MIDDLEBURG TOWN COUNCIL
Regular Monthly Meeting Minutes
Thursday, February 11, 2021

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

STAFF: Danny Davis, Town Manager
Martin Crim, Town Attorney
Rhonda S. North, MMC, Town Clerk
William M. Moore, Deputy Town Manager
Jamie Gaucher, Economic Development Director
Estee LaClare, Planning & Project Associate
Julie Rivard, Finance Director/Town Treasurer
A.J. Panebianco, Chief of Police

ABSENT: Councilmember Morris "Bud" Jacobs

The Town Council of the Town of Middleburg, Virginia held their regular monthly meeting, beginning at 6:00 p.m. on Thursday, February 11, 2021. Due to Governor Northam's executive orders requiring that people social distance and limiting gatherings to no more than ten individuals, the Council meeting was held as a hybrid meeting, with some of the Council and staff participating in-person and others participating remotely.

Mayor Littleton explained for the viewing audience that it was the Council's responsibility to conduct essential public business despite the COVID-19 pandemic; however, it recognized the need to do so safely, not only for its members but also for the Town staff and members of the public. He further explained that to that end, in accordance with the Council's resolution declaring a local emergency and its ordinance implementing emergency procedures and effectuating temporary changes to address the continuity of governmental operations, the Council would hold its meetings via remote access until such time as the Governor rescinded his executive orders. Mr. Littleton advised the viewing audience that copies of the agendas were available on the Town's website and that the meetings would be livestreamed and recorded for viewing on the website. He reviewed the process that would be utilized for the remote meetings.

Mayor Littleton led Council and those attending in the Pledge of Allegiance to the flag. The roll call was called at 6:00 p.m.

Public Presentation

Resolution of Appreciation – Jamie Gaucher

Mayor Littleton noted that Jamie Gaucher was joining Fairfax County's economic development team. He thanked him for his service to the Town and wished him well. Mr. Littleton read the Resolution of Appreciation aloud and presented a signed copy to Mr. Gaucher, along with a Middleburg paperweight and a small token of appreciation from the Town.

Mr. Gaucher advised that it had been a pleasure to serve the Town. He expressed appreciation to the current and former Mayors and Councils for giving him the opportunity to serve Middleburg.

Councilmember Pearson moved, seconded by Vice Mayor Miller, that Council adopt a resolution extending its appreciation to Jamie Gaucher for his service as Middleburg's Business & Economic Development Director from July 10, 2017 through February 12, 2021.

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

Staff Reports

January 2021

Town Manager Davis reported that the backwash for Well 4 was going well.

Chief Panebianco recognized Lieutenant Jones for raising $500 for Special Olympics by taking part in the Polar Plunge. He also recognized the members of the Police Department on the great job they did during the last snow event.

Town Hall Project

Town Clerk North reported that the Project Review Committee received the updated space needs study and design schedule last week and noted that she would forward them to the Council. She further reported that the Committee reviewed the block and massing options proposed by the architect and asked that they make some changes to three of them for their review next week. Ms. North advised that if they were acceptable, the architect would then develop detailed schematic design options that would be presented to the Committee on February 26th. She explained that the plan was to present the final options to the members of Council individually during meetings on March 1st and 2nd.

In response to an inquiry from the Committee, Ms. North reported that the updated space needs study determined that the original study under-estimated the square footage needed for the core services areas; however, the staff was able to mitigate some of that by eliminating the records and plotter rooms.

Town Manager Davis opined that the square footage proposed for the Council Chambers was previously underestimated as well. He reported that it was increased to ensure adequate space for the dais and audience. Mr. Davis reminded Council that this would also be a multi-function use space.

The Council held some discussion of the proposed dais in the Council Chambers. They expressed a desire that it generally be at ground level, as opposed to sitting higher than the audience. It was noted that a slight rise of six inches may be necessary due to the size of the room and, for the placement of the IT and electrical equipment under the dais.

COVID Status Report

Town Manager Davis reported that the number of positive COVID tests was decreasing. He further reported that Safeway had a limited amount of vaccine; however, people must sign up for an appointment through the Loudoun County Health Department to receive it. Mr. Davis stressed that people could not just walk in and request a vaccination. He advised that the Purcellville Pharmacy was also getting a limited allocation of the vaccine. Mr. Davis noted that he was talking with the County Health Department about making the elderly residents at Windy Hill a priority to receive their vaccinations at the Safeway Pharmacy. He reported that the State would roll out their online registration system next week.

Mayor Littleton noted that the Safeway Pharmacy was too small to handle the vaccinations for the entire Middleburg area. He opined that when the Health Department reached the point of being able to offer wide-spread vaccinations, they would need help identifying options for the location of a POD (point of distribution) in Western Loudoun County.

Town Manager Davis reported that the local doctors' offices had no interest in giving the vaccinations. He advised that if the County Health Department were able to offer additional PODS, he would assist in finding a location in this area. Mr. Davis reported that he spoke with officials from INOVA and advised that they were no longer getting vaccine allocations as they were all going to health departments. He opined that they would be open to any pleas for assistance.

Consent Agenda

A. Minutes – January 28, 2021 Regular Council Meeting

Vice Mayor Miller moved, seconded by Councilmember Bernard, that Council accept the consent agenda as presented.

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

Action Items

Council Approval – Employee Handbook Revisions – Paid Parental Leave

Vice Mayor Miller advised that he believed the Town offered paid parental leave; however, that is not the case. He opined that the policy regarding paid parental leave had shifted on the federal, state, and local levels since the last major review of the Employee Handbook in 2017, with the federal and state governments, as well as the marketplace, now offering it. Mr. Miller suggested it was important for Middleburg to be a leader in this regard and opined that the Town was not so resource constrained that it could not offer it.

The Council held some discussion as to whether the paid leave should be limited to the birth or adoption of a child and noted that employees also needed time off to deal with other major life events as identified in the Family & Medical Leave Act (FLMA), such as the illness of a parent. They acknowledged the size of the staff and noted that offering paid time off would encourage people to be away from the office for longer periods of time, which could cause issues for the remaining staff. The Council expressed a desire to look into this further. They questioned the amount of paid leave that should be offered, as well as the cost to the Town of having to hire temporary staff. The Council agreed to table action on this item in order to allow the staff time to do additional research.

Town Manager Davis advised that he would use Fairfax County's policy as a model, as well as look for other examples of municipalities that offered this benefit. He expressed hope to return with a recommendation during the March 11th meeting. In response to an inquiry from the Council, Town Manager Davis advised that if approved, he proposed the paid leave would only be available to an employee once in a twelve-month period.

Discussion Items

FY '22 Budget Presentation

Town Manager Davis reviewed the current year's highlights. He noted the impacts of the COVID pandemic and the positive impacts resulting from the Town's support programs, which allowed for the continued success of the restaurants. Mr. Davis reminded Council that the Town arranged for VDOT to repair the crosswalks; initiated the Town Hall Project; improved operations; and, identified cost savings across the organization.

Town Manager Davis reviewed the goals for FY '22, which included continuing to implement Council's strategic initiatives; monitoring the Town's fiscal health; facilitating local support for residents and businesses in relation to COVID; beginning construction on the Town Hall Project; and, making strides in the areas of economic development.

Town Manager Davis advised Council that based on the current COVID environment, the staff expected the revenues in FY '22 to decrease. He reported that this included a 20% decrease in meals tax revenues; a 10% decrease in lodging tax revenues; a 20% decrease in business license revenues; and, a 4% decrease in real estate tax revenues. Mr. Davis noted that the budget anticipated the limited use of some of the fund balance for some capital projects.

Town Manager Davis reviewed the average residential assessments and real estate tax rates since FY '19. He reported that the average assessment for FY '22 was $493,000. Mr. Davis reminded Council that the tax rate had been level during this time and noted that he was recommending it remain level for FY '22. He reviewed the average residential assessment by category and noted that the values were the same for single-family dwellings and townhouses, with both averaging $556,000.

Town Manager Davis reviewed the General Fund's revenue projections since FY '19. The Council requested the use of reserves be shown separately. They opined that using the Town's savings was not the same as revenue and suggested it was important to know it was not tax money. Mr. Davis noted that the FY '22 Budget included a transfer of $280,000 in reserves.

Town Manager Davis reported that the FY '22 General Fund expenditures were proposed to be similar to FY '21. He advised that the staff included a worst-case plan that was similar to the COVID plan. Mr. Davis opined that revenues could drop by almost $1 million if the economy performed poorly. He advised that the budget remained the same for the marketing and events line item. Mr. Davis reported that the proposed budget included debt service funding for the Town Hall Project. He advised that funds were also included to invest in the Town's employees, including a 2% salary market adjustment and merit increases and bonuses. Mr. Davis reported that the Police Department's operations & maintenance budget was developed using a zero-based budget approach.

Town Manager Davis presented a chart that compared General Fund revenues and expenditures since FY '19. He reported that the proposed FY '22 Budget included $88,000 in contingency reserve funds that could be used to fund other line items as identified by the Council.

Town Manager Davis reported that the FY '22 Utility Fund Budget would continue the annual 3% rate increases in water and sewer user fees. He noted that consumption was down; therefore, the revenues were proposed to remain flat. Mr. Davis advised that availability and connection fee revenues were not included in the proposed budget. In response to an inquiry from Council regarding Salamander's pre-payment of the connection fees for the Residences at Salamander, Mr. Davis advised that the only cost to the Town to make those connections was the cost of the water meter. He reminded Council that those fees were intended to serve as the fee for access to the system. Mr. Davis reported that Salamander pre-paid the fees for forty-nine homes. He noted that there was some infill development projects that were in the pipeline, which could result in connection fee revenue in the current or the FY '22 fiscal year.

Town Manager Davis reported that the FY '22 Utility Fund Budget was prepared using a zero-based budgeting approach, which resulted in expenditure savings. He advised that additional funding was included to update the Utility System Master Plan, which was last updated in 2003. Mr. Davis reported that a new section was added – the Capital Asset Replacement Fund (CARF) – that would be used for utility capital purchases, with any unexpended funds rolling over to the next fiscal year.

Town Manager Davis reported that the Pink Box Fund was no longer included in the budget as those funds had been fully expended. He noted that the Museum Foundation agreed to assume responsibility for those expenses. Mr. Davis advised that $50,000 was included in the General Fund Budget to begin repaying the Health Center Fund for the funds that were used for COVID support programs. He noted that the staff would renew its efforts to create the Middleburg Charitable Foundation. Mr. Davis reminded Council that all the revenue projections were subject to change due to the COVID pandemic.

Town Manager Davis reviewed the budget schedule and reminded Council that the budget must be adopted by June 30, 2021. He advised that a public hearing was not needed on the real estate tax rate this year as it was not proposed to increase. Mr. Davis suggested that if the Council wished to increase it, the staff needed to know soon as the real estate tax rate must be set by March 25th. He reminded Council that there would be multiple opportunities for public input on the budget.

Town Manager Davis advised Council that he would provide them with email and printed copies of the recommended budget. He noted that it would also be posted online in the morning.

In response to an inquiry from the Council regarding the County's proposed reduction in their real estate tax rate, Town Manager Davis advised that Middleburg's tax rate was not affected by the County's. He noted that the Town must look at its own budget situation. Mr. Davis reminded Council that the County's personal property tax revenues were projected to increase by 23%, which would cover their entire operating budget. He noted that the County had other revenue sources that the Town did not have.

Amendments to Noise Ordinance

Town Clerk North reminded Council that during their January 14th meeting, in response to a citizen request, they asked that the staff draft an amendment to the noise ordinance to prohibit commercial construction during six specific holidays. She further reminded them that they asked that construction by residents still be allowed, recognizing that many families only had the holiday weekends available for such projects. Ms. North reported that the draft amendment would prohibit any construction that required a Loudoun County building permit on the six holidays. She further reported that it would continue to allow interior construction activity, as long as the decibel level did not exceed 50 decibels at the property line. Ms. North advised that the proposed language would address almost all commercial construction projects, with the exception of roof replacements and fence construction, which did not require building permits. She reminded Council that the concern about loud music at construction sites was already addressed in the existing ordinance.

Chief Panebianco opined that the ordinance, as drafted, would be easy to enforce.

Councilmember Daly moved, seconded by Vice Mayor Miller, that Council adopt an ordinance to amend Town Code Chapter 63.2 pertaining to noise.

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

Information Items

Legislation to Move Dates of Town Elections to November

Mayor Littleton reported that he recently spoke during a House Committee hearing on the proposed bill to move municipal elections to November. He opined that the speakers were evenly divided as to those in favor of and those opposed to the bill. Mr. Littleton advised that the Committee had no interest in hearing the thoughts of those present and just wanted to pass the bill. He further advised it would now go to the entire House for a vote.

Closed Session – Appointment to Middleburg Arts Council; Property Acquisition; Disposition of Publicly Held Property

Vice Mayor Miller moved, seconded by Councilmember Bernard, that Council go into closed session as authorized under Section 2.2-3711 of the Code of Virginia, for the discussion or consideration of (1) an appointment to the Middleburg Arts Council as allowed under Subsection (A)(1); and (2) the acquisition of property for the Town Hall Project; and, (3) the disposition of publicly held property related to the Asbury Church as allowed under Subsection (A)(3). Vice Mayor Miller further moved, seconded by Councilmember Bernard, that the Council thereafter reconvene in open session for action as appropriate.

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

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

Appointment to Middleburg Arts Council

Councilmember Bernard moved, seconded by Councilmember Daly, that Council appoint Matt Pavone to fill a vacancy on the Middleburg Arts Council, said term to expire June 14, 2024.

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

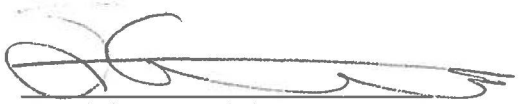
Purchase and Sales Agreement – Town Hall Project

Vice Mayor Miller moved, seconded by Councilmember Daly, that Council approve the Purchase and Sales Agreement with Salamander Middleburg MUV, LLC to acquire land for the new Town Hall as presented, with necessary amendments to be approved by the Town Manager and Town Attorney, and authorize the Mayor to sign such Purchase and Sales Agreement and any related Deeds.

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

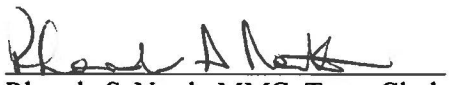
There being no further business, Mayor Littleton declared the meeting adjourned at 7:56 p.m.

APPROVED:



Trowbridge M. Littleton, MAYOR

ATTEST:



Rhonda S. North, MMC, Town Clerk

February 11, 2021 Middleburg Town Council Meeting

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

Bridge Littleton: We will bring the February, the 1st February meeting to order. First item is the Pledge of Allegiance.

Everyone: [Pledge of Allegiance]

Bridge Littleton: All right. Next item is the remote meeting announcement. It is the Middleburg Town Council's responsibility to conduct essential public business despite the covid-19 pandemic, however, it recognizes the need to do so safely for not only its membership, but also for the town staff and members of the public. To that end, in accordance with the resolution confirming the declaration of a local emergency and the ordinance to implement emergency procedures and effectuate temporary changes to address continuity of government operations during covid-19, the town council will hold its meetings via remote access until such time as the governor rescinds his emergency orders prohibiting gatherings of greater than 10 individuals and mandating social distancing. And we will also have a public comment session at the beginning of the meeting and at the end for those who have chosen to dial in. Alright. Next item is the roll call Chris.

Chris Bernard: Chris Bernard.

Philip Miller: Philip Miller.

Bridge Littleton: Bridge Littleton.

Darlene Kirk: Darlene Kirk.

Kevin Daly: John Kevin Daly.

Bridge Littleton: Cindy.

Cindy Pearson: Cindy Pearson.

Bridge Littleton: Peter.

Peter Leonard-Morgan: Peter Leonard-Morgan.

Bridge Littleton: Rhonda.

Rhonda North: Rhonda North, Town Clerk.

Danny Davis: Danny Davis, town manager.

Bridge Littleton: Mr. Crim.

Martin Crim: Martin Crim, Town Attorney.

Bridge Littleton: Ok, we will now open the public comment session if anybody who wishes to address the town council may do so. Rhonda, do we have anybody on the line?

Rhonda North: Well, we have some folks on the line, but no one who's indicated they wish to speak.

Bridge Littleton: Ok. If anybody who is currently online wishes to address the town council, please identify yourself and do so.

Danny Davis: And we have to unmute them so.

Rhonda North: Well they can send me a chat notice.

Bridge Littleton: If you if you're online and you wish to address the town council, please use the chat box to notify the clerk. OK, we will close the public comment session and move on to the first item, which is special recognition by mayor and town council resolution of appreciation for Jamie Gaucher. So as I'm sure everybody's aware, Jamie, this will be Jamie's last town council meeting. And he has also graciously volunteered to clean the entire office tonight. That's his last official duty. But no, as you guys have heard, and I'm sure everybody knows, Jamie will be joining the economic development team for the county of Fairfax starting Monday.

Jamie Gaucher: Tuesday.

Bridge Littleton: Tuesday.

Jamie Gaucher: Yes, sir.

Bridge Littleton: So what's Monday? Oh, OK. So, yeah, it could be anything. So. So we have a resolution of appreciation for all of Jamie's hard work since joining the town in July of 2017. Wow. And so, Jamie, we wish you all the best. Thank you for all you've done for all the citizens and businesses here in Middleburg and all your hard work and wish you all the best in Fairfax. And don't forget, you still have a Council Member in your home, so always bow appropriately.

Jamie Gaucher: I appreciate that. It really has been a pleasure. And I couldn't be more appreciative of the opportunity to serve this community. So thank you. Thank you very much.

Bridge Littleton: Well, and let me read this and then go around if anybody has anything else to add, but then we have to pass it. I always forget that part. So it says Resolution of Appreciation. Jamie Gaucher serving as business and economic development director, whereas Jamie Gaucher was hired as the business and economic development director for the town of Middleburg effective July 10th, 2017. And whereas during his tenure, Mr. Gaucher achieved many accomplishments, including recruiting Old Ox Brewery to locate a [inaudible] and restaurant in the former health center building, which resulted in the infusion of funds to the Health Center Fund for general purposes, a creative reuse for the health center building that attracts many patrons and a successful business in what used to be an untaxed property. Organized in the town of Middleburg's First Oktoberfest, which resulted in approximately 5000 people attending and creating great success for the town and its businesses, developing Middleburg's first formal economic development strategy through the assistance of a consultant to include integrating immediate response actions due to covid-19 assisting in development and implementation of Middleburg's First Marketing Brand logo, managing multiple public processes for the restoration adaptive reuse of the historic Asbury Church. Coordinating the creation and activities of the Cultural and Community Events Committee, which was instrumental in developing new events and supporting existing events, implementing covid-19 support programs for restaurants and retailers, specifically helping them stay operational, apply for grant funding and see strong recovery in summer and fall of 2020 and working in conjunction with the NVPA to create holiday activities throughout the month of December 2020, when the annual Christmas in Middleburg event was canceled due to covid-19. And whereas Mr. Gaucher is leaving the town to take a position with Fairfax County that provides an opportunity for professional growth. And whereas Mr. Gaucher has demonstrated extraordinary professionalism and personal dedication to the town of Middleburg and whereas the Middleburg town council deems it appropriate to express its gratitude to Mr. Gaucher for his exceptional service to the town for the past four years, now there for be it resolved that the mayor and members of the town council hereby recognize and express our sincere appreciation to Jamie Gaucher exemplary service to the town of Middleburg from July 10th, 2017 to February 12th, 2021, as our business and economic development director and express our profound thanks to him and hope for his continued success in life. And so we, as always, you can't leave Middleburg without a paperweight. So we have resolution. Go around here. That's all right. There

you go. where do you want us Danny? [off mic] and then. [off mic] You you can't leave without some ribbon. And which one is this.

Danny Davis: This is the relaxed banner.

Jamie Gaucher: Oh, very nice. [multiple speakers]

Bridge Littleton: Jamie. Thanks. We really appreciate it.

Jamie Gaucher: Likewise.

Bridge Littleton: Anything you'd like to say?

Jamie Gaucher: I just again, I couldn't be more appreciative of the opportunity to serve. And I want to thank all the members of the council and including Betsy and Kevin Hazard, who I got to know for a short time. And I this is not a goodbye for me. I will be back. Yeah. Riding my bike. [multiple speakers] But yeah, I hope to be drinking beers and oysters and being involved in shopping sprees here in town in the future as well.

Bridge Littleton: Well, your money is always welcome, as are you. Yeah.

Jamie Gaucher: Thank you.

Rhonda North: Now your wife has that on tape. Good.

Bridge Littleton: Ok, good. [off mic]

Bridge Littleton: All right, before we go on, we who would like to make a motion on the resolution, Cindy?

Cindy Pearson: I move that council, adopt a resolution extending its appreciation to Jamie Gaucher for his service at Middleburg as Middleburg business and economic development director from July 10th, 2017 through February 12, 2021.

Philip Miller: Second.

Bridge Littleton: Anybody have any comments or input? [multiple speakers] Other then thank you. All right.

Kevin Daly: I do have something, Jamie, outstanding job after the snow fell this morning. The sidewalks were completely cleared within an hour. Well done.

Bridge Littleton: Professional to the end. All right.

Rhonda North: We need to take the vote.

Bridge Littleton: I was going to say all those in favor. Rhonda. Say aye.

Bridge Littleton: Chris.

Chris Bernard: Aye.

Bridge Littleton: Philip.

Philip Miller: Aye.

Bridge Littleton: Darlene.

Darlene Kirk: Aye.

Kevin Daly: Kevin.

Kevin Daly: Aye.

Bridge Littleton: Cindy.

Cindy Pearson: Aye.

Bridge Littleton: Peter.

Peter Leonard-Morgan: Aye.

Bridge Littleton: All right. opposed, abstentions. OK, and Jamie, now he's gone. He got his paperweight out the door. OK, next item is staff reports. I'm assuming Stuart is not on. [off mic] OK, did anybody have any questions for Danny on the utility report?

Danny Davis: We are doing that well 4 backwash overnight hours and it is going well and we have heard no immediate reports as of this time of concerns so limiting, stirring up and discoloration of the water.

Bridge Littleton: Gotcha. Ok, Rhonda.

Rhonda North: So [inaudible] working on is the town hall project. That is the next item for discussion. So I'll just hold off until that time.

Bridge Littleton: All right. You everyone's seen Jamie's report. A.J., I guess he's not here. [multiple speakers] Oh he is? OK. Anything of note?

AJ Panebianco: Just [off mic] the polar plunge in some 85 degree weather, water. [multiple speakers] He does have a cold plunge he can do next year. We got the offer from Chris. Council Member Bernard. No, but that was a good thing and something he wanted to do. He's done it before. And it was a little different this year [off mic] raised, I think, over five hundred dollars for Special Olympics which was really good.

Bridge Littleton: very cool.

AJ Panebianco: And he did he and the crew did a great job during the snow event they stayed overnight to make sure that everything was good, not this snow event but the last one.

Bridge Littleton: You said not this snow event.

AJ Panebianco: No, no, no. [inaudible] look what happened. To be fair, he had planned to ride. He wanted to. [off mic] But he did a great job with the polar plunge and did a great job making sure that the snow event went and all surfaces [off mic].

Bridge Littleton: Very cool. Anybody have any questions for AJ? Ok, anybody got questions on Wills report? Or Martins. OK, Martin, anything you want to mention? You look like a cat that caught the canary.

Martin Crim: I was searching for the mute button it goes away sometimes. I don't have anything to add. Stand ready to answer any questions.

Bridge Littleton: Ok. I think we're good there. All right, Rhonda. Town hall.

Rhonda North: Yes, sir. So the committee met with the architect, Glave and Holmes, as well as the construction manager on Monday. We saw four examples of block and massing. We've asked them to narrow that down to three, make a few tweaks. I'm going to meet with them again on Monday afternoon to review those. They'll then go to work on developing the more detailed schematics for each of the three, and we will have those on the 26th to present to the council. We also have the updates to the space needs study, as well as the schedule which will be sending out to you all tomorrow. So we are we are moving forward.

Bridge Littleton: Any questions for Rhonda?

Kevin Daly: That is, you guys are going to be missing a day off. That's this Monday, is Presidents Day.

Rhonda North: It is.

Danny Davis: Do what needs to be done.

Bridge Littleton: Well, I'd like to hear that dedication.

Kevin Daly: We also have two dedicated council members are also showing up. [off mic].

Bridge Littleton: Peter did you have a question?

Peter Leonard-Morgan: But just a quick question for Rhonda. I was wondering if there was a lot of change or input with the space needs study interviews with council members, whether there was any differences as the result?

Rhonda North: I don't think there were a huge number of differences. The one thing that was identified was the the previous version did sort of undercount the little bit of the core services space that was needed. So so that was corrected. However, the staff also took out some things like the records room and the and the plotter room. So while it did go up some, it was offset by those deductions as well.

Chris Bernard: [off mic]

Rhonda North: It went to about 12 7.

Danny Davis: Which we had been at well. His sketch laid out here was about 12 5. So again, the original space needs study was just over 11. Again, undercounted significantly core areas like circulation areas. I will say the other item that was, I believe, not fully developed out and not fully sized was the council chambers. And so looking at it now, it's not extreme by any means, but the idea is to make sure it's a functional space with the size needed for an appropriate dais and then for the audience and in the seating area, in the multifunctional use of that space. [off mic] And so I had concerns even at the initial study that it was definitely undersized. [off mic] Yeah, but I guess to the point about the change in numbers, you know what? We have been developing our initial cost estimates in anticipation of footprint. One was closer to that, 12 to 12 5 number. And so it's not putting us in an extremely out of position compared to where we were.

Bridge Littleton: So, you know, on that, I just have a question for everybody in the room, because I have a I had one when I did my interview. I had a very. Well I had a strong opinion about it. And it was it was about a couple of dais.

Philip Miller: We found something he has a strong opinion on time.

Bridge Littleton: And so I'm actually just curious about everybody else view here. You know, we've all been in multiple different, you know, whether it's county governments or other towns and seeing their rooms and stuff. I mean, one thing I actually really like is the fact that our dais is that the floor level with everybody else, you know, now in other environments, the raised, elevated, whatever, I get it. But this is Middleburg. And I'm just curious where everybody I

think it actually sets a tone in the room of. Exactly. We're all one thing. Hold on. Before you give us your opinion, I was curious what council thinks. Do you think it should be raised or do you think it should be ground level?

Darlene Kirk: Yeah, I like it at this level. I mean, you can see eye to eye with people, I'm sure, but you can see eye to eye with people and, you know, you feel like you can really talk to them. You're not talking down to them and they're not talking up to you

Chris Bernard: You don't need to be up so that you can see 300 people.

Bridge Littleton: Yeah, exactly. We don't have it.

Chris Bernard: I was was going to say, the one thing I thought, not just the height, but I appreciate how it's rounded so that we're able to look at each other and make eye contact that I'd seen one thing where it was just a straight, you know, like a counter where you look over. I think the half circle is great.

Bridge Littleton: I mean, at the end of the day, it may be that for structural reasons, whatever, it has to be elevated. OK, but if we have the total choice, I mean, Kevin, what do you think?

Kevin Daly: Well, there's also the opposite. If you've been in a theater type situation, you're sitting a little bit lower than the audience and they're up like. So that I think the point is that they should be able to see us, not us looking down at them. And it depends on the intimacy and the size of the room.

Bridge Littleton: That's an interesting point.

Chris Bernard: But I also think you want to be careful. I like the idea of doing the same, but it's a multipurpose room, so we want to make sure flat. I even think the dais is going to be like a modular roll in type thing that you can then you want to get it out of there. That's something we talked about too. [multiple speakers]

Philip Miller: I don't think that's true. Yeah, but I don't think that that was possible.

Bridge Littleton: Well, you know, let them let them give us options. I mean, anything's possible with money. But I mean, I think, as Danny always points out.

Philip Miller: I think if it's going to be elevated, it shouldn't be, you know, like Loudoun. The board. It's like you're in front of the grand jury.

Bridge Littleton: Or I mean, even you know Purcellville's is you know, it's pretty high.

Philip Miller: Yeah. I mean, I you know, I don't have a problem with it being slightly elevated, but I think, you know, even eye-level here isn't eye level because people are standing typically when they're talking to us, you know, a couple of inches here or there I don't think it's going to make a big difference in the intimacy. I think we set the tone a lot in the intimacy of our conversations with people as well.

Bridge Littleton: Yeah. Peter, what do you think?

Peter Leonard-Morgan: Yeah, I think the way it is right now works very well, so I have no reason to prefer a higher dais so that we're looking down on people. It's fine.

Darlene Kirk: I was just going to mention too, are they still going to be voting in this in this room, too? Because that needs to be taken into consideration.

Bridge Littleton: OK. All right. Ok Danny you were saying.

Danny Davis: The plan is developed out would only be a six inch rise. It's like this wide a step. That's two steps. So, I mean, it's not it was not proposed to be a significant height. It was just to give a little bit of so if there is a full crowd, just a little bit of separation. But again, we hear the comments and we will take that back to them.

Bridge Littleton: I mean, to Chris's point, too, if you create separation level in the room you lose, if it is modular and you lose the ability to have a whatever, but whatever. Ok. And again, this is all a choice, right? It's not right or wrong. I'm just curious how everybody.

Philip Miller: If it is modular, they may need the six inches to run technology.

Bridge Littleton: Or maybe it's all built into the floor.

Kevin Daly: Thinking completely out of the box and alternative reality. The meetings could all be held. The council could be standing. This eliminates the additional dais additional chairs. And it would also limit the amount of time because people get tired of standing and pontificating. Is that right Bridge?

Bridge Littleton: No, actually, I have a standing desk. I stand all day. I'm more than happy to make you guys stand. [off mic] Yeah. Oh, yeah. You can go a lot longer.

Darlene Kirk: Well, let's not do that. [laughter]

Philip Miller: In that case, we're going to change it from being a dais to a soapbox. [multiple speakers]

Bridge Littleton: Anybody have any other questions around the town hall project update. Ok, Danny Covid.

Danny Davis: Yes sir. As indicated here, just a few updates. Thankfully, numbers are going in the correct direction as of this time. The main conversations now are vaccinations. We've been in touch with those of you who have the ability to go ahead and schedule that out based on being in the appropriate categories, as you mentioned, indirectly here. But I have a little more specificity I know some of you know this. The Safeway is now a location where the health department is providing a limited amount of vaccines. However, the sign up in the process is the same as signing up for the main Loudoun County pod, if you will. So it's not that you can walk into Safeway, you go get one or call them and get a separate appointment. It still needs to be organized and submitted through the health department. That being said, I've heard they give about 20 a day. As you know, you have to be watched after you get your shot. And so there's not a lot of space in the Safeway for social distancing, for monitoring, for side effects and all of that. So they are very limited, but they are running through as much as they can. And again, that's an allocation coming from the county. So we appreciate them helping spread that through different parts. the Purcellville pharmacy, I believe is also getting an allocation. Yeah. And so, you know, again, they are targeting western Loudoun residents just to give them the choice. Do you prefer to come to Middleburg, first of all, or or some of their other partner locations, as many of you have indicated, if you've been to the one in the Dulles Town Center Mall, it's extremely efficient, is huge. They can put through thousands and thousands of people a day if they had supply. And right now, again, it's coming back to having the appropriate supply. I will also let you know I've been in touch with the county about specifically helping those that Windy Hill and the aging population at Windy Hill and all their cottages to try to make sure that they can have access, priority access here because of their specific needs and especially at Windy Hill because of their [inaudible] quarters there. And so we're working with them. And finally, I know the state is also rolling out a centralized database for scheduling vaccine for those who are still in queue. We don't exactly know how all that's coming together. It's supposed to take those who've already signed up and provided it in one location. But again, that's all coming together. So other than that, we're continuing to keep an eye on other federal changes and we'll let you know if anything else happens.

Bridge Littleton: Any questions for Danny? If I remember correctly, the county is in phase 1B3, right?

Danny Davis: That that is correct.

Bridge Littleton: OK, and then. I think we do need to find out from a Western. I mean, I'm just thinking the Southwest planning district, right. And the Southwest planning district, we have about 8000 people. The only place with a facility that can handle doing any vaccines at all right now is at least the Safeway. 20 a day for 8 thousand would be four hundred days to get everybody around here. Now I get it. They can go drive up to, you know, the mall. But that's like you really got to take a day off. I mean, my dad got his second shot two days ago and it's a four hour ordeal. You got to drive up there. You got to wait to get your shot. You got to be monitored, you got to drive back. And especially as we get towards widespread vaccinations. You know, having the ability to have more points is going to be really important. So I think, you know, we it's hard, right? So we've got to figure out. We've got to help the county with options.

Danny Davis: So and I reached out to the other doctors offices here in town, and they're just due to some of the constraints and challenges. They didn't have an immediate interest in it at this point. If it comes to a point where the county has enough supply and they have the capability to run an additional pod, by all means, we will do everything we can to continue to encourage them to do that and also to help coordinate that space. I also spoke with a local hospital system and very much so the same conversation. They actually are no longer receiving direct supply of vaccine that was then they use to get a direct allocation and it all got redirected back to the state and the health departments [inaudible]. So they literally actually had people signed up for first shots that they had to call and say, we have to stop because we have to reserve them all for our second shots. That situation continues to be fluid as well. But he definitely was open to our plea for assistance. But at this point, they don't even have anything to use for their own pods in Fairfax or Loudoun.

Bridge Littleton: Ok, anybody else have any questions? All right, Darlene, I'm sorry.

Darlene Kirk: Is it about.

Bridge Littleton: You passed the first time.

Darlene Kirk: I know. Is it about space? I mean, because we could certainly get OK because I was going to say.

[multiple speakers]

Danny Davis: But honestly, it's really about supply right now.

Bridge Littleton: Well in a month, if that's not the problem, I mean I get it, I get it right now we've got more capacity than supply. But when the supply problem gets fixed, I do worry that we don't we don't have enough capacity to get it out because, I mean, if you did 5000 a day, which I think would be impossible, but let's say you did 5000 a day. Well, let me tell you what. Ramp it to that and watch how you keep that pace. It's one thing when you're handling a couple hundred and then when you get those people having to monitor 5000 a day every day for weeks on end, it's like the nurses, you know, they'll get exhausted. What's Loudoun County, 400,000 people? Yeah. Ok. Any other committee reports. Ok, consent agenda. Would anybody like any item removed from the agenda.

Philip Miller: I move that we accept the consent agenda as presented.

Chris Bernard: second.

Bridge Littleton: Any discussion? All those in favor say aye. Chris.

Chris Bernard: Aye.

Bridge Littleton: Philip.

Philip Miller: Aye.

Bridge Littleton: Darlene.

Darlene Kirk: Aye.

Bridge Littleton: Kevin.

Kevin Daly: Aye.

Bridge Littleton: Peter.

Peter Leonard-Morgan: Aye.

Bridge Littleton: Cindy.

Cindy Pearson: Aye.

Bridge Littleton: All right. Motion passes. Next item is the employee handbook update for paid paternal leave. Danny.

Danny Davis: Mr. Mayor, thank you and I'll just very briefly say that this was brought up to my attention by a Council Member and I was asked to be added to the agenda. We had some dialog back and forth about options, also spoke or communicated with Mr. Crim just to make sure that we were at least establishing it equitably and appropriately did not create ourselves any challenges, at least how it's drafted as of right now, I'm happy to answer questions, but if it's OK with you, Mr. Mayor, I'd turn it over to the vice mayor.

Bridge Littleton: Ok. Philip.

Philip Miller: So the last time we reviewed the handbook was early 2017. I went back and still have the handbook, the actual binder. And so in our last meeting, this paid paternal leave came up in one of our discussions, parental sorry, I did. I keep doing it. I honestly thought I felt a little bit embarrassed that I thought we actually paid some leave for that purpose, went back, looked at it, then sat down, talked to Danny about it, and then we did some research. And since 2017, I mean, policy has shifted from the federal, state and local level, not to mention, you know, private companies. This is something that people have been updating over the last couple of years, including the federal government updated it that I think it enacted in, what, October for federal employees. The state updated it in 2019 and offered the policy. And so I obviously spoke to a number of you about it. And I think many of us thought we already offered some kind of leave. So we went ahead and Danny and I looked at what is being offered out there in the marketplace. So we came up with this proposal, and I think it's important that our employee policies represent the values of our community and are consistent with the surrounding jurisdictions of Virginia, Fairfax, Loudoun, cetera. And it's important for Middleburg to be a leader for our great staff. You know, we have an opportunity to lead by example, and we are not resource constrained to the point of this level of fiscal impact. And I think it's important to remember to keep the human part of human resources so. Any questions?

Bridge Littleton: So a couple questions. Are you sure the federal government is providing 12 weeks of paid leave? Because I'm on [inaudible] website right now, it says you're eligible for 12 weeks of unpaid leave. That's Office of Personnel Management, you know.

Philip Miller: A certain level of federal employees get 12 weeks of leave.

Bridge Littleton: Paid or unpaid?

Philip Miller: Paid, as of October.

Bridge Littleton: And when what certain employees?

Philip Miller: I don't know what level it is, do we have that in front of us?

Bridge Littleton: I'm literally looking at policy data, oversight sheet from the Office of Personnel Management at the federal government. And it says under the Family Medical Leave Act of 1993, most federal employees are entitled to up to 12 work weeks of unpaid leave for the following purposes, birth of a child, support of a parent, all that kind of stuff.

Danny Davis: So we can definitely pull that information. However, I've seeing Post Articles as well.

Bridge Littleton: I got it. I'm just I want to make sure it's accurate. I just I was looking at that.

Danny Davis: It says most employees, most federal employees are eligible for paid parental leave as of October 1st.

Darlene Kirk: Ok, October 1st.

Danny Davis: 2020. [off mic].

Kevin Daly: Follow up question on that.

Bridge Littleton: I'm looking at OPM's web site. [off mic]. OK, what's that?

Philip Miller: This is the Department of Labor.

Kevin Daly: And you also mentioned that state policy and the state policy is going along with the period of paid leave.

Philip Miller: Yes, yes. For eight weeks.

Bridge Littleton: So my second question is. Why are we limiting this benefit only to birth of a child. Family medical leave is for like, you know, you have a child that gets really sick or has to go to the hospital or you have a parent who gets really ill and have to take care of them. Why aren't we including those as well? I mean, you know, somebody's got to take out 12 weeks to take care of a birth. [off mic] I think it's unfair. I think if we're going to provide employees the benefit to take care of the newborn child, as someone who recently lost a parent and had to spend a lot of time taking care of that person when they were sick. I think that was just as hard and demanding and all that kind of stuff as a child. But, you know, it can be just as demanding, especially if you're the only one. If you're an only child and you've got to take care of that parent, it's probably more probably harder than a baby.

Danny Davis: So if I may real quick. we had that conversation, it is something that other jurisdictions have done. Fairfax County is paid family leave. I believe it's six weeks of paid family leave for anything that would be covered as an FMLA situation. And so we have the dialog about whether it should be just parental leave or all family leave opportunities. That is a choice of council. Not here to tell you which direction. My only statement in that is being a small operation here in the limited number of staff we have, clearly people would still qualify for FMLA so they would still be able to take that leave that was necessary to use, whether it's annual leave or sick leave. But we do want to make sure that we continue to have the staffing available to do the jobs we have and if it's a a paid situation and the potential for opportunities to have more people take full advantage of that could impact our staffing levels. Again, FMLA is completely there and people should use it as they need it.

Chris Bernard: The other thing is the parental thing is something that you can plan ahead for. You have a little bit of runway, you see that coming and some of these other situations you don't so that could [inaudible] three people all of a sudden being out for six weeks at the same time.

Bridge Littleton: But I mean, if we're talking about, you know, trying to support our employees through tough times, I would actually make the argument that it's more important to give additional leave when you have an unplanned medical thing where you're like you can't plan ahead for it. You know, you may not have the money in a savings and the PTO and all that kind of stuff. Whereas, like you said, a pregnancy, you know, it's nine months down the road. You can look ahead and plan and all that kind of stuff. You get a parent or a child who gets massively sick all of a sudden that's a life altering

event. And what we're saying to those folks is you're out of luck, [off mic] Well, my point is, if we're going to look at this. We should look at it in the totality of what family medical leave does.

Danny Davis: And again, Fairfax has done that. I understand that Loudoun is looking at the issue. My guess is they would probably fashion it similar to Fairfax, but I don't know what they're going to propose.

Philip Miller: In our discussions and in our research, we found that some actually some jurisdictions handle it differently for parental versus family, right.

Danny Davis: I think there may have been I can't recall at this moment now to and again, you know, the model or the policy we modeled this off of was the state policy, which was limited to parental leave.

Chris Bernard: Did they have any context around why it was that or just.

Danny Davis: I didn't find anything? No. In fact, all I recall is that I believe it was signed in as kind of an executive order and then the legislature approved it, I believe, in the last session.

Bridge Littleton: Darlene.

Darlene Kirk: Can we look into doing something like that, Danny, and maybe check around to see if there is such a thing that maybe we can be a trendsetter and into doing something with family?

Danny Davis: I mean, if that's the direction council, by all means we can implement that.

Bridge Littleton: Kevin.

Kevin Daly: A couple of questions. We currently have a FMLA program.

Danny Davis: We do.

Kevin Daly: OK. And we're not saying that the parental leave is concurrent. Is it concurrent with FMLA or would be added to.

Danny Davis: FMLA is a status of position, it's a leave status. It's a job protection, if you will. It is not a payment leave if that makes sense. So FMLA in and of itself does not give you pay typically. In a FMLA situation or at least as of today, you would use either sick leave, annual leave or unpaid leave during your FMLA period. And so they overlap. The paid parental leave is meant to also overlap with FMLA. So you would be in an FMLA status and as proposed for a period of that time, you would have paid parental leave for the remainder of your FMLA. You could use annual leave, sick leave or unpaid leave.

Kevin Daly: To your knowledge, have we ever had more than one staff member on FMLA?

Danny Davis: concurrently?

Kevin Daly: Yeah, three or four suddenly leaving and not being available.

Danny Davis: As Rhonda and I were talking through this the other day. There have been a number over the years. I'm not sure Rhonda if any of them happened concurrently.

Rhonda North: I can't think of instances where it is concurrent. You know, I came up with, I think, eight instances where if there had been FMLA paid leave that employees could have could have applied for it. But I can't think of any that would have been concurrent.

Darlene Kirk: I can say no. Because I remember my mom and for me.

Kevin Daly: Yeah, I think maybe we're over worrying that we're going to have six people suddenly come up pregnant all at the same time. Of course, in some cases the hey, [multiple speakers].

Bridge Littleton: Nine months since Covid started and you know the maternity wards are packing up.

Chris Bernard: I think the parent thing is fine. I think the concern is that if we open it up to sick parent or whatever, then it potentially could happen. You got a couple of things that are different that happen all at the same time.

Philip Miller: So what Danny and I talked about was if if that's if the conversation went this way, that what we should do then is look at adding that policy. In addition, after we do some research like we did with this, what's the standard number of weeks for that particular circumstance? What are those circumstances? What are the limiting factors? What you know, what a program like that would look like?

Bridge Littleton: Because, I mean, what the end of the day, I think what we're talking about is major life events that you need to be home for and focusing on your family. And it's more than just giving birth. Family medical leave was not just about birth. It was about these four or five situations that all of us will find ourselves in two or three or four times in our life that are majorly disruptive, you know, not disruptive, but you've got to be out of work. Right. And FMLA is about you not losing your job. It's got nothing to do with you getting paid. It's you can't you can be out for twelve weeks for one of these four or five reasons. And you can't be fired. You can't you can't lose your job. But we're saying is how do we want to pay people if they're using that reason to also not get. So I mean I would say if we're going to be consistent, FMLA treats all these things equally. They don't say you get more if you're pregnant versus your parent, your mother is sick. If we're going to do this, we should do it fairly across the board for how the federal law views these life events. And we should be consistent. Not pick one winner over, you know, over all these other things which the federal government has viewed equally as important. Yeah. Cindy.

Cindy Pearson: So in doing that, it affects our budget. It's something like what we do with retirement. We have to have that money sitting there waiting for us, which, you know, when all is well, that's not bad. But it could happen. I mean, you know, parents could get sick at the same time. You would be out staff, so you'd have to restaff all that times out. So you'd have to have that money in that pot also. I'm not saying that it's not a good thing. I totally agree with that. I just don't know if the eight weeks is too much for that of the paid part. Yes. You can use your FMLA, your and the majority. Yes. When you hire new, that is when this really comes in handy. But the majority of our staff has always had leave that they can't even use. Not that that should be a part of this at all, or maybe even a thought of it. But I just think eight weeks is a lot for our small town, for the number of employees that we have to have to guarantee that amount of money.

Philip Miller: Are you saying for all family?

Cindy Pearson: If you're going to do all of it and do it equally. Yes. I think if you're going to do it all and do it all equally, that eight weeks is too much. It should be 6. In my opinion.

Bridge Littleton: All right, Peter, you haven't had a chance yet. Is there anything you want to add?

Peter Leonard-Morgan: Well, I think it's a fascinating conversation, I think that we should look at maybe adopting PPL now and really research the remaining issues because it's a bigger, much bigger issue. You know, what do we include in it and what what what other circumstances. And but definitely we should look at that. And I think Cindy's point is very valid about the budget. How does that affect it? We need we need to know. It's not to say we won't do it, but I think we need to know before we we adopt an extra additional paid leave.

Bridge Littleton: Darlene.

Darlene Kirk: OK, I understand what you're saying about the six weeks, and I agree that if we're going to do it overall, it should be six weeks. But we have this amendment here, have this now. Is this something we want to table or is this something we want to go on and decide on? It may take them some time to do some research for it. I don't know.

Bridge Littleton: Well, there's nobody right now that this affects. Right.

Danny Davis: I'm not sure if that..

Cindy Pearson: Don't ask. [off mic].

Philip Miller: I don't think those are things we can talk about. [off mic]

Bridge Littleton: I won't ask you for names.

Chris Bernard: Do we need to do this now or can we wait until.

Bridge Littleton: My preference would be that we wait and we research these issues and we do it right.

Danny Davis: We can do that.

Bridge Littleton: But I don't think you want to pass a policy for eight weeks, for one thing. And then you guys go do your homework, come back a month later and go, you know what, to do it right. And we want to do it for everybody. It should be six weeks because then we have to go back and undo it.

Danny Davis: I think we were just fine. I think we can take the two weeks, the month or six weeks, whatever it needs. We can get it right. We can get it right. I'm OK with that. And it won't be a problem.

Bridge Littleton: Ok, then. Yes Cindy.

Cindy Pearson: I was just saying that I don't know if I have to make a motion, I was just going to suggest we table it then and look into it further with adding the other leave as necessary or as written elsewhere.

Bridge Littleton: Yeah. I mean I would say take this, take a definition straight out of FMLA for those other four categories.

Danny Davis: If I may. I just I think I will look to the Fairfax County at least as a model. Not sure we use it perfectly, but I think that's a way to craft it because of how they've defined it around FMLA and and then we'll also look for others who may have similar examples throughout the region or the Commonwealth.

Darlene Kirk: When do you think you'll be able to get back to us, in a few months, six weeks?

Danny Davis: No, I think two to three meetings from now. I'll shoot for a month from now, the first meeting in March. And if I'm not able to, then then we can, you know, push back another time or that gives us a chance to review it and figure out if we hit the nail on the head. Good.

Bridge Littleton: And I didn't go all the way through it. In the paid leave, how many times can you do it? In FMLA, you can do 12 weeks per year. But I'm not I don't think we're saying that are we?

Danny Davis: This is once, You have to use in the first six months, at least as crafted. This is, again, the parental.

Bridge Littleton: I got you. I got you.

Danny Davis: You have six months to use it and it's once per year and per child. Now, I interpret that to say you get a once per year, right, so that being said. You could adopt there is adoption as well. Adoption or placement fostering. And we can clarify that to make sure that it's clear that it's once per year and it's only once per child. If that makes sense, you don't get it in the second year of the child's life or any.

Bridge Littleton: Right, OK. Oh, I see you're saying. [off mic].

Darlene Kirk: That's what that says. [multiple speakers]

Bridge Littleton: This is very technical, technical. But what you're saying is if I have two children in one year, I can only do it once.

Danny Davis: That's the way I interpreted it. [multiple speakers]

Bridge Littleton: I mean, Irish twins. I get it.

Chris Bernard: Or adopted.

Bridge Littleton: Or that or you have twins.

Chris Bernard: A very unlikely scenario.

Bridge Littleton: Yeah, I got I got it. I got it. I got it. OK, that makes sense. I was trying to figure out how those two were mutually exclusive, but that would be how it would be. OK, all right. Yeah. Darlene.

Everyone: OK, I'm just going to ask if suppose someone did have a baby and at the end of the year the child became critically ill. Can they use six weeks at the first time when the baby was born? And then can they use another six weeks to take care of the critically ill? That's something we have to look at too.

Bridge Littleton: So FMLA you can't get fired, but what we're talking about is getting paid for while you're out.

Darlene Kirk: Well, I know, but I want to make sure that we know what we want to be able to use.

Danny Davis: So we'll look at how Fairfax handles that.

Bridge Littleton: Yeah, that's good.

Danny Davis: You qualify for 12 weeks of FMLA in a one year period of time, is my understanding. And Fairfax policy is you can get paid for six weeks of that. And I think that would again be in a one year period of time.

Bridge Littleton: Mo, and that makes total sense because you can't you bankrupt anybody if you if it was unlimited.

Cindy Pearson: Martin had something to say.

Bridge Littleton: Martin, you had to say?

Darlene Kirk: I think he went to sleep.

Martin Crim: I want to footnote that you have to look very carefully at what 12 month period is, there's several different ways you can do that in your policy. So whatever you come up with, you need to make sure that it works well with your leave policy to make sure that you're not inadvertently giving people the ability to say six weeks at the end of one calendar year and six weeks in the next calendar year because of the wording situations that just have to be carefully controlled.

Bridge Littleton: Hopefully we can find a good town attorney to help us with that.

Martin Crim: Thank you.

Bridge Littleton: OK, Danny is that you? Have you got clarity on that mud? OK, anybody else? Anything else on that before. All right. Next item is budget presentation.

Cindy Pearson: Can I ask a question before we go there?

Bridge Littleton: Yes, ma'am.

Cindy Pearson: Can we go to AJ's item or whatever so he doesn't have to stick around. Oh you're going to stick around anyway. Oh never mind then.

AJ Panebianco: Ok, thank you.

Bridge Littleton: No, we can't. All right, Danny.

Chris Bernard: [off mic]

Bridge Littleton: That's nothing. You should see the county goes to one or two o'clock, routinely. And they need to start at what, 5:30? 5.

Danny Davis: They had another eight or nine hour meeting the other day. It's tough. [off mic]

Bridge Littleton: All right.

Danny Davis: Mr. Mayor, council members, thank you for the opportunity to present you in the proposed budget for fiscal year 2022. During the presentation, we're going to cover five major topics, an overview of our current fiscal year goals for fiscal year 2022, a review, the general fund and the utility fund. And then a reminder for you and the public about the upcoming budget process. We all know that Covid has had a significant impact on our residents, businesses and town operations. However, the town council took swift action almost 11 months ago to support and prop up our business community and primarily our restaurants. And I believe it was due to this quick and significant response that our restaurants remained operational and successful. And many have not only shown recovery, but have exceeded prior years in their monthly sales. Nonetheless, we know that other retail and businesses continue to struggle and we do not lose sight of the need to support them in a variety of ways. We also know that events have dried up and it's not just safe or possible. However, I appreciate the efforts of the town staff and the MBPA in helping create a lasting holiday season throughout December that was extremely well received and good for our business community. I also think it's important to remind Council of some of the other items that we accomplished in the past seven months of our current fiscal year. We accomplished the crosswalk repair project that was two years in the making with significant effort by the mayor and our CTB representative to get this accomplished and the coordination to make these repairs over concentrated weekend work and not over an extended period of time to help our businesses plan and manage these interruptions. We have also made great strides in our town office and town hall project to acquire land and to bring on contractors for that design phase and project management. And we're excited about that. I'm also very proud of our team and their approach to daily lines of business. We've seen operational changes and activities that will lead to greater efficiencies and productivity in many of these have realistic cost savings associated with them since last year's budget. I also want to point out we have hired four new employees. This is since last year's budget presentation, which has been significant, especially during the Covid pandemic. Most of our most recent hire, as discussed earlier, Lieutenant Shawn Jones, holds a key role in the police department. As always, it's important for us to align the budget and our activities around the strategic initiatives of the town council. The work you've accomplished a year ago remains our guidepost, and we look forward to the discussions in a couple of weeks to review and update your strategic initiatives. Clearly, we must also keep a keen eye on the current economic situation. Our team stays deeply in touch with local economic indicators through our own revenue streams and also through data from the county government. Major indicators demonstrate that Loudoun County is in an enviable

position, with low unemployment, strong property taxes and growing sales tax revenues. However, we know that our town's economy is also significantly dependent on discretionary spending and visitor activity. So this remains our focus. We also know that facilitating local support in response to Covid 19 is crucial for our residents and businesses. And I use the word facilitate because we may not always be the direct source of the support. In many cases, we are helping people find the information or the resources they need, just as we were discussing a few minutes ago about the vaccine. Another significant goal is continuing to push the town hall project forward. And we are confident in the team we have assembled to make this an amazing community space that the entire town is proud of. Finally, we know that any recovery and continued success of the town relies on economic development, marketing and event support and promotion. We must commit in these areas making plans that we can renew the great activities of our town in the coming months and year. So with all of this in mind, the revenue situation remains a concern while we ended fiscal year 20 in a positive position and we are looking manageable for the current fiscal year 21. The upcoming fiscal year remains very much uncertain based on current trends we have some level of confidence, but much depends on the efficacy and distribution of vaccines and the willingness of visitors to travel, shop and stay. To this end, you can see our assumptions on the revenue side. Meals tax has been consistently down 20 percent for fiscal year 21, and we anticipate that continuing for fiscal year 22, occupancy tax has been strong so far. But we know that many large group and corporate events are moving activities to next year. So we are currently projecting a 10 percent drop for fiscal 22. Business license taxes for the current fiscal year are due on March 1st, at which time we can likely revise our projections at this time that we proposed a 20 percent decrease over fiscal year 20 actuals. Our overall real property assessments have decreased four percent, while residential assessments have increased over nine percent. This is clearly due to a sizable decrease in commercial values. However, we hope to see a recovery in this revenue stream for calendar year 22. Finally, we continue to show limited use of fund balance for capital projects such as wayfinding, street sign replacement, limited paving activities and fleet replacement. This slide is a graphical representation of the average residential assessment. You'll see the nine point one five percent increase from calendar year 20, calendar year 21, which places our average residential assessed value at nearly four hundred and ninety three thousand dollars. As a comparison, the overall residential average assessment in Loudoun County is around five hundred and thirty thousand dollars. We also demonstrate on the slide the tax rate, which is stayed level over the past four years or three years and proposed for this year. This is a new slide that I thought would be important to show you. It shows that single family detached and townhomes are valued at nearly identical at around 505 excuse me, five hundred fifty six to five hundred fifty seven thousand dollars. You also see the value increases for each of these distinct categories. Condos increased the most at over 15 percent year over year in their values. However, it is noted that single family and families are the majority of our residential units in the town. This is a slide as well that we have shown in the past a lot of data on this slide, this is showing revenue projections and actuals for 19 and 20. If you see in the middle of the top of the graph, that is the fiscal 21 budget, how much we budgeted around this time last year. And next to it is our projection showing nearly a million dollars in the expected drop in those revenues. Now, some of that is reducing transfers from reserves for certain capital projects. But you see the significant drop in some of our key revenue sources. And then the final one you'll see is fiscal year 22 proposed, which is fairly similar to 21 projections with the added influx of some additional reserves for those capital projects [inaudible].

Bridge Littleton: Wait a minute. What do you mean, influx of capital reserves?

Danny Davis: Ok, so in the all other category, the beige, top of the bar chart, yeah, I'm sorry. For those of you here, let me. That million dollars million, that is the all other catch all category. And that would include things such as debt service payments as well as payments towards particular capital projects such as the wayfinding, fleet replacement. So we we will sometimes cash fund capital projects.

Bridge Littleton: But this is revenue.

Danny Davis: Yes, but it is a transfer. It is a transfer from reserves.

Bridge Littleton: So we need to be showing that separate because that is actually taking money that we've saved. When I look at this as revenue, I look at it as in money we're making. Not money we're taking out of savings.

Danny Davis: We can we can pull that out separately.

Bridge Littleton: I would like to see that pulled out separately because that shows a much different picture. We can take three million dollars out from our reserves and put it in there and make our revenues look great. But it's just clarity as to this shouldn't be. Well, hold on. Let me say it this way. Try to be very, very accurate. I don't consider that revenue, that's transfer. Right, that's available cash to pay for things, revenue is what we pull in in taxes.

Danny Davis: So and I hear you will [multiple speakers]

Bridge Littleton: Right. If any of this being pulled out of town money, that's not really revenue. And I think it's important for us and the public to know for an average person would think, oh, that's your tax revenue. No. Some of it's coming from savings. So in FY 22 proposed in that other of that million, how much is coming from actual town savings?

Danny Davis: Two hundred eighty thousand.

Bridge Littleton: Ok, so it's about a third of that is actually towns earned money. Ok. All right, cool. Thanks.

Danny Davis: So on the expenditure side, we are projecting a similar and proposing a similar budget to fiscal 21. We have also developed a contingency plan for a worst case scenario of revenues should things decline significantly. That would be similar to the Covid contingency plan that you have seen in our current fiscal year. And I guess I should back up and say on the revenue side in the budget, we have actually developed a Covid revenue scenario that shows an even steeper drop than we're currently demonstrating in our proposed budget. It's an additional almost a million dollars, again, assuming things go very, very poorly. But at least we wanted to have that prepared and in place. As stated earlier, one of our key focal points is in the marketing side. And so we have left the amount of money that was programmed in last year's or excuse me in the current year's budget in the economic development department, in the hopes that we can have events and we can continue marketing the town and drawing visitors. We have also created the national debt service for the town hall. But that amount will continue to be refined as we work with our financial advisors. Had a conversation with them today. And I want to follow up with the two of you as it relates to finance committee and options on that moving forward. Of course, we do know that the importance of our work, that the work that our employees do day in and day out, especially during this Covid pandemic, to stay competitive with the market around us in the region, I am proposing a two percent market adjustment and continued investment and merit increases in bonus pool funds for employees. And finally, as described previously, we're using zero based budgeting and ongoing expenditure reviews to consider opportunities for savings in our departmental budgets. Specifically this year, we apply that to the police department [inaudible] budget. This chart shows our revenues to expenditures. We also shown this in the past and in trying to make a little more helpful this year and we'll see if we get there or not. FY 2019 that beige box, what you see is the amount of revenues that we did not spend. So all of that money went towards into fund balance. The same with the FY 20 actuals. You received the audit report back in October, and that number is around one hundred fifty seven thousand dollars for fiscal year 20. In 21, we had budgeted a contingency amount that was amended in the amended budget. As of now, we're not projecting any excess revenues and so we don't anticipate any additional funds going into fund balance. Again, if expenditures don't match what we think or if revenue is stronger than expected, there may be some funds that that we're able to put into the fund balance. For fiscal year 22. We are programming a slight amount of unexpended revenues and about eighty eight thousand dollars. This amount is a contingency or could also be used for appropriation to other line items that the county council may wish to fund. And so we can have that conversation as we go through a different departmental budgets. That's general fund. I'm going to move on to utility fund, if that's all right. We proposed a continued increase in our rates to account for inflation, contractual cost increases and again, the ongoing investment in our utility system. It is important to note that we're seeing a little bit of a drop in consumption. So we are planning our revenues to be flat year over year. However, we should have better information in the coming weeks about consumption for the first two months of 2021 and what that looks like for current fiscal year, as well as planning out for next fiscal year. It's also important to note that our revenue assumptions do not include any availability or connection fees, so those do come in, that is excess revenue and any new connections to our system will help our revenues grow. For the utility.

Bridge Littleton: Quick question. For the advance fees that Salamander's residents has paid. And now we're going to start having to, you know, come true on those, has the cost of the town increased? And if you factor that in?

Danny Davis: So we the only cost that we have related to the new homes and the connections is the cost of the meter. The yeah, it's a couple hundred bucks. So in terms of we don't build the pipes, we don't build connections or anything like that, it's all [inaudible] availability and accessibility to our system.

Chris Bernard: Question.

Danny Davis: Yes.

Chris Bernard: They prepaid. Sorry. They prepaid a certain amount of, is it for all of them or they're going to be additional ones.

Danny Davis: It was for 49. And I will note, without you not counting our chickens before they hatch, but we are aware of a couple infill projects that are very far along in being prepared to submit permits or for permits. And if that is the case, they would also be submitting availability fees because they are not currently homes in those locations. And so, again, that will help either offset or decrease in revenues in the current fiscal year or could be used to to build up our fund balance in the utility funds. On the expenditure side, we also apply zero based budgeting to a certain of our O&M costs on the utility fund looking at things such as our chemical expenditures and supplies. I'm trying to right size those budgets. It is important to note we have added some funds in the engineering line item of our utility funds to plan for an update to our utility system master plan, which has not been updated since 2003. That's the kind of plan that will tell us not only what do we need for our system to continue functioning well, but also what is the quality in the status of our system as it is, and what are the priority projects or areas that we need to be focused on? As discussed with you, I believe previously, we recognized that many of the expenditures in the operating budget of the utility fund were actually more like capital expenditures, such as new well pumps, pipes and other equipment. So we've created a new section in our utility fund CIP that's called a capital asset replacement fund. Essentially, what we'll be doing is taking some operating dollars in every year, moving that into CIP for replacement of pumps and other equipment like that so that we can continue to have the dollars needed for that. If it's not spent, it will stay in a designated fund for capital asset replacement because we know that equipment always breaks down and is always needed to be repaired and replaced. It will just continue to roll over year over year, and especially will help if we have large, unexpected expenditures. And then finally, our utility fund CIP continues projects that are shown here, such as the well four clear well membranes and other sewer system improvements. It's also important to note that our allocated funds for the Pink Box were fully expended this year. In addition to that, the Middleburg Museum board voted to assume all ongoing expenses of Pink Box properties such as utility bills and regular maintenance. And so I'm working with the executive director to bring that to fruition and provide them all the information they need to transfer those over. So there is no line item in the current or proposed 22 budget for the Pink Box at this time. Also for the health center fund, we program fifty thousand dollars to begin repayment of the health center fund from the Covid 19 support programs that came out that this is expected to be a three year reimbursement depending on our financial situation over the coming year. We're also reviewing our discussions to get the charitable foundation established. And I'll be bringing back discussions to the council at your next meeting to confirm some fundamental assumptions at which point we can restart the development of the appropriate documents. Finally, it should be noted that all the projections and proposals in the 22 budget are subject to change, depending on what transpires with Covid 19 through the coming months. For the benefit of you and for the public, here is the schedule of the upcoming meetings that will impact the budget, I've listed out the strategic initiatives meeting of February 23 because that's important to help us understand what critical things should be continued to be funded or perhaps moved around in the budget during your budget discussions. So I believe the strategic initiatives discussion will be very helpful in leading up to the tax rate. The real property tax rate must be approved by March 25th so that we can let the county know. Again, I'm not proposing any changes to that tax rate at this time, but that is again subject to the council's discretion. I would note that if the council had any desire to raise the real property tax rate, it would require or likely require a public hearing. And so we would need to know that sooner rather than later. And again, budget must be adopted by the end of June. Typically, we do that in early May. And finally, for any member of the public interested in providing public input, you may contact the town and our town phone number during a public meeting or online at MiddleburgVa.gov/Input. And we will ensure to get that information to the full council. At the conclusion of today's council meeting. I have printed copies of the budget. I will also email that to you so you have it and it will be posted online in the morning. And so I think the intent would be that we'll give you time to look through it. And if you have questions on the format, you are more than welcome to reach out to me individually. And then at the next meeting, I can also walk through a few of the different pages and show how it's

changed. Just the one thing I will note, because of this current fiscal year, we have adopted budget. We did an amended budget and we have a Covid 19 plan. I've listed all three of those out because of the [inaudible] information I've color coded each fiscal year. So there will be a fiscal 19 actual, fiscal 20 actual, our current fiscal year is three separate columns, one color, and and the proposed budget is a separate color. So it just help you distinguish what you're looking at. And again, I can walk through that with any of you that you wish to with that, Mr. Mayor. I'm happy to answer any questions.

Bridge Littleton: Who has questions for Danny? Chris?

Chris Bernard: I do not.

Bridge Littleton: Philip.

Philip Miller: The only thing I, the point you made about the revenue and taking out the transfer. I agree that we need to look at that a little bit differently because it's not revenue in the way that I can conceive of it in terms of income.

Bridge Littleton: So that's the right way. It's not income. Yeah, Darlene.

Darlene Kirk: No questions at this point.

Bridge Littleton: Kevin.

Kevin Daly: Yeah, no, I concur. I want to know where we're getting the new money from, but not how we're spending the old money.

Bridge Littleton: Cindy.

Cindy Pearson: No questions. Thank you.

Bridge Littleton: All right, Peter.

Peter Leonard-Morgan: A couple of quick questions in the FY 22 proposed it says 500000 dollars, more than FY 21 projected which is more than 10 percent. Is that assuming Covid is in the rearview mirror?

Danny Davis: That is, yes. Yes. So that is the that is the baseline scenario that would assume that it is at least waning or not getting any worse. That is correct.

Peter Leonard-Morgan: Ok, thanks. And also, I believe that the county is proposing or maybe proposing a three cent reduction in a property tax rate. Does that affect how you think about the town tax?

Danny Davis: Not really, no, sir. We look at our overall revenues. We look at our individual situation here in the town. I would note a couple of things from the county. One, they also are expecting, I want to say something like 19 or 23 percent increase in their personal property tax collections, which is primarily from data centers. The the amount that they expect to be bringing in from the personal property tax from data centers pretty much covered, could cover the entire county government operating budget, which is baffling, its over five hundred and forty million dollars or some like that. It is a significant amount of money, and so I only say that for context, to say that they have other revenue streams that allow them to drop their real estate tax rate. I would also note that our commercial valuation dropped more drastically than the county saw because of our large properties here in the balance, the different balance between residential and commercial. So we want to be careful not to take drastic measures up or down, especially when those values on the commercial side are dependent upon what happens with covid-19. And we really do think that they should be able to bounce back soon.

Peter Leonard-Morgan: Thank you Danny.

Bridge Littleton: Anybody have any other questions for Danny? The only other question I've got is really for the council, I mean, given where we are financially and well no I won't say that. I'll wait till next time. Ok, if that's it, we will move on to the next item, which is amendment to the noise ordinance. Rhonda and AJ. Hot dog.

Rhonda North: So, Mr. Mayor, as directed during your January the 14th meeting, the staff has prepared a draft amendment to the noise ordinance that will prohibit commercial contractors from working on construction projects during six holidays of the year. You did ask that residents still be allowed to do such projects, recognizing that many young families only had the opportunity to do those on holiday weekends. So we have proposed an amendment that would prohibit any type of construction activity that requires the issuance of a Loudoun County building permit on the six holidays. It would continue to allow construction activity within an enclosed structure, provided that the noise did not exceed 50 decibels when measured at the property line. And for those of you who are not familiar with decibels, 50 decibels is equivalent to a refrigerator operating or to a quiet office space. The one thing that I would note is you do have a few construction items that don't require county building permits, roof replacements, new fence constructions do not. So this would not stop those, but it would certainly address the majority of the construction activity that could occur within the town. And I knew that one of the other concerns that was raised about construction sites was loud music that could come from them. We already have a section in the noise ordinance that addresses loud music. So so that's already there. We don't need to to address that particular issue. But A.J. can can respond to any questions that you may have with regard to enforcement.

AJ Panebianco: I think it's a good plan. I think it's simple and easily understood.

Bridge Littleton: Does anybody have any questions for Rhonda or A.J.? Chris, Philip, Darlene, Kevin, Cindy.

Cindy Pearson: I do have one, but it's really not it's just kind of a remark, so bear with me. I didn't see on the decibel, the noise level, you got snow plow trucks? [laughter] I don't know if anybody else had that problem, but they felt like they drove through my house for, constant. I just had to throw that in there.

Chris Bernard: The alternative is they don't plow.

Cindy Pearson: Well there wasn't anything too plow. that was the problem. There was no snow. [off mic] I feel that pain. We might have to work on that.

Bridge Littleton: Peter, any questions?

Peter Leonard-Morgan: No, thank you.

Bridge Littleton: All right, is there a motion? Can't be me. Kevin.

Kevin Daly: I move that council adopt an ordinance to amend Town Code Chapter 63.2 pertaining to noise.

Philip Miller: Second.

Bridge Littleton: Any discussion, all those in favor, say aye. Chris.

Chris Bernard: Aye.

Bridge Littleton: Peter. I actually have to call your name. Philip.

Philip Miller: Aye.

Bridge Littleton: Darlene.

Darlene Kirk: Aye.

Bridge Littleton: Kevin.

Kevin Daly: Aye.

Bridge Littleton: Cindy.

Cindy Pearson: Aye.

Bridge Littleton: Peter.

Peter Leonard-Morgan: Aye.

Bridge Littleton: Bud. Oh never mind. Opposed, abstentions. All right. It passes. Ok, next is the second public comment period. Is there any member we will open the public comment period for any member who would wish to address the town council. Rhonda, do we have anybody online?

Rhonda North: Only the staff.

Bridge Littleton: OK, we will close the public comment session. The only thing I would let everybody know is I spoke yesterday at the committee hearing remotely in Richmond about the bill to mandatorily move all elections to November. A lot of people, I would say, was probably 50/50 in terms of the number of people who were speaking from the citizenry in favor of it or against it, it was clear on that committee they wanted to pass it so it'll clear the committee and go to the whole to the state delegation to go that, to go to the house. I will honestly say there was no one on that committee who had any interest in input from a separate [off mic] and raise the raise the barrier to entry, raise the cost of running because, you know, everyone gets paid so much to serve in local government, but I mean, the hostility with which those in opposition to it sort of got you know, everybody was speaking in favor of it, it was thank you so much. Thank you so much. Everybody who spoke in opposition to it. There was some comment from a delegate that was [off mic] well, no, but it was like I made I made the comment of my point was you know, how would state delegates and state senators feel if the federal government mandated you to move all of your elections from odd years to even years. Right. So now so that you now have to be lower on the ballot below Congress and Senate and president and be less relevant or less important? You know, but that's what you do in your localities, you know. Let the choice of when the election should be be decided by the citizens, let them have a referendum or whatever. And that was the comment I made. And it was a well I've been wanting that for years. So, yeah, we'll go do that next. And it was OK. So anyway. So, you know, we'll see. OK, next is closed session. So. Who would like to read the motion for a closed session.

Chris Bernard: Can I just pre second it? [laughter] [off mic].

Philip Miller: I move that council go into closed session as authorized under Section 2.2-3711 of the Code of Virginia for the discussion or consideration of one, an appointment to the Middleburg Arts Council as allowed under subsection A1. And two, the acquisition of property for the town hall project. And three, the disposition of publicly held property related to the Asbury Church as allowed under subsection A3. I further move that council thereafter. Reconvene in open session for action as appropriate.

Chris Bernard: Second.

Bridge Littleton: Any discussion. All those in favor say aye. Chris.

Chris Bernard: Aye.

Bridge Littleton: Philip.

Philip Miller: Aye.

Bridge Littleton: Darlene.

Darlene Kirk: Aye.

Bridge Littleton: Kevin.

Kevin Daly: Aye.

Bridge Littleton: Cindy.

Cindy Pearson: Aye.

Bridge Littleton: Peter.

Peter Leonard-Morgan: Aye.

Bridge Littleton: And we are in closed session.