



**MIDDLEBURG TOWN COUNCIL**  
**Regular Monthly Meeting Minutes**  
**Thursday, November 8, 2018**



**PENDING APPROVAL**

**PRESENT:** Mayor Trowbridge M. Littleton  
Vice Mayor Darlene Kirk  
Councilmember Chris W. Bernard  
Councilmember J. Kevin Daly  
Councilmember Kevin Hazard  
Councilmember Peter Leonard-Morgan  
Councilmember Philip Miller  
Councilmember Cindy C. Pearson

**STAFF:** Martha Mason Semmes, Town Administrator  
Danny Davis, Town Administrator  
Martin Crim, Town Attorney  
Rhonda S. North, MMC, Town Clerk  
Ashley M. Bott, Town Treasurer  
A. J. Panebianco, Chief of Police  
William M. Moore, Town Planner  
Jamie Gaucher, Business & Economic Development Director

The Town Council of the Town of Middleburg, Virginia held their regular monthly meeting, beginning at 6:00 p.m. on Thursday, November 8, 2018 in the Town Hall Council Chambers, located at 10 W. Marshall Street. Mayor Littleton led Council and those attending in the Pledge of Allegiance to the flag.

**Public Presentations**

**Resolution Honoring Richard Kirk**

Gary Clemens, Loudoun County Clerk of the Circuit Court, present a Resolution of Appreciation to Betty Kirk and the family of John Richard Kirk honoring him for his service to the Loudoun County Circuit Court, beginning as a file clerk in 1959, then as Deputy Clerk beginning in 1979, and finally as the Clerk from 1991 through his retirement in 2000.

**Oath of Office – Councilmember Bernard**

Mr. Clemens swore newly elected Councilmember Chris Bernard into office.

**Oath of Office – Officer Gray**

Chief Panebianco administered the Oath of Office to Officer Ryan Gray, the newest member of the Middleburg Police Department.

**Unsolicited Proposal for Location of Town Administration Building**

Mayor Littleton noted that this presentation of an unsolicited proposal was requested by Steve Plescow and the American Legion. He advised that one or more of the topics may include the suggestion for a public-private partnership, which would require that a separate process be adopted by the Council before formal consideration of the proposal could occur. Mr. Littleton explained that the members of Council could listen; however, they could not make any comments regarding the information presented.

Steve Plescow, of St. Mawes, and John Moliere, Commander of the American Legion Post 295, appeared before the Council to request that they give consideration to locating the new Town Administrative Office on the vacant lot behind the American Legion. They advised that the Legion would like to monetize the lot for the benefit of their long-term operations; however, they would be open to options that would allow the Town to acquire and/or control the property.

#### Introduction – Town Administrator Davis

Mayor Littleton introduced Town Administrator Danny Davis, who would replace Ms. Semmes when she retired at the end of the year. He noted that Mr. Davis would work with Ms. Semmes through the transition period.

Town Administrator Davis thanked the Council for giving him the opportunity to be a part of Middleburg's management team. He noted that he began his career working on the legislative staff of one of Loudoun County's Supervisors. Mr. Davis advised that following that, he spent over five years working as the Chief of Staff for the County Administrator. He further advised that he then worked as the Assistant Town Manager for the Town of Purcellville. Mr. Davis noted that following a brief stint in the private sector, he was happy to return to local government work.

#### FY '18 Audit Report – Mitchell & Company

Sandy Tondreau, of Mitchell & Company, appeared before Council to present the findings of the audit for the fiscal year ending June 30, 2018. She reported that they issued a clean opinion. Ms. Tondreau reviewed the details of the General Fund, Health Center Fund and Water/Sewer Fund.

The Council noted that the information indicated that the Town was budgeting more than it was spending annually. They questioned whether this was an indicator of anything.

Ms. Tondreau advised that it was not an indicator of anything bad and reminded Council that the staff monitored its finances closely, which was the key. She noted that they were good at carrying over and monitoring items that did not get completed in a budget year. Ms. Tondreau reminded Council that the Town had a capital improvement plan and that the staff monitored the capital projects.

Town Administrator Semmes reminded Council that because of the size of the budget, it only took one project not being completed in the budget year to throw this number off. She advised that in looking at the regular operating expenses, the Town was fairly even on its budget versus expenditures ratio.

Mayor Littleton asked the Town Treasurer to prepare a graph of budgeted-to-actual revenues and expenditures for the Utility Fund for the Council's information.

Ms. Tondreau noted that the Town had a \$5.2 million surplus in the General Fund. She advised that unless the Council had a large project that it would need money for in the General Fund, the Town could loan or give some of the surplus to the Water/Sewer Fund for utility projects.

Ms. Tondreau reminded Council that the Town's pension was handled through the Virginia Retirement System (VRS). She further reminded them that the Town was required to record its net pension liability in the audit, which was \$319,000 as of June 30, 2017. Ms. Tondreau noted that this was down significantly from the prior year, when it was \$637,000. She stressed that the Town paid what it was supposed to pay and that it had done nothing wrong. Ms. Tondreau explained that it was a liability if everyone needed to receive their pension payment on the same day; however, such a scenario would never happen.

Mayor Littleton inquired as to the total unfunded liability for the entire VRS system. He questioned whether VRS was where the Town should have its retirement funds. Mr. Littleton expressed concern that if interest rates were to go down, the Town's unfunded liability could increase exponentially. He questioned the health of the VRS fund.

The Council questioned whether it was even possible for the Town to get out of VRS. Town Administrator Davis advised Council that he would get them specific information about the overall health of VRS; however, he opined that Virginia was in a much better position than other states.

#### Save Our Loudoun – Rockwool

Yvette Perry appeared before Council representing Save Our Loudoun, also known as Loudoun Against Rockwool. She explained that Rockwool was a factory that was being constructed in Ranson, West Virginia, approximately ten miles north of the Jefferson/Loudoun County line. Ms. Perry advised that the plume projections show that pollutants from the plant would come straight into Loudoun County. She explained that the pollutants would include particulate matter so small that it would go into people's lungs. Ms. Perry noted that of particular concern was benzene and formaldehyde, which were known to cause cancer. She also expressed concern about the effects of Rockwool on the area's water quality.

Ms. Perry opined that Middleburg's voice carried a lot of weight in Virginia. She asked that the Mayor and members of Council contact their State legislators to ask them to look into what could be done to save Loudoun County. Ms. Perry further asked that the Council join the Town of Hillsboro and release a statement against the Rockwool factory. She noted that West Virginia was pursuing a legal avenue and advised that a building permit had not yet been issued. Ms. Perry further noted that a vote had been stopped with regard to a water and sewer line that was needed to serve the factory.

Councilmember Miller questioned whether the National Park Service had any recourse against the plant given its proximity to Harper's Ferry.

Ms. Perry explained that because Harper's Ferry was not a Class 1 park, the National Park Service did not have to approve the pollutants coming into the park. She noted, however, that Loudoun County was listed as one of the owners of the general Harper's Ferry National Park and opined that this was an avenue that needed to be explored.

Councilmember Daly questioned whether Jefferson County or the Town of Ranson was opposed to the factory.

Ms. Perry advised that the Town of Ranson was pushing for it; however, the residents of the town and county were opposed to it.

After some discussion, the Council agreed to consider a resolution opposing the facility at their next meeting. They further suggested that letters be sent to the State's elected officials asking them to look into this. The members asked Ms. Perry to provide any form letters that she may have. They also asked for the name of another locality that could be used as a comparison in terms of the amount of pollutants that Rockwool would produce.

#### Staff Reports

**Stuart Will, of IES**, reported that he was working to install exterior risers on some of the Town's manholes due to VDOT's repaving project. He noted that even though he put the risers out prior to the repaving, some of them disappeared and the paving was done without their installation. Mr. Will noted that this was a very labor intensive process as it required the removal of the surrounding asphalt. He advised that he was working to address this issue.

Mr. Will reported that when backwashing the sand filters at Well 4, they were shutting down and advised that he was trying to identify the reason.

**Town Administrator Semmes** reported that last month, she assisted with the hiring of the Town Administrator, the sale of the Health Center and the procurement of a website vendor. She noted that the Town was close to doing the West End Pump Station Project. Ms. Semmes welcomed the Town Treasurer back to work.

**Town Clerk North** reminded Council that during a previous meeting, they agreed to ask each of the Town's committees to conduct an assessment of themselves, with the completed forms to be returned to her by December 1<sup>st</sup> so the Council could review them during their December meeting. She noted that, to date, she had only received a completed form from Go Green. Ms. North acknowledged that some committees were working on the forms; however, she reminded Council that they only had three weeks left to complete this assignment.

The Council thanked the Town Clerk for organizing the volunteer appreciation reception and noted that they received a lot of compliments on it.

**Business & Economic Development Director Gaucher** reported that over the past month, five or six businesses have expressed an interest in locating in Middleburg, including a slaughter and processing facility that would like to locate on the edge of town. He noted that this was not a facility that fit within the local economy. Mr. Gaucher advised Council that he would keep them posted on it.

Mayor Littleton noted that Mr. Gaucher's report indicated that a "boutique hotel" was interested in locating a one hundred room facility on a parcel that was located partially in the Town and partially in the County. He asked that he keep the Council informed as that inquiry progressed. It was noted that the hotel would need utility services.

Business & Economic Development Director Gaucher reported that he and Town Administrator Davis discussed the need to develop an economic development plan. He reported that they hoped to have a timeline available next week for presentation to the Council.

Business & Economic Development Director Gaucher reported that he, Councilmember Pearson and Town Administrator Davis met earlier in the day to discuss appointments to the Cultural & Community Events Committee. He expressed hope to bring a recommendation to the Council during their December meeting.

Mayor Littleton questioned the process for when a new committee was established. He further questioned whether the Council first needed to adopt bylaws for it. Mr. Littleton questioned how new members were appointed.

Town Clerk North explained that the Council normally solicited applicants and made the appointments; however, the committee wrote its own bylaws. She advised that in the case of the Community Events Committee, the ordinance that established it required appointments from very specific industries, such as the lodging industry, which did not lend itself to the normal recruitment process, but rather required the direct solicitation of specific individuals.

Vice Mayor Kirk noted that she was not invited to attend the meeting referenced by Mr. Gaucher and reminded him that she was a member of that committee.

**Town Treasurer Bott** commended Tina Staples on the amazing job she did in filling in for her while she was on maternity leave.

Ms. Bott reported that the meeting between the towns and Loudoun County regarding the consolidated billing was cancelled; however, the switch over was progressing.

Ms. Bott advised Council that the utility bills would go out in the morning and noted that the tax bills were already out.

Mayor Littleton asked that the Town Treasurer identify the amount of unassigned cash needed to meet the Town's daily working needs.

Councilmember Pearson opined that it was important that Ms. Staples continue to train and help the Town Treasurer so she could continue to fill in when needed.

Town Treasurer Bott reported that Ms. Staples was working on her certification as a Deputy Treasurer.

Town Treasurer Bott reported that there continued to be one delinquent meals tax account. She noted that she gave the restaurant owner a deadline of the end of the week to submit payment or the Town would take further action to collect it.

**Town Planner Moore** reminded Council that they authorized the expenditure of \$30,000 to bring Chinn Court up to standards so VDOT would accept it into their maintenance system. He noted that this figure was based upon the contractor doing the work when they were mobilized in Middleburg for the VDOT paving project; however, they were unable to do the work at that time. Mr. Moore reported that he received an estimate of \$33,000 to do it in the spring. He questioned whether the Council wanted him to pursue this work. Mr. Moore noted that he needed more information from the contractor, such as whether this price was based on the State contract price, so he would know whether the work needed to be bid out. The Council agreed they wanted to continue to pursue the paving.

The Council held some discussion regarding Pinkney Street. It was noted that this street was damaged by the contractor; therefore, they may have some liability for making the repairs. It was further noted that Chinn Court did not require a full-depth reconstruction; and, without an analysis, it was unknown as to whether Pinkney Street would need one in order to be accepted by VDOT. The Council asked the staff to secure an analysis of the street.

Town Planner Moore reported that the Marshall Street Sidewalk Project continued to be on hold as the Town was waiting for VDOT to issue the MOT. He advised that the contractor was ready to begin work and opined that they would complete the project quicker than originally estimated. Mr. Moore assured Council that this project would not impact Christmas in Middleburg, even if construction had to wait until the spring. He reminded Council that weather affected the ability to pour concrete; therefore, there would be a point in time after which the work would have to wait until spring anyway.

Mayor Littleton thanked Town Planner Moore and Planning Commission Chair Combs for their work on the Envision Loudoun plan. He noted that The Berkley Group provided a practical, realistic and reasonable alternative to the draft plan; however, based on a comment from a member of the County Planning staff, they were not open to it. Mr. Littleton advised Council that he and Councilmember Leonard-Morgan spoke during their public hearing earlier in the week.

**Chief Panebianco** reported that preparations were underway for Christmas in Middleburg. He thanked Bob Ball for his assistance in leading the Halloween Parade, which had an estimated seventy participants this year.

Vice Mayor Kirk advised the Chief that motorists were not stopping completely at the stop signs in the Ridgeview area. She expressed concern about the danger to kids playing in this area.

Councilmember Bernard noted that on Election Day, he noticed drivers who were driving too fast on Marshall Street.

Chief Panebianco advised that the police officers tended to stay away from the Town Office on Election Day as they did not want to appear to be inhibiting anyone from voting. He further advised that during the next election, they would use the speed sign on this street.

The Council noted that the brick crosswalks on Route 50 were sinking badly, creating a liability situation. They expressed concern about the dangerous situation this could create during Christmas in Middleburg when horses would be travelling down the street. The Council inquired as to the status of the repairs.

Town Administrator Semmes reported that she sent four emails over the past month to VDOT on this subject, with the latest one being addressed to the higher level supervisors. She further reported that the response was that they were "on it". Ms. Semmes advised that she was going to follow-up to determine their plan and noted that she had told VDOT of the danger the brick crosswalks posed and of the need for repairs, even if they were only temporary ones.

Mayor Littleton suggested that if the Town did not have a resolution from VDOT by next Tuesday, that the Town Administrator contact Scott Kasproicz to seek his assistance.

**Town Attorney Crim** reported that the Health Center sales contract was signed and that the Town was working to provide the information required under it. He noted that the closing date would be up to the Old Ox as they needed to complete their due diligence. Mr. Crim advised that he did not anticipate any issues.

Mayor Littleton inquired as to the status of scheduling a meeting of the Middleburg Strategic Finance Committee.

Town Clerk North reported that she was waiting to hear from one person; however, it appeared that November 28<sup>th</sup> worked for the majority of the members.

Councilmember Daly reminded Council and the audience of Veterans' Day on November 11<sup>th</sup>. He advised that as a veteran, he was proud that sixty-five percent of Middleburg's residents voted during the last election.

### **Consent Agenda**

- (1) Approval of Minutes – October 11, 2018 Regular Meeting, October 16, 2018 Emergency Meeting & October 25, 2018 Work Session

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

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

No – N/A

Abstain: N/A

Absent: N/A

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

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### **Action Items** (Non Public Hearing Related)

#### **Council Approval** – Bid Award – West End Pumping Station Project

Town Administrator Semmes reminded Council that this was a contract to upgrade the old pump station on the west end of town and to improve the driveway leading to it. She reported that the Town's engineers carefully evaluated the low bid and determined that it was reasonable and did not pose an undue risk to the Town. Ms. Semmes noted that the only change to the contract was to reduce the liquidated damages from \$1,000 per day to \$500 per day.

*Councilmember Leonard-Morgan moved, seconded by Councilmember Daly, that Council award a construction contract, in the form approved by the Town Attorney, in the amount of \$788,136 to East Coast Utility Contractors, Ltd for the West End Sewage Pump Station Upgrade Project and authorize the Town Administrator to execute the contract agreement for this project on behalf of the Town.*

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

No – N/A

Abstain: N/A

Absent: N/A

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

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## Council Approval – Health Center Fund Donations

Vice Mayor Kirk reported that the Health Center Advisory Committee met to review the applications and noted that they totaled \$41,000. She advised that although they did not submit an application, the Committee also wanted to give funding to the Loudoun Abused Women's Shelter as they provided services for the greater Middleburg area. Ms. Kirk reported that the Committee recommended donations totaling \$40,000.

The Council held some discussion as to how these funding requests would be handled in the future given the sale of the Health Center building. It was noted that the goal was to set up a foundation to handle them.

Mayor Littleton announced that in the event of a tie, he would abstain from voting as he served on the Board of Directors for the Middleburg Museum Foundation.

Councilmember Pearson announced that she would recuse herself from the vote as she took care of the funds for the Middleburg Community Center.

Councilmember Hazard reported that he would also abstain from the vote as he served on the Board for Shakespeare in the Burg.

*Councilmember Daly moved, seconded by Vice Mayor Kirk, that Council approve funding for nonprofits for FY '19 as proposed by the Health Center Advisory Board.*

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

No – N/A

Abstain: Mayor Littleton and Councilmembers Hazard and Pearson

Absent: N/A

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## Discussion Items

### Proposed Branding Logo

Business & Economic Development Director Gaucher reminded Council that Native Collaboration took four potential logos and tested them in the Washington, DC and Richmond markets, with over a thousand people responding to the survey. He reported that the aspirational equestrian logo outperformed them all, with the modern horse finishing second. Mr. Gaucher advised that he also sent the logos to approximately thirty people who lived and/or worked in Middleburg and reported that the aspirational equestrian logo again outperformed the others. He noted that some of the respondents indicated that they did not like any of the choices. Mr. Gaucher advised that he, Town Administrator Davis and Councilmembers Miller and Pearson met to review the survey data. He asked that Council provide specific input on the modern horse and aspirational equestrian logos so he could return to Native Collaboration to ask them to do at least one more rendition before a decision was made.

Mayor Littleton asked that within twenty-four to forty-eight hours, the members of Council email their comments about the positive and negative attributes of each logo to the Business & Economic Development Director. He suggested that Mr. Gaucher then condense those down and return with what he believed was the sentiment of the Council.

Councilmember Miller asked that the comments be based upon the four questions identified in Mr. Gaucher's memorandum. He encouraged the members to remember that while the Town needed to feel pride in and like the logo, these were the logos that reflected a positive response from the target audience that the Town wanted to attract.

There was some discussion as to whether the survey questions accomplished what they were meant to since they only allowed the participant to respond based on the four logos. There was some discussion as to whether they should have been given the option to state that none of the four logos would make them want to come to Middleburg.

Mayor Littleton asked that the staff send the Council specific questions and then gather the responses. He suggested that if eighty percent of them clearly liked one design better than the others, that the staff then work with Native Collaboration to refine it; however, if there was no clear preference, he asked that this matter return to the Council for discussion in a special meeting. It was suggested that the Council be provided with a summary of the feedback before anything further occurred.

#### Employee Luncheon, Gift Certificates and Council Holiday Meeting Schedule

At the request of the Mayor, Councilmember Pearson agreed to organize the Employee Holiday Luncheon on December 14<sup>th</sup>. The Council agreed to offer the employees and committee members the gift certificates as have been distributed in the past. Finally, they agreed to keep the date of November 29<sup>th</sup> tentatively open in the event a work session was needed later in the month.

#### **INFORMATION ITEMS**

##### Right to Participate in Election Process

Mayor Littleton noted that he and past Mayor Davis recently wrote a letter of support for Barbara Comstock in her bid for re-election. He advised that he did not do so based on her party but rather because he liked her and she did a lot for Middleburg over the years. Mr. Littleton noted that signing the letter as Mayor was something that was permissible and stressed that it did not signify the Town's endorsement of her as a candidate. He advised that under the First Amendment, supporting candidates and voting were his rights.

##### County Comprehensive Plan Amendment Process

Mayor Littleton reminded Council that the County's Comprehensive Plan was under review. He further reminded them that the first draft of the revised plan was released in May by the County's Stakeholders Committee. Mr. Littleton noted that there were some things in the plan that were drastically changed; however, the overall general policies around suburban, transition and rural areas by and large remained. He reminded Council that the County's Planning Commission received the draft plan in July and held a public hearing on it earlier in the week. Mr. Littleton noted that due to the lateness of its release, the public only had two weeks to review the 570 page document before the hearing. He reported that that draft was a wholesale re-write of the plan which handed over western Loudoun County, including the transition area, for unfettered development. Mr. Littleton advised that under the draft, the transition area, which was supposed to be the buffer zone for towns, was essentially destroyed as the density was proposed to double and it would be a holding area for future dense development.

Mayor Littleton reminded Council that the Town asked The Berkley Group to do an analysis and develop alternatives for the County's consideration. He noted that the mayors from each of the towns spoke during the public hearing, with each offering a separate message. Mr. Littleton opined, from watching the reaction of the County Commissioner's, that there was no interest on their part in hearing what was being said. He suggested the towns' concerns were going to have to be taken to the Board of Supervisors when the plan was forwarded to them.



Mayor Littleton reminded Council that this plan would define what happened in the entire County, including in Middleburg, for the next twenty years. He asked the members to encourage residents to write to their Supervisor and noted the need to convince the Supervisors who did not represent the rural areas that this was a horrible plan.

Councilmember Leonard-Morgan suggested this was an education issue. He reminded Council that housing increased demands on schools, infrastructure and transportation that was multiple in terms of the tax income from the houses.

It was requested that the members be sent a draft letter that they could share with residents.

Mayor Littleton reminded Council that Chairman Randall was hosting a Rural Summit at the Salamander Resort on November 16<sup>th</sup>. He encouraged the members of Council to attend and noted the need to RSVP in advance.

### **Strategic Initiative Item Review**

Mayor Littleton reminded Council that the 2003 County Comprehensive Plan called for the County to set up strategic working groups in the towns to discuss the green belts around them; however, this never occurred. He reported that he spoke with the Deputy County Administrator about this and suggested that someone needed to be held accountable and that there needed to be specific schedules in the plan. Mr. Littleton advised that the Deputy County Administrator agreed to meet with the towns to identify a measurable way to make things happen.

### **Closed Session** – Advice by Legal Counsel; Appointments to Town Committees; Personnel

*Vice Mayor Kirk moved, seconded by Councilmember Daly, that Council go into closed session as allowed under the Virginia Freedom of Information Act Sections 2.2-3711(A)(8) and (1) for consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel; and, for the discussion, consideration or interviews of prospective candidates for employment, assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees and employees of the public body. Vice Mayor Kirk further moved, seconded by Councilmember Daly, that these matters be limited to (1) legal advice regarding a recent appeals court ruling and its impact on the Town; (2) appointments to the Town's various boards, commissions and committees; and (3) a bonus for a Town employee. Vice Mayor Kirk further moved, seconded by Councilmember Daly, that in addition to the Council, the following individuals be present during the closed session: Martha Mason Semmes and Danny Davis for all of the items, Martin Crim for the first item, Rhonda North for the first and second items, and Will Moore for the second item. Vice Mayor Kirk further moved, seconded by Councilmember Daly, that the Council thereafter reconvene in open session for action as appropriate.*

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

No – N/A

Abstain: N/A

Absent: N/A

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

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Mayor Littleton asked that Council certify that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the closed meeting, which each member so did. He reminded those present for the closed session that any discussion that occurred within it should be treated as confidential.

Mayor Littleton directed the staff to proceed with the employee bonus as discussed and directed during the closed session.

Appointments to Town Boards, Commissions and Committees

*Vice Mayor Kirk moved, seconded by Councilmember Pearson, that Council re-appoint Terence Cooke to the Middleburg Planning Commission for a four-year term, said term to expire December 31, 2022. Vice Mayor Kirk further moved, seconded by Councilmember Pearson, that Council re-appoint Howard Armfield and Edward “Snooks” Swain to two-year terms on the Health Center Advisory Board, said terms to expire December 31, 2020. Vice Mayor Kirk further moved, seconded by Councilmember Pearson, that Council recommend the re-appointment of Catherine “Bundles” Murdock and Trowbridge Littleton to the Board of Zoning Appeals to the Judge of the Loudoun County Circuit Court to fill the remainder of her original term, said term to expire December 31, 2019.*

*Mayor Littleton offered a friendly amendment that Catherine “Bundles” Murdock be recommended to the BZA, said term to expire December 31, 2019 and that Trowbridge Littleton be recommended to the BZA, said term to expire December 31, 2023. Vice Mayor Kirk accepted the friendly amendment.*

*Councilmember Leonard-Morgan offered a friendly amendment to clarify that the appointment was for Trowbridge Littleton Sr.*

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

No – N/A

Abstain: N/A

Absent: N/A

(Mayor Littleton only votes in the case of a tie.) (on motion as amended)

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There being no further business, Mayor Littleton declared the meeting adjourned at 9:45 p.m.

APPROVED:

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Trowbridge M. Littleton, MAYOR

ATTEST:

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Rhonda S. North, MMC, Town Clerk

## November 8, 2018 Middleburg Town Council Meeting

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

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

**Everyone:** [Pledge of Allegiance].

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

**Chris Bernard:** Chris Bernard.

**Kevin Hazard:** Kevin Hazard.

**Philip Miller:** Philip Miller.

**Darlene Kirk:** Darlene Kirk.

**Bridge Littleton:** Bridge Littleton.

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

**Cindy Pearson:** Cindy Pearson.

**Kevin Daly:** John Kevin Daly.

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

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

**Martha Mason Semmes:** Martha Mason Semmes, Town Administrator for a little bit longer.

**Danny Davis:** Danny Davis, Town Administrator coming in. [Laughter].

**Bridge Littleton:** OK. Real quickly I just want to go to we have a couple of recognitions tonight. I want to get a sense of the time frame. How many people here are to speak during the public comment session? OK. One person. All right. So we'll go ahead and do the public comments. So if you have a public comment please come forward, sit in front of the microphone there, and simply say your name, your address. [Inaudible]. Oh you're the Rockwool. No, I'm sorry. Yeah we have you on the agenda for later. OK. All right so we'll go ahead and open the public comment session. Any public comments? OK. We'll close the public comment session. We have no public hearings. And now we're moving on to special recognition and public presentations. So at this time I'd like to recognize Gary Clemens the Loudoun County Clerk of the Circuit Court to make a special presentation.

**Gary Clemens:** Thank you Mr. Mayor, ladies and gentlemen of the Council. I'm not quite sure of the way I should set up, but I think I'll set up here. If I could ask the family of Richard Kirk to come to the front as well and join me. [Inaudible]. This reminds me of Thanksgiving dinner [inaudible]. [Laughter].

**Gary Clemens:** Thanks for having us everybody.

**Bridge Littleton:** Thanks for coming.

**Gary Clemens:** [Off mic].

**Bridge Littleton:** Please do, and I will turn my microphone around.

**Gary Clemens:** Virginia Court Clerks Association Resolution of Appreciation for John Richard Kirk 1940 to 2017. Whereas with the death of the Honorable John Richard Kirk on December 21, 2017 the Virginia Court Clerks Association has suffered the loss of a very distinguished Clerk of Court. Whereas John Richard Kirk was born in Upperville, Virginia on May 2, 1940. He was a lifelong resident of Middleburg, Virginia. Richard is survived by his loving wife, Betty George Kirk, sons John Richard Kirk, Jr. and Justin Kirk, two daughters in-law Molly Kirk and Carly Kirk, grandchildren Toby, Charlotte, and Jameson, brothers Joseph Kirk and Jack Kirk. Richard graduated from Loudoun County High School which was the only high school in Loudoun County 1959. [Laughter]. whereas John Richard Kirk dutifully served the Commonwealth of Virginia and the County of Loudoun in the Office of the Clerk of the Circuit Court. Richard began his career with the Loudoun County Circuit Court Clerk's Office in 1959 serving as a file clerk. He was subsequently appointed as a chief deputy clerk for the honorable Frederick Howard in 1979 and appointed by the judges as the Clerk of the Circuit Court after Mr. Howard retired in 1991. In 1992 the citizens of Loudoun County elected Richard as the Clerk of Circuit Court. He served as the Clerk of Loudoun County Circuit Court for nine years. And whereas John Richard Kirk dutifully served the United States of America in the Army National Guard for eight years in the 1960s. And whereas John Richard Kirk's career in court management is highlighted by pursuing modernization of the Clerk's Office when Loudoun County started to experience significant residential growth. Under his leadership Richard introduced the use of computer terminals for the first time in the history of the Clerk's Office and implemented the Supreme Court's case management system instead of using paper index and record books. And whereas John Richard Kirk remained active after retirement as Clerk of the Circuit Court by serving as a civil celebrant, a part time real estate agent, and a substitute schoolteacher in Loudoun County public schools. And whereas John Richard Kirk was active in numerous professional and community organizations including the Middleburg Methodist Church, the Middleburg Community Center, the Middleburg Visitors Center and the Middleburg Museum Committee, And now therefore let it be resolved that this association does honor the life and service of John Richard Kirk, a distinguished colleague, public servant, and role model. And be it further resolved this resolution will be among the minutes of the Virginia Court Clerks Association and this resolution be provided to the family of John Richard Kirk. Betty, It's an honor to present this resolution to you and your family. We miss Richard dearly, but know that the Clerks of Virginia have tremendous respect for Richard and the service in the Commonwealth of Virginia.

**Betty Kirk:** Thanks you so much. [Applause].

**Darlene Kirk:** Thank you.

**Gary Clemens:** Thank you Mr. Mayor.

**Bridge Littleton:** Gary, thank you very much. I know. It's great. And Gary I don't think you're done for the evening. I believe you have one more duty.

**Gary Clemens:** Citizens of Middleburg you had an election recently, And Chris Barnard was elected to the Town Council. Mr. Barnard are you prepared to assume the duties to the Middleburg Town Council?

**Chris Bernard:** I am.

**Gary Clemens:** Please raise your right hand and repeat after me. I Chris Bernard.

**Chris Bernard:** I Chris Bernard.

**Gary Clemens:** Do solemnly swear.

**Chris Bernard:** Do solemnly swear.

**Gary Clemens:** That I will support the Constitution.

**Chris Bernard:** That I will support the Constitution.

**Gary Clemens:** Of the United States of America.

**Chris Bernard:** Of the United States of America.

**Gary Clemens:** And the Constitution.

**Chris Bernard:** And the Constitution.

**Gary Clemens:** Of the Commonwealth of Virginia.

**Chris Bernard:** Of the Commonwealth of Virginia.

**Gary Clemens:** And I will faithfully and impartially.

**Chris Bernard:** And I will faithfully and impartially.

**Gary Clemens:** Discharge all the duties.

**Chris Bernard:** Discharge all the duties.

**Gary Clemens:** Incumbent upon me.

**Chris Bernard:** Incumbent upon me.

**Gary Clemens:** As a member of the Town Council.

**Chris Bernard:** As a member of the Town Council.

**Gary Clemens:** For the town of Middleburg, Virginia.

**Chris Bernard:** For the town of Middleburg, Virginia.

**Gary Clemens:** According to the best of my ability.

**Chris Bernard:** According to the best of my ability.

**Gary Clemens:** So help me God.

**Chris Bernard:** So help me God.

**Gary Clemens:** Congratulations.

**Chris Bernard:** Thank you. [Applause].

**Bridge Littleton:** Gary thank you very much.

**Gary Clemens:** Thank you sir.

**Bridge Littleton:** All right. I believe we have one more oath of office. Do we have a Chief of Police in the house? [Laughter]. [Inaudible].

**A.J. Panebianco:** Very quickly, if you attend our meetings and see that when we hire or promote somebody you'll know what's getting ready to happen, but the Clerk of the Court who just left swears in every police officer in the county. He gives them the authority to do their job. We in Middleburg require the officers who are newly hired or newly promoted to take an oath of honor that then holds them accountable to our citizens in the town. And that's what we're going to administer today. So if I can get, and I'm taking your badge. [Laughter]. This is for you. And we have Ryan Gray who is our new officer and Gina, his girlfriend. Gina will be pinning his badge on him here shortly, but first you're going to take the oath of honor. Repeat after me. On my honor.

**Ryan Gray:** On my honor.

**A.J. Panebianco:** I will never betray my badge.

**Ryan Gray:** I will never betray my badge.

**A.J. Panebianco:** My integrity.

**Ryan Gray:** My integrity.

**A.J. Panebianco:** My character.

**Ryan Gray:** My character.

**A.J. Panebianco:** Or the public trust.

**Ryan Gray:** Or the public trust.

**A.J. Panebianco:** I will always have the courage.

**Ryan Gray:** I will always have the courage.

**A.J. Panebianco:** To hold myself and others.

**Ryan Gray:** To hold myself and others

**A.J. Panebianco:** Accountable for our actions.

**Ryan Gray:** Accountable for our actions.

**A.J. Panebianco:** I will always uphold the Constitution.

**Ryan Gray:** I will always uphold the Constitution.

**A.J. Panebianco:** The community.

**Ryan Gray:** The community.

**A.J. Panebianco:** And the agency I serve.

**Ryan Gray:** And the agency I serve.

**A.J. Panebianco:** So help me God.

**Ryan Gray:** So help me God.

**A.J. Panebianco:** Congratulations. Thank you.

**Ryan Gray:** Thank you sir. [Applause]. [Inaudible]. [Laughter].

**A.J. Panebianco:** And real quickly while she's doing that, a little bit about Ryan. Ryan comes to us having served as a police officer in the town of Warrenton. We have great high expectations for Ryan. He's doing a great job. He's currently with Corporal Putnam as a field training officer getting acclimated to Middleburg and doing so very well. So we're very lucky and very happy to have him on board.

**Bridge Littleton:** OK. Where'd Ryan go? Did he already leave? Oh, there he is. Congratulations. Welcome aboard. Thanks.

**Darlene Kirk:** We're glad to have you.

**Ryan Gray:** Thank you.

**Bridge Littleton:** All right so next item on the agenda is an Unsolicited Proposal for Location of a potential Middleburg Administrative Office. Steve Plescow will be delivering it along with the American Legion. And before we go into the presentation, just a couple of things I want to say for us on council and the public. This is an unsolicited proposal item that the American Legion has submitted to the town on their own behalf not in response to any specific town RFP or request. It is for informational purposes only. There is no currently standing requirement that we have out there, so we want to be very careful and respectful of listening and taking to heart the proposal they brought together. And I want to read this some item that was prepared earlier by the Town Attorney. The following presentation was requested by a member of the community, and I have agreed to allow them time on tonight's agenda to present this information to the Council. One or more of the topics presented may maybe suggesting a public/private partnership which require a separate process be adopted by Council before formal consideration of the proposal could take place. At this time Council has asked to listen to the presentation, but not make any comments regarding the information presented. So I just want to look around the room make sure everybody understands where we are. OK. Great. Steve?

**Steve Plescow:** Good evening.

**Bridge Littleton:** Over to you guys. Thank you.

**Steve Plescow:** Thank you. Mr. Mayor, members of Council, John Moliere.

**John Moliere:** Mr. Mayor, members of Council.

**Steve Plescow:** So what we have before you, and I apologize I didn't get here early enough to put up a PowerPoint, but I have some copies if people would like to follow along. I presume everybody's got this, so if people are interested. Just going to take a few minutes tonight with my history with the town during my time I know we were always contemplating a new location for the Town Hall. And a few months ago I was introduced to John. I've known John, but I've been introduced to him about his property. And in thinking about it I thought it would be a really nice location potentially for a Town Hall. So I had conversation with John and John has asked me, and I have helped prepare a little proposal package for y'all and tonight I've just got a very brief summary again to introduce the

Council and members of the public that the American Legion would like the Town to consider one of their properties as a potential Town Hall site. For those who don't know the American Legion Hall has two parcels. One parcel has the Legion Hall on it, and then there's a back parcel that it's an open field right now and it's across from one of the town water plant locations. For those of us who work on the Christmas parade we know that field because we would stage some of the events there. But the nice thing about it it's an open field. It doesn't have anything on it today, there's no historic resources or buildings on it. So part of the package includes a little conceptual sight plan. I know from the study that the town did you're looking for a town hall that's approximately 12,000 square feet, about 50 parking spaces. I did a little test site plan to see how we could fit a town hall or an office building on that location. The parcel itself was like .71 acres. So it's a small parcel and I think one of the advantages of this parcel is it can certainly fit the building needs, it can fit most of the parking needs, but being located next to the town water plant property I think gives you an advantage of being able to use some of that property for additional parking that would be needed for the town hall. So you know in essence you would not be acquiring more land than you need. You'd actually be putting more value into property that the town already had. The site is compatible with adjacent uses which there are several office buildings around it. Excuse me, and it's also zoned properly at this time as far as the process for acquisition or control of the property to be determined in the process as the town moves along. But I think the key thing to emphasize with the American Legion is they want to create a win win situation between the town and the American Legion. It's underutilized property for the Legion. They'd like to try and monetize it to the benefit of the long term operations of the Legion. I think they'd be flexible and open on various options for the Town to acquire and control the property, and our desire is just to respectfully be considered in the process as you're looking for potential Town Hall sites. We think it's a great site. And you know I have a lot of respect for the Legion. During my time here with Seven Loaves. They were very supportive of our organization and I personally think if we can help local organizations and create a win win and kind of keep it in the family I think that would be a benefit for the town. John?

**John Moliere:** We believe are pretty good neighbors to the town. The facility we have is made available to some poorer members of our community that can't afford the Middleburg Center or Cannon Hall or other facilities and it's open for free to people are having a little bit of a [inaudible] perhaps after a funeral. It's open to the community for rental. Moreover it has side doors on each side that could be parlayed with a Town Hall in this area for creating a triage. Certainly there's enough land around to land a helicopter should we have some kind of an emergency situation in town that could be incorporated into a continuity of operation or emergency response capability. I think there's a lot of potential for the Town and the Legion to continue to work together. And as we know in the last year we've lost some very dear members of the Legion, World War II veterans. In fact the only two World War II veterans that survived are Senator Warner and Franklin [inaudible]. And so if you do choose this site and you create a street over there we'd like it to known as Howard Allen Way. Or any case we're open to your questions and we're more than willing to work with the Town on a public/private partnership arrangement of any kind.

**Bridge Littleton:** Well you know I think on behalf of the council we thank you all very much for coming in and putting the proposal together. We really do appreciate the time and the effort. And you know as I said at the beginning this is an informational session. So it's you know for us to listen and consume and as we move forward the next steps we'll definitely be in touch.

**John Moliere:** [inaudible]

**Bridge Littleton:** I actually have to back up on the agenda because I complete completely forgot one item. Obviously that means it's the least important item but no kidding. No I apologize. So as everybody knows Martha is going to be retiring at the beginning of January and after eight year almost eight years of service as town manager are town administrator. And then how many years as planner? About 15 16 years of service to Middleburg. And you know we obviously are gonna wish her the best and well in the exciting world of travel that awaits you after here. But with that we have also been fortunate to go through an interview process and hire a new town administrator to pick up on the role where Martha leaves off. I will say it was a great process we had over 50 applications for people who were interested to be the next town administrator which really says something about the town I think. And through the selection process we selected Danny Davis. So I know we're all very excited for him to start. He's going to be here with Martha for the first you know transition period through December and then once Martha retires in



January that he will be fully immersed fully on board where everything is have no excuses about being the new guy. He will give you his personal cell phone number. [laughing] But by the way these are warnings. [laughing] So. But I do want to say a couple of words. Danny has a great history with Loudoun County. He started off at one of our supervisors legislative offices. Which supervisor was it? Lori Waters. And then from there actually give a little of your background. [inaudible]

**Danny Davis:** And you know I say thank you to the Council thank you to the community it's exciting to be here and join you. It's a great town. The staff are fantastic and I hate calling them staff. They're really a team because they come together and they really do work like a team so that makes a big difference when you're looking at a place where you want to join a council that knows who they are and where they want to go and great leadership that I'm falling in steps of and a great team to join in to say thank you for that. I did start working for an elected official so it was political for a few years there right in the midst of the building boom so it was a little bit crazy. And that was in Ashburn area I got a chance for the county administrator deputy county administrator than the county administrator and was the chief of staff to the county administrator for five and a half years almost five and a half years which gave me a chance to see a lot of operations a lot of departments and a lot of opportunities in leadership of departments and people. I got to work for the town of Middleburg Town of Percival excuse me for two years which was another great opportunity and then a brief stint in the private sector as well. So it's great to be back in the local government which is where I get my joy. And I love serving people and helping build community. So thank you again for this opportunity and I look forward to taking the great work that's been done over the many many years before and just help you as a council achieve what your goals are and you have great ideas and a great plan. And we're going to do great things with you. So I'm excited about that. [applause]

**Bridge Littleton:** Well Danny again. Thank you very much for joining the town in Middleburg when we were going through the interview process. You know I reminded folks that you know we're interviewing them but they're also interviewing us. So we're really pleased that you also chose to come to Middleburg make it your home. So looking forward to it. All right we're moving on next item is the Mitchell & Company audit report.

**Sandy Tondreau:** Hello I'm saying good how are you. For those of you that I don't know. My name's Sandy Tondreau and I work for Mitchell & Company and I did the audit this year and I believe you all got a copy of a draft report. This 61 page report I'm not going to go through in detail. We don't have time for that but.

**Bridge Littleton:** Oh please. [laughing]

**Sandy Tondreau:** But I'll refer to a couple of pages for some detail that you might want to look at later. And then obviously if you have any questions about that please feel free to ask me I'd like to. I think you also received a copy of this PowerPoint. I'd like to follow mostly on that and just go over some financial highlights and some things that we did during the audit. So first page is just kind of a comparative balance sheet breaking out in the different funds. As you know the town has a general fund the health center fund and the water and sewer fund. The first category the cash and investments the town has a total cash investments of almost of seven point two million made up of that you have CDs of about 500 and 12000 and then this year as you know you moved some money into the VML investments of about 720000. The rest of that is cash that's available and it's all divided up over the funds. The cash obviously is kind of tracked as money comes in and goes out the CDs and the investments were prorated over the funds years ago when they first got put in to the CDs and those have just been carried over and added to as interest accrues receivables the town does not have a lot of money that's owed to them it's mostly the biggest chunk of that is the utility fund because that last bill for the June period doesn't even actually get sent out until July. So that's the biggest chunk of the receivables. There are some little real estate tax items that were six sticking out there and your money from Sona bank for the franchise tax. I know you all had we had worked on some old receivables that had been sitting out there and those were written off this last year. So it's a pretty clean account their fixed assets the general fund what we record as fixed assets is primarily the infrastructure of the roads and sidewalks. You know there are some equipment like this equipment here that you all got last year was a big addition. And then the Asbury church and the renovations you've been doing on that. The biggest chunk of the fixed assets is the water and sewer fund you know which obviously is the whole water and sewer system the plant the all the related equipment and the increase in that this year is mainly Ridgeview project which did sneak in and there was a lot of costs at the end of the

year for that. And starting of the west end pump station work the other assets that is really just related to and I'm going to talk a little bit more about this later but the whole pension adjustment that we have to do. And basically this asset is you paid in money during fiscal year 2018 towards the pension. But the stuff that we record is always kind of a year behind because we're getting all of our reporting from the Virginia system. So we actually record this as an asset because you put that money in but it's not really being accounted for yet in the calculation of the liability and everything as far as liabilities. The town has some normal payables just bills that didn't get paid you know until July or August but were for the last year and we try and put those in there and match up the budget a little bit. The biggest in the water and sewer. There was a fairly large payable but that was related to the Ridgeview project just a bill that didn't come in until later but didn't get paid long term debt. Most of that is in the water and sewer fund as you know you have the three bonds outstanding right now. There was a small portion of the 2013 bond that had been allocated to the general fund for some projects way back when. So that's the portion that's in the general fund. And during this year you all meet principal payments on the loans of about 162,000 in interest payments of a hundred forty three thousand and that's both the funds combined and then the other obligation line item that is a big chunk of that is this pension liability that we record and that isn't recorded in your books. It's kind of a reporting issue so it's in here and I'll refer you to where you see that. And later the other chunk of that is and accrual for vacation and sick that's outstanding. And then the equity area you know this is just saying that the town has we have the investment in the fixed assets and that is net of any debt. So that's why that number doesn't look exactly like the fixed asset number in the general fund. There's currently almost four point eight million of unrestricted that's available and in the water and sewer one point two. The health center is considered restricted funds because it's supposed to be used for charitable purposes so it's not available for general use and we also in the government the general fund sorry had restricted of a hundred and sixty three. That's primarily the sidewalk grant that you all receive during this past year. But it didn't all get spent by the end of the year. So that again can't be used for general purposes it's supposed to be used for the sidewalk. So that's listed as restricted. There's also some and there related to the fire program where the state pays you the money and then the fire department's supposed to use it for projects and they had been a little behind on that. So there's some money sitting there that hasn't been paid out to them yet. And then the next page just a very general profit and loss summary and I'll refer you if you do want to look at the big report on page 14 of that. There's some more detail on the general fund and what makes up the revenues and expenses but primarily revenues were up in the general fund three point four million this year up from about three point three million last year. And the biggest chunk of that is the sidewalk grant that you all had this past year that you didn't have the year before. Otherwise everything was fairly neutral and we're going to look later at a slide of some of the big revenue items in the general fund and expenses were pretty neutral. So you had a surplus of eight hundred and 43000 in the general fund the health center fund there's some more detail in this report on page 21. Revenues were down this year to 89000. A lot of that was vacancies at the actual health center and the year before there was a lot of insurance payments received related to all the hail storm damage. There was some insurance this year related to the pipe bursting but it wasn't quite the same as we had the year before expenses were way down. Primarily the year before there was all the hair of hail damage repairs. And this year you know because of the thinking about selling you all didn't do as many of the repairs so you actually ended up with a surplus this year of 26000. The Water and Sewer Fund that if you want to see more detail on the residence expenses is page 18 of the report. But revenues were up one point four were down sorry one point four million down from one point five basically the year before you had a little bit more in availability fees. And again there was the insurance receipts related to the hail damage in the prior year. And that also accounted for slightly lower expenses this year because in the prior year that was all the storm damage repairs. And so then you ended with the surplus of 55000. The next slide is just a little graph approach of looking at the operating revenue and just see the trends you know over the past 10 years I think from this slide you know it's kind of obvious you could see where Salamander came in in 2014 and there is a big rise in the general fund. We also saw that increase on the water and sewer side. There's a couple strange little blips like 2015 was even higher because of the you were still getting the transportation Enhancement Grant at that point. And I think on the water and sewer it had jumped up in 15 because of the addition to Salamander but there was also an insurance payment at that time when there damages at the water treatment plant and this next slide just a little showing trends and the general fund with the revenues. And you can really see some of these big items like the meals tax Salamander came in partway through fiscal year 14 where we had five hundred eighteen thousand and then that is up this past year to nine hundred twenty five thousand. So you know a big contribution of Salamander plus all the other new restaurants in town which has been really great for the town occupancy tax also up from 2014 up 248000 and now up this year to 756000. So there's definitely some really good trends there on the general fund revenues. The

next slide just kind of to do the same thing with the water and sewer you know not as dramatic effects but you know with rate increases and usage increases the water and sewer has increased. And then the other category kind of tends to I think a lot of those blips and there were different insurance payments the hail storm and the and the water plant damages back in 14 and the tower rental remains fairly flat. The next slide I just like to mention you know the budget to actual the budgeting process in the town is very important. And the town has been really good at keeping in line with the budget. We do a schedule in the report and its way in the back. The last five pages or so 56 to 61 and that kind of shows in detail each of the categories. What was budgeted and what you actually spent or actually took in. But just as you know comparison looking at the schedule these navy blue lines are your actual revenue and you've pretty much always even surpassed what you were anticipating. Yeah we especially that first full year of Salamander not really knowing what to expect. And you know it was a lot higher. And then on the expenditure side I know you all very closely watched the expenditures and that shows in this graph too that you're usually below. You know obviously you can spend up to what you've budgeted but you know it's good to be close and keep an eye on that. Not be over spending.

**Bridge Littleton:** Can I ask you a quick question? So in looking at this right I'm looking at if I get it right. Budget expenditures is the yellow line. So that's what we planned on spending for the year and with the commitments that we wanted to do and all the cost. And then the green line is what we actually spent. So it looks like historically. We are way over budgeting what we actually end up spending.

**Sandy Tondreau:** Yeah I mean some years that wasn't too far off but yeah a lot.

**Bridge Littleton:** So for 2018 is a million dollars. We budgeted spending a million dollars more than we actually spent.

**Sandy Tondreau:** And some of that ends up being timing things like a big chunk of that was the sidewalk project we got the money in.

**Bridge Littleton:** Sure sure. But as you look over all the years it happens every year. So one thing slips from one year the next you still account for it in the budget like I so where I'm going with the question is. Is this an indicator that should have us. I mean it's good now right. Because we're always coming on the good side of it. But in a down economy you know does it. This is an indicator of anything? I just I know in a lot of places when they do you don't really do the budgeting right it's you want to try to plan and spend exact you don't want to spend it frivolously but you really want to plan it. And so I'm just asking your opinion your advice.

**Sandy Tondreau:** I don't think it's an indicator of anything bad. I mean you all seem to monitor very closely and I think that's the key. You know and knowing like you said if something doesn't happen this year that you still have to count for it next year. I think if you weren't doing that it might be an indicator of stuff getting lost or whatever. But you know from what we've seen the town has been very good at you know carrying that stuff over and keeping track of it and monitoring it which I think is the important thing.

**Bridge Littleton:** Thank you.

**Chris Bernard:** I mean is it when you're falling that far below the budget right. Is it possibly an indicator that we are maybe not keeping up with maintenance or something that we should be doing? Does that make sense?

**Sandy Tondreau:** Yeah.

**Bridge Littleton:** Like deferring maintenance.

**Chris Bernard:** Yes pushing it off until later? Obviously it's my first meeting. [laughing]

**Bridge Littleton:** And your first question.

**Martha Mason Semmes:** Would you like me [inaudible] fine.

**Bridge Littleton:** [inaudible] for general opinion. Yeah.

**Sandy Tondreau:** I mean this is just the general fund so it's a little bit different than considering like the maintenance fund we're probably has more. You know that sort of thing. But I think and probably if Martha were to speak to it you know they very carefully she does a whole capital budget plan and that kind of takes into the whole you know what needs to be repaired to keep up with the system. And so I think that in conjunction with just monitoring the budget I think it's OK I think you know at least Martha always has and I'm sure she's gonna pass that information on as far as you know how trying to coordinate that capitol project on repairing along with the regular budget.

**Bridge Littleton:** Martha you had a comment.

**Martha Mason Semmes:** I was just going to say actually I think Sandy hit the nail on the head with the size of our budget it takes one project that was budgeted and didn't get done. For that to get out of whack. If you were to look at our normal regular operating expenditures they're staying fairly even on the general fund side other than maintenance of this building which seems to come and whatever the next mold remediation might be which is hard to budget for. You know most of our capital projects on the utility front side so I would say if you looked at all of our expenditures from an operating standpoint they're fairly even from year to year. Fairly predictable. But it's all good questions and always worth taking a close look at for sure.

**Bridge Littleton:** I think you know and maybe Ashley you can do this. I think would be great to see as this graphic that you've done. If we can do that for the utility side too you know our actual revenue versus budget to revenue and our actual expenditures versus our budget expenditures. And this is actually this is a great graph it's like oh okay I see we we think this happens as you know how good. It's really an indicator of how good are we at predicting the future. Really what it drives to. And I think your point on the O&M kind of things where you have to be careful are you deferring things unadvisedly I think you're right that's really on the utility side. So be great to see one like that. Ashley I'm assuming that's easy for you to do? Okay.

**Sandy Tondreau:** [inaudible] questions. The next slide sorry is just a graph 2 of the surplus. And this is in the general fund and we put this in here years ago because for those of you that been here for a while back in 2006 it was negative 55000. So this just kind of shows how much the town is really buckled down concentrated on you know improving this and has grown the surplus to five point two million at the end of this year so that's a big accomplishment. And I know you know you all were looking at loaning money to the water and sewer fund because you have that availability and they need the help. And I don't know if we talked about this before but you know if you didn't want to do it as a loan situation the general fund can actually contribute to the water and sewer front but that's something that you know you all had can decide obviously as you get into that and decide what to do with the money. But based on what you've seen our finances what do you recommend I mean you do have quite a huge surplus and you know doing the contribution would negate I mean although you can do a really low loan rate you know I'm just thinking of saving the water and sewer on the interest or whatever if you were actually to contribute it. Unless you all had some big projects that you thought you needed to do on the general fund side. But you know it does seem like on the water and sewer side is where you all need the you know most capital and it's not quite as supported as you know the general fund side. Revenues are something to consider. This next little slide we just started we had started doing several years ago because sometimes it's hard to translate what we call surplus from an accounting standpoint to what a lot of people think of more of an operating standpoint. So for example for 2018 the water and sewer fund had a surplus for accounting purposes of 55000. And we do some little adjustments here to get back to what we think would be more of an operating income for the water and sewer fund. So we would back out availability fees which really are approach. You know part of the operating of the system you know the tower rental income which also is not really operating the system add back to appreciation expense which is something we take out for accounting purposes and take out the debt payments because for accounting purposes we don't put them as an expense. And then you actually show that the water and sewer has an operating surplus of 155000. So just something to see how the system is actually operating. But then in comparison the net cash is an outflow and that's mostly

because of you know the debt and the capital improvements. So it's a little confusing looking at it from the different accounting ways and the actual operating way but helpful to see the difference and the next slide is Martha's favorite [laughing] build to pump. But this has shown a great improvement. We just kind of compared it to other smaller towns that you know are similar and you guys are still below but you're catching up. So back in 2011 which was early on when we first started really like doing this slide it was you guys were below 50 percent. So you know you've really been working you know improving the system improving the tracking of the gallons you know pumping out there and what you're able to bill. So it is an improvement and you may not be happy where you are yet but yeah. And then last year will we think that was more of a record keeping issue. We think we weren't capturing all of the information correctly when you had the new gentleman at the plant. And so. So we think that's what that little blip was. But so just something to keep your eyes on continuously but at least it has improved. Then just some closing comments. What everybody likes to hear is that we do issue a clean opinion on the town. There were no problems during the audit. Ashley and Tina and Martha are very easy to work with as well as the rest of the staff. And they are very organized and it went very smoothly. We like to remind you all that we assigned we really work for you all even though we work closely with management and the rest of the staff. So if there were any big issues we would bring them to your attention. But there wasn't anything. I met with Martha and Tina back in September I guess it was because we did the audit kind of early this year since Ashley was going to be out for a little while. And so usually with them we go in great detail stuff you know everything that we did as far as adjustments and if there were any minor little internal control recommendations. But there wasn't anything big. And then I was going to mention I did mention a little bit of pension. And this is kind of one of those accounting things they required as you know you all are under the VRS plan. And a few years ago in the past you all just kind of recorded what you paid into the plan a few years ago they started kind of looking at what the net liability and the plan was in saying that towns should record it. And so we did do that. We base all of that information on reports that we get from the press. They sent us this one that has all this information that we basically use to record that liability and a bunch of disclosures that are in the report as of the end of it. It's always a year behind because this whole process of getting actuarial reports done and calculating this liability takes a long time. So as of June 30 2017 the town had a pension liability of 319000. That is down from the prior year significantly which was six hundred thirty seven thousand. So we're hoping that you know especially with the you know the market has been better so that you know when the investment income so that has helped the plan a lot. And like we also remind you you all have done what you been asked as far as paying into the plan so it's not anything you all have done wrong. And you know the actuarial calculations that they do you know obviously they're somewhat subjective. And you know so it's not anything you all have done wrong but it's just something we have to record it's not recorded in the books as far as what Ashley does but we do have to put it in this report and it really only shows up in this first what they call a government wide statement on page 11. And that's the only place that it really shows up. And then there's a nice 17 page footnote where it explains all of the calculations and all this stuff which I'm sure all of you have read and studied up on. They also during this year you will also contribute to the VRS life insurance plan which they consider OPEB plan. And it's kind of new that they're requiring that to also be recorded and disclosed although your amount of liability was like sixty eight thousand which seems odd to me since you don't really pay that much. But it's still kind of immaterial for what we usually record in there and since it only shows up on there we just did it as a footnote rather than add another 10 pages of footnotes. If we recorded it we would do that if it was more material a bigger number we would have shown it and added all the footnotes. But and if it does go up we will add it in that way and show it just like the pension was. But we're hoping that will also decrease. And then I just put on here subsequent events just as a note we did just put a little one page blurb because I know that after the report was issued you all did vote to sell the health center so we just made a little know that in there you know we're just supposed to not anything big happens you know after the fact but that was just a little minor thing. Bless you. Does anybody have any other questions?

**Bridge Littleton:** Any questions from counsel? Or staff?

**Bridge Littleton:** So I have one quick question about the pension liability. So if I understood what you said right. It's about three hundred and fifty thousand dollars give or take. But you said we have paid in all that we're required to pay in. So that pension liability is actually in the VRS system.

**Sandy Tondreau:** Yes.

**Bridge Littleton:** But we have to show it in our books.

**Sandy Tondreau:** Yeah because it's technically and this is if everybody at the same day needed to receive their pension payment you would be short that amount of money they're saying. So it's really your liability you're in the VRS system but they allocate out the portion that relates to you and your people that are in it. I mean it's never going to happen that everybody gets paid out.

**Bridge Littleton:** Sure I understand.

**Sandy Tondreau:** If it were to happen basically you're a little short.

**Bridge Littleton:** Got it. OK. Yeah it's just it's one of those things where I understand. Although I don't like carrying over a quarter million dollar liability on my books. We've done at all. [inaudible] we were required by law to do. They haven't. And yet it's our liability. So I get it. It is what it is. So one other question then. And you may not know the answer to this. Overall the VRS system. What is their total unfunded liability?

**Sandy Tondreau:** A lot. You know I didn't look up that one because it's been going on. [laughing] But just to put it in perspective because your portion of the pension one is 350000. I did look at the life insurance one just because it was new and I was curious. I wrote it down. You only had a sixty eight thousand of their one point five billion shortfall in the life insurance.

**Bridge Littleton:** And that's just the life insurance fund and the retirement is way bigger. So they have a one point five billion dollar unfunded shortfall liability.

**Sandy Tondreau:** Yeah.

**Bridge Littleton:** All right. So I have I'm going to ask a very blatant question. Is VRS where we should be doing our retirement? If you don't feel comfortable saying the answer I totally understand.

**Sandy Tondreau:** Know enough about the other options or what you know and a lot of that is the actuarial calculation everybody dying at once or everybody going into retirement at once. So the likelihood of it being a problem. You know I think is very slim but.

**Bridge Littleton:** But it's one of those things right if interest rates go down the unfunded liability grows exponentially. The economy slows it gets worse and worse. So anyway I'm sorry.

**Philip Miller:** Is it even possible to get out of it?

**Bridge Littleton:** Well I don't know. You know my question is that what's the health of the fund? Because you hear certain states their retirement funds are literally filing for bankruptcy. And I don't know where Virginia is or anything but you know.

**Sandy Tondreau:** I think it has brought to the forefront you know now that it has to be reported so I think that's holding them more accountable. So I think it could only improve from here I'm hoping.

**Bridge Littleton:** OK Danny do you have?

**Danny Davis:** We can get you more information on the specific numbers I think the good news is I think Virginia is in a much better position than many other states. The bad news that you see about other states thankfully has not come here. They have done a pretty good job in returns like you said we're not what they wanted to the last few years. But I think they're making a comeback. But it does vary. You know what happens year by year so we'd be happy to get you a little more info if you're curious about the overall health of the VRS.

**Bridge Littleton:** I mean I think you know the fact that I just love that we're carrying their liability on our books. I think would be interesting just to see you know what is the unfunded liability how many retirees are in there. You know we're hitting the baby boomers age more will be drawing out.

**Danny Davis:** We can put something together and they do review our required contributions annually. So they send information to Ashley and it tells us how much we budget for the town's contribution and so that number may vary year by year depending on how they view our specific actuarial needs. So I think they're trying to help us get to where we want to be. But remember VRS helps manage it for local governments but then they also have teachers and they have state employees which are kind of separate as well. So we can give you a little snapshot of that information.

**Bridge Littleton:** Thank you. Anybody have any questions? Yeah Kevin.

**Kevin Hazard:** [inaudible].

**Martha Mason Semmes:** That actually is programmed into our utility rate model. So and into our capital permits program. So it won't show up in your audit of expenditures and income but it is in our planning documents that you will be seeing soon again as we go into the budget process. Does it make sense?

**Kevin Hazard:** Yes and No. [inaudible] [laughing] specific number but it has to be if it's part of our budget process. There has to be some category that's covering that right?

**Martha Mason Semmes:** Well it is part of our it shows up as part of our reserve so we don't have a line item that's right. It's budgeted for in the utility rate model as replacement reserves but in there it just shows up as our reserves. We haven't restricted them. In other words to use only for replacements.

**Kevin Hazard:** Where is that?

**Sandy Tondreau:** In my presentation if you're looking at the first page of the balance sheet down under the equity you have total equity of ten point four million. Right now nine point one is tied up in your current fixed assets already so you have unrestricted that can still be used of one point two amount and the rate model plans also projecting now more in the future based on what you're going to you know get but currently there's one point two and then that's where you have to consider other funding or if you need more.

**Bridge Littleton:** Thank you very much.

**Sandy Tondreau:** Sure. If anybody thinks of any other questions please don't hesitate to contact me. Martha & Ashley know where to find me. [laughing] Thank you.

**Bridge Littleton:** Thank you. So next on our agenda is a presentation Save Our Loudoun on the Toxic Rockwool. Rockwool plant in West Virginia. [inaudible]

**Yvette Perry: OK** Good evening. So my name is Yvette Perry. Thank you for hearing us out. I'm here for Save our Loudoun are actually Loudoun against Rockwool. Just would like to get an idea of who's heard of the Rockwool facility in the room. There's a few of you. I know that some of the mayors of the other towns we've spoken to said they were going to bring it up to the mayor's meetings so so if you haven't heard basically there is a factory that is supposed to be built in Jefferson County and the city of Ranson and in West Virginia. And I'm in Middleburg you guys I'm wondering why I'm talking about this. It's the factories basically to be located about 10 miles just north of the state line between Jefferson County and Loudoun County. As the wind blows we all know that our weather comes from over there and so the projections the plume projections show that pollutants is going to be coming straight for Loudoun County. Loudoun County we have a lot to protect on our side. And this is why we had started our group Loudoun against Rockwool. Basically they're talking about opening the factory 24 hours a day. They're

going to be running it seven days a week. There's going to be 200 foot smokestacks two of them and also an estimate of about 100 tractor trailers a day coming across state lines. Unfortunately there hasn't been a lot of transparency with the company. So we actually don't even know what they're going to do with their sewer or where they're going to be getting their materials from or where transportation is actually going to coming from. And we already know we have a lovely traffic problem from all over the state. So we actually have a lot of unknowns. So just to discuss a little bit more detail about the pollutants they are talking about some serious stuff. We're talking about particulate matter 2.5 so small that it'll just come into your lungs people with COPD or lung issues the elderly the children and anyone who's kind of immune depressed immune system will not do well and we have a Lyme epidemic in Loudoun County. So we're taking this very seriously because of that. And we're trying to speak for the people that can't really speak for themselves. There's about 308 million pounds of pollutants coming. I have someone numbers. Their concerns are benzene and formaldehyde are two of the top ones that are known to cause cancer. Let me just give you a little bit of perspective so Loudoun against Rockwool we did our own research and looked at the Mississippi plant and the Mississippi plant at the last talks. It's called Toxics Release Inventory TRI in 2016 was releasing five hundred thirty nine thousand pounds of pollutants into the air 500 almost 540000 pounds coming straight for Loudoun County Jefferson County right now has a small factory and it's releasing 18 pounds but I should like quoting Mayor Vance at this point in saying of Hillsboro and he said we go from zero to five hundred and forty pounds of pollutants is not good for Loudoun County. The second concern is water. This is when I got involved. I'm an architect my background and when I heard about the [inaudible] they're building on basically what that means is there is a lot of sinkholes that can form it's unstable ground. It's built its limestone underground looks like solid earth on top but really porous underneath. In Leesburg there's a thing called limestone overlay district and if you've ever tried to build in Leesburg they will let you only after you've done several testing geophysical testing a grading plan silver engineers there stone storm water management etc. and unfortunately they did not do the basic geophysical testing on the site at all. So they've already found 10 sinkholes. They're trying to remediate themselves in the meantime. They've actually had violations of company itself on the site. Still no stop work order. We're a little frustrated. And what that means is if there's any catastrophic event or sinkhole forms under while the factory is actually in progress you will have immediate pollution of the groundwater all or waters connected and right now on the Potomac Bay and the Shenandoah River are in jeopardy because they're less than eight miles to Harpers Ferry National Park which who knows where those two converge. Shenandoah runs right and Berryville which comes and connects to everything else we do here. So this is a big concern for the water. And of course we all know we all I do depend on our well water in Loudoun County with our homes. So now we've talked about the air not being good the water being affected and of course this is going to be a domino effect for us in Loudoun County. We have built up especially I know here in Middleburg an agritourism business industry and all of Loudoun and our mom and pop restaurants and our mom and pop shops all depend on this tourists coming in the weekends. We were like you know DC's playground and we've built this enormous economy that now is going to be highly impacted by a polluting factory across a state line. It's very frustrating. What can we do? So we have Loudoun and Rockwool wants to ask you a few things as mayor of Middleburg and town council people of Middleburg. Your voice has a good weight in Virginia. Loudoun right now is still running as one of the richest counties in the U.S. definitely one of the richest counties in Virginia and I would think that would carry some weight in the Virginia with the senators and with the delegates with the governor. So let's make our voice heard. If you guys can write letters or call whoever you know and find out what can we do. I know that Attorney General Herring is already looking at it but at the same time we really need to have them take a close look at what can be done and save Loudoun County from this giant mess that we didn't even create and we can't we feel helpless about to say the least. So that's the first ask the second ask as a town of Middleburg your voice carries a lot in Loudoun County. This is where George Washington slept. This is the Middleburg between Washington D.C. and Winchester right. And I know that even in the state of Virginia this town just little time this precious town that's been here since the beginning carries a lot of weight. If you can stand with Hillsboro which is a little tiny town up there course we've talked to us as the first line of defense. The trucks are running and we're running on their route 9 up there because [inaudible] stand by Hillsboro and do the same appeal. Join forces with them and say yeah we support you Hillsboro. Not to mention that the equine community already released a statement saying that you know that they are against this factory. Loudoun preservation the PEC they've already all heard and all agree that this is not good for Loudoun County. If you guys can just stand up as a council as a town and release a statement against this factory that would help us get a lot of traction with that. Senator Kaine right now and Senator Warner and just get a lot of traction with them currently. Just to give you a quick update. West Virginia is pursuing an avenue legally. The Web site is [toxicrockwool.com](http://toxicrockwool.com). And they do have a couple of



lawsuits that's listed on there too. But you know they're fighting in a different way obviously than we do. But they are getting some traction because right now the building permit is delayed. So there has been no building permit it's not too late. They've stopped a water and sewer bond vote if they can't get a sewer and water line to the factory right now we're hoping that will be too expensive for Rockwool to stay around because that was one of the deals that they made. And right now we're winning that. Yes I'm sorry.

**Peter Leonard-Morgan:** Well thanks for coming. I used to live in Hillsboro [inaudible] I've been following this whole thing.

**Yvette Perry:** Thank you for supporting.

**Peter Leonard-Morgan:** Not at all. Just curious about the EPA has been involved and has granted permits. How do you know much about that?

**Yvette Perry:** Yes. So the what it is is that the West Virginia it's actually the Department of Environmental Protection [inaudible] turned in they received the permit for this and actually what happened to it it goes to the EPA Region 3 which is the office in Philadelphia and they approved the air emissions all the site work and groundwork like I was talking with the karst topography etc. It's all handled by the small town of Ranson the city of Ranson. No one else has eyes on it just the city. And unfortunately they're the ones that actually push through I suppose to be a large revenue stream but.

**Peter Leonard-Morgan:** I think the number of wineries in Loudoun County for example agriculture in fighting against this so West Virginia I mean this is came out as far as I know fairly recently. I mean relatively recently how is West Virginia. Is West Virginia fighting this?

**Yvette Perry:** Yes. So to speak to that there is a group that's about 12000 members in West Virginia. The population of Jefferson County is about fifty six thousand people. It's clearly a fifth on Facebook alone. We don't know about all the older said that would not be on Facebook or don't do the computer thing. But they are against the factory build the factory site was an old apple orchard that was actually set up to take a mark train in a nice residential mixed use development kind of a little bit more environmentally friendly more upscale and we don't know what happened but that was supposed to be have about anywhere from estimated 1500 to 3700 jobs to this factory coming in 150 jobs. And so that's a lot of you know background going on. I would talk to you all day long about this [laughing]. But I do have a lot of information. Like I said we us in Loudoun against Rockwool. We have done our homework. We have done our homework on all the numbers we have done our homework on the viability of fighting this factory we've done our homework on what Virginia can do and we do think there are several ways that we can fight this factory. I will leave my information there and the e-mail address is on there if you have any questions please reach out. I would love to let you know. But yeah the main ask is that if you support Hillsboro it will speak volumes immediately in Loudoun county the board or supervisor on board. But I think everyone is saying if we hear more from the towns if we hear more from the constituents then we can get our senators to do something about it. Thank you very much.

**Bridge Littleton:** One second. Anybody have any questions? Philip.

**Philip Miller:** Does the National Park Service given that Harpers Ferry runs within eight miles have any recourse against this and that also is all three states correct?

**Yvette Perry:** That's correct. There is one avenue there that has not been explored. However on first look what it is is they have a class one to class two on the Park Service. And it just happens to be that Harper's Ferry National Park does not fall into the class one. So they did not have to approve the pollutants coming out of the factory there into class two. However the little avenue that needs to be taken a look that if everybody if anybody knows anyone in the Department of Interior is that Loudoun County is listed as one of the owners of the general Harpers Ferry National Park Loudoun has property because of the different vistas in the heights and that type of thing. So that has not been

explored. There is a little bit documentation that if there is something that will affect a part that's owned by several parties that we should have been notified and Loudoun was not notified.

**Kevin Daly:** Off the wall question. Ranson West Virginia is in what county?

**Yvette Perry:** It's in Jefferson County.

**Kevin Daly:** All right Jefferson County is for or against this factory going up?

**Yvette Perry:** Citizens of Jefferson County. Like I said about 12000 just on Facebook. It's definitely against.

**Kevin Daly:** And it's the town of Ranson that's pushing this?

**Yvette Perry:** The town of Ranson is pushing it. There is what's called Jefferson County Commission that is overseeing a Jefferson County Development Authority which I assume is some kind of their kind of economic development group. They are the ones who pushed it along with Ranson and I don't know politically what the issues are quite frankly the building permitting alone kind of is convoluted but it seems to me the Jefferson County Commission could easily turn over their appointed officials but that seems to be not happening. Just like in my eyes for example I was used as an example of Middleburg size to build a 100 foot story building here Loudoun County and say what are you doing. [laughing] Because even though you have your own building committee you still would eventually be answerable to still have a 35 foot height restriction in Loudoun.

**Kevin Daly:** What I find interesting is that Denmark is going to come out ahead because they don't have a pollutant industry being built on their land. So they come to the new world.

**Yvette Perry:** It's one of the angles [inaudible] queen. [laughing] But yeah it is rather unfortunate that it's actually absolutely true that they could not build this exact factory in Denmark because it's not allowed there.

**Philip Miller:** Something's rotten in the state of Denmark.

**Kevin Hazard:** Just a real quick point going through this one.

**Kevin Hazard:** 308 million pounds?

**Yvette Perry:** 308,000 [inaudible] I'm sorry. It is 308 million. Yeah. 308 million pound.

**Kevin Hazard:** And in what timeframe.

**Yvette Perry:** That's a year estimation.

**Kevin Hazard:** The reason I'm asking when you're talking about the one on the Mississippi was five hundred and some thousand. This is a factor of 10 more. I'm just saying if this is incorrect you might want to fix that.

**Yvette Perry:** Yes that's correct. Thank you. Absolutely.

**Darlene Kirk:** Seems like all of us here are horrified by this and I'd like to recommend that council do you know a resolution pass a resolution against this and two letters as appropriate to our elected officials and ask them to look into this because we certainly don't want that much pollution.

**Bridge Littleton:** I would agree. Is everybody in agreement?

**Kevin Daly:** I concur.

**Bridge Littleton:** OK So I think we'll we will only put something together for you guys. Philip.

**Philip Miller:** Do you have form letters or anything like that that we can all sign and send to the various representatives?

**Yvette Perry:** Absolutely. If it's e-mailable to someone I will send that to. Martha? Absolutely yeah. We actually have a really great document. Two of them one was to Chesapeake Bay Foundation because it does trickle down from the Potomac. They're going to be the ones that ultimately be affected and also to all of the senators and documents actually we have a documentation of the particulate matter and the [inaudible] and all that about the cancer and what's affected et cetera. [inaudible]

**Philip Miller:** So thank you and thank you for coming and talking to us about this.

**Bridge Littleton:** [inaudible] Chris. Yeah.

**Chris Bernard:** So I mean when you know you're talking about the pounds of pollution [inaudible]

**Yvette Perry:** I'll check that number because.

**Chris Bernard:** So that number is relatively abstract to me. Is there a comparison or a case study. Is there another situation in the country that's happened that has seen results that are scary that could be used so when you're putting this out to the public. You know we don't want to happen in Loudoun what has happened in place X Y or Z. I think that might be helpful. [inaudible] general public [multiple speakers].

**Bridge Littleton:** I think where Chris is going is the comparison right. Hey another place of the same size. This made people get sick this many trees die this you know because I mean that's an excellent point. 500000. [multiple speakers] Great. Well thank you all very much for coming.

**Yvette Perry:** Thank you.

**Bridge Littleton:** Appreciate it. OK we're now going to go on to staff reports. First up is Stuart.

**Stuart Will:** [inaudible] I'm well. [inaudible] I like these new chairs. So any questions?

**Bridge Littleton:** Any questions for Stuart? Cindy.

**Cindy Pearson:** Especially in front of where I live. But there's other ones up on the back street I'm not sure the other street. There's a lot of holes that don't have the extension put on it yet when trucks or cars hit it. It's the loud bang and I'm really concerned that people spraining ankle's that walk late at night walk their dogs. Is that being taken care of?

**Stuart Will:** They are on my list of things to do. Yeah they're going to be labor intensive. That was much easier to rectify when the pavers were here. And I did my best in staying ahead of the pavers and some them. You know you put the low riser extension out and they were supposed to know what to do with the place you know one the lid will some of them just plain disappeared and I was never informed or called because I had done my best to get another one. But in any case in front of your places one of the instances where I had it out there and it got going and it's going to be significantly more difficult at this point to do the repairs because we're going to have to chip up the asphalt and then put the new riser in and come back some cold patch or something. Smooth something out. Yes they absolutely are.

**Bridge Littleton:** Any other questions for Stuart? Philip.

**Philip Miller:** The Well 4 for results that were unsatisfactory. Where do we stand on that?

**Stuart Will:** We were trying to do a back pulse not a [inaudible] basically a backwash of the ultra-sand filtration and it is still not passing that it's still shutting down midway through due to a high pressure alarm. And we're continuing to test on that and try to move forward. But so far no progress.

**Philip Miller:** You that's going to be at significant expense to get that operational?

**Stuart Will:** We don't know for sure yet. We're looking into some other things the changes that we made we're not certain are effective. There's the stainless steel screens that were put into the bottom of the filter units to catch particulate matter. And we just over this past week removed them again and we found that they are still getting significant amounts of particulate matter in them. So we perhaps have not totally identified the total you know the source of the particulate matter we're getting because there were still quite a bit of [inaudible] or resin getting in there.

**Philip Miller: OK** Keep on it.

**Stuart Will:** Will do.

**Philip Miller:** Thank you.

**Bridge Littleton:** Chris.

**Chris Bernard:** I just have like a piggy back off toward what Cindy brought up the going back and fixing those risers and everything is just something that we're responsible for or is it something that they were supposed to do and they need to be responsible to come back and fix? Hate to add it to your list when or the expense of it.

**Stuart Will:** If you ask me they should have been but they've managed to weasel out of a lot of it.

**Chris Bernard:** Part of the contractor?

**Martha Mason Semmes:** It was not part of VDOT's contract with the contractor and they had told us at the beginning they weren't going to change the grade of the roads and then they did. So it not only did we not think we were going to have to do it but we also because they just went ahead. He was always. He was always having to play.

**Stuart Will:** [inaudible] I was caught flat footed on this one where these guys were paving over top of stuff and I'm like oh hold up and they're paved. And they got to go.

**Chris Bernard:** Second thing I think that microphone was about to come unhinged sitting precariously on the [inaudible].

**Bridge Littleton:** Any other questions for Stuart? Thank you very much.

**Stuart Will:** Thank you have a good evening.

**Bridge Littleton:** Next is Martha and Danny.

**Martha Mason Semmes:** Danny gets a pass on this one because it was last month's. But you know he was all in there because a good bit of what we did last month was I helped with the hiring you know provide you support where you ask for it for the hiring of the town administrator the health center sale website vendor procurement evaluation the bids. Now we're close to doing that West End Pump Station project which is the last of our three big utility projects but we are also really happy to welcome Ashley back from leave and she's kind of remembering what she used to do right. [laughing] I'm happy to answer any questions that you have on my report.

**Bridge Littleton:** Ashley you look so youthful. You know what it means. Giving birth is easier than being the town treasurer. [laughing] Does anybody have any questions for Martha? [inaudible] Okay great. Next Rhonda.

**Rhonda North:** [inaudible]

**Bridge Littleton:** So let me just stop right there for all of those who have not done their homework yet please raise your hand. Maybe all of us. [laughing] Except for Peter. Where's your utility one? [inaudible] Oh god that is just getting under it. OK Peter you're fine. All right. So all of us December 1st is three weeks away. OK. Rhonda anything else?

**Rhonda North:** I will be on vacation for a few days next week. [laughing]

**Bridge Littleton:** Perfect. Does anyone have any questions for Rhonda? Cindy.

**Cindy Pearson:** I don't have a question. I'd just like to say thank you again to Rhonda for putting on that appreciation reception. I have gotten a lot of compliments about it how nice it was even in the meeting this morning they said how much fun they had in their harassing their members to make sure they attend next year.

**Kevin Hazard:** [inaudible].

**Bridge Littleton:** Yeah you did a great job and it was a lot of fun. It was a great great theme. OK Moving on to the next staff report is. Oh Jamie.

**Jamie Gaucher:** Mr. Mayor thank you. You'll see via my report. I've had an uptick in interest. Maybe five or six projects since the last report. People that have expressed an interest in doing business here in Middleburg and I just want to highlight one specific project I brought it to the mayor's attention and to the staff's attention last week. This was before Danny got here. I've been approached by a local company that is interested in a slaughter and processing facility very close to Middleburg and it doesn't fit with what this local economy is about necessarily. But I just want to put it on everyone's radar. It's listed here as an aperture and I don't know how much urgency the company necessarily has. But I do know they are well capitalized and be glad to keep you updated as I learn more about it. So any questions?

**Bridge Littleton:** Any questions?

**Peter Leonard-Morgan:** Is the aperture within the town limit? [inaudible]

**Jamie Gaucher:** The way it was described to me it would be on a parcel that is adjacent to the town boundary. Potentially.

**Bridge Littleton:** Are they going to need water and sewer?

**Jamie Gaucher:** They they will need water and sewer. [laughing]

**Bridge Littleton:** So there's a discussion to be had.

**Jamie Gaucher:** Yes. And as we talked about very briefly last week you know they will need water and sewer and to the point where from what I know and where I sit today probably financially feasible but I don't have numbers I haven't seen any spreads or don't have specific financing. Yes sir.

**Bridge Littleton:** Kevin.

**Kevin Daly:** I just want to point out I know a small town in West Virginia [laughing].

**Bridge Littleton:** And Kevin I'm going to imagine it has no air pollutants. Was a noise pollution but no air pollution. Darlene.

**Darlene Kirk:** [inaudible] And they expect to be annexed into the town too.

**Jamie Gaucher:** We haven't gotten that far. You know this was an introductory conversation and as an aside they're more interested in exporting product and growing their brand growing their customer base. But you know again I'd gladly keep everyone apprised as I learned more.

**Bridge Littleton:** Yeah I can. I think we can all safely say there'd be a great deal of interest and concern with that. So anybody else have any questions for Jamie? I've just got a couple so the one other thing on here and I know it was brought up last last week or two weeks ago or 1976 I can't remember. The Boutique Hotel a 50 to 70 rooms with a conference space. So I just I want to bring everybody's attention to that. I think the parcel is inside the town. Part of it is part of it isn't. So when Jamie gave me the down low on this and actually the business owner just briefly expressed reservations and concerns. At first it was a boutique hotel and I'm thinking oh it's sort of a bigger B and B that sounds interesting 12 rooms whatever. And I said how many rooms and he said 100 and I thought whoa that's a holiday inn. That's not a boutique hotel. So I know you've been having ongoing conversations but I would just ask that you as that progresses right. You keep us up to date you know at all times because that's significant. Does anybody have any questions for Jamie?

**Darlene Kirk:** Yeah specially on the boutique hotel we were in intense negotiations a long time at Salamander. They started out at 48 and so we fought that. I mean so a boutique hotel here in a location. I still see the town supported valet that all.

**Bridge Littleton:** Good luck.

**Jamie Gaucher:** Thank you.

**Bridge Littleton:** So I did have a couple of follow up questions real quickly. Just curious what's the status on your putting together the economic development plan?

**Jamie Gaucher:** So Dan great question and thank you for that question Danny and I just had a series of conversations about that today. So in the vein similarly with the RFP for the church I'm going to lean on Danny and then share much of the information that I've shared with Philip and with you and with others with him and we should have a timeline on when we should be able to present something to council maybe even next week.

**Bridge Littleton:** Okay.

**Jamie Gaucher:** Timeline next week.

**Bridge Littleton:** Second question I had here the committee we established for economic development for events. What's the status of that?

**Jamie Gaucher:** So our committee we had a meeting today with myself and Cindy and Danny to talk about members of that committee and how that committee should operate. The next step would be bringing potential nominations to the council so we can appoint members to that committee. That conversation we had earlier today was spurred by somebody that has submitted an application for special event funding that would fall under that category of community event. So it is something that now requires attention. I will probably I would like to working with Cindy and with Danny and with more of that come to council with nominations to fill out that committee at the next meeting in December.

**Bridge Littleton:** We will hold you to it.

**Jamie Gaucher:** Thank you.

**Bridge Littleton:** Real quick. Rhonda. When we establish a new committee remind me of the process. We chartered it but then we have to put in the bylaws and do all that stuff right before we can actually start going out and soliciting people.

**Rhonda North:** No we can go out and start soliciting people before and then they can come in and write their own bylaws and things like that. Normally we would just simply run an ad and see what applications come in. But in this case you identified very specific categories that you wanted industries represented. So that really makes it difficult to just run an ad in a newspaper and see what flows in as Jamie says. You almost have to go out in outreach and do outreach.

**Bridge Littleton:** Got you. Darlene.

**Darlene Kirk:** [inaudible]

**Jamie Gaucher:** So this morning was not officially a meeting. Well it was a meeting between myself and Cindy and Danny. And it was spurred specifically around this application that I received. I wasn't aware that anybody had been appointed to the committee. Very honestly and I would welcome your participation.

**Bridge Littleton:** Recommended maybe next week you guys have a formal organizational meeting. Get all the stuff you need to get done. Timeline's all that stuff. Okay. Last question quick question. I meant to send e-mail today I got another reminder about it. Did you follow with Vicky [inaudible].

**Jamie Gaucher:** I did.

**Bridge Littleton:** OK great. That was all I had does anyone have anything for Jamie? Cool. Thank you very much.

**Jamie Gaucher:** Thank you.

**Bridge Littleton:** [inaudible] Treasurer. Look at the big smile as she walks up. I know. [laughing] If only daycare were free. [laughing] [inaudible]

**Ashley Bott:** Good evening. How's everybody?

**Bridge Littleton:** Good.

**Ashley Bott:** I just wanted to just a couple of things on my report. But first I wanted to just say to you all. Tina did an amazing job while I was out. I'm sure you will agree. But just in a review of everything that I've been doing so far. She took great pride in what she was doing and I just really wanted to thank her publicly. I told her personally but it was just wonderful and thank you for the flowers and all the well wishes. And everyone's doing well at home. So just kind of getting back into the swing of things you know. I'm starting to look at updates of things. I have a meeting with Loudoun County for the consolidated billing next Friday so they didn't have their October meeting that was canceled. But there was no significant updates at that point everything is progressing the way it's supposed to. So that was great. Utility bills are going out tomorrow. I know Tina was updating you all on all of that and she you know did all get all the tax bills out while I was gone which is amazing. Other than those updates do you have any questions for me regarding my report?

**Bridge Littleton:** I had a question come up when we were going to the audit. It was [inaudible] if you don't know the answer totally fine because I'm catching you with it. So when we were looking at the unassigned cash that we have what is our working capital requirements for the town?

**Ashley Bott:** The operating yeah I mean. I have to go back and look at it [multiple speakers].

**Bridge Littleton:** Yeah I got you. If you could just take a look and just e-mail it to me. [inaudible] on an average basis what's the working capital needs to pay the bills but not have too much. [inaudible] OK. Anybody have any questions for Ashley? Cindy.

**Cindy Pearson:** I don't have a question but I wanted to follow up on you thanking Tina and I think it's very important for you to stay in communication and her to continue to learn what you do. I mean as we know we had a problem years ago that we couldn't happen. And that was horrible. And I think it's great that she's able to just pick right up after you. Things went smoothly. You were able to recuperate at home and not worry yourself to death.

**Ashley Bott:** We talked about that a great deal having somebody to be able to come back there and do that. I mean as you know how awful it was in the past and just you know when Martha and I did her review she has expressed interest going down that path. There is a deputy treasurer certification that we are encouraging her and she's actually extremely excited about. So she is. She's great and she was a great addition and I'm so happy that she's here. Very true. Thank you.

**Peter Leonard-Morgan:** One quick question without mentioning any names. Any update on the meals tax? Any delinquencies there?

**Ashley Bott:** There are still one. I've given them a drop dead deadline. You know as of tomorrow so there will be further action taken on that particular.

**Bridge Littleton:** What's the total of that amount? [inaudible] Oh I'm sorry. Thank you Martin. [inaudible] [laughing] This button should be for Martin. [laughing] Anybody have any questions for Ashley? No. Ashley welcome back congratulations. And you're absolutely right. Tina did an awesome job.

**Ashley Bott:** Thank you.

**Bridge Littleton:** Will.

**Will Moore:** [inaudible] council. I have one addition to my report. I did update the mayor on this. The ongoing situation with trying to get Chinn court repainted accepted into the VDOT maintenance system. I did receive an initial proposal at least from the superior paving who was the prime contractor doing the repaving in Middleburg. They were unable to accommodate as well while they were mobilized here. You had previously authorized expenditure of up to thirty thousand dollars to take care of that. But that was and that was a high end estimate but based on them still being mobilized here. So the initial proposal I've received which could accommodate work next calendar year some time is for thirty three thousand dollars. So I need a little more detail on that proposal from them as to whether or not it's using the amounts that were contained in the VDOT contract. And if that is the case if it is then we could ride on that contract without having to go out and bid on it knowing that we're getting a competitive price. But I need to get a little more information on that first and I'll bring that back to you once I have that information.

**Bridge Littleton:** And if I remember when we talked about it you said that was like a three thousand dollar difference if it is we can ride on it?

**Will Moore:** I believe so.

**Bridge Littleton:** Yeah that would be great.

**Philip Miller:** If we're going that route we also want to look at North Pinkney bringing that up to VDOT standards?

**Bridge Littleton:** So I think there's a difference with Pinkney because damage was done by the VDOT contractor to the road as they stage a lot of equipment there and stuff like that. So you know I asked Will to run down that path.



And they actually might have some of that cost for liability for that. So let's not lose this contract option because that might be a six month fight.

**Philip Miller:** OK So I just don't want to see that continue to crumble.

**Bridge Littleton:** Yeah. Will, did you get an agreement from VDOT if we did just a mill and repaving they would accept Pinkney into their system? Okay so that's the other problem. We have an agreement from them on Chinn. We don't have an agreement with them on [multiple speakers].

**Will Moore:** [inaudible] Take samples of the existing structure of Chinn court and determined we would not have to do the full depth reconstruction that was done on Chinn Lane and the six other routes north side of town but it is beyond the mill and overlay for Chinn court. So I'm sure we could probably get the analysis done on Pinckney and do some investigation as to what it would take to bring it up to VDOT standards. But I'm imagining it's and due to the length that would probably be a much more expensive process or project.

**Bridge Littleton:** I would reckon. And again if council is okay with this let's actually get the analysis you know and find out what it will take because you're right eventually we're either going to repave it do it ourselves or go to the expense of all the way redoing it and then getting VDOT to take it over. But either way it's got to be fixed.

**Philip Miller:** We might as well know the facts. So we have an idea of what exactly is going to have to be done. What VDOT would require us to do for them to take ownership of the maintenance moving forward then we can make a decision but without the facts we can't do anything.

**Bridge Littleton:** Thanks Will.

**Kevin Hazard:** Is there a cost for the analysis?

**Will Moore:** They did not charge us a cost for the analysis for Chinn court. But I'm not sure what we will probably have our own engineer do the analysis for the street rather than VDOT but I will check them if we can get them to do a similar thing if they're willing to. Yeah absolutely.

**Bridge Littleton:** OK Will sorry we interrupted you.

**Will Moore:** I just want to add that one thing missing from my report. But any other questions you'd have [inaudible] on my report. Any questions for Will?

**Philip Miller:** Progress on the sidewalk.

**Will Moore:** So we're still in a slight holding pattern with VDOT. Talking with our engineer today. The expectation was for VDOT to actually release the MOT which is maintenance traffic plan yesterday. But they did not do that. And our engineer has been unable to reach them at least as of midday today to get an update. That and there is quite frankly an ongoing issue with the way VDOT reviews and approved projects. And then when somebody goes in to actually pull the permit to do the project there's a gap there and it is happening to us right now. It has happened to private developers when they do site development that includes improvements in the right of way. So there's an extensive review process. I don't want to get too much in the weeds but an extensive review process as to what needs to be done and based on those approved plans that you get from VDOT us the town or a private developer goes out to bid. They get bids from contractors to do this work. The contractor takes those previously approved plans to the VDOT permits section to pull land use permit and the permits technicians start re-engineering the plan saying no you don't do it this way you have to do it this way. And it's a very frustrating process because you spent a lot of time energy and money just getting to an approved state only to have a different section within VDOT then basically second guess the land use sections approval. So it is something that needs to be addressed internally. But that's where we are right now. We had approved plans. Our contractor went to pull the permit and then we were told no we have to do things differently. We have resolved that. I don't say satisfactorily but because it's going to end up costing

us a little bit more money. I don't know what that amount is yet. That's the analysis we're doing right now. But we've got to scale back what they were asking us to do different from the approved plans but we're still doing more than what was on the approved plan. So it's a very frustrating situation.

**Bridge Littleton:** Any other questions for Will?

**Philip Miller:** Is that something that you can maybe contact the Commonwealth Transportation Board about and say no we have a local resident on that?

**Will Moore:** I think if we don't get a satisfactory response from the people with whom I'm addressing it at the moment which. Go ahead and say it's probably not going to be satisfactory but then I think that's probably an avenue that we might want to go down.

**Bridge Littleton:** Any other questions for Will?

**Chris Bernard:** [inaudible] So what does that do to our timeline on that project because I know we have a large event coming up?

**Will Moore:** It's a very good question. The contractor even at this point is ready to cut loose. Regardless we won't impact the event.

**Chris Bernard:** Is there a timeline on once they start how long it's going to take?

**Will Moore:** Well I like to think there is. In our contract there is. But that assumes certain weather conditions and we're getting into a time now where it's going to get dicey on whether you can pour concrete based on the temperatures. So there may be some phasing there may be some initial work that they're able to do before we hit that temperature. They are very anxious to get going and they would be willing to knock it out. Much more quickly than our contract would probably require them to but it's getting released from VDOT which is holding this up right now.

**Bridge Littleton:** Any more questions for Will? So Will I just want to say one thing. I want to thank you and Eric on the Planning Commission. For all of your guys help with our response for Middleburg for supporting COLT in helping with the Berkeley Group and helping drive this issue. And I mean I think you guys coordinating with Berkeley and Todd did a phenomenal job at coming back very quickly with practical you know realistic responsible alternatives to finding you know infill and redevelopment in blighted areas of Loudoun County before they just plow west and stick up 20000 more single family homes. Which is exactly what we don't need any more of anyway. So Peter and I went to the public meeting last night for the Planning Commission and we'll talk about that and some other stuff when we get to the discussion item section. But I spoke to the county planning office when I was there because no one had responded and I said well what do you think about our solution. You know that you guys come up with and the response I got from Elena Ray was well that'll never work. And I said well why not. And she said well we need light industrial. And I said they're 75 percent vacant. Well we could change that. So I don't know if it's falling on deaf ears but it's you guys did a great job. Thanks. OK next is A.J.

**A.J. Panebianco:** [inaudible]

**Bridge Littleton:** Hold on A.J. [laughing] The clock is now in effect.

**A.J. Panebianco:** Believe it or not it won't be necessary. [laughing] The Biggest thing we have going on is preparations for Christmas in Middleburg. I have not physically met with Jim Herbert but we have spoken on the phone. He has a plan that he's allowed to have that we're doing. So he's aware of what's going to happen and he is working around us as opposed to us working around him. We work well together and I think it's going to go well. [laughing] Be your first one.

**Bridge Littleton:** What did I just miss? [laughing] We do have a hazing process. [inaudible]

**A.J. Panebianco:** Don't spoil that yet. The last thing I really want to talk about is we just had Halloween. We had a very successful parade. We do so every year. It's the largest parade we had with the kids this year. And Bob Ball has consistently been a rock for us in that. And I just feel like we'd be remiss if I didn't mention that in this forum because he dresses up he gets into the character and he and his son. He and his son help lead that parade every year and really they help us wrangle the largest group of kids and adults that dress up to that we've had in a while. So we appreciate him and I really wanted to thank him in front of you guys because he makes it easier for us.

**Philip Miller:** Do we have a rough head count for the?

**A.J. Panebianco:** [multiple speakers] every single one of them but I did not count it because. It's on our Facebook page.

**Philip Miller:** It's come a long way from the first one we did with 40 families.

**A.J. Panebianco:** It was probably closer to 70 maybe.

**Bridge Littleton:** It was a couple of hundred people.

**A.J. Panebianco:** It was a thousand. [laughing] [multiple speakers] And I would like to say that several of our council members attended and dressed. You were in character. [inaudible] and so that was a pretty neat group too. Yes. So if there's any questions I'm certainly glad to ask answer them.

**Bridge Littleton:** Darlene.

**Darlene Kirk:** I don't know how much a patrolling around the areas but there I noticed it since I'm home now more. A lot of people doing and not stopping but doing the slow and then mashing on their gas. [inaudible]

**A.J. Panebianco:** [inaudible] some guys out there and get them doing that.

**Darlene Kirk:** What I saw was [inaudible] and bluish. But I'm sure in other places too. I mean or the ones that don't stop. Going around the corner like this because they're only doing a right hand turn. [inaudible]

**A.J. Panebianco:** We have marked vehicles I will tell you that they generally stop when they say us. [laughing]

**Darlene Kirk:** Just park in my driveway and pretend your car belongs if you want but no I'm concerned because of the kids out there.

**A.J. Panebianco:** Certainly we'll put somebody on that.

**Bridge Littleton:** Any other questions? [inaudible] Last chance.

**Chris Bernard:** So we spoke very briefly about this. I had the pleasure of sitting in the town office during the election especially with it being dark in the mornings and getting dark in the evenings. Got a little crazy. There are a lot of fast drivers. So was there something I know you guys tried to kind of avoid that area during that process. There's some rationale behind that but is there something can be done.

**A.J. Panebianco:** Absolutely and I worked on this today. The complaint was that during the election process that there were people speeding by and unfortunately we try to avoid being at the polls. So we don't get accused of inhibiting the vote. So we we try to stay away except when we come by for an occasion to say hey and come in the office. But we have the speed sign and so what my plan is and we're going to see how well this works. We're going to seek a welder. We have [inaudible] vehicles. We'll seek a welder to weld a signpost to the back of a trailer hitch. We shove in the back mount the sign to that part unmarked vehicle there that says you know your speed is and has a

speed limits sign which will then hopefully encourage them to slow down and we'll see how well that works. They sell some products out there that you can do that with. I think we get done a lot cheaper. So but yes since you since we spoke. I worked on that. I think it will be the least intrusive way to help control that speed during the elections. We'll see how it works.

**Bridge Littleton:** Any other question for A.J.? Okay A.J. thank you. Martin.

**Martin Crim:** Thank you mayor. You have my report. I have nothing to add to that but I stand ready to answer any questions.

**Bridge Littleton:** Anyone have any questions for Martin? Speak now or forever hold your peace. [laughing] OK. You know I actually had a follow up question for Martha or. [inaudible] Maybe Will the brick crosswalks you know on Route 50. I mean a lot of them. I mean there's two or three spots that it's just literally sinking feet into the ground at this point. Where are we on I mean the one of them. Here's the problem one of them someone's going to trip walking across it and we know we're going to be held liable. Or they are going to sue everybody and sort it out later. So where are we in getting that stuff fixed?

**Martha Mason Semmes:** I don't know for the fourth time I guess at least in the last month emailed VDOT included the higher up VDOT people I always do but directed it to them this time. And that was yesterday and today I believe I got a response from Fareed Big Deli that said we're on it although I want to follow up and say well what do you mean by that. We got a whole bunch of plans from one of the people that we've already gotten before. But you know I think that they're close to doing something but I'm going to follow up with them again tomorrow and make sure that I understand what the actual plan is number one but number two that they understand that there. I absolutely told them that there are holes that need to be fixed and there's immediate danger so you know we need to get them to at least patch them for now if they're not going to do a permanent fix.

**Darlene Kirk:** And I mentioned to you I guess last month there were a couple that were just the bricks were loosened up and they weren't down. They were up so that's a big concern to.

**Bridge Littleton:** Will did you have a comment? OK.

**Kevin Daly:** And this is the same road we have the Christmas and Middleburg parade. [multiple speakers] we had horses coming down there.

**Bridge Littleton:** That's a great point. Well no I mean what I'm saying is is that you know they need to understand that's got to be fixed one way or the other before the Christmas parade because I could just see a horse stepping in one of those. Right. I mean they go down that far. I mean that's liberty. OK. So here's what I'd like to ask our next meeting is what December 8th? 13th.

**Philip Miller:** That on the agenda for later.

**Bridge Littleton:** What's that?

**Philip Miller:** Potentially having another meeting in November.

**Bridge Littleton:** Well I just was curious it's Christmas in Middleburg will be December 1st. So I tell you what what would be helpful if you guys can and you can just e-mail all of us you know early next week meaning COB Tuesday. Let's have a definitive resolution from VDOT on when they can get out here and do it. And if you just can't get it out of them then we can call Scott. Because this is you know.

**Martha Mason Semmes:** And by the way he's been copied on all of this. [multiple speakers]

**Bridge Littleton:** Thanks for listening. But now it's time to weigh in. Yes. OK great. Thank you. Yeah.

**Peter Leonard-Morgan:** A question about the health center contract that is all done and dusted.

**Martin Crim:** Right. We just a day Martha and I were talking about the follow through process. It's all been signed and sealed and delivered but we're now in the process of providing the information that we're required to under the contract and so that it's been delivered over to [inaudible]. And as far as I know everything is going well in that regard. Martha may have more to add on that.

**Bridge Littleton:** So anybody who's got the answer. When do we anticipate closing?

**Martin Crim:** That's really in the hands of [inaudible] as far as telling us when they are done with their due diligence. So once they're done with their due diligence then we can set a closing date. But it is in their hands at this point.

**Bridge Littleton:** OK. Do you guys anticipate any issues?

**Martin Crim:** No I really don't. But you never do until they come up.

**Bridge Littleton:** Exactly. They pick up a rock and find something underneath it. OK Next is reports of town committees and councils. Anyone? So I would just simply say Rhonda what's the date right now we've got set for our first Finance Committee meeting?

**Rhonda North:** Well we've proposed two dates, the 15th and the 28th. I've heard from two members who say they can only do the 28th. One who says he can only do the 15th. One who doesn't care. And I'm waiting for the last one to respond.

**Bridge Littleton:** OK So it looks like I'll be the 28th.

**Rhonda North:** It looks like it'll be the 28th of November.

**Bridge Littleton:** November. OK. Great. Appreciate it. Anybody else? Kevin.

**Kevin Daly:** If I may just say in complete transparency. I am a veteran. But just a reminder coming up on the 11th day at the 11th hour the 11th month it's Veterans Day. So many of you have come up to me and said Kevin we want to thank a veteran. Can I take you out for a beer or coffee? No that's not true. None of you have asked to treat me to anything. [Laughter]. What I want to say the biggest treat whenever a member entered the service you raise your right hand and swore an oath to support defend the Constitution of the United States. And the biggest thing in that constitution happened this week. That was an election and people took the right to vote and over 65 percent of the residents of Middleburg came out to vote. So if you want to treat and thank a veteran for the sacrifices they made in defense of that Constitution get out and exercise your right to vote. And I say thank you very much because that warmed the cockles of my heart. Having so many people go out because it made my sacrifice and probably more those who aren't with us today their sacrifice even better. So thank you.

**Bridge Littleton:** Thank you Kevin. OK we're now moving on to the consent agenda. Let me pull it up here.

**Rhonda North:** Yeah.

**Bridge Littleton:** This is our new process.

**Rhonda North:** Yes. So Mr. Mayor you would ask if anyone would like to remove anything from the consent agenda. If they do not then you just make the motion to approve the consent agenda as proposed.

**Bridge Littleton:** So we have the consent agenda in front of us. Would anybody like to remove anything? OK. Do I have a motion to approve the consent agenda?

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

**Darlene Kirk:** Second.

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

**Everyone:** Aye.

**Bridge Littleton:** Oppose abstentions. Motion carries. Thank you. All right. Next item I have to keep scrolling back down is a bid award. Here we go. West end pump station. So Martha I just want to say thank you for including all the documents. Well no I mean and also what the terms and conditions. I mean it's we're about a million dollar contract. Want to know what the liabilities and risks are in there. Do you want to give a three sentence overview?

**Martha Mason Semmes:** Sure be happy to. This is a contract to upgrade a very very old pump sewer pump station on the west end of town. This project will also involve improving the driveway that goes over to that pump station property that the town owns which is in dire need of improvement. The contractor that received the low bid has been evaluated by our engineers very carefully and looked at all of the bids to make sure that the not only was a contractor qualified but also that the bids seemed to be reasonable in relation to the other bids and didn't propose an undue risk to the town. I can give you an update today. The contractor and the town have agreed to terms I had said in here that the contractor was still reviewing it. There was one slight change which is reflected in the one that you have that Martin and I and Danny talked about and are comfortable with. Their original contract called for a thousand dollars a day in liquidated damages which both sides would have to pay depending on the conditions. That was reduced to five hundred dollars a day. We're comfortable with that wouldn't want to go any lower but it helps us as well. Should something happen that would cause us to delay the project. So with that being said I'm happy to answer any questions you have. The actual contract that you would be authorizing us to approve today to sign today is in the amount of \$788,136. Again happy to answer any questions you might have.

**Bridge Littleton:** Does anybody questions for Martha? Martin.

**Martin Crim:** Sir.

**Bridge Littleton:** How do you feel?

**Martin Crim:** I'm perfectly comfortable with that in fact the reason why the contractor wanted the five hundred dollars is that was what was originally stated in the invitation to bid. I thought given the size of the contract we could go up to a thousand but if they want to keep it at 500 I'm perfectly comfortable with that. You know the idea is to have an incentive. And frankly no contractor ever wants to pay liquidated damages. So really the club that we have is that we can assess them not that they will be called that and paid as such at the end of the day but rather that we have the ability to hold their feet to the fire on the timeline.

**Bridge Littleton:** Okay. Anybody have any other questions for Martin? Okay. Do I have a motion?

**Peter Leonard-Morgan:** I move that the town council award or construction contract in the form approved by the town attorney in the amount of \$788,1386 to East Coast Utility Contractors Limited for the West End sewage pump station upgrade project and authorize the town administrator to execute the contract agreement for this project on behalf of the town.

**Kevin Daly:** Second.

**Bridge Littleton:** Any discussion? I just wanna say Martin and Martha thank you guys very much for working so hard on this. It's a big contract it's very complex. And you guys did a very good job getting it right. OK. All those in favor.

**Everyone:** Aye.

**Bridge Littleton:** All those opposed. Abstentions? And it carries. All right. Moving on to the next item which is the health center Fund's donation. So what happened? [Inaudible]. Let's go that. We're two hours in. Let's take a five minute break. Allows everybody to restart their machines and stretch get a drink of water. Whatever. Thank you. [Inaudible]. We're back in action. All right next item on the agenda is the health center advisory board recommendations for charitable donations. So Martha you take it. [Inaudible]. Darlene take it then. [Inaudible].

**Darlene Kirk:** We met last week. Howard and Eric weren't able to make it but Howard did email in. So Snooks, Philip, me and Martha and basically the request came up to forty one thousand and so we came very close to what everybody wanted what everybody could really use. And at the end Snook's added he would really like to donate something to the Loudoun Abused Women's shelter and we hadn't reached out to them because they do a lot for women. I guess from the greater Middleburg area. So that's why that was added on 4000 for that. And it comes out to exactly 40000 which is what we had aside for that. [Inaudible]. The requests are pretty much exactly what they ask for. There were very few changes.

**Bridge Littleton:** Any questions?

**Cindy Pearson:** Yeah the the Loudoun Abuse did not apply for funds.

**Darlene Kirk:** Well what happens is Martha sends out a letter. She didn't send a letter to them because one year a couple of years ago they they didn't respond. But as he said you knew they could always use the money and put it to good use. And you know as we do each of these organizations we've always picked organizations that impacted Middleburg have an impact on the people of Middleburg and all of these do.

**Bridge Littleton:** Does anybody have any questions about the contribution amounts to the approvals?

**Cindy Pearson:** [inaudible] questions Now is this next year will this go into a different way of being handled?

**Bridge Littleton:** Well so I mean what we have to do is I mean the answer to your question is that's the goal right. But we do have to have all that stuff set up it might take you know two or three months to get the foundation or whatever it is the nonprofit set up and running. But I would imagine that if we close the sale the health center by the first of the year we should be able to get all that stuff set up within four or five six months. So when we get to this point next year. Again no guarantee but it should be able to take the reins of doing that for us.

**Darlene Kirk:** [inaudible] For the members on the board. I mean two of them [inaudible].

**Bridge Littleton:** OK any other questions for Darlene or Martha in regards to the contributions for the applicants? OK. I know I don't vote on these but I do want to say I'm not going to inject in the discussion as I'm on the board for the Middleburg Museum Foundation. So I just want to lay that out for everybody. Full disclosure. Any further discussion? [inaudible] I'm not going to vote and I will just say I'm recusing myself at the vote of the tie to me. [inaudible] [multiple speakers] Let's get to a tie first and then worry that. OK. [inaudible]

**Cindy Pearson:** I'm not sure if I should not vote because of the Middleburg Community Center since I do take care of their funds.

**Bridge Littleton:** Are you an employee?

**Cindy Pearson:** Contractor.

**Bridge Littleton:** Oh OK yeah. I think it's your choice. But I agree I think it's better just to abstain [inaudible]. Any other disclosures? [inaudible] Kevin.

**Kevin Hazard:** [inaudible].

**Bridge Littleton:** [laughing] [inaudible] Thank God we got Chris.

**Kevin Daly:** I don't think I'm on anything. [laughing]

**Bridge Littleton:** Yeah right. Exactly right. So do I have a motion?

**Kevin Daly:** I move that council approve funding for nonprofits for fiscal year 19 as proposed by the Health Center Advisory Board.

**Bridge Littleton:** All of those in favor or any abstentions? Cindy?

**Cindy Pearson:** Yes I do.

**Bridge Littleton:** OK. And Kevin. And myself if necessary. OK. All of those in favor.

**Everyone:** Aye.

**Bridge Littleton:** All opposed? OK motion passes. Thank you. Thank you all very much for the hard work. OK Next item up for discussion items the proposed branding logo and tagline I believe. Yes. Jamie.

**Jamie Gaucher:** Thank you Mr. Mayor so most of you are aware the firm with whom we're meeting native collaboration took 4 potential logos and tested them. The markets of Washington D.C. & Richmond Virginia and over a thousand people respond to those surveys and the memo that I put together for you a couple of days ago outlines the fact that the aspirational equestrian logo outperform all the other ones. And if you take the two data sets and combine them the modern horse finished second. Now I also took several of these logos and I sent them to people that live and work here in Middleburg to garner some appreciation for what the citizens here felt best represented the town. And from that survey I sent it to approximately 30 people and almost 20 I think 22 or 24 people responded. And from that survey the aspirational equestrian logo outperformed the other two. And at the same time some of the opinions that were shared with me communicated that some people didn't like any of the choices. Some people thought some of the choices required more work. And so I sat down with Philip and Cindy and Danny I think it was your first day on the job. We sat down on Monday and reviewed not only the data from native collaboration but some of the surveys that I received and we're here tonight collectively to ask council for specific input on the modern horse and the aspirational equestrian of logos such that we can then go back to native collaboration and have them do another rendition at least one more rendition maybe two before we're able to make a decision [inaudible].

**Philip Miller:** I'm happy to. I'm sure there's going to be vibrant discussion so I'm ready.

**Bridge Littleton:** OK hang on one sec. So is that you've gone through everything?

**Jamie Gaucher:** Yes.

**Bridge Littleton:** Okay are you ready for questions?

**Jamie Gaucher:** Yes.

**Bridge Littleton:** All right everybody sit back get comfortable. [laughing] Kevin you're first.



**Kevin Hazard:** So I see the two horses so at the Film Festival one of the issues I saw at the Film Festival is we have something like this as our logo and it doesn't say anything about Middleburg. If we choose either of these how would that be represented let's say if we were sponsoring something? Because neither of these says Middleburg. I mean it's a combination of. We need something if it's going to be our brand if we're going to because part of what we do with this is it represents us. Neither of these say Middleburg.

**Philip Miller:** When you say neither one of them say Middleburg what do you mean by that?

**Kevin Hazard:** Well that's why I asked my first question was what does this going to. For example if we were going to put something out at the Film Festival so we're a sponsor. Is it just going to be the logo or how is that going to work?

**Philip Miller:** So this is called a lock up. That is your logo and your typeface. So depending on the size and use of that application that will be scaled into different usable actual images that can be dropped into any number of different situations from banners to posters to advertisements letterhead social media yeah.

**Bridge Littleton:** Think about I would say this. Think about the [inaudible]. Think about this 728 million different ways Coca-Cola uses the Coca-Cola logo. You know I think that's where Philips going with it. Right. [multiple speakers] Or it's just a little meatball.

**Philip Miller:** I have 40 plus different uses that I can use the logo for my.

**Kevin Hazard:** I hate both of them absolutely hate them. And that's a personal opinion but I think just seeing both of them really has nothing to do with our town.

**Philip Miller:** I appreciate that and I would ask you to add color as to why.

**Bridge Littleton:** Hang on hang on. All right. I really do not want this to devolve into a I hate I like I love. I want green. I want red. That we will be here all night long. So what I recommend we all do is whatever your specific comments are about the positive attributes of a logo in a brand or the negative attributes of the low in the brand or the things you want to specifically see. I would recommend that in the next 24 or 48 hours while this is top of our mind email them take a moment write them down in an email. Email them to Jamie and then Jamie can condense that down and bring it back to what the sentiment of the council is. Because I don't think Jamie or the staff right now are equipped to start collecting random thoughts from all of us just all at once.

**Philip Miller:** Thank you Mr. Mayor. That's exactly what I was going to suggest based on the four questions that were put into the memo. It's also going to be more appropriate for all of us not to do that in this setting.

**Bridge Littleton:** I want to be efficient with the time and you know I think what what clearly needs to happen is you need to get you've gotten the broader public input we've gotten local input. Now it's time for the council input right. And so whatever that question format is or that processes is hit us with it. We will be responsive back to you right. And then I think maybe our next council meeting you know you guys will be able to come in with a framed up here's what council is feeling is.

**Philip Miller:** I would say Jamie by tomorrow morning send out an e-mail with those questions and specific asks of what we're looking for so that we have a common set of answers from everyone so that we have an idea of how to put all of the feedback together. And I would implore everyone not to just say that I hate or I love or I don't think that this represents Middleburg. Be specific and be constructive.

**Bridge Littleton:** Kevin.

**Kevin Daly:** So the Fox didn't make the cut. Okay and then. [inaudible]

**Philip Miller:** The data between the two horse logos. It was 57 percent of the overall responses.

**Kevin Daly:** No I agree. I saw that but I may have to recluse myself. My wife was injured by a horse. [laughing]  
[multiple speakers]

**Bridge Littleton:** So real quickly but I just want to I want to ask Kevin specifically too. Does everybody feel comfortable with taking that approach? [inaudible] Okay.

**Philip Miller:** And I would also say please remember while we need to feel pride and like the logo this survey obviously shows us that the directions that we are looking at right now clearly reflect a positive response from the target audience of people that we want to attract to come and spend money in Middleburg and to visit and enjoy the experience here.

**Bridge Littleton:** So I'm going to challenge that because these questions did not do that.

**Philip Miller:** They absolutely did.

**Bridge Littleton:** These questions said rank would you like. That doesn't mean that they actually. That's like saying I've got a 30. You got a 40 you got a 50. Well you are the highest but we all failed. You know so.

**Philip Miller:** But actually that's not what it says it all.

**Bridge Littleton:** It says which logo makes you want to visit or learn more about Middleburg.

**Philip Miller:** That's not ranking it that's selecting which one you actually will take the action to learn more about Middleburg or coming to visit it. That is action. That is not. I give this a three out of five. And we certainly would not want to actually do a survey that way because what would actually happen is we would be inviting everyone to a design merit competition. And that is not what the objective of this survey was. That's you would be opening up subjective responses that would be encapsulated in a one to five scale which would give you no context as to how to effect change on the actual design process. That is something that you would pull from a focus group.

**Darlene Kirk:** [inaudible] four questions you're going to ask us something else? I mean how do you want us to respond do you want us to say local one. This is.

**Philip Miller:** That's different from the conversation that we're having about the actual survey that was done from [inaudible] the enrichment.

**Darlene Kirk:** But we were supposed to answer those questions. That's what I know now. [multiple speakers]

**Philip Miller:** You'll be getting different questions in an e-mail. Yeah.

**Bridge Littleton:** Chris.

**Chris Bernard:** Question was there an option so this says you know which logo makes you [inaudible] was there an option that says none of them make me want to.

**Philip Miller:** And in the experience of the professionals that we hired to do this. And of course you could argue that it's to their advantage not to put that option. No one really responds that way. People pick the one that they like the most. That's the way it works.

**Bridge Littleton:** Then there's no harm in having it as an option.

**Philip Miller:** [inaudible] could also flip that on its head and say there's no point in having it as an option.

**Bridge Littleton:** I get it. Exactly.

**Philip Miller:** So anyway what we need to decide is when we put all of our feedback together what path we're going to move forward one way or the other an executive decision needs to be made about this.

**Peter Leonard-Morgan:** [inaudible] We have to decide whether we're going to trust the bigger picture. We will have our own personal opinions some of the more expert at logos and branding than others. But if this has been done properly you know at some point we're going to have to maybe trust it.

**Bridge Littleton:** Are you good? [inaudible]

**Danny Davis:** If I may just to make sure I'm clear so that we can provide you with what you're looking for. Jamie will send out the questions to council tomorrow. Specific questions to everybody so that we can get the same responses or responses to the same questions back upon receipt of the responses. We gather those do you wish us to go ahead and work with the design firms? We can get essentially the next round back for you for the next council meeting. Or do you want us to wait for the next council meeting to bring back the overall sense of council before they even redesign? Do you understand [inaudible]?

**Bridge Littleton:** Yeah. Here's what I would say and Philip correct me if I'm wrong as we go down on this question. There's no wrong way. [inaudible] [laughing] Well now it's personal choice right. I mean you're not wrong in your personal choice.

**Philip Miller:** You are if it doesn't actually attract people and bring them in.

**Bridge Littleton:** But my point is it's all subjective. So I think what would be helpful to understand is if when you get your responses you get the information back from us. If 80 percent of us or better are all in the same bubble area then it's kind of clear where the body sits right. So maybe then you just review it with Philip and whoever else [inaudible] right and then figure out OK you know what it's pretty clear what this feeling is let's just work with the native collaboration people. But if it's all over the map. I don't know what the right answer is. I trust you guys to take a look at it and say you know what we really got to have an hour at a council meeting or a special meeting or whatever. And really just do exactly like Kevin was saying you know I don't like the blue or whatever it is right we are going to have to pull it apart and cohesion around it. And I think it could be more than an hour or so. But like I said I trust you guys to figure that out for us. Chris.

**Chris Bernard:** Could we ask for without you know putting all the specific responses into a response to the responses. Can we get some sort of after you know we provide our feedback and we get kind of a summary back before anything happens?

**Bridge Littleton:** Either way. Absolutely.

**Darlene Kirk:** I'm just going to say unless if the answers are all over the place like you said before that would be pretty hard for them to do a summary but then they could just send out an e-mail saying look those responses were everywhere. We need to have like a special meeting so we can hammer this out.

**Cindy Pearson:** Just want to remind people that the other logo will always be used. The seal that this is more for marketing. And Philip you might want to carry on what I'm trying to say here.

**Philip Miller:** It's for marketing potentially a marketing co-op hopefully eventually down the line. You know it would likely be our entrance way signs to the town. Wayfinding. You know any if we did an app or our certainly our new website any tourism based activities that we would be working with.

**Jamie Gaucher:** But it is not going to negatively affect the [inaudible]. [multiple speakers]

**Darlene Kirk:** [inaudible] But what I was going to say. You just said that we're going to be using it's like interest to the town or the entrance you know or wayfinding. And then we're talking about a lot of money down the road to change everything that we have. I don't have a problem. We've used this for that so I don't have a problem with that staying [inaudible] interests of the town [inaudible].

**Philip Miller:** We already have a wayfinding plan and all of that coming up. [inaudible] [multiple speakers]

**Bridge Littleton:** Yeah we improved all that stuff to be done well that but also you know we're not we all decided we were not going to use that. We're going to use whatever the brand so that helps other people want to adopt it as well.

**Philip Miller:** You want a consistent look and feel so that people who have seen an advertisement for Middleburg that drives them to then go ahead and jump down the purchase funnel of I'm going to spend the weekend in Middleburg when they get to the town entrance and they see the exact same beautiful logo that welcomes them into town. They know that they've arrived where they're headed.

**Bridge Littleton:** Chris

**Chris Bernard:** I think we should remember that regardless of our feelings on this there's been a tremendous amount of work put into it a lot of people have been talked to and I think at a certain point if there's enough data I think we need to be kind of open to that because we are trying to attract a certain result here.

**Peter Leonard-Morgan:** [inaudible] I think all of us probably have over the years looked to other huge companies when they come out with a rebranding a new logo. So I've often gone oh my god it's terrible. But if I look at it today ten years later. It sticks out like a sore thumb like you know exactly that is the [inaudible] AT&T. And they spent a fortune on it. But it's recognizable. And the other point is you know I am not a professional on this. I have to take. I have my own views. But it's a bigger picture than that you know. So I agree with Chris on this that some people who are experts at this field have spent a lot of time and money and used their skills to do this [inaudible] And they've use their skills to really help us find a future for our brand that's going to work for us. And we've got to be open minded.

**Bridge Littleton:** Last one.

**Darlene Kirk:** I just don't want us to lose [inaudible]. Every one of them [inaudible]. What happened to it? So I just don't want us to lose our past. You did? [laughing] Going to something totally you know to the future. [inaudible]

**Bridge Littleton:** OK We're going to move on. I do want to echo something Danny said though we do need to get it right. There's no perfect but there is a right. And that's I think what we're all striving towards. And if you guys come back and say it's going to cost extra money to figure it out to get us to right. We will live with this for the next 30 years probably and we're going to ask people to spend a ton of money to embrace it and use it. You know a little bit now to get it to right. It might make the difference so just I'm set the stage to be open that we might spend a bit more so. OK. [multiple speakers] We're moving on. Moving on. OK so council holiday meetings scheduled luncheon. Where is it? There it is. Rhonda.

**Rhonda North:** [inaudible] [laughing] It seems like it was yesterday. So this comes up on an annual basis essentially three questions or three. Three issues. Do you all want to do the employee luncheon again? [inaudible] [laughing]

**Bridge Littleton:** Hey Cindy you can abstain. [laughing] I'm just simply going to say I seem to remember my first Christmas on council. It was assigned to me. You know this is your first [multiple speakers] actually want to get out of the way.

**Philip Miller:** And I did it last year.

**Bridge Littleton:** Yes you did. [inaudible] [laughing]

**Philip Miller:** We'll all find ourselves at the Red Horse. [multiple speakers]

**Bridge Littleton:** OK sorry Rhonda. You were saying.

**Rhonda North:** That's OK. So it sounds like Cindy is going to lead the other question with regard to it is the date. Normally you have had it either the second or third. We've always avoided the first Friday because of Christmas in Middleburg. But this year Christmas is Middleburg is the first and then the first Friday is the 7th. So you may even have the seventh available. So whichever date works best for you. I've sort of tentatively put all three on hold on the calendar but I need to know what date you'd like.

**Bridge Littleton:** Do you want to just do the seventh?

**Kevin Daly:** [inaudible]

**Bridge Littleton:** 14th?

**Darlene Kirk:** [inaudible]

**Bridge Littleton:** Well that's up to you.

**Darlene Kirk:** [inaudible].

**Bridge Littleton:** So how does everyone feel? The 14th? [inaudible] I love the 14th. I'm ecstatic about the 14th. 14th it is.

**Rhonda North:** 14th it is. Next item gift certificates would you like to continue to do the gift certificate program this year? Just for Chris's benefit. It is a program where the council gives employees a 100 dollar gift certificate. The volunteers on the boards and commissions 50 they can use it in any business in town that agrees to participate in the program. Which is a lot.

**Bridge Littleton:** And we all contributed out of our pocket.

**Kevin Daly:** Well the youngest youngest members pocket. [laughing]

**Bridge Littleton:** I will happily try to spend lint. [laughing] OK So everybody in favor for the 100 dollars? OK great. Last item is the meeting schedule so this is if you know do we want to hold Thursday the twenty seventh of November as a potential work session meeting?

**Rhonda North:** November 29th. [inaudible]

**Bridge Littleton:** Do we want to hold that as a potential work session meeting if it's the branding thing or anything I mean I don't think we need it but do we want to have it on the calendar just in case? [inaudible]

**Darlene Kirk:** [inaudible] putting a specific date. Let's see what they come back with the branding or if there's anything else that needs to because I mean we may want to add a date before that [inaudible]

**Rhonda North:** And the HDRC is having a special meeting next Thursday so they've already taken the date.

**Philip Miller:** With it being the holidays let's just lock it down if we don't use it we don't use it.

**Bridge Littleton:** Exactly that way we can notify the public if we need to. If it's on the calendar we meet the requirements. I mean it might not be able to have everybody here I totally understand that. But just in case. OK. And honestly too on a personal note. Stuff going on with the Planning Commission at Loudoun County and the comp plan all that stuff and that stuff is racing forward pretty quick. [inaudible] going to get really engaged here as it gets handed over to the board supervisor. We may you know we may need to vote on something I don't know what but I don't want to you know again we probably won't meet. But let's just hold it on the calendar.

**Rhonda North:** And honestly with the Thanksgiving holiday we'll actually have to make that decision fairly early because I would need to get the agenda out to you on the Wednesday before Thanksgiving. [inaudible] So we're going to know next week really whether we can do it or not or whether we need to do it or not.

**Bridge Littleton:** Got it. OK So that's the holiday. OK. Any other discussion items? From anyone? OK. I have a discussion item. I apologize. Well two discussion items. [inaudible] But the first one is I've been asked by a member of the public to comment on something so I will. It's in regards to a letter of recommendation that I wrote along with Betsy for this past congressional election. And while I feel it is. [inaudible] What's that? No not that. It's nothing to do with that. While it is nobody's business who anybody who ever votes for. Right. And so the facts surrounding it are. They are what they are. I do want to outline two things. So as everybody knows Betsy and I supported Barbara for her campaign. It was not a Democrat or Republican thing. It was because we liked Barbara and all the things she has done for the town of Middleburg over the many years between securing the funding coming out and supporting our veterans. All that kind of stuff. Questions I guess have been asked that we sign the letter as mayors which is completely permissible under state code federal code and is in no way a reflection that it was a town endorsement. Our titles as elected officials we are allowed to use both in official capacities and in our personal capacities as an example. John Warner sent wrote a letter of recommendation for Barbara Comstock as Senator John Warner Commonwealth of Virginia and he wrote a letter of recommendation for Tim Kaine as senator. You know what not and so did some other currently seated elected officials. So that being said we did it as something that we felt was important as our rights as our first amendment rights of citizens. One of the most important ways to preserve democracy is to practice and participate in it. And that is a right that we all have. And it's something that you know while I understand people's concerns it is something that you know we all have a responsibility to exercise if we so choose. And that's exactly what Betsy and I did. I even got comments about working a poll the day of the election and how it was not in standing with Middleburg's long tradition of being of our town government being nonpartisan. So that is very true we have a long tradition of our town government being run nonpartisan. But the choices we all make in what we want to do in our private lives and supporting people or any elect official it is irrespective of party is a first amendment right that we all have. And I will say it is important that this kind of a discussion happens. I will also note you know it's interesting that this topic is coming up now. Where in the last 20 years of elections when Betsy has worked the polls both as a councilwoman and as a mayor for every single congressional election. This was never an issue. But now this year for some reason it is an issue. So it is what it is. I wish I could remember the quote that somebody sent me earlier. It should never and I apologize for being preachy. It should never be a discussion about our right to practice with democracy. Discuss and debate my viewpoint but not my right because that is something we all owe to each other and that we all must vehemently defend because the moment we start to erode any individual's right of free speech we're all damaged. So I apologize like I said for the speech but I was asked to comment on it and I did feel since there was a hanging issue. There was a responsibility to say something. So anybody who wishes to say anything by all means if not we [inaudible].

**Kevin Daly:** I think the elephant just left the room. [laughing]

**Bridge Littleton:** Thank you. Exactly. OK. Second discussion item or information item I should say it's related to the strategic item initiative is on the county comp plan. The board [inaudible] the Planning Commission. So just a quick background as you guys know the revised General Plan 2003 I guess is up for renewal. You have all been incredibly supportive of trying to have an impact on how the land development section and the overall plan is done and impacts us going forward. First draft in May was released by what was known as the stakeholders committee. It was not ideal it was not perfect. There were some things in it which were drastically changed but overall the general policies around what the suburban areas should be with the transition areas should be what the rural areas should be

you know are by and large still there. Like I said a lot of concerns about the towns and their policies being neutered and other things. The Planning Commission got the plan in July. They started working on it and they released they had a public hearing yesterday for public comment on the plan. I will say the plan draft for that hearing was released two weeks earlier 15 minutes before the deadline to get it released in order to make it for the public hearing. It was released at like 11:48 p.m. Tuesday night before the Wednesday midnight cutoff. So it is a 570 page plan of which the public has now had exactly two weeks to review and provide comment on. And the only thing I can say about the difference between the main draft which was not ideal and this draft is it is a wholesale complete rewrite and absolutely handing over of Western Loudoun and the transition area to unfettered development. It is unbelievably scary what has been put in that plan. The transitionary which was always our buffer zone is essentially destroyed. They will double the density in it. It is now being redefined not as a permanent spatial and visual transition zone between suburban and rural but now as a holding area for future dense development. It's unbelievable. So with all of your all's help and with Will we got the Berkeley Group together they did an analysis they did a great job in providing alternatives and we also have collected together all seven mayors from Loudoun County which is known as known as COLT submitted our written responses and a letter to the Planning Commission and the board. And then last night every member of COLT testified at the public hearing and every single one of us went one right after the other. All seven mayors were there and we coordinated in advance so no message was the same. So one mayor talked about utilities and infrastructure. I talked about fiscal responsibility. The next one talked about rural economy. The next one talked about infill and redevelopment. And it was I thought very well done. Fortunately we were able to go first and Peter [inaudible]. Just watching the reaction from the dais of the Planning Commission. There was no interest in hearing what was being said from the conservation minded folks. So we knew this at COLT and that this was just going to be a dry run for what's going to have to be taken to the board of supervisors when they hand the plan over and that's going to be the next two months probably. [multiple speakers]

**Peter Leonard-Morgan:** And what was most shocking to me really was I suppose we're a special interest group but there were a lot of special interest groups and a lot of residents in areas which I just couldn't work out why they were so supportive of this drastically increased development in the transition policy area. It was quite incredible a very pro it yet the residents who are going to be affected by it.

**Bridge Littleton:** Are you talking about the one guy with the red hair? And the other lady. Yeah. Well the one with red hair I drove by his property today there's a for sale sign out front. So I'm going to finish once again and I know I'm being preachy. This is the issue facing us you know over the next 12 months and because it is going to define what happens to the entire county and us for the next 20 years. So I will keep everybody informed as this goes on. You know as many people as you guys can inform about this issue please do please ask them to write their board of supervisors please ask them to get involved with the PEC or the Loudoun Conservancy and Alvin Heights group whatever it is. But the biggest thing is we don't have to convince people in the rural area. You've got to convince everybody who lives in the east. That's the key. Those are the supervisors that have to be convinced. So the people who live in the east those are the ones who have to call Suzanne Volpi or Sains or Matt [inaudible] and say this is a horrible plan. I do not want it. Because they're going to listen to their constituents they're not going to listen to us. So Peter do you have any comments on what additional?

**Peter Leonard-Morgan:** Really just what I said which was that you know there was two sides of course to the argument. The people in the rural area who want to keep it rural is why we moved there. That is why we raised families here. And also the fact that I think it's not really understood by a lot of people that you know you build houses and that's great. You've got people who live in the houses but every house is built the tax demand on schools and infrastructure and transportation is huge it's multiples of the tax income from that one house. And I think it's an education thing. I mean you know we had to sign at the ballot two days ago about about funding a long term bond for schools. And you know my understanding is that is due to the fact that the taxes on property taxes is not paying for those schools. So need to borrow it.

**Cindy Pearson:** Is there a letter that we could give people? Could you give us some sort of wording? [inaudible]

**Bridge Littleton:** So in the packet tonight you guys had the letter from COLT but we did another one a couple of weeks ago which had a little more details. I'll send you guys all the COLT stuff and feel free to pirate it. Again.

Democrat Republican. I mean it is 100 percent backed by all the towns you know from Hillsboro of 186 people to Leesburg 47000. You know we all have different challenges. It absolutely is. I just also got reminded by a member of the public. The chair of the board of supervisors in Loudoun County is having a rural summit next Friday at Salamander. [inaudible] Yeah 8:30 to 2:30.

**Philip Miller:** Hours for people who work during the day.

**Bridge Littleton:** Yes. So I've called the chairs office this morning I've emailed her several times. I'm concerned that it is being hosted. I'm glad it's being done but I'm concerned that no elected official who is in the rural policy area has been invited to participate as a member of the forum. I mean they can come as a spectator right as a member of the community. But none of the town's other supervisors in the rural area. So I spoke to the chairs office. You know we agree to disagree. And so the goal here is really to make sure that when we have this real summit we represent you know our interest and represent what we want to make sure that we see as citizens. So if you can I'm going to be there if you can go please go. I think it will be important for all of us.

**Peter Leonard-Morgan:** And if I'm not mistaken it's taking place within the town of Middleburg. We were not told about this to my understanding.

**Kevin Daly:** Why do I keep getting more and more cynical as time goes? [laughing]

**Bridge Littleton:** Any questions about the rural summit? [inaudible] It's the 16th. If you go on well. You have to RSVP in advance. Do you guys have the RSVP? Yeah could you email it to everybody? Yeah. Kevin.

**Kevin Hazard:** [inaudible].

**Bridge Littleton:** [laughing] It's next Friday the 16th November 16th.

**Bridge Littleton:** 8:30 in the morning to 2 I think in the afternoon. You do have to RSVP. Her name is Elizabeth. Yes. [inaudible] Yes but you do have to e-mail her if you want to come. OK. Any other questions on my pontification about the comp plan? And Peter again thank you very much for coming last night. That was a it was a marathon. OK. So OK. Yeah the strategic planning. So I did speak with Charles [inaudible] who is the deputy county administrator about you know one of the things the old comp plan says one of the things this comp plan says is we're going to set up strategic working groups in the towns and the counties in the areas we're going to have green belts around the town this stuff was all in the 2003 plan and none of it was ever done. Ever. And so I spoke to Charles [inaudible] and he says well what do you recommend we do about it? I said somebody has to be held personally accountable. There has to be specific dates and times. The green belt. I gave him an example. Developing a green belt around the town in Middleburg will be accomplished in two years. Right. That needs to be in the plan because if we say all we're going to do is work towards having a green belt around Middleburg it'll be exactly like it was in the RGP 18 years ago. It's a nice little bullet point but it never happens. So Charles. I think Charles is a great deputy administrator. He said you know you make a very good point. Let's sit down with the towns and figure out exactly how we can put in a measurable way to ensure these things happen. So they are on board with figuring this out. So that was the very positive. OK. Any other information items from folks? Danny as you are now almost to the end of your first council meeting. [laughing] Are you going to quit? [laughing] I know exactly. Will we see you in the morning? OK. So OK great. I think that's it unless there's anything else on anybody's mind? All right we will go into the closed session so meeting is adjourned. Thank you. [multiple speakers] We're back open. All right now we're going to go go into the closed session.

**Darlene Kirk:** [inaudible] I move that council to go into closed session as allowed under the Virginia Freedom of Information Act section 2.2-3711 A 8 and one for consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel and for the discussion consideration or interviews of prospective candidates for employment assignment appointment promotion performance demotion salaries disciplining or resignation of specific public officials appointees and employees of the public body. I further move that these matters be limited to one legal advice regarding a recent appeals court



ruling and its impact on the town. Two appointments to various towns various boards commissions and committees and 3 a bonus for town employee. I further move that in addition to the council the following individuals should be present during the closed session. Martha Mason Semmes for all of the items. [inaudible] And Danny should be added too. Martin Crim for the first item Rhonda North for the first & second items and Will Moore for the second items. I further move that the council thereafter reconvene in open session for action as appropriate.

**Kevin Daly:** Second. [inaudible] [laughing]

**Rhonda North:** And yes for those of you. That would be your paper agenda packet tonight. [inaudible] [multiple speakers] [laughing]

**Bridge Littleton:** Okay. Any discussion? [multiple speakers] So all in favor of going into closed session?

**Everyone:** Aye.

**Bridge Littleton:** Opposed? Abstentions? And we're in close session. [inaudible] So I ask that council certified to the best of each member's knowledge only public business matters lawfully exempted from open meeting requirements under 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 convened were heard discussed or considered in the closed meeting. I would like to remind those present for the closed session that any discussions that occurred within it should be treated as confidential. [inaudible]

**Chris Bernard:** Yes.

**Kevin Hazard:** Yes.

**Philip Miller:** Yes.

**Darlene Kirk:** Yes.

**Bridge Littleton:** Yes.

**Peter Leonard-Morgan:** Yes.

**Cindy Pearson:** Yes.

**Kevin Daly:** Yes.

**Bridge Littleton:** Okay. First thing I would like to do is direct staff to proceed with the employee bonus as directed and discussed. Now do I have a motion on the appointments? [inaudible] All the way down to the person's name and there is a motion in the item? [inaudible] Yep. [inaudible] Turn your mic on.

**Darlene Kirk:** I move that council reappoint Terrence Cook to the Middleburg planning commission for a four year term said term to expire December 31st 2022. I further move that council reappoint Howard Armfield and Edwards [inaudible] to 2 two years terms on the Health Center Advisory Board. Said term to expire December 31st 2020. I further move that the council recommend the reappointment of Katherine Bundles Murdock to the Board of Zoning appeal and the appointment of Trowbridge Littleton to the Board of Zoning Appeals to the Judge of Loudoun County Circuit Court to fill the remainder of the original term said both terms to expire December 31st 2019. [inaudible]

**Bridge Littleton:** All right. So hold on. Do I have a second? OK I'm going to make an amendment to for the term for Bundles Murdock to be through December 31 2019 for the rest of her term and for Trowbridge Littleton to be December 31st 2023 which is a five year term.

**Darlene Kirk:** [inaudible].

**Bridge Littleton:** Perfect. Okay. Any discussion?

**Peter Leonard-Morgan:** I'd like friendly amendment to Trowbridge Littleton's senior.

**Darlene Kirk:** [inaudible].

**Bridge Littleton:** All those in favor say aye.

**Everyone:** Aye.

**Bridge Littleton:** All those opposed say nay. Anybody abstaining abstain. I abstain even though I don't vote. The appointments carry and I think we're done. Meeting adjourned.