



**MIDDLEBURG TOWN COUNCIL**  
**Regular Monthly Meeting Minutes**  
**Thursday, July 22, 2021**



**PENDING APPROVAL**

**PRESENT:** Mayor Trowbridge M. Littleton  
Vice Mayor Philip M. Miller  
Councilmember J. Kevin Daly  
Councilmember Morris “Bud” Jacobs  
Councilmember Darlene Kirk (arrived late)  
Councilmember Peter Leonard-Morgan  
Councilmember Cindy C. Pearson

**STAFF:** Danny Davis, Town Manager  
William M. Moore, Deputy Town Manager  
Estee LaClare, Planning & Project Associate  
A.J. Panebianco, Chief of Police

**ABSENT:** Councilmember Chris W. Bernard

The Town Council of the Town of Middleburg, Virginia held their regular monthly meeting, beginning at 6:00 p.m. on Thursday, July 22, 2021 in the Town Hall Council Chambers located at 10 West Marshall Street. Mayor Littleton led Council and those attending in the Pledge of Allegiance to the flag. The roll was called at 6:00 p.m.

**Public Comment**

Ramsey Metcalf, 5 Reed Street, advised that she read the revised traffic study provided by J2 Engineering. She noted the findings that the current road handled the traffic flow except during peak hours; however, the rating would digress to a LOS (Level of Service) F as a result of additional traffic from Salamander. Ms. Metcalf further noted that a suggested solution was the installation of a traffic signal at the intersection of Pendleton Street and Route 50. She suggested the traffic signal at Route 50 and Madison Street instead be relocated. Ms. Metcalf further suggested cross walk improvements to allow for better pedestrian safety. She suggested the extension of Reed and Chestnut Streets only occur for emergency vehicle access. Ms. Metcalf expressed concern, however, about the amount of damage that could be caused to the existing streets if emergency vehicles were to use them to access the extensions. She suggested striping along the roads for pedestrian and bicycle usage.

Chloe Osbourne, of Chloe’s of Middleburg, 12 East Washington Street, expressed concern that the Town’s social media feed’s content, specifically its Instagram feed, did not represent the town or its mission. She opined that many of the businesses were not featured and that the page rarely interacted with them. Ms. Osbourne cited as examples the lack of acknowledgement that Chloe’s celebrated their second anniversary; that there were new businesses; and, that some businesses had relocated. She suggested the need to acknowledge the smaller businesses in town that were struggling as a result of the pandemic.

Joyce and Bob Ball, of Middleburg Millwork, 106 South Madison Street, appeared before the Council. Mrs. Ball expressed concern about the three dumpsters located at the Town’s maintenance shop that contained refuse from the King Street Oyster Bar. (Councilmember Kirk arrived at the meeting at 6:09 p.m.) She advised that two of her employees had become ill and opined that this was due to the odors that were emanating from the dumpsters. Mrs. Ball noted that she had been discussing her concerns with the Town Manager and Mayor and was advised that two of the dumpsters were being removed and the third one would only be used for boxes. She asked that the dumpsters be removed and noted that the smell was horrid. Mrs. Ball advised that her customers were complaining about it and noted that it was embarrassing. She advised Council that she reported this matter to the County Health Department, who was investigating it. Mrs. Ball cited the Town Code provisions regarding trash, which she believed supported her request for the dumpsters’ removal. She reiterated her concern for the health of her employees.

Pam Curran, 800 Blue Ridge Avenue, echoed Ms. Metcalf's comments. She thanked the Council for their willingness to work with the residents on a possible solution.

### **Staff Reports**

Town Manager Davis welcomed Tina Staples, the new Town Treasurer/Finance Director, back to the Town.

Town Manager Davis reported that the Town received the meal and lodging taxes for the final month of the fiscal year and advised that they continued to show an increase in collections, with lodging tax revenues being four percent higher than budgeted. In response to an inquiry from the Council, he reported that they were four to seven percent higher than revenues in 2019. He opined that the General Fund revenues would come in close to the budgeted amounts, excluding the federal monies that were received; therefore, the staff expected there to be a surplus for FY '21. Mr. Davis advised that the water and sewer user revenues were softer; however, he believed the deficit would only be \$77,000. He noted that this amount was made up by other revenues that came in throughout the year. Mr. Davis opined that for FY '21, the Utilities Fund would be on budget for revenues and under budget in terms of expenditures.

Town Manager Davis reported that the staff was continuing to work on the issues associated with the dumpsters at the Town Shop. He advised that food waste would no longer be dumped in them and noted that American Disposal was coming to remove two dumpsters from the property. Mr. Davis reported that the King Street Oyster Bar found another hauler to remove food waste using curbside collections. He advised that the staff would monitor this closely to ensure no negative impacts on the public sidewalks. Mr. Davis reiterated that one dumpster would remain for cardboard and stressed that it could not contain food scraps. He advised Council that the staff would also keep an eye on this for compliance.

Mayor Littleton reported that the owner of the King Street Oyster Bar committed to four curbside collections per week, with the items being placed on the Madison Street side of their property, where it would be less visible. He noted that the owner also agreed to increase the number of collection days further if needed.

In response to an inquiry from the Council, Town Manager Davis reported that the King Street's refuse collector committed to picking up the garbage around 8:00 a.m., which was generally before business hours began.

In response to inquiries from the Council, Mayor Littleton reported that the boxes would be placed at the end of the Oyster Bar's building. Town Manager Davis advised that in terms of smell, the trash must be set out in bags, rather than loose in a box. He reiterated that the staff would continue to monitor this.

Mayor Littleton noted that the Town could objectively measure sound; however, it could not objectively measure smell. He suggested that if the Council was in agreement, the staff could research how other localities handled odors. Mr. Littleton opined that currently, there was nothing the Town could do to address odor issues.

Council noted that there was also an issue with spillage from the trash, which was then coating the brick sidewalks with a slick coating. They further noted the need to power wash the sidewalk. Council suggested a plan be developed for the continual maintenance of the area if the Oyster Bar was going to continue to put their trash there.

Council expressed concern that boxes that contained oysters could continue to be placed in the dumpster. They questioned the plan for tracking this and ensuring the Oyster Bar's employees followed the guidelines. Town Manager Davis reported that the Town's Maintenance Supervisor would perform regular checks of the site. He advised that he would ask that he review what was being placed in the dumpster to ensure it was not causing an odor or any other issue for the neighbors.

Mayor Littleton opined that the majority of the boxes did not contain loose food. He suggested the Town develop a contract with the King Street Oyster Bar that would include penalties if there were for violations of the rules.

In response to inquiries from the Council, Town Manager Davis reminded them that the dumpsters were placed on Town property; however, they were not for public or the Town's use. He advised that there was a dumpster at Well 4 for the Town's use.

The Council thanked Mr. and Mrs. Ball for sharing their concerns. Mayor Littleton noted that the Town tried to solve a problem for another business, with unintended consequences. He apologized to Mr. and Mrs. Ball and committed to fixing the problem.

### **Discussion Item**

#### **Third-Party Review of Traffic Analysis – The Residences at Salamander**

Mayor Littleton advised Council that he had spoken with a number of residents over the past two weeks and noted that some of them questioned parking issues related to short-term rentals. He reported that they suggested that if Salamander was going to be a short-term rental community, its traffic should not come through town. Mr. Littleton reviewed the history of short-term rentals and the creation of the Town's ordinance regulating them. He explained that anyone wishing to use their property for short-term rentals in Middleburg must first secure a special use permit. Mr. Littleton advised that the application fee to apply for a special use permit was \$2,000 and that the applicant must meet a number of requirements, including requirements related to the number of nights the unit could be rented and the need for off-street parking. He noted that the unit must also be used primarily for residential use. Mr. Littleton advised that this use was available with a special use permit in three of the Town's residential districts, provided the property met the requirements as identified in the ordinance. He noted that any home in the Ridgeview area was able to apply for a special use permit for short-term rentals.

In response to an inquiry from the Council, Deputy Town Manager Moore advised that the unit would not be allowed to be used for short-term rental purposes for more than one hundred eighty days in a given year.

Mayor Littleton opined that it was important for the residents to understand that the Town had regulations related to short-term rentals. He suggested they review them on the Town's website. Mr. Littleton further suggested they could be increased if needed in the future. He stressed that short-term rentals were not a special thing that only applied to Salamander. Mr. Littleton reiterated that any home must be used as a primary residence in order to qualify for a special use permit. Council summarized that Salamander was subject to the same short-term rental requirements as everyone else in town.

In response to inquiries from the Council, Deputy Town Manager Moore reported that the Town had received no applications for a special use permit for a short-term rental since the ordinance was adopted in 2015. He noted that this did not mean some people did not try to cheat and advised that the Planning & Project Associate monitored short-term rental websites and if she found a posting for one in Middleburg, the staff addressed it. Mr. Moore confirmed that a blanket application/fee could not be submitted for multiple properties. He advised that he was going to consult with the Town Attorney as to whether a validity period could be established for a special use permit and noted that there were conflicting opinions about this among municipal attorneys.

In response to inquiries from the Council, Mayor Littleton advised that he went to the Salamander sales office to talk to their salesperson and review their marketing materials. He confirmed that Salamander was not marketing their properties as short-term rentals, but rather were selling them as residences. Mr. Littleton explained that what they were saying was that if a property owner wished to make their property available as a short-term rental, Salamander had a program and could help them facilitate it. He reiterated that they were offering this as a feature benefit and were not saying they would create a timeshare for the owner. Mr. Littleton reported that as of the time he spoke with the salesperson, Salamander had over twenty reservations for homes; however, he did not ask if any of those individuals had expressed interest in pursuing short-term rental use of them. He advised that he would ask them for that information.

Mayor Littleton noted that there had been citizen comments suggesting the existing traffic light at the intersection of Madison Street and Route 50 be moved to the intersection of Pendleton Street and Route 50. He reminded Council that the light used to be a caution light; however, VDOT changed it to a traffic light after the traffic at that intersection became too much for it to remain as a caution light. Mr. Littleton advised, however, that the decision to make any changes would be up to VDOT.

Mayor Littleton noted that there had also been questions related to social media. He advised that the Town recently signed a contract with a new vendor – Red Thinking – and opined that this would result in the Town’s social media engagement becoming more dynamic. He asked the Town Manager to engage with Chloe’s in response to their public comment.

In response to inquiries from the Council, Deputy Town Manager Moore confirmed the original and all subsequent proffers have contained a preliminary layout plan for The Residences at Salamander, which showed various connections. He reviewed the history of the proffers and advised that the proffered connections were at Chestnut Street, Reed Street and Pendleton Street.

In response to an inquiry from the Council, Mayor Littleton noted that there was nothing the Council could do to amend the proffers and explained that Salamander was the only one who could initiate a change. He reminded the members that the question before them was whether they wanted to approach Salamander to ask them to initiate a change. Mr. Littleton further reminded the members that Salamander agreed to consider any request of the Town as long as it did not adversely affect their interests. He advised that the question before the Council was whether they thought the Reed and/or Chestnut Street extensions should be altered and suggested that, if so, the Town could make that request.

Councilmember Jacobs noted that he reviewed the staff memo, as well as the Comprehensive Plan, and was prepared to make a decision during this meeting.

Vice Mayor Miller advised that public safety, including the ability of the Police Department to police the roads, and the ability of VDOT to maintain them were important. He noted that if these roads were private, the Town would not be able to prevent a gated community and suggested this was not in line with Middleburg’s community values or the character of the town. Mr. Miller suggested that this would separate the town from Salamander, which would not be in Middleburg’s best interests in the long-term.

Councilmember Kirk opined that it would not hurt to ask Salamander the question. She expressed concern the Salamander had not followed through on their commitment to construct affordable housing as a part of the project.

Councilmember Leonard-Morgan expressed concern that if the connector roads did not exist, VDOT would not allow Salamander’s roads to be public. He expressed further concern about the maintenance issues associated with private streets. Mr. Leonard-Morgan opined that only having one entrance on Pendleton Street would not work based on the traffic analysis information that had been provided. He suggested the two access points should remain as vehicle access points.

Councilmember Pearson opined that the owners and residents of homes in The Residences at Salamander needed safe access to their homes and that having the streets owned and maintained by VDOT was the best choice. She further opined that the Town should continue to agree with the plan to access the subdivision via Chester, Reed and Pendleton Streets, which would alleviate overcrowding and safety issues associated with only having one access point. Ms. Pearson expressed hope that everyone would welcome the new residents with open arms. She opined that the Police Department would do the best it could to keep everyone safe.

Councilmember Daly noted that he frequently walked through Town, including in the Ridgeview area. He advised that he did not want to see this become an “us” against “them” situation and noted that he considered Salamander to be a part of the town. Mr. Daly advised that he was prepared to make a decision.

Mayor Littleton expressed appreciation to the Town staff for their assistance in helping the Council sift through the information and empowering them with the best information as they tried to make a good decision. He noted the long history associated with the Salamander development. Mr. Littleton also thanked the Council for their hard work in reviewing the materials and talking with the citizenry. He noted that no matter what they decided, it would impact someone one way or another. Mr. Littleton also thanked the community for their engagement and noted that without it, it would be impossible for the Council to chart a path for Middleburg in the best way the Council could given the limitations and realities it faced. He noted that the one thing that had shone through over the past two months was the care and love that people had for the community. Mr. Littleton advised that at the end of the day, it was the Council's responsibility to provide clarity and make a decision. He questioned whether the Council wished to make any recommendations to Salamander related to whether the road connections at Chestnut and Reed Streets should remain as approved in the preliminary layout plan. Mr. Littleton suggested that if they did, they could then discuss what those should be.

The majority of the Council agreed the plans should remain as approved, with Councilmember Kirk dissenting.

In response to Councilmember Kirk's comment, Mayor Littleton opined that the affordable housing that was to be located in the Salamander development was not off the table.

In response to an inquiry from the Council, Deputy Town Manager Moore advised that Salamander could begin doing earthwork anywhere on the site within the next month.

Town Manager Davis recommended the Town look for professional recommendations as to what mitigation steps were needed to improve the safety of Chestnut and Reed Streets, such as improvements to the roadway or the trimming of trees. He recommended a thorough investigation be done so a plan could be put into place for when the connections occurred.

The Council suggested the central mailboxes for Salamander be relocated. Town Manager Davis advised that it was his understanding that Salamander intended to move them. After some discussion, Mayor Littleton advised that he would contact Salamander to vehemently express the Council's desire that they be located elsewhere.

The Council held some discussion regarding construction traffic. It was noted that it would only be allowed to use Pendleton Street or Foxcroft Road. Council noted that Salamander indicated there would be repercussions if someone violated this proffer and suggested the need to determine what exactly would happen. The Council questioned whether it was possible to apply this requirement to the resort's employees as well.

Town Manager Davis advised that it was his understanding that the resort asked their employees to use the Foxcroft Road entrance only. He noted that enforcement of that must be done by Salamander as these were public streets.

Deputy Town Manager Moore advised Council that the staff was making suggestions to Salamander for ways to avoid cut-through traffic on Chestnut Street, including gating the two private streets that would be located in the residential development.

Mayor Littleton invited anyone who wished to talk about this matter to call him.

### **Action Items**

#### **Council Approval** – Hunt Country Music Festival Grant Request – Middleburg Concert Series

Town Manager Davis reported that this was a grant request from the Middleburg Concert Series in the amount of \$5,000 and noted that their goal was to create a weekend music festival that would be held the same weekend as the Spring Art in the Burg in May of 2022. He advised that the representatives for the Concert Series spoke with the Middleburg Arts Council and reached a general sense of support and agreement to integrate the two events. Mr. Davis reminded Council that the goal of the Town's grants was to provide seed money for a three-year period, after which, the organization would no longer be eligible to receive one. He advised that the Cultural & Community Events Committee recommended approval of the request.

*Councilmember Daly moved, seconded by Councilmember Pearson, that the Council approve the recommendation of the Cultural & Community Events Committee to provide a grant to the Middleburg Concert Series in support of the Hunt Country Music Festival to be held May 20-22, 2022 in the amount of \$5,000.*

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

No – N/A

Abstain: N/A

Absent: Councilmember Bernard

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

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### **Discussion Items (continued)**

#### **Request to Amend Noise Ordinance Pertaining to Holidays**

Town Manager Davis noted that Ms. Murdock, who submitted the request, was not available to attend the meeting. He advised that she did not feel there was a sense of urgency to address this since the next non-observed holiday would not occur until later in the year. Mr. Davis advised that it was up to the Council as to whether they wished to hold the discussion or delay it to another meeting.

It was noted that the Town’s current noise ordinance allowed construction noise on Sundays; however, it could not begin until 8:00 a.m. It was further noted that most towns did not prohibit construction noise on holidays.

Town Manager Davis questioned whether the Council’s intent was to restrict construction on both the actual and observed holidays, when this occurred. He noted that if that was the case, it would expand the limitation on construction, which could inhibit a person’s ability to complete a project. Mr. Davis further noted that if the Council moved the restriction to the observed holiday, this would allow construction on the actual holiday.

It was noted that there appeared to be some confusion on the part of Ms. Murdock in that she thought there could not be construction activity on a Sunday.

Town Manager Davis advised that the staff believed the existing ordinance captured the intent of what Council was trying to accomplish and was appropriate. He opined that expanding it would have unintended consequences in the future.

After some discussion, the Council agreed they only wished to prohibit construction activity on the actual holiday.

#### **Historic District Guideline Updates**

Deputy Town Manager Moore noted that the draft update to the Historic District Guidelines was delivered to the HDRC a couple of weeks ago, following a tremendous amount of work on their part to develop it. He reminded Council that the Town was under a tight deadline to get it adopted due to the grant requirements and advised that it needed to be submitted to the Council during their August 26<sup>th</sup> meeting in a form where they could adopt it. Mr. Moore noted that there were a few items in the draft that the HDRC had asked to be changed, such as some of the photographs that they did not feel represented what was being demonstrated. He explained that the draft was being presented during this meeting so the Council would have time to review it before they were asked to adopt it. Mr. Moore suggested that if any of the members noted anything when they did their review, they let the staff know as soon as possible so it could be addressed.

Councilmember Pearson reiterated Mr. Moore’s request that if anyone observed something that needed to be addressed that they forward it to the staff as soon as possible. She noted that the consultants did an excellent job of putting the document together. Ms. Pearson opined that the new guidelines would assist anyone applying for a permit before the HDRC.

Councilmember Leonard-Morgan advised that he reviewed the draft and opined that it was very good. He noted the amount of work that had gone into it. Mr. Leonard-Morgan expressed appreciation for some of the items that were now included, such as energy conservation.

Councilmember Pearson noted that once approved, the document would be posted online so people would be able to go straight to the information they needed through the table of contents.

Mayor Littleton agreed the document was very diligent. He suggested that if changes were needed once it was adopted, it could always be amended.

Zoning Ordinance Amendments in R-2 District

Deputy Town Manager Moore reminded Council that they recently adopted a zoning text amendment related to building height requirements and how they related to side yard setback requirements in the R-2 District. He further reminded them that one of the staff's original recommendations was for the establishment of a maximum lot size requirement; however, the Planning Commission declined to recommend it to the Council. Mr. Moore noted that the Council subsequently asked that it be reintroduced to the Planning Commission for their consideration, which would occur later this month. He advised that the Commission would also consider recommending amendments to the lot coverage requirements and noted that this would take a great deal of study. Mr. Moore reported that the staff reached out to The Berkley Group, who assisted the Town with the Comprehensive Plan update, to obtain a cost proposal for helping with this study. He expressed hope to have a proposal within the coming weeks that would cover both items. Mr. Moore suggested the consultant could also provide other suggestions they may have for how the Town could get a better handle on issues related to the character of development.

Mayor Littleton noted the need to ensure that if an existing home was demolished and a new one constructed in its place that it would have the same characteristics as the remainder of the homes in that area.

Closed Session

*Councilmember Leonard-Morgan moved, seconded by Councilmember Kirk, that Council go into closed session as authorized under Section 2.2-3711 of the Code of Virginia, for the discussion or consideration of (1) the lease of property for public parking purposes and (2) the disposition of publicly held property related to the Asbury Church, both as allowed under Subsection (A)(3); and, (3) briefings by staff members pertaining to actual or probable litigation, where such consultation in open meeting would adversely affect the negotiating or litigating posture of the public body related to two requested boundary line adjustments as allowed under Subsection (A)(7). Councilmember Leonard-Morgan further moved, seconded by Councilmember Kirk, that the Council thereafter reconvene in open session for action as appropriate.*

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

No – N/A

Abstain: N/A

Absent: Councilmember Bernard

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

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Mayor Littleton asked that the 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.

**Miscellaneous Items**

Councilmember Kirk noted that she was asked by a citizen as to when the Town would resume the weekly eNewsletter. She advised that also wanted to let everyone know that former Councilmember Eura Lewis was doing well and was planning to return to Middleburg soon.

Town Manager Davis advised that he planned to send out an eNewsletter this week and for the next couple of weeks, as he wanted to promote the upcoming Summer Sidewalk Sales, as well as National Night Out and Oktoberfest. He noted that the newsletter would not be as extensive as it had been until a new Administrative/Accounting Assistant was hired.

There being no further business, Mayor Littleton declared the meeting adjourned at 8:00 p.m.

APPROVED:

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Trowbridge M. Littleton, MAYOR

ATTEST:

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

## July 22, 2021 Middleburg Town Council Meeting

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

**Bridge Littleton:** We will call the meeting to order, first item is Pledge of Allegiance.

**Everyone:** [Pledge of Allegiance]

**Bridge Littleton:** All right. Next item is the roll call.

**Bud Jacobs:** Bud Jacobs.

**Philip Miller:** Philip Miller

**Bridge Littleton:** Bridge Littleton,

**Peter Leonard-Morgan:** Peter Leonard-Morgan,

**Cindy Pearson:** Cindy Pearson.

**Kevin Daly:** John Kevin Daly

**Will Moore:** Will Moore, Deputy Town Manager.

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

**Bridge Littleton:** Ok, next is we have no special recognition. Next item is public comment. So we will open the session for public comment. Remember, it is three minutes that you can address town council on any item you wish and it is public comment, which is, you know, one way broadcast to the council only. We're not allowed to engage in back and forth discussion. But if you do want address council, please step forward to the mic. You can take a seat, give us your name, address, and then you have three minutes. So would anybody like to address the council?

**Ramsey Metcalf:** I guess I'll have to go first. OK, my name is Ramsey Metcalf and I reside at 5 Reed Street. This is the first time I've prepared an actual written statement, so I hope I can get through it in three minutes. Wave. I'm sure you will. I'm very appreciative and hopeful that the sincere efforts regarding the proposals to resolve street connections and anticipated traffic flow increases will in fact be resolved. I have read the Traffic Revised Traffic study, which was submitted to the town by Jim Bishoff yesterday. His findings mirror that what every resident business owner and town officer, as well as visitor is well aware of. The current roads handle the flow and safety needs except during peak p.m. hours caused nearly entirely by the heavily through commuters who use 50 heading west, I've studied the maps of the proposed connections to Salamander residential project and carefully examined the actual daily flow in and around Pendleton. The report gives the peak PM commute hours, traffic congestion, a grade of E that in a scale of A to F currently and projects that the that it's going to digress to a level F as a result of the additional Salamander traffic, etc.. One solution has been proposed as an additional light at Pendleton and the 50 intersection. I see this as a rage inducing, flow slowing proposal that is illogical. Instead, I would suggest removing the light currently at Madison and Route 50 and moving it to Pendleton and 50. This form of electronic traffic management would address the anticipated bottleneck and its dangerous traffic. Additionally, increasing the striping think zebra crossings in Great Britain, as well as adding pole signals as currently used at Madison would better allow pedestrian access and safety. I also think those [inaudible] should remain at Madison Street and be added at Pendleton is what I'm trying to suggest. This would require additional polls and crossing light boxes, but that seems the least unattractive and space consuming solution. While any alteration to the

existing common historically narrow streets such as Chestnut and Reed is most concerning to Middleburg residents, we've been assured that the existing streets would not receive reconstruction except at the potential new connection sites at Stonewall where they enter Salamander. If this is to be done for the purpose of an engineered road entrance to Salamander for the express purposes of emergency vehicle access and maintained as such, I think it would cause the least harm. However, one can definitely question this eventual reality. If, since the new construction for emergency vehicles requires extensive roadway engineering to safely accept full tank fire trucks, what has been studied for those as damage to the existing road services of Chestnut. This is concerning. Additionally, while there isn't a lot of bike and pedestrian use along Stonewall and at Reed Street, bike usage being the least well accommodated as throughout our area, we have pedestrian additional proposed additional pedestrian connection and if necessary, putting in striping at all three of the sides of Reed at Stonewall. It could be a solution and certainly acceptable. These are largely undesigned changes, but which may be inevitable. Ding, ding, ding. Ok. Great.

**Bridge Littleton:** [off mic] If you want to leave those with us for the full comments, that's totally fine as well.

**Ramsey Metcalf:** It's handwritten. Is that acceptable?

**Bridge Littleton:** We're happy to make a photo copy of it [off mic]. Thanks, Will. Would anybody else like to address Council? Yes, ma'am.

**Chloe Osborn:** Ok, I'll sit down. Sure. OK. Hi, my name is Chloe Osborn from Chloe's of Middleburg located at 12 E Washington Street. I'm here to discuss the town of Middleburg social media pages, specifically Instagram. While your feed looks aesthetically nice, the content does not represent the town and its mission. The town is a collection of beautiful and exclusive boutique stores, most of which you cannot find anywhere else. However, the Instagram page does not reflect this. Many of our businesses are not highlighted or featured. The page also rarely interacts with us. For example, Chloe's turned two and there was no acknowledgment of this. The post had been liked by the town of Middleburg, but received no courtesy comment. This is something that should be done. I'm not coming just for Chloe's, but rather every business in town. I believe that every business should be featured and acknowledged in some way. We recently had a new chocolate shop open up. Many of our businesses have moved locations. This pandemic has been difficult for many of us. In the past 30 posts, less than five of the smaller businesses have been posted about smaller businesses deserve to be posted about more. It is my understanding that you all have someone who is responsible for the Instagram page. If this is the case, they need to interact more with the small businesses. Every one of us should be featured. One way to do this is to send out a Google form to the businesses asking do you want to be featured on the town of Middleburg Instagram page? Is there anything specifically you would like to be featured for? On my behalf, while I was away at Vassar, my mother, Wendy Osborn, brought this up at Biz Buzz when it was held at Chloe's in February. She was dismissed and told this could not be done. I am here to tell you all in person that it can be done, but more importantly, it should be done. If the town wants to brand Middleburg as a shopping destination, small businesses should be featured more. We would we help make this town special. Middleburg was named number five in the US Today's ten best small towns for shopping. A larger variety of businesses and Middleburg must be featured in order to properly represent this. If you need any help on how to plan this, feel free to visit me at Chloe's and I will be happy to help.

**Bridge Littleton:** Thank you. Would anybody else like to address council?

**Joyce Ball:** My name is Joyce Ball and my husband Robert is with me, and we are at 106 South Madison Street in Middleburg Millwork. We have been there for 52 years and we currently have a problem with three dumpsters that are sitting on the town lot that back up to our buildings that are containing refuse from the Oyster Bar, the King Street Oyster Bar. We have requested and spoken to Danny as well as Bridge regarding the odor. We know some of you have been down to our business and smelled the odor and we have been putting up with it for months. Recently, I've had two employees who have become sick from this. One of them works in our mill. He works with saws, drills, planers, sanders and being sick and working with that kind of dangerous equipment is not safe. I have another employee who got sick because he works outside all the time and he runs a forklift. I can't have him sick loading and unloading things from commercial vehicles as well as private vehicles. We have I spoke with Danny and Bridge and I was told that they would do their best to do something. Danny called me back and told me that two dumpsters were going to be removed from the lot and that one dumpster would remain for boxes that would not be food contaminated. I just want this on the record. We

want these dumpsters moved. They smell horrid. Our customers complained to us when they come in the door. It's embarrassing to our business because it's not even our trash. We have taken this one step further. I have went through Loudoun County and spoken to people there. I have contact been in contact with Dana Soltis, who is the environmental health specialist for Loudoun County. She has come out to our business as well as the town's lot. And she has noticed that there are things that are not up to par. These are just the things that she noticed when she was she's. Oh, he's got it. OK, I'll just let you guys read that then. According to the Middleburg Code of Solid Waste, chapter 87, paragraph three.

**Robert Ball:** And you don't have to read them. They can read it. They know about it.

**Joyce Ball:** There's paragraph three, paragraph seven and paragraph 12. I feel all these back us up on our request to have these dumpsters removed from next door to our facility. It's really embarrassing when a customer comes in and asks you what a horrible smell is. My biggest concern is my employees, I cannot have them sick and getting hurt, I cannot have our business suffer by someone having to go home because they are not able to work. We've been here for 52 years. I think we deserve a little respect and a little understanding that it's not appropriate to have these dumpsters so close to our business.

**Robert Ball:** That's the best three minutes I've heard all night long. Sorry,

**Joyce Ball:** Please. Thank you.

**Bridge Littleton:** Thank you. Would anybody else.

**Pam Curran:** I'm Pam Curran, 800 Blue Ridge Avenue, and I just wanted to echo Ramsey's comments on possible solutions and also thank you and the other council members for continuing to look and express a willingness to work with all of us on a possible solution that's best for all of us. And maybe Reed and Chestnut, too. So that's it. I just want to say thank you.

**Bridge Littleton:** Would anybody else like to address Council? Going once, going twice. Sold to the young man down front. I was looking at you, Bob. Thank you. Yeah, no problem. [multiple speakers] All right. We will now close the public comment session. We have no public hearings or presentations. So I think what we're going to do real quickly is we're going to do staff reports. And then I know a lot of folks are here to hear the council discussion around the traffic analysis we got from J2 and the other memos and whatnot. So I'm going to move that up and we'll cover that after the staff reports and then we'll go on with the regular items so folks won't have to wait around for all the boring stuff like bundles, letters and stuff like that. So, Danny, staff report.

**Danny Davis:** Thank you, Mr. Mayor. First of all, I'd like to just say welcome back to Tina Staples. As most everyone remembers here on Council and many of the public remember, Tina sat at the front desk for nearly two years and she did admirably. She went to the town of Hamilton for two years as their finance as their town treasurer, and now she's back to us. Today was her first day. I offered to let her off the hook and not have to come to the council meeting. She wanted to be here, but we're glad to have her with us and as our finance director and treasurer. So again, stop by and say hi to her. I did provide a brief memo and update. I'll just briefly cover that which showing that we have received Meals Tax and TOT for the final months of the fiscal year, which we're continuing to show increase in collections. overall TOT came in four percent higher than budgeted. And this was upon us thinking that we might see a 10 to 20 percent decrease.

**Bridge Littleton:** What is that in terms of what it was in 19?

**Danny Davis:** It is. It is four to seven percent higher than 2019. I could pull those numbers, but, yeah, it is definitely grown. All in all, we believe the general fund revenues will come in close to or near budgeted amounts, even taking out federal dollars. We are also under expenditures for the year. So we expect to have a surplus in the general fund. And we'll keep you updated as we go through the audit there. Water and sewer revenues showed some softening throughout the year, but we believe the deficit and user fees will only be about seventy seven thousand. That is made up by some other revenues that came in throughout the year. So we think we will be, again, on budget for revenues and under budget for expenditures. With that, I'm happy to answer any questions or talk with any council members about specific details after the meeting or during the meeting.

**Bridge Littleton:** Yeah, well, does anyone have any questions on the financial update? OK, Tina, welcome back. So we've got a stack, we got a stack of stuff for you to do. There's a couple of banker boxes in the back of my truck. You know, I'll bring them by the morning. OK, thanks, Danny. Appreciate it. So before we get into the discussion item around the road connections, can you just give us an update on where everything sits right now with the trash dumpsters down at the town shop?

**Danny Davis:** Yes, sir.

**Danny Davis:** Thank you for that, Mr. Mayor. And thank you to Joyce and Bob for being here tonight. We have continued working through this issue. The latest status is that the that trash waste, food waste, anything like that will no longer be dumped in the dumpsters at the town shop. They were dumped this morning and will. They were picked up. I'm sorry. No, the dumpsters were emptied this morning. We are in touch with American to get them picked up and removed ASAP. They're sometimes less quick about removing as they are to deliver, but we will press them and continue to tell them the importance of getting those removed. We also have commitments that King Street knows they are to no longer dump any trash or food waste in those two dumpsters because they aren't they have other service we work. Correct. And we have worked with or King Street has worked with a private hauler to pick up food waste and trash from their curbside. And we will continue to monitor that very, very closely in terms of impacts as well on the public sidewalks. To be clear and as Joyce mentioned, the cardboard dumpster will remain. The cardboard can only be recycled if it is unspoiled. Unstained has no food scraps, food remnants like you cannot recycle pizza boxes because the oil, you know, makes it unusable for recycling. So very much the same clarification and confirmation from the restaurant who dumps their cardboard there that all the cardboard will be clean, unsoiled and unspoiled and not smelly. And we will obviously keep an eye on that as well to ensure that there's no negative impacts from those recycling areas. So we're happy to answer questions or work through other issues and obviously continue to work through any issues that may arise in the coming months or weeks with the Millwork.

**Bridge Littleton:** Ok, the one thing I'm going to add is so previously when King Street was doing the street pick up, like, you know, they were putting it out front and, you know, and it's. Yeah, exactly. And the biggest part of that, which was, well, was the food. But it's also it's all the boxes that like their napkins come in and stuff. So I spoke to Rick yesterday. They at the time, they were doing three pickups a week. Rick is now committed to doing four pickups a week. They'll put it on Madison instead of on Main Street. So they'll put it off there to the side so it'll be less visible, less, you know, won't be on fifty. It may be right next to their building, but it won't be on fifty. And they're going to do four pickups a week. And the other conversation I said as well, Rick, OK, that's great, but as we go forward, if it's still not enough, you know, you may need to up it. And, you know, he's willing to do whatever needs to be done to make sure that it's not over slightly, it's not, you know, too much and all that kind of stuff. So they originally were doing three before we went down to the shop. They'll now do four. We'll see how that goes, but if it needs to be five, you know they'll up at the five.

**Peter Leonard-Morgan:** Do you have any idea what sort of time the pickups will be? Because that's one of the issues I think is [multiple speakers]

**Bridge Littleton:** Between seven.

**Danny Davis:** And eight a.m. is generally what this company has committed to them. So they've also committed that they won't put the totes out till they close at night. So that's nine to ten o'clock. And then they get picked up generally before business hours in the morning.

**Darlene Kirk:** Due to questions. Number one, is there any mechanism for us to fine any restaurant that does put stinky food in there? I mean, I don't know if we have it. And the other thing is when they put the boxes out to the side on Madison Street, are they going to put them back so that they're closer to their side door? So if they put them too close to the front of Madison Street than there might as well put them on Route 50 if they put them back...

**Bridge Littleton:** I told Rick to put them at the back end of the building. So, you know, they can only go as far back as where their own property is, but it won't be like on the corner where the sheriff used to sit.

**Danny Davis:** In terms of the smell. It gets challenging in terms of when you're setting it out for actual collection pickup, because that's the purpose of setting out a trash can for that period of time. But we can work with him to try to find a way to resolve that, some of that could be more frequent pickups if needed, the one of the most important things is that in their daily pickups that the trash has to be contained in a container. It can't be set out in a bag, in a box, loose trash, because that was, again, with only once a week or minimal pickups. They were having challenges with that. So we will continue to keep an eye on and monitor that.

**Darlene Kirk:** We don't have any mechanism to fine them...

**Bridge Littleton:** So here's here's and I've talked to Danny about this. And this is actually a quick question for members of council. So we have ordinances around nuisance and stuff like that for noise and sound and whatever. We don't have anything in our ordinances around smell. So, you know, and you've got to be careful about it because smell is, you know, you can objectively measure noise with a sound meter. You can't objectively measure smell. But I've looked at other different things around the state and there are ordinances around odor. So if council is in agreement, when Danny and I know that they're understaffed and stuff like that, when they have some time, I think it would be good if they could go out and take a look at what some, you know, odor items are. Odor ordinances are in nuisance ordinances that, you know, we could do something if there was a problem, because I will say there was one of the restaurants and they took care of it who was having a smell problem a couple of months ago, you know, because their trash is behind and it was getting hot and it was going across the street into, you know, into other businesses. So and so. Fortunately, we had you know, they were willing to do it. But unfortunately, in our ordinances right now, there's nothing that we could do about it. Right from if somebody wanted to say, I'm not going to do anything tough cookies. So and again, I know you guys are overworked, but over the next month or two, you know, somebody can take a look at that and bring us back some options. I think that would be something that we should consider if everybody is OK with that. All right.

**Philip Miller:** One other point. With the trash being out on the sidewalk, we had an issue with spillage and stuff on the creating basically a coating on the bricks. We are actually at that point, again, I've had three people mention that to me in the last couple of days about where they put their trash cans out on 50. That needs to be power washed or scrubbed. It actually gets quite slick when the rain comes because there's clearly grease and oil that has covered the surface of the bricks. So not only does that need to be cleaned up, we also need to have a plan in place for them to continually maintain that if they're going to continue to put out trash.

**Bridge Littleton:** So Rick said he would do that because I brought that up with him as well. He said they would power wash it and scrub it with soap and all that stuff.

**Bud Jacobs:** But getting back to the Millwork problem. There will be one dumpster still on our property allegedly used for recycling. I don't know how [inaudible] the volume is in the Oyster Bar of packages or cartons that are not contaminated. I don't think it's the greater part of refuse that they produce. and I'm worried that those white boxes that their oysters come in are going to end up in that dumpster. And the problem is not going to be [inaudible] at all. How are we going to track that? how are we going to watch and make sure that the King Street Oyster Bar employees are following the guidelines?

**Danny Davis:** So we've had our maintenance supervisor doing regular, if not daily checks down there, generally around site. So if something had spilled on the ground to try to clean it up also so that we could report back to the business and let them know that they were causing an issue in some particular way or another. So I can work with Mr. Moore on asking our maintenance supervisor to to make regular reviews of what's being dumped in there to ensure, A, that it's appropriate and B, that it's not causing a smell or other kind of issue for the neighbors. And obviously, my phone is always on for anyone who has a concern or complaint to be able let us know so that we can address that right away.

**Bridge Littleton:** So let me add two things to that real quick. So in the conversation that I had, believe it or not, the vast majority of the boxes are things that do not contain loose food. So as an example, they will get a box filled with meatballs in plastic bags. Well, the meatballs aren't getting on the cardboard. They take the plastic bags out and they throw the cardboard out. You are right. The fish and the oysters are what come in these heavily waxed or Styrofoam containers,

which are not recyclable. So because I asked the same thing and he said you would everything they get comes in a package, but it comes in a box.

**Bud Jacobs:** So the non-recyclable stuff, presumably would not find its way.

**Bridge Littleton:** It's not supposed to. So what I would recommend we do, I know we're going to we have an agreement with Rick, as you know, for liability. It's actually a contract. Let's put in there that as we inspect it, if they I know they're not going to intentionally do it, but, you know, things happen. If it does happen, there is some redress we can take against them, you know, whether it's a penalty or a fine. Right. So when you violate, there's got to be pain to make sure that they don't do it again. So let's have something in there for that.

**Philip Miller:** Well, presumably we still need dumpsters in town, right? So we're removing them from there. What are we going to what are we going to use?

**Danny Davis:** So they were placed on town property, but they were paid for by the business. They are not public and or town use dumpsters. We still have the town dumpster down at the town shop. Right. Well, Well 4, I'm sorry. Not town shop. The Well 4 treatment plant for our minimal trash that Tim might pick up throughout town from the trash cans and otherwise on the streets. But we don't need those too large waste containers that had been placed on the shop for any town purposes.

**Darlene Kirk:** Since Tim's in town every day, can we make it his responsibility to check every day down there and make sure, please? [off mic]

**Bridge Littleton:** Any other questions? Cindy.

**Cindy Pearson:** I don't have a question, just have a comment I want to thank Bob and Joyce. I know that was hard to come in and talk to us. I'm glad you did, because, you know, if you talk to more than one person, you usually can get better ideas. And our staff does a really good job of trying to, you know, solve a problem. So I just wanted to thank you all for coming in. We know how bad that was. I did take a few wiffs one day. [off mic]

**Robert Ball:** You guys been good to us 52 years, so it's great. And just thank you for helping us. And we're going to work through it.

**Bridge Littleton:** And we appreciate your guys. I mean, we were trying to solve a, you know, an issue for another business, trying to help, and then it's created an unintended consequence. And so, you know, we really apologize about the how it happened and, you know, we're going to fix it. So but thank you guys for everything. Ok. Any anything else on this we'll go to the Salamander discussion. Ok, so real quickly. We're back. So hopefully everybody was able to see and read the memo that we got from J2 Engineering on the traffic stuff. I did talk with a number of citizens and residents over the last two weeks since our town council meeting. There's a couple of things I wanted to provide as sort of input questions that folks had. And then, you know, we can go into a discussion on, you know, the memo and you know what our thoughts are on the next steps. Also, I think hopefully everybody saw the email from Salamander regarding how they viewed, you know, what they potentially would or wouldn't do. It's in there right Danny?

**Danny Davis:** It is a small paragraph.

**Bridge Littleton:** It's an email. Oh, sorry. It was an email that I asked them. And we can, you know, go through that real quickly. So a couple of things real quick. So a number of folks have called over the last two weeks. So folks have stopped me. I've gotten a couple of emails like the one I forwarded out to everybody. So one of the questions that came up that sort of relates to Salamander and the parking issue is the Airbnb stuff. And some folks had thought, you know, probably because we live and breathe it. So we just know instinctively that the Airbnb stuff was something that was unique to Salamander. So and one of the comments was, you know, and part of the traffic thing was, well, if it's going to be this a little private Airbnb community, they shouldn't be coming through town. They're not really going to be residents. And, you know, since they're the only ones getting Airbnb and we don't you know, that seems like they're getting a privilege

nobody else in town is getting. And so I was like, oh, OK, well understood. You know, we didn't actually go into the details of it, but that's actually not the case. So I did explain to them, but I just wanted to put it out there in the in the general ether. So the Airbnb stuff really sort of came about in 2015. And here's what it was prior to 2015. If somebody wanted to rent their house out for a night or a weekend or whatever, you could do that. I mean, there was nothing keeping you from doing that. And, you know, Airbnb, it wasn't really about Airbnb. It was just you have the right to rent your home. Well, then Airbnb, so states started to regulate the Airbnb business because they thought this tax opportunity, but they also saw liability and so they started to regulate it. So the Airbnb lobbyists lobby the state legislature very hard to put a whole new set of rules in place. And those set of rules were basically would override any local government authority to regulate Airbnb if they wanted to, and really created a lack of transparency. So this bill got passed, but it had a one year study period before it became effective. And what the Airbnb law basically said was it will be regulated at the state level. Local government couldn't do anything about it. You couldn't zone it out. You couldn't control it, you couldn't restrict it, and you couldn't collect taxes on it, that the state could collect taxes on it and then would go into a fund that wasn't required to be publicly disclosed. So and Will probably remember this very well. I was on the Planning Commission at the time and it was something that the Planning Commission took up. So the advice from lawyers and VML was, hey, go and put some legislation on your books of how you would want to regulate Airbnb, because it's quite possible and what the state may say is if you have something on the books, you can keep it. But if you don't, our new state law applies. So Planning Commission worked really hard on this, and we basically came up with a scheme that said if you want to have the ability to do Airbnb, number one, you have to apply for a special use permit. So you can't just do it as a freebie anymore. And a special use permit is you go and file an application with the town and you get a special permission to go and do it. Will, what's a special use permit application fee now? So it's a two thousand dollar cost. So what we were trying to do is say, hey, if you're going to Airbnb, you're going to do it and you're going to do it right. Because we didn't want it to also make B&B, actual B&B like Middleburg Country Inn, you know, who are trying to run an actual B&B business didn't want to put harm on them. So you got to file a special use permit that has to be reviewed and approved by the town until it's approved by the town. You don't get to do it. And then we had a couple of other stipulations in there. Number one you couldn't you had to have a minimum of it was either two or three nights stay, can't remember which it was. two nights stay. So you can't have one night. You can have a limit. You can only have a limited number of cars. Will is it one car per bedroom? I think I won't even ask. All the requirements are out there. It's things like you can only have oh, you have to have a number. The number of parking spots at your place that all the cars can park at. You can't have more than two guests per bedroom. You have to have insurance for this. You have to pay the town the tax for TOT. The other thing was [off mic] it has to be your primary residence, so that's a very key point. It has to be, [off mic].

**Will Moore:** It has to be used primarily for residential purposes.

**Bridge Littleton:** It has to be used primarily for residential purposes. So what that basically means is the people who own it the majority of the time, that's probably the best way to say it. It has to be used as a residence, not as an Airbnb rental. OK, so and all these are requirements. You have to live by these rules. The other one was you. When you're Airbnb'ing it out, you have to have a property management company within 15 miles who can respond or has to be no more than 20 minutes away on call 24 hours a day. So there's a whole list of requirements. This was passed and it applies to every residential unit in town. So it's not a special Salamander thing only. You guys are smirking.

**Will Moore:** It's available in three of our four.

**Bridge Littleton:** Residential districts. right. [multiple speakers]

**Will Moore:** R4.

**Bridge Littleton:** R4, OK. So it's available as a special use permit ability that you can apply for in almost all of the residential areas throughout Middleburg. And that includes Ridgeview, right Will?

**Will Moore:** It does, assuming each property meets those minimum requirements.

**Bridge Littleton:** Right. Right. Yeah. I mean you got to meet the requirements. But the point is any home in Ridgeview could go and apply for this special use permit and then be able to do Airbnb no different than anybody at Salamander

would be able to do. And as Will said, one hundred percent in compliance with all the rules and requirements that we have on the books. And if you don't meet those requirements, you don't get to do it. What's that? Yeah, even if you do, you have to get permission.

**Peter Leonard-Morgan:** And isn't there a maximum number of days, like 30 consecutive days per year?

**Will Moore:** There's a total of no more than 180 days that can be considered for.

**Bridge Littleton:** That can be considered [multiple speakers]

**Bridge Littleton:** No. You know what? Let's do this. I've given a lot of the elements out. I'm going to say that 80 percent of them right, 20 percent are probably wrong, but it's on the town website under the zoning ordinance and all the stuff is there. The point is and I know I'm droning on about this, but I think it's really, really important for folks to understand. The point is that this is something that's been on the books since 2015. And we did it because we wanted to control and limit the ability of Airbnb to sort of, you know, be pervasive all across Middleburg. And we can also update those regs and make it harder over time if we want to. Now, I do think and Danny, correct me if I'm wrong, the Airbnb renewal failed.

**Danny Davis:** Yeah.

**Bridge Littleton:** I don't think it ever actually it was like a one year stay period, and then it had to get reapproved to be effective. And I don't think it got that doesn't mean it can't come back. So that was why the town worked really hard and really fast to get this on the books. So, again, just to, you know, to make sure that that's clear is that this was not a special thing that only Salamander could do. And I think one of the most important points of it is that home has to be primarily a residence. Right. So even if Ramsey, you wanted to do your house as an Airbnb or something and Salamander want to do their houses as an Airbnb, it primarily has to be used as a residence. So, OK, so we'll answer any question about the Airbnb stuff and we'll go into the J2 report and all that stuff. Mr. Jacobs

**Bud Jacobs:** Is another way of saying what you're communicating tonight, that there's no carve-out for Salamander for Airbnb. They will be subject to the regulations that are in place for everybody else in town. Can you tell us how many applications we've received since 2015 for special use permits for Airbnb? [off mic]

**Will Moore:** Zero.

**Bridge Littleton:** Now, that doesn't mean that we haven't had some cheaters who put themselves on Airbnb without the permit. And we enforced it. But no one's gotten a special use permit. Darlene?

**Darlene Kirk:** What do we do? Thank you. What do we do if we, there are cheaters in town and we know of several.

**Bridge Littleton:** Tell Will.

**Darlene Kirk:** I will, and then you'll take care of that or?

**Will Moore:** Yes, Estee as part of her kind of regular duties, monitors various websites. And I should say it's you know, we're using Airbnb because that's the biggest one. But we don't regulate the platform. We regulate the use, which is short term rentals. So she regularly monitors numerous sites and occasionally one will pop up. Sometimes one pops up and it stipulates a minimum 30 day rental, which Airbnb does offer that. So if you're renting for 30 days or longer, that's treated as residential occupancy. But we address the issues when they come up, when we find somebody doing it without a permit.

**Bridge Littleton:** Anybody else have any questions on the. Yes.

**Darlene Kirk:** I was just going to say, when we originally worked on this with them, we really we upped the number of rooms they had because we didn't want them to have all Airbnb is out there, we thought, and they said 168 rooms was enough to make, you know, to work. Yeah. Now, does Salamander know that because we know they have been selling them saying, yeah, you can rent it out.

**Bridge Littleton:** So that's the other thing I want to cover. I'll cover that next.

**Darlene Kirk:** Ok, thank you.

**Bridge Littleton:** Yeah, that's perfect. You teed that up just right. I know it's like George and Gracie. So any other questions on that. Yeah.

**Peter Leonard-Morgan:** So it's two thousand dollars per residence. Of course there's no blanket application.

**Will Moore:** Correct. One person couldn't come in and file an application for five properties and only pay the one fee it would be [inaudible].

**Darlene Kirk:** And how long is it good forever, or is it just a year?

**Will Moore:** So that that's a conversation we're going to bring the town attorney and I've heard different municipal attorneys offer different opinions on the validity periods or whether you can even establish one for special use permit. So you know something we'll need to consult with him on.

**Bridge Littleton:** And Will but that's sort of relevant relative to any special use permit, right? Yeah. OK. Yeah, OK. So, Darlene brought a good point about the Salamander and how they're marketing all that kind of stuff, so I did talk to I actually went by their model little not model, their showroom. There you go. and talk to the guy there and looked at his marketing material, looked at the website and the and the video and all that kind of stuff. And I want to be very careful about this. They are not marketing it when I say they're not marketing it as an Airbnb thing, what I mean is it's not on their literature, it's not on their website. It's not on their videos or anything like that. They're selling residences. And what they're saying is, if you would like to put your home up for short term rental the resort has established a program where we can be that twenty four hour, less than 20 minutes away service that you're required to have and we'll help facilitate all that for you. So now what. And the way it is, is that the feature a benefit that we would offer to you if you want to do it. And the feedback I got of the 20. I don't know how well, you know what, I don't want to say how many they have or haven't got not under reservation, I don't even know what it is. So anyway, the point is the Salamander is creating a program whereby if one of their residential owners wants to, you know, short term rental it out when they're not there or whatever, that the resort would do it and run it for them. And you clearly charge a fee, but also collect the taxes, clean it up, cut the grass, pay the town, all that kind of stuff. And they are offering it and saying this is a benefit in the future, that if you live in the town, you know, you'd have to go do all this work on your own. And we're happy to do that and facilitate it. And we'd love to do that for you. So they're offering as a feature benefit, but it's not something that they're going out and saying, hey, we're creating a timeshare opportunity for you. Right. You'll buy it. Never own it. But we'll you know and do that. So and I had a long conversation with the folks in the showroom about it. So they they want to sell them as residences, but they are apt. They absolutely have created this program and are telling folks about it and saying if you want to avail yourself of the program, it's here, we'll do it. And, you know, it's up to you as the owner. So and that was, you know, a couple of weeks ago when I talked to them. So that's those two things.

**Peter Leonard-Morgan:** Did they say how many of their reservation clients had shown interest in that? Because being in the business, I don't think a lot of people at that level want their houses Airbnbed.

**Bridge Littleton:** I didn't ask, because I was really more interested in how they were promoting it and how they were that they were. And I will say and I don't want to say the number because I know I'm going to get it wrong. But when I talked to the guy and he was from South Carolina, from South Street, and he did tell me how many and it was over 20 reservations that they had had and I just didn't even ask. He did say that they had had a group who was a company that was interested in coming in and buying like four of them and not turning into a compound, but turning it into a like you

know, it'd be like if the Boeing Company bought a cabin at Vail to Wine and Dine clients, a corporate kind of a thing, and they said, no, that's not what this is about. So, you know. Yeah.

**Darlene Kirk:** At some point just go back and ask approximately tell them it's not anything we're holding them to, we just want to know.

**Bridge Littleton:** Yeah, I'll ask. And they may not say. They may say that's private with our customers. And so which I get. So. Yeah, yeah. OK, so OK. So that's where everything is. Real quickly, everybody did have a chance to read the memo. And I think what would be ideal tonight is if we can oh, I did want to address a couple of public comments. If we can sort of, you know, get notionally where we want to be and if there's an ultimate decision that we will we want to recommend something to Salamander or not, you know, find that out and based on what we have now. So two quick things here I wanted to mention. So one of the public comments was instead of having two stop lights, let's move the stoplight. The challenge with that is the reason the first stoplight is there is because it is already so much traffic. It requires the stoplight there live. You remember, it used to be a caution light and the traffic became too much the caution light wasn't enough. And so they they upgraded it to a stoplight. So again, I'm not a VDOT person, but they don't I don't think they typically, you know, Madison and AJ shaking his head, Madison and Route 50 already have so much traffic that it requires a stoplight there. So they wouldn't and it [inaudible] Yea.

**Kevin Daly:** Just to reiterate, who controls the location of traffic lights, the town or VDOT?

**Danny Davis:** It's VDOT.

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

**Danny Davis:** In the town of Middleburg. It is VDOT.

**Bridge Littleton:** Yeah. So, yeah. I mean, I guess we could say please, but you're right, it would be up to them.

**Darlene Kirk:** [off mic]

**Bridge Littleton:** And then the next thing was oh the question about social media. So the town has actually and we signed the contract, right?

**Danny Davis:** Yes.

**Bridge Littleton:** Yeah. We have signed a contract with a whole new social media firm who is going to be taking over their name is Red Thinking. They're very good, they're in Ashburn and it's going to be a much more dynamic engagement. And they have a lot of deep resources, a lot of experience in that. So I think a good thing would be for you to plug in with Chloe and, you know, make sure that we're doing that right.

**Danny Davis:** Absolutely, we'll connect up. And we're developing the roadmap, the strategy right now. And in our kickoff meeting, that was exactly one of the things we talked about was how to better engage with all of the social already happening by our small businesses, specifically user generated content, the small business posting so that it is very much more dynamic. So we'll continue to stay in touch on that.

**Philip Miller:** And we welcome your input.

**Bridge Littleton:** Ok, so let us Bud let's start with you.

**Bud Jacobs:** Great. If I can clarify my own thinking a little bit, Bridge the issue of the connections, the proposed connections on Chestnut and Reed are in fact contained in Salamander's proffer. Is that correct? The 2015 proffer, right. [off mic]

**Will Moore:** Yeah, so the original proffers and every iteration since then have contained what's called a preliminary layout plan, which shows the various connections. In 2007 from the public street connections were planned from Pendleton Street. There was one plan through property owned by the community center, and then there was one plan through an extension of Chestnut Street. 2015, the one from 2007 that was planned through the community centers property was essentially relocated to an existing right of way, which would be an extension of Reed Street. The properties that you adopted, the amended ones in June that related primarily to construction traffic that actually also updated the preliminary layout plan to reflect some interior modifications. But it continues to show and again, it is proffered by them connections at Chestnut, Reed and Pendleton.

**Bud Jacobs:** That that's very helpful. So if we're being asked basically to either affirm what's in the proffer or not, that's the substance of what we're talking about here?

**Bridge Littleton:** I would say it's either, too. So there's nothing we can actually do about it. The only person who could do anything would be the Salamander. And the question is, do we want to take as a town and go to Salamander and ask them to change? And what premise or what Salamander has said in their email was they would consider any request the town made so long as it did not adversely affect their interests. So but I mean. But so but it's up to us. Do we want to. And it is ah you know, I mean I understand the the you know, the laughter, but the point is we have an affirmative responsibility, right? Do we want to do we think that ultimately we have to decide tonight. Do we do we think that Chestnut and or Reed, should be altered? And if so, we make we can make that request. And if not, we should just say we feel it should stay the same, whichever way we want to go.

**Bud Jacobs:** So that's what I meant by affirm.

**Bridge Littleton:** Yeah. Exactly.

**Bud Jacobs:** Ok, I've looked over the memo, I've had discussions with staff. I went back and removed the comprehensive plan from my bedside table and looked at it again. And I'm I'm prepared this evening to take a decision. Next. [laughter]

**Bridge Littleton:** All right. Philip?

**Philip Miller:** Yeah, I've gone over all of this and I thank the staff for all the hard work that they've put into this. This has been a heavy lift on top of all of the additional short staff issues that we've had. But obviously, this is a matter of public interest and we have to treat it with a great deal of respect. I have read everything, I've walked the streets with you, Bridge. I, too am ready to make a decision, I think, on a couple of different points or at least chart a path forward if we can have a constructive discussion. But the thing that really two things that really get me are the public safety aspect that AJ talked about with being able to police the roads and their maintenance by VDOT and that if they were private, that would not be overseen by potentially our police department and we wouldn't be able to stop them from making it a gated community, which philosophically is my other point, I don't think is in line with our community values. And I don't think it's in line with the character of this community, the walkability of this community. I think it separates us from them and further divides Salamander from town. And I don't necessarily think that that's the best thing for the town in the long term. And I realize that's a difficult position to take. And I don't take it lightly. I do think that that's an important consideration, that it's sometimes hard to make the hard decisions when it's in the best interest of the long term for the town. So that's my opinion.

**Darlene Kirk:** I, my feeling is it doesn't hurt to ask them and let them accept the responsibility of saying no, whatever, because that's what they're going to say. We voted on. We set that out because it felt like we were working on it we're going to have affordable housing, housing that kind of worked in with the town. And it's not, you know, where is our affordable housing. When are you going to keep up your part of it? Things like that. My attitude towards them is, say, ask for them to do it. And if I have to vote tonight, I'm going to vote no.

**Peter Leonard-Morgan:** Thank you very much. I'm certainly very sympathetic to all the residents in Chestnut Street and Reed Street and all the residential streets particularly over on Ridgeview. My concern certainly is that if we put it if we didn't have those connectors, my understanding from all that we've read is that VDOT would not allow the roads within

the Salamander residences to be public roads, and therefore they would be private roads, and we've talked before about what that could entail in the future with regard to maintenance. And if we have the only Pendleton Street and we wouldn't it just wouldn't work. We've seen the numbers here in these letters. J2 has done a lot of work. And so has the staff, I just can't see that we can do this without keeping the two connected with Reed and Chestnut, as well as Pendleton. And the walkability that we've talked about, the the grid structure of Middleburg, which I think the whole idea was to try and keep that grid structure flowing through to the Salamander residences is part of the nature of Middleburg, so I have to say that I feel that we should keep the two streets, is my view. As access points.

**Cindy Pearson:** Yes, this is going to be a hard decision for everybody because we all have our pros and cons galore on this, but we, the council members, the town employees and the citizens of the town, we all have researched like every aspect of this that, you know, we can to have access to Salamander. The residents at Salamander will be built. The owners and the guests of those residents will need safe access to their homes, the streets being owned by VDOT, which I believe is the best choice. Those streets will have to be built in VDOT's regulations. It is my opinion that we should agree with the plans to have access to the residents through Chestnut, Reed and I guess it's called West Marshall to Pendleton to having access on all the streets will alleviate the overcrowding and safety on any one street. It's my hope that we'll all welcome the new residents with open arms. Remember, our police department will do the best that they can to keep our community safe. I'm hoping that the communication that we've been trying so hard to have better hear through the town to our residents will include the new people at Salamander and, you know, let them know the safety that we want to keep through the Chestnut Street, Reed Street, all our streets in town to watch out for the children, to watch out for their older folks, to watch out for the dogs. We have more dogs, I think, than we do residents some days. It will take the citizens communicating with the police and the town staff if you do, though, see something that isn't right, that you don't feel as right as with Joyce and Bob coming in here tonight, they knew things weren't right down there. We just did. We took a while to get to a way to fix things. We always try to work with you all. You do have good ideas. I want to thank the citizens who have spoken out through all this. You've given us many different things to look at, and I think we've come at things a different way from all that you've done. But as we sit here and have to make these decisions, I think we have to have access through all those points and to Salamander.

**Bridge Littleton:** Thanks Cindy. Mr. Daly.

**Kevin Daly:** I find myself constantly frustrated by VDOT what we can and can't do. And so I'm not going to knock my head against the wall on that. I don't. I do know Pam is seeing me. I like getting out and walking in my community and I consider all of Middleburg my community. It's a small town. Two miles is nothing you can march that in about an hour. And that's what I do. I'm going to have to go by, Reed a little bit more so I can say hello to Ramsey. But I have nice chats with the dogs on Chestnut and I've gone through there several times during the course of the day and it's a quiet street. I wish there were some kids outside playing other than talking to the dogs as I go by because I like to see a diversity and a growing neighborhood which we have all ages in and about. But as others have said, this is a tough decision, you know, and that's why we're here to make tough decisions. I don't want to see us suddenly, not suddenly become a them or us, because not only do I walk Chestnut and Locust and Reed and Hamilton and Pendleton, I've even gone off and walked in the the trails of Salamander. Nobody told me to get off the property yet. So I consider that part of my community and I've enjoyed it. And I want to see that feeling Middleburg feeling continue to grow. It's not a them or us. It's us against VDOT. No, I don't go that far, but. I'm prepared to make a decision tonight.

**Bridge Littleton:** Ok, I guess the only thing I would add is. I really appreciate the staff, Danny, you and Will and Estee and everybody have really worked hard to try to help us sift through the mountains of information and, you know, empower us with the best with the best information we can to try to help us make a good decision. And this is compounded by the fact that it's historical, too, right? It goes back 15 years and trying to understand what happened then, what happened in 15, what's going on now. So you guys and this is the extra effort, you know, kind of event. So we really appreciate you guys working as hard as you had to do that. And, you know, it's made it easier for us to get the full picture. The second thing I would say is I want to thank the council for working very hard, reading all of this, talking to members of the community, thinking long and deep. And and this is a tough one. I mean, this is, you know, a lot of our votes or decisions or whatever are pretty straightforward and they kind of answer themselves. But every now and then we get ones that are like this, which are really, really difficult, because no matter what we do is going to impact folks one way or the other. And, you know, so I appreciate all of your all's diligence and hard work. And the last thing I'd like to say is I'd like

to thank the community because. If it weren't for an engaged community bringing these things forward, it would be impossible for the Council to chart a path for the town in its best of a way as possible. I'm not going to say in the best way possible, but in the best way that we can, given the limitations that are there and given the realities that there's pros and cons to every decision that we make your input has made us think in different ways, has made us reconsider things from the past. And, you know, just because it was fine in the past doesn't make it good today. I mean, there's plenty of things through history that make that the case. And it's always good to take a different look at things. And, you know, I was sitting with a member of the community yesterday looking at a map and looking at were there other ways in which you could, you know, a road could go and it's like, well, yeah, I could go there but wait but then that's not owned by them and that person would need that and whatever. And then I spent an hour and a half last night looking at the maps, trying to figure out, you know, could you go here? Could you go there? And the last person you want designing a road, you think VDOT's bad, is me. But you know. But that being said, you know, I really appreciate everybody's passion. And if there's anything that strikes true out of this entire issue that we've been wrestling with for the last two months now, it's the out care and love for the town and the community, which I think is what's really, really special. You would not see this in most places. Most places people wouldn't even care. Oh, yeah, whatever. You know, that's fine. So I want to thank everybody for that. With that, though, and, you know, I don't. Well. This is really hard and so I appreciate everything everybody is going to go through in and coming to where we've come. and I but at the end of the day, too, right, we do have to make a decision. Right. We have to give finality to staff. We have to give finality to the people who have to plan and the people who have to build and spend money and do stuff and plats and approval's and all that kind of stuff. And we have to give finality to the community. Right. And when I say finality, I don't mean it in the sense of we don't want to listen, we don't want to participate. We don't want to whatever. We want to do that as much as we can. But, you know, we also have to provide clarity, you know, and also we make a final make an ultimate decision. So so I think that's where we're where we're at right now. And let me just ask last, you know, call if anybody has any other thoughts or inputs or questions. OK, so I'm trying to figure out how to phrase this so everybody knows exactly what we're saying to do. I know exactly. So the question would be do we want to make any recommended? Well, let's do it that way, because if we do ultimately want to make a recommended change to Salamander, OK, then we have to discuss what that change is. But if everybody feels no, it should stay the way it's planned, then that's the way it is. That's the way to ask it. Does everybody feel what is everybody's opinion or view on should the road connections at Chestnut and Read remain as proposed or not? And if it's the majority is not, then we have to figure out what we want to forward to Salamander.

**Danny Davis:** If I just may clarify, it's not even remain as proposed it's remain as currently approved in the preliminary layout.

**Bridge Littleton:** You're right. Do we, do we do we want to keep the connections as currently approved in the plan. And so the answer, if your answer is yes, that means you want to keep things as they are currently laid out now. If your answer is no, then it's, OK, we would want to make changes. And if we have a majority of folks that want to make changes, then we got to figure out what those changes are. And we have a whole new, more complex thing to get into. But, so I guess we just can go around. Bud.

**Bud Jacobs:** Yes. I think that's right. Right.

**Bridge Littleton:** Yes, keep things as currently approved.

**Bud Jacobs:** Yes.

**Philip Miller:** Yes.

**Darlene Kirk:** Absolutely not. It doesn't hurt to ask them, they've not kept half of the promises they've made us, where's our affordable housing? So I say no.

**Peter Leonard-Morgan:** Yes.

**Cindy Pearson:** Yes.

**Kevin Daly:** Yes, in the concurrence with the J plan recommendations or the engineers.

**Bridge Littleton:** Ok, Danny, did you have something to say.

**Danny Davis:** I just didn't know if you prefer that to be a formal motion or not. I mean, there's no motion needed, but.

**Bridge Littleton:** I think if we were going to change, if we were going to direct something different to be done, that would be what the motion would be. So if we had said yeah, then we would move forward with a motion. OK, so OK. So I think that's where it is. So Darlene, one thing I will say about the affordable housing [inaudible] with Salamander. That doesn't mean those things are off the table. We can still start. There's nothing that stops that driving. So and if we.

**Darlene Kirk:** 15 Years later.

**Bridge Littleton:** And we should. Well, they were going to build the houses 15 years ago.

**Darlene Kirk:** [off mic]

**Philip Miller:** Do we know what timeline these connections would be at when, when are we looking at them to start.

**Will Moore:** I mean they could there are a couple of things still outstanding, but they could be moving earth work within a month.

**Bud Jacobs:** Ok, can I pose.

**Bridge Littleton:** Real quickly just a quick question. But that's earth work anywhere on the site. Not necessarily the connections.

**Will Moore:** Correct.

**Danny Davis:** Can I propose that we look into mitigation steps for the safety of those roads for Chestnut and Reed so that we can understand potential pitfalls once these connections are made and so that we can actually have professional recommendations that tell us what could potentially need to be done. If we need to make improvements to the roadway or trim trees back or anything like that, I would recommend that we do a thorough investigation and have a plan in place.

**Bridge Littleton:** One quick thing too that was brought to me by a resident was the mailboxes. So let's make sure or this is a council decision, let's make sure that those mailboxes are not on Chestnut or Reed.

**Darlene Kirk:** [off mic]

**Bridge Littleton:** Well, they can't put them on there. That's a public street. I'm talking about the connection. So those got to go somewhere else. So, you know, let's have that conversation with them. Yes.

**Danny Davis:** Mr. Mayor, we can express that desire and preference to Salamander. My understanding in speaking with. My understanding in speaking with them is that they have an intent to move them, but again, we're in review of plans and so I can't speak to what the plans show at this moment. However, I've heard that they've heard that message loud and clear, and we can deliver that again.

**Bridge Littleton:** Ok, well, I will deliver it again and to others. Yeah.

**Darlene Kirk:** [off mic] It's not our responsibility to trim back the trees.

**Bridge Littleton:** No that's VDOT.

**Darlene Kirk:** I know. That's so that I kind of got the feeling that you were saying that we need to be doing that and it's not us at all. It's certainly they have.

**Philip Miller:** Let's study what's necessary to make them as safe as possible so we have a mitigation plan in place when those things go live.

**Cindy Pearson:** And there was at one time, I don't know if this is possible or not, someone made a comment maybe Chestnut wouldn't be open to use until the houses were built or ready to move into. And I might not be saying that quite correct. Does anybody else remember this construction.

**Kevin Daly:** Construction traffic would not be allowed down Chestnut or Reed.

**Bridge Littleton:** Well, if you guys remember, we I think correct me if I'm wrong, but the agreement is construction traffic will only go down Pendleton or. [multiple speakers] Construction traffic can only be going down Foxcroft and Pendleton.

**Cindy Pearson:** Ok, thank you. And AJ could you please put the air conditioner up one. I'm freezing

**Darlene Kirk:** And yeah. I just have one question to can we also I know you said that [inaudible] [off mic] So the preference about the mailboxes can we make it clear from that front, from Council. From council's viewpoint we want them to put the mailboxes elsewhere. I mean, I want that delivered to them and say this is a Council's view. We don't want your mailboxes here and here, so make another plan.

**Bridge Littleton:** Yeah, no, I mean, we told them that explicitly and I will call them tomorrow morning and express that vehemently. Peter.

**Peter Leonard-Morgan:** Thanks. I think there was a verbal commitment that they would not they wouldn't force workers at Salamander not to go down Chestnut. Can we somehow get that?

**Bridge Littleton:** That's in. That's. Let's do this, let's put it on the agenda for next time when I call them tomorrow they did make that verbal commitment that they were here when they were here, that they would they would, you know, create pain on their contractors if they did it and were and were caught. Let me find out what that means and we'll bring it back.

**Danny Davis:** I just need to clarify Council Member Leonard Morgan's comment whether that was regarding employees at the resort?

**Bridge Littleton:** Construction traffic going through Ridgeview.

**Peter Leonard-Morgan:** No, I agree. But I wonder if we can ask them about employees. I mean, you mean. [multiple speakers]

**Danny Davis:** That's two different conversations. Construction traffic, clearly and that includes any contractor doing construction. Right. So I will handle that piece of it because that's a proffer. The separate question is about employees.

**Peter Leonard-Morgan:** I seem to recall a a conversation I [inaudible]

**Danny Davis:** If I may. My understanding is and Ms. Kirk may know this better than I, my understanding is they request and tell their employees to only use Foxcroft to access the resort because they want the employees to go through the back way to the back parking lot. Enforcement of that for us gets very, very challenging in terms of its public streets access. It's up for them to really monitor that and to enforce it by their own staff and upon their own employees. But we will again reiterate that as well.

**Will Moore:** And we are separately making suggestions to Salamander for ways to avoid cut through traffic, through Chestnut, through the development to the resort. So one option is to potentially get the two private connections that are within the development leading to North Pendleton. So this is not gating at Stonewall Avenue, but there are two private connections from the residential development that would connect to Pendleton Street. And if they were gated, such that only the residences of that development who have that relationship with the resort could get access through, then that would prevent the random employee or, you know, somebody coming from Winchester who's going to stay at Salamander from cutting through.

**Bridge Littleton:** And in fairness, where those two connections, those two connections hit the private part of Pendleton.

**Will Moore:** Yes, correct. Right.

**Bridge Littleton:** That's already a private road.

**Will Moore:** Exactly right.

**Darlene Kirk:** Ok, Peter, I just wanted to say I love that you think we can stop them, but I know well, I know you weren't. You would suggest that we stop them. But you see them every day. I recognize half of them because, you know, I worked there [inaudible]. And so it doesn't do any good [off mic].

**Bridge Littleton:** Ok, Danny, is there anything else you need?

**Danny Davis:** Not on this topic. No, sir.

**Bridge Littleton:** Ok, and I would say to that, you know, from a community perspective, if anybody wants to call me tomorrow or chat over the weekend, by all means, please feel free to. happy to chat, happy to talk anytime on on this, because this is a hard one. Probably one the hardest one's ever. Since I've been on council, well, hiring Danny was a hard one. That's the hard one, getting him to use bullet points. Exactly. OK, so we'll move on with the agenda is which is the next item is the. There's nothing on the consent agenda right?

**Danny Davis:** Correct, I did not do the minutes from the last meeting.

**Danny Davis:** Next item. That's all right. We'll do it next time. Action item is council approval of the Hunt Country Music Festival grant request.

**Danny Davis:** Mr. Mayor and council members. This was a grant request that came to the Cultural and Community Events Committee a few weeks ago. It is put on by the Middleburg concert series, and their goal is to create a weekend music festival the same weekend as Art in the Burg in May of 2022. The representatives of the concert series met with the Middleburg Arts Council last evening to discuss the proposal, discuss the coordination of the two events, and there was a general sense of support and agreement to work together and to have this integrated and even the idea that becoming less about Art in the Burg and more about the Arts in the Burg, which is really the goal of the Arts Council. So all that being said, there's support from Art in the Burg to have this over the same weekend. The request here is for grant funding from the town in accordance with our grant policy, which would be five thousand dollars. If you recall, the grants can be requested and can be approved for a three year period. It's meant to be seed money to help events either get started or to support. But after the three year period, they would no longer be eligible for town grants in this way. So with that is a recommendation to support the effort through the five thousand five thousand dollar grant.

**Darlene Kirk:** You said we had a meeting last evening, did I miss that?

**Danny Davis:** I'm sorry, the Arts Council was last evening, the Cultural and Community Events was [multiple speakers]

**Darlene Kirk:** All right. Thank you.

**Bud Jacobs:** Any questions? Yes sir.

**Peter Leonard-Morgan:** Sorry, this was sorry. Thank you. This was going to come before us last meeting and then they didn't want it. What was the reason for that? Was that because of last night's meeting?

**Danny Davis:** We did, that's correct. We just wanted to reaffirm with the Full Arts Council and not just with the chair.  
[off mic]

**Bridge Littleton:** No, we need some debate on this. Kevin, is there a motion?

**Kevin Daly:** Yes, I move that the town council approve the recommendation of the Cultural and Community Events Committee to provide a grant to the Middleburg concert series in support of the Hunt Country Music Festival to be held May 20th through 22nd 2022 in the amount of five thousand dollars.

**Cindy Pearson:** We all second.

**Bridge Littleton:** Any discussion?

**Bud Jacobs:** All those in favor, say aye.

**Everyone:** Aye.

**Bridge Littleton:** Opposed, abstentions. Ok, great, that one is passed. Next one is noise ordinance. We can call this the Bundles Murdoch.

**Danny Davis:** [off mic] I will state that she didn't realize it was on the agenda until earlier today and has a conflict. She also expressed she didn't feel there was supremely urgent since the next non observed on the same day as a holiday is not until later this year like December or something. But all that being said, it is brought to you for whether you want to have any discussion tonight or wait till another meeting on this topic. We're happy to answer any questions you may have.

**Kevin Daly:** So there is one concern. There's going to be an event in August, the first Tuesday, and they kind of loud and obnoxious out there.

**Danny Davis:** Yeah, we're exempted from those.

**Kevin Daly:** Oh, OK. I was just wondering.

**Bridge Littleton:** Good luck with that. So I mean, I think this is a pretty easy one, but does anybody want to, any discussion on it or anybody?

**Peter Leonard-Morgan:** I did do some homework on this and I was I looked at other towns and I just like some clarification. It seems like a lot of other towns don't. I mean, they have a noise ordinance, but it's like one hour difference and they can make noise construction, right? Construction we're talking about. construction noise on a Sunday, but instead of being six thirty, it can be seven thirty or instead of eight o'clock, it's nine o'clock to start.

**Danny Davis:** And that is the same as what ours currently reads.

**Peter Leonard-Morgan:** Right. And I did read that. And funny enough, I wanted to make a comment about that because I think unless I'm mistaken, it doesn't read quite right, but it talks about. Where is it? Let me see, I made a note. Excuse me. It says between the hours of nine p.m. and eight a.m. Sunday, shouldn't say between the hours of nine p.m. Saturday and eight a.m. Sunday,

**Danny Davis:** It probably a little clunky in how some of that is written, but it's interpreted to be from the evening before to 8:00 a.m. that next morning.

**Bridge Littleton:** That's an easy update.

**Peter Leonard-Morgan:** But also, I see other I'm not saying we should do what other towns do. I'm just curious here as a sort of a conversation piece. A lot of other towns don't seem to have construction noise ordinances even on holidays.

**Will Moore:** Correct.

**Peter Leonard-Morgan:** So we're the only one, right?

**Will Moore:** It was I don't know that we're the only one. But it's fairly unique to enact what you just recently enacted. Yes.

**Peter Leonard-Morgan:** We're looking at other towns in Loudoun County that have the ordinances. OK, thanks.

**Bridge Littleton:** Was there any I mean, I think it's a good idea. I mean, I totally agree.

**Peter Leonard-Morgan:** I actually think it would be good to have no noise on Sunday because that is the day of rest. So that's a different conversation.

**Kevin Daly:** Construction noise. ringing of bells, that's OK.

**Bridge Littleton:** No joy, no laughter, no breathing.

**Peter Leonard-Morgan:** So my thought is construction noise on a Sunday really doesn't make any sense.

**Danny Davis:** If I may just if you were to pursue this further in terms of at least the question at hand on the holiday versus the observed holiday. So let's use July 4th as the easiest example. Is the intent that the restriction would restrict both days, the actual holiday itself and the observed holidays, because you would be expanding the limitation on construction activity, which could inhibit people's abilities to complete projects and which are underway. The flip side is if you move it to the observed holiday, then that person could work on the actual holiday itself.

**Bridge Littleton:** So to me. It's the actual holiday, the day everybody is off with family doing whatever is the Fourth of July. Now, you could be going on vacation, doing something else on, you know, on the fifth if it's a Monday like this year. Right. Or it's like, you know, I don't think what we're saying is, oh, if Christmas is on a Sunday and observed Christmas is on a Monday, no construction on Monday, but you can do construction on Sunday. No, that's not what we're saying. You know, it's the the observed holiday is the day off that the government gives you. That's not when we you know, that's not when we all get together for the activity of that holiday. We get together on the activity of that holiday on that day always it's always the 25th of December.

**Peter Leonard-Morgan:** I think one of the confusions was that Bundles thought that Sunday's there was no noise. Right. And so Monday there was noise. But it is allowed on Sunday. [inaudible] would have happened would be there would be no noise on Sunday because it was the holiday? [off mic] So it would have conformed.

**Will Moore:** And I think in fact I know after the conversation today, I think Bundles was a little bit confused about the Sundays because she has construction activity that's happening right next to her right now. There are two homes under construction. And that particular contractor or any of the subs simply have not been working on Sundays voluntarily. So they didn't work on July 4th, just as they hadn't worked on any Sundays. But then they were there on Monday, July 5th working. So that's kind of what brought this on.

**Philip Miller:** She expressed to me that she had family staying with her on the observed holiday, and it started right at the moment that they can start legally with the construction work. Yeah, so.

**Bridge Littleton:** Well, I mean, you know, I understand. I mean, I get it. But what happens when that fourth is on a Monday and the fifth is, you know, the special day is the fourth, right? Yeah. I mean, so I mean, Danny, I get your point right, it's like you might add three or four days a year where construction can't happen.

**Danny Davis:** So I think from our perspective, we think the ordinance, as drafted, captures the intent of what council was trying to accomplish and as can, as enacted is appropriate, I think expanding it could have continued unintended consequences down the road.

**Bridge Littleton:** Yep, yep. OK, everybody good. All right. Moving forward.

**Danny Davis:** Just expect to hear from Bundles.

**Bridge Littleton:** Philip, we'll talk to her. [off mic] It's nothing new.

**Peter Leonard-Morgan:** I do think Bundles understands about Sunday. She's very bright. Very smart.

**Danny Davis:** She actually said this morning that then her next request would be to come back to council and ask that you restrict construction on Sundays completely. So I'm just sharing what the member of the public stated.

**Bridge Littleton:** Ok. All right. Next item, historic. [off mic] Historic District guideline update. William.

**Will Moore:** Thank you, Mr. Mayor. Members of council. This is simply for informational purposes. This is the first full draft, complete with graphics and actually formatted that was delivered to HDRC just a couple of weeks ago. But I want to really express that a tremendous amount of work had gone into it to this point. HDRC had line by line individually reviewed all of the text up to this point. So this was just let's package it and here's the first draft. But we're going to be under a tight timeline to get these guidelines adopted in order to meet our grant reporting requirements. So you do not have your first meeting is typical in August. You only have your second meeting. And we will need to have these in a form that would be able to be adopted by you at that time so we can turn around and then complete the grant. There are a few things in here under first review that HDRC is asking us to revise. It's mainly replacing some pictures that they didn't necessarily think were appropriate for what was being demonstrated. So we're working on that. Estee was around town today snapping many photos and re snapping, but we wanted to get this to you so that we just didn't come in on the 26th of August, drop it and say adopt this. So we wanted to get you this first draft. So you had some time if you wanted to get into any detail yourselves individually spending. So that's why it's here the HDRC suggested we deliver it to you at this point in time so you have the benefit of 159 pages. So when you tire of your comprehensive plan Mr. Jacobs, you can replace it with this. So no action is requested. But if in your individual review you see something in that's of concern, please let us know and we'll address it very quickly.

**Bridge Littleton:** Yes, Cindy any input?

**Cindy Pearson:** It has been a.

**Bridge Littleton:** Labor of love.

**Cindy Pearson:** Yes, I've learned a lot, believe me. And I what Will says is true. And if you do see something, if you would go ahead and tell Estee or Will, then don't wait. That would be appreciated. You know, it has been looked over by the whole committee. The group that they hired, [off mic] Yes. They've done a really good job. They've they're excellent. You know, like Will said there's just a few things now that Estee's given to them I guess, this week that looks good. I mean, if we should hold up the old ones and the new ones, it'll be such a difference and makes life so much easier for anybody that's applying for anything in the Historic District.

**Bridge Littleton:** So any other questions for Cindy?

**Peter Leonard-Morgan:** Yeah, I want to just say I did actually go through quite a few times and I can't believe how good it is and how much work must have gone into that. And I have to say that there's a few things that I love about energy conservation. And where did I put some notes here. ADA. I wasn't going to say that, but now that you mention it. ADA. Talking about ADA and small cell communications, actually, and the towers. Very interesting. So thank you to everyone. Really great.

**Cindy Pearson:** And it will be really great when you get to look at it online, because if you're one spot and you want to hit on that, it'll take you directly to it. You won't be going through 130 some odd pages.

**Will Moore:** You'll be able to hot link right from the table of contents to each individual chapter. [multiple speakers]

**Philip Miller:** Well done.

**Bridge Littleton:** Yeah. I will say I've been through it once and it's a very diligently, well thought out you know plan. It's really good and, you know, so as Will mentioned, we do have this deadline. We're running up against too at the end of August. And so after that, if we find something that we feel needs to be corrected, we can always make an amendment. OK, any other input on the HDRC. [inaudible] Ok, so next one is discussion of zoning amendment to R2 district. It's on the agenda. Staff memo to be provided Tuesday July 20th.

**Danny Davis:** Mr. Mayor, we were not able to complete this. We were happy to give a brief overview, as we did with you, in terms of where we stand with that, if you'd like to. But we weren't and I apologies, able to get a memo to you.

**Bridge Littleton:** Ok, yeah. If you don't mind.

**Will Moore:** Certainly. So in our agenda meeting, we had a discussion with the mayor. Really interested. Of course, you realize you passed an amendment to the R-2 regulations a couple of months ago relative to building height and how that relates to side yard setbacks. But within that, an original staff proposal to the commission to potentially establish a maximum size to that consolidation of many smaller lots and into a large like the Planning Commission had not elected to proceed with recommending that to you. You had asked that we go back to the commission and revisit that. So we will be doing that, reintroducing that request to revisit that at the commission's meeting this coming Monday. We also wanted to get moving on, studying another topic that is, I think, essential to getting a grasp on when it comes to that character issue of infill and redevelopment. And that is the lot coverage requirements. And that was something that we recognized was going to take a lot of additional diligent study. So in conversations again with the mayor in the agenda setting meeting, we have reached out to the Berkeley Group. The Berkeley group is a consultant that we used when we were doing our comprehensive plan update. So I've had an initial conversation with one of their principals, have sent them the background information on everything that had been studied up to this point. And they were going to put a proposal together to to assist with that effort because it's a really important effort to to really get it right. And just we just don't have the bandwidth to really give that everything we need to give it to make sure it's right. So we're going to enlist help potentially from Berkeley [inaudible] we see that proposal. So we're hoping to have something from them in the coming weeks. But we're going to start the conversations with the commission in the meantime.

**Bridge Littleton:** Great, anybody have questions. Yeah.

**Bud Jacobs:** Are they going to help out on both issues, the consolidation of lots and lots coverage or just the lot coverage?

**Will Moore:** I'm going to ask them to relook at everything. And even if there are other ideas that they have that might help us also get a better handle on the character of that development.

**Bud Jacobs:** Thanks. That's great.

**Bridge Littleton:** Yeah, I think, you know, I mean, we all know we're talking about, you know, in terms of what we're trying to avoid. And, you know, the one house is going up right now that's almost done. It's completely permissible. Right. But I mean, it's built to the edge. There won't be a blade of grass and, you know. Well, yeah, [inaudible]. But there was another home that was bought and, you know, same kind of deal just up from you. They're going to tear it down and go to the max. And so, you know, how do we make sure that we have I think Will, what you brought up in the meeting that I thought was great was. There's nothing wrong with tearing down and building something new, but what's makes what makes Ridgeview so unique is that they're all these all the lots are kind of odd shaped and the homes are kind of like all up and down. You know, there's all this variety that sort of mixes in well together. And there's the one that's cattycorner from you that those folks built. And that's a good example of, you know, not too bad. I mean, it's a little big, but it's a little bit. But it ain't the other one. Right. So how do we ensure that, you know, if you want to tear the house down. Sure. But, you know, same major characters, what goes back up? So I think working with the Berkley Group will be great. They're smart folks. OK, we've covered the Salamander issue, the last item here is closed session. Who wants to read the memo? We do, yep. Oh Peter.

**Peter Leonard-Morgan:** I move that council goes into closed session as authorized under section 2.2-3711 of the Code of Virginia for the discussion or consideration of one, the lease of property for public parking purposes and two the disposition of publicly held property related to the Asbury Church, both as allowed under subsection A3 and three briefings by staff members pertaining to actual or probable litigation, where such consultation in open meeting would adversely affect the negotiating or litigating posture of the public body related to two requested boundary line adjustments as allowed under subsection A7. I further move that the council therefore therefore thereafter reconvene in open session for action as appropriate.

**Darlene Kirk:** Second.

**Darlene Kirk:** All those in favor say aye.

**Everyone:** Aye.

**Bridge Littleton:** Opposed abstentions, OK, closed session time. [Close Session} Ok, I asked the council certified to the best of each member's knowledge, one only public business matters lawfully exempted from open meeting requirements of the Virginia Freedom of Information Act, and to only such public business matters as were identified in the motion by which the closed meeting was be were heard, discussed or considered in the closed meeting. I would like to remind those present for the closed session that any discussion occurred within it should be treated as confidential. Bud.

**Bud Jacobs:** Yes.

**Philip Miller:** Yes.

**Darlene Kirk:** Yes.

**Bridge Littleton:** Yes.

**Peter Leonard-Morgan:** Yes.

**Cindy Pearson:** Yes.

**Kevin Daly:** Yes.

**Darlene Kirk:** Two quick things.

**Bridge Littleton:** Turn your mic on.

**Darlene Kirk:** Ok, first of all, I was asked by a citizen when we are going to start the weekly newsletter again. And second of all, I wanted to let everybody know that [multiple speakers]

**Bridge Littleton:** Oh oh oh. Right, right, right. Sorry.

**Darlene Kirk:** And I want to let everyone know that I heard from former Councilwoman Eura Lewis and she's doing well. She's planning on moving back up here soon and just wanted to say hi.

**Bridge Littleton:** Did they say when? when Eura coming back?

**Darlene Kirk:** No, she she actually sent me a card and she said, I'm planning on coming back soon, Soon as I can.

**Danny Davis:** Ok, I will be sending out the weekly newsletter tomorrow and hopefully for the next couple of weeks because we really want to push sidewalks sale and open late series and National Night Out. And then start kicking off Oktoberfest. So we'll start getting that out. It won't be as extensive as it's been in the past, but we will. [off mic]

**Bridge Littleton:** I was going to say the same exact thing and then the golden rod. All right, anything else from anybody? Going once. Going twice. Meeting adjourned.