potentially on West Federal Street, where we have some on street parking. We're not intending to take any spots away on Washington Street just because of the demand for parking on Washington. But this would be within a block of Washington Street.

**Bridge Littleton:** Any other questions on this item? Yeah.

**Peter Leonard-Morgan:** One question and one observation. The observation or the mention. The comment is that X-Charge is also going to upgrade and update the connectors to the latest connectors that are being proposed. I believe there are CCS or I believe I can't remember. But anyway, they're very supportive. They're going to keep being supportive. And

the other question I had really, jumping the gun slightly Danny, have we thought about painting only EV can go here, that sort of thing?

**Danny Davis:** We have talked previously about some small signage, of course, and then in fact, I've not spoken with Miss North about this. But I do think if we want to either paint on the bricks themselves, you know, the green typical green square with EV inside of it or something just to denote that it is EV charging only spaces. The other thing we need to talk about, and I'll work with Mr. Moore on, is updating our signage as well, especially with the town hall now open to direct people here for general public parking, since that's a goal of the space, but also to identify that there's EV charging available at this location.

**Bridge Littleton:** Any other questions?

**Cindy Pearson:** Just quick. And on your online map too. Yeah.

**Danny Davis:** Great comment. Mr. Mayor.

**Bridge Littleton:** Yeah, Bud. Sorry. Saddle up.

**Bud Jacobs:** I move that the Town Council authorize the Town Manager to enter into a contract with X-Charge for the provision and operation of an electric vehicle DC fast charging station to be located at the town hall, as reflected in the attached joint deployment and charger as a service agreement. And the Town of Middleburg standard contract for goods, services, construction or insurance.

**John Kevin Daly:** Second.

**Bridge Littleton:** I didn't catch all that. Could you read it again? No I'm kidding. Okay. Any discussion? All those in favor, say aye.

**Peter Leonard-Morgan:** I'd just like to make a comment. I'm so excited. Five years.

**Bridge Littleton:** This is the seventh time you've been so excited on this issue, but it's annual, so it's time.

**Bud Jacobs:** This is what he looks like [off mic].

**Bridge Littleton:** Yeah, well, and by the way, it's been longer than five years.

**Peter Leonard-Morgan:** You are right. It has [off mic].

**Bridge Littleton:** Yeah. I guess it is roll call vote. All right, Rhonda.

**Rhonda North:** Vice Mayor Bernard.

**Chris Bernard:** Aye.

**Rhonda North:** Council Member Curran.

**Pam Curran:** Aye.

**Rhonda North:** Council Member Daly.

**John Kevin Daly:** Aye.

**Rhonda North:** Council Member Jacobs.

**Bud Jacobs:** Aye.

**Rhonda North:** Council Member Leonard-Morgan.

**Peter Leonard-Morgan:** Aye.

**Rhonda North:** Council Member Pearson.

**Cindy Pearson:** Aye.

**Bridge Littleton:** Okay. Next item is oh, the Route 50 Public Meeting next week. I'm not sure if everybody had seen this flier. The county did reach out to us. I want to say, 6 to 8 months ago and asked us to, you know, have a person who could represent the town interests and stuff like that. We asked [inaudible] Burton, since he had been on the original Route 50 task force. If you all remember that one going back. God, when did we get that money in the late 90s? God, it was a long time ago. Anyway, so [inaudible] has been on that. So this is a project that was initiated by the county in 2017 to look at the 5 or 7 major rural roads in Loudoun for safety upgrades and all that kind of stuff. They've done a couple of them, you know, Covid obviously put a slowdown on, on a lot of stuff. It's now they're doing the, the Route 50, one. So I reached out to Supervisor Cronin and just sort of said, hey, I you know, this is coming out, not out of the blue, but it was sort of a oh, wow, this is the public engagement. So where are we? What's the status? And she said, well, actually I've asked the staff for a briefing. So she got a briefing earlier today and invited me to join it. So I sat in on it. It is basically from Lenah all the way to Upperville. That whole 14 mile, range for the parts of the road that are in Loudoun County. So there's a little part of 50 between here and Upperville that goes into Fauquier, then comes back. And what they're doing is doing a lot of data collection and an analysis of, you know, safety, planning for the future, you know, that kind of stuff, for what should happen on that road. And so they did a they did a walk through, they showed a map, of sort of where the major accidents are and stuff like that. And the goal of this meeting next week is to get public feedback and input on the fact that they're doing this assessment. So I said, you know, I told him, I said, look, that's it's a little chicken in the egg, right? If the goal of the meeting is to inform people that you're kicking this off. And that you want their feedback and stuff like that at certain, that's great. But you know, it's going to be a little difficult to react to something you don't actually see yet. And they actually said that's exactly what the plan was. The second thing that was in this was they said, you know, we're going to be looking to doing signage to improve this, and we'll have some turn lanes and maybe some roundabouts. And I said, whoa, whoa whoa whoa whoa whoa whoa. You can't come into it and say, we need to collect data and have pre-decided that you're going to be doing certain things. You know let's not. I actually said to him, I strongly recommend you don't make the Mickie Gordon mistake. You know, come in and say this is a blank sheet of paper. The analysis may tell us there's nothing that needs to be done. But it needs, you know, the community needs to have that sense of comfort that, you know, nothing's been kind of pre-baked. And they appreciate that. And they said, yeah, yeah, no, that's totally our intent. And so I appreciate that. The last thing I reminded them of was the Route 50 Task Force and that there's an MOU. And there's an MOU between the task force and the town. And, Danny, you need to. I told them I would find a copy of the MOU and the one that Jim Rich put together for the ongoing maintenance. I don't think Loudoun County was a party to that, but I know VDOT was. So I reminded them that that \$40 million and then the supplemental \$20 million that came in after that, there were handcuffs on it, that there were to be no turn lanes between Gilberts Corner and Upperville. There were to be no turn lanes. It was meant to be grass and gravel. What do you call it? [off mic] Shoulders. No roundabouts. And it was, you know, on the phone, it was there was one person on there who had actually been at the county when the task force was going, but a couple other folks was going, Oh, didn't realize that that was there. That's fine. Right? I mean, they weren't a part of the agreement, I get it, but it's VDOT's road. So I told him I would track down the agreements and send it back to him. But I said, you know, we need to stick with what that money was given for. So they appreciated that. I'll get them that information. I do think it is important that as many folks as can show up next week to the public meeting, it would be good. It would be good to show that, like the Route 50 Task Force, the public will be seriously engaged in this issue and it's going to mean a lot. And so if they have this thing and no one's there, I don't think that that's good. So it'd be great if we could put this flier on the town website, on the social media post and just say, hey, folks, you know. No need. Not trying to scare anybody, but, you know, county is looking at safety measures on Route 50 between, you know, Lenah and Upperville. This is an information session. They want to hear from the public. It'd be great to show up. Yeah Kevin.

**John Kevin Daly:** Yeah. Since you mentioned VDOT, will there be a representative to explain the livability clause?

**Bridge Littleton:** VDOT won't be there, I don't think. This is the county. I mean, this is a totally county run project. I mean, if I have it right, Danny, doesn't the county actually pay for like half of all the road improvements that go on in the roads? Because VDOT just doesn't do it?

**Danny Davis:** Yeah, I'm not sure I could put an exact number, but the county does invest a significant amount of money in road projects that typically were the responsibility of the state.

**Bridge Littleton:** Right. Like hundreds of millions over the years.

**Danny Davis:** Of course. Of course, when you look at all the interchanges on route seven, pretty much those were done with either proffers or local funding.

**Bridge Littleton:** Yeah.

**Danny Davis:** And yes, this does mirror other projects the county has taken for safety, you know, and operational enhancements. Just to reiterate too they are not specifically looking at any changes or improvements in the town limits. They recognize that this is a county activity, and they did not want to just come in and assume changes in the town. And I have met with the group twice. Just remotely to talk through kind of their goals and what they're trying to accomplish. And so we were pretty clear on that. I mean, they were going to still take information and still potentially gather if people made comments, but their intention was not to come in and then just tell the town they were going to do things or suggest things done in the town. So yes, I agree with everything else you've said.

**Bridge Littleton:** No and everybody on the phone was thoughtful and it was about safety, about trying to do the right thing. But, you know, definitely it was, you know, you're getting to one of these really protected rural roads. So we got to be thoughtful about it. Cindy did you have a question?

**Cindy Pearson:** Comment it looks like because North Star is that new light. So from there into Gilberts Corner, looks like where they should be zeroing in on and from Gilberts Corner this way, because of the Route 50 Task Force that has already been addressed.

**Danny Davis:** I think more of the focus, if I may. I think more of the focus is looking at crash data, speed data, other things like that for the whole route and the whole section to identify, are there hotspots where they there are more predominant accidents? As we all know that the section between Aldie and Middleburg is a curvy, two lane, 50 mile an hour section. And so, is it properly is the speed limit proper? Are the intersections, you know, properly designed or at least in the safest way possible? So I think it's not as much in our particular area about flow, in the operations of it all and more about a two lane highway. And is it as safe as possible based on the data they have and the inputs from the community?

**Bud Jacobs:** Which is fine if the assumption is it will remain a two lane highway.

**Danny Davis:** Yes. Which and in the countywide transportation plan, I'm, 99.9% certain it's two lanes from Gilbert's Corner or perhaps Lenah, all the way here. I mean, there's no planning or intention for it to be expanded at all.

**Bridge Littleton:** Yeah. The only thing I'm going to add to that that did give me a little concern pause was they said that they also want to look at should they putting should they be implementing changes today to account for traffic that we will build by 2050 or whatever the number was? Right. So, I mean, it's not bad to think about future demand and things like that, but it was sort of like, okay, look, you know, well and it's almost like that classic, you know, don't build water and sewer into the rural area because that's exactly where the developers will go. So yeah, let's improve the road and make it wider with a shoulder and all that stuff, because we might have this demand and all of a sudden it creates a

demand. It was yeah, you know, that wasn't actually there. [laughter] Exactly. So, but no, I just want to make everybody aware of that. Okay. Next item is legislative updates. [inaudible]

**Danny Davis:** Thank you Mr. Mayor, we jumped over the real property [off mic] assessments. Do you?

**Bridge Littleton:** I'm sorry, I apologize.

**Danny Davis:** That's all right.

**Bridge Littleton:** No I was [off mic].

**Danny Davis:** Yeah. Okay great. Thanks. So we received the calendar year 2024 assessment overview for the town's real property assessments. If you haven't had a chance to your individual property assessments for 2024 have been loaded up onto the county website, so you can look for those yourself if you'd like, or wait for the hard copy to come in the mail. But as noted here, I provided a brief overview for the town wide indicating that overall property values have increased just over 10%, but that includes new construction and is noted that includes \$18 million worth of new construction. Again, all of that being in the residences adjacent to us. So when we look at the equalized changes, they are, for the most part more modest than what we've seen over the last few years. If you recall, we were seeing sometimes 12 to 18% for single families and townhomes getting a lot of nods. You felt that? [off mic] And so condos, of course, did go up. Condos being a little bit interesting in the definition of those, depending on the type of unit that it is, but those traditionally have also been lower valued units. So with that, we are preparing the budget and to present the budget to you at your next meeting and building that upon an assumed maximum, real property tax rate. Over the last few years, the Council has reduced the tax rate because of the rate of the assessment growth. And the Council's approach has been to take what we would call the equalized tax rate and add an inflationary type factor to it. So my intention is to advertise a proposed tax rate of 12.36 cents per \$100 of assessed value. That's a reduction of 4/10 of a cent. So that would be the equalized plus 3%. And just as a reminder, the equalized rate is the rate that we would have to reduce the tax rate to bring in the same revenues this year that we brought in last year, taking out new construction. And so the chart on the second page of this memo shows the impact of two different potential tax rates, one being the equalized rate plus 3%, the other being the equalized rate flat, which a flat equalized rate would be \$0.12. And you'll see the impact on the average tax bill in that chart. So with that as a reminder as well, if we advertise the tax rate for public hearing, that's the maximum tax rate that you can adopt, but you can always go lower as well. So that doesn't keep you from reducing it further if you wish. The other item on the agenda here or in this memo is related to meals and occupancy tax. The Mayor previously had asked that we provide some additional information to take the recent growth or changes in our meals and occupancy tax on an annualized calendar year, annualized basis, and add an inflationary figure to that and show the real change, if you will, taking out inflation. Just to level set here. Typically, we track our meals and occupancy tax on a fiscal year basis. So these numbers won't match what you typically see in your budget. So I kind of had to run them a little differently. So the numbers don't quite equal what I'm used to seeing for a year to year basis. But what you see essentially is in meals tax between 2021 and 2022, meals tax revenues grew 11%, just over 11%. But inflation in that time range was six and a half to 8.3%. So if you look at what the real net change in meals tax growth, it was only a three and a half to 5.5% growth. Still good and still growth in that revenue source. But it indicates that inflation was a driver actually of a significant amount or a majority of that growth in meals tax revenues. Looking then between 2022 and 2023, you see the year to year change was actually less. And because inflation stayed high, it actually was a net relatively flat or even potentially down to 4% decrease year over year. That can be due to a number of factors. It could be due to we know one of our restaurants was closed for a few weeks. We know that there are just slight fluctuations in travel patterns and events. So it's nothing at this point for us to be concerned about. But it does indicate just a little bit different way of looking at the information. The TOT similar kind of information here. And you'll see that for the difference between 2021 and 2022, a slight decrease, net decrease year over year, a little bit more in the say, 10% give or take range between 2022 and 2023, if you take out inflation and don't account for inflationary factors. Again, this is one way to look at numbers. It doesn't mean that there's, you know, the perfect way to consider this, but it does show a different picture of these revenue sources. The current state of fiscal 24, revenues for meals and occupancy. We were fairly aggressive, I would say, in our projections for continued strength and growth in our meals tax. We're currently looking between somewhere around 5% off our budget numbers for the meals tax. That's just based on what we've received for the first half of the year. And then using our kind of expected factor of the percentage meals tax we bring in in the second half of

the year relative to the first half of the year. So we're somewhere probably around 5% at this point, a little soft. The TOT is probably, between 5 and 10%, less than projected in our current budget. And that has a little bit of different, factor to it, just based on travel trends during this current quarter. January through March is definitely a smaller travel period. So we'll continue watching that. It does affect my projected revenues a bit for next fiscal year as we present that to you, and proposing, a slight decrease in the occupancy tax expectations for next fiscal year. Leaving meals tax at this point unchanged year over year in the proposed budget, based primarily on knowing that we do have a new restaurant coming into town that will be a, hopefully a significant contributor. But we also know that we have a restaurant closing at the end of this month and at the deli. So, you know, there are just changes that occur. And sometimes, you know, those will impact our revenue streams. So, that's where things stand, kind of with our current analysis of revenues, the remainder of our revenues. And if you see the proposed budget chart at the end of the memo, this is a typical chart that you see in the budget each year. There are just a few major changes to point out. One would be even at the equalized rate plus 3% the actual change, in real property tax would be up over 7%. That accounts for the new growth. So remember, you know, we don't count new growth when we look at the equalized rate. Well, you can have a strict change and you can have an equalized plus growth. The use of the term equalized just means you don't count growth in there. You can call it what you wish or use whatever factor you wish. But, Yeah new growth is typically intended to result in additional revenues above and beyond the equalized rate. [off mic] Yeah. Other changes that, you know, we're indicating are just based on, ongoing trends in those revenue streams, a little decrease in our utility taxes. The occupancy tax is noted. Increase significant increase in our interest earnings. Obviously, we're continuing to see over 5% interest earnings in our investments, as well as hopefully soon in our checking account as well. So that's kind of the where we stand at this point for looking at the proposed revenues for fiscal 25. So happy to answer any questions you might have. I've provided the more details on the, calendar year 24 assessments and equalized tax rate calculations as well.

**Bridge Littleton:** Questions for Danny.

**Cindy Pearson:** Do they have a date yet for the new restaurant, anticipated date?

**Danny Davis:** They don't. I think it's probably. I want to say they said June, but I'm not sure if that's a real date or if that's just something stuck in the back of my mind. But I know they've submitted their building permits and they're working on their trade permits. And so they are making progress in pushing those forward. Took a little while to get their architectural and their interior plans just looking at all their needs for utilities in the building.

**Bridge Littleton:** Peter.

**Peter Leonard-Morgan:** Danny, we've had some homes that have been purchased and then, demolished and new construction. Is that considered new construction, or is that actually?

**Danny Davis:** That should be considered new construction? Because it is, the county tracks those through building permits typically. So I can ask that question just to verify that that's shown as, in the valuation it's either shown as, they use the term growth. I don't like that, but that's one of their terms growth or new construction. And we can we can check on that.

**Bridge Littleton:** Yeah. Any other questions? So I had two questions. I forgot the first one. Oh, when someone has an event in town and there's prepared food that's served at it, do they pay the meals tax? I don't mean the Salamander because that's like from their kitchen.

**Danny Davis:** Correct.

**Bridge Littleton:** I mean, it's like. You know, I rent out the parish house. And I have \$100,000 wedding there with a big catered event and all that kind of stuff, and that's prepared food being served and sold in town. Do we collect meals tax?

**Danny Davis:** My recollection is it depends on where it's prepared.

**Martin Crim:** That is exactly correct. If it's prepared in town then clearly it's going to be subject to meals tax here. If it's somewhere else that also collects meals tax, let's say it's in Warrenton. And Warrenton has a meals tax. They will pay Warrenton meals tax on that. If there's.

**Bridge Littleton:** Well what if they're in Maryland. There is no meals tax.

**Martin Crim:** Then they pay meals tax here. I think. Danny's giving me the eye. [multiple speakers]

**Bridge Littleton:** Okay, so. [multiple speakers]

**Danny Davis:** We'll look at the ordinance.

**Bridge Littleton:** Yeah. Well, it's the, you know, because where I'm going with this is and what does prepared here mean? Right?

**Martin Crim:** Right.

**Bridge Littleton:** Assembled here and heated or, you know, cans opened here or does it mean, you know or does it mean literally you got to bake the bread here, you know what I mean? So.

**Martin Crim:** Well, ultimately, yeah. These are all specific factual questions that have to be answered by the assessing and collecting officer.

**Bridge Littleton:** Okay.

**Cindy Pearson:** Yeah. On that, most of the facilities we have here do not have kitchens that you can prepare food in. It's for warming over only.

**Bridge Littleton:** Well I mean a community center it's got a full kitchen.

**Cindy Pearson:** Nope. Not there.

**Danny Davis:** [multiple speakers] Not permitted there.

**Cindy Pearson:** Warm over only.

**Bridge Littleton:** Is what they're permitted for.

**Cindy Pearson:** Right?

**Danny Davis:** Correct.

**Bridge Littleton:** You could cook in there if you wanted.

**Cindy Pearson:** But not cater. [multiple speakers].

**Bridge Littleton:** It's a permit.

**Danny Davis:** Yeah, but you. I should say this carefully.

**Bridge Littleton:** No, no. My point is, they're not authorized to do it.

**Danny Davis:** There we go.

**Bridge Littleton:** Yes. Okay, I got you. Okay. Second question. So I don't want to gloss over. The adjusted numbers for inflation. The one that is always sort of here versus there is meals tax. Right. You have a restaurant close. You have one open. You know, that's. But as far as the TOT. Right. That's two places and they don't change. That's Salamander and the Red Foxx. And to be down 9 to 11%. You know, that means they are down 9 to 11% in visitorship. But basically. Right. And it could be a number of factors. They're having to reduce rates because occupancy is soft. Who knows what it is. So, you know, the one year the trend was 2 to 3%, the next year the trend is 9 to 11%. That's not a good trend year over year for two and a half years. So. I think we need to dive into. You know, we can't run their business for them, but it would be great to reach out and say, hey guys, this is what we've noticed. What's going on, you know, can we help? Is there a change or whatever?

**Danny Davis:** And. Yes, we will have that conversation. Totally, agree. It's important to get that kind of outlook as we're looking for the next year. I don't want to over, or read too much into that number, specifically on the TOT side, because I don't know if inflation per se influences room rates the way that inflation per se may influence the price of food and gas to truck food to a restaurant to prepare and things like that. So I hear you and I think it's still worth diving into further. I just don't want to assume that inflation is a strict application of a  $A - B = C$ .

**Bridge Littleton:** Yeah. So my point is it's a big enough number that it's a concern. And we don't know why.

**Danny Davis:** Sure.

**Bridge Littleton:** So I don't want to overreact either. But I don't want to underreact.

**Danny Davis:** Sure.

**Bridge Littleton:** Because if it was 1 or 2% whatever, right. That could be any number of things. Your analysis comes out to being about 10%. That's real.

**Danny Davis:** Sure.

**Bridge Littleton:** Or it's perceived as real. So let's definitely try to, you know, chat with them and see if what you've come up with is reflective of what they're seeing.

**Danny Davis:** Now, the good news, if I can spin it a different way, is that our fiscal 18 numbers our occupancy tax revenues were \$756,000. So. Yes, we have to be careful that we don't assume it's always going up and skyrocketing up, but we have continued to see significant growth in that revenue stream and also meals tax since, you know, for the past five, six years.

**Bridge Littleton:** Okay, we'll take your \$750,000 and adjust it for inflation to today's number and if it's the same or less that as actually you've got the wrong argument. So let's not go down that rabbit hole. All right. You've done a good analysis. Let's dive into it. Okay. Any other questions? All right. Was there anything else? We kind of covered the legislative stuff. Was there anything else you guys want to cover on that?

**Danny Davis:** Just real briefly noted in the memo here that, the speed limit bill we were supporting was rolled into HB 1071. And that bill I thought passed the House. It yeah. Thank you. I looked at it and then my mind blanked. So it did pass the House. So we will once crossover occurs, we will, send a letter of support to our state senator and ask for support on that. It actually didn't pass as overwhelmingly as I would have expected. It was like 56, 44 or 54, 46. So I'm not sure why, but, we'll continue to press that and hope that.

**Bridge Littleton:** A win is a win.

**Danny Davis:** Yes. So far. And then as noted, HB 1328, we continue to oppose, I would just point out one last thing. Mr. Crim brought up on the accessory dwelling units, SB 304. I think it's interesting when you look at, the substitute bill that

was passed by the Senate Committee. They're basically getting into zoning law. I mean, they're talking about feet of setbacks and they're talking about parking spaces. And it goes back to that just point again, that they're getting into a realm that they don't deal with on a day-to-day basis. And it continues to be frustrating to us, to VML, to anyone in local government that the General Assembly is getting into the nitty gritty of the, you know, the difference of four feet versus six feet versus what have you, when these should be left to local governments to make those decisions. It surprised me how detailed the substitute bill was on this particular one.

**Bridge Littleton:** Bud.

**Bud Jacobs:** In the run up to the last election to the State Senate and House of Delegates, some of us had the opportunity to brief one of the candidates about our concerns on a number of these issues. We were not able to meet with, the person who eventually won the Senate election, Russet Perry. Might it be worthwhile to reach out to her and try to have a personal conversation? Oh, you did it already?

**Bridge Littleton:** We have not had a personal conversation with her, but Danny has reached out to the chief of staff to try to set up a time to do that.

**Bud Jacobs:** It would be very helpful if you could sit down. You and Chris could sit down with her, I think, and walk her through some of these things her focus does not appear to be on most of the local issues that she that are of concern. I like what she's doing on roads. That's great, but we need some help on these, I think.

**Peter Leonard-Morgan:** I did meet with the senator today and took the liberty of asking her to come and meet with us, and she seemed very receptive to that.

**Bridge Littleton:** Did you also tell her to vote against this?

**Peter Leonard-Morgan:** I did not. I had my other hat on.

**Bridge Littleton:** My God. Well, you take that hat off, you put your town pin on. [laughter] Yeah. Yeah, that certainly wouldn't go good for that hat. Is there a Planning Commissioners organization in Virginia that could reach out on this stuff, too. I mean, we need more voices than VML because this stuff is never ending. I mean, don't get me wrong, VML is great. [inaudible] is great, but that's the two voices these guys hear from all the time. You know, and I mean, my experience down there has been, you know, by and large, most everybody has not everybody, by and large, the majority has an open mind, is always willing to listen, even if they won't agree. But there are there's absolutely a subset of people. And even as people come out and new people come in, it's like, oh, you again, I don't want to hear about this VML stuff. And it's just very frustrating and I think. Is there a? I mean, there's got to be more voice. I mean, I remember when that 5G law was getting passed, got passed that would allow them to put 5G infrastructure in any public right of way in the state. And we did that big letter writing campaign. I mean, I think we got like 1400 letters sent from our community, and Northam vetoed it. You know, voices matter. What else is there? I mean they're not going to listen if it's just 1 or 2 lobbying groups.

**Bud Jacobs:** There must be [off mic]

**Danny Davis:** Yeah. The best I know is the group that that ran the Planning Commissioner training. But they don't really have a lobbying arm that I'm aware of. There is a Virginia Association of Group of the American Planning Association, but that's less Planning Commissioner and more Planning staff and staff would probably be cautious to promote too many positions that could be contrary to their elected bodies positions. So.

**Bridge Littleton:** Maybe that's an opportunity for VML. I mean, if you think about all the towns and counties and cities in the state of Virginia, all have Planning Commissions that have between 7 and 10 people on them, that's a lot of people. Okay. Any other questions on legislative updates? Okay, I think we have a revised, or I'm sorry, any information items from anybody? Okay. I think Chris has got the revised closed session memo.

**Chris Bernard:** All right. [off mic] Council is going to close. [off mic] Turn my microphone on. All right. I move that Council going to closed session as authorized under section 2.2-3711 of the Code of Virginia for one an appointment to the Middleburg Strategic Finance Committee, as allowed under subsection A1 and two consultation with legal counsel and briefings by staff members pertaining to probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the town pertaining to a personnel matter, as allowed under subsection A7. I further move that Council thereafter reconvene in open session for action as appropriate.

**Peter Leonard-Morgan:** Second.

**Bridge Littleton:** Any discussions? All's in favor say.

**All of Council:** Aye.

**Bridge Littleton:** Opposed? Abstention? Okay. We're in closed session. All right 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. One specifically identified in the motion to convene the closed session and two 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 occurred within it should be treated as confidential. Peter.

**Peter Leonard-Morgan:** Yes.

**Bud Jacobs:** Yes.

**Bridge Littleton:** Yes.

**Chris Bernard:** Yes.

**Cindy Pearson:** Yes.

**John Kevin Daly:** Yes.

**Pam Curran:** Yes.

**Bridge Littleton:** Okay. Would anyone like to make a motion for the Strategic Finance Committee?

**Cindy Pearson:** I don't have it up.

**Bridge Littleton:** Just say I move to appoint Coe Eldredge for the Strategic Finance Committee.

**Chris Bernard:** I move that the Council appoint Coe Eldredge to the Strategic Finance Committee.

**Cindy Pearson:** Second.

**Bud Jacobs:** Second. Third.

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

**All of Council:** Aye.

**Bridge Littleton:** Opposed? Abstentions? Okay. Motion carries. Any other items? Meeting adjourned.