

**MINUTES  
PURCELLVILLE TOWN COUNCIL MEETING  
SEPTEMBER 13, 2016, 7:00 PM  
TOWN HALL COUNCIL CHAMBERS**

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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  
Karen Jimmerson, Vice Mayor  
Kelli Grim, Council member  
Nedim Ogelman, Council member  
Chris Bledsoe, Council member  
Doug McCollum, Council member  
Ryan Cool, 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  
Dan Galindo, AICP, Senior Planner  
Chief Cynthia McAlister, Police Dept.  
Diana Hays, Town Clerk/Project Manager

**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 Grim requested that the Blood Cancer Awareness Proclamation be relocated as the first item and the recognition of Tracy Robinson to item two. Mayor Fraser approved the request.

**PROCLAMATIONS/RECOGNITIONS:**

- a. Proclamation – Blood Cancer Awareness Month & Lymphoma Awareness Day

Joe Pasanello, advocate and volunteer with the Lymphoma Research Foundation, accepted the proclamation.

b. Recognition/Proclamation – Tracy Robinson

Tracy Robinson was recognized for her extraordinary efforts in raising awareness and funds for two \$50,000 Leukemia and Lymphoma Society research grants.

c. Proclamation – Constitution Week

Gail Adams, Past Regent, Katoctin Chapter Daughters of the America Revolution (DAR) accepted the proclamation.

d. Recognition – New EMT's and Firefighters

Town Council recognized the most recent and EMT and Firefighter graduates.

**PUBLIC HEARINGS:**

None

**PRESENTATIONS:**

a. Comprehensive Plan Update

Dan Galindo, AICP, Senior Planner, provided Council with an update on the status of the comprehensive plan to include feedback from the various workshops.

b. OpenGov Transparency Software

Danny Davis introduced Eric DiProspero from OpenGov who gave a demonstration of the OpenGov software.

**STANDING COMMITTEE/COMMISSION/BOARD REPORTS:**

a. **Planning Commission** (T. Stein, Chairman/K. Grim, Council Liaison)

Dan Galindo read comments provided by Chairman Stein. Chairman Stein noted that since Town Council's July meeting, the Planning Commission has voted to recommend disapproval of SUP15-02 Catoctin Corner Drive-Through Facility. The Planning Commission has discussed the issues raised by the Town Attorney and Zoning Administrator with regard to OA16-01 Stream and Creek Buffer Zoning Ordinance Text Amendment and is working to resolve those. The Commissioners have prioritized work items that are coming forward, discussed the results of all three rounds of community outreach regarding the comprehensive plan which was presented to Council on September 8<sup>th</sup>, and discussed the future community outreach sessions that are up coming. The Planning Commission has collaboratively created a vision statement for the comprehensive plan and is holding weekly work sessions to discuss components of the comprehensive plan and review implementation strategies at least through mid-October.

Council member Grim stated that the Planning Commission is meeting every week in work sessions and the public is welcome to attend and added that the Planning Commission is also working with the other committees, commissions and boards.

**b. Board of Architectural Review (Pat Giglio, Chairman/N. Ogelman, Council Liaison)**

Council member Ogelman stated the BAR made a conditional approval of a SunTrust Bank scheduled to be built in the Purcellville Gateway Shopping Center and heard about an additional project not yet ready to be assessed.

**c. Parks and Recreation Advisory Board (Eamon Coy, Chairman/R. Cool, Council Liaison)**

Council member Cool stated that Council held their Strategic Planning Session and a representative from each committee attended and gave an overview of their goals and ideas. Council member Cool talked about the property owned by the Town that may be available for use and that the PRAB will be taking a tour of the property and facilities on September 17<sup>th</sup>.

**d. Economic Development Advisory Board (Daniel Abramson, Chairman/C. Bledsoe, Council Liaison)**

Council member Bledsoe stated the EDAC met last night and discussed initiatives including a business survey and the Train Station visitor's center. Council member Bledsoe stated there are about 24 participants in the CGI video and an updated will be provided at a future Council meeting. Council member Bledsoe reminded everyone the EDAC meets the first Tuesday of each month and the public is always welcome.

**e. Purcellville Arts Council (Liz Jarvis, Chairman/R. Cool, Council Liaison)**

Chairman Jarvis stated the PAC is working to create a waiver for landlords that would allow them to release responsibility for art work displayed in empty retail space. The Arts Council is looking into adding banners to the twelve light posts along 21<sup>st</sup> Street. Ms. Jarvis stated that two dimensional seasonal ornaments are being constructed for artists and anyone in the community to paint. The wine barrels will be auctioned off on October 8<sup>th</sup> at the skating rink. There is a meet the artist reception in Town Hall for Lillian Miller on September 14<sup>th</sup>. The PAC is in discussions about the logistics of a mural(s) in town. Ms. Jarvis talked about the artisan trail for Loudoun County which is in the contract stage and announced that grant monies awarded to non-profits Geronimo Productions, Loudoun Valley Arts and the Western Loudoun Artist Studio Tour. Ms. Jarvis stated the PAC is looking forward to a public hearing soon to establish the Arts Council as an official standing committee.

**CITIZEN AND BUSINESS COMMENTS:**

None

**MAYOR AND COUNCIL COMMENTS:**

Council member Cool talked about the work Tracy Robinson and others have accomplished. Council member Cool talked a few items that have come up this week from residents to include the stop sign at 32<sup>nd</sup> and Nursery and rental costs for the Train Station. Council member Cool thanked OpenGov for their presentation.

Council member Bledsoe talked about the Strategic Planning Session being successful. Council member Bledsoe stated he attended the PBA luncheon today. Council member Bledsoe noted the wine barrel auction is scheduled for October 8<sup>th</sup> and thanked staff for their support with all of the events.

Council member Ogelman talked about the benefits of the OpenGov software for the citizens. Council member Ogelman stated he has reached out to many of the HOA's for engagement. Council member Ogelman talked about the Stream and Creek Buffer item that Commissioner Paciulli brought up as well as height limits to buildings in town and tree buffers and would like these to keep progressing.

Council member McCollum stated he attended the Sept. 11<sup>th</sup> Ceremony. Council member McCollum thanked the staff and Council members for the discussion at the Strategic Planning Session. Council member McCollum noted he looks forward to working with Vice Mayor Jimmerson to bring high speed capacity and connectivity to Town. Council member McCollum stated he attended last night's Arts Council monthly meeting and will attend a meeting of the VA Municipal League Federal Advisory Council.

Council member Grim stated she completed the Certified Planning Commissioners program and talked about crosswalks and safety and the Sept. 11<sup>th</sup> ceremony. Council member Grim thanked Alex Vanegas for coordinating the tour of Town property and facilities. Council member Grim thanked Sargeant John Kelly for his many years of service. Council member Grim stated she attended the groundbreaking for Southern States.

Vice Mayor Jimmerson thanked staff for the Strategic Planning Session. Vice Mayor Jimmerson stated the groundbreaking for Southern States was well attended, and attended the first homework club. Vice Mayor Jimmerson stated she is looking forward to starting the Tree and Beautification Committee, and added the NVTVA canceled their August meeting due to lack of a quorum. On August 22<sup>nd</sup>, Vice Mayor Jimmerson stated she met with Josh Hoyle and Ricky Manitoba with Graybar who does fiber installation. Vice Mayor Jimmerson talked about the Halloween Block Party and requested that each Council member donate to the event so the Town can be a sponsor.

Mayor Fraser stated the Sept. 11<sup>th</sup> Ceremony was well attended. Mayor Fraser attended the groundbreaking for Southern States. Mayor Fraser talked about the Strategic Planning Session and his takeback from the Council members.

**DISCUSSION/INFORMATIONAL ITEMS:**

**a. Proposed Operational/Efficiency Audit**

Rob Lohr stated this item was discussed at the July meeting and it was requested that staff look at alternatives to move forward with an operational and efficiency audit. Mr. Lohr stated he has reached out to towns and counties in our immediate region and talked about the three

similarities amongst those: employee based assessments, government reform commission, and an audit done by outside company and has provided the information in the staff report.

Council member Cool talked about getting the information from the department heads as part of the process.

Council member McCollum talked about the audits and the time involved with them as well as a starting point and the selection of the company(s) to do the audit.

Council member Grim suggested forming a Government Oversight Committee to include residents and Council members to assist with the steps involved with the audit.

Council member Ogelman stated he feels the audit needs to be independent.

Council member Bledsoe agrees that the audit should be independent and sees the benefit of a short term outside group that has some oversight capability to review efficiencies.

Discussion took place about the cost of the audit and what services may be provided with the cost.

Mayor Fraser talked about the steps associated with the audit process and that Council would need to decide if it would be all departments participating in the audit and provide feedback to the Town Manager to determine whether to issue an RFI or RFP this year.

**b. Disclosure of Real Parties in Interest**

Sally Hankins stated she prepared a draft ordinance and forms that require land development applicants to disclose all equitable ownership interests in the land that is the subject of the application. Ms. Hankins added that because that ordinance would amend the zoning ordinance, it is required to be initiated by the Town Council by adopting a resolution and then forwarding the item to the Planning Commission for a public hearing and then to Council for a public hearing.

Ms. Hankins added she received a request as to whether we could require anyone with a conflict after the disclosures have been made if it is determined that a conflict exists between a member of the public body considering the application and the applicant whether it could be required that the person with the conflict to recuse themselves from participating. In researching, Ms. Hankins stated the Conflict of Interest Act under state code determines if you have a conflict and if so requires you to recuse yourself or allows you to participate subject to making a public disclosure about the conflict. The ordinance provision does not allow for the participation and requires recusal in all cases. Ms. Hankins stated it is her opinion that the Town cannot prohibit what the state allows and cannot recommend adopting an ordinance that requires recusal in all cases and recommends that the current provision that requires recusal be deleted from the zoning ordinance.

Council member Grim stated that she has seen in Codes of Conduct and Codes of Ethics where it states a requirement to refrain from voting on items where a conflict of interest with the Virginia code is determined and she would like Council to consider amending the Codes of Conduct and Ethics to reflect this.

Council member McCollum asked about Section 19.8 of ordinance 16-09-01 and feels that if the relationship exists, the person has to recuse himself until he gets an opinion from the Town Attorney that there is no conflict. Via a question from Council member McCollum, Sally Hankins stated she would reword the ordinance in section 1, 19.8 to remove the words *in all cases* since recusal cannot be required in all cases.

Council member Grim made a motion that Town Council adopt Resolution 16-09-02, initiating an amendment to Article 11 of the Town Zoning Ordinance to add a provision requiring land development Applicants to submit an affidavit of disclosure of real parties in interest, and to periodically affirm such affidavit. The motion was seconded by Vice Mayor Jimmerson.

Motion: Council member Grim  
Second: Vice Mayor Jimmerson  
Carried: 7-0

McCollum - Aye  
Grim - Aye  
Jimmerson - Aye  
Cool - Aye  
Bledsoe - Aye  
Ogelman - Aye  
Mayor - Aye

Sally Hankins added another recommendation that it would be beneficial if Council could review the draft documents and comment back in preparation for the public hearing.

**c. Website Functionality and Capabilities**

Danny Davis talked about aspects of the website that staff would like to move forward with including a community events calendar, a community jobs portal and adding websites for businesses in the online business directory and including a disclaimer.

Council agreed that staff should move forward with the enhancements.

Sally Hankins recommended that the Town develop a website linkage policy that states why a site may be taken down and which is consistently applied. Rob Lohr stated the policy can be created administratively then reviewed by Council if staff has questions or needs guidance.

Mayor  
Kwasi A. Fraser

Council  
Chris Bledsoe  
Ryan J. Cool  
Kelli Grim  
Karen Jimmerson  
Douglass J. McCollum  
Nedim Ogelman



Town Manager  
Robert W. Lohr, Jr.  
Assistant Town Manager  
Daniel C. Davis

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TOWN OF PURCELLVILLE  
IN  
LOUDOUN COUNTY, VIRGINIA

**RESOLUTION NO. 16-09-02**

**PRESENTED: SEPTEMBER 13, 2016**  
**ADOPTED: SEPTEMBER 13, 2016**

**A RESOLUTION: INITIATING AN AMENDMENT TO ARTICLE 11 OF THE TOWN OF PURCELLVILLE ZONING ORDINANCE TO ADD A REQUIREMENT THAT ALL APPLICANTS FOR SPECIAL USE PERMIT, SPECIAL EXCEPTION, ZONING MAP AMENDMENT, ZONING CONCEPT PLAN AMENDMENT, PROFFER AMENDMENT, ZONING TEXT AMENDMENT, ZONING ORDINANCE MODIFICATION, AND VARIANCE SUBMIT AN AFFIDAVIT OF DISCLOSURE OF REAL PARTIES IN INTEREST AND PERIODICALLY AFFIRM SUCH DISCLOSURE**

**WHEREAS,** the Town Council desires that applicants for Special Use Permit, Special Exception, Zoning Map Amendment, Zoning Concept Plan Amendment, Proffer Amendment, Zoning Text Amendment, Zoning Ordinance Modification, and Variance make a full public disclosure of the legal and equitable ownership interests in the real property that is the subject of such application, and periodically affirm such disclosure; and

**WHEREAS,** the Town Council finds that such disclosures will enhance transparency, avoid conflicts of interest, and serve the public necessity, convenience, and general welfare.

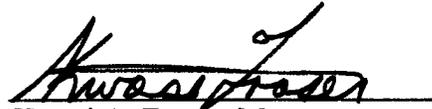
**NOW THEREFORE BE IT RESOLVED,** that the Council of the Town of Purcellville, Virginia hereby initiates a text amendment to Article 11 of the Zoning Ordinance, adding a provision requiring land development applicants to submit an affidavit of disclosure of real parties in interest, and to periodically affirm such affidavit.

A RESOLUTION:

INITIATING AN AMENDMENT TO ARTICLE 11 OF THE TOWN OF PURCELLVILLE ZONING ORDINANCE TO ADD A REQUIREMENT THAT ALL APPLICANTS FOR SPECIAL USE PERMIT, SPECIAL EXCEPTION, ZONING MAP AMENDMENT, ZONING CONCEPT PLAN AMENDMENT, PROFFER AMENDMENT, ZONING TEXT AMENDMENT, ZONING ORDINANCE MODIFICATION, AND VARIANCE SUBMIT AN AFFIDAVIT OF DISCLOSURE OF REAL PARTIES IN INTEREST AND PERIODICALLY AFFIRM SUCH DISCLOSURE

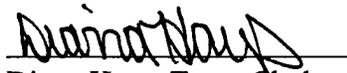
**BE IT FURTHER RESOLVED**, that the Council of the Town of Purcellville, Virginia hereby directs staff to prepare such amendment, present the amendment to the Planning Commission for review, public hearing, and recommendation, and then return the proposed amendment to Town Council for review, public hearing, and action.

**PASSED THIS 13<sup>TH</sup> DAY OF SEPTEMBER, 2016.**



Kwasi A. Fraser, Mayor  
Town of Purcellville

ATTEST:



Diana Hays, Town Clerk

**ACTION ITEMS:**

**a. New Appointment of Council member to Purcellville Arts Council**

Rob Lohr summarized that Council member McCollum would like to serve as Council liaison to the Purcellville Arts Council.

Vice Mayor Jimmerson made a motion that the Town Council appoint Doug McCollum to serve as a non-voting liaison for the term of September 13, 2016 through June 30, 2018. The motion was seconded by Council member Cool.

Council member McCollum accepted the appointment and stated he reached out to Council member Cool and let him know that he has the time for this outside committee if he was willing to give it up.

Motion: Vice Mayor Jimmerson  
Second: Council member Cool  
Carried: 7-0

Cool - Aye  
Bledsoe - Aye  
Ogelman - Aye  
McCollum - Aye  
Grim - Aye  
Jimmerson - Aye  
Mayor - Aye

**b. OpenGov Financial Transparency Software**

Danny Davis summarized the staff report and added there is GSA contract that the Town can ride should it determine to move forward with OpenGov. Mr. Davis also discussed other options available and noted the money for this item has not been budgeted for however feels it will not be issue to approve the item due to the conservative estimate in revenues.

Council member Ogelman made a motion that the Town Council approve moving forward with the OpenGov Financial Transparency Software at a cost not to exceed \$26,932.50 for a three-year period and authorize the Town Manager to enter into a license agreement with OpenGov and/or a 3<sup>rd</sup> party partner in order to implement the software product. The motion was seconded by Vice Mayor Jimmerson.

Council member Grim talked about the cost of the software and it being spread out over several years and volunteered to look for ways to be able to move this forward.

Council member McCollum stated he is in favor of moving forward if the Town was not paying for the transparency portal within Munis and if the Town has the money for it.

Council member Cool noted that cost per resident for financial transparency is worth it and offered to assist Council member Grim with finding the money in the budget to pay for it.

Council member Ogelman talked about the return on investment with the trust and relationship with the citizens.

Mayor Fraser agreed with the investment with trust and feels it is worth the investment.

Motion: Council member Ogelman  
Second: Vice Mayor Jimmerson  
Carried: 7-0

McCollum - Aye  
Grim - Aye  
Jimmerson - Aye  
Cool - Aye  
Bledsoe - Aye  
Ogelman - Aye  
Mayor - Aye

**c. Citizen Engagement Opportunities**

Danny Davis summarized the staff report which contained information about how to get information out to the public and how they can provide feedback to staff and Council. Options for getting the information out include video streams (live and/or archived), a more enhanced agenda center and an engagement piece to enable feedback from citizens. Mr. Davis added that the current website provider has a no additional cost community voice function which allows for creation of areas of interest and ideas where the community can provide input. Mr. Davis talked about the other options provided in the staff report as well as their functionality.

Further discussion took place about the acoustics in Council Chambers, vendors, implementing a poll and the content, and the agenda center. Council member Grim stated she feels improvements can be made to enable easier searching within the agenda center.

Council member Ogelman stated he feels a low cost pilot effort would be a good start because of not knowing whether or not citizens would use it.

Vice Mayor Jimmerson made a motion that the Town Council direct staff to further investigate the following solutions and report back to Council with final pricing options and next steps for POLCO at \$100 per month. The motion was seconded by Council member Bledsoe.

Council member Grim made a friendly amendment that the free version be included, if appropriate, after review of the CivicsPlus agenda program on the website. Vice Mayor Jimmerson accepted the friendly amendment.

Council member Ogelman stated he feels live streaming would be worth investigating at the low-cost end.

Council member Cool stated he feels the polling would be more useful currently than live streaming. Council member Ogelman agreed. Council member Grim added she would like to see what expenses are associated with live streaming.

Mayor Fraser stated he feels that POLCO should be initiated now and the others can be investigated as time permits.

Council member Grim withdrew her friendly amendment.

Council member Jimmerson restated the motion that Town Council direct staff to further investigate the following solutions and report back to Council with final pricing options and next steps for POLCO at \$100 per month. The motion was seconded by Council member Cool.

Danny Davis stated this item would be brought back at the next meeting for final approval and will include some ideas on the broad topic areas and how they may be administered as well as time involved.

Motion: Vice Mayor Jimmerson  
Second: Council member Cool  
Carried: 7-0

Cool - Aye  
Bledsoe - Aye  
Ogelman - Aye  
McCollum - Aye  
Grim - Aye  
Jimmerson - Aye  
Mayor - Aye

**d. Settlement Agreement Between the Town and United States Surety Company**

Sally Hankins summarized the staff report outlining the issues that Council would be agreeing to if the proposed settlement agreement is approved.

Council member Grim asked about reserving the rights against Mitsubishi if that provides the Town if the unit is not fixed or something more goes wrong. Sally Hankins stated the rights against Mitsubishi have been reserved however the rights the Town has against Mitsubishi would need to be discussed in a closed meeting and that the Town has a warranty on parts. Council member Grim asked about the project management company which she didn't see noted and asked if that is outside of the scope of the settlement. Rob Lohr stated that company is not covered by the surety company. Sally Hankins added that any breach of contract claim that Council has there is a five year statute of limitations and the contract that the Town entered

into for the renovation of Town Hall was entered into in 2011 at which time the contract with the project management company was also executed. Ms. Hankins added if that is an interest of Council, it would need taken up quickly.

Council member McCollum made a motion that town Council authorize the Town Manager to execute the Settlement Agreement attached to this Staff Report between the Town of Purcellville and the United States Surety Company, and further authorize the Town Manager to execute any similar Settlement Agreement by which the Town waives all claims it has or will have against USSC for work done by RCK on Town Hall, and USSC pays the Town \$130,000 or more. The motion was seconded by Council member Bledsoe.

Motion: Council member McCollum  
Second: Council member Bledsoe  
Carried: 7-0

Cool - Aye  
Bledsoe - Aye  
Ogelman - Aye  
McCollum - Aye  
Grim - Aye  
Jimmerson - Aye  
Mayor - Aye

**e. Council Participation on Collaborative Sessions with Committees, Commissions and Boards**

Sally Hankins stated this issue arose because more than one Council member has been interested in attending and participating in the Planning Commission's discussions about the Comprehensive Plan, and that the Freedom of Information Act requires that each public body has to meet the requirements of FOIA in order to conduct the meeting, which is where public business is discussed with three or more members in attendance. Ms. Hankins added that the meetings can occur without a quorum and that no votes can take place because the meetings are for discussion purposes only.

Council member Grim made a motion that Town Council adopt Resolution 16-09-04 to schedule a series of special meetings of the Town Council in order to allow Council members to fully participate in the Planning Commission's Comprehensive Plan process. The motion was seconded by Council member Ogelman.

Motion: Council member Grim  
Second: Council member Ogelman  
Carried: 7-0

Cool - Aye  
Bledsoe - Aye  
Ogelman - Aye

Mayor  
Kwasi A. Fraser

Council  
Chris Bledsoe  
Ryan J. Cool  
Kelli Grim  
Karen Jimmerson  
Douglass J. McCollum  
Nedim Ogelman



Town Manager  
Robert W. Lohr, Jr.  
Assistant Town Manager  
Daniel C. Davis

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**TOWN OF PURCELLVILLE**  
**IN**  
**LOUDOUN COUNTY, VIRGINIA**

**RESOLUTION NO. 16-09-04**

**PRESENTED: SEPTEMBER 13, 2016**  
**ADOPTED: SEPTEMBER 13, 2016**

**A RESOLUTION: TO SCHEDULE A SERIES OF SPECIAL MEETINGS OF THE TOWN COUNCIL IN ORDER TO ALLOW COUNCIL MEMBERS TO FULLY PARTICIPATE IN THE PLANNING COMMISSION'S COMPREHENSIVE PLAN PROCESS**

**WHEREAS**, Virginia Code Section 15.2-1418 allows a Special Meeting of the Town Council to be called by the Mayor or requested by any two members of Town Council, by directing such call or request to the Town Clerk and by specifying in such call or request the subject matter to be considered at the special meeting; and

**WHEREAS**, the Town Council desires that its members be able to fully participate in the Planning Commission's Comprehensive Plan process; and

**WHEREAS**, the Virginia Freedom of Information Act does not allow three or more members of Town Council to discuss public business that is likely to come before Town Council unless such discussion is occurring within a lawful meeting of the Town Council.

**NOW THEREFORE BE IT RESOLVED**, that the Town Council hereby calls a series of special Town Council meetings and gives notice to the Town Clerk of the same.

**BE IT FURTHER RESOLVED**, that such special meetings are to be held concurrently with each Planning Commission meeting at which the Town's Comprehensive Plan is to be discussed, which meetings are currently scheduled for the following dates, times, and locations, with tentative dates, times, and locations shown in red italicized font:

**A RESOLUTION:**

**TO SCHEDULE A SERIES OF SPECIAL MEETINGS OF THE TOWN COUNCIL IN ORDER TO ALLOW COUNCIL MEMBERS TO FULLY PARTICIPATE IN THE PLANNING COMMISSION'S COMPREHENSIVE PLAN PROCESS**

<b>Date</b>	<b>Time</b>	<b>Location</b>
9/15/16	7pm	Town Hall
9/22/16	7pm	Town Hall
9/24/16	10am-12pm	Carver Center
9/24/16	2pm-4pm	Carver Center
9/29/16	7pm-9pm	Town Hall
10/6/16	7pm	Town Hall
10/13/16	7pm	Town Hall
10/20/16	7pm	Town Hall
10/27/16	7pm	Town Hall
11/5/16	10am-12pm	Town Hall (TBD)
11/5/16	2pm-4pm	Town Hall (TBD)

**BE IT FURTHER RESOLVED**, that the special meetings called in this Resolution are for the sole purpose of discussing and considering, but taking no action on, the Town's Comprehensive Plan.

**BE IT FURTHER RESOLVED**, that all special meetings of the Town Council shall be noticed as required under the Virginia Freedom of Information Act Section 2.2-3707(C) and Virginia Code Section 15.2-1418, and, should the Planning Commission add, delete, or amend such meeting dates, times, or locations, the Town Clerk will revise all required Special Meeting notices accordingly and within the requirements of the Virginia Code and Town Ordinances.

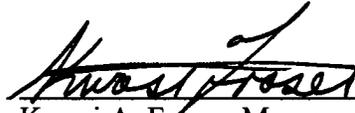
**BE IT FURTHER RESOLVED**, that the Town Clerk will treat all of the meetings set forth in the table above as meetings of the Town Council, for which minutes must be produced in accordance with the Virginia Freedom of Information Act, including (i) the date, time, and location of the meeting; (ii) the members of the Town Council recorded as present and absent; and (iii) a summary of the discussion on matters proposed, deliberated or decided, and (iv) a record of any votes taken by the Town Council.

A RESOLUTION:

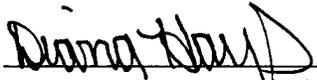
TO SCHEDULE A SERIES OF SPECIAL MEETINGS OF THE TOWN COUNCIL IN ORDER TO ALLOW COUNCIL MEMBERS TO FULLY PARTICIPATE IN THE PLANNING COMMISSION'S COMPREHENSIVE PLAN PROCESS

BE IT FURTHER RESOLVED, that all materials furnished to members of the Planning Commission as part of the agenda packet shall be available to each member of Town Council only upon specific request to the Town Clerk.

PASSED THIS 13<sup>TH</sup> DAY OF SEPTEMBER, 2016.

  
Kwasi A. Fraser, Mayor  
Town of Purcellville

ATTEST:

  
Diana Hays, Town Clerk

McCollum - Aye  
Grim - Aye  
Jimmerson - Aye  
Mayor - Aye

**DISCUSSION OF ITEMS PROPOSED FOR FUTURE PRESENTATIONS/  
RECOGNITION:**

- a. **Recognition Request – Blue Ridge Middle School Lion King Production**
- b. **Proclamation Request – Patrick Henry College International Moot Court Championship**

Town Council approved both items.

**APPROVAL OF MINUTES**

- a. **July 26, 2016 Town Council Special Meeting**
- b. **July 26, 2016 Town Council Regular Meeting**

Council member McCollum made a motion that the Town Council approve the minutes of the July 26, 2016 Town Council Special Meeting and the July 26, 2016 Town Council Regular Meeting and waive reading. The motion was seconded by Vice Mayor Jimmerson.

Council member Bledsoe commented that the middle of page six of the minutes “Council member Bledsoe added he authorizes staff. . . “ and cannot authorize staff and requested the word “authorizes” be changed to “requests”. Mayor Fraser approved the request. The motion passed unanimously.

Motion: McCollum  
Second: Jimmerson  
Carried: 7-0

**MOTION TO RECESS THE REGULAR MEETING AND CONVENE A CLOSED MEETING**

Vice Mayor Jimmerson made a motion as authorized under Section 2.2-3711(A)(1) of the Code of Virginia that the Purcellville Town Council convene in a closed meeting to discuss and consider prospective candidates for appointments to committees, commissions and boards. The presence of the following individuals will reasonably aid the public body in its consideration of these appointments, and they are therefore requested to attend the closed meeting:

- 1) All Town Council members

The motion was seconded by Council member Ogelman.

Motion: Vice Mayor Jimmerson  
Second: Council member Bledsoe  
Carried: 7 - 0

Cool - Aye  
Bledsoe - Aye  
Ogelman - Aye  
McCollum - Aye  
Grim - Aye  
Jimmerson - Aye  
Mayor - Aye

**MOTION BY TOWN COUNCIL TO ADJOURN THE CLOSED MEETING AND RECONVENE THE OPEN MEETING**

Vice Mayor Jimmerson made a motion that that the Town Council reconvene in an open meeting and that the minutes reflect no formal action was taken in the closed meeting. The motion was seconded by Council member Ogelman.

Motion: Vice Mayor Jimmerson  
Second: Council member Ogelman  
Carried: 7-0

Cool - Aye  
Bledsoe - Aye  
Ogelman - Aye  
Jimmerson - Aye  
McCollum - Aye  
Grim - Aye  
Mayor - Aye

**MOTION THAT THE RESOLUTION CERTIFYING THE CLOSED MEETING BE ADOPTED AND REFLECTED IN THE MINUTES OF THE PUBLIC MEETING**

Vice Mayor Jimmerson made a motion that the Purcellville Town Council adopt Resolution 16-09-01 certifying the closed meeting of September 13, 2016. The motion was seconded by Council member Bledsoe.

Motion: Vice Mayor Jimmerson  
Second: Council member Bledsoe  
Carried: 7-0

Cool - Aye  
Bledsoe - Aye  
Ogelman - Aye  
McCollum - Aye

Mayor  
Kwasi A. Fraser

Council  
Chris Bledsoe  
Ryan J. Cool  
Kelli Grim  
Karen Jimmerson  
Douglass J. McCollum  
Nedim Ogelman



Town Manager  
Robert W. Lohr, Jr.  
Assistant Town Manager  
Daniel C. Davis

221 S. Nursery Avenue  
Purcellville, VA 20132  
(540) 338-7421  
Fax: (540) 338-6205

www.purcellvilleva.gov

**TOWN OF PURCELLVILLE  
IN  
LOUDOUN COUNTY, VIRGINIA**

**RESOLUTION NO. 16-09-01**

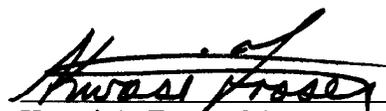
**PRESENTED: SEPTEMBER 13, 2016  
ADOPTED: SEPTEMBER 13, 2016**

**A RESOLUTION: CERTIFYING THE CLOSED MEETING ON  
SEPTEMBER 13, 2016**

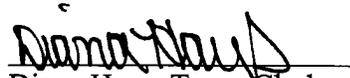
**WHEREAS,** the Town Council of the Town of Purcellville, Virginia, has this day convened a closed meeting in accordance with an affirmative recorded vote of the Purcellville Town Council and in accordance with the Virginia Freedom of Information Act.

**NOW, THEREFORE, BE IT RESOLVED** that the Purcellville Town Council does hereby certify that to the best of each member's knowledge, i.) only public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act were discussed in the closed meeting to which this certification applies; and ii.) only such public business matters as were identified in the motion by which the said closed meeting was convened were heard, discussed or considered by the Purcellville Town Council.

**PASSED THIS 13<sup>th</sup> DAY OF SEPTEMBER, 2016.**

  
Kwasi A. Fraser, Mayor  
Town of Purcellville

**ATTEST:**

  
Diana Hays, Town Clerk

Grim - Aye  
Jimmerson - Aye  
Mayor - Aye

**APPOINTMENTS TO THE PLANNING COMMISSION:**

Vice Mayor Jimmerson made a motion that the Town Council approve the following appointment to fill a vacancy on the Board of Zoning Appeals:

<b><u>Name</u></b>	<b><u>Committee, Commission or Board</u></b>	<b><u>Term</u></b>
Daniel Shaughnessy	Board of Zoning Appeals	September 2013 through August 31, 2018

The motion was seconded by Council member Ogelman.

Motion: Vice Mayor Jimmerson  
Second: Council member Ogelman  
Carried: 7-0

Cool - Aye  
Bledsoe - Aye  
Ogelman - Aye  
McCollum - Aye  
Grim - Aye  
Jimmerson - Aye  
Mayor - Aye

Council member Grim made a motion that the Town Council approve the following appointments/reappointments to fill expired terms on the Board of Architectural Review:

<b><u>Name</u></b>	<b><u>Committee, Commission or Board</u></b>	<b><u>Term</u></b>
Pat Giglio	Board of Architectural Review	September 1, 2016 through Aug. 31, 2020
Jim Gloeckner	Board of Architectural Review	September 1, 2016 through August 31, 2020

The motion was seconded by Council member Bledsoe.

Motion: Council member Grim  
Second: Council member Bledsoe  
Carried: 7-0

Cool - Aye

Bledsoe - Aye  
Ogelman - Aye  
McCollum - Aye  
Grim- Aye  
Jimmerson - Aye  
Mayor - Aye

Council member Jimmerson made a motion that Town Council approve the following appointment to fill a vacancy on the Board of Architectural Review:

<b>Name</b>	<b>Committee, Commission or Board</b>	<b>Term</b>
Beth Goldsmith	Board of Architectural Review	August 2015 through July 31, 2019

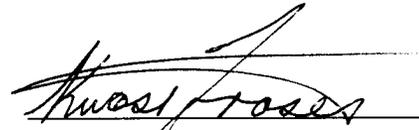
The motion was seconded by Council member Ogelman.

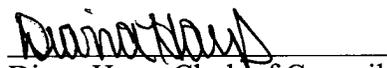
Motion: Council member Grim  
Second: Council member Ogelman  
Carried: 7-0

McCollum - Aye  
Bledsoe - Aye  
Ogelman - Aye  
McCollum - Aye  
Grim- Aye  
Jimmerson - Aye  
Mayor - Aye

**ADJOURNMENT**

With no further business, Council member McCollum made a motion to adjourn the meeting at 10:41 PM. The motion was seconded by Council member Ogelman and approved unanimously.

  
Kwasi A. Fraser, Mayor

  
Diana Hays, Clerk of Council

Comprehensive Plan  
Status Update

September 13, 2016

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Presentation Content

- Areas of Agreement and Working Vision Statement
- Trends and Forces in Purcellville
- Summary of Public Input Sessions
- Scenarios and Analysis
- Next Steps

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Areas of Agreement and  
Working Vision Statement

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## Areas of Agreement

- Proactively plan for a future which achieves the community's desires
- Maintain Purcellville's character and small town charm
  - Ensure a high quality of design at an appropriate scale
  - Preserve the natural environment and open space
- Support a unique local economy focused on home-grown businesses

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## Working Vision Statement

Purcellville will preserve and protect its unique, thriving and diverse small town charm by remaining a place:

1. That is mindful of its character and historic heritage,
2. Where visitors are appreciative of its physical beauty and valued environment, and
3. Where citizens delight in living and participating in the community.

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## Trends and Forces in Purcellville

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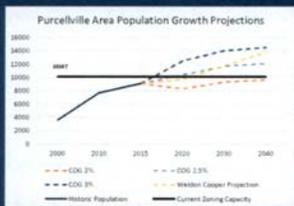
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### Population Trends

- Current population estimate: 9,120
- Population growth has slowed significantly since 2010
- The town is currently home to 2.5% of the county's population, and there is sufficient housing capacity for that level of projected population growth in the short-term



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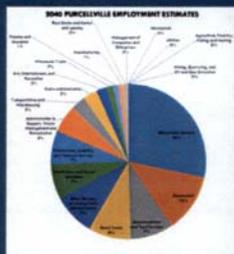
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### Jobs and Employment Trends



- The number of jobs in town more than doubled between 2004 and 2014
- Purcellville is projected to add 5,217 new jobs by 2040
- Three sectors (education, construction, and accommodation/food service) are projected to account for nearly 50% of local employment in 2040

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### Housing Trends

- Housing stock nearly doubled between 2000 and 2014
- Housing is primarily owner-occupied, single-family homes
- Average household and family size are significantly larger in Purcellville relative to the nation as a whole



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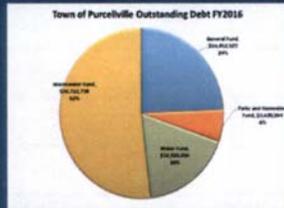
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## Fiscal Challenges and Opportunities

- Outstanding debt, primarily from utility investments, remains the largest challenge to town finances
- Property values have nearly reached the pre-recession levels, boosting revenue



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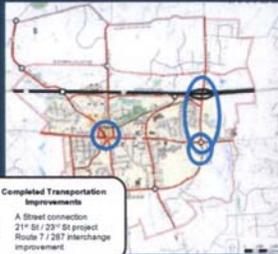
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## Transportation and Mobility Infrastructure



- A Street Connection, Route 7/287 Interchange, and 21<sup>st</sup> St/23<sup>rd</sup> St projects completed
- Several recommendations from the transportation plan remain to be completed

**Completed Transportation Improvements**

- A Street connection
- 21<sup>st</sup> St / 23<sup>rd</sup> St project
- Route 7 / 287 interchange improvement

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## Public Input - Round 1

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## Round One

Time Period: February – March 2016

Input Activities: What We Love, Our Challenges, and Our Opportunities Survey  
Policy Area Mapping Exercise

Public Response: 300+ workshop attendees or online responders.  
1,800+ individual comments received.

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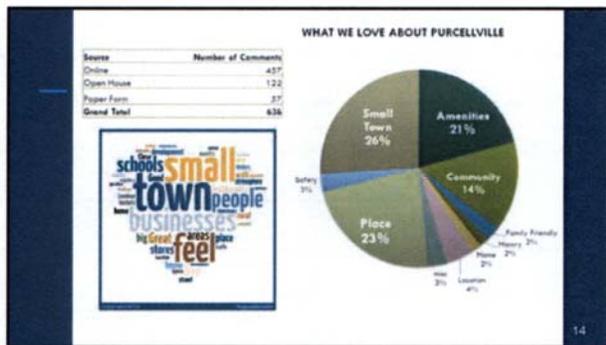
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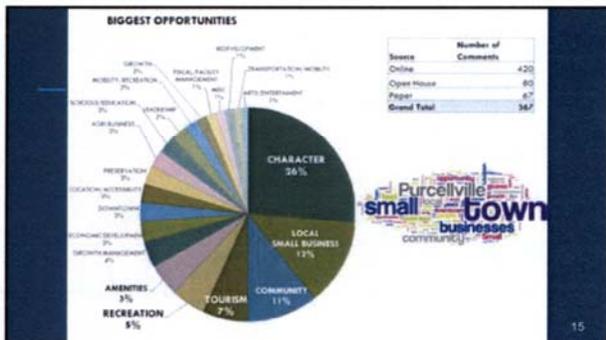
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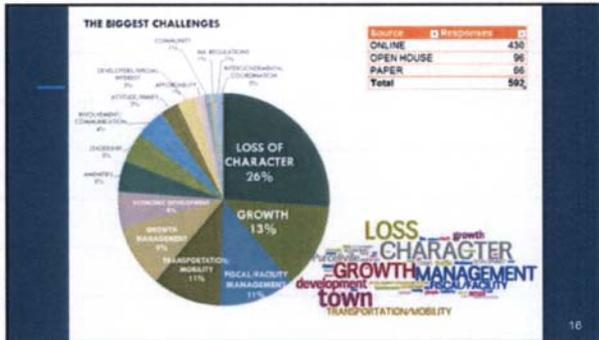
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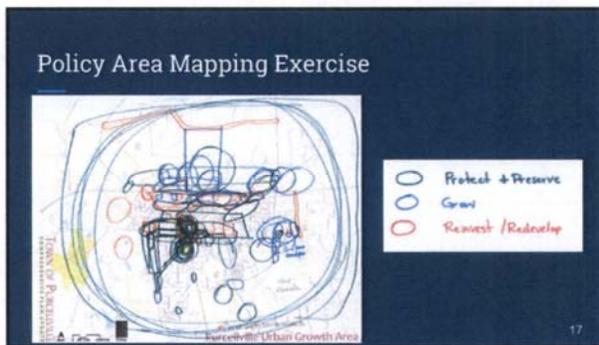
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### Public Input – Round 2

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## Round Two

**Time Period:** March – April 2016

**Input Activities:** Use and Scale Preference Mapping Exercise

**Public Response:** 90+ workshop attendees or online responders.  
893 individual preference comments received.

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## Use and Scale Preferences



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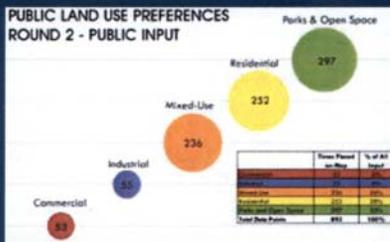
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## Land Use Preferences



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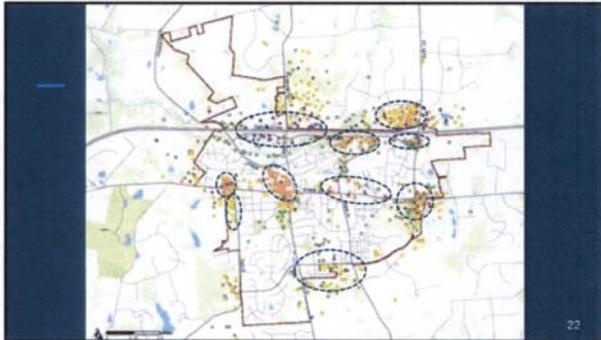
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## Public Input – Round 3

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### Round Three

**Time Period:** May – June 2016

**Input Activities:** Guiding Principles Approach and Prioritization Survey  
*(May 19 workshop and online only)*  
Target Area Visioning Exercise *(May 19 workshop only)*  
Future Development Scenario Visioning Exercise  
*(May 21 festival and online only)*

**Public Response:** 165+ workshop attendees, festival voters, or online responders.  
110 guiding principle survey responses received.  
130+ visioning exercise responses received.

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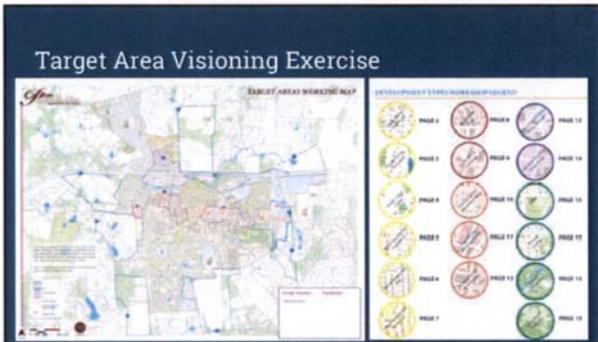
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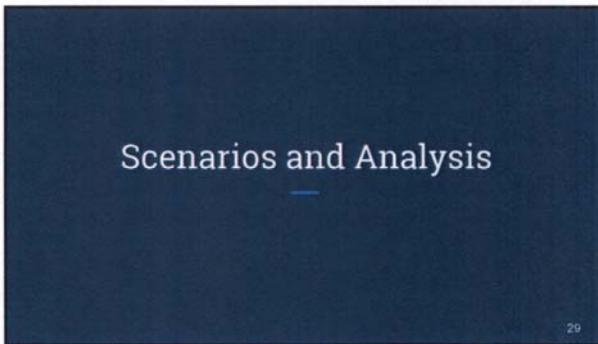
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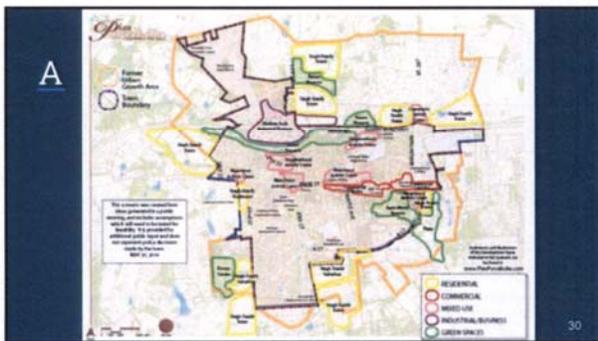
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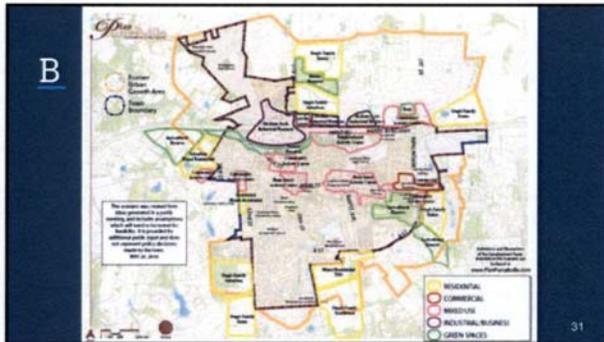
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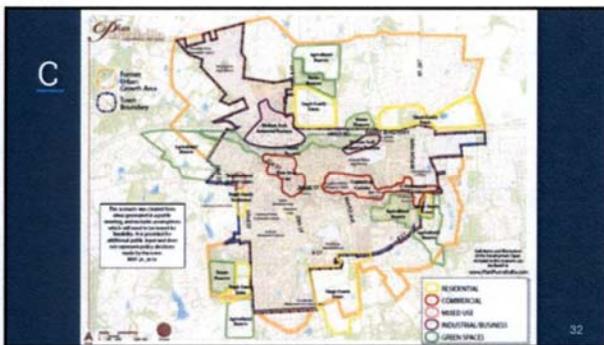
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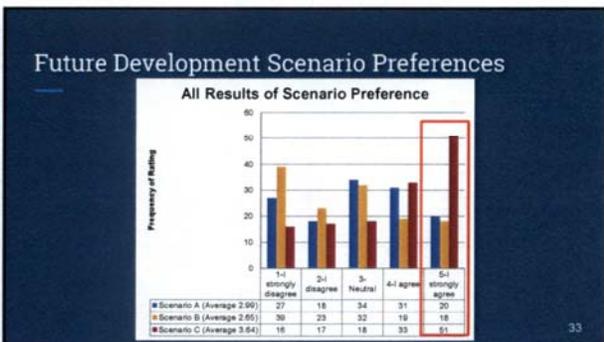
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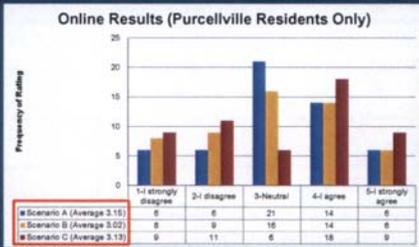
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### Future Development Scenario Preferences



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### Next Steps

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### Next Steps

July – October: Weekly Planning Commission Work Sessions

September – October: Public Engagement – Round 4

- Presentation @ Town Council Meeting: September 13
- Workshops
  - September 24: 10am-12pm & 2pm-4pm @ Carver Center
  - September 29: 7-9pm @ Town Hall
- Online Exercises: Posted after Sept. 24 workshops through mid-October

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## Next Steps

### November: Public Engagement – Round 5

- Workshops: Anticipated for November 5 (location TBD)
- Online Exercises: Posted after Nov. 5 workshops through end of November

### December – January: Draft Plan

#### February – March:

- Submit draft to VDOT for review (up to 90 days)
- Release draft plan for public review
- Hold open house
- Revise draft plan as necessary

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## Next Steps

### April – May:

- Planning Commission Public Hearing

### June or Later:

- Town Council Public Hearing
- Adopt New Comprehensive Plan

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9/13/16 PHIDHIP

Mail Reply Reply to All Forward Move Delete Close

- Mail
- Calendar
- Contacts
- Deleted Items (2)
- Drafts [20]
- Inbox (153)
- Junk E-Mail
- Sent Items
- Click to view all folders
- Outbox
- archives
- Manage Folders...

### Can Town require Recusal of an Official who has a Conflict of Interest

Hankins, Sally  
Sent: Tuesday, September 13, 2016 2:27 PM  
To: Town Council

Dear Mayor and Members of Town Council,

In my staff report concerning Disclosures of Real Parties in Interest I raised the question of whether the Town could validly require a public official to recuse himself when state law allows such official to participate. My conclusion is that such a local law would be invalid and unenforceable. My analysis is as follows:

The rules governing pre-emption are as follows:

**RULE #1.** If the state intended that its regulations be the only regulation of the subject matter, then no locality may legislate on the same topic. In this case, the Conflict of Interest Act states in its "purpose" clause at 2.2-3100 that the purpose of the Act is to:

- A. Establish a single body of law applicable to all state and local government officers and employees on the subject of conflict of interests, and
- B. That the standards of conduct for state and local officers and employees be uniform throughout the Commonwealth, and
- C. That COIA shall supersede all general and special acts and Local Charter provisions which purport to deal with the COIA subject matter, with certain exceptions (none of which apply here).

Based on the above, it is my opinion that the General Assembly intended to entirely prohibit local regulation of Conflicts of Interest. However, even if that were not the case, I believe that our local ordinance would still be invalid because it attempts to disallow something that is expressly allowed by the COIA, as discussed below.

**RULE #2:** Assuming the state had not "occupied the field" and prohibited all local regulation, then a locality could regulate a topic that is regulated by the state, provided such local regulations do not conflict with the state regulations. If both the state law and the local law could be fully enforced and stand together, then the local law should be valid (barring other legal issues). However, if local law conflicts with state law, the local law is unconstitutional and unenforceable.

For example, if state law forbids x, but is silent as to y, then the Town could allow or forbid y. However, in this case, the COIA is not silent about the participation of an official who has a conflict of interest; instead, the state law specifically prescribes the options of an official in that particular situation. This results in a conflict between the state and local laws because an official who has a conflict cannot exercise his rights under both the state and local law simultaneously (ie; he cannot both choose to participate subject to the required disclosures under COIA, AND recuse himself). So, even if the state had not "occupied the field" of conflict of interest legislation, as discussed above, I think that a local ordinance requiring recusal would nonetheless be invalid and unenforceable.

Please let me know if you have any questions about this.

-Sally  
Sally G. Hankins  
Town Attorney  
Town of Purcellville