



MIDDLEBURG TOWN COUNCIL
Regular Monthly Meeting Minutes
Thursday, October 28, 2021



PENDING APPROVAL

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

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

The Town Council of the Town of Middleburg, Virginia held their regular monthly meeting on Thursday, October 28, 2021 in the Town Hall Council Chambers located at 10 West Marshall Street. Mayor Littleton introduced Paul Hawkinson, a 5th grader at The Hill School, who was serving as Mayor for the Day. Mayor for the Day Hawkinson led Council and those attending in the Pledge of Allegiance to the flag. The roll was called at 6:00 p.m. Vice Mayor Miller participated in the meeting remotely from his home due to medical reasons.

Public Comments

Colonel John Kevin Daly, U.S. Army Retired, appeared before the Council representing the American Legion Post 295. He reminded Council and the audience that November 11th was Veterans Day. Col. Daly asked that in honor of those who supported and defended the Constitution of the United States, everyone exercise their right to vote on November 2nd.

Col. Daly announced that the American Legion and Boy Scout Troop 2950 would host a 5K Fun Run, as well as a breakfast, on November 13th, with the race starting and ending at the American Legion.

Public Presentations

Status of Stormwater Management

Kim McCool, of the Virginia Department of Transportation (VDOT), reported that they conducted an onsite visit to two locations a week ago. She advised that the first was to the cemetery located off East Federal Street to view the existing pipe that was discharging water onto the property and causing erosion. Ms. McCool reported that they discussed a number of solutions, including digging a ditch to define the flow of the water and installing a new culvert that would allow the water to flow to the west side of the driveway to an existing drainage ditch. She noted that this would require the permission of the church and advised that she was working with the Town to secure that.

Ms. McCool advised that they also visited the area of Sycamore Avenue. She noted that the Town had engineered a solution to the drainage issues in this area that involved a drainage ditch to convey the water away from the residents' properties, which would require coordination with a housing developer, the Community Center and Salamander.

In response to an inquiry from the Council, Ms. McCool advised that it would take up to three days to complete the work. She reiterated that she was working with the Town and property owners to get the necessary permissions. Ms. McCool advised that she was also checking with VDOT's maintenance crew to determine whether they had the necessary materials on hand to do the projects; otherwise, it would take forty-five days to order and receive them.

Mayor Littleton expressed his appreciation for VDOT's efforts and noted that Vivian Warren also sent her thanks. He advised that he had been in touch with the developer and would follow-up with him further once more information was available.

FY '21 Audit Report – Mitchell & Company

Sandy Tondreau, of Mitchell & Company, reported that they completed the audit for the fiscal year ending June 30, 2021. She advised that she would focus on her presentation; however, she noted that the Council had the draft audit report. Ms. Tondreau advised that the Strategic Finance Committee heard her presentation and conducted a deep review of the audit.

Comparative Balance Sheet – Ms. Tondreau noted that the Town now had separate capital funds; however, for audit purposes, the “Governmental Fund” included both the General and Capital Funds. She further noted that the same was true for the Water/Sewer Fund. Ms. Tondreau reminded Council that the cash and investments included the money in the Town’s checking account, certificates of deposit and its investments. She advised that the biggest change was the investment of the \$8 million from the Town Hall bond issuance. Ms. Tondreau noted that it was invested in a SNAP account so it could earn interest until the money was needed for the project.

Ms. Tondreau advised that the biggest difference in the Receivables category was related to the meals and lodging tax revenues. She reminded Council that the revenues received in July for the month of June were now booked back into the appropriate year and noted that there was not much revenue coming in for either category in July of 2020 due to the pandemic. Ms. Tondreau advised that those revenues picked back up this year.

Ms. Tondreau advised that the reduction in the Fixed Assets was due to the money that was used for the design of the Town Hall Project. She noted that there were not many additions this year.

Ms. Tondreau advised that the Other Assets mainly consisted of the Town’s pension funding. She reminded Council that while the Town was not required to record this liability on the books, it was required to be reported on in the audit. Ms. Tondreau further reminded Council that the calculations were provided by the Virginia Retirement System (VRS) and that they were always a year behind; therefore, the assets were the contributions for the last year.

Ms. Tondreau reminded Council that the Liabilities category included the normal payables; the Accrued Expenses included wages, interest on loans and, the utility deposits; and, the Long-Term Debt included bond debt. She noted that there was a change in the latter category due to the issuance of the Town Hall bond and the refinancing of the 2010 note.

Ms. Tondreau advised that the Other Obligations category included the Town’s pension liability, as well as vacation accruals. She reported that the pension liability increased to \$440,000.

Ms. Tondreau advised that the Surplus/Equity category included some restricted funds, such as the ARPA funds that had not yet been used.

Profit & Loss Summaries: Ms. Tondreau advised that the Town had revenues in FY '21 of \$12 million, including the \$8 million from the Town Hall bond issuance. She reported that the expenditures were up slightly to \$3.4 million. Ms. Tondreau reiterated that the surplus included the Town Hall bond money. She reported that there was not much change in the Health Center Fund, aside from some interest and the donations that were made. Ms. Tondreau advised that the revenues in the Water/Sewer Fund for FY '21 increased slightly to \$1.5 million, mostly due to the receipt of some availability funds. She reported that expenditures in the fund were down slightly and advised that this was the result of bond fees that were paid in the prior fiscal year.

Governmental Fund Reconciliation – Ms. Tondreau advised that because the \$8 million in bond funds were misleading, she removed those, as well as the ARPA funding. She further advised that she added back the bond fees and the capital fund balance, resulting in a General Fund operating surplus of \$961,000 in FY '21.

General Fund – Other Revenues: Ms. Tondreau advised that there was no change in the bank franchise or business license tax revenues. She reiterated that the largest change was in the meals and lodging tax revenues, which have rebounded since the prior year.

Utility Fund Operating Results: Ms. Tondreau reminded Council that there were some accounting things she must do that were not related to operations. She advised that while the surplus appeared to be \$135,000, once she subtracted the availability and tower rental revenues, which were not operating revenues, and added back in depreciation and debt, the net operating surplus for the Water/Sewer Fund was actually \$271,000.

Water/Sewer Fund Revenues: Ms. Tondreau reported that the major change to the revenues was because the revenues were down the prior year.

In response to an inquiry from the Council, Town Treasurer Staples confirmed the figures included the utility credits that were given during the year.

Percentage of Gallons Billed to Pumped: Ms. Tondreau opined that the Town had made strides in this area, including improvements to the water infrastructure and better tracking of the usage. She noted, however, that the number was still low when compared to other towns. Ms. Tondreau acknowledged this was something the Town continued to work on.

Mayor Littleton suggested the need to fix this and noted that Middleburg was 10% below the norm. He opined that this resulted in real money. Mr. Littleton suggested the staff develop a plan for the Council's consideration, to include the cost, to get the figure to 90% or better.

General Fund – Surplus Fund Balance: Ms. Tondreau reminded Council that the Town wanted to have a surplus as it did not know when money would be needed, such as what occurred last year with the COVID pandemic. She opined that it should not be too large and suggested that as the balance increased, the Council needed to decide what to do with it. Ms. Tondreau acknowledged that the Town planned to use some of the balance for the Town Hall Project and suggested she include an explanation of this in the audit report. She reminded Council that they had the ability to add an explanation of items to the audit report.

General Fund Budget-to-Actuals: Ms. Tondreau noted that the Town was always under its expenditures, which was why it developed a separate capital project fund. She noted that revenues have been hard to predict recently due to the COVID pandemic. Ms. Tondreau advised that the Town did a good job of budgeting.

Town Issues: Ms. Tondreau reported that Mitchell & Company had issued the Town a clean opinion. She noted the pandemic response the Town provided and was still providing. Ms. Tondreau acknowledged that the Town was pursuing more grants and advised that if they hit \$750,000+, there would be extra auditing requirements, which would increase the cost of the audit.

Ms. Tondreau acknowledged that having a pension liability was always a concern; however, this liability would never occur as all the employees would have to retire on the same day. She advised that this was nothing to be concerned about. Ms. Tondreau stressed that the Town paid what it was told to pay by VRS.

Ms. Tondreau reiterated that she could add some comments to the audit report, if desired, before it was finalized.

Staff Reports

Update on Holiday and Christmas in Middleburg Activities

Business Development & Community Partnerships Director McIntyre reported that as of this date, three hundred fifty parking passes, of the one thousand total, had been sold. She further reported that the parade organizers were appreciative of the Town's support and noted that the number of buses to transport visitors from the parking areas into town would be increased. Ms. McIntyre advised that the Sheriff's Department would provide additional staff support and noted that the organizers were coordinating with Chief Panebianco for the parade day activities.

Business Development & Community Partnerships Director McIntyre reported that the Middleburg Business & Professional Association (MBPA) was planning their "Dickens of a Christmas Celebration". She noted that the Town allocated \$15,000 toward this to help cover the cost of the carriage rides, hot cocoa, and Christmas trees. Ms. McIntyre advised that the carriage rides would be offered on December 11th, 12th, 18th, and 19th, as well as possibly on December 5th. She reported that she was working with a local vendor to provide the Christmas trees and noted that she would have more details once they were finalized.

In response to inquiries from the Council, Town Manager Davis reported that the trees would be focused in three locations this year. He advised that the Christmas in Middleburg organizers were looking to reduce the number of parade entries. Mr. Davis opined that they would continue to line up at The Hill School.

Council noted that three hundred fifty parking passes had been sold thus far. They asked that the staff determine the number that had been sold this same time in 2019 for comparison purposes.

In response to inquiries from the Council, Business Development & Community Partnership Director McIntyre confirmed they were looking to add an additional day for the carriage rides, that day being the day after the parades. Town Manager Davis advised that the Town's event management firm was looking for a full sponsor to subsidize the costs that exceeded the fee revenues for the carriage rides.

Action Items

Council Approval – Encroachment in Town Right-of-Way – Middleburg Common Grounds

Deputy Town Manager Moore advised Council that the owners of the Middleburg Common Grounds reached out to the staff with the idea of installing a "light tunnel" over the sidewalk adjacent to their café. He noted that they have addressed the staff's concerns. Mr. Moore advised that if approved, the tunnel would be constructed after Christmas in Middleburg. He explained that it would consist of a PVC arch, with braces, that would be open on both ends and at the crosswalk. Mr. Moore suggested that if approved, the applicant sign a hold harmless agreement and provide a certificate of liability insurance naming the Town as an additional insured. He noted that the tunnel would be up for a month. In response to an inquiry from the Council, he confirmed it would not extend beyond the width of the sidewalk.

The Council expressed concern that this could set a precedent. Mayor Littleton opined that such requests would be at the discretion of the Council.

Deputy Town Manager Moore noted that the details mattered. He advised that the staff would make sure there were no trip hazards.

The Council noted that it would only be temporary. They opined that it would make the town more festive for Christmas.

The Council expressed concern that this could create an ADA issue. Deputy Town Manager Moore confirmed there would be sixty inches of clearance. He acknowledged the opening on the east side of the sidewalk and advised that the staff would work with the applicant to make sure all traffic was funneled to the five-foot opening.

In response to an inquiry from the Council, Deputy Town Manager Moore confirmed HDRC approval was not necessary as this was a temporary enclosure.

In response to Council's concerns that the bench and trash cans in this area would reduce the width of the sidewalk inside the tunnel, Deputy Town Manager Moore advised that they would be relocated, if necessary, on a temporary basis. He confirmed the sidewalk width would be the same as it currently was.

In response to concerns expressed by the Police Chief regarding visibility, Town Manager Davis confirmed individuals would be able to see into the structure. He advised that it would not be a solid wall.

In response to an inquiry from the Council, Deputy Town Manager Moore reported that it would be anchored in the mulch area on one side. He advised that they were working to identify how it would be anchored on the other and opined that it would probably involve a weighted pail.

Councilmember Pearson moved, seconded by Councilmember Daly, that the Council approve a temporary right-of-way encroachment for a lighted archway for Duane Ellis of Middleburg Common Grounds subject to the following: (1) the archway is not to be erected until after December 4, 2021; (2) the construction of the archway must meet the approval of the Town Manager or his designee; (3) prior to construction, the applicant must execute a Hold Harmless Agreement and provide evidence of insurance, both meeting the approval of the Town Attorney; and (4) the archway is to be removed no later than January 7, 2022.

Vote: Yes – Councilmembers Miller, Bernard, Daly, Jacobs, Kirk, Leonard-Morgan and Pearson
No – N/A

Abstain: N/A

Absent: N/A

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

Discussion Items

Update on Use of ARPA Funds for COVID-19 Response

Town Manager Davis reported that the staff received additional information regarding the use of the ARPA funds and advised that they could only be used for expenditures that occurred after March 3, 2021. He reminded Council that they originally intended to use a portion of the money to repay the Health Center Fund for the loan used for COVID programs in 2020; however, they could not. Mr. Davis suggested the Council could instead amend the budget to repay that loan from the General Fund fund balance, to which the Council agreed. He advised that a budget amendment would be brought forth in the next month or so.

Town Manager Davis advised Council that his top priority was to work to establish the Middleburg Foundation so the Health Center Funds could be transferred to it. In response to an inquiry from the Council, he advised that those responsible for the charitable foundation would include himself, Town Treasurer Staples, members of the community, and a member or two of the Council. Mr. Davis noted that he would work with the Town Attorney and Ms. Tondreau, of Mitchell & Company, on the establishment of the foundation.

Town Manager Davis advised that as to the use of the ARPA funds, a water/sewer bill credit was issued during the last billing period. He further advised that mailers alerting residents of the COVID related services available in the county would be sent out next week. Mr. Davis reminded Council that part of the money would be used for business support. He advised that it was recommended that the majority of the ARPA funding be used for water and sewer infrastructure projects. Mr. Davis reviewed the proposed projects list. He noted that the staff would return with cost estimates for them in the future. Mr. Davis suggested that if the Council desired to change the proposed use, he was open to input.

Council noted that one of the proposed water/sewer projects involved the septic conversion project. They encouraged that this be maintained as a priority. The Council noted that the reason some properties were not connected to public sewer was that the sewer main was located far away and suggested the need to be fair to all residents. They opined that the Town was responsible for getting the mains to within a certain number of feet of the affected properties. The Council noted that the entire town would benefit from the connection of the properties to the public sewer system, as a failing septic system could contaminate the Town's well water.

The Council noted the need to address the water gallons-pumped-to-billed issue that was noted in the audit report. They suggested that replacing the water meters would help close that gap and would provide the Town with a windfall. Town Manager Davis confirmed this would help reduce the amount of lost water, which was a value to the Town and the customers. He confirmed it was an appropriate use of ARPA funds.

Mayor Littleton recessed the meeting at 7:16 p.m. He called it back to order at 7:21 p.m. All the members of Council were present.

Consent Agenda

(A) Council Approval – October 14, 2021 Regular Meeting Minutes

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

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

No – N/A

Abstain: N/A

Absent: N/A

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

Information Items

Fall Clean-Up

Councilmember Leonard-Morgan reminded Council that the Fall Clean-Up would be held on October 30th, rain or shine. He noted that Yuck Old Paint would be present to collect old paint and Apex Organix would be present to collect food scraps for composting. Mr. Leonard-Morgan noted that the Sustainability Committee would collect used batteries and razor blades. He advised that Salamander would provide breakfast for the participants.

Mille Miglia

Town Manager Davis reported that he had a great conference call with the organizers of the Mille Miglia to discuss their schedule for 2022. He advised that they were excited about and interested in returning to Middleburg. Mr. Davis noted that he would continue to work with them on the logistics of the event.

Closed Session

Town Manager Davis advised that the closed session was not necessary.

Mayor Littleton reminded the audience to vote on November 2nd.

There being no further business, Mayor Littleton declared the meeting adjourned at 7:25 p.m.

APPROVED:

Trowbridge M. Littleton, MAYOR

ATTEST:

Rhonda S. North, MMC, Town Clerk

October 28, 2021 Middleburg Town Council Meeting

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

Bridge Littleton: Before we get started. Paul, this is the town council.

Peter Leonard Morgan: Good evening. How are you?

Bridge Littleton: [multiple speakers] That's Kevin Daly.

Paul Hawkinson: Hi Kevin Daly.

Bridge Littleton: Cindy Pearson.

Paul Hawkinson: Hi Cindy Pearson.

Bridge Littleton: Peter Leonard Morgan.

Paul Hawkinson: Hey, Peter Leonard Morgan. [laughter]

Bridge Littleton: Darlene Kirk.

Paul Hawkinson: Hello, Darlene Kirk.

Darlene Kirk: Hello. Hello.

Bud Jacobs: Bud Jacobs.

Paul Hawkinson: Hello Bud Jacobs.

Bridge Littleton: And Bob Smith.

Paul Hawkinson: Bob Smith.

Rhonda North: And on the screen and on the screen.

Bridge Littleton: On the screen there at the bottom is Philip Miller.

Paul Hawkinson: Hello, Philip Miller.

Philip Miller: Welcome.

Bridge Littleton: Ok. Are we?

Rhonda North: It is six o'clock.

Bridge Littleton: All right, Paul, are you ready to call the meeting to order?

Paul Hawkinson: Yeah. Meeting to order.

Bridge Littleton: Yeah, I got you. All right. Ok, so Paul, here we're going to do. We'll just go right off of the agenda here. So as everybody knows, this is Paul Hawkinson, mayor for the day.

Paul Hawkinson: Yeah, fifth grader mayor.

Bridge Littleton: And Paul, where do you go to school?

Paul Hawkinson: Hill School.

Bridge Littleton: Greatest school on the planet. Ok. The next item is.

Paul Hawkinson: The Pledge of Allegiance.

Bridge Littleton: Ok. If you want to start us off..

Everyone: [Pledge of Allegiance].

Paul Hawkinson: Public comment.

Bridge Littleton: Actually, somebody forgot something on the agenda.

Rhonda North: I'm sorry, I did.

Bridge Littleton: We're going to have to take remedial action for that. [off mic] No, it's not candy [inaudible]. Oh, he knows. Yeah, you have to. The roll call.

Paul Hawkinson: Roll Call. All right.

Chris Bernard: Chris Bernard.

Bud Jacobs: Bud Jacobs.

Darlene Kirk: Darlene Kirk.

Paul Hawkinson: Paul Hawkinson

Bridge Littleton: Bridge Littleton.

Peter Leonard Morgan: Peter Leonard Morgan,

Cindy Pearson: Cindy Pearson,

J. Kevin Daly: John Kevin Daly,

Philip Miller: Philip Miller,

Rhonda North: Rhonda North, Town Clerk,

Danny Davis: Danny Davis, Town Manager

Bridge Littleton: Ok, now you can call the public comment.

Paul Hawkinson: Public Comment.

J. Kevin Daly: No, no. I have to come down over here because I'm putting my other hat on. But you don't wear a hat indoors. [off mic] If you're telling me to wear. Are you telling me to wear a hat indoors? It's this thing working?

Rhonda North: Yes, sir.

J. Kevin Daly: I'm Colonel John Daly, U.S. Army retired member of the American Legion Post 295 at 111 The Plains Road, Middleburg, Virginia 20117. Mr. Mayor and esteemed members of the Town Council two weeks from today on the 11th hour of the 11th day of the 11th month will be the one hundredth third anniversary of the end of the Great War, the war to end all wars World War One. Today in the U.S., we recognize that day, November 11th as Veterans Day, a day to honor those who came forward to take an oath and shoulder the responsibility to support and defend the Constitution of the United States and the rights it gives all Americans against all enemies, foreign and domestic. Every year on this day, people come up to me and other veterans to say Thank you for your service. Well, I'm sorry. I'm sorry to say talk is cheap. If you want to thank a veteran for the sacrifices they made in support and defense of your rights, as addressed in our Constitution, then step up to the plate and be responsible for exercising those rights. I'll make it simple for you. Next week on Tuesday, November the 2nd if you haven't already done so, get off your fat warm couches and go out to vote. If you live in Middleburg, come to the town hall and vote. Polls will be open from six a.m. to seven p.m.. No excuses. Vote if you want to thank a veteran vote. If you want a veteran to thank you vote. Mr. Mayor and esteemed members of the Town Council. That concludes my exercise of my right to freedom of speech and freedom of assembly. I thank you. Oh, one other thing on the 13th of November, the local Boy Scouts and Post 295 of the American Legion will have a 5K fun run that starts at the American Legion Hall at 111 The Plains Road, Middleburg, Virginia. We start at the race starts at 8:30. Come on out about seven o'clock. Sign up. And the Boy Scouts will feed you breakfast and you can talk to some real live veterans and say thank you for your service.

Bridge Littleton: Ok, so, Paul, what's next on the agenda?

Paul Hawkinson: Public hearing and related action items

Bridge Littleton: Rhonda are there any public hearings?

Rhonda North: No, sir.

Bridge Littleton: All right. What's next?

Paul Hawkinson: Special recognition by the mayor and council.

Bridge Littleton: Rhonda, do we have any special recognitions?

Rhonda North: Not this evening, Mr. Mayor.

Bridge Littleton: All right. So what's next?

Paul Hawkinson: Public presentations.

Bridge Littleton: And the first one there is?

Paul Hawkinson: Audit Report. Mitchell.

Bridge Littleton: Mitchell and Company. Sandy.

Danny Davis: Mr. Mayor, I apologize. Did you want to have VDOT go real quickly?

Bridge Littleton: Are they on?

Danny Davis: They are.

Bridge Littleton: I don't see.

Danny Davis: She's on telephone.

Bridge Littleton: They're on the phone. Ok. Yeah. So I did not realize that. Kim are you on?.

Kim McCool: No, I yes, I'm here. Can you hear me?

Bridge Littleton: Yes, we can. All right. Hang on one second. So we're going to change these two and flip them. So we're going to do this one first.

Paul Hawkinson: Status report stormwater management Kim McCool VDOT suggested actions. This will be a verbal report.

Bridge Littleton: Perfect. Kim, over to you.

Kim McCool: Thank you and good evening, mayor and council and all your guests. I wanted to start, I think, by thanking you for meeting us out on site. We had a great site visit with you and with town staff about a week, a little over a week and a half ago to go out and visit these two different locations. And I think it helped us a lot to meet with you and hear your concerns and be able to talk about some different solutions and what was going on on each of these different properties. So first, I will start with the church and the cemetery that is located, of course, on the south side of town, off of East Federal Street. And as you know, the concern there is that the existing drainage pipe that begins on the north east corner of Hamilton and East Federal, it discharges water. It travels under East Federal and outfalls on the south side behind a stone wall on the cemetery property. And the concern was expressed that the flows from that pipe are causing some downstream erosion. And when we were out on site, we did in fact see that, of course, the the driveway for the church is gravel, and they did have some cones actually out on site where you could see that the driveway had experienced some erosion from some recent storms. So we talked about a number of solutions. As you know, there's some kind of pros and cons some things going on there to be careful of. We initially talked about maybe rerouting some water up on the north side of the road, but there are some utilities that are in the way there. So the and of course, we want to be extremely careful on this on the cemetery site with the graves and not wanting to disturb any areas that have not already been disturbed to maintain a safe distance, obviously from those. So the solution that we talked about that was the most promising is to have our maintenance forces provide a defined flow path from where the water exits that culvert and take it to the established [inaudible] I would say that's on the the west side of the driveway. So what we agreed is that we could establish a ditch that began at the edge end of the existing riprap install a new driveway culvert under a new culvert under the driveway that would convey the flow so that it would no longer erode the driveway. And then we would bring that ditch to the west side of the driveway and have it flow into that existing drainage ditch. But we're going to try really to stay really as close to the driveway as possible. And as I said, any areas that are already disturbed so that we're not going to be any closer to any of the sensitive areas in the cemetery. And that's something obviously that our maintenance folks can do. It's not an engineering solution, but it seems that it is a common sense solution that can be done here in relatively short order. It does require some discussions with the church to get permission, of course, to work on their property. So we'll work with the town closely on that. We're not planning on on getting a drainage easement. So this is kind of a one-time thing. But it does seem like we have a promising solution here that will help resolve these concerns. The second site that we looked at then was on Sycamore Avenue, which was near the community center. There is a drainage pipe located there that is causing some erosion along the fence line on I believe the [inaudible] residents in the concern, of course, is the the flows coming towards the house and along the fence line, as well as the water continuing towards the back of the property, jeopardizing the existing septic system and out in the field. We did, of course, identify we found the culvert. We had some talk about some of the the flow paths that exist on the property also potentially being water contributing from the new development that on the south side of Stonewall Avenue. And this one has an engineering solution that the town

has worked with an engineer on this that involves drainage ditch that would convey this water away from the residents. It does require again, everything has coordination with a number of parties as one would require some coordination with that developer, with the community center property. And then we also talked about coordinating with the Salamander Resort because they own the property on the backside of the ultimate downstream location is owned by the Salamander. So I know there's a number of things in play at this location, but it does look like it's promising to have that that ditch constructed and we'll work with you on on that as we need to. I know that there's been some investigations regarding the tie in and we'll have some further discussions with the [inaudible] properties. But this one, the town did have an engineer look at this, so it seems reasonable that we can all work together to try and have that solution [inaudible]. That is, I guess, my short report. Are there are any questions on this?

Paul Hawkinson: Any questions?

Peter Leonard-Morgan: Hi Kim, Peter Leonard Morgan, thanks very much for that. Have you got any idea on time frames for those jobs?

Kim McCool: The work itself does not take a lot of time, even on the [inaudible] property, we're talking maybe two to three days. We'll work with closely with the town and the property owners to get the permissions figured out so that I guess a little bit uncertain as far as how long that's going to take. Hopefully, it won't be too long. Concurrently at the same time, we do have our maintenance folks. For example, there is a pipe that would need to be installed. So we're trying to see if we actually have materials on hand or if that would need to be ordered. If it does need to be ordered, I've been told about a forty five day delay for that. So that's something we would like to investigate to make sure we don't need to order materials. So we don't want to have everything ready and then have that be a hold up at the last minute. So we'll proceed with that while we're doing the discussion.

Peter Leonard Morgan: Thank you very much.

Bridge Littleton: Anyone else?

Paul Hawkinson: Anyone else? Okey dokey.

Bridge Littleton: Kim, I had one quick question. Well, first, thanks. I really appreciate you and [Inaudible] coming out and and Jim, it was good to walk around the site. I actually saw Vivian Warren earlier today, who I mean, we couldn't had any better timing. We're out there and Vivian was out walking your dog walking right by [inaudible] there. So and anyway, she just wanted to express her thanks as well for you guys coming out and taking a look and, you know, come up with a solution. So we really do appreciate it. On the other thing with Stonewall, I have been in touch with the developer and we're running that to ground. So as soon as we have all the details on that, we'll get back to you guys with all that information and we can take it from there.

Kim McCool: Ok, that sounds great. I think that this has worked out very well, we appreciate you very much. Like I said, meeting us out there, I think that helped a lot to move this forward.

Bridge Littleton: [off mic] Yep. Ok. Kim, thank you so much. We really appreciate it.

Kim McCool: Thank you. All right. Thank you very much. Have a good night.

Paul Hawkinson: Town of Middleburg 2021 summary, OK.

Bridge Littleton: Sandy.

Sandy Tondreau: Hi, I'm Sandy Tondreau with Mitchell and Co. and we completed the audit for the year end June 30, 2021, so I just wanted to come and go over all of that with you. Now we conduct the audit and work really closely with Tina and Danny and the staff, and it's really great working with them, but ultimately we do work for the council. So, you know, we like to have this time where we could come and at least go over. Generally, what happened? I know a lot of the

paperwork was shared with you and but just kind of go over briefly how the year ended up. And so you have a copy of the draft report. I think everyone got a copy of that, a PDF. And then also the presentation. I'm going to primarily focus on the presentation and go through the numbers there. I did have a really detailed meeting with the Finance Committee a couple of weeks ago on the 13th. So we kind of delved into stuff really deeply, but so I won't re go in that deeply unless you have specific questions. But I will also refer to a couple of pages in the draft report as we go through. So if there's stuff that you want to go back and look at some more detail, I'll let you know you could jot down those pages and then obviously, if you have any questions, let me know after or Danny and Tina know how to get in touch with me if you need it later. So the first page of the report, basically a comparative balance sheet, just kind of looking at the funds and how they kind of compare year over year. One thing to kind of note with the change this year, you all broke out capital projects into separate funds in your accounting systems the way we have to show them in the report. This first column, called Governmental, includes what you're used to seeing as the General Fund, plus the Capital Project Fund related to general fund and kind of the same with water and sewer. It's the regular water and sewer fund combined with the Capital Project Fund. So I have a couple later in the slide some reconciliations that might help you kind of see how that breaks out. And I'll refer to a couple of the pages in here, like the comparative balance sheet. If you want to see balance sheet numbers for water and sewer, and what we call the governmental fund is on page 11 of the report gives a little bit more detail. And then the Health Center Fund is a little later on at Page Twenty One. But going down the balance sheet, the big numbers to look at cash and investments. You have obviously your regular checking account. You also have the CDs and you have your investments at the VIP, the VIP investment accounts. The biggest change year over year is you're seeing the big increase is the eight million that you received in the bond for the town office and those were put into. You may have heard them talking about SNAP accounts, which are it's part of the Virginia State Arbitrage Program. So that \$8 million went into the separate SNAP account. It will earn interest. And as you need that money for the project, it will come out of there into your regular checking account and then you use it for the project. But that's why you're seeing, especially in this governmental section, a big increase in the cash. It's mostly that bond money that's sitting there. As far as receivables, you kind of have a couple of different ones. If you're looking at comparisons year over year, things weren't terribly different with property tax receivables and the water and sewer receivables. The big difference you're seeing here is related to the meals and occupancy taxes. As you may remember, a couple of years ago, we started kind of booking back into the appropriate year. You don't get the meals and occupancy money for like May and June until July. So we started booking those back. Well this past year got a little crazy because back in July of 2020 there wasn't much coming in because, you know, Salamander had been closed through June or beginning of July. But then this year, luckily, things have picked back up, so we have a bigger receivable. But you know, this isn't money that you're not getting. This is actually money that we know you got in July. We just moved it back into the other year. And then as far as fixed assets, there weren't huge increases this year. Obviously, you did start using some of the funds for the town office. Primarily, this includes some of the bond fees and, you know, some of the starting process with the design and stuff, but not a lot of fixed asset additions during this year. A few minor things in the water and sewer. In the other assets it basically includes items related to the pension plan, and I know we've talked somewhat about this in the past and there's kind of two components, but the pension items are things that you don't necessarily record on your books, but we're required to put in the report and we get all of that information from the VRS. And so there's a component of it that's asset related. Basically, it's stuff that the VRS has calculated with all of their little actuary calculations. And then also the calculations for the pension are always kind of a year behind what VRS does. So then we put in the asset what you actually contributed this past year because it was never figured in to all of their calculations. And then onto the liabilities you have the payables, those are just the normal amounts you have, you know, invoices you receive in July that really were for the prior year. So we get those all in there. So they're in the proper period. And then the accrued expenses are primarily you have accrued wages, some accrued interest related to the loans and. And some deposits in the area of the water and sewer, the customers that have given deposits and then long term debt. As you know, you have the new bond this year for the town office and then you also refinance the old 2010 note. So those were the two changes. So there were some associated expenses with the bond fees, but that was the big increase you're seeing in the long term debt and other obligations that basically it's the pension obligation that we've talked about. Unfortunately, with the actuary calculations, your pension liability did increase to four hundred and forty thousand. So that's a big chunk of that. And then we also include some vacation accrual in there. And then when you have the assets and minus the liabilities, you end up with your equity, which is your surplus, as I think you're used to kind of talking about, that's left over. And that is divided up into a couple of different categories. You know, the big thing, knowing you have restricted in the governmental funds or general fund, the restricted was basically the money you received related to the American Recovery Plan grant. You received that at the very end of June. So since you did receive the cash, we had to book it into last year, but you didn't use it yet. So it's in surplus waiting for you to use

this coming year, but it needs to be used for specific purposes. So that's why we call it restricted. And that's kind of the same with like the health center fund. All of that money is restricted because you need to use it for charitable purposes. It's not just free to use for anything. And we're going to talk a little bit more about equity coming up later. But just kind of that's the comparisons year over year. And then kind of just do high level on the next page. profit and loss, which you can find again if you're looking at the report pages. Page 15 gives kind of a good schedule that shows how both the General Fund and the Capital Project Fund are combined to kind of give us these numbers so that first governmental shows revenue of twelve million. But that does include the receipt of that \$8 million for the bond fees. So we have to show that it comes in as revenue. And then you have expenses of \$3.4 Million, which was up just a little bit last year of \$3.3 Million. So you get this huge net surplus of almost \$8.8 Million. But I have a little reconciliation so I can show you how we get back to what you're used to seeing for the general fund. But so that's a little overwhelming of a number I realize. The health center fund. You can see more detail for that on Page Twenty two, but as you know, since the building was sold, there isn't all that much activity through there that makes some interest and you all are making some donations out of it. And you know, that's all the the activity you're really seeing. So not much occurred there this past year. And then the water and sewer revenue was up to almost \$1.5 Million from almost \$1.4 the year before. Primarily, that was due this year you received some one hundred and ten thousand and availability fees. So that kind of cause of the jump, otherwise things were fairly level year to year there. Expenses were down a little bit. Last year we had expenses of almost \$1.5 Million, down to almost \$1.4. That was basically due the prior year you had more bond fees because you had two different refunding bonds in the water and sewer. So that was the big change in that area. For the next page is this little reconciliation that we kind of created this year because there was concerns about how this was shown, you know, as you, I was showing this surplus of 8.8 million, but that's a little misleading and a little overwhelming. So how we can kind of get back to what you would expect to see that the surplus of 8.8 million? But then we would take out those debt proceeds and also take out the American recovery grant because you didn't come in till the end of the year and you won't use it till the next year. And then we could add back the bond issuance fees and the capital projects that were paid actually from the fund balance that you had already planned for before. And then that gives us the, for just the general fund kind of an operating surplus of nine hundred and sixty one thousand. So I think that's a little bit more in line with what you all were expecting, but hopefully that explains that number a little bit. And then just to kind of look at, you know, and why this number is maybe up a little bit to looking at the next slide, just what some of the the bigger areas of the general fund revenues are. You know, the franchise taxes and the business licenses are good sources of revenue. They haven't changed significantly and over the past couple of years, you know, the biggest changes we see are in that meals tax and the occupancy tax. And obviously, last year, you know, shutdowns and everything, those numbers were lower. And luckily, they have rebounded and occupancy tax has really rebounded. So those are the major causes for this increase that you're seeing. And then we have a similar kind of reconciliation for the utility fund because it's always been, I think, a little bit misleading there too, because there's a lot of like accounting things we do that aren't really operating and for you all to get a true sense of how the water and sewer is operating. So the surplus that we have in the report of about one hundred and thirty five thousand, you would take out the availability fees because they're not really your day to day operating revenues. And the tower rental income which is in there, but then add back the depreciation expense because that's an accounting thing, but not really an operating thing. And then but then account for the principal debt service and some little other adjustments related to the bond issuance cost. You get net operating surplus of about two hundred and seventy one thousand for the utility fund. And then again, to look at their major areas in water and sewer, the major revenues obviously are the water charges in the sewer charges and then the tower rental through there, and they've all remained somewhat constant. I think water and sewer charges were down in the prior year, as you probably remember for credits that you all had given related to the pandemic. And so they're starting to level back out again.

Chris Bernard: Quick question. And this might actually be for Danny. When we did the utility credits, did that money go in as revenue to the utilities or how did that work from an accounting. [inaudible] Sorry.

Sandy Tondreau: And then next slide, just another indicator in the water and sewer fund, we've always kind of looked at this percentage of gallons billed to pump and in the previous to the 2017, it was lower. And so I think the town has made a lot of strides in this area, you know, improving the infrastructure of the water and sewer fund and and partly just I think having better accounting of the water has really helped. You know, we now kind of know it's been better tracked, what's been used for flushing and contractors. And you know, this year we were a little bit off when we were looking at this number, but then they were able to pinpoint that there had been a bad meter and that had caused some of the numbers to look odd. So we were able to adjust for that. You're still a little down compared to some of the other towns locally, but I

know it's an area you keep looking at and working at. But you know it's it is important to know where your water is going and making sure you can bill for it as much as you can. [multiple speakers]

Chris Bernard: I have a very similar question, so I'm just going to assume this the percent of gallons billed to pump that's the pre credit bill number. [multiple speakers] I hope so. [off mic] Well, I'm just curious like, you know, if they counted.

Danny Davis: We still billed the usage. [off mic]

Bridge Littleton: So I have a couple of questions on this because I know we talked about it in the Finance Committee meeting and it was a significant issue. I know we keep looking at it. I think we need to actually fix it because this is I mean, it seems we're about 10 percent below the norm. It looks like the norm is about 90 percent, you know, give or take, and we're at 80 or below. And that's real. I mean, that's that's real money. That's a real issue. And I almost look at water as a product and we're not charging for our product. So how do we not have I think we need to develop a plan of how we're going to address this and fix it. And the target is and you guys have to come back to council with a plan of how we get to 90 percent or better within X amount of time frame and what it will cost to do that. And then, you know, if that's going to be like \$4 million, OK, what does it take to get to eighty five percent if that's three hundred grand, oh, that's a much different story. But as Sandy said, you know, we see it every year. We nod our head every year and I don't. And we got to figure out how to close the gap.

Chris Bernard: It's trending up. That's good.

Sandy Tondreau: Yeah. And it was much lower before. So so has gone. But yes, always an area to look at. And the next slide is kind of an area we talked about a lot with the Finance Committee too, because again, this is another one. If you went prior to my 10 years out, it was even lower. So this is one of those areas that's kind of a fine balance. You want to have a surplus because you never know when you're going to need it. Obviously, like nobody thought last year would happen and it did. So you need some sort of buffer for instances like that, but you also have to think about if it gets too big of a surplus, how people are going to view that. And then is that when is there a point that you have to make decisions about what either what you're doing with that money and make people aware of that or as we were talking about, do you have to adjust tax rates or, you know, whatever. But I mean, I know part of, you know, you do have a plan for some of this money, you know, with the town office being built and stuff. And so this kind of gets into what I was going to mention is one of my comments at the end, but also just making sure people are aware of that. And one place to do that is in the actual report. I mean, maybe a lot of people don't read it, but they might read this first section of the report that we call the management discussion and analysis, which kind of is a lot of verbiage because a lot of people don't want to dig through these numbers or don't understand the numbers. So there are certain things that we have to put in there because of reporting rules. But there's also areas where you all can add some more to explain. And in the past, Danny has done that. So before we finalize, I would just encourage if anybody has ideas about stuff to add in there there are some places where we could just kind of explain and maybe, you know, you can say something about the town office in there and it just someplace where people can see what your plans are with the money. But it's definitely better being up than down. And then just another slide we've had in the past, just looking at the budget to actual, as you all know, with a governmental unit, the budgeting process is very important because you obviously can't just keep spending and especially being overspending on your expenses is not an area that you want to be in. So you all have always been good with that, you know, being under the expenses. You know, it's also another fine line where you don't want to be too under, but you can't be over. And I know that was part of the trigger for you all developing the separate capital project funds because that was often causing a lot of those ups and downs when projects got pushed from year to year. So I think that will get better over the year. You know, and the revenue area has been kind of hard. I don't think it's been easy to predict where all the occupancy and meals tax was going to go and, you know, last year falling off. But you know, it's just, I think you all do a good job with the budgeting and it's just an area to keep, you know, monitoring because it is important. And then just to, you know, close out with some comments, obviously what everybody wants to know is if we've issued a clean opinion which we have and, you know, if there were big issues, you know, fraud or big problems in the accounting, you would have been hearing from me before now because as I said, I work for you all and we would be required to bring that to your all's attention. But there's nothing like that that we've noticed. I left in pandemic response. I know last year you did a lot of programs and then continued a lot of those into this year. So, you know, it's evident and how you helped the businesses stay, you know, going here. And I also did want to talk about the grants a little bit just to bring to your

attention. I know you already received some money related to the American Recovery grants. The only thing to be aware of is if the amount that you're spending because I think you're getting more, you already got.

Danny Davis: Potentially could get more federal dollars.

Sandy Tondreau: If you hit seven hundred and fifty thousand of federal dollars that you're spending in a year, it causes some extra audit requirements. So just something to be aware of that we have to watch for that as we're planning for next year's audit because it'll be something we'll have to plan some extra time for and it'll be a little extra cost. So so we'll just keep in touch as the year gets closer to conclusion and see if that's going to be an issue or not. And then I think we mostly talked about the pension. I know it's always a concern about the pension liability. So I'd just like to bring up and we've talked about this before, but you know how they calculate the pension liability, a bunch of estimates and actuary calculations. And they're kind of concluding that if everybody retired today, this is how far you'd be under. But you know, that's not going to happen, and it fluctuates year to year with the investments, the way the market's going. So it just want to concern you not to be super concerned because the town has done what they've been asked as far as the payments in every year. And, you know, it's just something to keep an eye on, but I don't think it's a significant issue. And then I already kind of talked about the NDNA adding some more comments in there, if you would like. So before we finalize the report, I'll touch base back again with Danny and we can see about if there's anything else you want to see in there. Does anybody have any other questions for me? Yes.

Bud Jacobs: This is very helpful. I'm very appreciative of the work you've done. I didn't understand I don't think the thrust of your comments on the current general fund surplus. I'm not sure what you were getting at there. In my simple mind, a healthy surplus is a good thing. And given the history of this town's financial problems, I think most citizens who are at least aware of that history are not at all troubled by the balanced surplus balance that we have. So what were you trying to get at is does it cause accountants pain and angst to say it [inaudible].

Sandy Tondreau: It doesn't necessarily cause me pain and angst, I think it's just more, you know, when you're looking at a public organization or a nonprofit organization, you know, technically you're sort of like a nonprofit. You're not here to make money, you're here to service the town and at what point could citizens say, well, you have \$8 million sitting there why am I paying you taxes every day?

Bud Jacobs: So you're making more of a political judgment than

Sandy Tondreau: Yeah, and it's not my judgment. I'm just saying you all need to decide when it's too much or when you think.

Bud Jacobs: Sure, I got you.

Bridge Littleton: The thing I think I'll say is, I think we know and understand that, and we're responsible enough to take care of that on our own.

Sandy Tondreau: Yeah.

Bridge Littleton: Appreciate it.

Sandy Tondreau: Any other questions?

Bridge Littleton: Philip, any questions? Any questions, Paul? You enjoyed it all. [multiple speakers]

Danny Davis: Math is no longer his favorite subject.

Bridge Littleton: Bond issuance fees looks so high. Is that normal?

Sandy Tondreau: The bond issuance fee?

Bridge Littleton: Issuance fee is a hundred and seventy six thousand.

Sandy Tondreau: Yeah, that was the one for the this.

Danny Davis: For the \$8 million.

Sandy Tondreau: I mean, probably for that amount of money.

Danny Davis: It's typically in the two percent range, which is right there. So yes, that's fairly straightforward.

Bridge Littleton: All right. Thank you very much. We appreciate it.[off mic]

Paul Hawkinson: [off mic] Middleburg activity.

Bridge Littleton: All right, Christmas in Middleburg. Here we go. Paul, have you been to Christmas in Middleburg before?

Paul Hawkinson: No.

Bridge Littleton: Oh man. well as the mayor you have to come this year. All right Ali.

Ali McIntyre: All right. Here we go. So I'll start at the beginning. So the on the memo, it does read the Christmas parade that there isn't an update, but I do have one. The Christmas organizer did send me a message you wanted to be here this evening, but wanted to update that there are three hundred and fifty parking passes sold out of the thousand. Posters for the sponsors and community support will be picked up tomorrow and distributed Friday and Saturday. She also wanted to extend her gratitude for the support of the town bus contract in which they have indeed added additional busses for the Mickey Gordon and Lost Barrel spaces. They're also on track with additional staff from the sheriff's department, and they've been coordinating with A.J. for the parade day events. All right. And now on to MBPA and community holiday activities. The MBPA does continue its efforts in promoting the Dickens of a Christmas. I've been coordinating with them specifically because the town will be allocating fifteen thousand for the following: carriage rides, cocoa and the decorated tree. So they have. I'll start with the carriage rides. So the dates that have been selected currently are the 11th, 12th, 18th and 19th. They are planning on adding on the fifth, which is the day after the parade. We are still waiting on the pending quote for the hours and the price for the total, especially adding the additional day. Registration will be managed through the town of Middleburg. I'll be doing that through Eventbrite and I'm coordinating with the vendor as well as MBPA and then the Pink Box, who does the volunteers and registration and verification of the guests. My predecessor did leave behind some helpful documents that I recently stumbled upon, which has been really great just that are necessary for the contract the COI and things of that sort. For the trees. They did select a local vendor in town and they're just finalizing really the last details for number, location, set up, break down and maintenance details.

Bridge Littleton: Quick question on the trees, is it going to be basically the same ideas last year?

Danny Davis: It is not. It is not. So instead of spreading them in front of every business across. They're going to focus, I think, at three locations, perhaps one primarily at Washington and Madison, with very nicely and more highly decorated trees at the corner. And then I think perhaps at Liberty and Pickering, I could be wrong, but I think there's two other spots where they're putting just more concentrated.

Darlene Kirk: Isn't that where the bank puts trees? Remember, they have the trees decorated by the kids?

Danny Davis: I haven't seen those in a while. Someone else said the same thing, and I was confused because I had not heard [multiple speakers]

Cindy Pearson: I have a question. So has they set up for the participants of the parade yet? I don't. I don't think I heard that.

Ali McIntyre: That I'm not aware of.

Cindy Pearson: Ok.

Danny Davis: I do know that they were looking at likely not having as many participants. They may have shared that with you. Yeah. Just to keep it shorter and also fewer people in general.

Cindy Pearson: And Hill School is still in with the lineup going through there?

Danny Davis: I would imagine so since. Oh, you mean you mean lining up at Hill school. I imagine they're working closely with them. Correct.

Chris Bernard: Question can you so we're at three fifty? Can you ask Michelle where we were this time last year? Just curious or not last year, year before? Is that a fast pace or you know or not? [off mic]

Peter Leonard Morgan: Thanks. That's great. The carriage ride. Was it last year or two years ago? [off mic] They sold out really fast. I was curious whether we've got more this year? [multiple speakers]

Ali McIntyre: They had planned on 4 Saturdays. I'm not sure what transpired, but this year they do have Saturday. So the weekend after the parade, they left and the 12th, the 18th and 19th and then they've added they planned costs, you know, depending on the cost to the for the 5th, the day after the parade, just to get the festivities up and going.

Chris Bernard: So that was fully sponsored last year, right?

Danny Davis: No, we got a partial sponsorship. We are actually working. Our event management firm has a partner that does sponsorships, and we have had some initial conversations to see if we could get them potentially fully sponsored this year. It's a last minute deal. Most people plan their expenditures a year out, but you never know.

Peter Leonard Morgan: But people pay for the carriage rides, so it's just subsidized, I presume.

Danny Davis: Correct. Yeah, that's correct.

Bridge Littleton: Mayor, any questions?

Paul Hawkinson: No.

Bridge Littleton: Philip.

Philip Miller: I'm good at this time.

Bridge Littleton: Ok, thanks, Ali.

Ali McIntyre: Thank you.

Bridge Littleton: You got to go back, big one. We'll do that later.

Paul Hawkinson: Holiday Tunnel.

Bridge Littleton: That's all. We're going to go to the lighted Hollywood Hollywood holiday tunnel item.

Will Moore: Thank you, Mr. Mayor for a day and Mr. Mayor, the council, you have my memo just not to repeat to you, but essentially of Duane from Common Grounds reached out to town manager and myself expressed this idea that he would like to essentially build a tunnel over a portion of the sidewalk directly adjacent to their cafe. So we met on the site with him kind of went over the details of how this might be constructed. He pretty much addressed all of our concerns regarding stability regarding access regarding not creating any trip hazards, not constraining the right of way so that it would prohibit free movement of pedestrians. He is not planning on erecting this if approved until after Christmas in Middleburg, which is a good thing, even though we think again, that will still be still allow for free flow. Basically, it will be a PVC structure, will have an arch top lateral braces. It will be open on both ends and also open to traffic that is utilizing the mid-block crossing. So there'll be an open space to walk into the tunnel that way. And then he's going to string lights all along it. So he gave you kind of a sketch of it, as well as a plan view, so you can see the length of it basically would be exactly as long as the fence that borders his cafe area from the sidewalk. And if approved, we would ask him to do a hold harmless agreement with this and execute an insurance certificate. Typical things like that. But because this would be an encroachment in the right of way for a duration of a little over a month, it would require your approval.

Bridge Littleton: What do you think Paul.

Paul Hawkinson: Good.

Bridge Littleton: You like the idea.

Paul Hawkinson: Yeah, it sounds cool.

Bridge Littleton: Questions.

Cindy Pearson: The only thing I can think of is the sight of the pedestrians coming out of it, because that's a bad spot anyway to see pedestrians for that crosswalk. That won't be any different, will it?

Will Moore: It won't. So you do have the kind of a bump out where the handicapped ramp is. The tunnel won't extend beyond the width of the normal sidewalk, so you're still going to have the space between the tunnel and the handicapped ramp getting you to the bump so it won't affect your sightlines at all.

Cindy Pearson: Perfect. Thank you.

Darlene Kirk: So the tunnels are just going to be on our sidewalk area and not into their area.

Will Moore: Correct. Correct.

Peter Leonard Morgan: Really, just for discussion, does it set any precedent we should be concerned about? I like the idea, but then does it mean we're going to start getting lots and lots more applications? Are we comfortable with that rhetorical question, really?

Bridge Littleton: I mean, my opinion would be this is totally at the discretion of the council, anytime, anywhere. So the next person comes along and says, I want to put a tunnel in front of XYZ store and we say, don't like it. Sorry.

Will Moore: And I would just add to that the details really matter. So we've worked with him here in advance and we would work with him when he actually does the construction to ensure there are no trip hazards. It's actually constructed, as he was saying. So somebody said they wanted to just plop a huge boulder in the middle of the sidewalk. That would a little flippant, but you know, the I think, the details of the type of request.

J. Kevin Daly: And if I read and heard this correctly, this is not a permanent structure. This is just temporary.

Cindy Pearson: And I think it's great for Christmas to try to make it a little bit more festive in town.

Bridge Littleton: Mr. Miller.

Philip Miller: Yeah, I mean, I actually agree with what Peter said about setting a precedent. I don't know if that's good, bad or otherwise, but I think it definitely sets a precedent in one way. I have a question for Will. What is the width of that A measurement coming off of the ADA ramp?

Will Moore: That should be five foot for the A measurement. These are constructed in five foot segments and that five foot is where there will be an open space that won't have any lateral braces so that there's no trip hazard or something, so five feet.

Philip Miller: Ok. I was just thinking about ADA compliance, and, you know, if you have somebody with a stroller and then someone in a wheelchair or anything like that, it would be sort of a bottleneck there.

Will Moore: It would meet requirements for depending on who you ask, it's either 36 inches clear or forty eight inches clear, but this would be 60 inches clear.

Philip Miller: Ok, and then any idea on the south, sorry, the east side of the end of there to the corner, there's an open spot of the sidewalk that's also part of that ramp. How large is that opening?

Will Moore: Oh, I see what you are saying. That is a good question. That's something we might have to work with him on. The intent was for it to actually be continuous and that five foot opening into the tunnel would where would be where all traffic would have to be funneled. But I see where you're talking about where there's kind of a an unfilled space there. We can talk with Duane about that.

Philip Miller: Okay, thank you.

Chris Bernard: Really quick question. This is like a procedural thing. Is this not something that needs to go through HDRC?

Will Moore: No, for temporary encroachments that you would would approve, no sir.

Bridge Littleton: So I had one question. So where they are going to put it, there are two trash cans and a bench. Are they going to be removed?

Will Moore: We've talked with him, we the town that is, may relocate those trash cans outside and to maybe either end of the cafe area. So we're going to see as the construction proceeds. What, if any, impediments they present within that area, We can certainly work to temporarily relocate those [inaudible]

Danny Davis: And and I do believe the benches would still be clear for sitting on because that's the the back edge of the pipes would sit inside his fence. That's how they're being attached and they go straight vertical at that point to, I think, seven feet. So the benches would still actually be able to be used for seating inside the tunnel.

Bridge Littleton: Yeah, no, no. I understand that. But think about now that those benches stick out. So your clearance is not five feet where those benches are are going to be, it's going to be shortened. So when you look at this view that bench is going to be out a foot and a half.

Will Moore: So that's not a five feet.

Bridge Littleton: Or whatever it is, I'm just saying it's that is not the it will be. There will be obstruction in that when you put the bench in there. Just make sure it's good.

Will Moore: I think the key thing to remember is that the way this is going to be constructed, you're going to have the same width for sidewalk that you have now. It might be in maybe a total of six inches between the bracing on either side, but that's all it will be.

Bridge Littleton: Yeah, A.J.

A.J. Panebianco: Is this and Danny ended up talking to me about it some I'm not completely in the dark on this, but I wanted to confirm, is this going to be a lighted structure that every 30 inches or so there's lights? Or is this going to be solid lights that you can't like? It's going to be a like, it's going to be not necessarily being able to see into the tunnel?

Danny Davis: No, you can see into it's there PVC pipes that are sectioned off. It's not solid.

A.J. Panebianco: [off mic]

Bridge Littleton: I think A.J.'s question is, are you going to have a string of light every four inches or every half inch? Does it actually become almost like [inaudible] like you used to be able to put thick lights down as almost like a curtain. Is it going to be a curtain of lights you can't really see through, or that each strand of light that comes down over the edge, it's going to be this far apart, you can see clear through it.

Danny Davis: That's our intention. But we can make that clear that it's not to be a solid wall of light because there needs to be visibility into it.

Bridge Littleton: Yeah, through it.

Danny Davis: Yeah, absolutely.

Peter Leonard Morgan: I see that it has anchor marks. Any idea how are they going to anchor it on that road side? I'm curious.

Will Moore: We have talked so there will be anchoring in the mulch area on one side, on the other side, we're working with him on how best to anchor that. We have some ideas. It'll probably be some sort of structure like a pail with weighting in it. One of the legs actually sits in. But we'll work with him again we want to also ensure we don't create a trip hazard, so we'll work with him on the details.

Bridge Littleton: So I guess my last question to everybody on council does anybody have any concerns about or desire to not approve this? I mean, granted, you guys got to take care of all the safety stuff and you got to be happy with it, but assuming that is good, is everybody in favor of letting you know of approving it? Yeah. Ok. You like it? You can do the ribbon cutting.

Bud Jacobs: Mayor for a day said it was cool.

Bridge Littleton: Exactly. It's all I need. All right, Paul is there. Do we have to vote on this [inaudible].

Will Moore: There is. There's a motion in the memorandum if you so desire.

Cindy Pearson: I'll make that motion. I move that council approve a temporary right of way encroachment for a lighted archway for Duane Ellis of Middleburg Common Ground, subject to the following one the archway is not to be erected until after December 4th, 2021. The construction of the archway must meet the approval of the town manager or his designee. Number three, prior to construction the applicant must execute a hold harmless agreement and provide evidence of insurance, both meeting the approval of the town attorney and four the archways to be removed no later than January 7th 2022.

J. Kevin Daly: Second.

Paul Hawkinson: All those in favor say aye.

Everyone: Aye.

Bridge Littleton: Approved.

Paul Hawkinson: Approved.

Bridge Littleton: Thank you Will. Next is.

Paul Hawkinson: Use of American Rescue Plan Act of ARPA funds. Danny Davis, Town Manager,

Danny Davis: Thank you, Mr Young Mayor and council members, and yeah, this is to provide you just a brief update, partly in concert with the audit that you just received, but also just on the ARPA funds as we receive more information. Primarily the point of this memo is that we had intended to utilize the ARPA funds to repay the Health Center Fund and after further guidance was released and issued related to those funds it indicated that they could only be used for expenditures after March 3rd 2021. And so essentially, we can't use these dollars to repay the Health Center Fund, so we still have an intent to repay. And so there are two questions actually before you. The first is we know the council wants to repay it. We have in the budget for current fiscal year the beginning of that repayment of \$50000. If council so chooses, we could come back to you with a budget amendment and just repay the full amount out of fund balance that we obviously saw was already very healthy. And if that's I'm getting nods, if that's the desire of council, then we will just prepare that and bring that forward to just get that wiped off the books. [multiple speakers] Ok, very good. So I will work with Tina. We have some other budget amendments, just as typical you clean things up anyway, so we will work to bring that to you in the next month or so. And with that, I will just sidebar state that we discussed this in our pre agenda meeting. But now that we are more fully staffed and things are running a bit more smoothly and I can hand things off to folks, this is one of my top priorities is to get the charitable fund up and running established by the end of this fiscal year.

Bridge Littleton: I have written it down.

Danny Davis: That's why that's why I beat you to it, because I knew you were going to bring it up.

Darlene Kirk: Are you going to head that up or who is?

Danny Davis: So that would be likely it ends up being, you know, I have a role in that. Tina has a role in that. And then there are members of the community. And I think we had a good conversation about that a number of months ago about bringing on one or two council members, bringing on members of the community and people who live in the nearby area. They don't necessarily have to be town residents.

Darlene Kirk: [off mic]

Danny Davis: Oh, that's me. That's me. Yes. [off mic] Yeah, yeah. Yep, that's me. And yes, and working with Martin and with Sandy actually on the kind of details to establish it because they have a team that can help get the IRS documents filled out as well. So the second part of this conversation then comes down to use of the ARPA dollars. Our recommendation from the staff side is listed out here, which you would see some of that's already been used for the bill credit. We are doing mailers to the community as council has directed previously. That should be dropped in the mail by the end of next week, letting residents know about services available to them through Loudoun County to assist with whether it's mental health, utility payments, even Council Member Leonard Morgan brought up that there's assistance for families who have pets and can't afford pet food. I mean, things that you know are good to let people know about. And so and then spending some additional dollars on supporting our businesses. The majority of funds that we are proposing at this time from the ARPA dollars would be to be used for water and sewer infrastructure. We've talked to you a little bit before about some of these, and I've listed a few out in the item here that could be potential uses of this. Some are existing projects that may come in more than expected or more than budgeted, just due to again, current COVID and supply chain

costs. We've talked to you briefly, and Ms. Milton, who came to us about the stormwater issues, also has been working with us on potential septic issues and converting her property and a few other properties in town off of septic to our sewer system. We are in a preliminary engineering phase right now that would give us an idea of how that could occur and estimated costs for that project. So I don't have exact numbers for you, but that we would bring those back to you when we have a better figure for what that would cost. We have talked in the past about automating our meter reads for better real time use that allows us to identify leaks immediately, which then helps with the water issue when we can't bill that water. And then should there be dollars left over, should there be an interest from council again something Council Member Leonard Morgan pointed out a few months ago or a month or so ago from a VML policy committee. But there are some potential uses of ARPA dollars for infrastructure, whether sewer related infrastructure or even for permeable pavers that go to reduce our stormwater impacts. Again, I would prioritize those perhaps lesser than these other projects that are more directly community impactful, but that is another option for those funds, too. So I'm not necessarily looking for any direction at this point, but let you know where we are headed and as we look at these, if there is any desire to allocate our ARPA dollars in a completely different fashion than this, again, totally open to input.

Bud Jacobs: I'd like to. Excuse me. Get an oar in the water, Danny concerning the septic conversion projects. The mayor mentioned this last night as an issue in the state of the town. I believe the number you used is correct. I think we did an inventory at one point and I believe the number is there are six remaining septic fields or systems.

Danny Davis: It's probably between four and six. Correct.

Bud Jacobs: Yeah. I would urge you and ask council to support maintaining that as a priority. And we still have to figure out the VDOT workaround in that. But it's really important and we ought to be able to get it done and certainly don't have a problem using ARPA money to do it.

Bridge Littleton: So I was going to mention this as well. I think Bud hit on the key thing. You know, when you look at the sewer map and where the mains are and where you look at where the people who are on septic system, the I would argue that one of the main reasons why they haven't gotten onto septic is because the main is very far away. There are some that have a different issue, but you know, I think the average home the main goes right in the middle of the street and it's 20 grand, 15 grand and you can hook right in. Yeah, you've got to rip the street up, but just a little bit of it, and it's fairly straightforward. Some of these that aren't on septic are like 30 and 40 feet away. And so the cost is, you know, it's a lot to get all the way and you've got to go across other people's property. It's a real, real challenge. So I saw [inaudible] earlier today and we were talking about it. And you know, we want to be fair to everybody. We want to treat everybody equally and no special treatment. So. You know, what's one of the ways to handle that well and potentially an objective way to do this is, look, the town's responsibility is to get the main within X feet of your property. Whatever that number is, 10 feet, five feet, whatever, right? It's unreasonable to for ninety five percent of the citizens the main is only 10 feet away and then for five percent of our citizens, it's 40 feet away and say, Well, suck it up, you got to connect. And maybe that's, you know, the way to get those other six systems off and build the infrastructure to the way in which everybody else was able to affordably hook up. One person approached me last night and she was talking about the fact that hers is literally 40 feet away, and the estimate is like sixty to sixty five thousand dollars to get it all the way down. And you know, that's sort of beyond, you know, beyond the pale. So I would echo what Bud said and really encourage that we look at what those potential solutions might be using. I almost considered this a windfall.

J. Kevin Daly: To piggyback against what the mayor and Bud have mentioned this. It's too. It's not just picking out the five percent the entire town would benefit. If we lose, we're all on, well water. If something should happen to those septic tanks and they leak into the well water, into the water table, we all the entire town loses. We need to spend the money for the entire town, get everyone in town off the septic tanks to protect everyone's water table. [off mic]

Danny Davis: That's great.

Bridge Littleton: Philip.

Philip Miller: I had one. Yeah, I mean, I agree with what the three of you just said. I we were just talking about our gallons pumped versus billed. And I'm curious as to how replacing the meters with these new radio read meters could help

us close the gap there. And so I think that's also a very important project for us to consider with these funds. I also look at that as a windfall because that's a huge project.

Danny Davis: Yeah. And I do appreciate that. And as I was looking at the guidelines to ensure that we could use the ARPA dollars for this, they have to fall within other programs that are accomplished and one of the clear examples for Clean Water Act or whatever, whatever the exact program was related back to meter replacements because of the fact that it helps you reduce the amount of lost water and because it's a wasted resource. So it absolutely is a very valid point and the reason why we think it would be valuable both to us, but also to the customers. So we'll continue forward with that, get a revised quote on that as well. So we understand the actual cost of that program. There are specific costs to the replacement and then other labor costs that go into it, but we'll package that up.

Philip Miller: Is Rhonda smiling behind her mask?

Danny Davis: She is doing a dance that you've never seen. It's been 15 years you've been pushing this.

Rhonda North: Rhonda's been pushing this for a long time.

Bridge Littleton: Ok, I think we're going to take a recess.

Rhonda North: Mr. Mayor we skipped the consent agenda.

Bridge Littleton: I understand that. Oh, OK. We're going to take a recess, take five minutes and then we'll come back. We have a closed session. Meeting is reconvened. All right. Consent agenda. Anybody have anything they like to remove from the consent agenda? All right. Is there a motion?

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

J. Kevin Daly: Second.

Bridge Littleton: All in favor.

Everyone: Aye.

Bridge Littleton: Opposed, abstentions. Ok. Next and final item is closed session. Danny, do we actually have something we need to talk about? All right. Well, yeah. Information items.

Peter Leonard Morgan: Quick information on Saturday morning, rain or shine, we have the fall town clean up starting at eight o'clock in the morning here at the town office. It may be raining quite hard, but you know we'll see what happens. But we also got Apex Organics bringing the composting. [multiple speakers] So the composting we have Yuck Old Paint coming to collect old cans of paint for five dollars a can and we'll be taking back batteries and razor blades and Salamander will be providing a nice breakfast for everyone.

J. Kevin Daly: So all the compost you can bring home.

Bridge Littleton: Will you be doing aluminum recycling?

Peter Leonard Morgan: Aluminum recycling on Saturday.

Bridge Littleton: Ok, any other information items?

Danny Davis: You did asked me to briefly just update council that we had a great video conference with Francesca from the Mille Miglia this morning just to check in. It had been a few months. They are scheduling all of their events for 2022 and have not formally finalized coming back, but they are extremely, extremely excited about planning that and intend to

make every intention to come back for 2022. And so we will. Yeah, same weekend the correct. So. So we're working with them, continuing to stay in touch on some of the logistics behind the scenes as well. But we're excited, so we're going to continue that conversation. I don't think we really have anything we need to talk about at this point.

Bridge Littleton: So we will forgo the closed session this time. I know you're all very disappointed. Blame Danny. Yeah. Thanks, Danny. Any other information items, updates, input questions, concerns. I will simply say I will note that I was impressed at the amount of bullet points, bullets on Danny's memos, yet they were all still full sentences, at least a sentence began with a bullet. So progress. All right. Oh wait. And like, yeah, as Kevin said, if you haven't voted, you know, please go vote. I voted yesterday. It was easy. Up in Loudoun, but be sure you vote. And with that meeting adjourned.