



**AGENDA**  
**PURCELLVILLE TOWN COUNCIL MEETING**  
**MAY 10, 2016, 7:00 PM**  
**TOWN HALL COUNCIL CHAMBERS**

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- 1. CALL TO ORDER OF REGULAR MEETING** (Mayor Fraser)
- 2. PLEDGE OF ALLEGIANCE**
- 3. INVOCATION** (Mayor Fraser)
- 4. SUMMARY OF MOTIONS** (*provided separately*)
- 5. AGENDA AMENDMENTS/APPROVAL** (Town Council and Staff)
- 6. PROCLAMATIONS/RECOGNITIONS**
  - a. Recognition – Master Governmental Deputy Treasurer by Treasurer’s Association of Virginia (L. Krens)
  - b. Recognition - GFOA Certificate of Achievement for the FY15 CAFR (D. Davis)
  - c. Proclamation – Click It or Ticket (Town Council)
  - d. Recognition – Loudoun Valley High School DECA State Champion-Business Finance – Sarah McAllister (Town Council)
  - e. Recognition – Loudoun Valley High School STEM Club (Town Council)
- 7. PUBLIC HEARINGS**
  - a. None
- 8. PRESENTATIONS**
  - a. Loudoun Valley High School STEM Club (*10 mins.*)(Erin Wissler)
- 9. STANDING COMMITTEE/COMMISSION/BOARD REPORTS**
  - a. Planning Commission (Doug McCollum, Chairman/Council Liaison)
  - b. Board of Architectural Review (Pat Giglio, Chairman)
  - c. Parks and Recreation Advisory Board (Eamon Coy, Chairman/Vice Mayor McConville, Council Liaison)

- d. Economic Development Advisory Committee (Daniel Abramson, Chairman/Council member Nave, Council Liaison)
- e. Purcellville Arts Council (Liz Jarvis, Chair/Council member Jimmerson, Council Liaison)

**10. CITIZEN/BUSINESS COMMENTS (Mayor Fraser)**

*(All citizens who wish to speak will be given an opportunity, and limits will be imposed on all speakers. All speakers should sign up prior to speaking. Town residents will be given the first opportunity to speak.)*

**11. MAYOR AND COUNCIL COMMENTS (Mayor Fraser)**

**12. DISCUSSION/INFORMATIONAL ITEMS**

- a. Marketing Video Follow-up: Discussion of Options (D. Davis) (pgs. 3-5)

**13. ACTION ITEMS**

- a. Wine and Food Festival Ticketing Options\* (D. Davis/M. Scoggins) (pgs. 7-10) (Motions pg. 10)
- b. Process for Handling Complaints Against Public Officials\* (S. Hankins) (pgs. 11-25) (Motions pgs. 20-21)
- c. Authorization to Vacate Pump Station Access Easement in Old Dominion Valley Subdivision \* (R. Lohr) (pgs. 27-32) (Motion pg. 28)

**14. DISCUSSION OF ITEMS PROPOSED FOR FUTURE PRESENTATIONS / RECOGNITION**

- a. Proclamation Requests (Town Council) (pgs. 33-40)
  - i. Memorial Day Poppy (American Legion Auxiliary Unit 293) (pgs. 34-37)
  - ii. Hunger Awareness Month, May 2016 (pgs. 38-40)

**15. APPROVAL OF MINUTES**

- a. April 26, 2016 Town Council Regular Meeting (pgs. 41-57) (Motion pg. 41)

**16. ADJOURNMENT**

\*Roll Call Votes

IF YOU REQUIRE ANY TYPE OF REASONABLE ACCOMMODATION AS A RESULT OF PHYSICAL, SENSORY OR MENTAL DISABILITY IN ORDER TO PARTICIPATE IN THIS MEETING, PLEASE CONTACT DIANA HAYS, TOWN CLERK, AT 540-338-7421. THREE DAYS NOTICE IS REQUESTED.



**STAFF REPORT**  
**DISCUSSION ITEM**

Item #12.a.

**SUBJECT:** Marketing Video Follow-up: Discussion of Options

**DATE OF MEETING:** May 10, 2016

**STAFF CONTACTS:** Daniel C. Davis, Assistant Town Manager

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**SUMMARY and RECOMMENDATIONS:**

At the March 8<sup>th</sup> Meeting, Council directed staff to solicit proposals for marketing videos under two different scenarios: free with advertising, or at cost to the Town with no advertising. Additionally, Council directed staff to reach out to Loudoun County Public Schools and see if they could provide these services to the Town through the Monroe Technology Center or local high school clubs. Staff awaits Council direction on whether to move forward with a marketing video and through what mechanism.

**BACKGROUND:**

The Economic Development Advisory Committee (EDAC) recommended to the Town Council that it consider a proposal by CGI Communications, Inc. to develop marketing videos for the Town. The business model provided by CGI produces the video free of cost to the locality by selling advertising around the video. This advertising has the double-effect of supporting local businesses and giving them advertising mechanisms for their own use.

Council discussed this idea in February and March 2016 and did not have consensus on whether the advertising mechanism was appropriate for the Town's marketing videos. As such, on March 8<sup>th</sup>, Council directed staff to solicit proposals from companies that would provide the service such as CGI, as well as to solicit proposals from video production firms that would produce a video for a cost to the Town without advertising.

Staff issued a Request for Quotes (RFQ) that covered both of the options mentioned above. It gave firms an opportunity to submit a proposal for either option. Staff received 10 proposals, all of which chose the second option: to produce videos at a cost to the Town.

Staff did not receive any proposals for the free video option (CGI chose not to submit a proposal).

In addition to the RFQ, staff reached out to the Monroe Technology Center and to Loudoun Valley and Woodgrove High Schools. Monroe Tech's teacher in charge of the video production component at Monroe Tech, Mr. Gary Hawke, indicated that his students would be interested and that this would be a great project for them to work on. He has identified some students from Loudoun Valley that would be ready to work on this project.

**ISSUES:**

Council is asked to decide whether it wants to pursue marketing videos for the Town, and if so, which option to choose. Comments on each option are provided below:

1. "Free" video with Advertising Option: Although staff received no formal proposals through the RFQ process, the issuance of the RFQ satisfies the procurement requirements and Council could choose to enter into a contract with CGI Communications. Council had outstanding questions about this model that have not yet been answered (what if we have too many businesses wanting to advertise; what is the contract between CGI and the businesses; how long does our contract with CGI last). If Council decides to move in this direction, staff will work to develop an appropriate contract with CGI and begin development of the videos.
2. Video Production Firm with Pay for Video Option: In the RFQ issued, staff asked for firms to offer a "scalable" model that could provide between 1 and 7 videos. Staff did not thoroughly review all of the firms or their qualifications, although most of the firms appear to provide have quality experience in this area. On average, the costs ranged from \$10,000 for one video to nearly \$40,000 for seven videos. Should Council wish to further pursue this option, staff will do a full review of the proposals and bring forward a recommended firm. However, staff would note that Council should go ahead and identify funding for this project. It would not be a prudent use of staff time to review and rate all of the proposals if Council is not ready to fund the project.
3. Video Production through Local High School Students and Monroe Tech: The Council's third option is to use the experience and services of local high school students to capture video and edit/produce these videos for the Town. This would only result in minimal costs to the Town (for some of the production services). Mr. Hawke at Monroe Tech has indicated that students would be available at the key special events this summer to capture footage for developing the videos. The Town

could also provide support with script development and narration, if needed. This option is appealing in that it is a low-cost, advertising-free way to provide videos. Once the videos are finalized, Council can always decide to supplement with additional videos through other firms, if desired.

**BUDGET IMPACT:**

Option 1, with advertising, is free to the Town with some staff resources required.

Option 2 would likely cost the Town between \$10,000 and \$40,000 (depending on scope of work). Council would need to identify a source of funding for this project and approve a budget amendment

Option 3 would have minimal cost to the Town and could be funded in current or FY 17 appropriations through Administration.

**MOTIONS:**

Motions are only needed if Council decides to move forward with any option. This item is for discussion, but motions can be made at Council's discretion.

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**STAFF REPORT**  
**ACTION ITEM**

Item #13.a.

**SUBJECT:** Wine and Food Festival Ticketing Options

**DATE OF MEETING:** May 10, 2016

**STAFF CONTACTS:** Melanie Scoggins; Event Specialist  
Daniel Davis; Assistant Town Manager

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**SUMMARY and RECOMMENDATIONS:**

Using Town Council feedback on the 2016 Purcellville Wine and Food Festival ticketing program, staff is presenting two ticketing options for Council consideration. Option 1 is similar to the structure provided at the April 12<sup>th</sup> 2016 Town Council meeting, and Option 2 is a new option that offers a reduced ticket price for residents.

**BACKGROUND**

Based on the performance measures in the FY 16 and the proposed FY 17 budgets to recapture at least 90% of direct event costs and 50% of total event costs, it is the understanding of the Parks and Recreation Department that Town Council would like for the Wine Festival to be as close to cost neutral as possible. The 2016 event grossed \$41,834, exceeding the expected revenue of \$35,000 and the proposed FY 17 revenue expectation has increased to \$40,000. Revenue is earned through exhibitor/vendor booth space sales, VIP ticket sales, Sponsorships, grants, alcohol (beer) sales, and ticket sales for entry. The 2015 event earned approximately \$11,000 from ticket sales.

**Surveys from 2013, 2014, and 2015 events indicate that 25% - 30% of attendees reside in the 20132 area code, meaning that at least 70% - 75% of attendees reside outside of town limits.** Additionally, attendees overwhelmingly indicated that they would prefer to pay a larger entry fee and receive a souvenir glass, some wine/beer tastings, and some other event related items with their entry than pay a fee only for entry and then “pull

out their wallet at each booth” to pay for tastings again. Based on these expectations, staff intends to include a glass and tastings with the entry.

In order to cover the costs associated with entry and meet the revenue goal and performance measures, we are currently planning on the ticketing structure listed below. Please keep in mind this could change slightly based on the costs associated with glasses and the conversations with wineries regarding compensation for the tastes included in the entry ticket.

- **Adult Ticket** – This ticket is for attendees that are 21+ years of age and includes a sampling glass (5.5 oz) and two (2) sampling tickets.
- **Designated Driver Ticket** – This ticket is for all those not drinking alcoholic beverages and all attendees between the ages of 16 and 20. This group will receive unlimited bottled water or soda.
- **Child ticket** – All children aged 15 and under are FREE and do not need to purchase a ticket.

### **Ticketing Options**

Based on feedback from Town Council, staff and The High Road would like to offer the following two options for consideration.

#### **Option 1**

All of those who purchase tickets will pay the following:

- Online - from May 25 through July 5 – Adult \$10 & Designated Driver \$5
- Online - from July 6 through July 15 – Adult \$15 and Designated Driver \$5
- Gate and online - July 16 Event Day- Adults \$20 and Designated Driver \$5
- Minors 15 and under are always free

Please note that this is very similar to the first option reviewed by Town Council at the April 12, 2016 meeting. The only change is that the designated driver ticket price remains the same and does not increase throughout the “ticket on-sale” schedule.

## Option 2

In this option, out-of-Town residents would pay the same prices as stated above. Town residents will receive a coupon code in their June utility bill providing 50% off of tickets.\* The ticket prices will increase at the specified dates and town residents using the code will receive the tickets at 50% off of the price as of the date they purchase. Staff is investigating capping the number of tickets that each resident can buy at the reduced price to 4 or 6. This price reduction will only apply to regular entry tickets not VIP packages.

It is important to recognize that while meeting the objective of providing town residents with a reduced ticket price option there will be opportunities for bleed over to non-Town residents. **The coupon code would likely be shared and used by buyers that are not Town residents. Staff will not know where ticket buyers are located until after the purchase is made, and there is no efficient way to ensure that only in-Town residents are using the code.**

Additionally, it is important to sell as many tickets as possible online prior to the event to increase efficiency at the entrances. We want to avoid checking for residency at the gate as much as possible because it will increase attendee wait time and staffing needs.

### **Town resident ticket pricing with 50% coupon code reduction:**

- Online - from May 25 through July 5 – Adult \$5 and Designated Driver \$2.50
- Online - from July 6 through July 15 – Adult \$7.50 and Designated Driver \$2.50
- Gate - July 16 Event Day- Adults \$10 and Designated Driver \$2.50 – *in order to purchase a resident ticket at the gate, resident must bring utility bill and show ID with an address that matches the bill (this avoids having to confirm an address is actually “in-town” and it also avoids people passing water bills to those who don’t live in town)*
- Minors 15 and under are always free

Town residents who purchase between May 25<sup>th</sup> and July 5<sup>th</sup>, will pay the same amount they paid in 2015. For the same amount, they will receive an increased value with the included glass and tasting tickets.

### **BUDGET IMPACT**

The proposed FY 17 revenue expectation has increased to \$40,000 for this event. Ticket sales that cover the costs of the added entry value provided by the glasses and tastings are imperative. Ticket sales are a major contributor to making this event cost neutral.

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\* Staff recognizes that not all in-Town residents receive a water bill, so any resident without a utility bill who wants to purchase tickets at a discount will need to come to Town Hall and prove their residency in order to receive the discount code.

**MOTIONS**

1. I move to direct staff to use ticketing option 1 as described in this report for the 2016 Purcellville Wine and Food Festival.

Or

2. I move to direct staff to use ticketing option 2 as described in this report for the 2016 Purcellville Wine and Food Festival.

Or

3. I move another motion

**ATTACHMENTS**

None



**STAFF REPORT**  
**ACTION ITEM**

Item #13.b.

**SUBJECT:** Process for handling complaints against public officials

**DATE OF MEETING:** May 10, 2016

**STAFF CONTACTS:** Sally Hankins, Town Attorney

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**SUMMARY:**

At its meeting on April 26, 2016, Town Council directed staff to provide procedural options for handling a complaint against an elected or appointed public official.

The purpose of this memo is to provide Council with the background information it will need in order to decide: (1) whether Council will accept and handle complaints against Council Members from the public, (2) if so, how it will structure that process, (3) how Council will handle violations of its adopted Rules of Procedure when the complaint is made by one Council Member against another.

Council should decide:

(a) whether there should be a process conducted by Town Council at all with regard to complaints from the public, or whether such complaints against Council Members should be directed elsewhere and addressed through existing legal channels and the existing political system;

(b) if there is to be a process to investigate and hear complaints against Council Members from the public or from within Town Council, will that process be conducted by Town Council, an independent investigator, or an appointed committee;

(c) how extensive should the process be – should there be discovery, and a formal hearing with testimony and oral argument;

(d) whether the process should vary depending on the seriousness of the allegation;

(e) who will render a decision in the matter and decide upon the consequence; if the decision and consequence is to come from Town Council or an appointed committee, will a simple majority vote be sufficient to decide the matter?

**BACKGROUND:**

The Town Council's adopted Code of Ethics provides that if a disagreement exists between Council Members that they discuss the matter with each other first and, if no resolution can be found, they should bring the matter to the attention of the body for discussion. The policy does not direct what should happen when (a) a complaint is submitted to the Town by a citizen regarding the conduct of a public official, or (b) the Town Council cannot resolve a matter through discussion.

**DISCUSSION:**

**A. Range of policy options:**

There are a range of options available to Town Council in drafting a discipline policy. At one end of the range is a very narrowly drafted discipline policy, based on the idea that the behavior of elected officials is a matter to be addressed by the voters at the next election. Under this theory, elected officials are not accountable to each other, but only to the people. Under this approach, citizens need not wait until the next election to take action, but may petition a court to remove a public official from office under Va. Code 24.2-233, provided the petition is signed by at least 10% of the people who voted in the last election for the office at issue.

At the other end of the range of options is a broadly-drafted disciplinary policy based on the idea that members of a Body want the ability to prevent and sanction behaviors that either disrupt the ability of the Body to conduct the business of the Town, or harm the public's confidence in the integrity of Town government.

**B. Range of behaviors that might be considered for discipline:**

Having reviewed articles and cases alleging misconduct by public officials, below are some behaviors that Town Council may want to discipline:

- a. Confronting members with profanity and abusive language, whether in private or at a meeting
- b. Attacking the integrity or character of a fellow Council member or Staff member

- c. Misappropriation of Town resources
- d. Unreported campaign donations
- e. Posting explicit photo on-line
- f. Criminal conviction for DUI, domestic violence, drug use or distribution, etc.
- g. Lying about public business
- h. Disclosing confidential or privileged information
- i. Violating any rules adopted by the Body, including rules of order and ethical rules

### **C. Authority of Town Council to Discipline its Members**

Council's authority to censure or otherwise discipline its members for failing to follow the public body's rules or for behaving in an inappropriate manner is part of its legislative authority. Council need not have an adopted policy in place in order to censure or discipline a member. *Whitener v. McWatters, et al.* 112 F.3d 740 (4<sup>th</sup> Cir. 1997). Such censure and discipline can result from conduct of a council member that occurs outside of a public meeting in his or her personal or official capacity, or conduct that occurs at a public meeting.

### **D. Vote Requirement**

A review of cases indicates that discipline is normally decided upon by a simple majority vote. However, Town Council may elect to require a supermajority vote in order to impose sanctions.

### **E. Types of Discipline that Can Be Imposed**

Common forms of discipline include:

- a. **Censure**: A public statement adopted by the governing body that condemns a member's inappropriate behavior. Inappropriate behavior would include violating an adopted policy of Town Council, moral misconduct, absenteeism, violating confidentiality, failing to follow rules of procedure, lying, working against the organization, and violating other values of the governing body.
- b. **Removal from committees or other assignments**.
- c. **Fines**. Fines may be assessed and collected in the same manner as the Director of Finance collects taxes and other monies owed to the Town. The City of Portsmouth fined its Mayor \$2,500 in 2009 for an "extended pattern of abusive conduct" toward a City employee. The City of Portsmouth is currently in litigation over a \$1,500 fine recently assessed against one of its members for allegedly disclosing confidential information from a closed meeting.

- d. Defunding the Public Official's budget.
- e. Removal from a meeting. If the inappropriate or disruptive behavior occurs in a meeting, the member may be removed from the meeting.
- f. Removal from office. The Town Council does not currently possess the authority to remove a fellow council member from office. However, the City Councils of Lynchburg and Richmond have the authority under their respective Charters to remove a member for malfeasance in office. Further, voters can petition the Circuit Court to remove a member from office when "neglect of duty, misuse of office, or incompetence has a material adverse effect upon the conduct of the office...." The petition must be signed by 10% of the total number of votes cast at the last Town Council election.

#### **F. Procedural Due Process**

The appropriate level of Procedural Due Process can vary depending on the facts of each case. While Procedural Due Process may not be legally required in those cases in which a liberty or property interest is not at stake, it may nonetheless be advisable in order to avoid the appearance of impropriety or to avoid the use of discipline as a political tool.

- a. When is "Process" Due? A person is entitled to procedural due process when subjected to an act by the government that will deprive him or her of a "liberty" or "property" interest. A monetary fine, for example, would deprive a Council member of personal property, and should therefore trigger a Due Process requirement. By contrast, the discipline of "Censure" would deprive a Council member of neither a liberty nor a property interest, and would therefore not trigger a Due Process requirement under the law. While Due Process may not be legally required in each case, it may nonetheless be advisable in order to avoid the appearance of impropriety or to avoid the use of discipline as a political tool. Removal of a Council Member from a meeting, or suspending a Council Member from more than one meeting, could result in a claim from a citizen that he or she has been deprived of a liberty interest in being fully represented by the elected body, without Due Process. This argument has been raised particularly in those jurisdictions that have district-specific representation, and not at-large representation.
- b. What constitutes Due Process? What constitutes sufficient Due Process will depend on the facts of the particular case. In determining whether a procedure provided adequate safeguards to the person who suffered the loss, a court will balance (i) the degree of the deprivation created by the government action, (ii) the

probable value, if any, of additional procedural safeguards, and (iii) the administrative burden/public cost of additional procedural safeguards. An evidentiary hearing is not required. The essence of Due Process is (a) notice of the case against you, and (b) a meaningful opportunity to present your case.

- c. Degrees of Due Process. If Town Council were to adopt policies that deal with the discipline of a fellow Council member, it should consider the level of process due under various scenarios. For example, if a Council member were to shout or curse at a public meeting, an investigation should not be needed in order to determine what plainly occurred. In other cases where the facts are unknown or disputed, interviewing witnesses might be an appropriate fact-finding approach. The method of fact-finding is up to the discretion of Town Council. For example, in the 1997 case from Loudoun County styled *Whitener v. McWatters*, the Loudoun County Board of Supervisors formed a three-member ad hoc committee for the purpose of investigating the allegations against Supervisor Whitener. The committee held a hearing at which witnesses were called and arguments made, and then formed a recommendation for the Board of Supervisors as a whole concerning both the truth of the allegations, and the appropriate discipline for Supervisor Whitener. The Board, as a whole, then voted on the discipline to be imposed.

### **G. Investigative / Fact-Finding Process**

After inquiring with the Local Government Attorneys' Association, I have only one example to share from the City of Petersburg, Virginia, describing the process by which the Petersburg City Council disciplines its members. It seems that other jurisdictions generally do not define their process in writing. Case law, however, indicates that the process is either handled by a committee, by a majority of the Council members, or a combination of the two:

- a. *Loudoun County Approach: Form an ad hoc ethics committee to conduct an investigation and hold a hearing; Committee then reports to the Body as a whole, who votes on the Committee's recommendations*

Two members of the Loudoun County Board of Supervisors complained to the full Board about conduct of one of the members that occurred toward them in private, and requested that his behavior be punished. The Loudoun County Board of Supervisors appointed three members of the Board of Supervisors to an ad hoc ethics committee charged with investigating the complaint and making a

recommendation to the full Board. The ad hoc committee conducted a hearing at which witnesses were heard and arguments were made. The committee voted 2-1 to recommend that Whitener "be formally censured for a period of [one year] and that the rules of order be changed to remove him from all standing committees of [the] Board as well as all assignments and appointments to outside committees, commissions, etc." On consideration of the ad hoc committee's recommendation, the Board voted 8-1 to censure Whitener and 5-4 to strip him of his committee assignments for a period of one year. The 4<sup>th</sup> Circuit affirmed the legislative body's ability to do so.

A similar process to this was also used in a case out of Wisconsin styled, *Van De Yacht v. The City of Wasau*, 661 F.Supp.2d 1026 (W.D. Wis., 2009). However, in that case it appears that the City's Ethics Board was independent of the legislative body and contained no members of the legislative body.

- b. *Approach for Obvious Misconduct at the Dais: Any Council Member can make a motion from the dais to impose a specific form of discipline on a fellow Member; Council allows the subject of proposed discipline time to respond from the dais; Council then votes on the motion.*

In a 1977 Ohio case, Council Member Kucinich alleged in a public meeting that a fellow council member had a conflict of interest on a matter that was before the Council for action, and implied that said Council member had taken money from a party interested in the transaction. After these allegations were made, a Council Member moved to suspend Councilman Kucinich for a period of two weeks for violating the Council's Rule #23: "... [a council member] shall confine himself to the question under debate, avoid personalities and refrain from impugning [sic] the motives of any other member's argument or vote." After discussion, the motion passed.

The federal district court hearing the case found that Rule#23, on its face, is unconstitutional. The court found that the Rule restricts verbal expression based solely on the idea being expressed (eg; "impugning a member's motives") and is therefore a content-based restriction of pure speech. The court ruled that content-based regulations of pure speech are permissible only when the government can show that the speech poses a clear and present danger to society, and that the individual's interest in engaging in the speech is outweighed by the danger to society in allowing the speech. The court further ruled that the government failed to

show that Kucinich's remarks posed a clear and present danger to society, and that the government's interest in the efficient administration of a Council meeting was insufficient to restrict pure speech. As a result, the court enjoined the City Council from enforcing Council Member Kucinich's suspension. Because Council Member Kucinich did not argue that he had been denied a hearing, or had been unaware of the nature of the charges against him, and because there was evidence to support that Rule 23 had, in fact, been violated by Council Member Kucinich, the court ruled that there was no Due Process violation.

Citation: *Kucinich v. Forbes*, 432 F.Supp. 1101 (N.D. Ohio, 1977)

c. *City of Petersburg, Virginia Model*

Key elements of the process used in the City of Petersburg are as follows:

- (a) City Clerk schedules, within 10 days of receipt of the complaint, a review of the complaint by City Council at a public meeting.
- (b) The subject of the complaint may submit a response to the complaint for Council's consideration at the same meeting.
- (c) At its public meeting, the City Council determines by majority vote whether (1) to grant the request for a disciplinary hearing; or (2) further investigation of the allegations is warranted before setting the matter for a disciplinary hearing.
- (d) Council shall grant a request for a hearing *only if* the complaint alleges an unlawful or unethical act or omission by a Council Member that has interrupted or interfered with the performance of an official duty or function of Council, or otherwise damaged the dignity and integrity of Council and the public trust. If the complaint does not allege such official misconduct, Council should decline to take action on the complaint.
- (e) If City Council adopts a resolution to conduct a disciplinary hearing, the hearing shall be held no later than 30 business days after the Clerk of Council received the complaint. The Council Member who is the subject of the complaint may request an extension of up to 30 business days to prepare for the hearing.

The full City of Petersburg policy is attached to this Staff Report.

## **H. Beware of Equal Protection and First Amendment Retaliation Claims**

a. Discipline that is inconsistently applied can be used to support a claim of intentional discrimination. Discipline should be consistently applied.

A claim that Town Council is applying the disciplinary rules in violation of the Equal Protection Clause of the U.S. Constitution's 14<sup>th</sup> Amendment could be brought against the Town Council if it were to utilize the disciplinary process in a way that is intentionally discriminatory, such that the rules are applied against one person differently from those who are similarly situated, and in a manner that is arbitrary and unrelated to a legitimate governmental interest.

Discipline that is inconsistently applied can be used to support a claim of intentional discrimination. For that reason, if disciplinary policies are adopted, Council should consistently enforce such policies. Each instance of a policy violation should be addressed (versus addressing some but ignoring others), and the consequence for all like violations should be the same.

Citation: *McWaters v. Rick*, 195 F.Supp.2d 781 (E.D. Va., 2002).

b. Some caution should be exercised before adopting a policy that allows discipline on the basis of the *content* of a fellow member's speech (versus the *manner* of delivery). While the law allows legislative bodies leeway on this, my recommendation is to avoid imposing sanctions for the content of speech, with the possible exception of profane or abusive speech.

A claim that Town Council is retaliating against a Council Member for exercising his or her first amendment right of free speech can be made under 42 U.S.C. § 1983. However, courts tend to give great leeway for retaliatory conduct against elected officials for their speech, and describe such retaliatory conduct as a long-standing and customary part of the political process. See *Whitener v. McWatters*, 112 F.3d 740 (4<sup>th</sup> Cir. 1997), which recounted the parliamentary history of censure as being within the legislative body's power to use as an expression of disapproval of speech. While case law indicates that an elected public official will have a difficult time prevailing on a claim of First Amendment Retaliation, it is nonetheless possible. Even the *Whitener* Court left room for the possibility that some level of retaliation by a legislative body against one of its members may amount to an impermissible restraint on speech.

An elected official who brings a First Amendment Retaliation claim must show that (i) the public official spoke on a matter of public concern, (ii) that the public official's right to speak on matters of public concern was not outweighed by the government's interest in regulating the speech of a public official in order to provide efficient and effective services to the public, (iii) the actions complained of would deter the public official from again exercising her constitutional right to publicly comment on matters of public concern, (iv) the speech was a substantial or motivating factor in the retaliatory/disciplinary action taken against him, (v) the right of the public official to speak was clearly established such that a reasonable person would have been aware of the right at the time of the retaliatory action/discipline.

Citations: *McWaters v. Rick*, 195 F.Supp.2d 781 (E.D. Va., 2002); *Van De Yacht v. The City of Wasau*, 661 F.Supp.2d 1026 (W.D. Wis., 2009).

**BUDGET IMPACT:**

No Budget Impact.

**ATTACHMENT:**

1. City of Petersburg Resolution 13-R-29, adopting a policy and procedure to govern the exercise of City Council's disciplinary authority.

**MOTION(S):**

**1. Whether Council will handle Citizen Complaints:**

a. I move that Town Council refer citizens with complaints against a Council Member to the Commonwealth's Attorney, if the complaint involves a conflict of interest or ethical misconduct, to the Police, if the complaint involves an alleged crime, or to the Voters, if the citizen believes a petition to remove the Council Member from office is warranted.

OR

b. I move that Town Council accept all complaints against a Council Member, and move forward to draft a process that will prescribe how such complaints are handled.

**2. How will Council handle the Fact-Finding Process:**

"I move that Town Council handle the fact-finding process necessary to process a Citizen Complaint through:

- (i) a hired independent investigator, OR
- (ii) a standing Ethics Committee comprised of no Council Members, OR
- (iii) an ad hoc committee comprised of three Council Members."

AND

"I further move that Town Council proceed with drafting a policy that describes minimum fact-finding procedural requirements."

AND

"I further move that Town Council proceed with drafting a policy that requires the fact-finder to (i) present its findings to Town Council, (ii) present to Town Council a recommendation as to whether the conduct was "inappropriate," and (iii) recommend to Town Council the consequence to be imposed for the inappropriate conduct."

**3. Once the facts have been determined, who will determine whether the conduct is punishable: the Fact-Finder, or Council?**

"I move that Town Council proceed with drafting a policy establishing that all behavior by Council Members that is deemed "inappropriate" by a majority of those members of Council present and voting is subject to sanction, but that the content of a Council Member's pure speech will not be sanctioned so long as it is not profane or abusive."

**4. How will Council render a Final Decision in the Matter:**

"I move that Town Council proceed with drafting a process that requires Town Council to decide by simple majority vote of those present and voting, (i) whether a violation occurred, and (ii) if so, what the consequence of such violation should be."

AND

"I further move that Town Council direct staff to draft a policy that sets forth a menu of consequences that can be imposed by Town Council for inappropriate behavior."

**5. Does Council want to develop sanctions to be applied to Council Members who violate a Rule of Procedure in a way that adversely affects other members of the Council (these complaints are from one Council Member against another)?**

"I move that Town Council develop sanctions for members who violate the Council's adopted rules of procedure in a manner that harms the Council's ability to efficiently and effectively operate."

**6. Will the same procedures apply to all appointed officials, as well as elected officials?**

"I move that all policies for handling complaints against an elected public official shall apply also to complaints against an appointed public official."

# ATTACHMENT

13-R-29  
Adopted: 06/04/13

## **A RESOLUTION ADOPTING A POLICY AND PROCEDURE THAT GOVERNS THE EXERCISE OF CITY COUNCIL'S DISCIPLINARY AUTHORITY.**

---

To formally adopt a policy and procedure that governs the exercise of City Council's disciplinary authority as set forth below.

**BE IT RESOLVED**, by the City Council of the City of Petersburg, that this resolution may be cited as "City Council Disciplinary Policy and Procedure."

### **I. PURPOSE**

Section 2-5 of the Charter of the City of Petersburg grants the City Council the power to adopt such rules as it may deem proper for the regulation of its proceedings and to take disciplinary action against Council Members for official misconduct. The purpose of this City Council Disciplinary Policy and Procedure is to deter official misconduct by Members of City Council and to define the procedure by which disciplinary action may be taken by City Council against its Members for such official misconduct.

### **II. DEFINITIONS**

- a. "Official misconduct" means malfeasance, misfeasance, or nonfeasance in office as set forth in Section 2-5 of the Charter of the City of Petersburg and defined herein.
- b. "Malfeasance" means any violation of law, policy, or standards of ethics applicable to any Member of City Council as a public officer that interrupts or interferes with the performance of an official duty or function by City Council, or damages the dignity and integrity of City Council and the public trust.
- c. "Misfeasance" means any improper or unlawful execution of a duty or obligation owed by any Member of City Council as a public officer that interrupts or interferes with the performance of an official duty or function by City Council, or damages the dignity and integrity of City Council and the public trust.
- d. "Nonfeasance" means any failure to satisfy a duty or obligation owed by any Member of City Council as a public officer that interrupts or interferes with the performance of

an official duty or function by City Council, or damages the dignity and integrity of City Council and the public trust.

- e. "Disciplinary hearing" refers to a proceeding conducted by City Council during a regular or special meeting for the purpose of hearing evidence concerning whether a Council Member has committed official misconduct.
- f. "Disciplinary action" means expulsion of a Member of City Council from Council for the remainder of the Council Member's current term of office, or censure of a Council Member in the form of an official reprimand.
- g. "City Council" or "Council" refers to the City Council of the City of Petersburg, Virginia.
- h. "Substantial evidence" means evidence that a reasonable mind could accept as adequate to support a conclusion.

### **III. PROCEDURE**

1. Any Member of City Council may submit, in writing to the Clerk of Council, a complaint containing allegations of official misconduct by any other Member of Council and request a disciplinary hearing concerning such allegations. The complaint shall present specific factual allegations and any supporting evidence of an unlawful or unethical act or omission by a Council Member that has interrupted or interfered with the performance of an official duty or function of Council, or otherwise damaged the dignity and integrity of Council and the public trust.
2. The Clerk of Council shall deliver a copy of the complaint to the Council Member who is the subject of the complaint, and to each member of Council, no later than 5 business days after receiving the complaint.

#### **Initial Review**

3. The Clerk of Council shall schedule the complaint for initial review by City Council within 10 business days of receiving the complaint.
4. The Council Member who is the subject of the complaint may submit a written response to the allegations in the complaint for review by Council during the initial review of the complaint.
5. Upon initial review of the complaint and any response by the accused Council Member, Council shall determine by majority vote whether (1) to grant the request for a disciplinary hearing; or (2) further investigation of the allegations is warranted before setting the matter for a disciplinary hearing. Neither the Council Member bringing the complaint nor the Council Member who is the subject of the complaint shall participate in any deliberations concerning whether a disciplinary hearing shall take place.

6. Council shall grant a request for a hearing *only if* the complaint alleges an unlawful or unethical act or omission by a Council Member that has interrupted or interfered with the performance of an official duty or function of Council, or otherwise damaged the dignity and integrity of Council and the public trust. If the complaint does not allege such official misconduct, Council should decline to take action on the complaint.
7. City Council shall adopt by resolution any decision to conduct a disciplinary hearing or to proceed with further investigation.

### **Disciplinary Hearing**

8. If City Council adopts a resolution to conduct a disciplinary hearing, the hearing shall be held no later than 30 business days after the Clerk of Council received the complaint. The Council Member who is the subject of the complaint may request an extension of up to 30 business days to prepare for the hearing. The disciplinary hearing shall be administered in accordance with the following rules:
  - (a) The Mayor shall serve as the Chair of the disciplinary hearing. In the event that the Mayor has brought the complaint or is the subject of the complaint, the Vice Mayor shall serve as the Chair of the disciplinary hearing. If both the Mayor and Vice Mayor either have brought the complaint or are the subject of the complaint, the remaining Members of Council shall elect another Council Member to serve as Chair.
  - (b) The Council Member who is the subject of the complaint shall appear in person and be given the opportunity to make opening and closing statements, to call witnesses to testify on his or her behalf, and to question his or her accusers. The Council Member may be represented by counsel or a designated representative.
  - (c) Any Council Member may call any witness to provide testimony related to the allegations under consideration.
  - (d) Testimony shall be taken only from individuals having direct knowledge of facts or circumstances relevant to the specific allegations under consideration.
  - (e) All factual testimony shall be made under oath or affirmation to provide true and honest testimony under penalty of perjury.
  - (f) Any Council Member may question any witness who testifies under oath or affirmation.
  - (g) The questioning or cross-questioning of witnesses may be reasonably limited by the Chair of the hearing.
  - (h) The rules of evidence observed in courts of law shall not apply to this hearing.

### **Deliberations**

9. Council shall deliberate concerning the evidence presented at the disciplinary hearing. Council shall determine whether substantial evidence supports a finding that the accused Council Member has committed an unlawful or unethical act or omission that has interrupted or interfered with the performance of official duty, or otherwise damaged the dignity and integrity of City Council and the public trust.
10. Neither the Council Member who brought the complaint nor the Council Member who is the subject of the disciplinary hearing shall participate in any deliberations.

### **Adopting of Resolution**

11. Council shall adopt by resolution any findings it makes based on substantial evidence and any decision to take disciplinary action against the Council Member who is the subject of the complaint.

### **Closed Session**

12. Except during the disciplinary hearing where evidence is presented and testimony is heard, Council may vote to conduct portions of this process in closed session, as permitted by Virginia Code §§ 2.2-3711 and 2.2-3712.

### **Appeal**

13. City Council's decision to discipline a City Council Member pursuant to Section 2-5 of the City Charter of Petersburg is not appealable.

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**STAFF REPORT**  
**ACTION ITEM**

Item #13.c.

**SUBJECT:** Authorization to Vacate Pump Station Access Easement in Old Dominion Valley Subdivision

**DATE OF MEETING:** May 10, 2016

**STAFF CONTACTS:** Robert W. Lohr, Jr., Town Manager

---

**SUMMARY and RECOMMENDATIONS:**

The resident of 414 Old Dominion Drive submitted an application to build a deck onto the rear of his home. During the review of the application, staff noticed that there was an existing pump station access easement through the footprint of the house (see attachment 1, GIS mapping). The pump station (Fenton Pump Station) had been abandoned in favor of a new pump station along E. Skyline Drive, but the easement for the pump station had not been vacated. Staff recommends vacating the existing pump station access easement.

Staff further recommends working with the Old Dominion Valley Homeowners Association (HOA) to extend an existing sanitary sewer easement to the Old Dominion Drive right-of-way in order to encompass the existing sanitary sewer. This issue was noted as staff looked at the 2003 easement plat, and saw that the sanitary sewer easement did not extend over the sanitary sewer adjacent to the lot at 414 Old Dominion Drive.

**BACKGROUND:**

The deed of subdivision and plat for Section 2 of Old Dominion Valley subdivision was recorded in July, 2003. The new pump station was not operational until sometime in 2005, so that the existing access easement for the old Fenton Pump Station needed to remain until after the new station on E. Skyline Drive could be used. After the new station was operational, the access easement could likely have been vacated, but it appears that this step was overlooked/forgotten. It should be noted that there is no active infrastructure located within the pump station access easement.

The house at 414 Old Dominion Drive (lot 67) was constructed over the pump station access easement. Staff was not aware of this issue until the owner of the property applied

for a permit to construct a deck, and staff noticed at that time that the house and proposed deck would be within the access easement for the now abandoned pump station.

In order to correct this oversight, staff recommends the vacation of the original 15-foot pump station access easement (recorded in DB 548, PG 484). Please see the attached plat (sheets 7 and 10 of 13) which shows the location of the access easement proposed to be abandoned.

During the review of this issue, staff also noted that an existing sanitary sewer easement does not extend to the right-of-way of Old Dominion Drive. Staff recommends that the Town prepare a new easement plat and deed to extend the sanitary sewer easement on HOA property to the street right-of-way in order to allow the Town access to the existing sanitary sewer.

**ISSUES:**

The existing house at 414 Old Dominion Drive was constructed over the pump station access easement. Failure to abandon the easement may have repercussions to the owner with respect to the deed and title for the house and property, and may impact the ability of this property to be eligible for a mortgage.

**BUDGET IMPACT:**

The estimated cost for engineering services to survey as needed and to prepare a plat for the vacation of the existing pump station access easement and the extension of the sanitary sewer easement is \$3500. The preparation of the associated deeds rests with the Town Attorney, and would be an additional cost.

**MOTION(S):**

“I move that the Town Council authorize staff to proceed as needed with the work necessary to vacate the existing 15-foot pump station access easement (originally dedicated in DB 548 PG 484), and to extend the existing sanitary sewer easement to the right-of-way of Old Dominion Drive.”

**ATTACHMENT(S):**

1. GIS mapping showing 414 Old Dominion Drive, and the existing sanitary sewer easements. Illustrates the house location over the pump station access easement.

2. Final Plat, Section 2, Old Dominion Valley, Sheets 7 and 10. Markups show pump station access easement to be vacated and proposed sanitary sewer easement to be dedicated/extended.



new sanitary sewer easement needed

vacate pump station access easement

vacate pump station access easement

ELOUNDOUN VALLEY DR

FM-SD

MH-S3-A1-A3

MH-S5-C2

MH-S5-C3

MH-S5-C4

MH-S10-D2

MH-S5-C2-A1

MH-S4-B2

MH-S4-B4-A1

MH-S4-B4

MH-S4-B4-A2

MH-S4-B5

MH-S4-B6

MH-EEC15-F1-A1-A2

MH-EEC15-F1-A1-A3

MH-EEC15-F1-A4

MH-EEC15-F1-A2

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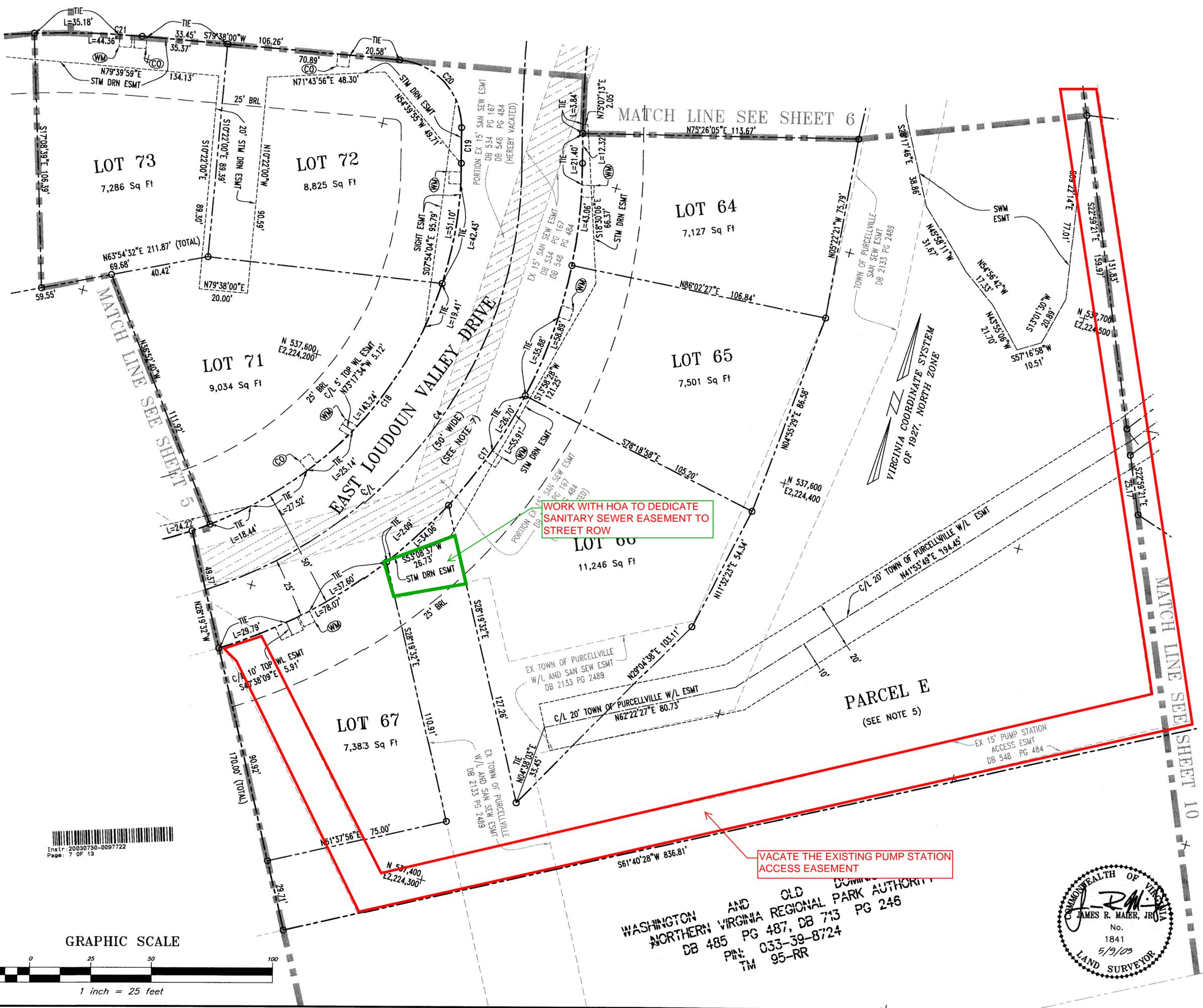
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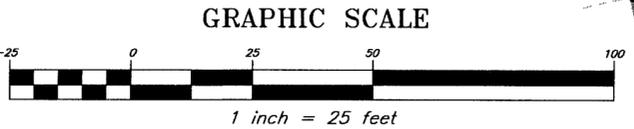
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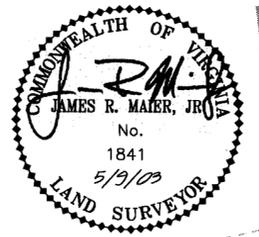
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Page: 7 OF 13



WORK WITH HOA TO DEDICATE  
SANITARY SEWER EASEMENT TO  
STREET ROW

VACATE THE EXISTING PUMP STATION  
ACCESS EASEMENT

WASHINGTON AND  
NORTHERN VIRGINIA REGIONAL PARK AUTHORITY  
DB 485 PG 487, DB 713 PG 246  
PIN: 033-39-8724  
TM 95-RR



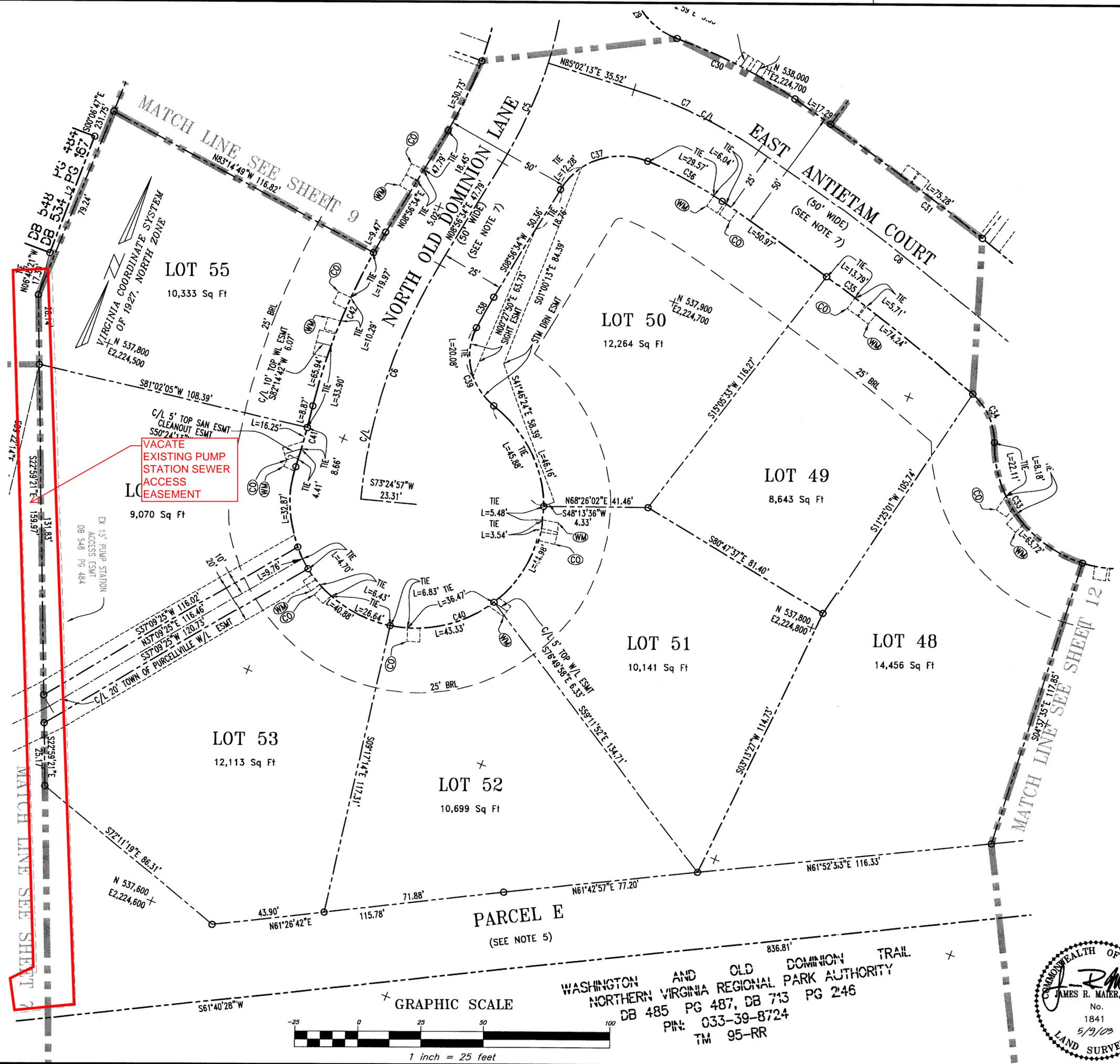
**christopher consultants**  
engineering · surveying · land planning  
christopher consultants, id  
45940 horseshoe drive (suite 100) · sterling, virginia 20166  
703.444.3707 · fax: 703.444.6230



FINAL PLAT  
**SECTION 2**  
**OLD DOMINION VALLEY**  
TOWN OF PURCELLVILLE LOUDOUN COUNTY, VIRGINIA

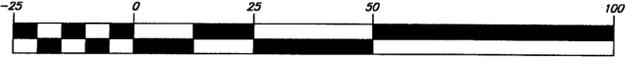
SCALE: 1"=25'  
DATE: 05-22-2002  
REVISED:  
03-20-03  
04-08-03  
05-09-03  
DRAWN:  
CHECKED:  
SHEET NO.

7 OF 13



VACATE EXISTING PUMP STATION SEWER ACCESS EASEMENT

GRAPHIC SCALE



1 inch = 25 feet

WASHINGTON AND OLD DOMINION TRAIL  
NORTHERN VIRGINIA REGIONAL PARK AUTHORITY  
DB 485 PG 487, DB 713 PG 246  
PIN: 033-39-8724  
TM 95-RR



SCALE: 1"=25'  
DATE: 05-22-2002

REVISED:  
03-20-03  
04-08-03  
05-09-03

DRAWN:  
CHECKED:  
SHEET NO.

10 OF 13

LB-1731

FINAL PLAT  
SECTION 2  
OLD DOMINION VALLEY  
TOWN OF PURCELLVILLE LOUDOUN COUNTY, VIRGINIA



christopher consultants  
engineering · surveying · land planning  
christopher consultants, inc.  
46540 horsehoe drive, suite 100 · sterling, virginia 20166  
703.444.3707 · fax 703.444.5230



**STAFF REPORT**  
**ACTION ITEM**

Item #14

**SUBJECT:** Proclamation/Recognition Requests

**DATE OF MEETING:** May 10, 2016

**STAFF CONTACTS:** Diana Hays, Town Clerk/Project Manager

---

**SUMMARY and RECOMMENDATIONS:**

Attached are proclamation requests for the following:

1. Memorial Day Poppy from American Legion Auxiliary Unit 293
2. Hunger Awareness Month, May 2016 from the Tree of Life

**ATTACHMENT(S):**

1. Requests and Background Information

## Hays, Diana

---

**From:** Staci King <Auxstaci@live.com>  
**Sent:** Monday, April 25, 2016 9:40 PM  
**To:** Hays, Diana  
**Cc:** annmoran777@gmail.com; norfstars@comcast.net  
**Subject:** Request for Proclamation for May: Memorial Day Poppy  
**Attachments:** Poppy\_Proclamation\_2016.doc; PoppyFactSheet.docx

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Diana - this is Staci King. The American Legion Auxiliary Unit 293 is pleased to share the attached draft for proclaiming this upcoming Memorial Day, May 30th as Poppy Day for Purcellville. Our Unit plans to distribute Veteran-made poppies at business(es) in town that day. A media factsheet about the Poppy flower and its meaning is also attached.

Last year, you worked magic to get this item on the Council's working meeting. If approved, members from our Unit would attend the next Council meeting in May to receive the Proclamation and "pin a poppy" on the Mayor. We also present poppies to everyone in attendance. Historically, we have requested local media/newspaper coverage for the event.

If there are any questions, please reply all to this email or call me on 571-528-1122.

Thanks and take care, Staci King  
Cell 571-528-1122  
Email [auxstaci@live.com](mailto:auxstaci@live.com)



Sample Poppy Proclamation

WHEREAS, America is the land of freedom, preserved and protected willingly and freely by citizen soldiers;

WHEREAS, Millions who have answered the call to arms have died on the field of battle;

WHEREAS, A nation at peace must be reminded of the price of war and the debt owed to those who have died in war;

WHEREAS, The red poppy has been designated as a symbol of sacrifice of lives in all wars; and

WHEREAS, The American Legion Auxiliary has pledged to remind America annually of this debt through the distribution of the memorial flower;

THEREFORE, I (full name) (title), of the (city, town, country, state) do hereby proclaim this 30th day of May, 2016, as POPPY DAY and ask that all citizens pay tribute to those who have made the ultimate sacrifice in the name of freedom by wearing the Memorial Poppy on this day.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official seal of (city, town, county, state) this (date)th day of (month), (year).



## American Legion Auxiliary Media Fact Sheet

PURCELLVILLE UNIT 293

P.O. BOX 597, Purcellville, VA 20132

[www.ALAforVeterans.org](http://www.ALAforVeterans.org)

Contact: Staci King or [auxstaci@live.com](mailto:auxstaci@live.com)

---

### Memorial Poppy

#### WHAT:

**Seven million** memorial poppies are distributed each year by American Legion Auxiliary members across the country to provide a therapeutic activity for veterans, raise awareness and raise funds to help veterans, military service members and their families.

Red crepe paper poppies symbolize the sacrifices made by our military service members.

**Two million dollars** are donated by people receiving the poppies each year. Up until recently, 100% of the donated funds were used to help veterans. Due to the great needs of today's military families, The American Legion recently voted to expand the use of newly-collected funds to active duty service members and their families who demonstrate a financial or medical need. Most of the funds collected stay in the communities where they were collected.

Veterans who make the poppies are paid a small stipend for their efforts.

The poppy was inspired by the famous wartime poem, "**In Flanders Fields**" by Lt. Col. John McCrae, which begins "In Flanders Fields the poppies blow between the crosses row on row..." (see attached for full text)

The tradition of the memorial poppy can be traced to a single individual beginning in November 1918, **Ms. Moina Michael**, who bought a bouquet of poppies and handed them to businessmen where she worked. She asked them to wear the poppy as a tribute to the fallen of World War I.

#### WHO:

The American Legion Auxiliary has nearly **800,000 member volunteers** serving veterans, military service members, and their families.

There are **22,658,000 veterans** in the U.S. military.\* That is 7% of the U.S. citizenry, based on 2010 census data.

Founded in 1919, the **American Legion Auxiliary** is the world's largest women's patriotic service organization. Its mission to serve veterans, the military and their families is carried out through hundreds of outreach programs delivered by its member volunteers.

## WHEN:

Memorial poppies are generally distributed on patriotic holidays such as **Memorial Day** and **Veterans Day** each year.

## WHERE:

Poppies are distributed in various places throughout local communities. American Legion Auxiliary members can be found with poppies on sidewalks, in front of stores, at local meetings and more.

American Legion Auxiliary members are active in **more than 9,000 communities nationwide** and around the world.

The American Legion Auxiliary's National Headquarters are located in Indianapolis. To learn more visit **[www.ALAforVeterans.org](http://www.ALAforVeterans.org)**.

## WHY:

Our volunteer military has been fighting American's longest war for 12 years. Less than 1 percent of Americans serve in uniform today, but they bear 100 percent of the burden of defending our nation.\*\*

Currently, more than 2.2 million service members make up America's all-volunteer force in the active, National Guard, and Reserve components. Fifty-five percent of the force is married and 40 percent have two children.\*\*

Only 37 percent of our families live on military installations; the remaining 63 percent live in more than 4,000 communities nationwide.\*\*

There are 1.8 million veterans age 35 and younger.\* Their lives have been changed forever by their service to our country, and like all veterans, we owe them a debt of gratitude in making sure they are cared for.

There are 3.5 million veterans with a service-connected disability.\*

There were a record high number of veteran suicides in 2012, and the suicide rate among active duty has increased 15% in the last two years. One veteran commits suicide every 80 minutes.\*

\*From the U.S. Department of Veterans Affairs

\*\*From President Obama's *Strengthening Our Military Families* report, January 2011

**Hays, Diana**

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**To:** McCann, Hooper  
**Subject:** RE: Phone Message

**From:** LYN FYN2016 [<mailto:lynfyn2016@gmail.com>]  
**Sent:** Wednesday, April 27, 2016 1:02 PM  
**To:** McCann, Hooper <[hmccann@purcellvilleva.gov](mailto:hmccann@purcellvilleva.gov)>  
**Cc:** Rebecca Makowski <[rebecca.makowski@galileeumc.org](mailto:rebecca.makowski@galileeumc.org)>; Brian McMullen <[Brian.mcmullen@gmail.com](mailto:Brian.mcmullen@gmail.com)>  
**Subject:** Re: Phone Message

Hooper,  
That is great news. Please find attached the draft proclamation used by the Town of Leesburg, as well as the Love Your Neighbor, Feed Your Neighbor 2016 Summary Sheet. We would be honored to attend the meeting, and will stay tuned for updates from you.

Regarding Tree of Life's current stats, I have copied their pantry manager, Brian McMullen, on this email so that he can supplement the information from their website: <http://tolministries.org/>.

Brian, the town would like to explore doing an employee food drive or event as part of LYN FYN to benefit ToL - see below. Can you reach out to Hooper?

Thanks,

Erika Huddleston  
LYN FYN 2016 Co-Chair



[2016 LYNFYN Summary w/2015 participant info.docx](#)

==  
Erika Huddleston  
on behalf of Community Church  
[lynfyn2016@gmail.com](mailto:lynfyn2016@gmail.com)  
and  
Rebecca Makowski  
on behalf of Galilee Church  
[rebecca.makowski@galileeumc.org](mailto:rebecca.makowski@galileeumc.org)  
LYNFYN 2016 Co-chairs

**LYN FYN County-Wide Food Drive Collection Day:**

## **SUBJECT: Proclamation Declaring May 2016 as Hunger Awareness Month**

---

**BACKGROUND:** Loudoun County's area food pantries receive generous donations over the holidays and winter months, however, as summer approaches the donations significantly decrease. During the summer months, many Loudoun Pantries increase the amount provided to each qualified child to make up for the loss of school-based programs. With this decrease in donations and more area families in need, area food pantries are stretched thin. By April, they are wondering how they will provide for everyone. The Hunger Awareness Month initiative helps send a message of support to those in need, raises awareness of this critical issue and encourages our citizens to come together to lend a hand.

The "Love Your Neighbor, Feed Your Neighbor" campaign is in its fifth year and has truly brought various religious and secular groups around Loudoun County together under a single goal, to help those suffering from food insecurity.

**ISSUES:** None

**FISCAL IMPACT:** None

**DRAFT MOTION(S):** "I move that the Town Council proclaim May 2016 as Loudoun County Hunger Awareness Month and call this observance to the attention of all Town of Leesburg citizens."

**ATTACHMENTS:** Proclamation

***Town of Leesburg Proclamation***  
***May 2016***  
***Hunger Awareness Month***

**WHEREAS**, the citizens of this community have a longstanding tradition of humanitarian services, generosity and voluntarily giving their own time and resources in order to make the Town of Leesburg and Loudoun County a better place to live; and

**WHEREAS**, the problem of “food insecurity” or hunger is one of the most disquieting conditions that impact us locally and globally; and

**WHEREAS**, in the same year Loudoun earned its “Wealthiest County” status, approximately 17,000 people in Loudoun County (or 4.7% percent of the population) were identified as “food insecure” or hungry; and

**WHEREAS**, out of Loudoun’s “food insecure” population, 69 percent do not qualify for government assistance; and

**WHEREAS**, local food pantries see a significant decrease in contributions over the summer months, while needs increase as many families no longer have the security of school based food programs; and

**WHEREAS**, the “Love Your Neighbor, Feed Your Neighbor” campaign is in its fifth year and has truly brought various religious and secular groups around Loudoun County together under a single goal, to help those suffering from food; and

**WHEREAS**, in 2015, volunteers from 25 denominations collected 90,000 pounds of food for seven food pantries across Loudoun County, a 61% increase over 2012; and

**WHEREAS**, the Hunger Awareness Month initiative helps to send a message of support to those in need, raises awareness of this critical issue and encourages our citizens to come together to lend a hand;

**NOW, THEREFORE, BE IT RESOLVED THAT**, the Town of Leesburg Council does hereby proclaim May 2016 as Town of Leesburg Hunger Awareness Month, and calls this observance to the attention of all Leesburg citizens.

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**STAFF REPORT**  
**ACTION ITEM**

Item #15

**SUBJECT:** Approval of Meeting Minutes

**DATE OF MEETING:** May 10, 2016

**STAFF CONTACTS:** Diana Hays, Town Clerk/Project Manager

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**SUMMARY and RECOMMENDATIONS:**

Attached are the meeting minutes from the April 26, 2016 Town Council Meeting for review and approval by Town Council.

**MOTION(S):**

I move that we approve the minutes of the April 26, 2016 Town Council Meeting wave reading.

**ATTACHMENT(S):**

1. April 26, 2016 Town Council Meeting Minutes

**MINUTES**  
**PURCELLVILLE TOWN COUNCIL MEETING**  
**APRIL 26, 2016, 7:00 PM**  
**TOWN HALL COUNCIL CHAMBERS**

---

The regular meeting of the Purcellville Town Council convened at 7:00 PM in Council Chambers with the following in attendance:

**PRESENT:** Kwasi Fraser, Mayor  
John Nave, Council member  
Joan Lehr, Council member  
Patrick McConville, Council member  
Doug McCollum, Council member  
Karen Jimmerson, Council member  
Melanie Fuller, Council member

**ABSENT:** None

**STAFF:** Robert Lohr, Jr., Town Manager  
Danny Davis, Assistant Town Manager  
Sally Hankins, Town Attorney  
Patrick Sullivan, Director of Community Development  
Hooper McCann, Director of Administration  
Joe Schroeck, Police Dept.  
Sheryl McIlvaine, Executive Assistant

**CALL TO ORDER OF REGULAR MEETING:**

Mayor Fraser called the regular meeting to order at 7:00 PM. The Pledge of Allegiance followed.

**AGENDA AMENDMENTS/APPROVAL:**

Council member McCollum made a motion to amend agenda item eleven to add 11e for discussion of the April 22, 2016 formal complaint filed with the Council against a Council member. The motion was seconded by Council member Lehr.

Motion: Council member McCollum  
Second: Council member Lehr  
Carried: 5-2-0

Nave - Aye  
Lehr - Aye  
McConville - Aye  
McCollum - Aye  
Fuller - Aye

Jimmerson - Nay  
Mayor - Nay

**PROCLAMATIONS/RECOGNITIONS:**

- a. Loudoun Valley High School State Champion – Cade Kiely, Wrestling
- b. Loudoun Valley High School State Champion – Sean Conway, Wrestling
- c. Loudoun Valley High School Boys Distance Medley Relay National Champions

Colton Bogucki, Nathaniel Thompson, Will Smagh and Drew Hunter were recognized for their achievements as DMR National Champions.

- d. Proclamation – Drew Hunter Day

Mayor Fraser issued the proclamation to Drew Hunter and announced that Wednesday, April 27<sup>th</sup>, 2016 is Drew Hunter Day in the Town of Purcellville.

- e. Proclamation – Look Up Awareness Day

Mayor Fraser issued the proclamation to Ayesha Paracha and Katie Rahn, Blue Ridge Middle School 8<sup>th</sup> Graders, and announced that Thursday, April 28<sup>th</sup>, 2016 is Look Up Awareness Day in the Town of Purcellville.

- f. Proclamation – Dave Becker Day

Mayor Fraser issued the proclamation to Dave Becker, crossing guard, and announced that Friday, April 29<sup>th</sup>, 2016 is Dave Becker Day in the Town of Purcellville.

A few students/residents thanked Mr. Becker for his service. Mr. Becker thanked the students, parents and staff for the recognition.

**PUBLIC HEARINGS:**

None

**PRESENTATIONS:**

None

**CITIZEN AND BUSINESS COMMENTS:**

Mayor Fraser granted each speaker three minutes.

John Workman of Workman Fitness LLC, 201 N. 23<sup>rd</sup> Street, came forward to introduce his new personal training studio in Town. Mr. Workman announced that Saturday, April 30<sup>th</sup> is his grand opening from 11AM-4PM and requested a ribbon cutting at 10AM.

Kelli Grim of Devonshire Circle stated her disappointment for the false accusation by a resident that has been added to the agenda and added she would serve as a witness of having been at the incident and did read the letter. Mr. Grim stated she was shoved by the man's/boy's father and told that the conversation was over. Ms. Grim added she was having a civil conversation as was Council member Jimmerson, and said that if you call "civil" disagreeing that if a resident or business does not pay their taxes that it hurts all the citizens. Ms. Grim noted a few things that were not on the agenda that Council may want to consider including no notice of gathering issued where three council members were at a Council members business. Council member Lehr stated that no Town business was discussed. Ms. Grim requested that Council member Lehr not interrupt and added that this is not appropriate and that she has spoken to the state. Ms. Grim noted she went through the Code of Conduct and talked about preferential treatment and added she entered one of four letters from a Council member that on three and four occasions throughout their statements continually berate and criticize the Mayor for his stage side chats which the public has been appreciative of. Ms. Grim stated it is a shame that the item has been added to the agenda because it is a lie and added that a number of Council members have violated the Code of Conduct on so many more occasions that no one has addressed. Ms. Grim recommended that Council read the Code of Conduct again because it is clear about very specific things. Ms. Grim submitted documents for the record.

Mary Ellen Stover of 415 S. Maple Avenue stated she is dismayed at the addition to the agenda and stated she has known Karen for some time and feels it is the most ludicrous thing she could imagine that she would ever do. Ms. Stover stated she was sitting next to her during this and never saw anything of this sort of any comment of it to bring such an action forward.

Chris Bledsoe of 237 E. Skyline Drive stated his opposition of the action to amend the agenda and stated he was at one of the forums and was staring at Ms. Jimmerson during the time in question where she was accused of making a gesture and he never saw it. Mr. Bledsoe further testified that the business of the people is the most important thing before Council and urged Council to stay on topic. Mr. Bledsoe added that this is a distraction and should be resolved behind closed doors and by protocol as far as any accusation directly addressing the supposed actions of any Council member. Mr. Bledsoe added he has known Karen Jimmerson since she moved into the community where she immediately became active in their HOA and community and she has been a shining example of not only an HOA Board Member but a Council member since she was elected has exhibited the utmost character as a public servant and is something he strives to emulate in terms of her ability to serve the public and members of the community. Mr. Bledsoe stated he has benefitted from her on Council and her advice and feels she is a perfect example of what any public servant should be and applauded her actions.

Nedim Ogelman of 140 S. 32<sup>nd</sup> Street came forward and attested to Karen Jimmerson's character and added he feels she is one of the most civic people in the community. Mr. Ogelman asked Council why they are taking up the citizens' time talking about some innuendos and hearsay and not focusing on the work of the people, the people of the Town, and doing their business instead of this. Mr. Ogelman stated the people are asking for Council to provide leadership and not this kind of squabbling.

Frank DiPerna, 37559 Alder School Road, came forward and stated it is sad that the evening started out on a positive note and looking like it will end on a negative one which is disturbing. Mr. DiPerna stated he was at the forum Saturday and was not in a position to see what did or didn't happen and feels citizens have the right to bring forward what they saw however does not feel this is the way to resolve this. Mr. DiPerna added this has no business being on the agenda and those that voted on it to be discussed should be ashamed of themselves, and feels there has to be another way of investigation that would take place first to find out who said what to who and who saw what. Mr. DiPerna stated he is shocked this is on the agenda.

Lydia Clark, 38111 Highland Farm Place, stated she neglected to request that the email she sent earlier today be added to the record for tonight. Ms. Clark added she was a witness at the PBA luncheon and clearly stated in her email she did not see any crude gesture or tone change. Ms. Clark stated the Town needs to get back to business and requested that Council revisit adding it to the agenda and for someone to make another motion to remove it from the agenda and get away from this and move on.

Sandy Nave of 728 Sturbridge stated she is a candidate in the election and added she has listened to this and has been personally messaged by Karen Jimmerson, emailed by Kelli Grim, and asked about the issue by a citizen and has told the citizen what she saw. Ms. Nave stated she was at this forum and there were nine people who were in a position to see what happened. Ms. Nave added this isn't a trial and shouldn't be and feels a lot of the things that have been said are absolutely correct and that you can either do the right thing or the right thing can be done tonight, and stated she feels the right thing needs done tonight and that is to get on with the business at hand. Ms. Nave added that we know what happened whether it was a blatant gesture or not or an implication, which she believes it was whether it wants to be denied or not, the people involved know what it was. Ms. Nave stated that everyone at the meeting that was at the forum that saw it. Ms. Nave added she has always admired Karen Jimmerson and has no issue and loves that there is another woman on the dais and noted her integrity is at hand and other things that have been said to her are at hand and stated she is telling the absolute truth. Ms. Nave challenged Mayor Fraser that when this happened that he should have taken upon this and moved on with this and that it needs to stop and to move on with business.

#### **MAYOR AND COUNCIL COMMENTS:**

Council member McCollum thanked Alex Vanegas and team for efforts on the water break on the nature trail last week. Council member McCollum stated that yesterday he attended the hearing on the petition of Ms. Stover pertaining to Vineyard Square and added that the judge noted that Ms. Stover failed to appeal the decisions of the Town Council on the CDA's or the prior decision of the BAR to grant CDA's. Council member McCollum added that the Court denied the petitioner's writ. Council member McCollum stated that Council needs to review Chapter 54 and the Zoning Ordinance to clarify and reconcile these two code sections, which he feels the hearing reinforced. Council member McCollum stated that at their May 5<sup>th</sup> meeting, the Planning Commission will discuss the interest of Makersmith to begin operations on S. 20<sup>th</sup> Street.

Council member Fuller had no comments.

Council member Nave talked about the people in the Town reflecting what our founding fathers did many years ago in hoping that the country is what it is today. Council member Nave added he hopes that everyone has a positive attitude about what you have and what was seen tonight.

Council member Lehr talked about the wonderful athletes in the community. Council member Lehr stated in response to an earlier comment that she held a private function at her facility which included the Rose family that she has been involved with since she moved into Town. Council member Lehr talked about Don Rose and noted she was asked to be part of the scholarship funding program that has been put together recently. Council member Lehr added there were three Council members and no Town business was discussed and therefore a Notice of Gathering was not needed. Council member Lehr stated she does not feel that anyone else needed to be invited other than those that were. Council member Lehr talked about a Facebook post about her business and how much money the Town spends with her business. After doing some research and requesting numbers from the Town, stated the numbers were totally different than the post, and reviewed the numbers over the past few years between her business and the other printer in Town, and added she does not feel this is an issue. Council member Lehr added she will continue to do business with the Town when the Town feels that it is appropriate and most cost effective, and does not feel she receives any preferential treatment.

Vice Mayor McConville talked about the small-town feel of Purcellville which is the reason he moved to Purcellville.

Council member Jimmerson stated she has been falsely accused of two things – one was that she made a gesture at the Purcellville Gazette forum. Council member Jimmerson addressed comments made by Sandy Nave and denied making the gesture to anyone on the stage. The second was that a letter was delivered to the Town last Thursday which alleged that she held up her finger to a gentleman for a period of time in front of a crowded room. Council member Jimmerson stated that the alleged incident happened on the 12<sup>th</sup> and for ten days it didn't make social media or any news at all and finds it hard to believe that not anyone would witness it other than the person making the accusation. Council member Jimmerson noted that these accusations are being made by those running for Town Council and that may be associated with their campaigns that do not have her support have falsely alleged that she gave a vulgar hand gesture in a public forum at a public event. Council member Jimmerson stated for the record that she has never and would never make a crude gesture to any of these candidates, and added they are using false claim in an effort to discredit her and possibly those she supports in the election. Council member Jimmerson reminded everyone that making false allegations against even a public official is defamation and if it continues will pursue legal action. Council member Jimmerson stated those who have made these false allegations are those who have been critical of her, are political opposed of her, and who do not align with her on Town issues. Council member Jimmerson added she feels the voters will take full advantage of the opportunity to tell those who orchestrated this appalling attack what they think about this tactic when they vote on May 3. Council member Jimmerson noted that for Sam Chapman to enlist others to take part in the smear campaign shows you there is no low that he and other

candidates won't go to seek an elected office. Council member Jimmerson talked about the culture of politics, the incentives and the characters involved.

Mayor Fraser asked Sandy Nave if she had approached him on this matter. She stated she had not and added she did not say she had approached the Mayor however had hoped this would have settled by now. Mayor Fraser congratulated again those that were honored at the beginning of the meeting. Mayor Fraser stated that from his perspective this was an allegation that was made and believes that such allegations should be done in private as he feels this is a personnel issue. Mayor Fraser stated he feels Ms. Jimmerson should have been approached and the matter discussed with her then as a Council behind closed doors to discuss and determine the validity of it before it goes before the public. Mayor Fraser added his recommendation to the citizen that made the allegations was that maybe the citizen should have approached Ms. Jimmerson to try to work things out. Mayor Fraser stated he has known Ms. Jimmerson for five years and when the allegations were made said that is not her based on the person he knows. Mayor Fraser stated there is no evidence and would need to see that before making a decision on something like this. Mayor Fraser stated he saw on social media talk about the scheme the Mayor has for the sale of Fireman's Field, and stated this is not the truth. Mayor Fraser stated that the proposal that came to the Town was based on the diligence of Town staff who looked at the expense in Parks and Recreation and Fireman's Field and made a sensible proposal, and commended staff for doing the due diligence. Mayor Fraser referenced the Comprehensive Plan back in 1996 where it was stated that if Fireman's Field ever became available from the fireman, we should consider selling it to the County or the Town consider purchasing it. Mayor Fraser stated that Mr. Sam Chapman mentioned on social media that the Mayor wants to sell Fireman's Field and for the common citizen without the additional data, believes the Mayor wants to sell it to a private entity. Mayor Fraser stated that he does not have a scheme to sell Fireman's Field but wants to conduct a strength, weakness, opportunities, threats analysis to understand exactly where we stand with Fireman's Field so a decision can be made based on that. What was proposed to the Council was to sell it to the County and the County said they are not interested.

Council member Jimmerson made a motion to dismiss the discussion item about the April 22, 2016 letter.

Council member Fuller stated it was her understanding that the addition of this to the agenda was not to discuss the particulars of the letter but to discuss how to handle it when something like this happens and that it was not the intention to talk about the details of the item. Council member McCollum noted that he feels when a complaint is filed that Council has to take some action and wanted the Council to discuss how they would handle it and what they would do in the future – the process that needs addressed.

Council member Lehr added that she thought that was why the item was being added to the agenda and feels Council needs to have the conversation and understand what the rules and regulations will be.

Sally Hankins referenced the email she sent earlier in the day however the rules state that to change the agenda it needs to be changed at the proper time in the meeting which is at the

outset of the meeting, and to remove an item at this point, the rules are the same in that this would be an agenda amendment. Ms. Hankins added that if no one wants to discuss an item, when Council gets to that item the matter can be considered closed, however if the purpose of the item is to discuss a process then she is prepared to discuss the item.

Mayor Fraser requested that Council member McCollum restate the addition so it is clear. Council member McCollum stated he made a motion for discussion of the April 21, 2016 formal complaint lodged with the Council against a Council member, and added that if he had a chance to would state to discuss what action Council believes should be taken when a complaint is filed and how to bring the matter to the general public. Mayor Fraser stated that when the motion was first stated saw it as Ms. Jimmerson being the object of the process but when restated seems like it is for any accusation. Council member Jimmerson withdrew her motion.

**DISCUSSION/INFORMATIONAL ITEMS:**

**a. Public Safety Reports**

i. Purcellville Volunteer Rescue Squad

Aaron Kahn, President of the Volunteer Rescue Squad, stated he was elected for a third year. Mr. Kahn noted the annual members banquet was held Saturday night and talked about the volunteers. Mr. Kahn stated they have received 94 calls so far in April and 398 calls so far this year and added that ambulance billing is a big topic. Mr. Kahn added that the volunteer squads received their first checks in the last month and hears on social media that this is creating a windfall for the volunteer organizations and stated that is not true for Purcellville Rescue and that they have received \$12,000 over \$700,000 collected county-wide. Mr. Kahn talked about the billing process and upcoming initiatives and events.

ii. Purcellville Police Department

Joe Schroeck stated the report will be provided next month and added that Prescription Drug Take Back Day will be Saturday.

iii. Purcellville Volunteer Fire Company

Rob Lohr noted that a report is provided in the agenda packet.

iv. Purcellville Police Citizens Support Team

Council had no questions or comments.

**b. Public Works Monthly Operations Report**

Danny Davis thanked the Public Works staff for their efforts on the well issue. Danny Davis provided an update on the HVAC work at Town Hall.

**c. Personnel Update**

Danny Davis stated that Shannon Bohince is the new IT Director and that three people are being interviewed for the part-time IT position and the Town is still recruiting for the positions of a police officer and the payroll accounting specialist.

**d. Issues of School Traffic on Elliott Drive**

Joe Schroeck noted there are issues with people parking as a pick up point for school which the road was not intended for and the school has a pick up lane where parents can pick up kids. Lt. Schroeck noted this was specifically an issue the day the school was on lock down, and added meetings have been held with the school and HOA and feels parents are starting to comply with not using Elliott Drive. Mayor Fraser asked about follow up meetings and Lt. Schroeck stated the Chief has a meeting with some concerned residents however have met with the school system and feels things are progressing.

Rob Lohr added that the Town has been working with the County and the school system to make the last connection which could not be engineered and designed nor was it affordable, however stated that Maple Avenue needs to be connected back to the school which will be a safe public linkage from all sidewalk networks which may eliminate some problems.

Council member Lehr asked if the flow pattern at the school can be reviewed and noted she heard from some angry parents recently whose driveways are being used as turnarounds.

Rob Lohr provided some history on the kiss and ride as well as options the HOA has for the road.

**e. Process for Addressing Allegations Brought Against a Town Council member**

Council member McCollum introduced the item and noted there is no process currently in place and by having a process that is known ensures the integrity so that everyone feels comfortable that if they do have a complaint and it is brought to Council that it will be treated fairly and will know what the consequences may be. Mayor Fraser requested a skeleton process from Sally Hankins to include Council member McCollum's points. Council member McCollum added he does not feel that staff should be doing the investigation and that maybe it is three rotating Council members. Mayor Fraser asked about a citizen serving on the committee. Council member Lehr added a group consisting of Council and citizens could be set up to develop the process. Council member Jimmerson noted she feels Sally Hankins may be able to put this together based on what other municipalities may have in place. Council member Fuller added if this were handled properly from the beginning that the citizen's complaint would not have been made public. Mayor Fraser added that the process needs personalized for Purcellville and would like the committee of a citizen and Council member to draft the process with outside research. Council member Nave agreed that a clear process that is communicated is needed. Vice Mayor McConville also agreed that a process is needed for when a formal complaint is filed. Rob Lohr talked about possible independent outsources once

the policy is in place, and added staff will provide options for Council to evaluate and determine direction.

**ACTION ITEMS:**

None

**APPROVAL OF MINUTES**

- a. April 5, 2016 Special Meeting/Budget Work Session
- b. April 12, 2016 Town Council Regular Meeting

Vice Mayor McConville noted he sent a comment to the Clerk about a minor change to a motion during the April 12<sup>th</sup> meeting which has been corrected.

Vice Mayor McConville made a motion to approve the minutes of the April 5, 2016 Special Meeting/Budget Work Session in wave reading. The motion was seconded by Council member Lehr and approved unanimously.

Vice Mayor McConville made a motion to approve the minutes of the April 12, 2016 Town Council Regular Meeting with the edit on page 33. The motion was seconded by Council member Lehr and approved unanimously.

**ADJOURNMENT**

With no further business, Council member Jimmerson made a motion to adjourn the meeting at 8:51 PM. The motion was seconded by Vice Mayor McConville and passed unanimously.

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Kwasi A. Fraser, Mayor

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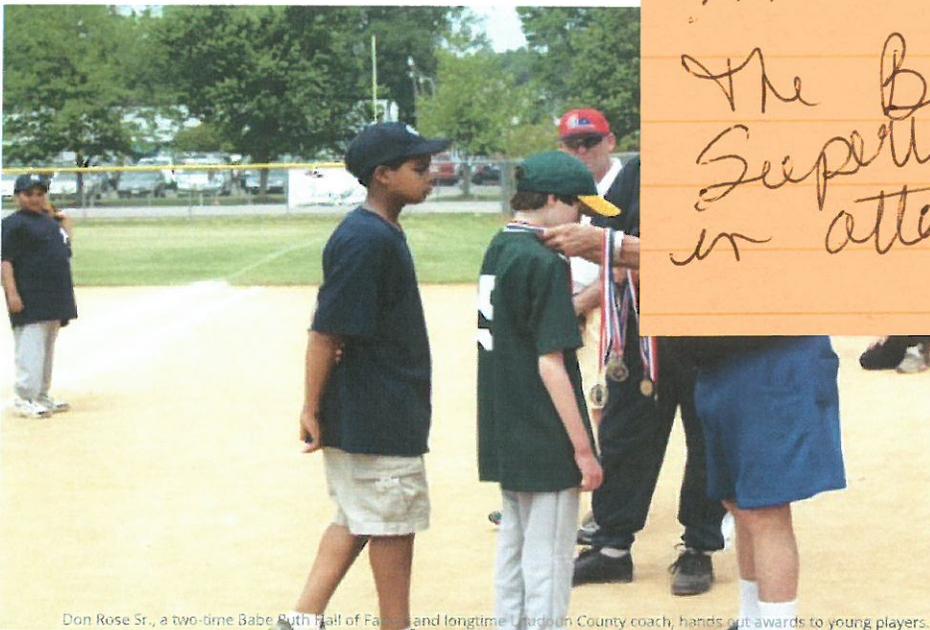
Diana Hays, Clerk of Council



# LoudounNow

 Help your neighbors, friends, and family. Run or Walk in the 6th Annual Loudoun Lytle Run/Walk. Presented by DryHome Roofing & Siding

No Notice of gathering mason members - The Blue Ridge Supervisor was in attendance -



Don Rose Sr., a two-time Babe Ruth Hall of Famer and longtime Loudoun County coach, hands out awards to young players.

## Scholarship Fund Continues Rose Legacy

2016-04-19 Margaret Morton 0 Comment

Long one of the most respected sports figures in the county, the late Don Rose will have a youth sports scholarship established in his name.

During an April 15 ceremony held at Purcellville Copy, Town Councilwoman Joan Lehr welcomed a group of family, friends and supporters as the

**knutson** Coming Spring: Downtown Brambleton From the \$600s. [Get VIP Priority](#)

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announcement was made by Supervisor Tony Buffington (R-Blue Ridge) of the Don Rose Sr. Youth Scholarship Fund.

A Purcellville resident, Rose is a two-time Babe Ruth Hall of Famer and father figure to countless young ball players.

Lehr, who has long been associated with youth sports in Purcellville, said the fund would continue Rose’s legacy and honor his name.

The group included three of Rose’s brothers—Penny Rose, Mike Rose and Tom Rose—as well as his sister Sherry Garrison and his son Don Rose Jr. Others at the announcement included Town Councilman Doug McCollum and Vice Mayor Patrick McConville, as well as Casey Chapman and Matt Lowers.

Penny Rose has been the mover and shaker behind the effort to establish the scholarship, which was suggested by his nephew, Don Rose Jr. as a fitting memorial to his father’s legacy.

There was probably no more celebrated coach in Loudoun County than Don Rose Sr.

“He coached football, baseball, basketball and was involved with youth sports for 47 years,” Penny Rose said Monday of his brother, who died in 2013 after a lengthy illness.

It was Rose, as the Babe Ruth Commissioner of Virginia, who was instrumental in bringing the several Babe Ruth World Series tournaments to Purcellville, and it was he and his brother Mike who got Fireman’s Field into shape for the series, through their family company, Leo Construction.

Sadly, he did not live to see the home team, the Greater Loudoun Lions, win the championship in a thrilling finish in 2013. As part of the opening ceremonies for the series, a memorial plaque to Donald Neff Rose Sr. was placed at Fireman’s Field. The plaque described Rose as “A generous and passionate man who dedicated his time to youth sports not only in Loudoun County, but throughout the Commonwealth of Virginia.”



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He served as the president of Upper Loudoun Youth Football, president of the Greater Loudoun Babe Ruth, president of Western Loudoun Basketball League and was the commissioner for both the Virginia State Babe Ruth and Babe Ruth District 8. Many remember his iconic voice on Friday nights as “The Voice of Viking football” for more than 25 years at Loudoun Valley High School, where he is a member of the Sports Hall of Fame.

“I know for a fact that he would help kids who couldn’t afford to pay the fees; he’d buy socks and other things for them.” And he was awarded “the first and only Optimist Club Man of Youth Award,” Penny Rose said.

The board of directors for the scholarship fund include Don Rose Jr., president; Penny Rose, treasurer; Don Jr.’s wife Lynne, secretary; and Mike and Tom Rose.

The Don Rose Sr. Youth Scholarship Fund has been established to provide financial support for Loudoun County high school graduates who wish to further their education. Students can use the funds to pursue their dreams at a college, technical or trade school, and applicants may be from public, private and home schools, with one caveat—that they must have participated in youth sports in Loudoun County.

Penny Rose said to avoid any conflict over how applicants are chosen, “we decided to start at the oldest high schools and work down to the newest.” Under that format, the four oldest schools in the county—Loudoun County, Loudoun Valley, Broad Run and Park View—will each receive two scholarships of \$500, for one male and one female student. The ultimate goal is to award two scholarships to every high school in Loudoun.

“Four weeks ago, we did make an exception. We brought Woodgrove in to receive two scholarships in 2017 because Don coached so many of the parents of kids there now, and older siblings of the kids there now,” he said.

Learn more about the Don Rose Sr. Youth Scholarship Fund [aenetwork.com/websites/rose](http://aenetwork.com/websites/rose). Contributions to the fund can be mailed to P.O. Box 1879, Leesburg, VA 20177.

[mmorton@loudounnow.com](mailto:mmorton@loudounnow.com)



← [French Students Test Drive Careers in Loudoun](#)

Upcoming Events

[CLASSIFIEDS](#)
[SUBSCRIBE](#)
[CC](#)

TUE 26 **Lego and Durablock Drive ending April 30**

April 26 @ 8:00 am - 5:00 pm  
[LearningRx Leesburg](#)  
 Leesburg VA

TUE 26 **Bicycle Outfitters Evening Shop Rides**

April 26 @ 5:30 pm - 7:30 pm  
[Bicycle Outfitters Leesburg](#)  
 VA

TUE 26 **Ashburn Volunteer Fire and Rescue Prospective Member Meeting**

April 26 @ 7:00 pm - 8:00 pm  
[Station 6 Ashburn](#)

WED 27 **Michael Lynche & The Black Saints Concert**

April 27 @ 8:00 am - 10:00 pm  
[Barns of Rose Hill Berryville](#)  
 VA

WED 27 **Western Loudoun Leadshare Spring Networking Mixer**

April 27 @ 5:30 pm - 7:30 pm  
[Ij Canns Purcellville VA](#)

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# McCollum statement

## Agenda Item # 10: Council Comments:

Thank you Mr. Mayor. I apologize for the length of the comments I want to present and I ask for the Mayor's and Council members' indulgence.

1. I want to welcome Council members back from our Christmas respite. I hope all had a wonderful holiday. I am looking forward to a productive 2016 for the Council.
  2. On December 9, 2015, I attended the public informational session for the Nursery Avenue Roadway and Drainage Improvements. I might add that I was the only Council member present even though the storm water, sidewalk, etc. issues for Nursery have been problems for the Town for years. After listening to the presentation and looking at the diagrams and photos, I believe that when this project is finished, Nursery Avenue will be greatly improved. I want to extend my appreciation to Alex Vanegas and Dale Lehnig and the Town Staff for developing an excellent plan for Nursery Avenue.
  3. On December 21 I wrote the mayor and Council member Nave to propose an initiative to "jump start" economic development in Town. I proposed that the Council form a "high-level committee" to address how the Town can best support efforts to fill empty spaces. I was gratified that the mayor agreed with me the examination of "in-fill" and consideration of annexation are complimentary and not mutually exclusive. This "high-level committee" would be comprised of the mayor and Council member Nave, who serves as Council liaison to EDAC, 2 Staff members (Ass't T/Mgr. and Director of Economic Development) and a representative from EDAC, chosen by EDAC. This committee would meet in the firsts instance with the property management firms where there are empty retail/office spaces to explore, among other things, what these management firms are doing to lease/sell their properties, what efforts they may be considering to "spruce up" the facades, etc. of their properties and to impress on them that the Town wants to hear from them on what the Town can do to support their efforts. I was gratified that the Chair of EDAC supported my initiative. The mayor, however, responded that he wanted to avoid "redundancy that negates value proposition of either option."
- I was pleasantly surprised, however, with the mayor's support at his PBA presentation. I ask the Council to consider my proposal. I note that Fairfax County is undertaking a similar effort although on a much larger scale
  - I would add that I would also like to explore the Main Street Virginia Program to determine if it is cost effective to utilize this program to focus on our downtown revitalization efforts.

members. I understand that the budget for next year should include funds for this newsletter. I ask the Council to ensure that this quarterly newsletter is funded.

Finally, in light of some comments that have been made in one publication, I want to reiterate my commitments to the Town as a Council member that I made on September 23, 2014:

- **My commitment is to continue to listen to citizens** whether they are made during Citizen Comments or Public Hearing periods or to me personally while I walk around Town or when I am enjoying a mug of coffee at a local coffee shop. I can't commit to accept everything they propose or comment on **but I will listen carefully and consider their comments thoughtfully.**
- I have referred to a major article in the Post about the contentious debates among the members of the Fed. Reserve. I related to several of the comments in the article that express well my purpose in conducting open and frank discussions with the Mayor, my Council members and the Staff.
- "When all men think alike, no one thinks very much."
- "Life is not full of consensus and unanimity, particularly in these highly uncertain times."
- "When our debate is done, the majority carries the day."
- So, if after our discussions we cannot all agree on a subject, I want all of my fellow Council members to know this, but once voted on the decision becomes the Council's decision. ." I will respect that outcome.
- Accordingly, I believe that once a matter has been presented to the Council, fairly debated and considered, and a vote taken, then each Council member is obligated to support the Council's action in public. I don't believe that comments made in newsletters or blogs or in newspaper interviews should criticize the action of the Council. Even if a member of the Council, including the mayor, was in the minority on a vote, each Council member is nevertheless thereafter obligated to support the Council's action. Otherwise, we do not function as a united body, but rather as individuals who happen to be Council members.

1. I attended the mayor's "State of the Town" presentation at Town Hall on January 5. I was gratified to hear the mayor cite his opinion that the Zoning Use effort and the Public Hearings as Strategic Planning achievements during 2015. He repeated this at the PBA luncheon today. I agree with this. At the same time in his BRL interview he "begs the question about the integrity of the process" that lead up to the development and approval of these Uses. He can't have it both ways. His statements in his State of the Town and PBA presentations are supportive of the Use Review effort but his criticism in the BRL undermines the Council's efforts.
2.
  - I note that December 31, 2015 issue of Loudoun Now (pages 8-9) article on the new LoCo Planning Commission in which it is reported that one of the commissioners (last year's chairman) noted that because of the complexity of LoCo current ordinances, "simple questions and applications . . . have become long and expensive processes. Applications to P/C take year to resolve. Commissioner noted that property owners or developers ask Planning Staff/Commission if they can do this or that with their property and they are told the Staff is uncertain. The commissioner said that "simplification is the key." I am pleased that with our Use Changes, our P/C and Council have already taken a major step toward simplification. This effort will help those who contact the Town Community Development Staff as well as facilitate a more effective review of the Comprehensive Plan.
3. I was also very interested in the mayor's citing the Town Hall Forum held on March 16 2015 as a positive effort to establish effective communications with citizens. [He repeated both the Town Forum and his 2 Stage Side Chats are "Key Measures" for 2015.] Yet, he did not explain why no other such forum was held in 2015. While I recognize that there were glitches in the format of the forum, I believe these could be addressed and additional forums held. I believe there is a benefit for the community to hear from various Council members at the same meeting. Citizens would get a better idea of the thinking of Council members on particular issues.
  - Instead of holding additional forums in 2015, citizens were treated to 2 "Stage Side Chats" where only the mayor interacted with attendees. The answers he presented in many instances only told his narrow part of the picture, not the wider view, and in some instances were incomplete. The mayor's Stage Side Chats are not achievements of the Councilor the Town because the Council has no role in these "chats."
4. The mayor also cited improvements in Community Engagement. I agree that discussions during Council sessions have been informative. I believe that the Council can further improve community engagement by ensuring that the quarterly Town Newsletter is prepared and distributed. The survey highly rated the Quarterly Newsletter as a source of information about Town activities [ranking behind the Town website and newspapers] even though it has not been published for nearly 18 months. In fact, this newsletter received much higher ratings than blogs and newsletters issued by Council

## Hays, Diana

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**From:** Lydia M Clark <lydiamclark@gmail.com>  
**Sent:** Tuesday, April 26, 2016 4:33 PM  
**To:** Only Town Council  
**Subject:** Complaint regarding Council Member Karen Jimmerson

Dear Town Council Members,

It is unfortunate that I should have to send an email to all of you regarding a complaint that was made against Council Member Jimmerson, however, I feel that I must inform you what I witnessed as I was the person standing with her at the time of the alleged event.

I attended the PBA luncheon at Patrick Henry College on April 12th and once the event was over, I was saying good bye to Council Member Jimmerson. Groups of people were talking in different parts of the room, when Mr. Casey Chapman directly approached her and attempted to goad her into an argument about something that happened on social media. I had no idea what he was talking about and kept quiet as he was engaging her, not me. When it appeared that Council Member Jimmerson was not going to battle with him over it, he became slightly annoyed which was when Mr. Sam Chapman came over to us.

Even though Sam Chapman began repeatedly yelling at Council Member Jimmerson that she was the 'most negative person in the world', she never once raised her voice back at him or made a crude hand gesture. I was standing there the entire time. Quite frankly, I was shocked at what was happening in a public forum, by a candidate running for Town Council. The situation became so heated, that Mr. John Chapman and I believe the woman was Sam Chapman's mother, forced themselves in between the small group saying 'Sam let's go' and they physically removed both Sam Chapman and Casey Chapman from the area. In doing so, I don't think Mr. John Chapman realized that he bumped into me enough to slightly knock me into the table I was standing next to. I'm sure his focus was on removing Sam and Casey from the small area we were standing in.

Having attended many events throughout the Town and the County and seeing Council Member Jimmerson at many of these, I have always seen her represent the Town Council with the utmost respect and dignity. Others might have succumbed to the taunting that was displayed that day, however, she did not 'take the bait'. To the contrary, she handled the interaction extremely well in light of the highly charged situation.

I will state again, firmly and unequivocally, that Council Member Jimmerson never made a crude hand gesture. If you have any further questions about the incident, I will be more than happy to discuss with you.

Sincerely,  
Lydia

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Lydia M. Clark  
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