MIDDLEBURG TOWN COUNCIL
Regular Monthly Meeting Minutes
Thursday, May 14, 2026

PENDING APPROVAL

PRESENT: Mayor Trowbridge M. Littleton
Vice Mayor Chris W. Bernard
Councilmember Pamela Curran
Councilmember J. Kevin Daly
Councilmember Deborah Scott Gallagher
Councilmember Chris Hersh
Councilmember C. Darlene Kirk
Councilmember Cindy C. Pearson

STAFF: Danny Davis, Town Manager
Martin Crim, Town Attorney
William M. Moore, Deputy Town Manager
Shaun Jones, Chief of Police
Angela Fletcher, Finance Director

The Town Council of the Town of Middleburg, Virginia held their regular monthly meeting on Thursday, May 14, 2026 in the Town Hall Council Chambers, located at 10 West Marshall Street. Mayor Littleton led Council and those attending in the Pledge of Allegiance to the flag. The roll was called at 6:00 p.m.

Public Comments

Megan Gallagher, 214 E. Marshall Street, thanked Deputy Town Manager Moore and Planner Rogers for their excellent memo related to outdoor and rooftop dining versus street level dining. She opined that a huge part of Middleburg's charm was its existing outdoor dining. Ms. Gallagher further opined that these were loved by tourists and locals and that they were accessible and mostly affordable. She suggested the interaction of outdoor dining reflected the community and was a part of the fabric of small rural Federal villages. Ms. Gallagher opined, however, that the same was not true for rooftop dining. She suggested rooftops were never intended to be fenced off and turned into intense hospitality uses. Ms. Gallagher opined that this was a trend that did not fit in Middleburg. She advised that of the three options discussed in the memo, she favored the one that would kill it outright.

Donna Strama, 10 Orange Drive, agreed with Ms. Gallagher. She noted that places like Arlington and Washington, DC allowed rooftop dining; however, this was not Middleburg or who it was. Ms. Strama advised that Middleburg was a small, rural town. She opined that Ms. Gallagher said everything well. Ms. Strama also wished the Mayor a happy birthday and thanked him for his service to the community.

Public Hearings

Mayor Littleton noted that no action would be taken on either public hearing item during this meeting. He advised that further discussion would occur during the next Council meeting.

FY '27 Budget

Town Manager Davis reported that the Council had discussed the budget a number of times at various Council meetings and noted that a few slight adjustments were made throughout the process. He advised that both the proposed budget and the budget changes were included in the agenda packet, as well as the third quarter revenues report. Mr. Davis noted that this information was also presented to the Strategic Finance Committee during its recent meeting and reported that they did

not recommend any changes or adjustments. He advised that the meals tax revenues continued to be 5% higher year-over-year for the first nine months of the fiscal year. Mr. Davis further advised that both meals and TOT (transient occupancy tax) revenues were slightly above year-over-year numbers. He opined that the FY '27 budget projections were appropriate.

Chip Dicks, of Gentry-Locke, a law firm in Richmond, appeared before the Council representing Salamander. He noted that he watched the online presentations offered by Town Manager Davis and advised that he understood the budget. Mr. Dicks opined that regardless of what happened with the tiered utility rate structure proposal, the budget was basically almost revenue neutral. He acknowledged that there would not be a vote during this meeting on either the budget or the utility rates and noted that this would occur on May 28th. Mr. Dicks reiterated that the budget would be revenue neutral. He advised that there would basically be a reallocation of who paid the water and sewer rates and noted that he would comment on that during that public hearing. Mr. Chips advised that the budget looked fine from Salamander's perspective. He noted the good, constructive working relationship between the Town and Salamander and opined that they could work in the future on various things as they arose.

No one else spoke and the public hearing was closed.

In response to an inquiry from the Council, Town Manager Davis reported that the budget included funding for one additional patrol officer.

FY '27 Utility (Water & Sewer) Rates

Town Manager Davis reported that the Council had been discussing the water and sewer user fees going back to last year's budget cycle. He further reported that the proposal was to create a tiered rate structure. Mr. Davis noted that the Town currently had a flat rate structure and explained that under the proposal, it would be a tiered one that would be based on the amount of water consumption every two months. He advised that the proposed rates were included in both the ordinance and public hearing notice. Mr. Davis reported that the Town's utility rate consultant provided additional information related to the justification and key reasons to consider a tiered rate structure and advised that they were included in the memo in the agenda. He acknowledged, as noted by a previous speaker, that the intent of the tiered rate structure was not to generate additional revenue, but to reallocate or differentiate the user rates based on the tiers.

Mayor Littleton noted that the Council had spoken about the proposed tiered rate structure for a number of months.

In response to an inquiry from the Council, Town Manager Davis advised that the Strategic Finance Committee did not discuss the rate structure during their last meeting. He noted that he did report to them that the Council decided to evenly split the water and sewer rates and to not correlate them based on the percentage of expenditure. Mr. Davis reported that the Committee did not have any input that was in addition to their prior conversations.

Donna Strama, 10 Orange Drive, noted that she heard about this during the Citizens Academy and thought it was a great idea. She further noted that a lot of residents were senior citizens who lived on a fixed budget. Ms. Strama opined that a lot of older people would appreciate a break and suggested the restaurants and hotels should pay a bit more for their utilities. She reiterated that the proposal was a great idea.

Chip Dicks, of Gentry Locke, appeared before Council representing Salamander. He distributed written comments regarding this item to the Council. Mr. Dicks noted that he and Scott Little (General Manager for Salamander) spoke with the Town Manager and Town Attorney regarding Salamander's concerns. He referenced a 2005 Memorandum of Understanding between the Town and Salamander that stated that Salamander was going to build water and sewer facilities, in the amount of $11 million, and, in exchange, the utility rates were going to remain uniform in perpetuity. Mr. Dicks opined that there had been no contractual change since 2005 to the uniformity requirement. He reiterated that Salamander had paid $11 million in exchange for uniform rates. Mr. Dicks reviewed the history of the MOU between the County, Town and Salamander and advised that there was nothing in it that would allow for a tiered rate structure that would reallocate the rates or the amount of money. He opined that this was related not only to the rates that would be paid on a monthly basis, but to any capital obsolescence with respect to the water and sewer infrastructure. Mr. Dicks opined that this was a binding contract between the three parties and asked that the Council not vote on the item at this meeting and consider it during their

May 28th meeting. He suggested Salamander, other business owners and other folks affected by the tiered rate structure meet. Mr. Dicks acknowledged that the budget was revenue neutral with respect to utility rates. He opined that the General Assembly adopted legislation that authorized public utilities that provided water and sewer services to have a tiered rate structure that benefited people of a poor nature or who were elderly. Mr. Dicks advised that he would appreciate the opportunity to have a discussion.

In response to an inquiry from Council as to how a MOU and an MOA differed, Town Attorney Crim advised that he would be happy to discuss that in a closed session.

Town Manager Davis noted Mr. Dicks' comment regarding the legislation passed by the General Assembly related to public utilities. He advised that Middleburg was not a public utility under the definition in the State Code. Mr. Davis explained that the Town did not have the ability to provide lower rates for low-income residents under the State Code.

Mayor Littleton noted that the Council had discussed this for over six months and the Strategic Finance Committee had discussed it multiple times. He noted that these discussions were held publicly. Mr. Littleton advised that the town had a number of residents who were on the lower or fixed income side. He noted that the perception was that Middleburg was a wealthy town and advised that while the people who lived outside of town were, the average household income of town residents was half that of those in Loudoun County. Mr. Littleton noted that Middleburg had the highest utility rates. He advised that the Council had a responsibility to look at the affordability of utilities and noted that it was becoming harder for people to afford these basic necessities. He explained that the Council's discussions were not about being revenue neutral, but about being self-sustaining and helping those most in need. Mr. Littleton reiterated that there were a lot of residents who had substantial needs and that Middleburg had the highest rates in the County and possibly the entire state.

No one else spoke and the public hearing was closed.

Councilmember Pearson noted the shortage of water that had been experienced over the years and advised that this was a way to help address that by promoting conservation.

Councilmember Daly thanked Salamander for what they did for the town and themselves when they helped upgrade the water system.

Staff Reports

April 2026

In response to inquiries from the Council, Chief Jones confirmed the Police Department had their bicycles out during Art in the Burg. He reported that, with the exception of the officer who worked the night before, all of the officers were on duty for the event. Chief Jones advised that when there was a large event in town, he had the majority of the staff available to make it go smoothly. He noted that the events were held on the weekends and advised that sometimes the officers, who were off every other weekend, had to give up their weekend off in order to work during one. Chief Jones reported that the next Stroll with the Patrol would be held on May 27th.

Town Attorney Crim reported that he had held extensive discussions with the staff regarding the State bill that allows religious institutions and other non-profits to build residential housing by-right on properties they've held for more than five years regardless of what the zoning ordinance said. He noted that this bill had an effective date of January 1, 2027 and contained a four-year sunset clause. Mr. Crim opined that it could be extended or made permanent at that time. He noted that it would create a number of issues for localities. Mr. Crim reported that the staff would bring a draft ordinance to the Council at some point in order to make sure the Town had foreseen all the foreseeable difficulties that may arise.

Town Attorney Crim reported that he had also held discussions with the staff regarding the accessory dwelling units (ADU) legislation that would take effect July 1, 2027. He noted that the Town would have a longer lead time to draft something that would address the issues the Town needed to address.

Town Attorney Crim noted that the collective bargaining bill was expected to be vetoed. He reminded Council that the Town currently had the authority to set up collective bargaining for its employees if it wished; however, it had not expressed a desire to do so. Mr. Crim noted that the bill, which the Governor said she would veto, would make this mandatory.

Town Attorney Crim reported that no action had been taken on the cannabis bill. He noted that the Governor's amendments were rejected and opined that this was good, as they would have removed the requirement for certain distances between cannabis businesses and homes, schools, playgrounds, etc. Mr. Crim opined that it would either be vetoed or passed without the Governor's changes. He suggested that either way, there would not be any great difficulties in Middleburg, as most of the town would be excluded under the distance requirements. Mr. Crim opined that there was very little, if any, commercial property that would be available for a cannabis dispensary in Middleburg.

Asbury Church Project Report

Town Manager Davis reported on behalf of Town Clerk North. He noted that the pre-application discussion held with the HDRC on April 2nd was a very positive one. Mr. Davis advised that the Committee appreciated the quality of the work, Glave & Holmes' respect for the history of the property and their recommended design elements, which reflected the history of the building. He noted that Town Clerk North continued to work with Downey & Scott and Glave & Holmes regarding certain aspects of the project. Mr. Davis reported that a slight change order for the design related to the underpinning at the bottom of the foundation walls was needed. He explained that it was originally thought that it had been done as a part of the initial stabilization in 2017; however, it had not and needed to be included in the engineering design. Mr. Davis reported that Glave & Holmes did not anticipate any further change orders would be needed as a part of the design process. He advised that the Town continued to fundraise and noted that over $130,000 was pledged to date. Mr. Davis expressed appreciation for the community's support on the project. He reported that Town Clerk North had assembled a Fundraising Committee to assist with the review of the three proposals received for capital fundraising services and advised that they would interview the three firms on May 27th. Mr. Davis announced that the Town had received an invitation from the Virginia Department of Historic Resources to submit a full grant application for a BIPOC grant, in the potential amount of up to $1 million. He noted that when Ms. North returned from vacation, she would begin work on it.

Consent Agenda

A. Council Approval – April 23, 2026 Regular Meeting Minutes
B. Council Appointment – Bull Run ASAP Policy Board

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

Vote: Yes – Councilmembers Bernard, Curran, Daly, Gallagher, Hersh, Kirk, and Pearson
No – N/A
Abstain: N/A
Absent: N/A
(Mayor Littleton only votes in the case of a tie.)

Action Items

Council Approval – Resolution – Source Water Protection Grant

Town Manager Davis reminded Council that each year, the staff brought a request to them for a resolution supporting a small project to help with source water protection, in accordance with the Source Water Protection Plan that was adopted in 2018. He advised that the Utility Committee was discussing the need to update the plan and noted that the staff would be looking for grants and other ways to do so. Mr. Davis reported that the proposal before the Council was to seek a grant to upgrade the SCADA (supervisory control and data acquisition) system with a reporting module that would give the Town better, real time data from the transducers in the wells. He noted that currently, the data had to be manually downloaded and input into the system to generate the reports that were provided to Council. Mr. Davis opined that this system would

allow that to be done more efficiently and effectively. He reiterated that the proposal was to upgrade the SCADA system, install two new transducers and relocate two of the existing transducers onto private property to serve as monitoring wells. Mr. Davis noted that the County and Loudoun Preservation Coalition have been encouraging the development of monitoring wells. He opined that this would allow the Town to have insight into the impact of their pumping schedules and the impact of their drawdowns on the Town's wells, if any. Mr. Davis requested Council's support for the resolution and noted that he would submit the grant application to the State this week.

Councilmember Daly moved, seconded by Councilmember Hersh, that the Council adopt a resolution supporting the Town of Middleburg's 2026 source water protection implementation grant application.

Vote: Yes – Councilmembers Bernard, Curran, Daly, Gallagher, Hersh, Kirk, and Pearson
No – N/A
Abstain: N/A
Absent: N/A
(Mayor Littleton only votes in the case of a tie.)

Discussion Items

Regulation of outdoor/rooftop dining

Deputy Town Manager Moore reminded Council that one of their strategic initiatives for the coming year was regulatory amendments related to outdoor dining spaces on rooftops. He noted that the HDRC has been dealing with this issue with a current application, as well as separately from that application. Mr. Moore reported that during their most recent meeting, they discussed amending the Historic District Guidelines to incorporate design guidelines around outdoor dining spaces, including those at the ground level. He noted that they had previously done work on this in the past; however, it had not been brought forward as an amendment to formalize it. Mr. Moore advised that the HDRC was now working to address elements of potential rooftop dining as well. He opined that their inclination seemed to be that if the Council allowed this use to occur, their preference within the Historic District was that it was fine as long as no aspect of it could be seen, as they did not think the aesthetic of having rooftop dining in the Historic District was appropriate. Mr. Moore reported that the Council would see something forthcoming from them. He further reported that in terms of regulatory amendments, Planner Rogers and he had been discussing potential options and advised that they boiled them down to three broad ones for the Council's consideration. Mr. Moore advised that the first option would amend the regulations so that all outdoor dining, regardless of location, would require a special use permit. He opined that this would be laborious for existing ground level restaurants; however, he noted that they would be protected as a non-conforming use. Mr. Moore opined that this would be a good option if the concerns were related to noise and light. He advised that the second option would be to keep all the existing outdoor dining at the ground level or on porches by-right but to require a special use permit for rooftop dining. Mr. Moore opined that this would be a good option if there were not concerns about the existing establishments. He noted that this would allow the Council to consider rooftop dining on a case-by-case basis and give them the opportunity to mitigate impacts if they wanted to allow them. Mr. Moore reported that the third option was an outright prohibition on rooftop uses. He suggested that if the Council decided this was not an appropriate use for the town, it would be a defined use and would not be provided for in any of the three main commercial districts, which would prohibit it by default. Mr. Moore noted that there would be other smaller ancillary things that would have to be defined. He advised that the staff was seeking the Council's direction on whether there was a strong consensus for one of the three options and, if so, he would return with a resolution to initiate a zoning text amendment. Mr. Moore suggested the Council could also leave all three on the table for the Planning Commission's consideration.

Vice Mayor Bernard noted that all three options had pros and cons. He advised that he would be interested in hearing what the Planning Commission had to say, rather than presupposing one of the options. Councilmember Gallagher agreed.

Councilmember Curran advised that she was glad the Council was slowing this down. She noted that what changed small towns and what mattered did not happen immediately, but rather happened over a period of time and multiple decisions.

Ms. Curran expressed concern that the next thing you knew, Middleburg would not be Middleburg anymore. She opined that it was good to slow this down and for the Planning Commission to look at it.

Mayor Littleton questioned whether there were any options that did not make sense to pursue. He opined that outdoor dining at ground level was accepted everywhere and suggested that what the Council was struggling with was the right balance of how to regulate anything that may go on a roof. Mr. Littleton opined that there were really two choices – ban rooftop dining or allow it by special use permit. He advised that his inclination was to send those two options to the Commission to explore and offer a recommendation, following a public hearing.

Councilmember Curran noted that there had been issues with some of the existing ground level dining establishments, including parking and traffic. She opined that all outside dining may need to be required to obtain a special use permit, with the existing ones being grandfathered. Ms. Curran suggested the Council may want to look at anyone who wanted an outdoor business.

Mayor Littleton suggested a fourth option was to ban rooftop dining and allow ground level dining under a special use permit. He reminded Council that the strategic initiative was to look at rooftop dining. Mr. Littleton noted that this did not mean ground level dining could not be examined if there were safety concerns. He suggested the Planning Commission be asked to look at Options 2, 3 and 4.

In response to an inquiry from the Council, Deputy Town Manager Moore advised that there were regulations regarding street level dining in a roundabout way. He explained that the use had to occur on a property that essentially had a zero setback in the C-2 and C-3 District; could not encroach on the right-of-way; and, could not create a site distance issue. Mr. Moore advised that he was happy to hear if there were any concerns with existing establishments so he could determine if there was a way to address them.

Vice Mayor Bernard agreed with Councilmember Curran. He suggested it would be interesting to have the Planning Commission evaluate whether it would be worth having a special use permit procedure even for ground level dining so businesses could present a plan that the Town could hold them to, as long as it was on their property.

Mayor Littleton agreed it was a good idea to have the Commission examine that option, as well as make a recommendation on rooftop dining.

The Council agreed they were comfortable with that approach.

Water Drought Status

Town Manager Davis reminded Council that the Town had received a third of an inch of rain since his memo was written. He reported that Well P was currently out of service, as the motor died. Mr. Davis advised that it would be replaced this week, at which point, the well would be back in service. He noted that Valley Drilling had the replacement parts and was being very responsive. Mr. Davis advised that when facing a drought and uncertain water levels, losing even one well could cause potential issues down the road.

Town Manager Davis reported that the National Drought Monitor had a quarter of the Commonwealth of Virginia in an "extreme drought" category. He further reported that Middleburg was currently in a "severe drought" category. Mr. Davis noted that it continued to be under a drought warning by the Department of Environmental Quality. He advised that groundwater throughout the region continued to be low; however, the Town's well levels continued to be higher than they were at this time last year. Mr. Davis noted, however, that the Town was starting to see some slight downward trends, despite the fact that the area was not in the hot temperature season that brought a significant amount of outdoor watering. He opined that the next month or so would be key in determining whether those levels were sustainable or whether they would drop. Mr. Davis reported that the Town experienced a fair recovery in its static and base water levels from January through mid-February, despite the lack of rain.

Town Manager Davis reported that the Utility Committee was not recommending going into voluntary or mandatory water conservation at this time, with the caveat that should there be a significant operational issue or should the well levels start to drop quickly, they would ask the Council to make that decision. He advised that this report would continue to be on Council's meeting agendas. Mr. Davis noted that charts would be presented during the next meeting and advised that the staff continued to graph water levels. He advised that they would provide visual data that would be more helpful.

Councilmember Hersh requested that the Virginia drought map be posted on the Town's website so people were alerted to the fact that the Town was monitoring this data.

Town Manager Davis confirmed he would post the photo, with a link that would take people to the latest map. He noted that he would also provide other locations where information could be found.

Information Items

Town Hall Decorations

Councilmember Pearson noted that the buntings on the Town Hall looked really nice.

Arbor Day

Councilmember Pearson acknowledged the hard work of the Streetscape Committee in helping to organize the Arbor Day celebration and noted the amount of behind-the-scenes work that took place. She advised that it was a really nice event. Ms. Pearson noted that they celebrated Patsy Rose and Lisa Ben-Dove, with a tree planted in honor of each of them.

Administrative Assistant

Town Manager Davis noted that the Administrative Assistant, who had been on extended leave, had separated from the Town. He reminded Council that a temporary part-time employee was brought in to cover the position during her absence. Mr. Davis asked that the Council authorize the position to be full-time until a recruitment could be completed. He noted that this would allow Mrs. Sierra to be present forty hours a week to help with billing and other customer service issues.

The Council concurred with this request.

Art in the Burg

Councilmember Curran noted that Art in the Burg was well done; although, she noted that attendance was down. She opined that this may have been due to the weather; however, she noted that she had observed this over the last couple of events.

Councilmember Pearson opined that there were so many events that occurred in May. She noted that The Hill School held their hundredth birthday celebration that same weekend.

Councilmember Daly noted the increased cost of gas.

Closed Session

Vice Mayor Bernard moved, seconded by Councilmember Daly, that Council go into closed session as authorized under Section 2.2-3711 of the Code of Virginia, for an appointment of an Acting Town Manager, as allowed under Subsection (A)(1). Vice Mayor Bernard further moved, seconded by Councilmember Daly, that Council thereafter reconvene in open session for action as appropriate.

Vote: Yes – Councilmembers Bernard, Curran, Daly, Gallagher, Hersh, Kirk, and Pearson
No – N/A
Abstain: N/A
Absent: N/A
(Mayor Littleton only votes in the case of a tie.)

Mayor Littleton asked that Council certify that, in the closed session just concluded, to the best of each member's knowledge nothing was discussed except the matter or matters (1) specifically identified in the motion to convene in closed session and (2) lawfully permitted to be discussed in a closed session under the provisions of the Virginia Freedom of Information Act as cited in the motion, 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.

Council Appointment – Acting Town Manager

Vice Mayor Bernard moved, seconded by Councilmember Daly, Council approve on a sole source basis an agreement and scope of work for Interim Town Manager Services dated May 12, 2026 with Baker Tilly Advisory Group, L.P. as authorized by Town Code Sections 20.1-6 and 20.1-13 to appoint an Interim Town Manager that meets the qualifications and experience desirable to the Town Council in a timely manner prior to the effective date of the Town Manager's resignation. Vice Mayor Bernard further moved, seconded by Councilmember Daly, that the Town Council appoint Bryan Foster as Interim Town Manager pursuant to Town Charter Section 4.1.

Vote: Yes – Councilmembers Bernard, Curran, Daly, Gallagher, Hersh, Kirk, and Pearson
No – N/A
Abstain: N/A
Absent: N/A
(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 7:10 p.m.

APPROVED:

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Rhonda S. North, MMC, Town Clerk

May 14, 2026 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: All right, we'll call the meeting to order. First item is Pledge of Allegiance.

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

Bridge Littleton: Next is the roll call.

Deborah Gallagher: Deborah Gallagher.

Chris Hersh: Chris Hersh.

Bridge Littleton: Bridge Littleton.

Chris Bernard: Chris Bernard.

Cindy Pearson: Cindy Pearson.

J. Kevin Daly: John Kevin Daly.

Pam Curran: Pam Curran.

Will Moore: Will Moore, Deputy Town Manager.

Danny Davis: Danny Davis, Town Manager.

Martin Crim: Martin Crim, Town Attorney.

Bridge Littleton: All right, next up is public comment. If anybody wishes to address Town Council on any matter, they may do so and have three minutes. [off mic] Whoever steps up first gets to go. Megan, you just hopped up.

Megan Gallagher: Hi, I'm Megan Gallagher, 214 East Marshall Street. And I just found out I don't have to say kind words to Danny tonight because his last meeting is in two weeks. So I'd like to take my time to talk about the excellent memo. Thank you Will Moore and New Zoning Admin Assistant on outdoor dining and the particular question of rooftop dining versus what they call other, I will call it street level dining. I have to say, I think a huge part of Middleburg's charm is the existing outdoor dining. I counted 13 different locations and I bet we could come up with a couple more with at least a couple of tables. Upper Crust is one of the little secret ones that really help create the sense of commons in the town. It's loved by tourists. It's loved. They're loved by locals. They're accessible. Some of them, they're affordable, some of them. And they just have that interaction that reflects, I think, this community and it's sort of big heartedness a lot. It's also where you can see everyone besides the post office or people watch. I think that level from Italia or Benito's whatever, outdoor experiences

like that are part of the fabric of even a small rural Federal Village in Virginia, and they seem almost organic here. With all of that said, I don't think the same can be true of going into almost a different geographic sphere or architectural sphere of upper level rooftops. Never meant for hospitality to be kind of fenced off and built up and turned into more intense hospitality. This is seemingly a trend, but it is a trend taking place where hospitality is much denser and more intense and probably larger scale. And I do not see it fitting in our town. So looking at the memo, I believe that option three that says, if we want to talk a little bit more about street dining and you know, that issue or just leave it by right. But we will not be even putting the words rooftop dining into the code, which basically would kill it. I would favor that option. I think going through an SUP for each one misses the point of does it fit within the fabric? Does it balance the needs of locals and tourists, and is it accessible? Part of this Commons feeling that being in the public space for dining would include. I hope that's clear, but thank you. I look forward to your conversation.

Bridge Littleton: Thanks, Megan.

Donna Strama: Donna Strama 10 Orange Drive and ditto whatever Megan said. And I do appreciate the memo that I got. And I do like option three. You know, I'm thinking about all the places in Arlington and Washington that have upscale rooftop dining. That's not us. But who are we? We're a small, rural town, and I really like option three the best and everything that Megan said as well. Appreciate it Megan, you going first. Thank you and Happy Belated Birthday, Mayor, and thank you for your time and thank you for your service.

Bridge Littleton: Thank you, Donna. Anybody else? Going once, going twice. Okay. We will close the public comment session and move on to where are we? Public hearings. So we have two public hearings tonight, one on the budget, excuse me, and one on the water and sewer rates. Real quickly, I know we've had a couple discussions about these already. We don't need to take any action tonight on either of these. These we're just having the public hearing on them. We can have further discussion at the next Council meeting. But with that, I will turn it over to Danny to do a quick overview for the budget discussion. And then we can have the public hearing.

Danny Davis: Thank you, Mr. Mayor and Councilmembers. You had the memo here as shown. You've discussed the budget a number of times at various Council meetings. We have made just a few slight amendments to the budget through that process. And so we have attached both the proposed budget as well as the few changes for your benefit and for the public to review. We did want to give you an update on the third quarter revenues for current fiscal year. We presented this to the Strategic Finance Committee on Tuesday. Through that conversation, we went through where we are with the budget, where we are with revenues, and they did not recommend any changes or adjustments from current kind of course that we are heading toward. As you'll see in the agenda. Meals tax continues to be just over 5% higher year over year that's cumulative for the first nine months of the fiscal year. We're waiting to see next week we'll have April's numbers and we'll see if that trend continues or kind of stays steady. But as on the chart, you'll see we've been around this 5% amount for about half the year. And then quarterly you'll see both meals tax and TOT are again slightly above year over year and tracking kind of as we would expect. And so we feel that the projections for fiscal 27 in the proposed budget remain appropriate and on track. With that, Mr. Mayor, I'm happy to answer any questions, but it's ready for the public hearing.

Bridge Littleton: Anybody have any questions for Danny on the budget discussion? Okay. I will open the public hearing. Now, if anybody would like to address Town Council on the budget item, you may approach the podium and have three minutes.

Chip Dicks: Good evening, Mr. Mayor and Members of Council. My name is Chip Dicks from Gentry Locke Law Firm in Richmond. It's nice to be with you this evening and I have some brief comments on the budget,

and then I have some other comments on the second hearing item. So with respect to the budget, I've watched the presentations online that Mr. Davis has made a number of different times and basically is I understand the budget. The budget, regardless of what happens with the tiered rate structure proposal, that budget basically is almost revenue neutral. And as a result of which whatever action you might choose to take. And as I understood the Mayor's indication, there would not be a vote on either of the two hearing items tonight. And that vote, I guess, would be on the 28th of May. Is that correct?

Bridge Littleton: Public comment isn't discussion.

Chip Dicks: Right. Sorry. So I'll wait for the presentation I guess on the tiered rate structure and then comment at that time. But my assumption is based upon the previous presentations that have been made by the Town Manager, that what will happen is that it will be revenue neutral. And the words, I think, from the Town Manager were that it would be revenue neutral. And what would happen is that the who paid the rates under that, and that revenue would basically be revenue neutral. So it would be basically just a reallocation of who paid the water and sewer rates. So I'll comment more on that when we get to that item. But assuming that it's revenue neutral, then I think that the budget looks fine from Salamander's perspective. And we believe that again, the good, constructive working relationship with the town and to work with you in the future on various different things as they come up. Happy to answer any questions. Thank you. Thank you sir.

Bridge Littleton: Anybody else wish to address Council on the budget? Okay. Yeah, Pam. Oh, hang on one second. Let me. I'll close the public hearing. And then yeah, if you've got any questions on the budget.

Pam Curran: I was just going to ask Danny, where do we end up with the police department? Was it including the additional officers then or not? I wasn't, I didn't remember.

Danny Davis: Sure, absolutely. So the proposed budget did include the one additional patrol officer and that has not been amended since proposal.

Bridge Littleton: Any other questions for Danny? Okay. Next item is the review and the public hearing on the utility water and sewer rates. Danny, again, if you want to give us a quick overview.

Danny Davis: Sure thing. Thank you, Mr. Mayor and Council Members. Again, we've been discussing water and sewer user fees for a number of months as part of this process, and even going back to last year's budget cycle. And as discussed with you and shown in the memo and prior memos, there is a proposal on the table to create a tiered rate structure. Currently we have a flat rate structure. And this would change that to a tiered structure depending on amount of consumption every two months. Those proposed rates are attached for you in both the ordinance as well as in the public hearing advertisement. And so that indicates the differential in those rates again, based on tiers. I will note that in working with our utility rate consultant, they provided some additional information on for the Council and for the public on justification and reasons, key reasons to consider a tiered rate structure. Those are provided in the memo as well for your consideration. With that, Mr. Mayor, I'm happy to answer any questions you might have. Maybe just to go ahead and state it the intent or the result of the tiered rate structure as noted by the public speaker would not, is not generating additional revenue than a flat rate structure might. It was a reallocation or differentiation of user rates based on those tiers. So the revenue amount in the proposed budget would have been close to or very similar to what is in the proposed budget for you under this proposal. Thank you.

Bridge Littleton: Yep. Does anybody have any questions for Danny on before I open the public hearing on I mean, again, I know we've spoken talked about it for a number of months, but any questions at all? Yeah, Chris.

Chris Hersh: Just one question. In terms of the Strategic Finance Committee, did they discuss it again this past Tuesday?

Danny Davis: We did not. I referenced that we had moved forward with the proposal that's on the table where we decided to just split evenly water and sewer. Not try to correlate that out based on percentage of expenditure, but just the same rate water, same rate for sewer. And they didn't have any additional input based on or in addition to their prior conversations.

Bridge Littleton: Yep. Thanks. Okay. We will open the public hearing. If anybody would like to address the Town Council on the matter of water and sewer utility rates, they may do so. You have three minutes.

Donna Strama: 10 Orange Drive. I heard a little bit about this at the Citizens Academy, and I thought it was a great idea. There's a lot of people in Middleburg. Even though we're known to be a rich town, there's a lot of us that are senior citizens that are on a fixed budget, and I think it's a great idea. There's a lot of older people that live here that would like a little bit of a break and let the restaurants, hotels pay a little bit more. I think it's a great idea if that's what you all are talking about. I think. Thank you.

Bridge Littleton: Thank you. Anybody else?

Chip Dicks: Mr. Mayor.

Bridge Littleton: What?

Chip Dicks: Could I pass this out?

Bridge Littleton: Sure. If you like. Yeah.

Chip Dicks: Okay. If I could wait a minute before my three minutes starts that'd be appreciated.

J. Kevin Daly: Thank you.

Chip Dicks: My pleasure. Again, while my thoughts are being passed out. I'll wait until everybody has something to walk through. Thank you, Mr. Mayor, Members of Council. My name is Chip Dicks again from Gentry Locke in Richmond represent Salamander on this issue. And we had the pleasure of talking with the Town Manager and the Town Attorney about our concerns. Scott Little and I did. And so we expressed those concerns. And basically it starts with an 05 memorandum of understanding that says effectively that Salamander is going to build water and sewer facilities in the amount of $11 million, and in exchange, the utility rates for water and sewer are going to remain uniform in perpetuity. I mean, basically what that's what it says. And so there's no contractual change. I've read the 16 or so documents since 05. There's not a single document that changes the uniformity requirement. And so again, Salamander paid $11 million in exchange for uniform rates. And that's the position. So background wise there was a MOU between the county, the town and Salamander. And in that MOU it talked about boundary line adjustments. It talked about annexation. It talked about vested rights. There were a number of different things in that particular document. And as a result of which there's nothing that allows anything in terms of a tiered rate structure to reallocate the rates and reallocate the amount of money. And again, I would say to you, this is not only the rates that would be paid on a monthly basis, but this is also any capital obsolescence with respect to the infrastructure of water and sewer in the town. So in my document, knowing I only had three minutes to make this presentation, there's a lot to digest since 05 in the last 20 years. But this has been a binding contract between the three counterparties, county, town, and Salamander all that particular period of time. It'd be my request that, respectfully, that you consider, first of all, not voting

on the item tonight. Second of all, consider it on your agenda on the 28th of May when you consider the budget. Lastly, with respect to this, it'd be great if Salamander, the other business owners, and the other folks affected by the tiered rate structure could get in a room. And if you end up doing that, you will not break your budget. You'll have a balanced budget. Just as the Town Manager just said, it's revenue neutral with respect to utility rates. Over the next year, there's a number of different things that happened. The General Assembly passed legislation authorizing public utilities that provide water and sewer service to have a tiered rate structure and to benefit and discount for people of poor nature or people that have elderly, senior, whatever. So we'd appreciate the opportunity to have that discussion and look forward to seeing you hopefully on the 28th of May. Thank you sir.

Bridge Littleton: Thank you. Any questions for Danny or Martin at the moment? Yeah Kevin.

J. Kevin Daly: [off mic] How is a memo of understanding different from a memo of agreement?

Chip Dicks: I'd be happy to discuss that in closed session.

J. Kevin Daly: Thank you.

Bridge Littleton: Yeah, I guess this is talking about. Yeah. Okay. Probably best to have this all in closed session. So. All right. Does anybody have any other questions?

Chris Hersh: I don't think so.

Bridge Littleton: Yeah. Yeah. Have Danny go.

Danny Davis: And not to necessarily get in a back and forth. But just to be clear, the very last comment made by Mr. Dicks the legislation passed by the General Assembly references public utilities. And that terminology is a little confusing. We are not a public utility in that definition of the state code. So I just want to make sure that in any correlation or thinking that there was ability for us to provide lower rates for low income folks is still not permitted under state code so.

Bridge Littleton: Well, and I think, you know, the only comment I'll make is, I mean, we've been discussing this now for over six months. And, you know, Strategic Finance Committee went over it multiple times. It's been publicly noticed public hearing, not public hearings, but public discussion about it multiple times. And, you know, I think the thing that's that we were all considering about this was for, as Donna mentioned, you know, we have a number of folks in our community who are on the lower income side on a fixed income side, you know, the perception that Middleburg is this big, wealthy town. It's not. Everybody who has the big farms outside of town are very wealthy. But, you know, the average household income in town is, you know, about half of that what it is in Loudoun County. Yet we have the highest rates, the highest utility rates for citizens. And that is a, you know, a public responsibility that we have to take very seriously around affordability. And God only knows it's only becoming harder and harder for people to afford, you know, the basic necessities of life. So I think that's where all of our discussion, you know, wasn't about having a neutral, you know, the utility system is self-sustaining. That's great. It wasn't about raising more money. It was about how can we help those most in need? Because we do have those, you know, we have a lot in this town who have substantial need. And we had the highest rates in Loudoun County. So and I think some in the, you know, almost in the entire state. So that's one thing that, you know, it's not to be proud of but yeah.

Danny Davis: Our dutiful clerk at the end reminded me that we need to close the public hearing.

Bridge Littleton: Oh, whoops.

Bridge Littleton: Thank you, Will. I'll close the public hearing. But that's the only comment I want to make. So anybody else have any other inputs?

Cindy Pearson: And to add to that, with a shortage of water that we have had over the last how many years now, too it's a way to help. Thank you.

Bridge Littleton: Promote conservation.

All: Yes.

Bridge Littleton: Any other inputs? Kevin.

J. Kevin Daly: Just to say thank you for Salamander for what they did for the town on behalf of the town and for themselves when they helped to upgrade our water system. Thank you.

Bridge Littleton: Yep. Absolutely. Okay. If there's nothing else, we'll go to the next items, which are staff reports. Rhonda.

Danny Davis: Rhonda had a wonderful vacation. She's probably watching at home wondering how we're going to give her reports. No, I don't have anything for her staff report, but I will have an update on the Asbury report. Thank you.

Bridge Littleton: Okay. Next up, Angela.

Angela Fletcher: Thank you, Mr. Mayor, Council. I have nothing to add to my report, but I'm happy to answer any questions you might have.

Bridge Littleton: Any questions for Angela? Going once, going twice. Okay, Angela. Thank you. Chief, y'all had the bikes out?

Shaun Jones: Yes, sir. We did.

Deborah Gallagher: It was a great report.

Shaun Jones: Thank you ma'am. Good evening everyone. You have my report before you. Do you have any questions?

Bridge Littleton: Any questions for Chief?

Shaun Jones: Sir.

J. Kevin Daly: How many officers do you have on duty for the Art in the Burg?

Shaun Jones: I had everyone except for the officer that worked the night before. Okay. That's.

J. Kevin Daly: How often do you have to have officers coming in?

Shaun Jones: Like, we, when we have a large event in the town, we bring in pretty much majority all of our staff for the event to make the event go smoothly.

J. Kevin Daly: Do you think with all these events that we're maintaining a good life work balance among our officers?

Shaun Jones: I mean, our events are held on weekends. Our officers are off every other weekend, so sometimes they have to give up their weekend to come in to work.

J. Kevin Daly: Thank you.

Shaun Jones: Yes, sir.

Bridge Littleton: Any other questions for Chief? All right, Shaun, thank you.

Shaun Jones: Thank you sir.

Bridge Littleton: How's Stroll with the Patrol?

Shaun Jones: Coming up on the 27th.

Bridge Littleton: Okay. Next up is Mr. Moore.

Will Moore: Thank you, Mr. Mayor. You have my report. I have nothing to highlight outside of it, but happy to answer any questions.

Bridge Littleton: Any questions for Will? All right. Mr. Crim.

Martin Crim: Thank you, Mayor. I want to follow up on a couple of legislative matters that we've been tracking for you all. Had extensive discussions with staff with regard to the yes In God's Backyard bill that allows religious institutions and other non-profits to build residential housing by right on properties they've held for more than five years, regardless of what the zoning ordinance says. That bill will take effect January 1st of 2027, will sunset four years later. I well, it's currently set to sunset. It may of course be extended or even made permanent at that time. It creates a number of issues for localities. And so we will probably bring you a draft ordinance or a concept of an ordinance at some point to address that, to make sure that we've foreseen all of the foreseeable difficulties that will arise. Similarly, with the accessory dwelling units, which is effective July 1st of next year we have had some preliminary discussions about what needs to be done with regard to that. And so we will, of course, have a longer lead time of over a year now, we will have an extensive ability to draft something that will address the issues that the town needs to address. You may have seen in the newspapers the well, I say the newspapers online on the news online that the collective bargaining bill is expected to be vetoed. So that's good news for the town. The town currently has the authority to set up collective bargaining for its employees if it so wishes, but it has not expressed that desire. The bill that the governor is said to be ready to veto would make that basically mandatory. And then finally, on the cannabis bill, we have no action on that yet. The governor's amendments were rejected, which is good because her amendments would have removed the distance requirements for cannabis businesses so that there would have been no state level requirement that cannabis businesses be certain distances from homes, schools, playgrounds and the like. So either it will be vetoed, which seems unlikely, but you know, might happen or it will be passed without the governor's changes. So either way, we do not expect to have any great difficulties here in town simply because most of the town is going to be excluded by the state laws, distance requirements. There's very little commercial property that

would be available. Maybe none. I haven't done a map study that would be available for a cannabis dispensary. Stand ready to answer any questions.

Bridge Littleton: Any questions for Martin? Okay, Martin, thank you very much.

Martin Crim: Yes, sir.

Bridge Littleton: Next up Asbury Church.

Danny Davis: Thank you, Mr. Mayor. A few updates from Miss North's memo. First, we had a pre-application discussion with HDRC on April 2nd it was a very positive discussion. They really, really appreciated the quality work and the knowledge of Glavé and Holmes their ability to really respect the history of the property and recommend design elements that reflect the history of the building. So that was a good conversation. Miss North continues to work with Downey and Scott and Glavé and Holmes regarding certain aspects of the project. We did note that there is a slight change order for the design, which is related to the underpinning at the bottom of the foundation walls. It was something that we thought had been done as part of the initial stabilization back in 2017, but had not been completed. So that needs to be part of the engineering design. She did ask the question of Glavé and Holmes. We want to make sure this doesn't turn into change order after change, order after change order. They do not anticipate or see any other change orders needed as part of the design process. So that is good news. We continue to see positive results in fundraising. We have pledged to date over $130,000, which is fantastic, and we appreciate the community's support of this great project. And Miss North has put together a review group to evaluate the three proposals submitted for fundraising, capital, fundraising for the project, and that they are meeting on the 27th of May. And then finally, Miss North wanted me to inform you all that she checked in with her email or with a contact from the VH Virginia Department of Historic Resources, and we have been requested or invited to submit a full grant for the BIPOC grant, which is potentially up to $1 million grant for this project. So kudos to Miss North in that. And we will when she gets back in the office on Monday morning, she will just start cranking away at writing that grant. So we're excited about that and hope that that is successful. Happy to answer any questions you might have.

Bridge Littleton: Any questions for Danny on Asbury? No. Okay. That's great. Great news. All right. Next item. Excuse me. Is consent agenda. Would anyone like anything removed from the consent agenda? Is there a motion?

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

J. Kevin Daly: Second.

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

All of Council: Aye.

Bridge Littleton: Opposed? Abstentions? Okay. Next item is Council approval for Resolution of Source Water Protection Grant.

Danny Davis: Thank you, Mr. Mayor. Each year, we bring to you a request for a resolution supporting a small project on our water system to help with source water protection. This is part of our Source Water Protection plan that was adopted in 2018. As a sidebar, the Utility Committee has been discussing the need to update that source water protection plan, and I believe that staff will be looking at grants and other ways that we can work with VDH to update that plan, since it's been over eight years and since it's the beginning of its development

and we've accomplished a lot in that plan. This proposal is to upgrade our SCADA system with a reporting module that will give us better, real time data on the transducers that we have in our wells. Currently, we have to go out and download data and put it in a file and run some magic behind the scenes to get the reports that we showed you. This would allow us to do that much more efficiently, effectively, as well as track it from additional wells. So the proposal is to upgrade SCADA and then put in two new transducers, and then take two of the transducers that we previously got from a grant and put them and request that we use them at private properties as essentially monitoring wells, turn those into monitoring wells, which is similar to the conversation that the county has been having and that the Loudoun Preservation Coalition has been encouraging the county to do. So if we could tackle a couple spots either in town or close to town, that would give us insight into what the impact of their pumping schedules and their drawdown might have on our wells and if there's any interaction between them. So anyway, that's a lot to say. We'd ask your support of this resolution, and I'll be submitting the grant application to the state tomorrow. Thank you.

Bridge Littleton: Awesome. So would anybody like to. Yeah, Kevin.

J. Kevin Daly: Yeah, I'll do it. I move that the Town Council adopt a resolution supporting the Town of Middleburg 2026 Source Water Protection Implementation Grant Application.

Chris Hersh: Second.

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

All of Council: Aye.

Bridge Littleton: Opposed? Abstentions? Okay. Next up is let me see your discussion item. Mr. Moore, rooftop bars.

Will Moore: Thank you, Mr. Mayor. Rooftop dining. As Council.

Bridge Littleton: There's a difference.

Will Moore: Occasionally. As you're aware and as reiterated in the memo you adopted as one of your strategic initiatives for this coming year regulatory amendments related to outdoor dining spaces on rooftops. So there has been some background discussions on this. I will share with you that I inform the Planning Commission at their most recent meeting that something would be coming their way at some point regarding this matter. As you're aware the Historic District Review Committee has been dealing with this issue with a current application but separately from that application. They have just most recently at their May meeting discussed amending or appending, I should say the Historic District design guidelines to incorporate design guidelines around both the ground level, if you would outdoor dining spaces. They had done some work on that in the past, but they'd never brought forth an amendment to the design guidelines to formalize that, but to also address, elements of potential rooftop uses as well. They have not given firm indication to this point, but the inclination seems that if you were to allow the use to occur, their preference within the Historic District would be the same way that they treat solar panels, which is, it's fine as long as we can't see it. So they would want no aspect of, of rooftop dining uses to be visible because of course their charge is the aesthetic, not the use. But they don't think the aesthetic of having that in our Historic District would be appropriate. So you'll likely see something coming forward regardless of what shape any regulatory amendments take from them. But in terms of regulatory amendments our planner, Miss Rogers and I have been putting our heads together for some potential options. And we've basically boiled down to kind of three broad options for your consideration. I won't go through these in detail trusting that you've read the memo, but essentially the first option would be to amend regulations so that all

outdoor dining, regardless of where it physically takes place, whether it's a ground level on a raised porch or on a rooftop would require a special use permit. This could be laborious for our ground level restaurants or any new ones, I should say any existing ones. They would be protected as non-conforming uses. But it would be a good option if the overall concerns regarding the use and this is where you have to think about what your actual concerns are. If those concerns are there, regardless of whether it physically takes place. So if the concerns are with noise and light, well, those things can happen at ground level as well as on a roof. The second option would be to keep all of your existing typical outdoor dining that is at the ground level or on porches by right. But to require a special use permit for rooftop dining. This again is a good option consider if you generally don't have concerns with the existing establishments that we have now. So with noise and such but if you have distinct issues regarding rooftop that are different from those but it would also allow you to consider it on a case by case basis, giving the opportunity to mitigate impacts if you wanted to allow for consideration. And then the third option to consider is essentially an outright prohibition on rooftop uses. If you just decide that that is not a use that is appropriate in our town, then we would still define the use. So it's clear that it's distinguished from other types of outdoor dining uses. But then we would simply not provide for it in any of your three main commercial districts. And then that by default makes it prohibited. So those are our three main options. There would be a lot of other smaller ancillary things, definitions that we would have to draft. Wanted to get your direction. And as noted we're essentially seeking if there is a strong consensus amongst the Members of Council for one of those three options, then, I would bring back to you a resolution for you to initiate an amendment choosing one of those options, it would still go to the Planning Commission for their study, a hearing and recommendation. The other option is to leave all three of those options on the table for the Planning Commission and just send it to the Planning Commission and get their input on all three of those options. That would be appropriate if there's not a strong consensus among Council for one of the three. So, that's the direction that we're seeking from you this evening.

Bridge Littleton: Awesome. Thanks, Will it was very good. Does anybody have any initial questions for Will? I mean, I know we talked about this at length at the retreat. Yeah. Chris.

Chris Bernard: But I guess I would say that, You know, I think all three of these have their pros and cons. I would be interested in personally, I would be interested in hearing what the Planning Commission has to say after reviewing this rather than presupposing any of the three. But I don't want to speak for the group.

Deborah Gallagher: But I would agree with that. I think it's wise to have the Planning Commission take a look at it first.

Bridge Littleton: Any other thoughts? Yeah. Pam.

Pam Curran: Yeah. I mean, I think we're really doing the right thing, slowing this down and taking a look at it. Because when you read what changes small towns and what matters, it doesn't happen like that it happens over, you know, a period of time, 5 or 10 little decisions. And the next thing you know, it's not Middleburg anymore. So I think we're doing the right thing, really slowing it down. And I'd agree to have the Planning Commission really take a look at it for us.

Bridge Littleton: My only thought was, are there any on here that just sort of don't make sense? And I shouldn't say, well, no, you know, just the one that to me sort of was like, you know, I don't think it would be the way to go would be have all outdoor dining as an SUP right. Because what we're really struggling, I mean, we have outdoor dining at the ground level, right? It's here, it's part of the town. It's accepted whatever. Right. So I think what we're struggling with is what's the right balance of how to regulate anything that might go on a roof. And you really have two choices there. It's either ban it or it's a special use permit. So if you know, my inclination would be to send it to Planning Commission to explore those two, you know. Do you ban it or do

you make it a Special Use Permit? And then, you know, weighing the pros and cons and all that. So, you know, to me it would be have them explore option two, option three, and then, you know, initiate it and have them make the recommendation after public hearing and all that stuff. Yeah, Pam.

Pam Curran: You know, I was there too when I was reading Will's memo, the only thing that struck me is even some of the existing ground floor dining. We've had issues with parking and actually one in particular, people have complained trying to make turns going down the street and, you know, they've been concerned about how far out different things are. So that's where I was coming down on maybe, you know, all outside dining requires an SUP or maybe we grandfather the existing. So it's not so expensive for them. But I don't know. It just seems we might want to be able to take a look at anybody who wants any business that wants to do outdoor.

Bridge Littleton: And maybe then there's a fourth piece to this. Ground level is an SUP rooftop is banned. So, you know, because I mean, our strategic priority was we want to look at rooftop, right. That was what we said we wanted to take a look at and not necessarily mess with, street level, I'll just call it that outdoor dining, but it doesn't matter. Excuse me? It doesn't mean that we can't examine it anyway. You know, if we have safety concerns and stuff like that, you know, maybe going forward, if you want to have outdoor dining at the ground level, it's an SUP because you got to meet certain criteria and make sure it's safe and you know, whatever. And that rooftops are, you know, banned. So maybe that's the direction that we give to Planning Commissions to look at those three you know, options. So Will it's almost like two three and then a number four. I don't know what. Yeah, Chris.

Chris Hersh: Just Will, in terms of clarification within C2, C3, any setbacks that apply to street level dining, like are there already rules in place for that?

Will Moore: Yes. So the in a roundabout way. Yes. So the use has to occur on the property and the properties for buildings are essentially zero setback in those districts. So as long as the use is located on your property then it could be situated, however I'm not aware of, of any of those uses that encroach into right of way or create site distance issues or anything like that. But I would be happy to hear about that if there are certain concerns with certain existing establishments, because that there might be a way to address those. Thanks.

Bridge Littleton: Yeah.

Chris Bernard: And I guess to kind of go along with what Pam said, I, you know, while we grandfather in the current ones, it would be interesting to have the Planning Commission evaluate whether it would be worth having that SUP procedure even for ground level, because it can give us a way to better, I guess they come in with a plan. They're going to describe what they're going to do, and then we can hold them to it rather than.

Bridge Littleton: Wild West.

Chris Bernard: As long as they're on their property, you know what I mean? I and then it's, a back and forth. It's like a mutual agreement. They've applied. This is what they've asked for. We give it to them and we've agreed on it. It's not it won't feel like maybe they're always trying to get away with stuff, I don't know. That's kind of a roundabout way of putting it.

Bridge Littleton: No, I think it's a good idea. I mean, I think it'd be great to have the Planning Commission examine, you know, for ground level is an SUP requiring future users requiring an SUP is that you know does that make sense. And then what would their recommendation around rooftop dining be. You know, would it be

an SUP or would it be a ban and how they would approach it? So is everybody comfortable with that approach? Does that make sense? Will is that helpful?

Will Moore: Yeah. That's great. Thank you.

Bridge Littleton: Okay. All right. Next item is water drought status, Mr. Davis.

Danny Davis: Thank you, Mr. Mayor. A couple updates from the memo that you have before you. One, we got about a third of an inch of rain yesterday, so we'll take every little bit we can get. [off mic] And yeah, it came down all at the same time. On a little bit worse news note. Well P is currently out of service. The motor died on us yesterday. It's being we pulled it. It's going to be replaced tomorrow. Should be back in service tomorrow. So thankfully not an extended outage. Valley Drilling has been very responsive and has replacement parts on the shelf. So we'll get that back in place and back running again. But again, that's the kind of tenuous nature of our water system, especially when we are facing drought and water levels being a little uncertain that when you lose one well, that can cause potential issues down the road. So, with that, the National Drought Monitor has a quarter of the entire Commonwealth of Virginia in extreme drought. We currently sit in severe drought under that measure. And then we continue to be under the drought warning from DEQ. So we continue to be, or we continue to see low levels in groundwater throughout our region in particular. Now, the somewhat positive note, our well levels continue to be at this point higher than they were around this time last year. Now we're starting to see some downward trends slightly but we're not into the heat and hot season yet with significant amount of outdoor watering. So I think the next month or so will be key for us to watch how those levels whether they sustain or whether they drop. We did see a fair recovery in our static and base water levels from essentially January, from the new year through middle of February. Now, even though we didn't have an extreme amount of rain. So we did have the snow in that time frame and again, less demand on the water system. So right now we do not. We had our utility committee meeting yesterday. We do not recommend needing to go into any voluntary or mandatory water conservation at this time. But with that being said, the caveat that should there be a significant operational issue or should we start to see levels drop quickly, then we would ask the Council to make that decision, and we'll just keep this on your agenda meeting after meeting. So I'm happy to answer any questions that you'd like. We can show you charts at the next meeting, but we continue to graph those and starting to take all that data and drop it in and have ChatGPT give us some better graphs that we can actually give some visual data on a little more helpful for us, especially being able to put annual data together. Great.

Chris Hersh: Danny, how hard would it be, the Virginia map that's in the memo and information to get it on the website, just so people are alerted to the fact we're monitoring that?

Danny Davis: Yeah, we could definitely take that photo and at least put it there and then encourage people to, if they click the link, take them directly to that other page where they can get the latest map. I can't guarantee we can update ours weekly, but if we can at least let people see this information here. And then here are a couple different locations you can find Loudoun County on the National Drought Monitor and then the DEQ site as well. Yeah, we'll do that. [off mic]

Bridge Littleton: Any other questions on drought? Okay. And Danny, you had another item on here about budget.

Danny Davis: That was just in case there was any follow up on budget discussion. But there's no specific additional information needed.

Bridge Littleton: Okay. Information items.

Cindy Pearson: Just wanted to say the buntings look really nice on the town hall. The one out front is the bomb. I mean, that one just nails it. Thank you. Whoever got that in order.

Bridge Littleton: It wasn't Ali.

Cindy Pearson: No. Well, maybe she had a word about it. The other is, I did not thank streetscape committee for the Arbor Day work that they did to get that together. And there's a lot of behind the scenes done on that because the trees are bought, the trees are planted, they appear, you know, just that magical little thing once again. And you know, how much work is done on that, but it's a really nice event and it always goes off really well.

Bridge Littleton: And they celebrated two great women this year.

Cindy Pearson: They did. They celebrated Pat Rose and Lisa [multiple speakers] Dove. So there's a tree for both of them up there that's going to just grow and grow.

Bridge Littleton: Any other. Yeah, Danny.

Danny Davis: Mr. Mayor, if I may real quickly, just update you all and ask for perhaps some authorization on a matter. You're aware that our administrative assistant at the front desk has been on some extended leave and we are now, she has now separated from the town. And so we brought in a part time, Council authorized a temporary part time employee to be able to cover in that absence, which has been very, very helpful. Now that that's a little more clarity on where we stand with that, I would ask if the Council would be willing to authorize me for that position to be full time until we can complete recruitment or finalize that position. So that would allow Miss Sierra, who's been sitting at the front desk to work 40 hours a week and help us through billing and all the other customer service issues that we have. So if Council is not opposed to that, I'd appreciate your authorization and approval. Thank you.

Cindy Pearson: Yes, please.

Bridge Littleton: I was going to say any concerns?

Cindy Pearson: No.

Bridge Littleton: All right.

J. Kevin Daly: Do it.

Bridge Littleton: Go for it.

Cindy Pearson: Yes, please.

Bridge Littleton: Thank you. Awesome. Any other information items, Pam?

Pam Curran: Oops. I think some of us went to Art in the Burg this weekend, and I mean it was well done as it always is, but attendance was way down. I mean, really way down. For what it's worth, I don't know when I left at 3:00. Yeah. They had, we had less than a thousand people that had gone through and it probably picked up more towards the end. Maybe it was the weather or but just an observation in the last couple of events have been.

Cindy Pearson: There's just so much that goes on through the month of May. And Hill School had their hundredth celebration all weekend.

Bridge Littleton: That night. It was the same day.

Cindy Pearson: Yeah. So it's really hard. Yeah. You know.

J. Kevin Daly: And have you gotten a gallon of gas lately?

Cindy Pearson: Yeah.

Bridge Littleton: Any other information items? Okay. We will now go to closed session. Who wants to read the memo?

Chris Bernard: I move that the Town Council approve on a sole source basis.

Danny Davis: And not yet. No, it's I have a revised one in his email. Thank you.

Chris Bernard: Yes. I move that Council go into closed session as authorized under section 2.2-3711 of the Code of Virginia for the appointment of an Interim Town Manager as allowed under subsection A one. I further move that Council thereafter reconvene in open session for action as appropriate.

J. Kevin Daly: Second.

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

All of Council: Aye.

Bridge Littleton: Opposed? Abstentions? Okay.

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

Deborah Gallagher: Yes.

Chris Hersh: Yes.

Bridge Littleton: Yes.

Chris Bernard: Yes.

Cindy Pearson: Yes.

J. Kevin Daly: Aye.

Pam Curran: Yes.

Bridge Littleton: Okay. Chris, do you have a motion?

Chris Bernard: Yes I do. Okay. I move that Town Council approve on a sole source basis an agreement and scope of work for Interim Town Manager Services dated May 12, 2026 with Baker Tilly Advisory Group, L.P. as authorized by Town Code sections 20.16 and 20.1-13 to appoint an Interim Town Manager that meets the qualifications and experience desirable to the Town Council in a timely manner prior to the effective date of the Town Manager's resignation. I further move that the Town Council appoint Bryan Foster as Interim Town Manager pursuant to Town Charter Section 4.1.

J. Kevin Daly: Second.

Bridge Littleton: Any discussion?

J. Kevin Daly: Just to point out, we sometimes go longer in our meetings than we did tonight. [laughter] Just want you to be aware until midnight sometimes.

Bridge Littleton: Okay. Will, can you call the roll? Thanks.

Will Moore: Vice Mayor Bernard.

Chris Bernard: Aye.

Will Moore: Council Member Curran.

Pam Curran: Aye.

Will Moore: Council Member Daly.

J. Kevin Daly: Aye.

Will Moore: Council Member Gallagher.

Deborah Gallagher: Aye.

Will Moore: Council Member Hersh.

Chris Hersh: Aye.

Will Moore: And Council Member Pearson.

Cindy Pearson: Aye.

Bridge Littleton: All right. Meeting adjourned.