



MIDDLEBURG TOWN COUNCIL
Regular Monthly Meeting Minutes
Thursday, February 9, 2023



PENDING APPROVAL

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

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

The Town Council of the Town of Middleburg, Virginia held their regular monthly meeting on Thursday, February 9, 2023 in the Town Hall Council Chambers, located at 10 West Marshall Street. Mayor Littleton led Council and those attending in the Pledge of Allegiance to the flag. The roll was called at 6:00 p.m.

Public Comment

Darlene Kirk, 200 Sycamore Street, noted that last year, the Council and citizenry talked about the need for affordable housing. She opined that the Town had affordable housing and suggested the need to protect the existing small homes from being torn down so large houses could be built in their place. Ms. Kirk suggested that young people could not afford the larger ones. She opined that the Town used to have zoning limits that prohibited the construction of larger houses and suggested their construction needed to be stopped. Ms. Kirk suggested the need to work on protecting the existing affordable housing stock before annexing property for its construction.

Bud Jacobs, 134 North Jay Street, thanked the Council, staff and community for the support they have given him and his family following the passing of his wife, Candice.

Public Presentations

Commonwealth Attorney Notice of Changes to How Certain Offenses are Prosecuted

Mayor Littleton thanked Buta Biberaj, Loudoun County’s Commonwealth Attorney, and Andrew Schofield, her Executive Assistant, for appearing to discuss the Council’s concerns related to Ms. Biberaj’s notice to the courts. He advised her that the Town had received significant concern from both residents and businesses, as they did not know what the changes meant. Mr. Littleton noted that the Council also had questions. He suggested the need for everyone involved to figure out a path moving forward.

Commonwealth Attorney Biberaj advised Council that her December letter to the courts was issued for a number of reasons. She noted that COVID changed how things were done to get people in and out of court quickly. Ms. Biberaj opined that with all three courts now having re-opened, things needed to be streamlined in order to make the courts more efficient. She advised, however, that what she proposed were not actually changes to how prosecutions were handled, but rather was only putting current practices into writing.

Commonwealth Attorney Biberaj reported that Loudoun County was one of the safest counties in the country and advised that she would never do anything to jeopardize the community's safety. Ms. Biberaj further advised that all cases charged by law enforcement or initiated by a magistrate would continue to be prosecuted by the Commonwealth Attorney's office or by having the police officer present the evidence. She reviewed the responsibilities of the Commonwealth Attorney's office based on the State statutes and noted that they were mandated to prosecute felonies. Ms. Biberaj also reviewed the Class 1 through Class 4 misdemeanor offenses and advised that she was limiting what her office would present to the judge in the case of non-criminal traffic cases. She further advised that in the case of traffic offenses, the police officer would present the case for most of those and reiterated that this was not a change. Ms. Biberaj reviewed the eleven law enforcement agencies that her office represented and advised that some of them had over seven hundred officers. She further advised that she was trying to serve everyone as best she could. Ms. Biberaj reviewed the 2022 case filings, which included over 1,500 circuit court cases, 2,600 juvenile & domestic violence cases; and, over 30,000 General District court cases. She noted the amount of review time that must be spent per case and advised that she had to make a decision on how her office's resources were allocated.

Mayor Littleton inquired as to the number of circuit court cases that were filed in 2018. He questioned how things had changed.

Commonwealth Attorney Biberaj advised that what had changed with regard to the prosecution of misdemeanor and traffic cases was the addition of body-worn cameras, which could result in the need for her office to spend two hours reviewing camera video for a single traffic offense. She advised that there was no way for her office to review that much video and suggested it was not a good use of resources. Ms. Biberaj explained that under her system, the first day in court would be used to screen whether the individual was pleading "guilty" or "not guilty" in misdemeanor and traffic cases, with the law enforcement officer presenting the evidence for those who plead "not guilty", if no jail time would be involved, at a later time. She opined that this was a best practice that was used elsewhere in Virginia, as well as nationwide.

Commonwealth Attorney Biberaj advised that this was a resource issue. She noted that pre-COVID, her office tried to ensure an individual only came to court once; however, they could no longer do that given their limited resources. Ms. Biberaj reviewed the procedures for when a police officer presented a case and advised that the officer could not argue for a disposition. In response to an inquiry from the Council, she confirmed there could be scenarios in which the accused was represented by an attorney. Ms. Biberaj advised that if the case involved a Class 1 or 2 misdemeanor, the Commonwealth Attorney's Office would prosecute the case unless it involved a traffic infraction. She explained that her goal was to screen cases and identify when it was appropriate for the police officers to present a case.

Commonwealth Attorney Biberaj advised that some cases were statutorily eligible for a deferred finding in general district court. She noted that if this was the case or the defendant pled guilty, her office would conduct a criminal background check. She reviewed the topics which were eligible for a deferred finding. Ms. Biberaj advised that if the defendant did not have a felony record and had never had the benefit of a deferred finding, the court would put them on terms/conditions and probation; and, if the individually successfully completed his/her probation, the charges would be dismissed. In response to inquiries from the Mayor as to what a "deferred finding" meant and whether her office made a

decision as to who was eligible, Ms. Biberaj advised that a deferred finding would not be automatic, but rather would be applied based on the facts and whether the individual's criminal record supported it. She further advised that in these cases, the judge would determine the consequences. Ms. Biberaj confirmed her office would screen the cases to determine if the individual was eligible and, if appropriate, discuss it with the officer to determine whether the facts supported a deferral.

Mayor Littleton opined that what Ms. Biberaj stated and what was included in her letter were what had created consternation in the community.

Commonwealth Attorney Biberaj advised that her letter to the judges was meant to start a conversation with all involved parties. She acknowledged that she did not do a good job of making her intentions clear. Ms. Biberaj advised that her office would give the judge a list of cases that were eligible for a deferred finding, with the judge then asking the defendant whether they wanted to opt in/out of the program. She advised that if they opted out and the case involved a Class 1 or 2 misdemeanor, it would be placed on the trial docket. Ms. Biberaj noted that the Commonwealth Attorney would be available before court for a consultation with the law enforcement officers. She advised that her office would screen cases to determine if they were appropriate for jail and noted that if they were not, she did not want to trigger the need for a court-appointed attorney for the defendant.

Mayor Littleton opined that Ms. Biberaj's presentation was helpful; however, at the end of the day, the perception was that certain criminal statutes were not being enforced. He advised that he still had a problem with what was being presented and noted that the perception was that larceny or someone speeding 90 mph would not be prosecuted. Mr. Littleton reminded Ms. Biberaj that local government functioned best when it worked together and advised that it would have been helpful if she had engaged with the towns, the County, and the community before letting the courts know of her decision to change the procedures. He noted that the letter stated that the changes would be effective on January 16, 2023, which did not allow much time for coordination. Mr. Littleton expressed an understanding that Ms. Biberaj was refining the process and suggested that as she moved forward, it would be helpful if she engaged with the town councils that were directly affected by her decisions. He opined that she would benefit from their input. Mr. Littleton noted that Ms. Biberaj's letter stated that they would defer all violations of town ordinances and questioned what would happen if someone were to discharge a firearm. He questioned whether she looked at the towns' ordinances to determine whether her change in prosecution should be discussed with their town councils.

Commonwealth Attorney Biberaj opined that commonwealth attorneys did not prosecute town ordinances in most towns and suggested they hired their own legal counsel to do so. She advised that there were limits as to what her office could do. Ms. Biberaj noted that most town ordinances had a State Code equivalent under which a charge could be written. In response to Mayor Littleton's comment that the concern was that there was no review of the changes with the town councils, Ms. Biberaj accepted responsibility for that oversight. She expressed hope that once her office worked with them, the law enforcement officers could represent the towns on what was important to them. Ms. Biberaj reiterated that she did not think anything was changing and advised that it was just not written down on paper.

Mayor Littleton advised that some of the charges that could be eligible for a deferred finding could be serious and cited larceny as an example. He questioned, based on Ms. Biberaj's comments to the Council, whether she was saying that her letter should have used the term "we may" and opposed to "we will" defer to the court and law enforcement.

Commonwealth Attorney Biberaj confirmed this was correct and reiterated that the letter was only intended to generate a conversation with the courts. She noted that there could always be an exception to how she proposed prosecutions be handled.

In response to an inquiry from the Council as to whether the Commonwealth Attorney's office required more personnel, Ms. Biberaj advised that she could always use more people. She noted, however, that the question was whether having the Commonwealth Attorney handle these prosecutions was a good use of money. Ms. Biberaj advised that even if she had one hundred attorneys, she would not say her office should prosecute traffic offenses, as they did not add value to those prosecutions. She further advised that she would not commit to prosecuting traffic offenses.

Councilmember Jacobs advised that he was pleased to learn that Ms. Biberaj's letter was only a first step and that she had spoken with the police officers, as they were a stakeholder. He advised Ms. Biberaj that the community viewed her attempts to streamline the process as high-handed and being conducted without consultation with the stakeholders. Mr. Jacobs reminded her that her biggest stakeholder was the community. He acknowledged that she had the right to make determinations about prosecutions; however, he noted that as the chief law enforcement officer for the county, she had an obligation to communicate what she was doing clearly and concisely. Mr. Jacobs urged Ms. Biberaj to find a competent communications officer to help her clearly explain to the community what her changes entailed. He opined that what she said made sense; however, that was not how her changes were being perceived.

Mayor Littleton questioned whether this was a resource issue. He suggested there was a conflict between Ms. Biberaj's statement that these were not changes and her letter to the courts saying there needed to be changes. Mr. Littleton advised that from a communications perspective, this was creating more confusion. He opined that the citizens and businesses needed a straight answer on what happened. Mr. Littleton advised that the Council would help Ms. Biberaj fix whatever needed fixing if possible. He strongly urged her to reach out to the other towns in Loudoun County, as those who had police departments had concerns that they would have to pick up the cost of prosecutions. Mr. Littleton reminded Ms. Biberaj that it was the towns' decisions as to whether they allowed their police officers to handle prosecutions or whether they hired an attorney to do so. He questioned what would happen if the towns did not do either. Mr. Littleton further questioned what this meant for the police officers and what it meant for those towns that did not have police departments. He reiterated the need for Ms. Biberaj to reach out to the other towns and noted that they represented 50% of the County's citizenry. Mr. Littleton suggested that in the future, before making such decisions, Ms. Biberaj reach out to the town councils so they could work together. He thanked her for her appearance before the Council.

Commonwealth Attorney Biberaj expressed gratitude for the Council's invitation to appear before them. She agreed that she needed to be aware of the disconnect that was created.

Mayor Littleton suggested that as this change was put into place, Ms. Biberaj monitor it to see if it was achieving her goals. He further suggested that she provide a quarterly review to the members of the Coalition of Loudoun Towns so they could see whether it was working or not.

Commonwealth Attorney Biberaj agreed it would be good to bring all the towns together so she could provide a single message. She invited the members of Council to call her if they had any questions and noted that she was here to serve the community. In response to an earlier question, she reported that based on the 2018 statistics, there were 2,697 filings in the circuit court. In response to Mayor Littleton's comment that this meant the filings were going down, she advised that there were no filings in 2019 through 2021.

Mayor Littleton explained that this was the reason he suggested comparing the numbers to the 2018 filings. He suggested Ms. Biberaj also engage with the County as they supported the Sheriff's Department.

Staff Reports

January 2023

Town Clerk North reported that the Council's Strategic Planning Retreat would be held on March 6, 2023 in The Hill School's conference room. She reminded Council that anyone who was interested in running for office during the November Town elections could now file their paperwork to declare themselves as a candidate for office and to be listed on the November ballot. She opined that the deadline for filing was June 20th.

Councilmember Daly announced that he had filed to seek re-election.

Business Development & Community Partnerships Director MacIntyre announced that Le Boudoir had moved to 22 East Washington Street. She further announced that Loyal Companion was closing and noted that the building owner was already receiving interest from businesses who wanted to lease the space. Ms. MacIntyre noted that last week, she hosted two interns from the Foxcroft School. She announced that ribbon cutting ceremonies would be held for two new businesses – Atelier Maison & Aiyana Atelier. Ms. MacIntyre reported that the 2023 Farmers Market would be located at the Middleburg Community Charter School on Saturdays beginning May 21st and advised that she would begin advertising for vendors. She announced that Middleburg would participate in Read Across America on March 2nd at The Hill School.

Town Treasurer Staples reported that she was working on the draft FY '24 Budget. She further reported that the Town's finances were tracking as they should.

Deputy Town Manager Moore reported that he initiated two zoning violations related to short-term rentals that were identified by Planning & Project Associate LaClare.

Mayor Littleton suggested that in response to Darlene Kirk's comments, Council consider whether short-term rentals should be a strategic initiative. He questioned how the Town could assure its affordable housing stock was protected.

In response to an inquiry from Council regarding the next steps related to the notices of violation, Deputy Town Manager Moore advised that the property owner could appeal his decision to the Board of Zoning Appeals. He noted that his violation letter included steps that could be taken to cure the violation and advised that if they continued to be non-compliant, he would take the next step toward enforcement.

Chief Panebianco recognized Officer Riley who recently caught someone who was attempting to steal from a church. He noted that the individual also had felony warrants for attempting to elude the police. Chief Panebianco advised that Officer Riley did not have to use force when arresting her.

In response to inquiries from the Council about the procedures for making an arrest, Chief Panebianco advised that it took an officer ten to twenty minutes to affect the arrest and then an additional one to three hours to transport the individual to Leesburg and process him/her. He advised that he had been talking with the Town Manager about the need for an additional police officer and opined that one would be needed to address changes that were coming in the night atmosphere. Chief Panebianco advised that this would need to be addressed at some time; however, it was not needed at this time. In response to inquiries from the Council, Chief Panebianco confirmed the Sheriff's Department was available to assist if needed. He advised that there were three towns in Loudoun County that had their own police department.

Council noted the importance of framing the question and to get data to inform them of all possible solutions, such as working with the Sheriff's Department to support the Police Department. They opined that it should not be assumed that the solution was x. It was noted that the Town of Lovettsville had a population of 2,700 people; however, they did not have a police department, as the Sheriff's Department provided law enforcement services.

In response to an inquiry from the Council as to what the Commonwealth Attorney's change in prosecution procedures meant for the Police Department, Chief Panebianco noted that Ms. Biberaj stated that the arraignments would occur on the officers' scheduled court dates, which if true, would not impact the officers. He reviewed the process for determining whether there were mitigating circumstances and advised that if forty officers were waiting to talk to the Commonwealth Attorney, that could take the officer's time. Chief Panebianco noted that the other issue was presentation of the case and advised that since they already did so, this would not cause an impact. He reminded Council that because Middleburg hired seasoned officers, they had already presented cases.

Mayor Littleton suggested the need to understand the time requirements for the police officers with regard to how the prosecutions were handled versus what they would become once the change was implemented. He noted the need to measure this so the Town could go back to the Commonwealth Attorney if there was an impact.

In response to an inquiry from the Council as to whether Ms. Biberaj's characterization that this was not a change was correct, Chief Panebianco opined that there would be more deferrals of prosecutions under the new procedures. He noted that the police departments were told that the Commonwealth Attorney's office would run histories on the individual and ask the officers if there were any mitigating circumstances. Chief Panebianco advised that the Middleburg Police Department already ran the histories. He confirmed that if the court deferred the prosecution, the case would be by-passed, with the individual only returning if he/she did not meet the standards imposed by the court.

Mayor Littleton noted that the deferrals were characterized as being automatic for those crimes that were on the list and opined that they would not be considered on a case-by-case basis. He noted that this would make the Police Department responsible for monitoring things. Mr. Littleton suggested the need to develop talking points related to the changes so the members of Council could explain them as they received inquiries.

Town Attorney Crim advised Council that town attorneys could prosecute violations of the law charged by town police officers with the consent of the Commonwealth Attorney. He advised that if the charge was written on the Town Code, the fines would go to the Town. Mr. Crim noted that his firm handled prosecutions for the Towns of Haymarket, Occoquan, and Warrenton.

Town Hall Project

Town Clerk North reported that the permeable pavers were being installed in the North Parking Lot and opined that they looked nice. She further reported that the solar lights had been installed and were operational. Ms. North advised that the drywall had received a prime coat of paint. She further advised that the electrical room had been built out and noted the need to address the generator and transformer pad size issue so those could be constructed and permanent power established for the building. Ms. North reported that the mechanical room was in the process of being built out. She further reported that Christopher Consulting was on-site earlier in the day to survey the cupola location, as well as to survey the grading of the east drive isle. Ms. North opined that a solution would soon be found with regard to the cupola and advised that one also needed to be developed for an issue with the drive isle.

Town Manager Davis reported that the grading for the Village Green was underway. He noted that it would be seeded and straw applied to stabilize the area once the grading was complete.

Consent Agenda

- A. Council Approval – Amendment to Council's Rules of Procedure
- B. Council Approval – Renewal of Contract – Shenandoah Technology Services
- C. Council Approval – January 26, 2023 Regular Council Meeting Minutes

Councilmember Miller moved, seconded by Councilmember Daly, that Council approve the consent agenda as presented.

Vote: Yes – Councilmembers Leonard-Morgan, Bernard, Daly, Jacobs, Kirk, Miller, and Pearson
No – N/A
Abstain: N/A
Absent: N/A
(Mayor Littleton only votes in the case of a tie.)

Discussion Items

Review of Real Property Assessment Data & FY '24 Budget Review Schedule

Town Manager Davis reported that overall real property values increased by 11.99% and the equalized values, which represented the properties that existed last year, increased by an average of 10.51%. He noted that this was the second year in a row in which values had increased significantly. Mr. Davis reminded Council that the real property tax rate was currently \$.1369. He noted that depending on the tax rate the Council was interested in considering, a public hearing could be required. Mr. Davis reminded Council that the State Code identified the procedures for the setting of tax rates and advised that even if the rate was reduced, a public hearing would still be required if it was above \$.1251. He noted that the back-up materials include examples of the effect of setting the tax rates at the equalized rate of \$.1239, the equalized rate plus 3%, and the equalized rate plus 7%. Mr. Davis reminded Council that last year, they adopted a rate that was equalized plus 3% to account for inflation. He reminded the members that they could not go above whatever rate was advertised for a public hearing; however, they could always go below it. Mr. Davis requested the Council's guidance on the tax rate they wished to advertise. In response to comments from the Council, he explained that the public hearing for the tax rate must be sent to the newspapers by February 17th. Mr. Davis reported that revenues were trending upward and advised that the staff believed they could improve even more this year.

After some discussion, the Council agreed to advertise a tax rate of \$.1276 for public hearing, which represented equalization plus 3%. It was noted that they could reduce the rate following the public hearing.

Information Items

Councilmember Kirk announced that with the formation of the Middleburg Charitable Foundation, the Health Center Advisory Board was no longer needed. She reported that Erik Scheps and Howard Armfield would serve as co-chairs of the foundation.

Town Clerk North reported that now that the charitable foundation had been formed, she was drafting an ordinance to rescind the ordinance establishing the Health Center Advisory Board, as well as one rescinding the ordinance that established the Pink Box Advisory Board. She noted that she was also working on resolutions of appreciation for the members of those two boards.

Mayor Littleton advised Council that speakers had been nailed down for the Rural Preservation Summit on April 11th. He reported that the PEC had agreed to participate. Mr. Littleton suggested that the top State elected officials be invited to attend. He reminded Council that the summit would be held at the Salamander Resort. Mr. Littleton reported that the Town's event firm would set up a webpage for the sale of tickets. He noted the need to identify a name for the event and reminded Council that it was aimed at the future of Loudoun County.

Closed Session

Vice Mayor Leonard-Morgan moved, seconded by Councilmember Daly, that Council go into closed session as authorized under Section 2.2-3711 of the Code of Virginia, for (1) consultation with legal counsel employed by the public body regarding specific legal matters requiring the legal advice of such counsel related to the Town Hall Project contract as allowed under Subsection (A)(8); and (2) for the discussion of the disposition of publicly held property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, related to the vacation of a Town right-of-way as allowed under Subsection (A)(3). Vice Mayor Leonard-Morgan

further moved, seconded by Councilmember Daly, that the Council thereafter reconvene in open session for action as appropriate.

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

No – N/A

Abstain: N/A

Absent: N/A

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

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

There being no further business, Mayor Littleton declared the meeting adjourned at 8:15 p.m.

APPROVED:

Trowbridge M. Littleton, MAYOR

ATTEST:

Rhonda S. North, MMC, Town Clerk

February 9, 2023 Middleburg Town Council Meeting

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

Bridge Littleton: Okay, now we're at 6:00. All right. We'll call the meeting to order. First item is Pledge of Allegiance.

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

Darlene Kirk: [off mic].

Bridge Littleton: All right. It's not my fault Darlene. Okay. Next item is Roll call.

Chris Bernard: Chris Bernard.

Bud Jacobs: Bud Jacobs.

Philip Miller: Philip Miller.

Darlene Kirk: Darlene Kirk.

Bridge Littleton: Bridge Littleton.

Peter Leonard-Morgan: Peter Leonard-Morgan.

Cindy Pearson: Cindy Pearson.

J. Kevin Daly: John Kevin Daly.

Rhonda North: Rhonda North, Town Clerk.

Danny Davis: Danny Davis, Town Manager.

Bridge Littleton: Okay, thank you. First item is, let's see here, public comment. Any member of the public wishes to address the Town Council you may do so now. We will open the public comment. [off mic]

J. Kevin Daly: The perfect opportunity.

Bridge Littleton: As you say, with nine lawyers in the room. [laughter]

Cindy Pearson: Don't want to mess that up.

Darlene Kirk: Are you ready, Rhonda? Okay.

Bridge Littleton: Please state your name and address.

Darlene Kirk: I am. My name is Darlene Kirk. And I live at 200 Sycamore and I've lived there all my life. As a matter of fact, when it was built, we bought it and moved right in. Okay. A good part of last year Council and the Town people talked about affordable housing and bringing it to Middleburg. We talked about bringing in two large parcels of land that

and they were going to build affordable housing. Sheila Johnson promised affordable housing at the resort, and that didn't happen. What I've heard is that they want to drop that and do something else in that spot. Now the town does have affordable housing if we protect it. The original part of Windy Hill and Ridgeview. Unfortunately, builders are buying the affordable houses, tearing them down and building McMansions. Three on Sycamore alone. And we need to stop that cold. A newlywed couple or young family can afford to buy a 300 and \$400,000 house that needs some work, but not a 1.2 to \$1.4 million house at five bedrooms and no yard. There was a time when we had restrictions on that. You had to be a certain number of feet from the front line and the side and the back lines. The house could only be so tall and could only take up so much of the lot. But those numbers have gotten smaller and smaller and the house is allowed bigger and taller. At one point I suggested that measurements of height be determined by measuring the house as north, south, west and east, and then getting an average. But that did not go anywhere. We need to stop smaller, perfectly good houses from being torn down by a developer who can build a huge, too expensive house. If we keep letting this happen, we are going to price families, working families right out of the town and kill our town. Do we want to be in a town with old singles in every huge house and so close you can see what your neighbor is cooking for dinner? No, we don't. We say that we need tourism. Have you ever been in Ridgeview on the weekend? Lots of people are walking through Ridgeview carrying bags and just strolling around. So let's start working on the affordable housing we have before annexing any more land into town.

Bridge Littleton: Thank you. All right. Rhonda, do we have anybody on the line?

Rhonda North: We do not, Mr. Mayor.

Bridge Littleton: Ok. Thank you, Ms. Kirk. Mr. Jacobs. [off mic] Please. You beat the gavel?

Bud Jacobs: Barely. My name is Bud Jacobs. I live at 134 North Jay Street in Middleburg. As most of you know, my wife passed away last month, and I would like to tell you that we're having an easy time of it in my family. We're not. However, my daughters are my wife's girls and they're tough and they're resilient and will be okay. One of the things that helps us and has helped us enormously is the tremendous outpouring of support and love we've received, certainly from you guys and staff, but also from the community as a whole. And I'm here to tell you it helps. And I'm here to express our indelible gratitude to you all. Thanks.

Bridge Littleton: Thank you, Bud. Ok. We will close public comment and move on to public presentations. So I'd like to welcome our Loudoun County Commonwealth's Attorney and her.

Buta Biberaj: Executive assistant.

Bridge Littleton: Thank you both for coming to the town. You know, we really appreciate the time. And, you know, as my letter said, there was you guys provided a notification to the court several weeks ago and some of the contents have provided some concern. And the goal here was and I mean, there's been plenty of stuff in the news and all that kind of stuff. But you know, what we really rely on is what we get directly from you and having direct conversations and an open dialog. So what we wanted to do was invite you guys to come in and let us know what's going on, how it's transpiring. Because I will say there's been a significant amount of concern from our community. The residents and citizens are unsure what this means, what the impacts will be. Our businesses are really concerned because, you know, they don't know what it means. And, you know, and we don't have answers. So we really appreciate you guys coming. And I think the idea here would be to, you know, you guys have a presentation which we'd love for you to walk through, let us know, you know, where you are, what's going on. And then I think some Members of Council I know I've got some questions and then figure out at the end of the day, what does a good path forward look like if we can get there. So really appreciate you all coming in. And so we'll start off with the the floor is yours for your presentation.

Buta Biberaj: Thank you. And thank you for the invitation because any opportunity that we have to be able to answer questions and share what we're doing with the general public is a benefit to us as well. So we're going to just start by way of a little bit of a background. And thank you again for the invitation. I'm Buta Biberaj and I am the Commonwealth's Attorney. Andrew Schofield is my Executive Assistant and I'm going to apologize in advance. There's this tickle that's

going on. So if I keep shoving these throat lozenges in, it's not to be disrespectful or to muffle my opportunity to appear before you, but it's really is to prevent the coughing.

Bridge Littleton: Don't feel bad we usually serve wine. [off mic]. [laughter]

Buta Biberaj: Did I miss the night? Darn it, I'm going have to better negotiate my appearances. [laughter] So to start off with that letter, that letter was issued to the courts at the end of December and it was for a number of reasons. Because of COVID, we had changed how we do some things in the courts that we had not done before, and that really was to try to get people in and out of court soon or as soon as possible so that they didn't expose themselves to anybody that might have the virus. And we also had the benefit that the circuit court had almost shut down. So we were then focusing instead of on three courts, we were focusing in two courts. So that gave us that opportunity. With COVID now subsiding, the circuit court has now opened up full force. So now we have three courts that were going back and dealing with. We have 70 dockets per week. So this is where we end up having a conversation with the courts to say we need to talk about how we can streamline and make the courts more efficient. So I'm going to give you kind of the punch line very quickly. The changes that we've made are not changes. Okay. There's nothing is going to be earth shattering about what we have proposed, that you're going to have to fall out of your seat so you can leave your seat belts off. We're going to be good on this one. This is the happy courthouse. This is the old one, as you all know, because I know Middleburg, you guys have historic buildings and you're very community centric. So are we in Loudoun County, an Leesburg. This is the old courthouse on the left hand side is the entrance for employees. On the right hand side, we have the one for the main and slightly behind that is our office. And the reason why I put that here is to say this. This is beautiful. This is Loudoun County. Right. That's also safe. That's Loudoun County. We one of the safest communities in the country. I've been in Loudon County for 30 years. My intention is never to jeopardize our safety. So that's the part that I want to make it very clear that that's my commitment to not only Middleburg, to all of Loudoun. So, again, here's the punchline. All cases that are charged by law enforcement are initiated through the magistrate's office will continue to be prosecuted. So, Mayor Littleton, I'm going to pick on you a little bit because now you're a captive audience. Your comments as far as like, oh, my God, we're going to let crime run amuck and people are going to come in here and [inaudible]. Yeah no, that's not happening. We are prosecuting the cases. What we're doing is we're designating which cases will be directly presented to a judge by an officer and they'll be limited. And those that then go to the next year, which they are then prosecuted by the prosecutor's office, like having an actual attorney present it. But at the bottom line is all cases are being prosecuted. So that was and I think that was one of the biggest fears that certain cases, if somebody commits the offense, that they won't be charged, they won't be prosecuted. Please let me lay that to rest. I apologize that that is the interpretation that was received. That was never the message that was designated. Okay. There are certain responsibilities that we have as a prosecutor by law. Prosecutor's offices in Virginia are designated to prosecute. We are mandated to prosecute felonies. Mandated. That is the purpose of the prosecutor's office. I shouldn't say prosecutor Commonwealth's Attorney's Office. Right but same difference. Now what has happened is our responsibilities have expanded by statute that we could prosecute Class one, Class two misdemeanors. Class one is up to 12 months in jail and \$2,500 fine. Class two is up to 6 months in jail and \$1,000 fine. Class threes are a \$500 fine. Class four is a \$250 fine. So that's how they designate the misdemeanors. Traffic infractions. There are some cases that are in traffic court that are hybrids, could be criminal and an infraction. We're going to set those aside that are criminal and just talk about those infractions. The maximum fine is \$250 in all but two cases and two cases, it's up to \$500. So those are the ones that we're limited in traffic court, what we should be presenting before the judge by statute. So I'm going to ask and you don't have to make any confessions. And I hope the statute of limitations has passed. But who has had a speeding ticket here and gone to court? [off mic] Who are you? Thank you. I was going to say who has not. So if you went to court, you saw the processors. There's like 100 people there. And judge says, okay, you know, Mr. Littleton, you're charged with 55 in 35. How do you plead? Plead not guilty, sit down and at the end of the docket will have your case. And when the judge calls your case again, who's presenting the case? The officer. That's what I'm saying to you. This is not a change. It's just a clarification as to how we're going to screen those, because our responsibilities trigger when we touch cases as prosecutors from an ethical obligation. So that's what I want to make it very clear. So that's the process that we see on traffic infractions, low level misdemeanors, and cases that are not contested or if there's not a threat of jail. The officers have traditionally presented the cases. So this fear of, oh, my God, we're making officers prosecutors, no they're fact witnesses. And the judge just asked, you know, what happened and where do we go from there? So that's why I want to just share with you the statutory authority for our office. We're missing a screen because there was. Let me see. There you go. You just added it. These are the different law enforcement agencies that we have. We've listed for you or the emblems for eight. We actually serve 11 law

enforcement agencies. So we start talking about Middleburg. You're great. You have a small police force, but you're the smallest one. Everybody else can go up to the sheriff's office, which has like 700 of their employees. And the actual street deputies and detectives run about 300 and change. So this is what we try to say, is that we try to serve everyone as best as we can. Misdemeanor charges versus prosecution. What we did here is the charges initiated from law enforcement. An officer can issue a summons or they go through the magistrate and get a warrant. On the right hand side, the prosecution could either be through the attorney, through the commonwealth's attorney's office or through law enforcement. This is the mind boggling numbers. Just in 2022, so it doesn't talk about the cases that were left over from 2020 because courts were closed or 2021 when we add them. This is just 2022 in circuit court those are usually our felonies. There are over 1500 cases, criminal cases. So I'm not dealing with civil, just criminal. Juvenile domestic relations we have about 2600 there. And in general district court, if you look at that, there's over 30,000 cases in general district court. There's a stat that was done by the prior Commonwealth Attorney's office from about 11 years ago where they did how much time is spent in these cases. And it was for a felony, it was 5 hours. And for a misdemeanor traffic matter, it was like 3 minutes. So you think about, well, that's not really justice and that's not really serving the community because you can't really spend. I mean, I can't open a piece of paper for 3 minutes. So those are the things that we do is just to show what the volume is like. So we have to figure out how do we allocate our resources. And I'll tell you this, there is no case that is not important to us. There's just some cases that demand our attention more than other cases, because they can't be allocated differently.

Bridge Littleton: Can I ask you a question?

Buta Biberaj: Oh, by all means, chime in.

Bridge Littleton: [off mic] So the circuit court number of 15.2. What was that number in 2018?

Buta Biberaj: Yeah, I don't have that, but I can provide it for you so.

Bridge Littleton: It's good to be great to see.

Buta Biberaj: Well, I'm going to do this.

Bridge Littleton: Relatively changed.

Buta Biberaj: So you know what that's. God bless you. This is I will answer your question a little bit differently. For the felonies, the prosecution of felony cases hasn't changed much. Right? Because back then we had body worn camera for the felonies. We had police reports. You had two witnesses. So you had the the building of those cases. Can you do me a favor because you have on your laptop the data from 2018? Yeah, we'll get that information for you because actually we have it in our system. I just don't want to take away from this just to find it, but I will get it to you. Right. The changes have been with the advent of body worn cameras in misdemeanors and traffic offenses. Again, speaking to Middleburg, you don't have a police officer on every corner. We have in Loudoun County in on the eastern side of it, where if you have a traffic stop, if you've ever seen that there's four police officers there, each one of them has body worn camera. If the stop is 30 minutes long, we have to watch 2 hours of body worn camera for a traffic offense. And this is where the ethical obligation is that if we touch a case, if we prosecute a case, we're involved in that primary role, then we have an obligation to watch all of the evidence to see if there's Brady, which means information that would show that the person is less guilty or the punishment should be less, or Giglio, which means impeachment, that somebody could find something that somebody has done that would call into question their integrity. So we would have to watch those 2 hours for that speeding ticket. Well, we saw the numbers. There's no way and I don't care if Loudoun County gives me 100 attorneys, there's no way that we can participate in every traffic case, and it would not be feasible. It's not good use of our resources. So this is where some people will go to prepay things. Some people come to court and they'll plead guilty. So what we did is this is the change that that conversation with the judges was supposed to do is to allow us to say, Judge, we're going to use that first day as a screening process. So we're not preparing those cases for trial on that first day because they kind of end up sifting. Right. You may have started with 100, but you may end up going down to 30. And now I don't want to say wasted. We didn't invest our time wisely for those 70 cases that resolved themselves. So we want to use that arraignment date as an opportunity to say what is going to be contested and what is not. Okay. So this is

where, as I said, I'm not going to repeat this. I've already said it. The only thing I'm going to add to this is that law enforcement would also be involved as being the direct presenters of evidence if there are cases that we have taken away a waived jail. That we're saying in this case, the facts, as the officers indicated to us or as we believe the facts to be, is not going to result in a jail sentence. So, Judge, you could handle it directly. The officer will make the presentation. The judge will make the determination. What if the person is found guilty, what the outcome should be. Let me go back to that one second. Also, I will tell you this, this is a best practice. So this is not a Buta Biberaj initiative. This is a best practice. And it's everywhere in the Commonwealth of Virginia, in every one of the 120 Commonwealth Attorneys offices. And it's also nationwide. And again, it's the resource that you try to allocate where you can best use your resources. For our duties what we do before the docket is what we were supposed to do for every case that we're trying or preparing for is watch all the body worn camera. The prior practice was for and in our office during COVID was to try to prepare those so that the individual only has to come to court one time. But that just created a backlog of our inability to be able to prepare all those cases because we just don't have the bandwidth. Our attorneys work evenings and weekends. You know, like a lot of people do, but you then have no family or quality of life and then you just get burned out. So we want again, to address those. The cases that our officer presented this is the process the judge asked the officer raise their right hand, swears them in, they take an oath. The judge then asked the officer to provide the information that's supporting the charge, then tells the accused, Do you have any questions for the officer? The accused is allowed to ask those questions. Once that is done, the judge gives the accused the opportunity if they wish. They don't have to. But if they wish to to testify on their behalf, then the officer gets the final word. What the judge will usually say, is there anything else you want to add? So that allows that. The officer is not allowed to argue for a disposition because that would be lawyering, right? So but they put the facts and again, we're not talking about any complex matters. The judges are probably going to do what they're going to do anyway, regardless of who argues it. Yes, sir.

Chris Bernard: One question. Other scenarios than these officer presented cases where the [off mic] an attorney.

Buta Biberaj: So I'm going to address that. And yes, that would that would trigger the pending except for traffic infractions. But if it's a class one, class two misdemeanor, then that would trigger our involvement. So we're not trying to put the officer in the [multiple speakers].

Buta Biberaj: I'm sorry, sir.

Chris Bernard: [off mic] This is only the first [off mic].

Buta Biberaj: Unless it's a traffic infraction. So if it's a traffic infraction, speeding. Attorney or no attorney we're not involved. Yes. Ok. So this was the goal for us was really to be able to try to screen those cases. So we set up a practice. So what we end up doing is we screen those matters. So to say what might be appropriate for an officer to be the direct presenter, it's going to be if it's a traffic infraction when jail is waived. And I'm going to definitely speak more about the law a little bit not to inundate you, but really just to kind of put it in proper context. In cases that are class one misdemeanors, but are statutorily eligible for deferred finding, that means that.

Bridge Littleton: Define that for all of us.

Buta Biberaj: Yep. And I'm going to. [off mic] I'm going to end up doing that or if the accused pleads guilty or no contest. Right. So that's the part that we want to be able to do, is to see one of those cases. So how we do it, is our office when we get the case. That's usually at the time that the person's been arrested if there's been an arrest or when we get the paperwork from the office or through the courts that somebody has been charged. We run what's called a [inaudible], but it's a criminal background check. And on it we look at it is this person statutorily eligible for deferred finding. In Virginia and I've listed the five topics as somebody's eligible for deferred finding. And also, I should have made this very clear and I apologize. I assumed this. This is only for general district court. This is not in our juvenile domestic relations court. This is just in general district court. So those that are statutorily deferred finding eligible are simple larceny, trespass, underage possession of alcohol, possession of schedule three and schedule four drugs, which are misdemeanors. So all of this is misdemeanors. Destruction of property and related minor property crimes. So that means if the person commits those offenses does not have a felony record and has never had the benefit of a deferred finding, the court will put them on terms and conditions. If there's been a loss to somebody, it's going to include restitution. It could add, you know,

research of a topic. It could be community service, payment of court costs, of fines. If it's a drug offense, is going to be submitting to a substance use assessment and following the recommendations. So there's a series of things that the court will put conditions on that person, also put them under probation for a period of time. It could be 6 or 12 months. If the person is successful then the court will go ahead and dismiss that charge as being compliant with law. So they earn a dismissal.

Bridge Littleton: Okay. So and I apologize for stopping you.

Buta Biberaj: No.

Bridge Littleton: [off mic] a good flow. But I think this area of the conversation is the one where, number one for the average citizen, it's very complex. There's several legal terms in there. [off mic] turn my mic on. There's several legal terms in there that the average person does not understand. And I think the other issue is there are several things in there where there is a governmental authority that has accountability and authority for making a determination of something. So it's like so it's that old classic Harry Truman, right. Where does the buck stop? So the second bullet you got there is the OCA determines if the case is statutorily eligible for a deferred finding.

Buta Biberaj: Right.

Bridge Littleton: Okay. What is the garden variety definition of deferred finding? What does that mean? So let's say you say they're eligible. So I'm going to have a deferred finding. What does deferred finding mean?

Buta Biberaj: Okay. So I'm going to just change your question a little bit.

Bridge Littleton: Sure.

Buta Biberaj: Because that deferred finding won't be automatic. But let's assume it's one of those that falls perfect in that scenario. The facts support it. The criminal record supports it. That's the process that I just explained, where the judge then makes a determination as to what the consequences are to allow you to earn a dismissal. So although you may have conceded, yes, I've done it or you say, you know what, I'm willing to go through the process as if I had done it. The court then makes a determination that the evidence is sufficient beyond a reasonable doubt for a finding of guilt, but defers holds it off.

Bridge Littleton: Got it. Okay. So, that's helpful. But your office is the office that determines if the judge gets that consideration. So you determine if it is a deferred case that you want to push to him as a deferred finding.

Buta Biberaj: So the first step is one is whether they would be eligible.

Bridge Littleton: Sure. But then someone's got to decide if it's eligible, but it's fact based.

Buta Biberaj: So all we're doing is we're screening it.

Bridge Littleton: Okay.

Buta Biberaj: The next thing we do is we actually take that list and go to the first court date. The arraignment, we talked to the officer. Is this now factually appropriate for deferred finding? So they may be eligible by law, but it doesn't mean factually that it's appropriate.

Bridge Littleton: Okay. So and I know we'll get to this at the end.

Buta Biberaj: Sure.

Bridge Littleton: The thing I'll add, because this is what we'll need to drill down on, I think that component versus what your letter says is what creates the greatest amount of consternation, because the letter said we will defer not we will look at the facts and circumstances, talk to the officer, and then make a judgment if even though deferred eligible, we will or we won't do it.

Buta Biberaj: Right.

Bridge Littleton: So that's a big that's a big difference.

Buta Biberaj: Definitely. So if you look at that letter, that letter is addressed to the judges for a conversation. So that letter was not released by our office. So it's prematurely released because it also says that what we're going to do is we also want to talk to our law enforcement partners. How does this impact you, you know, to also address other things as to how do we do it? Right, because there's got to be a system at the end of the day, it's got to be something that works with you as a judge. It has to be well worth work well with law enforcement, has to work well with the defense bar and the citizens. So those are the things. But you can't have that conversation with anyone until we have it with the judges.

Bridge Littleton: Sure. Sorry, I apologize.

Buta Biberaj: No, please. And I welcome anybody's questions because honestly, I tell everybody this. I think I'm very clear what comes out of my mouth, but I don't even know how it's received because I obviously didn't do a good job of making it clear because hence that letter. [laughter] So at the arraignment, as I said, we speak to law enforcement as to whether or not it's appropriate for the deferred funding. If that is done, then we give anybody.

AJ Panebianco: She said anybody. Can I ask a question real quick?

Bridge Littleton: No, no. [off mic]

Buta Biberaj: So what we ended up doing at that point is taking those lists and saying to the judge, these are cases that you can ask the person whether or not they want a deferred finding, because somebody may say, I don't want it, I'm eligible, but I actually want to go to trial, I want to start my own or I don't want to deal with the consequences that the court has, I would rather deal with different consequences so they can opt into the deferred finding option. If they do that, then that goes straight; Judge Officer can say these are the facts. So the judge makes the consideration as to what might be an appropriate disposition. If the person says no and they contest it and it's a class one, class two misdemeanor, then it goes to what we call the trial docket that gets continued to a future court date. And then between the arraignment and the trial docket is when we watch all the body worn camera, we do the investigation, we do all that stuff to prepare for trial. Okay. Also, during this time, I want to be also clear that if you've been to court, there are two side rooms almost before you enter the courtroom for every one of the courtrooms. Our attorneys are there. So if they're not in the courtroom dealing with the court or addressing the court specifically, they're there available for consultation for law enforcement. So we're not leaving them kind of high and dry. So if they have a case where they're thinking, wait a second, I know this is a case the judge wants to hear from me, but I have a question about this document or I have a question about this fact. That's what we're there for. But if it's something that's run of the mill, then we would not necessarily intercede. The other thing that we do is for those cases that are appropriate for jail, we screen those for based on their record, and we screen them also based on consultations with the officers, because there might be something that's a simple charge. But the facts were a little bit egregious that it may not be appropriate to say that no jail is appropriate here. So if we can screen those for the court as well, what it does is does two things because the court appointed counsel. Right. Is triggered if somebody is subject to jail. So if we have a case that is not one that we would ask for jail because there's no egregious facts, then we don't want to trigger the appointment of counsel and make somebody go through that process and at that cost, when at the end of the time, we're not going to ask for it. We're not going to not make that request. So we don't want to waste those resources either. So that's how we also screen it because if you have a no operator's license, first offense, that's where most of these things come in. Judge is not going to give you jail. Right? Speeding the 90 mile per hour is what triggers the courts jail. Right. But you could travel less than 90 miles an hour and it could be egregious. But that's where the consultation with law enforcement would be. If you're driving by yourself on 28 and the officer is saying, you know, it really was speed, but it didn't impact anything, the judge is not going to give jail. So those are certain things that just by

the natural progression of cases, the jail is not necessarily going to be one of the, not one of the results that we're going to ask of the court that the court is going to grant. So that's the other thing that we will let them know is, Judge, these are cases that we're waiving jail on. If it's cases that we are saying that jail is appropriate, then that also gets pushed over to the trial docket. And at the trial docket is when yet again we are directly involved in the prosecution of that. That's it.

Bridge Littleton: Thank you.

Buta Biberaj: All right. Any other questions?

Bridge Littleton: Yeah. Yeah.

Buta Biberaj: You had to say yes.

Bridge Littleton: Oh, yeah, absolutely. You can't get off that easy, so. [laughter] No. Yeah. So I appreciate that. It's very helpful. You know, in situations like this, right? The facts, the details and the process and all that are really, really important. If you know so a couple of quick questions. So as I understand from the letter, right, this. Well, I tell you what, a couple of things. At a high level, I think I understand what you guys were, what you laid out there. One of my major concerns and I think the concern from the community is and the business community is, you know, at the end of the day, government is perception. Right. And reality is perception, right? So people will also and we behave on perception. So I think a big concern is the perception that what's been created is that we won't be enforcing certain things. Now, as you walk through all that and what you're going to, the plan and all that kind of stuff, right detailed and what actually I still have some problems with it, but okay, that's great. There's some nuts and bolts there. There's conversation and whatever. That's the start of a process, though, not the end of it. But the perception that's been created is. Speed 90 miles an hour from Middleburg you won't get prosecuted. Commit larceny, you won't get prosecuted. That's the perception on the street. So and, you know, I heard a great saying one time a rumor will circle the world before the truth gets its shoes on.

Buta Biberaj: Yes.

Bridge Littleton: So that is a big element that we're fighting now, right, is accurate and factual information. And I think the other the other concern and the question I would ask as to why is, you know, this is local government, right. We're all, you know, elected to serve the interest of the community and all that kind of stuff. But the way local government, you know, functions best is when everybody works together. Right? I had a boss one time who said the only thing I want to make sure you never do to me is no surprises, right. No surprises. And so I think it would be very helpful as this process was being developed, that towns and the county and the community was engaged on it, prior to letting the courts know what the decision was. And I get that the letter was released out of out of hand or whatever. But in fairness, the letter said, we're going to start doing this January 16th. I don't think that there would have been much coordination with law enforcement or community in the 14 days between giving the letter to the courts and the 16th day of the month or whatever. So I'm you know, I want to make sure that as you guys go forward with, and I understand you guys are refining this and you're working on it and you want to have a really good process flow so the officers understand what they need to do and whatnot. I think it'd be really helpful. And, you know, we would ask that you engage with us directly for feedback and input. Not at the end of the day, it's ultimately your decision, but I think you'd benefit from our feedback and input. And I know some of the safety concerns I have is, you know, we have town ordinances, you know, and one of the biggest things in here was we will defer, meaning this was not we may defer we will defer all violations of ordinances. Well, we have an ordinance here prohibiting the discharge of a firearm. Yes. So I read that and go, okay, well, AJ and Shaun are on their own. That's a pretty serious deal. Right. And again, the perception in the community is, oh, the Commonwealth's Attorney is not going to prosecute firearms discharge. Well, you know, I mean, one of my questions would be, did anybody from your office actually look at all the town ordinances that we have that carry misdemeanor, you know, level criminal penalties and say, oh, God, we should talk to them about that one and that one? I mean, some of them noise violation, no big deal, right? But discharging a firearm, you know, nuisance and stuff like that. I mean, I know we didn't get any outrage. So was that done for all the towns?

Buta Biberaj: As far as looking over all the ordinances?

Bridge Littleton: Yeah. That carried a criminal penalty of a misdemeanor and understanding why we have ordinances, what we're trying to achieve. And your enforcement of those ordinances are really important.

Buta Biberaj: So there's a couple and I'm not bickering with you, but this is going to come across like I'm bickering with you.

Bridge Littleton: No, no, [off mic].

Buta Biberaj: No, no, so this is what it is right. So this is the challenge. In most jurisdictions for towns the commonwealth attorney's office doesn't do the prosecution, period. You hire your own counsel. We've never required that. Like, if you go to Prince William County for the city of Manassas, they have that where they've got I'm sorry, it's not the city of Manassas. It's the town of like Haymarket and some of those other ones. They hire private counsel to do their their dockets. Right. I'm not asking for that. So that's what I'm saying. It's going to come across I'm bickering but I'm not bickering, but it's to be able to do that is that there's certain limitations in what we can. Most of the ordinances that I'm familiar with from having practice for 27 years before doing this position are ones that also have parallel state code. So when it triggers the state code and the punishment is above the \$500, now we have the ability to be able to do that, right from having our own authority granted to us. So it was there are certain ordinances that don't flow into those severities. And that's really what those the ones that we were talking about, they have a Loudoun has a noise ordinance that I want to say it was maybe at one point it was like \$250. No offense, I don't have the resources to deal with the noise ordinance.

Bridge Littleton: Understood.

Buta Biberaj: Right. Is it a quality of life? Sure it is. But if that's a choice between that or rape that and the domestic violence. All day long, I'm going to make the other choice.

Bridge Littleton: Sure. I don't think the concern is that.

Buta Biberaj: Right.

Bridge Littleton: The concern was the review of it. [multiple speakers]

Buta Biberaj: So I want to ask you a question. [multiple speakers] As far as the including with you, that was definitely my oversight. In in my mind, it was let me deal with the courts. What do they need from a functional perspective as far as managing those dockets? Because then we have an informed decision as to what we can offer and what we can suggest. So my intentions were of the most sincere as far as saying how do we do this with the involvement, because they're the ones who are impacted most directly and then going and working through those layers. I will tell you that my hope was that once we work with law enforcement, that they would be able to represent their towns and their communities as to what's important to them. If you promise me one next time, I'll come again and we'll do that. [laughter] But, you know, it wasn't to reject any community at all. It really was the thought being that these changes were not changes. What we were doing is having transparency to be able to say this is what we're doing, how it's going to get done. So the expectations are set because as I indicated to you, none of these things are changes. This is what we've been doing for 30 years I've been in Loudoun County, it's never been on paper. So that's what we want to be able to do, is to say this is the direction that we need to because the responsibilities have gotten with the body worn camera. [phone ringing] That might actually be my phone. Excuse me. With the body worn camera we can't invest that time where in the prior years of practice, you could take a police report, traffic offense in two paragraphs and kind of get the gist of what happened. Ethics don't allow us to do that anymore when there's a body worn camera. So we just, we weren't able to do that. But I didn't think about having this conversation and I appreciate the opportunity to be able to do that. And that's something that I definitely will put in my toolkit. So thank you.

Bridge Littleton: No, I appreciate it and I have one or two more questions than I want to ask if anybody on Council had a question. We'll, you know, probably have a couple more. So then can I say that the letter that you sent to the judge was

sort of laid out what your thoughts were when it says we will defer to the court and law enforcement, then you had a long list? And some of those things, I agree on the list. No big deal. Right. But some of the things on the list could be elements of something that actually really is serious like and I think a serious one is larceny. Right. We will defer not we may. Is it your contention that, that should say may and not will.

Buta Biberaj: Yes.

Bridge Littleton: Because one is absolute 100% everybody's deferred if you fall into this list.

Buta Biberaj: All right. And that was the inarticulate part of that letter, didn't lay out every nuance because it was to generate a conversation with the court. All right. Here are the things that we are intending on wanting to do to be able to make the courts more efficient. As I indicated, and I'm not defending it on any such other than that letter was not for public consumption. It was for the court's consumption. Right. It was only a sent to the judges.

Bridge Littleton: But I want to see and fairly say that actually brings up more concern because it even becomes more of a surprise when you have an effective date of January 16th.

Buta Biberaj: It does put you in that time. We're able to narrow those and clean up those nuances to be able to do that, because that's where you come up with this whole plan. Right? This is what it is. So when it says that we are deferring them, it's the process. So if there is a nuance or something egregious about that, there's always the exception, right. So what you're trying to do is you're trying to capture a bulk of these matters. And then if there are nuances, then that's what you end up doing, is you adjust to them. Right. There's not a one way or one shoe fits all. No, that's never going to happen.

Bridge Littleton: No, understood. And I think, you know, I think we've all seen the news stories in some communities across the country where, you know, the prosecutor [inaudible] discretion on an individual has said, I will not prosecute such and such. And it's you know, it's been negative for the community. It's been negative for the perception. This had the tone of that. So it was really concerning. So I'm happy to hear you say that the statement of we will not do these is no, we will do them unless.

Buta Biberaj: So if I could. [multiple speakers]

Bridge Littleton: And you've got a framework to decide the unless.

Buta Biberaj: If you look at those other communities, honestly they're dealing with murders every minute.

Bridge Littleton: Oh, right I know.

Buta Biberaj: So they don't have the luxury. This is not thank God.

Bridge Littleton: Yeah.

Buta Biberaj: Our community. So we have the ability to handle things that maybe others don't. So that being interpreted that way, clearly, it was not a clear communication, if that's how it was interpreted, because that was not the intent.

Bridge Littleton: Yeah.

Buta Biberaj: But I appreciate you sharing that, that's how it was received. But that was not the intent at any point.

Bridge Littleton: Okay, so I have hogged way too much time, but I know I'll have a one or two at the end. Kevin, I know you had a question. I saw you had a question.

J. Kevin Daly: I'm going to try to keep it simple. First off, thank you both very much for being out here with us today. You're giving up, as you said, family time. In your your list and I understand it's a triage if you were using a medical term, because I'm not a lawyer, nor do I play one on TV.

Bridge Littleton: There's always time.

J. Kevin Daly: Yeah, that's true. I got nothing else to do in my retirement. That there is a hierarchy of crimes. I understand that. And then some if it's something simple, you can say, do they plead guilty and off they go. It also sounds like you're have an issue with personnel. Of the two of you, how many others do you have in your background that are able to work on these cases? Is it a case where we need to ask Loudoun County perhaps to provide more personnel?

Buta Biberaj: We could always benefit from more personnel. This is a bit of a challenge is that, as I said, when you're looking at certain level cases, is it a good use of our government funds? Like, what's your cost and what is your benefit? It's almost like in Middleburg, and I apologize because I don't know how large Middleburg is.

Bridge Littleton: It's [off mic].

Buta Biberaj: And how many police officers do you have?

Bridge Littleton: Seven.

Buta Biberaj: Seven, right?

Bridge Littleton: Six.

Buta Biberaj: Six, okay. No offence for that size that's a bucket of crazy. That doesn't give you enough law enforcement officers to address everything. But at some point, you can't have 100 police officers because it would not be financially wise. So that's the same thing that we do with prosecutors. Yes, we could benefit from more attorneys. We could benefit from more victim witness case managers. We can benefit from more from the admin people because we're such a paper intensive office and we're also split to three buildings, which is inefficient in of itself. So there's a lot of those things that are going on. But at the end, even with those numbers, as I said, if the county gave me 100 attorneys, we still should not be individually prosecuting those traffic infractions ourselves because we don't add a greater value than the officer does. If there's a case that again, exceeds the officer's ability, then we should be involved in some of those cases. Right, nuances. So, yes, give us more resources. Two, I will not commit to you that we're going to do every one of those traffic offenses, because I would not be honest to that. So, Yes.

J. Kevin Daly: And one one additional question, but I'm going to defer my final 5 minutes to Chief A.J., [off mic] you don't have that question. You don't want to ask a question?

A.J. Panebianco: No. I'll catch you on the way out. [off mic]

Buta Biberaj: No, I appreciate it.

J. Kevin Daly: Okay. Thank you.

Buta Biberaj: You're very welcome. Thank you.

Bridge Littleton: Anybody else have a question, Bud?

Bud Jacobs: I don't really have a question. I have a couple of comments for you, Commonwealth Attorney. I'm really pleased to learn that your letter to the Court was only the first and necessary step in your consultative process and that you've also obviously talked to our police, I assume, as the second of those stakeholder, if you will, meetings. That is not the image that the community has a whole has. The community, I think views your attempt to streamline some of this as

rather high handed, conducted without much consultation with your stakeholders. Obviously that's not true. But the fact that there is this misapprehension is deeply troubling to me. You have stakeholders in the courts, in law enforcement. I would argue that your biggest stakeholder of all is your community, the community that you serve. No one is questioning your right as a politically elected official to make determinations that you believe are appropriate and correct. However, you are also the County's Chief Law Enforcement Officer, and as such I believe you have an obligation to communicate what you're doing clearly and concisely. And forgive me in plain English, not in lawyerly talk, about these steps, which on the face of what we're hearing this evening, seem to be pretty common sense, certainly defensible actions on the part of your office. Let me urge you, if I may. If you do not have competent communications people on your staff to go out and find somebody or hire a consultant, I believe you need to get ahead of this. You need to send a letter or an op ed or something for public distribution in the media explaining very clearly what this entails and what you're trying to accomplish, because it makes great sense. However, that is not what people perceive. And in a particularly toxic political environment, such as the one we're forced to operate in, you're going into this with two strikes against you. And I'm not trying to tell you how to suck eggs. Thank God I'm not a lawyer. [laughter] But I am a member of the public. And I can tell you how confused I was by reading all of this and trying to discern the fact from fantasy and the communications efforts of your office so far have not helped. And let me thank you again for coming. We really appreciate it.

Buta Biberaj: Thank you. Thank you for your comments. And I hear you. So thank you.

Bridge Littleton: Anybody else have any questions? Peter.

Peter Leonard-Morgan: [off mic] What happened? [laughter] He usually always has a question.

J. Kevin Daly: He came back from Richmond so he's [off mic].

Bridge Littleton: Yeah. [off mic] System works. Exactly. But there's no barristers here. Yeah. So. Well, again, you know, I really appreciate you folks coming. I think a couple of things here. I would echo what Bud said. You know, that the several perceptions that are out there, right is that this is a resource issue. I mean, the letter references that there's you know, if I only had, then I could. So, you know, that's certainly one thing that's floating. Where I think there's a conflict with that is when it's there's no changes. Well, how can there be no changes if we're actually writing a letter that says we need to make changes or we're simply writing down what we already do, well, then there's no need to write it down. So again, from a communications perspective, that just actually is creating more confusion. So, you know, and again, it's resources, right so I was very much of the mind to say, you know, if you guys have come by excuse me, hey, if you need to hire some staff, do we chip in? I mean, you know, we're already taxpayers. And, you know, so I reached out to the county, you know, saying, you know, is this what's the funding as a resource that you would ever? And, you know, they have their own input and that's out there. And so, again, it's actually driving this as I have a lot more clarity tonight, but I also have a lot more confusion. So and the hard part, I think, is the citizens and the business owners need to have an absolute no kidding, black and white straight answer on what is happening and not happening. Like explain it to them like I'm a four year old. So because they're the ones calling us and saying, What does this mean? And I go, I don't know.

Buta Biberaj: Right.

Bridge Littleton: So we really need your guys help to to fix that. And we're here to help you fix that if we can. You know, what are we hearing? What's the community think? What are the concerns? We'll give you the verbatim. I've got some voicemails I can, you know. [laughter] So I think that's a big piece of it. I would say the second thing, and I am going to strongly urge you to reach out to the other towns and their communities, as well as their Councils and their Mayors, because, you know, the coalition of Loudoun Towns, which is all seven Mayors, I can tell you there is a huge amount of consternation and concern. What does this mean? For those of us who have police departments and again, I don't know the answer to this one yet. What does that mean, that they're going to have to start doing? So you guys are clearly choosing you're going to be doing certain things differently. Right? And with the way you're deferring and again, totally understand what you're doing. But the workload has got to get done somewhere. And where is that shifting? And, you know, I'm a data person, fact based person. So if the average whatever trial takes 10 minutes and we're not going to be involved in that, well, that 10 minutes is still got to get done somewhere. So if it's going to be on A.J. and Shaun, okay, that's a cost I'm now picking up. Not saying it's the wrong decision, but I need to understand what the impacts are

going to be for us because now A.J. may need to hire another officer or we may need additional training or we may need to go to Martin and say, Martin, as our Town Attorney, we need help from your firm to do blah, blah, blah. And finally, that's actually our choice, right? So, you know, here's a big donut hole. What happens if localities decide not to accommodate that change? Where does that put you guys? Not saying you will not say you won't, but you got to be prepared for it. I will say the towns that have police forces are concerned about what does this mean for their officers. What do their officers have to do? What do they need to get smarter on? And the the ones who don't, the concern is, oh, no, what's happening? It's literally just a lack of clarity. So this presentation was very helpful. I think you're ending or your first slide should be at a high level bullet points. Here's what we're talking about and then go into the details. But I think you need to go and see them. And, you know, they represent, the towns represent 50% of Loudoun citizens between both our incorporated borders. And then if you live outside the town, but you still have a you know, they still see themselves as Middleburg because five miles away is still Middleburg, but you're not in the town. So that's our preaching. We, you know, really appreciate, you know, again, in the future, if you guys have challenges before you make decisions, come tell us what your heartburn is and how we can help you, because our job is to make your life easier, because your job is to make our citizens lives easier. So and it only works when we're all rowing together. So but again, thank you all for coming. If there's anything you would like to say or any other feedback or whatnot or any of those, have any last questions?

Buta Biberaj: Actually just express my gratitude for the opportunity to hear the questions. Yeah. You know, because as I said, the perception is that it all makes sense. So if it makes sense to us, it makes sense to the end user. And if there's a disconnect there and again, thank you for your comments. [off mic] Yeah, right. So that's the part that we have to be aware of because at the end of the day, safety is not being negatively impacted. But if the perception is yes it is, then yes, it is.

Bridge Littleton: Yeah, exactly. And you know, I know this isn't San Francisco, but you also if there's a perception of Loudoun's not going to prosecute larceny, does that attract larceny? Right. So I actually and I'm going to throw out a recommendation, you know, again, you guys have got to balance your time. But I think it would be helpful and we could do this on kind of a we'll figure out how to consolidate it to make it easily. As your changes are put into place you know, whatever those finally look like with with, you know, stakeholder consultation, it would be great to say, You know, this is how things were working before; we've made these changes. Are we achieving the goals we want to achieve? Are we not? Have there been negative impacts? And I would recommend at least for like the first year, a quarterly touchpoint. You know, we could do it at a Council meetings, set aside 15 minutes you guys can call in, don't have to come over and if we want to get COLT involved so all seven towns can do it all at once. I think that would be very, very helpful, you know, because then we can express to the community the messages you guys are carrying and we can see what's working and not working and help drive success. Right. So again, that's our job is to help you be successful and vice versa. So if that's something you guys be willing to consider, you know, we can work out what that looks like, but I think that'd be good. And again, if nothing else, we're touching base regularly, we're keeping informed, we're keeping open solid lines of communication.

Buta Biberaj: Well, I was going to say this in a very gently, sort of way, that's why you're the Mayor. But yes, that's a great suggestion.

Bridge Littleton: No, I'm here for the money. [laughter]. [off mic]

Buta Biberaj: Yes, that's exactly but that's a great suggestion as far as bringing in all the towns, because everybody's going to have different questions and a different perception. But what a great opportunity to hear each other's questions and answers to be able have that singular, consistent message. So yes, no, but definitely whatever we can do to do that and I will also suggest this and yet thank you for reaching out to us so that we are at this table. But at any point in time, I won't do it because you've got a live broadcast. But if you look at my email, it's got a cell phone number, use it. I am here to serve our communities. And that is the sole function of any of our elected positions, right, is to serve our community. So please do not feel hesitant to reach out to us if there is a question. And thank you for having done so in this circumstance.

J. Kevin Daly: One question.

Buta Biberaj: Yes.

J. Kevin Daly: Were you able to find the statistics for 2018?

Buta Biberaj: Yes. So. Because you asked specifically about the circuit court. So in 2018, there were 2,697 filings.

Bridge Littleton: So that'd be it's actually gone down by 1,000?

Buta Biberaj: Yes and no, because in 2019 those cases were not heard in 2020, which were not heard in 2021. It's aggregate.

Bridge Littleton: Oh I get that [multiple speakers]

Chris Bernard: [off mic] But you're not adding as many new ones as you are.

Buta Biberaj: Correct. Right. It's like a water hose. It used to be kind of like what came in, kind of went out. Now it's like what came in is a dribble.

Bridge Littleton: Right.

Buta Biberaj: So now we've got that. So yeah, so that's what we're dealing with is trying to.

Bridge Littleton: Well, and that's why I chose 18 because it was sort of pre, you know, and it was sort of pre the sort of everybody going to body cameras and all that kind of stuff. So that's it. So is 2,600 and last year, the number of ones that came forward was like was 15.

Buta Biberaj: Was about 15 ish.

Bridge Littleton: 1,500.

J. Kevin Daly: [off mic] way to get perspective.

Buta Biberaj: Oh yes.

Bridge Littleton: Yeah, definitely. That's really important. So okay, well and I know the counties, you know, engaged on, you know, efforts that they're trying to do to make sure that the support to the sheriffs, you know, we got to support A.J. and his team. They got to support the sheriff's office as these changes take effect and whatnot. So we will absolutely communicate with them as well. So but again, everybody in the same tent is what's really important. So we really thank you guys for coming out. If you got any questions from us, let us know. You know, next time if it's red or white, let us know. But anybody last chance?

J. Kevin Daly: Just go home and enjoy your family.

Bridge Littleton: Yeah.

Buta Biberaj: Well, thank you all very much. One for your service and to again yet again for the invitation. So thank you.

Bridge Littleton: Thank you.

Darlene Kirk: Thanks for coming.

Buta Biberaj: My pleasure.

Bridge Littleton: Okay. And by all means, feel free not worrying to have to stay for the whole meeting. [laughter] [off mic] Can you go with them?

Bud Jacobs: Yeah, can I go too? [laughter]

Bridge Littleton: Class is not dismissed.

Buta Biberaj: Have a good evening.

Bridge Littleton: You too. All right. Next item is staff reports. Who is up first? Town Clerk, Rhonda.

Rhonda North: Thank you, Mr. Mayor. So we're working to organize the strategic planning retreat. As a reminder, that's been set for the morning of Monday, March the 6th. And it will be held at the Hill School Conference Room.

Cindy Pearson: At 8:00 a.m..

Rhonda North: At 8:00 a.m. Yes, ma'am. [off mic] Yes, ma'am. [multiple speakers] So the other thing I have is I was recently asked whether candidates running for Council could sign to sign up to be a candidate on the ballot. And yes, you can do that now. I was trying to find the deadline on the board of elections before the meeting. I couldn't find it. It's not easy to locate, but I believe it's June the 20th is the filing date.

Bridge Littleton: That is the worst website. You cannot find anything on that.

Rhonda North: Yeah. [off mic] Yeah.

Bridge Littleton: Okay.

Rhonda North: Just to share that.

Bridge Littleton: Thank you.

Darlene Kirk: [off mic] running?

Bridge Littleton: You should know if you're up or not.

Darlene Kirk: I don't know. [laughter] [off mic] didn't tell me.

J. Kevin Daly: Well, here's something we found out. It's official. I am a candidate, and all I did was mail them the application that was notarized. So my name will be first on the ballot for choose the first three. [laughter]

Bridge Littleton: And you misspelled your name it's been rejected. Okay. Next one is Ali.

J. Kevin Daly: How are we doing?

Ali McIntyre: Good.

Bridge Littleton: Got a name yet?

Ali McIntyre: Not yet, but I'm taking suggestions. [laughter] [off mic] Oh, my gosh. Oh, you do?

Bud Jacobs: Whatever you do don't name it, [off mic]. [laughter]

Ali McIntyre: Add it to the list. Yeah. So I'll try to be quick. So just wanted to give a few updates. You guys may have noticed that [inaudible] did move from South Madison to the former Moda space on 22 East Washington Street. So if you haven't stopped in, please congratulate Kacey. She's been very excited about it. Also, if you haven't seen the signs in Loyal Companions window, [off mic] they yeah, it's unfortunate, but companywide, my understanding is that they're facing closures on the East Coast. So unfortunately, one of our location is one of the ones that will will be closing. I did have an opportunity to speak to the owner of the space, and they have he's already been getting an outpour of interest. Yes. So nothing's been leased yet, but they're close so things move quickly. Additionally, I just wanted to I don't know if I included it in here, but last week we did have Foxcroft interns. So thank you to those that did have time to meet with them. It was, I think that they really enjoyed themselves and this is my second year hosting them and I think they had a really good time that they met with the Middleburg Police Department, some of our Council Members, and then multiple businesses in town. So it was a good experience for them.

Peter Leonard-Morgan: May I just ask you how did the wastewater treatment plant visit go?

Ali McIntyre: I'll let Danny speak to that Town Manager Davis, excuse me.

Danny Davis: It was an experience. [laughter] I have told others it was one of the strongest times that I visited myself. And so they got a full experience there. I will say I think once we got to the aeration basins where you see all the activity occurring, they probably didn't hear another word for the next 2 minutes. And so after Stewart talked for a couple of minutes, we decided we should go back down to the drive isle. So however it was good to be able to show them. We also showed them the Stonewall Water plant, so we got to talk about all the water treatment, the testing, various aspects of our wells and water treatment, and then, of course, the sewer plant and got to show them, you know what, how you have to take care of it all. [off mic]

Ali McIntyre: So that was fun. I just wanted to mention a couple of extra things. Next week you should have all received the notifications for the ribbon cuttings for the Ateliers. So there's Aiyana Atelier on Monday the 13th, and then there's Atelier. I'm going to butcher it, I'm sure, Mason on Friday.

Cindy Pearson: Can you please clarify again for some people?

Ali McIntyre: Yes.

Cindy Pearson: Which one is where?

Ali McIntyre: So Aiyana Atelier is an aesthetics.

Bridge Littleton: Just Monday is.

Ali McIntyre: Monday is in the old Wild Hair space. And then on Friday, it's in the old Second Chapter space. Yes.

Bridge Littleton: Perfect.

Ali McIntyre: Yes. And then. [off mic] If I see you all, I'll holler. [multiple speakers] And then just an update for the farmer's market. We did meet with the Middleburg Charter School yesterday, so the location is confirmed.

Cindy Pearson: Did you have a conversation with her today? I'll leave you. [off mic] I'll have that. Thank you. Never mind. Go ahead. Sorry.

Bridge Littleton: Keep going.

Ali McIntyre: Oh, okay. Anyway, I met with him yesterday, and he did confirm that we'd be able to use the space for the season. So we are going forward with planning for that for Saturday's. We still need to determine a final time, but we

would like to kick off May 21st, and I think it was 26 weeks or so still determining what the end date would be. But the idea is May to beginning of first weekend of November, but again, still determining that I do have a walkthrough on Monday to figure out the best layout for this space. And then we'll be working with our PR company to do a press release to get out. Put it out there for Vendor Applications and then Market Manager Application. And then just the last thing is Read Across America Day is March 2nd. So this is Lieutenant Shaun Jones. He mentioned it to me because he organized it last year with the Middleburg Charter School, and it was such a hit. Mr. Leonard-Morgan or Vice Mayor Leonard-Morgan read to the children and it was lovely. So we're going to do that again with Hill School this year. So and they seem thrilled about it. So you guys will be getting emails about that as well if you want to participate. That's it.

Bridge Littleton: Any questions for Ali? All right. Thanks, Ali.

Ali McIntyre: Thanks.

Bridge Littleton: Tina.

Tina Staples: I think it's a good idea that Peter is reading the books, because I always thought that English accent sounds smarter. That's how I have my Siri set up.

Bud Jacobs: We know that's not true. [laughter]

Peter Leonard-Morgan: It's all perception, Bud.

Bridge Littleton: Didn't I say that earlier. Perception is reality.

Tina Staples: Yep see. Well, you have my report. I'm happy to answer any questions that you have. We're working on the budget currently. Danny, we'll talk about that in a little bit. But so far this year, everything is tracking right along to where it should be. So no concerns or red flags or anything like that.

Bridge Littleton: Any questions for Tina?

Peter Leonard-Morgan: Just one. Do you have a copy of Finance for Dummies that I can read? [laughter]

Bridge Littleton: It's finance. [laughter]

Tina Staples: I bet I do, actually.

Danny Davis: We we would be happy to sit down and answer any questions you have anytime.

Peter Leonard-Morgan: No. This is to read to the children.

Tina Staples: Oh, yeah, that's good.

Danny Davis: Our budget is only 34 pages.

Cindy Pearson: It's started early. Right, Peter?

Tina Staples: It'll be good for nap time. That'll put them right to sleep. Thank you.

Bridge Littleton: All right. Thanks, Tina. All right, Mr. Moore.

Will Moore: Thank you. You have my report. The only thing to add not contained within under zoning enforcement. I'm also initiating two separate violations regarding short term rentals that Estee had located. She regularly monitors the sites, and I've, after a little bit of sleuthing, been able to determine the locations. It's a little harder than it used to be when you

could log on and there was just an immediate address. You don't get that until a booking now, but we've been able to determine those two sites and will be initiating those efforts as well.

Bridge Littleton: Any questions for Will? The only thing I was going to bring up in relating to what Darlene said in the public comment, and I think we're going to put this as a major agenda item on our strategic initiative. But Darlene's point around how do we ensure that, you know, we've got to respect property rights, but how do we also ensure that these tear downs of the only actual affordable stock we currently have is protected in a way that, you know, maintains the character of what R-2 is supposed to be. So I know Planning Commission and then we acted on it last year. Some good stuff. But you know what's happening in Eddie Moore's old house, it fits. And I think that's not what we wanted to have. So just, you know, glad you guys got on there and we'll deep dive that.

Will Moore: Yeah absolutely.

Bridge Littleton: Yeah.

Peter Leonard-Morgan: Sorry Will your notice of violation I'm just curious what is the next step. You have a notice of violation. What happens then [off mic] interest.

Will Moore: So the notice of violation triggers an appeal period during which the applicant can file an appeal to the Board of Zoning Appeals. But I also give within that notice a what the remedy is in terms of in order to cure this violation, this is what you have to do. You have to remove this from rental from being used as a short term rental or you need to take down this non permitted sign or you have to. So if there is noncompliance with that, then there are next steps that have to be taken.

Peter Leonard-Morgan: Thanks very much.

Bridge Littleton: All right, Will thank you. Whoops. All right. Next one is A.J. or Shaun. Who is it? Oh, A.J., you're going to miss this so much.

A.J. Panebianco: I am. I am. My last one is going to be like a 30 minute dissertation. [laughter] So keep flipping your little thing. Yeah, keep flipping it. I won't go into repeat the details on the report, but I would like to mention that I would like to recognize the officers when they do good work. And Jamie had a pretty complicated case the other day that could have easily he could have easily walked away from it and not investigated as much as he did. And he did enough that we ended up catching somebody who had been trying to steal from a church and also had felony warrants from attempting to elude the police. And he did a really good job of going the extra mile to make sure that justice was handled. And it was a very excited and could have could have went differently. But we were able to talk. I was there with him and we were able to talk to the person and not have to use any force to get her under arrest and didn't look like that at the beginning. So he did really well and just want to always acknowledge when they do above and beyond. So.

Bridge Littleton: Any questions for A.J.? [inaudible].

J. Kevin Daly: Yeah. Well done. We got a great police force.

A.J. Panebianco: We do.

J. Kevin Daly: But we also got, I think, a police force as being exceedingly stretched thin. We got new homes being built. We got new and it seems to be growing town events. Now, if an officer did make an arrest. And it requires someone to go to jail. What's the procedure?

A.J. Panebianco: The arrest, then? It's the physical arrest, which however long that takes. But typically it's a matter of 10 to 20 minutes in most interactions before you determine if somebody has to be arrested and then a transport to Leesburg, talk to the magistrate, process them, get them in. DUI, probably 1 to 3 hours off the road.

J. Kevin Daly: But the bottom line is that officer may be at 7:00 in the evening. There's no other officers on duty is now gone from Middleburg to Leesburg.

A.J. Panebianco: Correct.

J. Kevin Daly: Do we need additional officers to ensure that we have coverage in the town during certain critical periods? We now have, what, several facilities that may be over serving clients and they're open late and we only have one officer at night.

A.J. Panebianco: Well, my answer is, is that this is something that we have looked at and we are continuing to look at and Manager Davis and myself have talked about this on a number of occasions. It's something that will need to be addressed even just for officer safety because of the change in atmosphere in Middleburg is that there's more nightlife now than there was. At 11 years ago when I came, nothing was open except the Red Horse after 11 after 6 p.m.. And that has changed. There will be at some point that question will need to be answered. I don't think that it needs to be answered by me at this particular time because we have to. We have to see what all the impact is of what's coming, what the new houses mean, what the increase in population means, and also what that means in the bigger picture as it relates to the nightlife and the the incidents that the officers have. And and again, Middleburg is all about quality of life. You know, our motto is basically saying we want to make things better for everybody who lives, works or visits Middleburg. And that's our mission statement for the PD. So in doing that, that's something that a Council does need to address at some point. Mr. Davis and myself have talked about this in depth and I think we have an idea of when that may be a question that gets asked, but I don't think it's today. I think today is not the time.

J. Kevin Daly: I would recommend for the Council that that be added on the agenda for strategic planning, because I'd rather not be a crisis manager trying to manage a crisis when it happens, but prepare now so that we don't find that crisis hitting us in the face.

A.J. Panebianco: And that is the exact conversation that Mr. Davis and I have had is that we want to not have to play catch up, but we want to, you know, circumvent any other issues that may come from increased nightlife. So I appreciate certainly appreciate it. I just think that based on the conversations we've had, that's a question that will be asked, but it won't be me asking it.

Bridge Littleton: Cindy.

A.J. Panebianco: Yes, ma'am.

Cindy Pearson: Don't you have an understanding with the sheriff's department that you let them know that you're out of town and they try to cover when they can or if needed?

A.J. Panebianco: Yeah. They respond to calls.

Cindy Pearson: Emergency [multiple speakers].

A.J. Panebianco: Yes, they respond to all calls. [multiple speakers]

Cindy Pearson: So we're not left without anyone.

A.J. Panebianco: We're not left without anybody. And I will have to give Sheriff Chapman his kudos. And I can only speak for what has happened in the last 11 years. I don't know what happened before. I know what I was told before the 11 years when I came is that there wasn't many people there weren't many people backing our officers up on this and in the county. I can tell you that since Sheriff Chapman has been in office, we are blessed to have a sheriff who cares about all the towns. But specifically when I watch videos of traffic stops, I see county deputies rolling up on the scene. When I watch videos of calls for service, I see county deputies rolling up on the scene. So it is a mutual aid that we are blessed to

have, and it could change anytime there's a new sheriff, there's obviously the ability to do it differently. But we have been blessed for 11 years. I can tell you Sheriff Chapman has taken very good care of this community.

Bridge Littleton: Yeah.

Chris Bernard: Kind of along those lines. I wonder how many towns in Loudoun have their own police? Yeah. So I wonder if there's some way to work out something with the sheriff's office where if it's a small town and you only have one person on duty where they pick them up and bring, you know, I don't know, whatever the legal mechanics of that would be. [multiple speakers]

A.J. Panebianco: You can't do that because we have to testify to the magistrate.

Bridge Littleton: So AJ let me no let me throw this in. So let's not solution. Right. So I think this is one of those classic things where framing the question first and foremost is very important, then getting the data and information that informs how to look at solutions for that question is the next thing, right? There should be no preemptive assumption that the solution is already X, Y, or Z. Right. Because as you point out, Chris, Right. Right there, there's other options on the table. Right. And those things change over time. But this is one of those classic problem solving kind of things, right. You want to be prepared. You want to be thoughtful, right. But you can't predetermine the outcome without actually looking at all the data.

A.J. Panebianco: In almost verbatim, that is what Mr. Davis and I have talked about.

Bridge Littleton: And so getting that teed up is important. I mean, it's like a great example, right? Is Lovettsville, right? They got 2,700 people. They have no police department, so they rely entirely on the county. And I think at any given time there's four active patrolmen in western Loudoun. The response time to Lovettsville is 20 to 30 minutes. So, you know, those are examples of things that how to look at the way you make it all work together. So but it's an important question to make sure that we're it's about future proofing. We're good today, but what's the future going to be.

A.J. Panebianco: Right.

Bridge Littleton: So, A.J., I have one quick question from the Commonwealth Attorneys discussion. At the on the big picture of this of the conversation. Right there was a lot of details on there. Unfortunately, what was lacking is what does that actually mean for you guys? That's what I don't know. I mean, you know.

A.J. Panebianco: And that was my question too.

Bridge Littleton: Yeah. Policy stuff, right. I'm worried about people thinking it's free to come steal in Middleburg, all that kind of stuff. Yeah, that's different. What does this mean to you all? Because it's putting a burden on you that we didn't expect.

A.J. Panebianco: She answered one of the questions, and one of the fears I had is because when she said that the officers had to be in an arraignment, typically that arraignment is the next open court date. And our officers may have worked midnight or may not have been there. And our officers are assigned certain court dates. So I wanted to know, is that going to impact our overtime? She says that she has made arrangements so that their arraignments will be on the officer's scheduled court dates. So if that stands true, that part won't impact us. The other part.

Bridge Littleton: [off mic] May be there longer.

A.J. Panebianco: No, because that's actually just going to be meeting with the Commonwealth to say, are you going to do we think she needs if what she's saying is how it's going to be presented, the question will be what are the mitigating circumstances? And do we believe he or she needs to be in jail or should the Commonwealth seek jail? And that question could be answered, you say relatively quickly, but if there's 40 officers waiting to talk to them, that's going to be a wait. So there could be some impact there. But again, we don't know until we get there. The other impact is, is the presentation

of the case. Now, fortunately, every police officer presents cases with we don't get to argue the sentence, but we do get to say here are the facts and they know how to do that. So that won't be an impact. And I you know, I came from another jurisdiction where almost verbatim what's happening here happened there. The Commonwealth got involved. If they had an attorney, if they didn't have an attorney, and even in some cases, you know, when we knew that it was a jail sentence case, if they didn't have an attorney, the Commonwealth didn't have an attorney because you have the right to represent yourself. So the Commonwealth say we're keeping it on a level playing field. We're not going to prosecute with an attorney if they don't have a defense attorney. It was just how that Commonwealth attorney did and it worked well. The officers, we're fortunate that we hire seasoned officers as opposed to new officers. There's value in that because they have done that and they have the ability.

Bridge Littleton: Well, and that may not be so okay cool. The thing I would ask if it's possible, I don't want to create work for you guys for the sake of creating work. It would be good to understand what your level of time requirement is kind of because I know she hasn't put this stuff in place yet. What it is now, or what you guys can measure it is now versus what it becomes when these changes come into effect. Right. If you guys find out that, hey, we used to go to court for 6 hours, but now that we're doing these arraignments we're there 8 hours, right or when you're doing the whatever the deferred prosecution. Right. It used to be an hour and a half dealing with these questions. Now it's 4 hours.

A.J. Panebianco: And one of the questions under deferred prosecution is, is the court responsible for tracking? Did they make restitution or is that going to be something they have us tracked in?

Bridge Littleton: Another great question.

A.J. Panebianco: So those are questions that we have. [multiple speakers]

Bridge Littleton: If you guys can capture how you measure that, then we can go back to her in a quarter and go, hey, this is an extra 86 hours a quarter for our officers. You know, this isn't working. So. Okay, Yeah, Chris.

Chris Bernard: So I had a question for her and then she kind of answered it, but I was thinking, you know, if you're talking about just a resource question, and as Bridge pointed out, the work has to get done. So it's who's doing it. And I was thinking, okay, well, doesn't this put a much bigger burden on the police officers? But her argument was that this is how it's been going. So was her characterization that nothing's really changing in practice. It's more just outlining the terms. Is that realistic?

A.J. Panebianco: I believe the practice is going to be changing where there's going to be more deferrals. I don't think if that was what she said and I heard her say that, I don't think that that was as accurate as she maybe she's looking at it from a different perspective. Maybe her opinion of nothing's going to change is that the officers we do, we go before the judge and we present our case. If it's a traffic case, we say we were in uniform, we were working stationary radar or moving radar or whatever the case may be. Radar was tested before and after we observed you know a white vehicle coming to speeding. We give them the facts, we tell them what happened and we leave it at that. And the judge, if they don't have an attorney, then asks the defense, you do you have any questions? Do you want to say anything? Because they don't have to and they often do, and that often helps our case. [laughter]

Bridge Littleton: So, Chris, I think what came out of the conversation with with the Commonwealth's Attorney, the thing I still have the biggest concern about is this deferral. That to me is the single biggest change. They're going to be deferring more cases. And I mean, that's what she said, right? We're going to do this if your background, blah, blah, blah, we're going to defer you. Now that's taken hours off their whatever. So that's how they're trying to create efficiency. But is it ringing the dinner bell? That's my question.

A.J. Panebianco: We are told that they're going to run the histories and make those determinations and then just ask the officer if there were any mitigating circumstances, as I understand it.

Bridge Littleton: That's yeah, that's what I heard.

A.J. Panebianco: We run them anyway, so we already know. So we'll know if they say there isn't a background and there is.

Bridge Littleton: So and the thing in her letter where I asked her, it said, we will defer these to the courts and law enforcement. Right. And she said, well, that's kind of a may. It feels like it's still going to be Will. So what that does is if they defer prosecution, it's over. Right? It's done.

A.J. Panebianco: Well, it depends if it's [multiple speakers]

Bridge Littleton: And I don't mean the little stuff. I get the little stuff.

A.J. Panebianco: If it's a court deferral.

Bridge Littleton: Yeah.

A.J. Panebianco: Often they'll say, essentially, as I understood what she said is she's essentially bypassing the court and the defendant is saying the facts are sufficient. So I plead guilty and I'll accept this deferral. And if I don't meet the standards, then they have to be brought back to the court and the court has to take care of it, which is hopefully there's not going to be a lot because it starts a process. It's going to take more time to get the ones that didn't meet it than it is to get the ones that do.

Bridge Littleton: Well and the thing that causes me heartburn is that it's and this is the way it was originally characterized was an automatic deferral. Right. So that is not facts of specific. That is not case by case examination specific. That is, we will defer all these on this list. So, you know, that is not about how good or bad or what the circumstances are. Right. That is about, oh, it's this level of crime. We're out. A.J. your responsibility. That's what I have a significant problem with so.

A.J. Panebianco: [inaudible] it'll play out and we'll see.

Bridge Littleton: Right. And that's why you guys got to monitor for us.

A.J. Panebianco: We've got to stay on top of it.

Bridge Littleton: Okay.

A.J. Panebianco: Essentially what we've agreed to do in our department, I haven't had a chance to talk to the sheriff and I haven't had a chance to talk to Vanessa, who's acting Chief.

Bridge Littleton: And I would say to Bud's point, we need some really good talking points. As people ask us about this, we can say, hey, this is what we know, this is what we don't know, and this is what is clear as charcoal. So and if you've got questions, Commonwealths Attorney's office in Leesburg. Ok. A.J., thanks.

A.J. Panebianco: Thank you. Anything else?

Bridge Littleton: Mr. Crim.

Martin Crim: Thank you Mayor. You have my report. Happy to answer any questions. Guess I should be on the microphone. You have my report and right wrong end. [laughter] And so I'm happy to answer any questions you may have.

Bridge Littleton: Any questions for Martin? Martin you ready to be deputized?

Martin Crim: For what?

Bridge Littleton: Commonwealth's Attorney.

Martin Crim: So on that subject.

Bridge Littleton: No, no, no. Martin. No, it was a joke. It was a joke. [laughter] [off mic]

Bud Jacobs: I'd like to hear what he has to say.

Bridge Littleton: Okay. All right, You got. Hold on.

Martin Crim: No, no, it's it's. It just you may not know this. You may know this. That Town Attorneys can prosecute violations of the law that are charged by town officers if the Commonwealth Attorney consents. So that's and that was typically because the charges are brought under town code and the fines go to the town. So that's, in fact, when the Commonwealth Attorney was talking about Haymarket, that's one of our clients. We do that prosecution for them. We also do Occoquan and Warrenton. So those towns have us as their prosecutor, and we have that capability. You know. Leesburg Yeah.

Bridge Littleton: [multiple speakers] commercial.

Martin Crim: So act now, but act before midnight tonight. [multiple speakers]

Bridge Littleton: The price is so low. Volume, volume, volume. Okay. [off mic] Now, Martin, I appreciate it. Ok Town Hall. [multiple speakers] You know what? We're going to cover this in the Closed Session, so.

Rhonda North: That's fine.

Bridge Littleton: Let's cover it there.

Rhonda North: Yeah. I was just going to give a brief update on what's happened since the last. [multiple speakers]

Bridge Littleton: Oh, Gotcha. Okay. Yeah, go ahead.

Rhonda North: Yeah. Yeah. So just to let you know, they have begun laying the permeable pavers in the north parking lot. I've got a photograph if anybody wants to take a look at it, they look really nice. I don't know if you can see one from where you're sitting, but they've also installed the solar lights. [multiple speakers] Yes. [laughter]

J. Kevin Daly: We had a program change on the new charger.

Rhonda North: They did work last night, so I know they were wrapping them today to protect them. So that may have affected their ability to work tonight. The drywall has been installed throughout most of the building and they've got a primer coat on so far. The electric room has been built out. We just need to address the issues of the pad sizes for the generator and the transformer. And once we get that done, then we can get permanent power to the building. Starting to build out the mechanical room. Christopher Consulting was on site today to take some measurements with regard to the cupola issue. If they're not able to get the measurements they need, there is a piece of equipment they can bring in. They'll try to get the measurements that way. Ultimately, they can remove the cap if they need to, to take the measurements. But, I think we're getting closer to working out a solution on the cupola. Also doing a little survey work on the driveway we think there's a grading issue with regard to the driveway, so we're trying to address that as well. But things are continuing to move.

Danny Davis: And if you walk by Pendleton Street, you will see they've done a fair amount of grading on the future Village Green. And that actually is one of the more visible changes as of late. And they will be stabilizing that with seed and straw over the next week or so.

Bridge Littleton: Any questions for Rhonda? All right. Consent agenda. Anybody wish to have anything removed from the consent agenda? Is there a motion?

Philip Miller: I move we adopt the consent agenda as proposed.

J. Kevin Daly: Second.

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

All of Council: Aye.

Bridge Littleton: Opposed, abstentions? Okay. Next is discussion items, review of real property assessment data and budget review schedule. Mr. Davis.

Danny Davis: Thank you, Mr. Mayor and Council Members. You have the memo in front of you with a lot of data. I will not repeat every number that is in here, but from a big picture perspective, overall values of real property in the town have increased 11.99%. The equalize change, which means for properties that existed last year, the change for those properties is 10.51% on average. You see the breakdown by single family detached townhouse and condo, single families in an equalized manner, almost 14 and a half percent. Townhouses, 9%. And then just for context, showing you the average increases from last year. So clearly two years in a row and in fact, even the year prior to that, significant value of changes. As a reminder, the current tax rate is 13.69 cents. That was a reduction for fiscal 23. And where we stand right now in this process is needing to determine whether the Council will need to hold a public hearing based on a the tax rate that it wishes to consider. The state code guides this process. This is not anything discretionary, and as we've talked about for a number of years, there are formulaic requirements in the state code of when a public hearing has to be held on a tax rate. So even if Council reduces the tax rate, it still may necessitate a public hearing in most cases would because the assessed value increases were so much. In this instance, the equalized rate is 12.39 cents, and so anything above 12.51 cents would necessitate a public hearing. I did provide some examples of average tax bill changes at a variety of potential rates here. These rates were developed based on current tax rate. On the other end, equalized tax rate and in between equalize plus 3% or equalize plus 7%. What council did last year was took the equalized tax rate and added a small inflationary factor of 3% to that. The chart, the bar charts and lines on the next page show graphically the potential impact on the average tax bill that repeats the info in the table above. The real question right now is if needing to advertise a tax rate, is there a preference on a maximum tax rate to advertise? As a reminder, anything you do advertise for a public hearing. You cannot go above that in adopting a tax rate, but you can always go below that. It's really at your discretion what you would prefer to advertise. I did provide you a reminder of what a general tax increase notice looks like. And again, this is almost 100% straight from state code, and these items are required. And so there's the determination of what the lowered tax rate is. And then we calculate what the difference is between the maximum tax rate that you intend to at least advertise for consideration. So with that, I'm happy to answer questions about the information provided on the average property assessments or on the information about the average tax rate. And then preferably, I would prefer to have Council's guidance tonight on advertising so that we can advertise for a public hearing on March 23rd. Otherwise, I would need guidance by next week and we would have to call a special meeting for a special public hearing the last week of March.

Bridge Littleton: Okay. This is where it always gets fun. So I think the question and challenge is right, there's monetary considerations and there's policy considerations around revenue balance and all that kind of stuff. So is everybody does everybody want to. Well. So let me make sure I get this right. We have to adopt it by the end of March.

Danny Davis: That's correct.

Bridge Littleton: We have to have a 30 day public hearing.

Danny Davis: That's correct.

Bridge Littleton: So we have to tell you the top potential tax rate by [off mic] of the upper limit by no later than February 27th.

Danny Davis: February 17th. Because then I have to get it to the paper on February 20th and they run it on February 24th. So based on publishing dates, advertising to get it to the paper. And then the way 30 days runs with Thursdays, to Thursdays, the max, the last date I need that from you is February 17th. [off mic] That is a week from tomorrow. So you know.

Chris Bernard: [off mic] Setting the top rate, [off mic]

Bridge Littleton: No, I get it. I get it. My question.

Danny Davis: And if the revenue consideration is a question mark for you in terms of difference in revenue from advertising this max rate versus that max rate. Looking at our current budget in the Treasurer's reports that we've provided to date, our revenues continue to trend above both budget and projection for fiscal 23 and we continue to see those trends ongoing and we don't see any likelihood of those trends changing, in fact, probably even improving on the towns side. So meals, tax, occupancy, tax revenue from interest going up, significant amounts so.

Bridge Littleton: But there's two sides to that conversation because costs are going up significantly as well. So it's not just simply about how much revenue we're having, it's about how much cost we have. There's a conversation here about wanting to have more police officers. So there is a totality of this that needs to be considered, not just how much revenue we have coming in. So and I think to your point, setting an upper limit, right? We should be comfortable with an upper limit, not just set one that's so high that we'll come down and no big deal because we don't want to alarm the public. Right. We want to have one that we think is, you know, if we get to our deliberation, that worst case would be about here well we need to have a deliberation. So that deliberation, what Danny's saying is, has to be tonight. I mean, unless you guys unless the consensus is let's just set it at a rate we know we'll never get near that way we've checked the box and then we can come back at the next meeting and have the detailed discussion about what we want the rate to actually be. And we can do it either way. So what does everybody think.

Chris Bernard: Could we almost just straw poll like, for example, say ok, the one he's laid out here, seven. Does anyone here think we're going to go equalize plus 7%? [off mic] Okay. Well, then the limit should be below that. But then what's the highest? What would be the highest anyone's comfortable with?

Bridge Littleton: So my question would be equalize plus seven. What's the net? What's the net increase? If equalize plus seven is a net minus one, it's still reduction. So it's a total picture. It's not just equalize plus 7%. It's what's the net effect on somebody's tax bill. That's my question. Is the net tax bill going up, or the net tax bill staying the same, or the net tax bill going down?

Danny Davis: I'm not sure I quite follow. There's a chart in here that describes the impact of each of these rates on the average tax bill and on the budget. So we give both tax bill that. So the second page of the report has a chart showing the impact on the average tax bill at four various rates. From left to right that's current rate equalize plus seven equalize plus three an the far right is equalized. [off mic] So and then the next page, the bottom chart shows the impact on revenues at each of those rates. And that's this chart is inclusive of new construction, which is why the equalized rate still has a net positive to the town because the new construction is above and beyond what's considered in the public hearing advertisement. So the blue in this net revenue line at equalize plus 3%, there's still an expected increase of \$24,000 just in this revenue line.

Bridge Littleton: Sure. Okay Cindy.

Cindy Pearson: I think when we had this discussion last year, part of this is coming around that we didn't want to not raise that 3% last year because we didn't want to have to maybe three or four years down the line have to be have a huge raise.

Chris Bernard: We didn't want to set the precedent of fully equalizing.

Cindy Pearson: Right.

Bridge Littleton: With inflation [multiple speakers]

Chris Bernard: We don't want a yo yo, we want to be set.

Cindy Pearson: We want to be steady. So I would suggest, even though I think the equalized rate would be fine this year, because we do have a lot of new construction coming on and that will be added on to next year's bill and it will be higher than we thought what we're bringing in. Sure, we have expenses that are going to be higher, but I don't I think it'll be fine. But I don't think every year we want to equalize or we'll have to just relook at it again the following year. So equalizing would be fine this year or I would not go any higher than the equalize plus three.

Bridge Littleton: So is that the consensus equalize plus three is the top limit? Peter.

Peter Leonard-Morgan: I do think that. Because. I'm sorry.

Cindy Pearson: Go ahead.

Peter Leonard-Morgan: Because I think we know we've had a very good surplus in the last year. And we're looking probably for, you know, very healthy revenues for, you know, TOT meals tax, etc.. So I would like to burden the real estate tax payers as little as possible. So I would say 3%, which should be a maximum.

Cindy Pearson: And do we want to this year just have an equalized rate? It's the other question [off mic].

Chris Bernard: So then if we set the [off mic] limit at three, then the conversation [multiple speakers] will be, but it's somewhere between zero.

Cindy Pearson: But if we want to have this conversation right now, I mean.

Bridge Littleton: Well, we just all we have to do now is set the rate.

Cindy Pearson: Right.

Bridge Littleton: We've got to publish it. Then we can have a public hearing. So the discussion.

Bud Jacobs: All we have to do is set the rate for the advertisement. [multiple speakers]

Bridge Littleton: Correct. That's correct. That's correct.

Chris Bernard: So I think it was [off mic] 1276. Yeah.

Bridge Littleton: So is everybody comfortable with that?

Philip Miller: Yeah. And I'm in agreement about the equalized this year given the projections and what's been going on in trending. Keeping it equalized.

Bridge Littleton: Yeah.

Peter Leonard-Morgan: I did have a question about that. So with the public hearing do we at that point have the opportunity to discuss all that and make a change downwards? That's what you're saying?

Danny Davis: Yes. Absolutely. So in the kind of timing of this is that you'll hold the public hearing March 24th, we'll hear from the public. I'll also have provided you the budget by that time. We'll have had some conversations on the general fund and the Council then can either decide to adopt a tax rate at that night after the public hearing, or if you wish to call a special meeting the last week of March and need to have that for any purpose, then you could always adopt it the following week at a special meeting. As long as it's adopted by March 31st. But this. [off mic]

Bridge Littleton: No, no. I mean, we just got to have the hearing and then we can discuss what we actually want to do after the public hearing.

Danny Davis: Yeah, that's fine.

Cindy Pearson: Yeah, but my comment was, like Philip said, if we all tonight agree that we only want the equalized rate, we don't need to advertise and we don't need to do any of this.

Bridge Littleton: No, we do. Even the even the equalized.

Danny Davis: [multiple speakers] Let me clarify. I apologize. You can go up to 12.51 cents. So that's above the equalized rate by 1% without having to advertise a public hearing. So the state code lets you go to the equalized rate or equalized essentially, plus 1% without holding a public hearing. And so by not advertising, you're locking yourself into 12.51 or lower.

Bridge Littleton: So I would just say this is important that I mean, we always have public comment, but I think there's value in actually having a public hearing.

Darlene Kirk: I agree.

Bridge Littleton: Everybody has the point has the opportunity to come in and let us know what they think on the rates and stuff like that. So not that we won't get there, you know, but it's a good and we have to advertise and all that kind of good stuff. So. Yeah. So. All right. Are you good with what you need? All right, cool.

Danny Davis: Perfect. Thank you.

J. Kevin Daly: Yeah. If we are proposing the rate to discuss the rate then I would go with the equalize plus 3%.

Bridge Littleton: That's what we're doing.

J. Kevin Daly: Start from there.

Bridge Littleton: Yeah, that's what we're doing. Yep. Okay.

J. Kevin Daly: I just wanted, it didn't sound clear.

Bridge Littleton: No, no, no, no. It was. It was. Yeah. Equalized plus three ok. Was there anything else? I don't think so. All right. So any information items?

Darlene Kirk: The Health Center Advisory Board is no more. It's now the Middleburg Charitable Foundation. And Eric is one of the co-chairs and Howard is the other.

Bridge Littleton: Oh, great. Okay, great. Eric Scheps.

Darlene Kirk: Eric Scheps, whatever.

Bridge Littleton: Scheps.

Darlene Kirk: I know. I just did that to you.

Rhonda North: And Mr. Mayor to that. And I have drafted some ordinances to rescind the ordinance establishing the Health Center Advisory Board, as well as the Pink Box Advisory Board we were holding that to do them both at once. Also working on some resolutions of appreciation to thank the members who were on both of those boards at the time that they cease to exist.

Bridge Littleton: And please make sure you put Snooks' name in there.

Rhonda North: It is in there.

Bridge Littleton: Snooks. [laughter]

Rhonda North: It is in there.

Bridge Littleton: Okay. Any other questions? Any other information? I items before we moved to a Closed Session. [off mic] Sure. I mean, yeah, it's real quickly. I think we're good. We're almost pretty locked down on all of the items in terms of who's going to be speaking, doing what for the summit on April 11th. We spoke to the folks in Montgomery County. They are figuring out the right person to send, but they're absolutely going to send somebody and they're very proud of their program. PEC is going to participate. We've reached out to several let me say this correctly, statewide elected officials, to ask them if they would like to come get some marquee names. And we're waiting to hear back. But from one of our federally elected statewide representatives has indicated that that's a, you know, be something that he would be interested in participating in if he can make it work. So and I think the idea we kept with it as statewide, top level elected officials because, you know, can't be invite everybody. So if we wanted to be fair regardless of party. Salamander. Yeah, Salamander and no, I think we're in good stead. I think. Ali, we got to check in with the event firm about setting up the website for or the web page to get tickets and do all that kind of stuff. But yeah, I think we're in a good spot. Be exciting. Be fun. Ali and Chris have come up with a couple of very.

Chris Bernard: Bland [off mic] names.

Bridge Littleton: Better names than Rural Preservation Summit. But no, I mean, and we'll figure I mean, they're going to lock that down, but it's much more aimed at, you know, this is a future for Loudoun County end to county end. And so we got to work together instead of just Rural Preservation Summit, because it's much bigger than that. Cool. I think it's it. Unless nobody's got anything else we'll go to Closed Session. All right. Who wants to read it? All right, Philip.

Philip Miller: Okay.

Bridge Littleton: All right. No, you got it up. No you got it up.

Peter Leonard-Morgan: I move that Council go into Closed Session as authorized under section 2.2-3711 of the Code of Virginia for one consultation with legal counsel employed by the public body regarding specific legal matters requiring the legal advice of such counsel related to the Town Hall project contract as allowed under subsection A8. And two for the discussion of the disposition of publicly held property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body relating to the vacation of a town right of way as allowed under subsection A3. I further move that Council thereafter reconvene in open session for action as appropriate.

Bridge Littleton: All's in favor say aye?

All of Council: Aye.

Peter Leonard-Morgan: We need a second.

J. Kevin Daly: Second.

Bridge Littleton: Okay. Opposed? Abstentions? Okay.

All of Council: Aye.

Bridge Littleton: All right I asked that Council certify that in the Closed Session just concluded, to the best of each member's knowledge, nothing was discussed except the matter or matters one specifically identified the motion to convene in the closed session, and two lawfully permitted to be discussed in a closed session under the provisions of the Virginia Freedom of Information Act. As cited in the motion, I would like to remind those present for closed session that any discussion that occurred within it should be treated as confidential.

Chris Bernard: Yes.

Bud Jacobs: Yes.

Philip Miller: Yes.

Bud Jacobs: Yes.

Darlene Kirk: Yes.

Bridge Littleton: Yes.

Peter Leonard-Morgan: Yes.

Cindy Pearson: Yes.

J. Kevin Daly: Yes.

Bridge Littleton: Any other action items? Meeting adjourn.