



MIDDLEBURG TOWN COUNCIL
Regular Monthly Meeting Minutes
Thursday, September 12, 2019



PENDING APPROVAL

PRESENT: Vice Mayor Darlene Kirk
Councilmember Chris W. Bernard
Councilmember J. Kevin Daly
Councilmember Kevin Hazard
Councilmember Peter Leonard-Morgan
Councilmember Philip Miller

STAFF: Danny Davis, Town Administrator
Martin Crim, Town Attorney
Rhonda S. North, MMC, Town Clerk
William M. Moore, Deputy Town Administrator
Jamie Gaucher, Business & Economic Development Director
A. J. Panebianco, Police Chief

ABSENT: Mayor Trowbridge M. Littleton (participated electronically in Comp Plan discussion)
Councilmember Cindy C. Pearson

The Town Council of the Town of Middleburg, Virginia held their regular monthly meeting, beginning at 6:00 p.m. on Thursday, September 12, 2019 in the Town Hall Council Chambers located at 10 W. Marshall Street. Vice Mayor Kirk led Council and those attending in the Pledge of Allegiance to the flag.

Public Presentations

Middleburg Community Charter School Safety Patrol Badge Ceremony

Steven Robinson, the Principal of the Middleburg Community Charter School, thanked those students who volunteered to be safety patrol officers for the 2019-2020 school year. He noted that they were leading by example and working to develop character.

Chief Panebianco reminded Council that the students volunteered for this assignment and opined that this showed their determination to be a part of the community. He explained that the safety patrol officers would receive training and advised that their role was to prevent danger to other students. Chief Panebianco and Ashley Sullivan, of the Middleburg Community Charter School, presented a badge to each of the safety patrol officers.

Proclamation – Constitution Week

Councilmember Daly reviewed the history of the U.S. Constitution, including the many Virginians who were a part of it. He noted that it was a living document.

Councilmember Daly moved, seconded by Councilmember Miller, that Council adopt a proclamation designating the week of September 17-23, 2019 as Constitution Week and encouraging the citizenry to study the Constitution.

Councilmember Daly read the proclamation aloud. He presented a signed copy to representatives from the Catoctin Chapter of the Daughters of the American Revolution.

Vote: Yes – Councilmembers Kirk, Bernard, Daly, Hazard, Leonard-Morgan and Miller
No – N/A
Abstain: N/A
Absent: Mayor Littleton and Councilmember Pearson
(by roll call vote)

Warrenton Valor Award – Office Ryan Gray

On behalf of the Town of Warrenton, Chief Panebianco presented the Valor Award to Officer Ryan Gray. He noted that the Town of Middleburg strived to hire the best employees possible and advised that it did so when it hired Officer Gray. Chief Panebianco advised that in 2017, Officer Gray, along with three of his fellow officers in Warrenton, responded to a complaint of a man with a gun. He further advised that the four officers pursued the man and effected an arrest in a calm, safe manner, which resulted in the Fauquier County Chamber of Commerce awarding them the 2018 Meritorious Award in the Valor Award. Chief Panebianco thanked Officer Gray and the members of his family who were present for their service to Middleburg.

Staff Reports

Stuart Will, of IES, reported that work continued on Well 4. He displayed one of the seventy-two flow diffusers per filter at the treatment plant, which was clogged with softener resin. Mr. Will explained that the fix was to remove the sand filter media and diffusers to clean them. He noted the small size of the diffuser and advised that he planned to combine multiple ones into a single diffuser so it would have a larger surface area. Mr. Will explained that while they would continue to clog, they would not do so as frequently due to the larger surface area. He noted that they were also trying to flush as much of the resin out of the system as possible.

Town Administrator Davis advised Council that IES did not believe the softener resin was continuing to enter the system from an outside source and explained that it accumulated in the gap below the sand media when the plant experienced issues. He advised that IES was taking two preventative measures to address this situation – expanding the diffusers and dumping the water from the system before the backflow process was initiated.

Mr. Will and Mr. Davis noted that the resin was not harmful and stressed that the water was safe to drink.

Mr. Will reported that the Town experienced an overflow at the West End Pump Station and advised that the Department of Environmental Quality was notified. He reported that it did not contain solids and that the area was limed. Mr. Will reminded Council that the new pump station was under construction and expressed hope that it would be brought on line as quickly as possible.

Town Administrator Davis noted that this overflow was a reminder that people needed to be careful about what they flushed down the toilet and explained that the grinder pump was clogged with debris. He advised that despite the new pumping station having ten times the capacity of the current one, it could still become clogged. Mr. Davis noted that a flyer would be included in the next utility bill to explain the need for customers to be aware of what were acceptable items to flush down the toilet.

Town Clerk North noted that at the request of Mayor Littleton, reports regarding Town projects would now be provided during the second meeting of the month. She reminded Council that a reception would be held just prior to the September 26th meeting for Councilmember Hazard. Ms. North further reminded Council of the need to complete the Virginia Conflict of Interests Act training before the end of the calendar year as required by State Code.

Business & Economic Development Director Gaucher expressed hope to soon have news that a co-working space would be locating in Middleburg. He reported that he recently spoke with a financial services firm that was interested in opening an office here. Mr. Gaucher noted that he and the Town Administrator have had conversations with representatives from the Middleburg Film Festival on how to better integrate Middleburg's businesses into the festival.

He reminded Council of the first Middleburg Oktoberfest scheduled for September 21st and advised that a full day of activities would begin at 10:00 a.m. Mr. Gaucher reported that the first keg would be brought into town at 12:00 noon on a horse drawn carriage and advised that there would be a photo op with the Belgian horses for a short time thereafter.

Town Administrator Davis noted that the Middleburg Craft Beer & Oyster Fest, which was held in Aldie, was scheduled for the same day, which was causing some confusion. He advised that it was not a part of Middleburg's event. Mr. Davis noted that he planned to reach out to that event's organizer to see if they would consider a name change.

Deputy Town Administrator Moore reported that the Planning Commission would hold a public hearing on September 23rd on the Banberry Cross Reserve Subdivision application, which was located outside of Middleburg but partially within the one-mile subdivision control area. He advised that the Commission would likely be forced to take action that same night. Mr. Moore noted that he recently received the last of the review agencies' comments and advised that while they were extensive, they appeared to be minor technical comments that could easily be addressed. He reminded Council that the Planning Commission must approve the subdivision unless they found a fatal flaw in the application, which appeared to be unlikely based upon his review of the agencies comments to date.

Chief Panebianco reported that the MDA Bike Race held over the past weekend was a non-event and that everyone was well behaved.

The Council congratulated Chief Panebianco on his election as Second Vice President of the Virginia Police Chief's Association. Chief Panebianco noted that, to his knowledge, Middleburg was the smallest community to ever have a leadership role in the association.

Town Administrator Davis noted that the agenda contained the financial report for the month of August. He reminded Council that many of the revenues received in July would be booked back into FY '19. Mr. Davis reported that Mitchell & Company would attend the October meeting to present the Council with their audit report. He noted that the Middleburg Strategic Finance Committee (MSFC) recently met and would do so again in October. Mr. Davis opined that the Council would receive their recommendations regarding the Town's financial policies, financing opportunities for the Town Office Project and the Utility Fund during their October or November meeting.

Vice Mayor Kirk asked that she be notified of the next MSFC meeting so she could attend. Town Administrator Davis reported that it was scheduled for October 22nd at 11:30 a.m.

Consent Agenda

- (a) Amendments to Wellhead Protection Advisory Committee Ordinance
- (b) Approval of Minutes – August 22, 2019
- (c) Amendment to Ordinance Establishing Go Green Committee
- (d) Resolution of Appreciation – Senator Jill Vogel
- (e) Location of Bronze Fox Sculpture

Councilmember Hazard noted the Resolution of Appreciation for Senator Vogel thanking her for securing the Virginia Principal Certification for Mr. Robinson so the Charter School could open on schedule.

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

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

No – N/A

Abstain: N/A

Absent: Mayor Littleton and Councilmember Pearson

(by roll call vote)

Discussion Items

Draft Comprehensive Plan 2019 – Chapters I-VI

Mayor Littleton participated in a portion of the discussion of the draft Comprehensive Plan 2019 electronically. For the record, he advised that he was participating from Hague, Virginia and explained that the reason he had to participate electronically was that he was out of town attending to his mother's estate.

Deputy Town Administrator Moore reported that the Planning Commission presented a draft Comprehensive Plan to the Council after much long, deliberative thought. He noted that he received written comments from Mayor Littleton and Councilmember Pearson on it. Mr. Moore reminded Council that the State Code mandated localities to adopt a comprehensive plan for the physical development of their jurisdiction and explained that they were primarily land use plans. He noted that some localities approached them differently and also addressed social issues within them. Mr. Moore advised Council that what the Planning Commission recommended was more of a traditional comp plan. He explained that while a comprehensive plan was not a strategic plan, what was recommended by the Planning Commission did contain action steps, some of which were specific and some of which were more general in nature.

Mayor Littleton thanked Councilmember Hazard, the Planning Commission and the staff for putting the draft plan together. He opined that the process used to develop it was open and considered the wants of the community. Mr. Littleton suggested the need to look at what the Council wanted the plan to achieve. He noted that Loudoun County adopted their comprehensive plan a week after the Commission recommended this one and suggested the need to compare the two. Mr. Littleton noted as examples that the County's Comp Plan cited the desire for a two-mile green belt around Middleburg and that it contained a transportation section. He questioned how those could be reflected in the Town's plan.

Mayor Littleton noted that the draft plan contained a lot of details related to who Middleburg was, what should be protected and the challenges it faced. He suggested that while it talked about the symptoms, it was ambiguous as to the causes. Mr. Littleton cited as an example that the plan called for the need for youth and senior housing. He opined that what was driving that was not the need for subsidized housing but rather the need for attainable housing. Mr. Littleton suggested the Town may want to use tools it normally would not and cited annexation, under the right conditions, as an example of a way to address the issue of attainable housing. He recommended that solutions be matched to causes in the draft plan. Mr. Littleton opined that what was proposed was a phenomenal plan.

Following his comments, Mayor Littleton concluded his electronic participation in the meeting.

Some members of Council noted that they had some minor wording suggestions that they would forward to the staff. Deputy Town Administrator Moore advised Council that the Planning Commission spent a great deal of time wordsmithing the document. He noted that much of the wording was pulled from the public input sessions.

Councilmember Hazard cautioned against including specifics in the document and suggested the Council should leave it open to whatever may work. He noted that the Planning Commission discussed at great length the need to give the Town maximum flexibility.

Deputy Town Administrator Moore reminded Council that the desire for attainable housing was based on the lack of housing types that were identified during the public input sessions. He noted that Middleburg predominantly contained single-family housing and suggested there were other types that may be desirable such as multi-family housing. Mr.

Moore explained that the plan did not dictate which type of housing was desired for an area so proposals could be brought forward for consideration. He advised that this was a deliberative approach that was taken by the Commission.

Councilmember Hazard explained that the Commission was trying not to preclude anything from consideration; however, he agreed the language could be stronger if that was the Council's desire. He questioned whether the language needed to be in the Comprehensive Plan or whether it could be addressed through zoning.

Deputy Town Administrator Moore noted the Mayor's suggestion to link the Town's plan to the County's and suggested that quick fixes could be proposed. He advised that there was a State moratorium on annexation and noted that the only option available to the Town was a boundary line adjustment. Mr. Moore advised that the Planning Commission made a deliberate decision to not advocate that one way or the other; and, reminded Council that in the past, their policy was to not extend utilities and grow the town. He suggested that if the Council determined that it wanted to do a boundary line adjustment in the future, the plan could be tweaked at that time.

The Council agreed to review each chapter from a big picture perspective and to send any minor changes to the staff.

Chapter I (Introduction): Deputy Town Administrator Moore provided an overview of the chapter. Some members of Council expressed concern about the use of the term "village" and noted that Middleburg was legally a town. After some discussion, it was agreed that the document should avoid the stand alone use of the word "village" and change those references to it being a "town with a village-like atmosphere".

Chapter II (Natural Environment & Environmental Resources): Deputy Town Administrator Moore provided an overview of the chapter. Council noted that Middleburg was located in an American Viticulture Area. Deputy Town Administrator Moore advised that he would see if there was an opportunity to incorporate this by reference.

Deputy Town Administrator Moore noted the need to be mindful that Middleburg was also adjacent to Fauquier County and that there should be follow-up with them with regard to the preservation of farm land and open space. He advised that he would update the language to reflect that Loudoun County had now adopted their comp plan update.

Chapter III (History & Historic Resources): Deputy Town Administrator Moore provided an overview of the chapter. He noted that one of the strategies in this chapter was to update the Historic District Guidelines, which the HDRC may initiate this year. Mr. Moore advised that they may also consider whether the boundaries of the Historic District should be refined and suggested there was an opportunity to make them more congruent with the National Historic Register boundaries.

Town Attorney Crim noted that there was a new State Code requirement related to the expansion of historic districts and advised that the HDRC must make certain factual findings. He urged caution before doing an expansion.

Deputy Town Administrator Moore opined that any recommendations would likely be to expand the local district boundaries to match the National Register ones. He further opined that this could be easily justified.

Council inquired as to the plan for tracking goals to ensure the items in the plan were being pursued. Deputy Town Administrator Moore noted that the Planning Commission would be responsible for the plan's implementation and advised that their first step would be to identify which items could be addressed by the Commission and which would be dependent upon the submission of a development proposal. He noted that the latter would be evaluated at the time of submission.

The Council expressed a strong desire to ensure the Comprehensive Plan was used once it was adopted.

Town Administrator Davis suggested the Council maintain an open dialogue with the Planning Commission about their goals and priorities each year. He further suggested this could be done through a joint meeting of the two bodies, which could include a review of the Comp Plan and the strategies within it.

Chapter IV (Population & Housing): Deputy Town Administrator Moore provided an overview of the chapter. He noted the previous discussion on affordable housing. The Council held some discussion regarding the projected population numbers. It was noted that while Loudoun County had the highest median income in the nation, Middleburg did not. Deputy Town Administrator Moore noted that the Commission, later during the Comp Plan process, added language supporting the efforts of non-profits, such as the Windy Hill Foundation, to provide housing in the community. He reminded Council that they would discuss the land use chapter during their next meeting.

Deputy Town Administrator Moore noted that of the 114 proposed new houses, 109 were by Salamander. He advised Council that even though Salamander had publicly stated that they did not intend to pursue what was approved for the mixed-use village district, which consisted of 60 units, these numbers were included in the draft plan as they were already approved.

Chapter V (Community Facilities & Services): Deputy Town Administrator Moore provided an overview of the chapter. He noted that it included a reference on the need for a new Town Office. Mr. Moore reminded Council that the Town's utilities were at half capacity; therefore, there was room for growth. He advised that the chapter also included language related to stormwater management even though the Town relied on VDOT to maintain that utility.

Chapter VI (Economy): Deputy Town Administrator Moore provided an overview of the chapter. He noted that the consultant worked with the Business & Economic Development Director to obtain background information. Mr. Moore advised Council that the Planning Commission spent a lot of time working on the language with regard to extending the central business zone to include Federal Street.

Councilmember Hazard noted that the town had 230 businesses despite its small population and opined that this was because Middleburg was a brand.

Deputy Town Administrator Moore reminded Council that this was not intended to be an economic development plan and advised that that would be a separate document. He explained that this was the reason this chapter was lacking in detail.

Miscellaneous: Council inquired as to how the plan would be disseminated once adopted. Deputy Town Administrator Moore confirmed that hard copies would be available; however, it would mostly be distributed online.

Vice Mayor Kirk recessed the meeting at 8:04 p.m. so the Council could take a short break. She called the meeting back to order at 8:22 p.m.

Action Items

Request for CIP Funding from Loudoun County

Town Administrator Davis explained that Loudoun County accepted requests annually from towns for CIP funding for projects that were limited to facilities owned or operated by the County but located within a town. He noted, however, that a request did not guarantee the funding. Mr. Davis reported that based on his conversations with County leaders, he believed there may be opportunities for the Town to submit a request for CIP funding. He cited as an example funding for the construction of the new Town Office if space was made available within the building to the County for their use, such as a meeting room. Mr. Davis suggested the Town also consider a funding request for the extension or repairs of sidewalk and noted that the recently completed East Marshall Street sidewalk was done through a County grant. He opined that the Town Office Project was a good one to submit for County CIP funding.

Council questioned whether a funding request could be submitted for the redevelopment of Federal Street. Town Administrator Davis noted the need for a plan and suggested this could be submitted in the future once one was developed. He noted that there may also be VDOT funding opportunities for that project.

Council suggested consideration be given to submitting a request for funding to extend the sidewalk down South Madison Street to The Hill School property. Town Administrator Davis opined that a sidewalk to an educational institution, even a private one, could qualify for County CIP funding. He noted the challenge of the topography and the right-of-way limitations and suggested the Town have some preliminary engineering work done as this sidewalk could present an ADA challenge.

Deputy Town Administrator Moore reminded Council that the Comprehensive Plan contained a sidewalk map that identified where infill development was desired and noted that they would review that section during their next meeting.

Town Administrator Davis advised Council that this item would return to them during their September 26th meeting for the adoption of the resolution.

Council questioned whether the construction of the storage building was something that would qualify for County CIP funding. They noted that it would be used for the storage of police equipment. Town Administrator Davis suggested it would not hurt to ask and noted that having a police department relieved pressure from the Sheriff's Department.

Resolution – Dangerous Structures Enforcement

Deputy Town Administrator Moore advised Council that the Planning & Project Associate and Facilities & Maintenance Supervisor were surveying structures in town as a part of the active property inspection program. He reminded them that the Town already had a few structures on its radar and was continuing to respond to complaints. Mr. Moore advised that the missing component in the program was related to enforcement. He explained that the Council could be involved in each enforcement activity or it could adopt a resolution granting that authority to the Town Administrator or his designee. Mr. Moore advised that he currently had a case where he needed to proceed to formal enforcement and noted that he drafted a resolution for Council's consideration that would grant the staff the authority to take formal enforcement action when necessary.

The Council held some discussion regarding enforcement activities. They questioned the amount of time that was given to a property owner to complete any needed repairs. Deputy Town Administrator Moore advised that this depended on the circumstances.

In response to inquiries, Deputy Town Administrator Moore reminded Council that the current budget contained \$25,000 for enforcement activities. He suggested they could authorize the staff to spend up to a maximum amount per case before returning to them if the costs were going to exceed that amount. Mr. Moore explained that in any event, the staff would have to follow the Town's procurement rules to hire a contractor to make any repairs it initiated.

Town Attorney Crim suggested that if the Town had a contractor under contract to assist with enforcement efforts, it could use that firm; however, in his experience, he found the repairs were often emergencies, which did not allow the Town the luxury of going through a formal bid process.

Vice Mayor Kirk asked the Deputy Town Administrator to inform the Council through his monthly report whenever he initiated an enforcement action.

Councilmember Leonard-Morgan moved, seconded by Councilmember Daly, that Council adopt a Resolution authorizing the Town Administrator or his designee to declare certain structures to be a danger to the health or safety of residents of the Town and to abate such dangers as provided by State code and Town code.

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

No – N/A

Abstain: N/A

Absent: Mayor Littleton and Councilmember Pearson

Discussion Items (continued)

Process for Appointment of Interim Councilmember

The Council agreed to the schedule as presented by the staff for soliciting letters from individuals interested in seeking the interim appointment to the Council to fill Councilmember Hazard's seat until the special election was held in May of 2020.

Capital Project Prioritization & Funding

Town Administrator Davis reminded Council that during the FY '20 Budget discussion, they asked the staff to bring projects to them for prioritization so they could consider using a portion of the undesignated fund balance for them. He noted that many of those on the list have previously been discussed by the Council. Mr. Davis questioned whether there were any others that the members would like to add to the list. He noted that the Council would hear a report from Mitchell & Company on the FY '19 audit during their October meeting and advised that there was a significant increase in the Town's undesignated General Fund balance at the end of the fiscal year.

Town Administrator Davis opined that the new Town Office Project was the Town's key priority. He advised that the Strategic Finance Committee discussed options for funding it and suggested they would most likely recommend the Town use \$1 million from the undesignated fund balance for the project and borrow the balance. Mr. Davis advised that the other projects on the capital project list were small one-time projects.

Town Administrator Davis reported that the Middleburg Community Center requested \$110,000 in funding from the Town for three components of their swimming pool project, which included constructing steps on either side of the pool; replacing the coping stones around the pool; and, plastering the pool. He advised that the Center confirmed that it was structurally sound and did not believe the pool would experience any major issues in the future if these updates were done. Mr. Davis noted that he suggested the Community Center pursue matching funds and advised that they found one donor who was willing to provide a \$20,000 match.

Town Administrator Davis reminded Council that in the past, the Town had not had an undesignated fund balance that it could spend. He advised that while it did not have to be spent, the Council now had the opportunity to make one-time investments in the town. Mr. Davis advised that no action was needed at this time and suggested the Council discuss this matter further during their September 26th meeting.

The Council held some discussion regarding the Community Center's funding request. They expressed interest in seeing what other funding sources may be available. The Council questioned the cost to construct a new pool. It was noted that the Center was under-utilized and was not being used to make money to support itself. Town Administrator Davis opined that the Community Center's staff was ready to take it to the next level and advised that they wanted to develop a strategic plan.

The Council suggested that representatives from the Community Center be invited to attend the next Council meeting to discuss a partnership between the Town and the Center, as well as the funding for their project.

It was noted that the Town may need to change out the membranes at the wastewater treatment plant sooner than was proposed. After some discussion, the Council agreed the Utility Fund costs needed to remain in that fund and that the undesignated fund balance for the General Fund needed to be used for General Fund projects.

Proposal for Development of Middleburg Charitable Foundation

Town Administrator Davis reminded Council that they have discussed this in the past. He reported that he and Councilmembers Kirk and Miller met to make sure that what was proposed would result in the appropriate oversight of the funds, including their distribution, and opined that this could be addressed in the bylaws and articles of incorporation. Mr. Davis questioned whether the Council wanted to see the detailed documents or whether they were comfortable making a motion that would allow the staff to proceed with what was proposed. He reminded them that they were getting close to the time when applications were normally solicited and that the FY '20 Budget contained \$20,000 for donations this year. Mr. Davis suggested that anything higher than that amount would need to come from the Health Center Fund.

Councilmember Miller moved, seconded by Councilmember Bernard, that Council approve the formation of the Middleburg Charitable Foundation. Councilmember Miller further moved, seconded by Councilmember Bernard, to direct the Town Attorney and Town Administrator to finalize the Articles of Incorporation and Bylaws of the Middleburg Charitable Foundation and authorize the Mayor to sign such documents. Councilmember Miller further moved, seconded by Councilmember Bernard, that staff issue a notice of opportunity for funding support from the Middleburg Charitable Foundation with a due date of November 4, 2019. Councilmember Miller further moved, seconded by Councilmember Bernard, to direct staff to advertise a public hearing for the October 10, 2019 Town Council meeting to consider amendments to the FY20 budget as needed, including for the distribution of funds to the Middleburg Charitable Foundation.

Vote: Yes – Councilmembers Kirk, Bernard, Daly, Hazard, Leonard-Morgan and Miller
No – N/A
Abstain: N/A
Absent: Mayor Littleton and Councilmember Pearson

Detailed Estimated Construction Schedule – Town Administration Building Project

Town Administrator Davis reminded Council that during their last meeting, they reviewed a broad project schedule and asked the staff for a more detailed one. He reported that Town Clerk North developed a proposed detailed schedule to help keep the project on track. Mr. Davis noted that the dates could be adjusted if the project could not begin as proposed.

Town Clerk North advised Council that she had drafted an RFP for architectural/engineering services and was in the process of drafting one for construction management services. Town Administrator Davis noted that the RFP was awaiting his review.

The Council held some discussion about whether it was desirable for construction to begin in September (2020). It was noted that it was possible to get the foundation and framing work done before really bad weather set in. It was further noted that it was possible to do sitework in the midst of winter.

Town Clerk North reminded Council that the process for hiring the A&E and CM contractors could begin immediately; however, they would not be able to proceed with their work until the property acquisition was complete.

The Council agreed the staff should continue to proceed as proposed in the detailed schedule.

Closed Session

It was noted that a closed session was not needed at this time.

There being no further business, Vice Mayor Kirk declared the meeting adjourned at 9:05 p.m.

APPROVED:

Darlene Kirk, VICE MAYOR

ATTEST:

Rhonda S. North, MMC, Town Clerk

September 12, 2019 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)

Darlene Kirk: [off mic]

Everyone: [Pledge of Allegiance]

Darlene Kirk: [off mic]

Chris Bernard: Chris Bernard,

Kevin Hazard: Kevin Hazard,

Philip Miller: Philip Miller,

Darlene Kirk: Darlene Kirk,

Peter Leonard-Morgan: Peter Leonard Morgan,

Kevin Daly: John Kevin Daly

Martin Crim: Martin Crim, town attorney.

Rhonda North: Ronda North, town clerk.

Danny Davis: Danny Davis, town administrator.

Darlene Kirk: Our first order of business is always public comment. If anybody here is from the public and would like to make a comment, we ask you to keep it to under three minutes.

I think everybody is here for our next order of business and I'm very excited about. AJ, come on in. Very happy to have the Middleburg Community Charter School safety patrol. [off mic]

A.J. Panebianco: I'll let him do a brief introduction and then I'll tell you guys a little bit about what we've got going on.

Steven Robinson: Should I stand right here facing you guys. [off mic] Well, good evening. Good evening. It's a pleasure to be here tonight and definitely thank you to Chief A.J. As well as to Miss Sullivan. I'm not sure where she went. Definitely a tremendous honor to have us here tonight to do a great thing for our scholars. We have a tremendous, amazing fifth grade class here at MCCA and our scholars and done really, really well. And they're definitely joining the patrol for our safety patrol for our school. It's definitely a, they take it very seriously. Definitely they are leaders in our school. Also developing that character is so important for us. And so I'm definitely thrilled to be here and they serve the school community as well as the Middleburg community as well. It's a tremendous honor to be here. And I'm just I'm so pleased to see all of you out here tonight. Our parents and [inaudible] members, it's amazing to see the community we have here in [inaudible] and excited to see the great things this school year and beyond as well. So, again, thank you so much, Chief A.J., as well as our parents [inaudible] our scholars who are tremendous. I can't thank you all enough for how you guys lead by example for your character. So thank you. And also Miss Sullivan for [inaudible] initiative. It's amazing. Thank you so much.

A.J. Panebianco: So I wanted to take an opportunity, let him come up and introduce himself because he is our new principal and he is doing a great job.

Steven Robinson: Thank you.

A.J. Panebianco: He's doing a bang up job. All right. Very happy to have him on board. So, Miss Sullivan, as she's coming up, I'll give the council and the parents a brief overview of what this program actually is. First off, it's volunteer, these students are dictated that you're going to do this. They volunteer. They raise their hand. They say, I want to be a part of this. And that's a great thing because it shows that determination to be part of the community that we so are impressed with. So each year they get trained before they're set loose to go out there and do this. And several things. Topics include traffic safety, assisting students in and out of the buses, in and out of cars, assisting on the bus by keeping the lanes clear, being responsible while they're on the bus, cutting down on disruptions, reminding students that, you know, the drivers need to concentrate on driving. And then in an emergency, the bus drivers or the bus crew actually will take time and they teach them how to operate the emergency back door if that needs to be operated, because the bus drivers in the front, the back doors is in the back. And so we've got some responsible, trained students to do that. They get training in stranger danger, recognizing hazards and other unusual events that may occur in a school like say for instance, somebody that shouldn't be there. They recognize somebody hanging around. And then what to do about that. The students don't handle those situations. They are directed to report it. Miss Sullivan does a great job in managing this program and her staff available every single day. So the students aren't putting themselves in danger. They're preventing danger. So I'm very proud to say that each and every one of the students did a great job in the class when we talked about it. And I'm very happy and proud to see that so many of you volunteered to do that because it is a service to our community and we greatly appreciate. So as it happens, we're going to have Miss Sullivan's going to call each of you up by name. We're going to give you your badge. I will give you a quick lesson on how to pin this on it. [inaudible] Pin it on when you get home. But all it is, is a safety pin and you'll put it through your material and pin it. My material is thicker than yours. So there you go and then pin it. Than you'll wear it on your sash in the front and safety patrols written in the back. All right. Miss Sullivan.

Ashley Sullivan: All right. Can I have Nathan [Inaudible]. Can I have Noah [Inaudible].

A.J. Panebianco: And we will line all the kids up at the end.

Ashley Sullivan: Can I have [Inaudible]. Can I have [Inaudible]. Can I have [Inaudible]. Can I have [Inaudible]. Ms. [Inaudible]. [Inaudible].

A.J. Panebianco: That's all right my last name is Panebianco. [laughter]

Ashley Sullivan: And last but not least Ms. Lucy [Inaudible]

A.J. Panebianco: All right. And as she comes up and we get to shake her hand as well. I want to also let the students know that this is not necessarily the usual way that this happens. Our council feels so strongly about the service that you give that they want you to be recognized in one of their events. Their meetings. So we appreciate you, but this council appreciates you so much. And that's why we do it this way. [off mic] So if all if all the safety patrol will come up here. [off mic]

Rhonda North: Darlene. Darlene. Remind them they can watch this on the website.

A.J. Panebianco: All right, folks. Thank you guys so much. Thank you to the parents for letting your children do this. It is a huge service. Thank you very much.

Darlene Kirk: [off mic] [applause] And just to remind everybody, you can watch this on our website. You'll be able to see this on your website. Okay, now that we're back. That was a lot of fun. Next, we're gonna have a proclamation for Constitution week. Can I turn it over to Kevin?

Kevin Daly: Oh, before I actually read the suggested motion, I want to bring everything in perspective. I'm sorry. I went through Georgetown at great expense, the government, and therefore, I'm going to show it off. The Constitution is a living dynamic document. It didn't just end or began in 1789 year ratification. You can see antecedents began in 4th of July, 1776, where a Virginian by the name of Mr. Thomas Jefferson wrote the majority of that Declaration of Independence. It was an ideal in which he stated all men are created equal, even though at the time that wasn't entirely true. Many of the members of that early Congress were slave owners. But that didn't change the validity of that ideal, that all men are created equal and that we are going to form a government. Now, we declared our independence from Great Britain in 1776, but it took another five years of conflict to win that independence. And it was won in October 1781 by another Virginian in the Battle of Yorktown, General George Washington. Later, the Treaty of Paris in 1783, which was seven years after the Declaration of Independence was written, and Britain agreed that the then now United States were a free country. The Constitution took eleven years from the date of the signing of our independence before we had it written primarily by compromise by another Virginian, James Madison. Finally, thirteen years after the signing of the Declaration of Independence, the Constitution of the United States was ratified formally by all the states. So if you're counting that's been 13 years. So the people who are wondering about our government today, how long it takes things to move or change. It hasn't changed. Democracy is a messy, contentious, worst form of government ever, according to Winston Churchill. Worst form of government except for all the rest. So still a living document. Now, two years after it was ratified, it still wasn't complete because we did not have a Bill of Rights until 1791, 15 years after the Declaration of Independence. We still didn't get it right. The neat thing about the Constitution is it was designed so that it could be amended, could be changed because things do change in life. That's why it's a living dynamic document. We start getting things changed with the 14th Amendment, civil rights. But that cost over five hundred thousand American lives in what we call the Civil War. And 15th Amendment. Ninety four years after the Declaration of Independence, black suffrage was signed with the 15th Amendment in 1870. And then if you're keeping count now, all men are created equal, but what about the women? It took the 19th Amendment and 18 August 1920, 144 years from the signing of the Declaration of Independence for women's suffrage. And that was during a time period of President Woodrow Wilson. Another Virginian. The neat thing about all of these documents and these amendments, Virginia was out in the forefront. I was not born in Virginia. I was born in Texas, but I live in Virginia now. And Virginia rightly so is called the state of presidents. I wanted to put this in perspective to let you know that this isn't just a one time only thing. This constitution lives on and is going to change and continue to change as we move on in the future. So with that, I propose that council adopt the proclamation designating the week of September 17th through 23rd, 2019 as Constitution week and encouraging the citizenry to study the Constitution.

Philip Miller: Second.

Darlene Kirk: Any further discussion? [off mic]

Everyone: Aye.

Darlene Kirk: Opposed. Abstention. [off mic]

Kevin Daly: Shall I read the proclamation? Whereas it is the privilege and duty of the American people to commemorate the 232 second anniversary of the drafting of the Constitution of the United States of America with appropriate ceremonies and activities. And whereas Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America, designating September 17 through 23 as Constitution week. And whereas the town council of the town of Middleburg wishes to recognize this important occasion. Now, therefore, be it proclaimed by the mayor and town council of the

town of Middleburg, Virginia, that the week of September 17 to 23, 2019 is hereby designated as Constitution Week. Be it further proclaimed that the mayor and members of the council urge all citizens to study the Constitution and rededicate themselves to fulfilling the noble aims of its preamble. To form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity. Approved and signed by Trowbridge M. Littleton, Mayor of the town of Middleburg.

Darlene Kirk: Kevin, our other Kevin has something to add.

Kevin Hazard: And I'd like to thank the Catoctin chapter of the National Society Daughters of the American Revolution to bringing this proclamation to the town. It's well appreciated. [off mic]

Kevin Daly: No, I think they'd like for all of us how to join them. [off mic]

Darlene Kirk: Next order of business, we're going to switch just around a little bit. We're going to do the presentation of the Warrenton Valor Award to Officer Ryan Gray by A.J. We're very proud of you, Ryan.

A.J. Panebianco: Ryan, if you want to call your family up. [off mic] She she says she thought she overdressed, but she's fine. I'm gonna address the council first with this and then we'll go through with the process. As a department, we strive to hire the best employees that we can. We strive to hire people that can make a difference or have made a difference. And sometimes the proof is in the pudding. So today you're going to get some pudding. So in 2017, Officer Ryan Gray was working as a police officer in Warrenton, he, along with four other officers, were dispatched to a man with a gun complaint. The suspect had fled the scene but was observed on [Inaudible] Street. Once spotted, a pursuit ensued. And after a lengthy chase which actually ended in the county, the suspect aggressively began pounding on his vehicle, screaming at the officers. They didn't know at the time whether they had the gun still or not. Eventually, after the officers determined that there wasn't an obvious gun on his person, they approached the vehicle, got him out, put him on the ground and effected an arrest. So were it not for the calm and professional actions of all the officers involved. Things could have ended much differently. Result was a safe arrest and the preservation of what is always a police officer's primary objective, which is the sanctity of life or the presentation thereof. And that includes everybody, including suspects as well as victims and as well as officers. And on a side note, after the suspect was placed in the car and under arrest, he decided to lean over and kicked the window out. So it just was another statement as to how violent and volatile this subject could be and how quickly to turn on a dime. To that end, the Fauquier Chamber awarded the officers involved the 2018 Meritorious Award in the Valor Awards. Although they were awarded their plaques. I still want to mention each officer that was involved because I think it's important. So by name. They were Sergeant [Inaudible] Corporal Ferguson, Officer Campbell, Officer Nixon and of course, our very own officer, Ryan Gray. So the chamber award that Ryan will be receiving was presented to the other officers, but we had stolen Ryan actually, we hadn't stolen him yet. But he wasn't working there. And then we had stolen him eventually to get him here. So, Ryan, I want to present this to you on behalf of Warrenton and their chief and their acting chief actually at this time, Tim, who said congratulations, but he could not be here. So thank you. I want to thank your parents for raising a quality son. Your sister I'm assuming. Your sister for teaching him how to do it right the right way and his girlfriend for keeping him straight while he's here. So I do want to say thank you guys. It does mean a lot to us to have Ryan on our team. And Ryan is doing a great job for us. And this is just a testament that we did get a quality person. So thank you, Ryan. Appreciate your service. [applause]

Darlene Kirk: [off mic]

Kevin Daly: [off mic]

Darlene Kirk: [off mic]

Stuart Will: Good evening. Show and tell items. We've been busy working on well 4 and these are actually doing their job. They're not the source of their woes. I'll give this one to you guys to pass around. You'll see amber beads, tiny amber beads. Those tiny amber beads are softener resin. We determined today for sure that those that's called a diffuser is screwed into a plate at the bottom of the pressure filter. The [inaudible] sits on top of this. This has a series of little slits down across there that is designed in such a manner to allow water to pass through, but to retain the [inaudible] The particular size of these slits, the softener beads will get in there and just stop them right up and up the plate that this is mounted on in the bottom of the filter. We've determined has is of such a design that it will accumulate softener resin and we confirmed today that we have a bunch softener resin in there. So there's no easy fix to it. We don't think. [off mic] Yes. Those little tiny amber beads.

Danny Davis: And to Stuart's point. They had a beaker today this thick full of them. And this is just from a tiny section of a pipe, not even the full bottom of one of these filters.

Stuart Will: So what this is going to most likely need to do to fix it is one we're going to need to remove for the [inaudible]. Again, remove all these guys. Again, you'll notice that this is smaller than this. Ok. This was my idea. When we replace them or we didn't replace the media, we replaced only these diffusers back in 2017 and in any case we bought all of these new well, after we unscrewed the first couple, we noticed the design in such a manner that you can unscrew this, disassemble it, clean it, put it back together and boom, you got a brand new one all over again. One of the ideas I had and we [inaudible] the mast with West Tech or any of the engineers is to take our spare set, our whole spare set and combine so that we have more surface area on these, obviously getting the softener resin out of there. But then we go back go back with a hybrid of the the nozzle with the almost 200 percent surface area.

Peter Leonard-Morgan: [off mic]

Stuart Will: No, no. They're still quite the mystery. We intend to try and flush them. We're going to work on that tomorrow. We're gonna hook up a hose and run a bunch of water through there in an effort to try and get rid of them. And in any case, though, these guys are still stopped up for sure in our filters will need to be most likely removed.

Danny Davis: And if.

Darlene Kirk: [off mic]

Stuart Will: I think it's like 72 per filter, so it's bunch, but doing the hybrid model like this the only thing we would actually need is the hardware of the stainless steel hardware. So that probably would be less than 50 or 75 bucks.

Kevin Daly: Will the hybrid prevent the pellets from.

Stuart Will: it will not.

Kevin Daly: It will not.

Stuart Will: It will not. But it will provide its.

Kevin Daly: Greater surface area.

Stuart Will: Greater surface area. I did the math. It's actually a hundred and eighty five percent versus this one.

Chris Bernard: [off mic]

Stuart Will: It will take longer to stop it up and buys more time.

Danny Davis: The real key here is we don't believe this is our hope that the resin is actually continuing to enter into the system from an outside source. And that's been the struggle to date that really is the kind of breakthrough I think that we've found that this kind of gap, as Stuart described at the bottom of each of these filters, has essentially allowed this resin to accumulate in the bottom of the filters. Coming back six years ago from when the the bottom of that blew out and allowed all this resin to escape, essentially. So the hope and the goal is that we're not continuing to leak resin through other means. It's not saying it's not possible, but the amount of these resin beadlets should not once we clear out the the actual tanks should not be nearly what it has been to date. They've also integrated two additional prevention measures, one being a filter and one being the ability to dump water out before we begin the back flow process, which should as much as possible reduce and or eliminate other sediment or debris that could clog these during a back wash cycle. So it's more than just putting new nozzles in. We want to get rid of the resin so it doesn't continue to clog it again and again and again. So thankfully, we feel like we have kind of a least a light at the end of the tunnel.

Kevin Daly: What's the process to prevent these pellets from getting into the potable water that we drain from our faucets.

Stuart Will: We suspect the system is contaminated. We're almost relatively we're pretty certain of it. The pellets are almost the same density as water. So if you leave them in water for a period of time, they will settle to the bottom. And we think that they're just migrating around the town kind of randomly.

Danny Davis: Again, this going back to that one event. Back when things occurred. And I think the key there is the water's safe. It's tested, it's clean.

Kevin Daly: That was the other question, what is the health issue, because I [multiple speakers] human body.

Stuart Will: Yeah, the softener resins are NSF approved. So basically it's health department approved and is not going to hurt your drinking water. Otherwise, the rest of the town is running pretty good other than being pretty busy.

Darlene Kirk: I'm sure you are. Anybody else have any questions for him?

Peter Leonard-Morgan: Just one question. I know your report is for August, so it wouldn't be in there, but there was a bit of an overflow, I think.

Stuart Will: Yes. At the lift station.

Peter Leonard-Morgan: And that was all sorted out.

Stuart Will: It was. We issued a five day report letter to the DEQ. Took remedial steps of putting me on line in the area where the water had flowed. There was no solids to it. We took photographs of the stream to document and we were hoping to get our new pump station online. So, you know. Yeah.

Danny Davis: And in the message for the press and the public and all residents of the town and patrons is that please be careful what you flush down the toilet or send down the drains. This overflow that we had, the lift station is because the grinder pumps were clogged. And as they pulled it up, it's full of rags. They have found yeah, you found all kinds of interesting things and pretty nasty stuff in the sewer system because people just, you know, out of sight, out of mind. Yeah.

Stuart Will: Toilet is not a substitute for a trash can.

Danny Davis: It has to go somewhere. So we are actually going to put a flyer in the next utility bill about what to not flush down the drain or what should only go down the drain.

Stuart Will: Yes. Baby wipes in spite of saying they're biodegradable. Not good.

Danny Davis: So continued education for the public is really important on this type issue. The new lift station, pump station will be huge because the capacity is about 10 times our current pumping station, which is great. But it still comes down to the fact of people need to be aware of what what is being flushed down the drain.

Darlene Kirk: All right. Thank you very much, Stuart. Sorry you had such a rough time there.

Stuart Will: That's what you pay me for.

Darlene Kirk: I know, but still.

Stuart Will: Have a good evening. [off mic] Something we've already got. So, I mean, why not use it?

Darlene Kirk: [off mic]

Rhonda North: Thank you, Madam Mayor. So at the suggestion of Mayor Littleton, he suggested that the staff hold project reports to the second meeting of the month. So I'm not going to report on any projects this evening. I'll do that at the next meeting. I just have two items. I want to remind the council that prior to our next meeting on the 26th at 5:00 PM, we're going to be holding a reception for Council Member Hazard, who will be leaving us at the end of this month. And the other item is just a reminder that under the state code you need to complete your conflict of interest act training by December 31 and notify me of that. We've got three members of council that have done that so far this year. But I just wanted to remind the remainder of you that that is out there.

Darlene Kirk: I see you looking at me. I haven't done it yet. Ok. Jamie.

Jamie Gaucher: Very intimate. [inaudible] Thank you, Ms. Vice Mayor. Members of council, in addition to the report that I submitted this month, there are a couple of things that I want to highlight or pull out. Council Member Leonard-Morgan, you and I had a brief conversation about our coworking space here in town. I received the news today. I hope to have some better news. I hope to confirm that we will have a coworking space here in town, maybe by the next meeting. And additionally, we receive some good news today about the financial services firm and their interest in opening an office here. The third thing that I want to mention with regard to the report is I want to let you all know that we've initiated a conversation with the Middleburg Film Festival about how to better integrate the local business community with the film festival. How can we help visitors to Middleburg and attendees to the festival enjoy the town to a greater degree. So I'm looking forward to that as that evolves. The last thing I want to bring to your attention is, of course, Oktoberfest. September 21st in conjunction with Art in the Burg. We are going to be starting at 10:00 a.m. and we're playing a full day. We're going to go to 8 p.m. in the evening. And once again, we have live music. We have activities for children. We have artists that do jewelry and textiles and canvases and photography. And it's going to be really exciting. So if you have any questions about that, I'd be happy to field them now.

Kevin Daly: When is the burgermeister tapping the first keg?

Jamie Gaucher: That should happen right around noon on South Madison Street. We are going to have a horse drawn carriage that will be bringing the ceremonial first keg through town. Several dignitaries,

including the mayor, will be riding on that carriage. And we're expecting to pull up to the stage on Madison Street and have a brief ceremony. And I've also recently learned that the horses will be available for photo ops or picture opportunities for a short time after that for anybody that's interested.

Darlene Kirk: Go ahead Peter.

Peter Leonard-Morgan: May I suggest that the burgermeister wearr lederhosen for the event. I saw that Mr. Burns video where he went into the Christmas sleigh and.

Jamie Gaucher: A resolution perhaps. [laughter]

Darlene Kirk: I had a question.

Jamie Gaucher: Yes, ma'am.

Darlene Kirk: Well, now you've got me on the horses. What kind of horses?

Jamie Gaucher: Belgian horses. From Whitestone Farm.

Darlene Kirk: Ok. Is C&C going to meet before.

Jamie Gaucher: I don't think we're going to have an additional meeting. I think we're going to we have one or two more Oktoberfest specific meeting. I don't think we're gonna have our Cultural and Community Events committee meeting next week.

Darlene Kirk: Okay. Do you need to do any body up? Does anybody on the C&C committee need to do anything to assist or anything?

Jamie Gaucher: No, ma'am. Not at this point in time.

Darlene Kirk: Thank you. Anybody else have any questions for him? Go ahead.

Danny Davis: If I can just briefly note not to draw too much additional attention to it, but there is a another event that may be causing a little bit of confusion there calling themselves the Middleburg Craft Beer and Oyster Festival or something like that. It's being held at 50 West. It's not part of this event and it's I think unfortunately caused a little bit of confusion because it's the same day, almost the same time, and we had at one point talked about oysters at our event and all this stuff. So just.

Chris Bernard: [off mic]

Danny Davis: And they are going to be there. Yes, Si, yeah, there's a little bit of just because of logos and names and all this, a little confusion. Ours is very clearly Middleburg Oktoberfest. And so we just want to make sure that you're welcome to go where you wish. But we encourage you to come to Middleburg, South Madison Street. So don't stop at the edge of all Aldie. Keep coming in this direction.

Darlene Kirk: Do they have the right to use the name Middleburg? I mean their in Aldie.

Danny Davis: I'm going to reach out to them and have a nice little conversation with them, their addresses, Middleburg. So I don't know if I can.

Chris Bernard: [off mic]

Danny Davis: They are in the Middleburg winery viticulture area. Yeah. So.

Darlene Kirk: Thank you.

Jamie Gaucher: Yes ma'am.

Philip Miller: Jamie, have you secured an accordion?

Jamie Gaucher: I still do not have an accordion. I have a tuba and a clarinet.

Philip Miller: Come on. Will's got to know somebody? [laughter] Come on Will.

Darlene Kirk: Give it up Will.

Jamie Gaucher: We have other sources of live music, but we don't have an accordion.

Danny Davis: So the upstairs brain trust is going to work this out tomorrow.

Kevin Daly: [off mic]

Darlene Kirk: Ok, Will. Did I scare you?

Will Moore: Only one thing to highlight in my report, and that has to do with denoted under Planning Commission that the Planning Commission will hold a public hearing on September 23rd with regard to the preliminary plat of subdivision for Banbury Cross Reserve. This is the subdivision that is partially within our one mile subdivision control area, not within the town at all. But we do have the that established control area. So unfortunately, the commission is likely going to be forced to take action that same night just because of time limits that are required by code. And we just after hours last Friday. So technically Monday morning received the last of the county referral comment. So it puts us under a very short time frame to go through those. To date the comments that we found are, while fairly extensive in number, are essentially minor technical comments that can be easily addressed. No fatal flaws found to this point, but review is ongoing. But we will have a recommendation for the commission to likely take action, which will be in the form of either conditional approval of the plat meaning that those comments would still be outstanding and would need to be addressed technically. Or if a fatal flaw is found in review, it could be potential disapproval, but that would be an unlikely scenario in that case. But in case you hear from any citizens, because the the public hearing ad ran in the Loudoun Now today and in addition all landowners that directly adjoin any part of this 570 acres are getting a notice mailed directly to them. So you may hear some feedback from folks. Otherwise, I have nothing to highlight with my report.

Darlene Kirk: Any questions for Will. Okay. Thanks Will. You got off easy. [off mic] Martin, do you have anything us?

Martin Crim: I stand by my report and answer any questions you may have.

Darlene Kirk: Any questions for Martin? Ok, let's move on to A.J.

A.J. Panebianco: I've taking up a lot of time and unless you have questions. I will let you move forward.

Kevin Daly: The town is safe?

A.J. Panebianco: It is.

Darlene Kirk: [off mic]

Peter Leonard-Morgan: [off mic]

Darlene Kirk: Does anybody any questions for AJ? AJ, do you have anything you need to tell us?

A.J. Panebianco: A quick review. Kids got me all. MDA Bike race did occur through town. There was some chatter on Facebook about it. However, it was a pretty much a non-event for us. If they were well-behaved, there weren't very many. We are on the last leg of the 100 mile race or what they call a century race. There was a lot of chatter on not a lot of chatter, but some chatter on Facebook about not wanting them to come here. We don't choose. They came here. We made it safe. That's our job. And aside from that, we're getting ready for Oktoberfest and we're getting ready for the [Inaudible] or whatever that thing is. And then we're ready for the film festival. And Christmas in Middleburg and Halloween. And so the guys will be very busy for the next couple months, often giving up their weekends off.

Darlene Kirk: Kevin has something.

Kevin Hazard: And congratulations on your election.

A.J. Panebianco: Oh, thank you. I'm very proud and honored to be selected as the second Vice President this year of the Virginia Chiefs of Police Association. It's an award that you it's an election and your peers vote you in. And it's, I'm almost a hundred percent certain. I've done some research on that we represent the smallest town ever to have a leadership role in an organization, which is really cool. And so it's a great organization and there's a lot of good that comes out of it. But thank you. Appreciate it.

Darlene Kirk: [off mic]

A.J. Panebianco: Thank you very much.

Danny Davis: Ms. Vice Mayor if I may, just very briefly, I did provide on Tuesday a updated financial report for August. It's fairly straightforward and simple. I'm happy to answer any questions you might have about it. I will note as I put in the memo that many of the revenues that came in, especially the ones that came in July, are are booked back to fiscal year 19 because they are actually fiscal 19 taxes that were just collected in July. So we will provide more information to you when the auditors present to you in the end of October, we also had a very successful Strategic Finance Committee meeting on Tuesday. Lot of great conversation about our financial policies and about financing opportunities for town hall and also for the utility fund, as we talked about once before. We anticipate discussing that again at the end of October and then probably bringing that back to you either the very next. That same week or in November. So happy to answer any answer any questions about the financials we provided and or throughout the week if you have anything that comes up.

Darlene Kirk: Any questions on the financials? Can I get you to send me an e-mail in the next strategic finance because I had it on my calendar and then.

Danny Davis: Sure, sure will make sure to let you know.

Peter Leonard-Morgan: it's 11:30 in the morning isn't it? If I wanted to go but I had a meeting.

Danny Davis: The current date we're scheduling for the next one is October 22nd. It's a Tuesday.

Darlene Kirk: [off mic]

Kevin Hazard: Not so much pulling it off, but I would like to read into the record that we're thanking Jill Vogel for her service to the town and securing the Virginia Administrator principle certification for Steven

Robinson so the charter school could open on time. That was really nice. She did in a very, very quick fashion. As always, she stepped up and helped the town.

Darlene Kirk: That's great. Does somebody want to make a motion about the consent agenda.

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

Kevin Daly: Second.

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

Everyone: Aye.

Darlene Kirk: abstentions. Nays.

Martin Crim: Madam Vice Mayor. I would suggest you do a roll call vote because it contained ordinances.

Darlene Kirk: Ok. All right.

Chris Bernard: Chris Bernard. Yes.

Kevin Hazard: Yes.

Philip Miller: Philip Miller Yes,

Darlene Kirk: Darlene Kirk Yes.

Peter Leonard-Morgan: Peter Linda Morgan Yes.

Kevin Daly: John Kevin Daily aye.

Darlene Kirk: [off mic]

Rhonda North: Ok, so we need to.

Danny Davis: [off mic]

Rhonda North: Ok

Darlene Kirk: [off mic]

Rhonda North: I was saying we may want to let the council know when we do have some food that we're going to provide to you all when we take a little break. Some barbecue and chips and cookies.

Danny Davis: So the mayor did say he would like to join just for about five minutes, if that's possible. So I believe we will make that call.[off mic] Do you need his number?

Bridge Littleton: Hello?

Darlene Kirk: Hey, Bridge.

Bridge Littleton: Hey, how are you all doing? Right.

Rhonda North: So for the record, Bridge, we need for you to state where you're calling from and why you're participating electronically.

Bridge Littleton: Ok, I am calling from Hague, Virginia, and I am participating electronically because I have to be down for the next couple of days to wrap up my mother estate [inaudible]

Darlene Kirk: Well, we're glad to have you.

Bridge Littleton: Thank you.

Darlene Kirk: [off mic]

Danny Davis: I think I'd like to, if we may, Ms. Vice Mayor. I'd like to have Mr. Moore kind of give a brief overview and discussion of both. Maybe the process, but also the document that we have before us and then allow for next steps there.

Will Moore: Yes. Thank you, Madam Vice Mayor and welcome, Mr. Mayor. Let me start by saying I think I speak on behalf of the commission that we're very excited to to present this draft plan to you. It has been a long process. It has been a very deliberate process. A lot of thought has gone into this. A lot of deliberation, a lot of debate at times, a lot of word smithing but a lot of very high level thinking that was refined down to to a more granular level in many cases. So we're very excited to present this to you. I do want to say thank you to a few members, provided some comments in advance. I got some comments forwarded by Danny from the Mayor of this morning. I understand Mr. Miller came by and had a discussion with Danny that we went over. In addition, Council Member Pearson who is not here. She had provided me some some edits. Some instances they were minor, but we had the distance to Dulles Airport is not stated correctly, some typos, but we actually had some overall overarching comments that were provided as well. And I think it's important to kind of maybe set the stage from how the commission addressed the drafting of this plan. In particular, the structure of the style, the amount of detail that went into it. I think we should lead off by stating what a comprehensive plan is, because some of you may have never been involved in the adopting of a comprehensive plan before. And it is mandated by the state code that the local Planning Commission prepared recommend a comprehensive plan for the physical development of the jurisdiction. It is primarily a land use plan. Now, over the last couple of decades in particular, some localities have taken comprehensive plans in a different direction. It's still always involves a land use component. Some jurisdictions have gotten into addressing many more social type issues, equity issues. This is much more of a traditional comprehensive plan addressing land use, addressing community facilities, addressing addressing transportation networks, addressing the preservation of natural environment, historic resources, those types of things, and many of which are very important to this community. A comprehensive plan is not a strategic plan. It doesn't mean it doesn't contain strategies and methods to achieve goals and strategies that are contained within. But it is not a step by step plan that fully articulates exactly what action steps are going to be taken to implement in the future. Some plans, again, with some localities have gone a little more in that direction, but some plans and in particular the plan that we have prepared with the deliberate choice and have backed off of that a little bit. That does not mean there aren't action steps contained within the text of the plan. In many cases there are. Sometimes they are having a great deal of specificity to them and sometimes they leave things look more open and or more stating general goals. They're stating aspirations. They leave the door open, but with certain protections and boundaries in place. But we understand that planning commissions and councils are not always the best at writing specific development regulations in particular for developments that you haven't seen before. You know, you want some things to change, but you may not be able to articulate exactly how or what that may look like in the future. So you set some boundaries, you set some protections, but you leave things open to people who are in that business to bring you ideas. You don't swing that door so far open that anything can push through. You maintain discretionary approvals as necessary. But that is that's kind of that is the direction that the commission took the deliberate approach for with this plan. So in particular, this will come into play I think more during the next meeting when we

get into the land use section, which is really the main meat of the plan. But these first six chapters that we agreed to go through this evening may contain some important information as well. So we're happy to go through chapter by chapter. Page by page and look at things. But I just wanted to set the stage. And I do understand the Mayor may have some limited time, so maybe it would be best to, if Vice Mayor so sees to open it up to him to make any comments at this time. And then we can proceed. Thank you.

Darlene Kirk: [off mic]

Bridge Littleton: Thanks, Darlene. Will, thanks. Yeah, I do. I just have a couple of minutes, so just a couple quick comments and they're very much overall comments. But first, I know Kevin, I can't see you, but I'm looking straight at you and saying thank you to you and the entire Planning Commission and Will and the planning staff on the awesome job you guys did. Working for years to put this together with, you know, and get it to work to where it is today. And not only did you guys come out with a great document and a great path for us, but you did it using a process which was open, deeply consider the desires, needs to want the community and you know, it not only embodies the essence of the great plan, but it really holds true to the way in which these things should be done. So I just want to say thank you to you for your leadership on the Planning Commission, to Eric, for his leadership and everything and all the Planning Commissioners and will as well. So that was the first comment. Then the only other thing I want to mention and like Will had said I sent in some written comments earlier today [inaudible] trying to word smith and change beautiful to bucolic or whatever. There were some specific things, some should to wills and things like that. But two main comments I wanted to add in there was and again, this is just for reflection for everybody and thinking about how we can look at what we want to achieve with the comp plan and how we how we bring you these two elements in there. Number one, when you guys were doing your comp plan, I mean, you I think you passed it like a week before the county passed theirs. So, you know, completely and totally understand the hard place to put everybody with being able to make sure that we didn't have anything that was in conflict with the county's plan. But also it was difficult to see things that they might have in their plan that we might want to emphasize or heighten or drive towards. That was one one thing I would like to see how we can figure out how to do that. There's a couple of specific areas that I know in the county's comp plan, which specifically referenced Middleburg. Specifically reference policies for Middleburg if they want to try to do, as an example, a two mile greenbelt. I mean specifically mentioned to the two about greenbelt around Middleburg. How do we take that and reflect it back in our plan so that we both are on record as we're going to work together to get this done because that was promised to Middleburg 18 years ago in the revised general plan. You know well I think we all totally want that to happen. So I think our plan should reflect certain things like that. And another example would be the county transportation plan for the county is now spending 100 to 160 million dollars a year and transportation. You know, our plan was you talked about VDOT, but not really about the county. And again, you guys didn't have the benefit of the new kind of transportation plan. But how can we leverage our policies to cooperate with them and hopefully get some of our transportation needs met in partnership with the county and not just always being relied on VDOT. I mean, with the smart scale program of VDOT last year, Loudoun County got one million dollars. So, you know, it's a challenge. And if there's another partner who's able to bring to us, you know, transportation capability. So then again, those are two examples of of of things that would be great to be able to go across the whole Loudoun County plan and and pull those into ours. I'm totally happy to help with that. I've got a couple things off the top of my head. Second thing I wanted to mention to you guys press forward was a plan and a lot of great detail about, you know, who we are, what we want to protect and the challenges that face us. But if some of those areas it is you know, we're talking about the symptom, but it's not really there. Some there's some ambiguity around the causes. And now some of this is in the land use part which will go forward on. But as an example, we talk about needing youth housing and senior housing. And you know, but what's really driving that is, you know, average income in a household income in Middleburg is about 55 to 60 thousand dollars for the average home price is 400 thousand. So we have it's not a subsidized housing issue that we have. It's a attainable housing. You know, we don't have housing stock in the range that those kind of folks can afford as they get started. And again, not subsidized, but attainable. So figuring out how we can also inject some of those things. And then also, again, this is a comments towards the land

use section, but it goes in the front section as well. Are there tools that we wouldn't normally say we would want to do in an open environment, but under the right circumstances, we'd be on board for. So as an example, if we need to figure out ways to get some attainable housing, does that mean that we should consider in the right circumstances annexation of adjacent parcels to the town to be able to meet those needs? So it's not that, hey, we're open to annexation if we would consider it under very strict conditions. And so like I said that's more land use, the land use section, but just some of the things I was looking at it going through it. So matching solutions to causes in some of the areas. But other than that, I thought it was a phenomenal plan and I'm really, really happy, pleased and proud of all the work that everybody did. So that's just sort of my overarching thing unless they had any questions for me.

Darlene Kirk: Anyone have any questions or comments for Bridge? Okay. I think not Bridge. So you have anything else you need for us?

Bridge Littleton: No, no, no, that was it. I just wanted to give you guys. Like I said I read the whole plan twice. And I think it's a great document. And I let you guys march on. Thanks very much.

Darlene Kirk: Thank you for calling.

Bridge Littleton: Bye.

Darlene Kirk: [off mic]

Peter Leonard-Morgan: I do. I do have just. It's a wonderful plan and I've read it a couple of times, too, and I just got a bunch of minor suggestions. Purely really not the meat of it, but more just words and grammar and commas. I mean, it's [inaudible] I'm not gonna bore you with that here. You know, I'll send it over to you.

Will Moore: Yeah. Happy to take it. If you want to do hardcopy markups or electronic markups. I'm happy to take those. And we can kind of synthesize, especially when we're talking about Cindy picked up on there was a semicolon put in front of an apostrophe. Just [inaudible] missing things. Typos. But also, you know, I will say it. I mean, there's an outright error or something you feel strongly about with a certain word. Please let us know. But I will say the commission spent a great deal of time painstakingly sometimes with word smithing and I think to the benefit of the plan. So there there are things that are there was much contention about whether a certain word authentic should be in the plan, particularly in the vision statement. And it remained, but not without a good deal of discussion. I saw one of one of Bridge's comments and his markup was that we use the term village in here at one point in time and that that was a conscious decision. And if you look in the section on it's actually on page following within the introduction that includes the word cloud. Both of those words authentic. That word cloud came from the public input sessions we had. So, yeah. So the commission is very much integrated elements, predominantly from the public input sessions that we had two input session along with an online survey that was conducted. So we truly were trying to reflect the community's wish and not just individual members of the commission.

Kevin Hazard: Just kind of respond to something Bridge said. He talked about doing. Maybe we have to have more specifics in here about how we get to the workforce housing, etc. I would caution that maybe we don't want to do that in this document and leave that open because this is a doc. This is not the plan. I mean, it's the vision, but not so to leave it open. So whatever works as we move along, I mean, maybe in two months or three months, a great program comes up. And we have that we can use so we don't need specifics, be that specific in here. And we talked about that at length, trying not to be too specific in certain areas to give maximum flexibility to the town, as it went forward.

Will Moore: And just follow up. And in particular, in areas where any kind of development like that would require some discretionary action so that you can evaluate, you know, how proposals are addressing

goals in the plan. So we're not saying you can come building anything in this area because you think it's going to address a lack of a certain type of housing. You need to demonstrate to us and through the commission's review council's approval of a rezoning or of a text amendment that would allow different types of development that are currently not allowed in a certain area. So, again, a lot of thought was put into that. I think it's important and this may become an important topic of discussion. Bridge was mentioning cost of housing, attainable housing, not necessarily attainable is a word we use sometimes instead of affordable, because affordable always brings home connotation maybe that it's subsidized or for very low income. I think one of the things that we garnered out of the community input session was it was the lack of choices of housing types. That was a very big concern for seniors and for young professionals, young families. That's not to say cost of housing isn't a concern, but it was the lack of choice. So, you know, we're predominantly single family, predominantly single family. Some in a townhouse configuration, attached housing, predominantly single family detached. But there are other types of housing that may be desirable. Maybe it's more multi-family housing, whether that's in a condominium format that allows for individual ownership or whether it's in apartments, maybe it's smaller cottage style housing on smaller lots that are more suitable for seniors who want smaller space to maintain, smaller lawns to maintain, but they still want to have individual housing. So, you know, those are those are concepts that are left open in here. We're not specifically dictating this area should have exactly this type of housing, but we're leaving open to people who read the plan and see what our areas of that we're lacking in are. And they could bring proposals forward to to address those lapse. So that that's that was a very deliberate approach the commission took.

Philip Miller: So we don't want to express a preference for any particular type.

Will Moore: I think we'll probably talk a little bit more about that during the second meeting this month. But if there is a preference that's in the council's mind, but what we're saying is we're lacking diversity in housing stock in the types of housing, so we would be open we being the Town Planning Commission, the community, the council to entertaining options that aren't currently here and in some cases may not currently be allowed for within our ordinances.

Kevin Hazard: I don't think, Philip, that that the commission was trying to preclude anything like that, but, you know, and if we need to make this stronger in certain areas in the council feels strongly about that, then we can certainly change it. But does that need to be here or is that something that the council could address with a change in zoning or, you know, there are other avenues to do that. Keep this a more general document and if we want something specific targeted, we can do that through the zoning process. I mean, just food for thought. Not to preclude anything I said last time we were in. I said we as the commission was proud of this, but we fully understand that this is one body and the council's input is going to carry great weight.

Will Moore: And as to the mayor's comment about potentially including some language about annexation and what let me back up here. He did mentioned linking to the now adopted county plan. And I think there are some probably quick fixes, quick things that we can just from a staff level propose to address that. And that's point well taken. You know, it's language in here that basically says as of the drafting of this plan, but we can we can definitely tighten it up and make some specific lengths in terms of annexation or I suppose I should say boundary line adjustments. We're still we still have a state moratorium on an annexation. Annexation means it's more of a hostile act. County, we're taking that land and bringing in, whereas a boundary line adjustment is a friendly act. The commission again, very deliberate action to not address that in here. We understood that it historically had been policy of council, certainly to not extend utilities outside, but that would mean that if you needed utilities, you needed to come in. But the council had little appetite historically for growing the size of the town. It's happened in a couple small spots, you know, brought in the animal hospital, brought in our pumping station, but we've essentially stayed the same size. The commission chose not to specifically advocate or not advocating either way understanding that councils change and that would be something that we did address if a certain situation came up but if council feel strongly about advocating for that as a possibility, if it meets otherwise meets

goals of the plan, we could tweak somehow to that effect. But the commission felt strongly that it was better in their draft to not advocate one way or the other for boundary line adjustments.

Darlene Kirk: Okay. What kind of comments do people have that does council have that they need to address it now? Do we need to e-mail? Peter said his could certainly be e-mailed.

Danny Davis: I do think that the value of being together right now is if there are big picture conversations that need to be discussed among the council members, that can be helpful in a group setting. If there are, as Mr. Moore mentioned, more the the kind of detail or smaller type things, we can deal with that off line and collate those together, considering the mayor's comments and some of the discussion right now. I think that's kind of what, if there is anything that would say, you know, I just have a strong sense that that this section needs to be considered in this light or we all might say you all might say, you know, these sections as read pretty much overall general feel they're great. Let's keep moving forward. But I think the value being together to be able to hear the the bigger picture conversation, if you will.

Will Moore: I am prepared if if you would like to go chapter by chapter, but not down to the paragraph level and just talk [inaudible] each chapter if you think that would be helpful.

Darlene Kirk: [off mic]

Peter Leonard-Morgan: That would be very, very helpful. I mean I would just say that a lot of very dedicated people put a lot of time into this. And I can't imagine there's going to be too much at this stage after all the input from citizens and the commission. But I personally think it'll be a wonderful thing, like a little summary of each chapter.

Darlene Kirk: Ok. That sounds good. What it did for me. And I did catch a few things, typos and that sort of thing. But it also made questions come up in my mind. Who's doing this? Are we doing this plan, are we be updating this. [off mic]

Will Moore: That would be great.

Darlene Kirk: OK. All right. That's what I'll do tomorrow. I won't bring it up now. OK.

Will Moore: So if it's OK, I will skip the executive summary as it's essentially each one is each is just a distillation of, there are some edits, some typographical things that we'll take care of them there. As far as the introduction chapter of the the vision statement that you see on page two, the commission felt strongly about putting this out and then linking to the comprehensive plan goals, that is a listing of the chapters that follow. And then there's a goal statement for each chapter that's reiterated on the first page of these chapters. So they wanted to see wanted you to see just upfront, this is the main vision. These are going to be the individual chapter goals. And as we get into each of those following chapters, each of those goals is supported by a number of associated strategies. So unless anyone has a problem with the word authentic in the vision. [laughter] But [off mic] Just following on the legal basis for the plan. The commission thought it'd be nice to just put that up front so people understand what the point is. There's some reference to the strategic plan planning efforts that the council has undergone. A very short blurb about the community. So if a developer who's not local to the area is is reading about it, they can get a little snapshot. A quick distillation on page 4 of the.

Danny Davis: Will, can I go ahead and interrupt you while we're here? I do think it came up just a second ago about the conversation of village and town. I heard some some comments as Mr. Moore was mentioning that. From a legal standpoint, we are a town and there is a distinction between a town and a village. There is something homey and comfortable about the word village. However, I know there there is some sensitivity to that amongst the council members. So, again, I think this is one of those where we said we weren't going to wordsmith, but this is bigger than just a wordsmithing. This is kind of a bigger

question for council of whether you would prefer us to go through and avoid the use of the term village and instead we can.

Chris Bernard: [off mic]

Darlene Kirk: [off mic]

Will Moore: So I guess maybe the question is avoid the term at all or if in areas where it's used, is it instead of a village it is a town with a village like atmosphere?

Chris Bernard: [off mic]

Will Moore: Okay. Okay. Yeah, I think we can address that.

Kevin Hazard: [off mic]

Will Moore: So we'll avoid the standalone use of the word village. Right.

Philip Miller: Could we just call it village character? Yeah, because I mean, that kind of gets to the whole to the point of what you're trying to say, right?

Will Moore: Still, we just won't use it, as you know a noun.

Chris Bernard: [off mic]

Will Moore: Yeah. Good point.

Darlene Kirk: Right here on page three. Second paragraph. The town of Middleburg is a unique and special village.

Will Moore: We'll take care of that.

Kevin Hazard: [off mic]

Chris Bernard: [off mic] [laughter]

Kevin Daly: [off mic]

Darlene Kirk: [off mic]

Will Moore: OK. So that that's pretty much it for the introduction unless anyone has anything else. Natural environment and environmental resources. Again, you see the overarching goals. Three related strategies has to do with open space, and there'll be some language later about advocating for additional land to be brought in to a conservation easement, if at all possible. It has to do with development applications, in particular with looking at groundwater source and source water management. Just to not get off topic maybe a little bit the. So for example, the Banbury Cross Reserve subdivision outside of the town, but we did obtain, even though it was not part of our requirement for a preliminary plat of subdivision. We did obtain a hydro geological study that had been conducted on the property. We forwarded that to wellhead protection to look over. The end result is it's really outside of any area that would could affect draw down on towns, water sources. So that's a good thing. So those kind of those kind of things were going to be very mindful of any kind of development application. And then then so number three becomes more of something that will encourage some action going forward. And that's reevaluating some standards in our zoning and subdivision ordinances to maybe require that hydro study

at the preliminary plat. So we'll be doing some evaluating, relooking at our ordinance standards in particular if there are opportunities to strengthen protection for environmental resources. You get more of just kind of a summary of again, for somebody who's outside of this area is considering moving here or developing here, just more idea of topography, what our soils are like, that that makes a big difference when you're looking and doing a development. Sine background on agriculture. Nice map on page six, I think, which is it highlights a couple of things. Everything that you see in green there those are areas where there are conservation easements in place. So they may have been easements that people intentionally put on or maybe that were proffered to go along with developments such as where you see that large portion of Salamander property. You see a good bit of that south of us in Fauquier as well, something I think that we need to be mindful of oftentimes when we speak of our relationships, we're speaking just of our relationship to Loudoun County, which is very important as the town is within Loudoun, but we're we're right next door to Fauquier as well. But one thing that you would highlight out of this map, although that is a tremendous amount of land area that is in conservation easement, there's a lot that isn't in a lot of that is directly adjacent to the town.

Peter Leonard-Morgan: [off mic].

Will Moore: Right, right.

Peter Leonard-Morgan: [off mic].

Will Moore: Yeah, and this is one area under the paragraph on page six under preserving farms and open space. The second paragraph, this is one where we'll have the opportunity to update that, too, instead of reflecting what was in a draft [inaudible] plan we'll actually update to what was incorporated.

Darlene Kirk: [off mic].

Peter Leonard-Morgan: Someone mentioned earlier about something that I put in here, which is we are in the Middleburg AVA, the American viticulture Area, which is all about soils technically.

Will Moore: Right.

Peter Leonard-Morgan: When they put together, I think it was Rachel from Boxwood, did that whole thing in 2012. And I don't know if there's a place we could put that in because it's about soils, it's about we've got vineyards described here.

Will Moore: OK.

Peter Leonard-Morgan: And you actually see the sign when you come into Virginia, north of Lovettsville that says you're entering the Middleburg AVA, so it's quite a big deal.

Chris Bernard: [off mic].

Will Moore: OK. We'll see if there's opportunity to incorporate that by reference at least. So moving on on page 7, I do want to highlight the second and third paragraph in the first column. This is some reference to efforts have been undertaken with wellhead protection and in particular the source water protection plan. We're not going into a lot of detail in the comprehensive plan about what is within that plan. We're incorporating it by reference and then encouraging continued implementation and updates as necessary to that plan. And that was a discussion we had with wellhead numbers ahead of time that we didn't need to go through and articulate all their individual steps that are called for in their plan, but just to incorporate it by reference. And then we just talk of the final column where you see some [inaudible] wooded areas. These are some areas where, again, we're evaluating our existing ordinances where we might find some areas to strengthen those when it comes to our natural resources. Yes, ma'am.

Darlene Kirk: [off mic].

Will Moore: Correct, so most of those would likely be amendments to zoning or the site plan and subdivision ordinances, and that's something that we would follow up with the commission to evaluate those. So really, the comp plan oftentimes sets up, rewrites sometimes completely, or just amendments to your development regulations. This is kind of the first step. Any additional comments, questions on the natural and environmental resources check?

Philip Miller: Update to reflect that it's not a draft of the county's plan anymore.

Will Moore: Correct. Correct.

Philip Miller: Assistance program and all that.

Will Moore: That highlighted area, yup. Yes.

Darlene Kirk: [off mic].

Will Moore: Yes, ma'am, so history and historic resources. I'll tell you that, we'll give kind of a brief. Obviously this is a very important part of the town. Looking at the current comp plan there are pages and pages and pages that are dedicated to telling the history of Middleburg. We've condensed that here, and not that any of that information is unimportant, it's certainly not, and we continue to stress that, but it's not really the purpose of the comp plan. So we shortened that, but we still incorporated maybe a little more than your typical comp plans would about history, except for towns, cities that have historic districts that they really want to protect. So we we keep that within here. One of the big takeaways, one of the big strategies I want to highlight, strategy number two, which is updating our historic district design guidelines. That is something that we are, and the HDRC, I say we, are looking very forward to. That document has served the town well. But it is in dire need of an update, so we're looking forward to moving forward with that. We may even be able to initiate that process this fiscal year [inaudible].

Darlene Kirk: That would be good. [Off mic].

Will Moore: Right.

Darlene Kirk: As soon as that can be updated.

Will Moore: Right. I did include some money in the budget to at least get that off to a start this fiscal year.

Darlene Kirk: Now If you do find you need more or something [off mic].

Will Moore: Yes ma'am. So, again, a quick telling, including a timeline that you see on page 9. Page 10 is just some basic information that gives somebody, again, somebody who's not from here or who is new here. Just a quick overview on what you have to do if you want to make changes to your property in the historic district, a map of the current district. I will tell you that one of the things the HDRC will be looking at as well is the actual mapping of our historic district and if there are opportunities to refine that. The mapping, it's not very logical currently. It started out with good logic, basing the district on the original town grid, but then it said we want to expand it, so we're just going to go 300 feet in any direction from that grid. So we have boundaries cutting through streets where, you know, you're always going to have a boundary, so somebody on one side of the street is going to, when that boundary exists, but we have a cutting through parcels.

Philip Miller: [off mic].

Will Moore: Right. [Multiple speakers]. And there are a number of inconsistencies, which is not odd, between our local district and the national register district. So there might be some opportunities to make those a little more congruent in places, but while still keeping some areas that we need that we think are worthy of that protection that aren't necessarily in the national district within it.

Martin Crim: Madam Vice Mayor could I jump in on that issue there? In terms of expanding the historic district is a little trickier than contracting it. Contracting it is fine. Expanding it there are new provisions in state code that require you to make certain factual findings, so you're gonna need to be very careful about that before you do any expansion.

Darlene Kirk: [off mic].

Will Moore: Very, very good point. Thank you, Martin. I'll point out we did update our historic district survey in 2016 that included some recommendations on possible adjustments to the national register boundary. We don't think we're going to pursue any of those at this time, but we see some areas where the existing national register district properties are within that, but not within the local historic district. And those are the kinds of things where you can much more easier make the case for expanding. This is already in the national register district. So we would likely avoid trying to bring in any property to the local district that is not already in the national register. That's really it for what we have under history and historic resources, but again happy to answer any questions if you have any comments on that chapter.

Darlene Kirk: Any [off mic].

Philip Miller: So in just looking at the goals in each one of these sections, I keep asking myself, how are we tracking against this? How do we make sure that we're doing these things over the next 20 years, make sure that we're we're getting them done, we're making progress along the way?

Will Moore: Right. So good point. And I think this goes back to the way we started this conversation was that some plans put a much more formalized implementation, whether it's a separate implementation chapter or just action, really detailed action steps. We have a lot of actions included within the text of this chapter, but I guess the quick answer is there is no formal mechanism built into this plan for tracking. But that is something that I think we could start talking with the commission. That's going to be what the commission is doing going forward is implementing steps where we have to addressing the plan. So in a you know, a first step might be just a combing through and identifying which are the commission's action steps and which are steps that really are going to be dependent on a development proposal coming in,. At which time we then evaluate and decide how those are going to be implemented.

Peter Leonard-Morgan: To Phillip's point. I think as long as this document is kept out and used whenever anything is discussed that has any relevance to the comprehensive plan and the question is, does it conform to the guidelines that the comprehensive plan and if it doesn't, then there's a much bigger discussion to take place. I think as long as we try and stick to those sort of rules that this piece of paper, this document is...

Chris Bernard: [off mic].

Peter Leonard-Morgan: Yeah, we're going to use it as a guide, and if we're going off it somewhere, ask if it is in the plan. [Inaudible] really.

Will Moore: You know, I mean, it's this is a discussion that localities often have and it's a push and pull is how much do you want to formalize with detailed action steps and tracking timeline sometimes if those action steps should have timelines associated. We talked about this with the commission. I remember Council Member Hazard bringing in copies of several other community's plans and saying, you know, this

one looks like this. Why doesn't ours look like this? And it was quite a discussion and debate and it was very deliberate over several months. And we finally got buy in that this type of format was what the commission thought was appropriate for our community. Sometimes those plans and those detailed implementation steps can work very well. Sometimes they bog down the plan to the point that the whole plan gets shelved and says, you know what, we can't keep up with this, this wasn't realistic. Trying to insert artificial timelines sometimes that are dependent on developers coming through. And those those plans, in my experience, are the ones that actually end up collecting more dust than a plan like this that gives more room for doing flexible.

Kevin Hazard: [off mic].

Danny Davis: And I do think there are opportunities for some of the items in here are very specific actions. I mean, HDRC guidelines is a very easy one to pick out. There are some others in here, and I think what it may give the opportunity for is the council to keep an open dialogue with the planning commission about their goals and their priorities each year. And this could be part of the annual report, this could be part of a joint meeting between the council and the planning commission together to talk about, okay, let's review through the comp plan and some of these strategies. We're gonna focus this year on zoning ordinance for the next 18, 24 months on the zoning ordinance. It might be on historic district guidelines. It might be, you know, continued discussions about this policy or that policy. So I do think it opens up the opportunity for that kind of priority discussion amongst council and commission and then making sure in those conversations that leads to what are the key things for the commission to focus on perhaps in that coming year, which takes into account then if there are economic circumstances or perhaps rezoning proposals that might take, you know, half a year's worth of the council's time or other things that may come out, so there provides flexibility there, but a continued dialogue. So the things I think part of the concern, I may not use the word fear, but part of the concern as we write the document and then forget to do everything in it. We don't want to do that. We want to keep it forefront and in the top of our minds. So I think there are ways to perhaps do that without necessarily formalizing more specifically 18 implementation or strategy steps.

Darlene Kirk: [off mic].

Will Moore: Okay, so moving on to population and housing. I think I'll just read through the goal here because this was kind of a, you know, a topic that we had some discussion on with the mayor. Maintain a diverse community of attractive neighborhoods that provide quality housing for an even wider range of residents, and we get more detail on that later, in a style matching the historic character of the town, so very important. So, you know, when we talk about maybe we would entertain a multi-family development or condominium development, there needs to be you know, this is going to have to match character. We will achieve that. You know, if it's taking place in her historic district, we already have protections built in there. If there are proposals outside of the historic district, then we have some discretionary things that could take place because some of those housing styles, most of those housing styles would not be permitted by right under existing zoning. So they'll be discretionary actions that would be necessary in terms of either rezoning property or amending the zoning standards for the existing zoning district that the property is in or maybe both. So there are ways to find those protections so that if we open the door to a certain type of housing that we've not had before we'll still have the protection and make sure it is fitting in with the character of the town. The strategies, again, we talked about, number one, looking for housing that appeal to young people and families, and number two is addressing the senior housing. This came directly from the public input. This is what we heard strongly, loudly from I would say the majority of the groups that were assembled in the first large input session as well as in the online survey. So that is why we're specifically identifying housing for those two groups. It's something that we would be open to and that we really have maybe a deficiency on right now. Number three, specifically addresses supporting non nonprofits such as Windy Hill and their efforts to maintain supply of affordable housing. And number four goes to some of the more proactive work that we're doing now in addressing, from a talent standpoint, property maintenance, building maintenance to make sure that, you know, it's one thing to protect the

town by having approvals for things that happen to new, but we want to keep sure that what we have is kept up and kept well. The chart on page 11, and then we'll talk about another chart briefly, people always ask what the population of Middleburg is. And I really just want to throw my hands up in the air and say, we don't know. [Laughter]. This gives you the decennial census numbers going back quite some time, but we oftentimes the Census Bureau, through a program they called the American Community Survey, conducts this survey in the years in between the decennial census, and we always see an ebb and flow. Last check we were made 850, although it was 673 and it was there the ACS has had us over 800, I think by 2012. So did we really add one hundred and fifty people between 2010 and 2012? I don't think so, but it gives us an idea. We've heard we've heard theories that.

Philip Miller: [off mic].

Will Moore: Yeah. [Laughter]. Right? Yeah. Yeah. Are the census takers go into the resort? I don't know. We've heard theories that the the time of year that the census is conducted in early spring that may play because we have some residents who may disappear for three or four months at a time or more. So it's hard to tell, but long as that number stays under thirty five hundred, so we don't have to maintain our own streets. We'll be happy. [Laughter]. Just some overall trends that are addressed on page 12. This is really background information that you see on page 13, just again, information gleaned from from the census and from ACS.

Philip Miller: The age distribution was interesting.

Will Moore: It is. It's very interesting.

Darlene Kirk: [off mic].

Philip Miller: [off mic]. [Laughter]. It's the three of us.

Chris Bernard: [off mic].

Will Moore: So it is interesting. And and when you think, again, we're calling for maybe additional housing that might be supported to younger persons and young families, but we seem to have, according to census, a good population of younger persons.

Philip Miller: As the dais would suggest. [Laughter].

Will Moore: Right. Right.

Peter Leonard-Morgan: [off mic]. [Laughter].

Will Moore: Page 14 gives a little bit of background on on what our housing stock consists of today, the mix of renter and owner occupied. A lot of communities have deemphasized efforts to promote home ownership as opposed to just a more diverse housing stock. It's something to keep in mind, especially if we see development proposals come forward to allow for, say, a multifamily type housing. Is there a preference, a stronger preference for units that might be condominiums that allow for individual ownership or is rental? Rental is often, it's a little easier to to entice developers sometimes with rental opportunities, but we are in a good position compared to some communities in that we still have a majority of our housing units that are owner occupied. That's not the case in some other places.

Philip Miller: Is there, and maybe I missed it, but I didn't see anything referencing household income or even county-wide.

Will Moore: We do. We had that on the previous page, page 13 under education and income,

Philip Miller: OK.

Will Moore: Yeah, it's not charted, but we address it in the text there.

Philip Miller: OK.

Will Moore: The takeaway is, though, even though Loudoun is one of, if not the most, the highest median household income in the nation, Middleburg is not.

Kevin Hazard: We're not.

Will Moore: We're not, right.

Philip Miller: We're below the national average.

Will Moore: Now there is some some skewing of that. We have a a certain population that is well below that average, and then we have others that are well above, so there's not anywhere, I would say, near an equal distribution across the spectrum of our residents, but just in terms of median. In the housing initiative sections, I will point out one thing that the commission added a little bit later in the process. So the second paragraph speaks about again, supporting the efforts of nonprofits such as as Windy Hill. I think it's undoubted that they've done some great things for providing housing in our community. They were seeking, investigating, doing some more within the town. So what that might look like we're not exactly sure yet, but there are there are a couple of parcels of land, and we point this out in detail to you at your next meeting on the on the land use policy map, but essentially there are a couple properties that fall north west of the fire department. One of them one of them is accessed off of Windy Hill Road, when you start back, Windy Hill Road and you shoot off to the right and go up the hill, so one of the properties they're in negotiations for. One of them directly to the east of that, which kind of connects to Maple Street, but not really because of grade, they've already acquired. So they would be interested in possibly doing some additional housing of some sort in that area. But what that might consist of, what type of units, what number of units, we're not sure at this point time. But the commission did want to encourage, you know, continuing to support their efforts, but again, that all depends on what those efforts look like when they would come through. Projecting on page 15. This was an interesting chart under the projecting future population and housing. There were some numbers that were all over the place. So at first, the Berkeley Group, who we were working with, and just I want to stress how good of a job they did in working with our commission and staff to to put this plan together. But you'll notice that the population numbers, that are projected for Loudoun and Fauquier there are two different asterisks beside those. One, when the Berkeley Group first put this together for us, they use the Weldon Cooper Center for both of those. And those numbers under Loudoun County were exponentially higher yet. We felt better using Loudoun's own numbers. They've done a study. What Cooper does, population projections are that's what they do, amongst other things. They're generally pretty good at it, but those numbers were so high that it really caused us to go back and look carefully. And Loudoun had done their own studies and we felt more comfortable with their numbers. And, you know, when you have staff, demographers and the jurisdiction. I think sometimes you give maybe a little more weight to what they're studying as opposed to what's being projected. And those projections, especially for future years, they're sometimes based on historical growth, but they don't anticipate, they're not reading Loudoun's comp plan and saying well Loudoun's comp plan is allowing for 300 more thousand than we think that Loudoun's calling for.

Danny Davis: Yeah, and I think to Mr. Moore's point that the county demographer working with their zoning staff and planning staff, they know what's in conservation easement. They know the zoning. They know what is allowed under the comp plan. And so their numbers definitely take that into account. And it was quite a variance in these figures, and so not to cause any consternation with our friends up at the government building in Leesburg, we definitely decided to use those figures which were much more

reasonable than the Weldon Cooper numbers, which, according to Mr. Miller's face you can tell were quite, quite large. So and they do have a great staff that refine these on a yearly basis, too. I mean, they do change based on patterns and trends, but the county continues to see some growth in the future.

Will Moore: We have our own basic population projection at buildout included for the town underneath. I will say that that number is going to change. It basically uses what our existing population is and again, what is that? But, you know, the the low end Census Bureau estimate talks about existing housing units. The approved unbuilt houses that's essentially Salamander.

Kevin Daly: [off mic].

Will Moore: It could, but I will say that number is going to change. So Salamander is 109 of those 114 that you see there, the other five were just some infill lots that we had, a couple that have been built on, a couple others that exist. About one hundred nine of those are Salamander. We know they still intend to move forward with 49 of those, but the 60 that are called for in the MUV we're still reflecting those in this plan. Although, representatives of Salamander have stated publicly that they don't intend to pursue the approved development in the MUV, which means that if they ever intend on developing the MUV that their intention will be to come back and ask for something different. So what includes 60 residential units plus some commercial space and that area would likely either change or just never be pursued. But I think it was important, and this was a topic of discussion, do we include those? They say they're not, well, they're still on paper. And if economic circumstances change,

Kevin Hazard: [off mic].

Will Moore: And it's approved, correct. So that just so you know that is why that number is in there. And you'll see that reflected again in two weeks when we talk about the land use plan and there's reference to potential development of Salamander. Any additional comments under population housing?

Darlene Kirk: [off mic].

Peter Leonard-Morgan: I thought the average household [inaudible] 2.2 children in America, I mean 2.2 people?

Kevin Hazard: [off mic]. [Laughter].

Will Moore: Not in Middleburg. Yeah.

Darlene Kirk: [off mic].

Will Moore: Ok, so this talks a little bit about about our own facilities. It talks a little bit about our utility system and then it talks about maybe some semi-public uses as well. There is some reference to the need for a new town office, and we know that council has been discussing that, but important to include that. It's important that your comprehensive plan reflects a desire for a new capital space. A brief overview of our utility system. Some interesting numbers. If you weren't aware of those numbers on page 17, in terms of capacity, that we're basically at half capacity for both our water and sewer. So there is definitely existing capacity to grow if that were the desire. One later addition to this plan was the paragraph column two on page 17 regarding stormwater and drainage. It's not a lot, but a we thought it was important to include one commissioner in particular, Ed Fleischman, had advocated for this and we're glad he did. We thought it was important to address it. We don't maintain our own separate stormwater drainage system here, but we rely essentially on VDOT for the surface drainage and the limited subsurface storm sewer that we have. We do address in here some improvements that they have helped us out with, in the second paragraph recently. I'll share with you that I'll be meeting Monday morning on Locust Street with VDOT and a resident to look at an area of concern for some drainage. So VDOT's maintenance group

has been very willing to help us out recently, and we're happy that we've improved that relationship over the last number of years. But again, we felt it was important to add that to, you know, even though it's not our utility per say, it still is worth recognizing. Then just these are typical inclusions on page 18. In a comprehensive plan to address fire rescue facilities. The police department, we reference that they're, under the left hand picture in the text there, the you know potentially combining facilities with town administration in the future, potentially. We addressed the inclusion of the community charter school in our community. Just kind of a little bit of recreational opportunities, but it's really more focused on, you know, the community center. We don't really have our own town-owned play facilities, and maybe that's okay, but maybe there are some opportunities there. We'll be making a correction that Cindy pointed out under the library where we had stated that the building is owned and maintained by the community center. Evidently the property is owned by the community center, but it's the county that does the maintenance, so we'll be making that correction. And that's really what we have under community facilities and services unless anybody has any [inaudible].

Darlene Kirk: Any questions on that? [off mic]. Okay, let's go onto economy.

Will Moore: Yeah, and finally, the economy. Berkeley Group did work with Jamie on the front end and talking a little bit about about this chapter, but then we took it by the commission as well. The two tables that you see on page 20 are just some background information. It's again, snapshots in time of the different categories of businesses by number that we have. Now this is from a year ago, but this was basically from the treasurer's records on business licenses that we provided. And then the types of employment that Middleburg residents have, it's an interesting breakdown, kind of a very wide range of different industries that that our residents are in. There was one particular statement, Kevin, I'm trying to remember where it was that there was a lot of wordsmithing over Federal Street. It actually might be in the land use section rather than in the economy section. So we'll talk about that, but a lot of wordsmithing about the central business zone, you know, kind of trying to extend onto Federal Street and even the side streets as an emerging area for business. Obviously there will be a lot of discussion in two weeks about Federal Street. That's a huge portion of what you're going to see in our land use plan. So sorry, a little off topic, because it's not just particularly [inaudible].

Kevin Hazard: [off mic].

Chris Bernard: [off mic].

Will Moore: Page 21 addresses, you know, a topic that's been one that we continually hear, and that's the kind of the balance of our revenue with approximately 75 percent either directly or indirectly attributable to tourism and, at a high level, the kind of situation that that puts us in. This plan is not an economic development plan. That's a separate effort. So if you find this lacking a lot of detail and substance when it comes to that, that's intentional. Again, we're not trying to replicate wellhead protection plan. We're not trying to ahead of the game replicate anything that might be an economic development plan that comes out later, but just kind of things at a high level. And then finally, in the last paragraph we reference that we are still pursuing, you know, the marketing and branding initiative and that there'll be some things that come out of that. And specifically from a comp plan standpoint, a physical standpoint, we'll see any way finding signage which has been planned for some time now, but we're kind of on hold until we see what that new brand might be so we make sure it's song in concert with that. That's really all I had the highlight of the economy. Unless we have [inaudible].

Darlene Kirk: Any questions for Will on that? Any comments?

Peter Leonard-Morgan: [off mic] general question, I'm curious about the comprehensive plan. How is it distributed once it's all done? Do you keep hard copies here, or these days, is it more online?

Will Moore: It's much more online these days. We'll have a hard copy here at all times. Just we try to keep a hard copy of any development, regulation or comp plan just in case. And we do occasionally get folks come in who want that tactile feel.

Peter Leonard-Morgan: That's the reason I mentioned it because to me I'm looking at this and it's actually a very interesting document. You know? It's not a boring document that just gets put away. There's lots of interesting information here for people who might like to know about.

Will Moore: Right.

Peter Leonard-Morgan: Middleburg and the history and the statistics, etc. [Multiple speakers]. [Laughter]

Will Moore: The test will be a two weeks.

Kevin Daly: [off mic].

Will Moore: But yeah, it's we've primarily moved, you know, online access. It's so convenient for most, but we will always make sure that, you know, it's in a printable format. We can print off a copy in a matter of minutes but we'll always have one here. We've had a review copy on the front desk, and it's been gone through quite a bit. And this is actually the second version. We had one back in May when we had the first one, and commission made some tweaks, so it's the second version. So we'll always have hard copies.

Darlene Kirk: Any other comments on this? How about we take a break? There's food in, I guess, the treasurer's office if anyone's interested. And water as well.

Will Moore: If I might ask before you step away.

Darlene Kirk: Yes, sir. I'm sorry Will.

Will Moore: No, not at all. If you have those individual comments.

Darlene Kirk: [off mic].

Will Moore: Yeah, the sooner you can get them to because we have a pretty quick turnaround to get these to the consultant to be incorporated into the plan. The sooner you can get those to be the better, then I'll forward those [inaudible]. Thank you for taking the time. [Multiple speakers]. [Off mic].

Darlene Kirk: You're good.

Kevin Daly: Oh. We're back on.

Darlene Kirk: [off mic].

Danny Davis: Thank you Ms. Vice Mayor. As indicated in the item, the county government solicits requests for capital improvement program funding from each of the incorporated towns. And it's an opportunity for us to consider potential infrastructure projects or other items that we might submit to them and requests that they support us through CIP funding. Their annual CIP, capital improvement program, is in the 125 to 150 million dollar range. Just for scope. It's pretty amazing how large it is. Each year they usually have a little bit of wiggle room. And so this is not a guarantee that any project would get funded. Ultimately, it's to be recommended by the county administrator and then to be reviewed and approved by the board of supervisors. Nonetheless, they very much support the towns and our efforts in capital projects. I will note the criteria for this is generally related to facilities either owned by the county or operated by the county within the towns. That's fairly limited in our case because of the number of

operations they have in town, which are pretty much the fire department and the library. Nonetheless, we've had some conversations with leadership in the county who have expressed that with the right potential partnership together, there may be opportunities for other things beyond just those that strictly fall within this. In particular, if as we look at building a town hall building, if we make some of those spaces available to the county for board member uses, for other county purposes, they would entertain the idea of considering that falling within this kind of paradigm. The other potential is looking at sidewalk improvements and/or repairs. I know there are various locations where the brick sidewalks could use some attention, whether it's some potential drainage issues, some smoothing out of the sidewalks, but also looking at where there might be missing links in the sidewalk network. That's how the East Marshall. I'm sorry, I'm pointing that way. [Laughter]. East Marshall sidewalk and then up to the community center was funded through a grant from the county. And so right now the whole purpose of this item is to bring it to your attention, to have you begin thinking and brainstorming about ideas of what we might potentially ask the county for to support us in. This does happen every year, so this is not a, you know, once every four year type opportunity. The town hall would be a key priority for us, and that would support our efforts in that project.

Darlene Kirk: [off mic].

Danny Davis: Federal Street is an interesting one, and I think that we've talked about that. The challenge I might have with that at this moment is not having an exact project or scope of work ready at this time. I think that may be something where we could approach them next year. We could spend maybe the next year developing some ideas. There are also potential VDOT or other grants that could support us in that program, too. And there may be a way to actually meld town, county and other grant funds altogether to make a good project. But I think I'd like to be able to develop that potentially a little bit more. But I think Mr. Moore and I can discuss that in the next week or so to see if that's something we might bring forward to you.

Darlene Kirk: [off mic].

Peter Leonard-Morgan: I do have a question. I was wondering, you know, going down South Madison beyond Federal Street, going past the millworks, it's a nightmare if you want to walk it. So people don't walk it, but we got a wonderful community operation down there [inaudible] and some houses.

Philip Miller: The Hill School

Danny Davis: Yeah. And Hill, absolutely. Yeah.

Peter Leonard-Morgan: Is that something that could be considered?

Danny Davis: It definitely could be. I mean, I think this falls under definitely the pedestrian improvements criteria. It's also leading towards an institution which even though it's not a public school, it's serving members of the community. This is a project...

Peter Leonard-Morgan: [Inaudible] I mean the millwork [inaudible].

Danny Davis: Absolutely.

Peter Leonard-Morgan: [Inaudible] wonderful, but it's just getting there by foot.

Danny Davis: Yeah.

Darlene Kirk: Both of them they have access sort of the back way because students come into town and they have that path. And you can go to the millwork [inaudible].

Danny Davis: Through the back yard.

Darlene Kirk: It is dangerous.

Danny Davis: It's not it is an ideal, that's for sure. Mr. Moore and I have talked about this project. Our on call engineers [inaudible] have talked about the corner of South Madison and federal on the southwest side, perhaps seeking a grant to try to, if possible, demolish that old, what we believe is an old, cistern at that location. It is a challenging area to consider a sidewalk. Not saying it couldn't happen, but with the topography, the right of way limitations, I think it's something we can again, similar idea, maybe spend the next if this is a project, we'd like to put some money into some preliminary engineering.

Peter Leonard-Morgan: [off mic].

Danny Davis: That's going to be a challenge.

Kevin Hazard: [off mic]. [Multiple speakers].

Will Moore: [off mic].

Danny Davis: It gets really tough there, but I'd like to add that to the list of items that is on a goal of ours. But I don't have a good answer for you at the moment.

Darlene Kirk: [Inaudible].

Will Moore: You will see in two weeks, when we go over the land use or the transportation section of the comp plan there is a sidewalk map included that shows existing and it shows areas for infill. So there's a pretty comprehensive map in there where we want infill connections made. That is one of them, but again, that's theoretical because of the engineering challenges.

Darlene Kirk: [off mic] difficult.

Danny Davis: So we will bring this back to to your next meeting for a resolution. Yes, sir.

Philip Miller: I was just thinking, what about our police storage that we're looking into right now? Is that's something we would potentially participate in,?

Danny Davis: That's actually not a bad idea. I think I'll give it some thought.

Philip Miller: Particularly if we are going to reuse that pad.

Danny Davis: Sure, sure. Yeah, that may be one that falls in the realm of it doesn't hurt to ask. And filling the public safety void, you know, continues to be a function that serves obviously the town, but we support the sheriff and they support us. And so.

Chris Bernard: [off mic].

Danny Davis: Sure. Yeah.

Philip Miller: And I think they know, you know, the importance of us keeping our police department [multiple speakers].

Danny Davis: Off of them. That's for sure. OK.

Philip Miller: Well, and they know that we've gotta store, a good number of things just for Christmas in Middleburg alone.

Darlene Kirk: Anyone else have any questions, comments? All right, shall we move along [inaudible]? Will is this your baby?

Will Moore: It is. Thank you, Madam Vice Mayor. So you'll recall last calendar year we adopted a new section of town code for dangerous structures enforcement. We are now, with the addition of Estee in particular, this is an effort she's been spending a great deal of time along with Tim. They're outdoing proactive surveying of structures kind of in a map geographical area. And once they complete that area, we'll expand it out because that is applicable town wide. We had a few structures that were already on our radar. So in addition to the kind of proactive surveying, we will continue to respond to issues where there is a complaint or something that otherwise comes to our attention. The one thing that we are missing to this point is the the the code requires that that the owner take certain action to repair, remove, et cetera. And the the way where is at such time or times as the council may prescribe by resolution or ordinance. So we had some discussion about this when we adopted the code. And basically that can take one of two fashions. You can be involved every time there is a formal enforcement effort or you can adopt, in this case we're recommending adoption of, a resolution that would authorize Danny or his designee to make that declaration. So in other words, authorize us at a staff level to pursue the enforcement that's authorized it. And so what I've included here is a draft resolution. This was almost word for word based on a resolution that Martin had provided from the town of Haymarket, working with them on a similar thing. A different position that it's authorizing it to, just a couple tweaks, and we would suggest this rather than just every single time there's a case to bring the city. I'm bringing it to you now, though, because I have one of those cases that we need to go to that formal step on. So I'm asking you to consider.

Darlene Kirk: OK. [off mic].

Peter Leonard-Morgan: [off mic]. [Multiple speakers].

Kevin Daly: The other meeting we had you were showing the state fines, and they had a max of 5000. Our max according to what I'm reading in the resolution is going to be 1000?

Will Moore: OK. So that was zoning related and the maximum of 5000 was cumulative penalties for recurrence of the same dollar amount. This is a one time penalty of a thousand. This is what is enabled by the enabling legislation. So, yeah, the planning commission will be entertaining a zoning text amendment to make some adjustments to fines that are available, criminal and civil for zoning ordinance violations, but this is a section of town code, not the zoning ordinance.

Darlene Kirk: Kevin, go ahead.

Kevin Daly: Then the other question is what is the time limit? The owner of the structure is notified of its deficiencies. What is the time limit being given to them to initiate repairs or needed maintenance?

Will Moore: That is that is something that we'll have to decide in our request of the owner. So we'll have to give them a certain amount of time, but I'm not decided on what we're going to offer in this particular case yet.

Darlene Kirk: Peter did you have a question? OK.

Kevin Daly: [off mic].

Kevin Hazard: Did we put a monetary limit on this? I know I say it's appropriated funds, but do we want to set an upper limit suit. I mean before you came back, just in other words,, it's not a million dollars, it's not a half a million, but it's more than five thousand or [inaudible].

Will Moore: So we for current fiscal year, we have budgeted a total of twenty five thousand dollars that could be allocated, whether it's toward one enforcement effort or multiple, that's the dollar amount we have available to us. So if you wanted to authorize up to a certain dollar amount, a maximum in any one particular case without coming back to you, I suppose we could do that.

Kevin Hazard: I'm just thinking, I mean, if this is gonna be an administrative action, is there gonna be a budget done? In other words, we're gonna go tear that that structure down are we going to get bids or how do we do that administratively if we give you this?

Will Moore: Right, so again, we have a certain budget we can work within. But even within that, we have our own procurement rules. So if a certain project we're going to be in excess of fifteen thousand dollars, we would have to take certain steps likely. Unless you specifically, we came back to you and you specifically suspended that self-imposed spending limit, we would have to come back to you two to authorize just based on our procurement proceedings.

Kevin Hazard: In other words, we have the greatest confidence in our staff, as is but if, when you give something up.

Will Moore: Right.

Kevin Hazard: You could be sometimes not in a great situation, somebody with a different skill set maybe this is part of their skill set.

Will Moore: My understanding was we were kind of contemplating that by simply budgeting for and appropriating a fairly low amount. That being twenty five thousand dollars. But I was envisioning this if we need to go theoretically put a roof on somebody's house and it's going to cost ten thousand dollars that we would do that under this authorization.

Kevin Hazard: That's somebody shed. [Laughter].

Will Moore: Right, right.

Kevin Daly: [off mic].

Will Moore: Correct. So our code establishes the way in which we attempt to get those funds back.

Danny Davis: To Council Member Hazard your comment, if there's a concern that we might spend all the money on one project, say, in August and then we come up with another issue in January, I think that gives us an opportunity, come back to the council at that time and say, you know, here the the project or projects that we've done to date, something else has arisen. And then we can talk about whether that's something we would pay for out of one time dollars or as we run this program a little bit more over the next couple of years we're kind of piloting, I guess, at this point having dollars in here, we might get a better sense of is it 15,000, is it 50,000? Hopefully it's on the lower end of that. So I don't know if that helps a little bit, but definitely.

Kevin Hazard: I'm just more, it's not even a concern, just more curious about again, I did this for Fairfax County and I bid 50, 60 thousand dollars on things. You know? But is this going to be a bid process? I guess is my question. How does that work?

Darlene Kirk: Doesn't it depend on what it is?

Martin Crim: Yeah, I've done a couple of these. And so one the first one we did we already had a contractor under contract for demolition and we said, come on over and do this other property for us because it was damaged in an earthquake and we needed it down that same day, so that was the process.

Kevin Hazard: That's imminent danger.

Martin Crim: Correct.

Kevin Hazard: That's a different situation.

Martin Crim: Well, that comes up a lot, though, because I had another one where a windstorm damaged the building to extent it needed to be torn down and they did an emergency procurement that they actually went out and got bids from people and just called up who the people that they knew that could do the work and said, what's your bid and pick the low one. If you have a little bit more time then you have the luxury of going out and doing a, you know, request, an invitation to bid based on its written specifications. But in my experience that a lot of times you don't have that luxury.

Darlene Kirk: I know that Marvin before a couple times had had to go out and get a couple bids very quickly for things that we needed to have done right away. And, you know, he was able because he has a list of people that he can call on and to do whatever whatever the project was.

Kevin Hazard: So this is all covered under our procurement process?

Will Moore: Right. Right. We would still use standard procurement under the policies for it.

Chris Bernard: [off mic].

Will Moore: Well, both the budget and procurement policy, because even though we have 25000 budgeted there are thresholds below that for which we need to take certain steps.

Darlene Kirk: And also, if you were pursuing one of these, you would have it in your report to us monthly report. You'd have something at least?

Will Moore: Yes.

Darlene Kirk: So that's how we'll see it now that something is going on.

Philip Miller: [off mic]. [Laughter].

Darlene Kirk: Your house first. OK. Does anybody want to make a motion?

Peter Leonard-Morgan: I move the council adopts a resolution authorizing the town administrator or his designee to declare certain structures to be a danger to the health or safety of residents of the town and to abate such dangers as provided by state code and town code. Alternatively.

Will Moore: No alternative.

Peter Leonard-Morgan: I'm sorry. No alternatively. [Laughter].

Darlene Kirk: Do we have a second?

Kevin Daly: Second.

Darlene Kirk: [off mic]. All right. All those in favor say aye.

Everyone: Aye.

Darlene Kirk: Opposed? Abstentions? Okay, it passed.

Will Moore: Thank you, ma'am.

Darlene Kirk: [off mic].

Kevin Daly: [off mic].

Darlene Kirk: [off mic].

Danny Davis: During the fiscal year '20 budget process, we talked about bringing forward to you potential capital projects for priority and prioritization. Specifically as they're related to potentially putting some one time dollars into those projects. Many of these we've talked about before, but we wanted to bring them back, and also similar to the prior item see if there were projects that perhaps we've not identified that we want to consider. Some of the ones we've talked about already I think we can add to the list even with a question mark about what that cost is. In sum, as has discussed in the item, fiscal year '19 was another very positive year for the town. You will receive the audited numbers in your October 24th meeting, but we do think that that's going to be a fairly significant increase to the unassigned fund balance, which is again positive for the town. I believe, not to put words in the council's mouth, but the town office project would probably be the key priority here. We had a very good conversation with the Strategic Finance Committee about the options around this. And in sum in general, the idea of of putting somewhere likely around a million dollars of fund balance into that project. And so then the remaining of it would be financed is likely the path by which the town would the committee would recommend to the town council. So, you know, for what it's worth, that's kind of the numbers that we're looking at at this time as it relates to the town office project. And then you see the other projects that are the kind of small onetime projects, the cul de sac on Chin, Pinckney Street, that we still don't really have a number on yet, but we're working with [inaudible] to identify. The storage shed project is it's still a rough figure, but based on the cost to do site planning, site development and shed estimates given by a few different folks, I think probably the two hundred two hundred fifty thousand ranges is fairly reasonable to estimate at this time. We've talked about a parking lot project perhaps in town. The number at that point was around five hundred thousand dollars, depending on what that ends up being and how that progresses.

Darlene Kirk: [off mic].

Danny Davis: For that project?

Darlene Kirk: [off mic].

Danny Davis: That's one we've talked about a few times and we're still waiting on additional information from the landowner on interest in that project. And then the final one is from the community center. And there are three aspects of this project. Olivia would have been here this evening, but she's receiving an award so she could not be here. She is available at your next meeting if you'd like to discuss this further with her. In short, they are putting in steps on on either side of the shallow end of the pool at a cost.

Darlene Kirk: [off mic].

Danny Davis: I'm sorry?

Darlene Kirk: [off mic].

Danny Davis: Yes, they want to. They're going to do that project regardless I believe.

Darlene Kirk: [off mic].

Danny Davis: It's about ten thousand dollars. Yeah.

Kevin Daly: [off mic].

Danny Davis: Yeah, there are three. [Multiple speakers] Yeah. Well three aspects of the project. Right? So the steps. The next thing that they really need to get done this year, and I believe is their intention to continue forward with is replacing all the coping stones around the edges of the pool.

Darlene Kirk: [off mic].

Danny Davis: Correct. There's the water has gotten under behind it and it's kind of rotting away some of this. And then the final project is to avoid having to repaint every two to three years. They actually have the ability now to plaster it without the plaster causing problems. And that's another about fifty thousand dollars. So all told, it's about 110. I did ask Olivia and she provided an accounting of some of the infrastructure and the projects that they have put into the pool over the the number of years. They are very confident that the pool itself is structurally sound, has many, many years left to it. It does not leak water, which is a good sign. And it has a fairly new filtration system and continues to operate very well. So I know one of the concerns was, are we potentially putting money into a project that might, you know, fall apart in five years and there's no sense or no idea, no belief that there is any threat of the pool having any major issues over the coming years. I did also ask if they potentially had matching donors. You know that the town may not be willing to consider the full amount, but a portion of it. She didn't mention they do have a donor for twenty thousand. So again, this is just a request from them. And I indicated I would bring this to your attention. But it's really up to council whether to discuss further or to consider this.

Philip Miller: [off mic].

Danny Davis: Well, her letter was for it was essentially saying they would appreciate any support the town is willing to offer, but she wanted to lay out the full scope of the project.

Darlene Kirk: On their list of what they're gonna do on the big, big pool information, 2019 it doesn't have the steps listed. It just says for 2019 they're getting a new chlorinator and that's it.

Philip Miller: [off mic].

Danny Davis: Yeah. [Multiple speakers]. This is more of a history. Yeah, this is more of a history of what they have done over the past years. So right now where we're at is the town council has unassigned fund balance. Some of that from this current fiscal year, some of this built up over the past few years. There's nothing that says you have to spend those dollars. However, now is a great opportunity to see are there investments in the community for one time funds. There's the transportation projects, sidewalk projects, other infrastructure for the town. Don't have to make a decision tonight, obviously, but I think a conversation is good. And then if we want to discuss further at the next meeting or at your convenience, we're happy to do so.

Chris Bernard: So I'd be interested in seeing what their other sources of fundraising might be for this and whether we could do something similar to what we did with the Fox statue, which has last money in, right? So if you guys can get the rest of it, then we'll fund the last X percent.

Danny Davis: My first commitment, last money in?

Chris Bernard: Yeah, whatever.

Philip Miller: I'd like to understand their appetite for doing the project in general and whole and how they've come to make the decision to go ahead and make these repairs and not others or other bigger improvements to the pool. I think that would be good to know. You know, you would know how much is it cost to put in a pool these days?

Kevin Hazard: [off mic].

Philip Miller: That's what I thought.

Danny Davis: It's also a very large pool. The coping stones around there are, I mean, it's they end up having to go down a few feet, have to scaffold part of it. It gets to be pretty extensive. Part of the reason the discussion of plastering it is they're already in there, drained the pool, get it done all at the same time. I did ask a question about what would it take to do a zero entry on the shallow inside, just out of curiosity. The pool gentleman didn't obviously have exact figures, but he estimated it probably be around one hundred thousand to go something that route.

Kevin Hazard: [off mic].

Danny Davis: Payne. [Multiple speakers]. They've been using him for many years.

Kevin Hazard: [off mic].

Danny Davis: She said that he's consistently been the lowest of their bids that they reach out for.

Philip Miller: In my discussions with them, I've heard the same thing because this group happens to know this pool so well. And it's an older style floating design, which causes a lot of complications, and their intricate knowledge of the of the facility, allows them to consistently come in, lower is what I remember.

Darlene Kirk: One of them said Phillip and I talked about is that the community center is such a great thing, but it's so underused and they don't do a lot of events. I mean, sometimes they would have bingo or sometimes they would have other things, but they really don't use it to make money to support itself. That's a disappointment. It really is.

Danny Davis: I don't want to speak for Olivia, but we had lunch a month ago or so and then met again to talk more about this. And I do think she is ready to take the community center to the next level, and also, you know, work with her board on trying to take the next steps for setting a strategy and a strategic plan for the community center. Setting a vision for what they want it to be. So I have strong hopes. I'm optimistic that they're going to kind of continue pushing forward. They do a lot of events. They're probably more the private events than they are the community fundraising type events. I think one hundred and fifteen or so over the past year. But again, that's between weddings and, you know, group meetings and other things using the area.

Darlene Kirk: I know Cindy went. We didn't talk to Olivia, we talked to the Katie who was there before, and one of the things they were concerned about is that they really didn't want to do a lot of activities

because they had to be there so early in the morning and late at night to close it up and that sort of thing. And literally, Cindy and I said, you know, council supports you. We'll help you. You know, the town will help you.

Danny Davis: Sure.

Philip Miller: I would suggest that we extend an invite for further discussion of the partnership between the two entities and the funding of this project and others.

Danny Davis: Yep, absolutely.

Peter Leonard-Morgan: I would totally agree with that. And I think, you know, the only knowledge I have with the community center in terms of what they charge is how much they've been increasing in the last couple of years to go green. Fair. You know, it's sort of doubled and then doubled. Which is great, it needs to be a profit earner, and I appreciate that. So I'd love to see some of the numbers as well, some of the, you know, the P&L the balance sheet.

Chris Bernard: [off mic].

Peter Leonard-Morgan: And may I just also mention there's one thing I wanted to ask about the membrane.

Danny Davis: Yes, yes.

Peter Leonard-Morgan: Talking bout the CIP.

Danny Davis: Yes.

Peter Leonard-Morgan: The membrane, in one of the meetings, the utility meetings, Stuart was saying that he felt that that membrane might need changing sooner rather than later. And I don't think it's in this next financial year budget, isn't it?

Danny Davis: It's not. That's correct.

Peter Leonard-Morgan: Is that something we should look at?

Danny Davis: We can, definitely. I would continue to prefer to keep the general fund dollars focused on general fund projects and the utility fund dollars on utility fund projects. That gets a little bit back to the potential line of credit we've talked about doing for the utility fund projects and paying ourselves back for some of the projects we've expended dollars for out of cash and then bring that forward so that we can actually move forward more quickly as needed on the membranes and have the money available as well as potentially the clear well at well four, and there's one more project that's that's left me, but agreed. It has not left our priority list, but I would prefer to keep those in the utility fund side.

Darlene Kirk: Utility fund needs to be for itself.

Danny Davis: That is the goal. yeah.

Darlene Kirk: [off mic]. But I think that's a good idea to bring her in [off mic]. Next, we've got the proposal for the development of the Middleburg Charitable Foundation.

Danny Davis: So again, this is an item we've discussed a few times. After the last time we discussed it we sat down with Council Member Miller and Vice Mayor Kirk and talked about a few of the items that we

wanted to make sure that we covered in this, so the council wants to make sure that there's appropriate oversight of these funds and of the distribution of these funds. As I stated in the item, a few concerns that I think are fairly easily resolved with some language in the bylaws and articles of incorporation. So Mr. Crim has been making a few edits to our proposed documents, and we believe that it's moving forward with the council's kind of general direction given previously, if you'd prefer, we can bring it back to the next meeting so you see the documents in their entirety. If you're comfortable with us moving forward with these items addressed, then we could entertain a motion this evening. I would note that considering we're getting into the fall season when normally we would be issuing letters for funding requests. We do want to at least continue down that timeline of making awareness to the nonprofits in our community of this opportunity. The town has allocated twenty thousand dollars from the council budget to support contributions for the coming fiscal year, but then the rest of it could come from just the the health center funds.

Darlene Kirk: [off mic] me. What? I mean, 20000?

Danny Davis: In the discussions of the budget. The conversation was that the health center fund should be the one making distributions. However, there was interest in the council supporting the health center fund or whatever this new effort might be.

Darlene Kirk: [off mic]. [Laughter]

Danny Davis: And we did what you asked for.

Darlene Kirk: [off mic].

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

Darlene Kirk: [off mic]

Danny Davis: So all that being said, the full amount that you end up distributing will be at your discretion for this year.

Darlene Kirk: OK. Anybody hear me in the questions? Phillip you have any questions?

Philip Miller: [off mic].

Darlene Kirk: Wanna make a motion?

Philip Miller: [off mic].

Darlene Kirk: I don't think I'm supposed to when I'm...

Philip Miller: [off mic].

Darlene Kirk: [off mic].

Philip Miller: I move that the town council approve the formation of the Middleburg Charitable Foundation, and I further direct the town attorney and town administration finalize the articles of incorporation and bylaws of the Middleburg Charitable Foundation and authorize the mayor to sign such documents. I further move that staff issue a notice of opportunity for funding support from the Middleburg Charitable Foundation with the due date of November 4th, 2019. I further direct staff to advertise a public hearing for the October 10th, 2019 town council meeting to consider amendments to the fiscal year to 2020 budget as needed, including for the distribution of funds to the Middleburg Charitable Foundation.

Kevin Daly: Second.

Darlene Kirk: [off mic] have any further discussion or comments or questions? Okay, I guess we're ready to vote. All those in favor say aye.

Everyone: Aye.

Darlene Kirk: [off mic] passes. [off mic].

Danny Davis: Ms. Vice Mayor and council members, at the last council meeting we discussed the broad scope of the potential town office project thanks to council member Hazard. And based on that conversation and some additional heavy lifting homework by the town clerk, I want to thank Ms. North for putting this extensive detail together because it definitely covers a lot of the bases and creates a schedule that would help us stay on track. And I think that's the goal is what are key points that are needed for the town staff, for the town council. Obviously, the begin date is not going to be 9.3/19, but the benefit of this is we can we can tweak numbers and excel very easily by adding to them. And so this is just an overview of what we see, some of those key items being. And as we continue working with the finalization of land acquisition in those conversations, then we can begin to move this forward from the start date. So I'll turn over to Miss North.

Rhonda North: Well, actually, we have started on 9/3 because I've already started drafting the RFP or the A&E services as well as the one for the construction management services so that those pieces are are starting to move forward.

Chris Bernard: [off mic]. [Laughter].

Danny Davis: Well, I think it's I think it's sitting in my inbox. So she has finished her draft, it's waiting on the town administrator.

Philip Miller: I have I have a question for our resident construction guru on the start date for construction being 9/28. So going it through the winter. Does that really make sense? Does that make a difference?

Kevin Hazard: You're in September, which is fine. It's not gonna take a long time to get [multiple speakers].

Philip Miller: Not actually going to be 9/28.

Chris Bernard: [off mic].

Kevin Hazard: Your foundation and your fram, you get that up. You get two windows in, you're working inside. If it goes a month past that.

Philip Miller: You're gonna have problems.

Kevin Hazard: You're gonna spend a lot more money because you working in really bad weather. That's a very good point. But again, this is...

Philip Miller: No delays, Danny.

Chris Bernard: [off mic].

Darlene Kirk: Right.

Philip Miller: So if we push it, let's say we're two months behind, we're really pushing into a Spring foundation.

Danny Davis: Could be [multiple speakers]

Philip Miller: Six month delay.

Danny Davis: But there there continues to [multiple speakers] potentially be I mean, depending on what site work is required, right? Site work can happen in the midst of winter. You know, again, foundation laying is more challenging, but if there's site work needed and other things, you know, we we can work through that.

Kevin Hazard: [off mic].

Darlene Kirk: [off mic].

Philip Miller: This would be next year.

Chris Bernard: [off mic].

Rhonda North: So, I mean, really the driving factor in this is going to be the land acquisition because we can move forward with with securing the A&E and in the construction management services. But really until we have the land acquisition nailed down, you know, they can only proceed so far. You know? Which is really not very far at all.

Darlene Kirk: [off mic].

Danny Davis: Don't need anything from you unless you would like, just to provide any thoughts or input further on this.

Chris Bernard: [off mic]. [Laughter].

Danny Davis: For September next year. We'll push. We'll push hard. With this being said, we have put on the agenda the discussion potentially in closed session if necessary, but if I don't have any need to go into closed session this time to discuss this. I don't think there's anything at this point.

Darlene Kirk: I don't think we need to go in closed session for anything. Does anybody?

Philip Miller: [off mic].

Danny Davis: Yeah, one was related to if we need to talk about specific individuals related to the appointment of a town council member, interim town council member, which I don't think we're at a point to at this point. And then the final one was related to my goals for the coming year, which I think you [multiple speakers] to delay until the mayor could be here. So unless there is a desire [multiple speakers]. [Laughter]. [Multiple speakers].

Chris Bernard: [off mic].

Will Moore: Make him read the... [Laughter]. Just don't second. [Laughter]. [Inaudible].

Chris Bernard: [off mic]. [Laughter].

Darlene Kirk: Does anybody have any information items?

Philip Miller: [off mic].

Darlene Kirk: Information items anybody? Guess what? We're done.

Kevin Daly: [off mic]. [Laughter].