

**MINUTES
PURCELLVILLE TOWN COUNCIL MEETING
SEPTEMBER 27, 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
Karen Jimmerson, Vice Mayor
Kelli Grim, Council member
Nedim Ogelman, Council member
Chris Bledsoe, Council member
Doug McCollum, Council member

ABSENT: Ryan Cool, Council member

STAFF: Robert Lohr, Jr., Town Manager
Danny Davis, Assistant Town Manager
Sally Hankins, Town Attorney
Alex Vanegas, Director of Public Works
Liz Krens, Director of Finance
Hooper McCann, Director of Administration
Chief Cynthia McAlister, Police Dept.
Connie LeMarr, Assistant Director of Finance
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:

Vice Mayor Jimmerson proposed moving item 12d to 12a. Mayor Fraser approved the request.

PROCLAMATIONS/RECOGNITIONS:

a. Patrick Henry College International Moot Court Championship

Town Council recognized William Bock and Helaina Hirsch for the accomplishments and issued a Proclamation for Patrick Henry College Day.

b. Recognition – Blue Ridge Middle School Lion King Production

Town Council recognized the cast of the production and congratulated them on their achievements.

PUBLIC HEARINGS:

a. Bulk Water Sales

Mayor Fraser summarized the purpose of the hearing and opened the public hearing at 7:20 PM. Alex Vanegas summarized the proposed rates. There were no residents signed up to speak.

Council member McCollum requested an explanation of the availability fee which Mr. Vanegas stated is a fee to connect to the Town's water system and is based on meter size. Council member McCollum asked if the fees in the schedule cover the costs. Alex Vanegas stated that the bulk water rate was adjusted to capture the true cost of service and the availability fees are determined by a rate consultant based on capital projects and infrastructure in place. Council member McCollum asked about the decrease in administrative fee per day. Mr. Vanegas added the Town received complaints from the vendors that the fee was excessive in comparison to other municipalities and in research found this to be true and that the fee is included in the bulk water user rate fee.

Vice Mayor Jimmerson asked how competitive the Town is and Alex provided a summary of local jurisdictions and added that the Town is competitive.

Council member Grim asked what it means for the omission of this from the Tax and Fee Schedule. Sally Hankins stated the fee was adopted by an ordinance that remained in effect because the Tax and Fee Schedule replaced all conflicting numbers and that there was no conflict because this had been omitted. Council member Grim asked for an out-of-town example of an availability fee. Rob Lohr stated an out-of-town availability has not been sold in many years and would require Council approval.

Council member Bledsoe asked how the rate was determined. Alex Vanegas stated all the operational and administrative costs as well as capital improvements and debt service is included. Sally Hankins added that the state code allows the Town to set rates and fees that are reasonable which is based on the cost and not permissible to make this a profit generating exercise. Ms. Hankins stated that the Town is allowed to charge for debt and the revenues go towards operational expenses on the user rates and that excess user rates could go towards debt. Council member Bledsoe inquired as to why the Town is proceeding if it is only covering costs. Rob Lohr noted that the Town is making some money that can be applied towards capital and can provide a further breakdown for Council.

With no further questions, Mayor Fraser closed the public hearing at 7:30 PM.

PRESENTATIONS:

a. CGI Video Update

Danny Davis summarized the history of the project on how to promote the Town and its amenities and what has been done to date.

Council member Bledsoe added that CGI has signed up 29 participants and talked about the linkage to the Town's website.

A draft of the video was shown.

Council had no comments.

CITIZEN AND BUSINESS COMMENTS:

None

MAYOR AND COUNCIL COMMENTS:

Council member Bledsoe stated he attended the solar installation by HeroHomes and is looking forward to final video project.

Council member Ogelman stated he has continued outreach with HOA's and noted that HOA's have talked about where the snow is being pushed and having a strategic plan for it.

Council member McCollum noted the VML meeting on the Federal Advisory Council scheduled for Sept. 20 was canceled and will be rescheduled. Council member McCollum attended the regular meeting of the NVRC on Sept. 21 and talked about the purpose of the NVRC which is to address regional matters and not those of individual jurisdictions. Council member McCollum added he attended the HeroHomes solar installation, the Town's Public Works Expo and the Comprehensive Plan Work Shop at the Carver Center. Council member McCollum noted he received an email request from Scott Payne, Chick-Fil-A, asking for guidance on the Town's requirements for adding trees on the hillside to the north of the restaurant. Council member McCollum stated Dan Galindo advised Mr. Payne that no formal approval is necessary to install additional landscaping provided he plants the appropriate trees and that list was provided to Mr. Payne.

Council member Grim stated she is meeting with Loudoun Cares to work towards identifying volunteers that need to have a place to volunteer and seniors, families and children that have needs. Council member Grim stated Council is working towards a regional collaboration with Town's, and talked about a bus stop at the Carver Center. Council member Grim stated she attended the morning and afternoon sessions of the Comprehensive Plan Work Shop and the attendance was small and added the next work shop is scheduled for Thursday. Council member Grim requested that the slide show be made a little more presentable.

Vice Mayor Jimmerson stated that on Sept. 17 she attended the Emancipation Celebration and added that members of the Carver Center are interested in opening the second entrance. Council member Jimmerson attended the benefit for Boulder Crest. Council member

Jimmerson added that the Purcellville Women's Club met last week and are interested in partnering with the Homework Club or Purcellville Cares with a Christmas benefit. Council member Jimmerson attended the Public Works Expo, the HeroHomes event, the Bada Bing grand opening and the Eagle Scout Ceremony and will attend the NVTA meeting tomorrow.

Mayor Fraser stated he attended the HeroHomes solar installation, the grand opening for Bada Bing Bagels and the Comprehensive Plan Work Shops.

DISCUSSION/INFORMATIONAL ITEMS:

a. Public Safety Reports

i. Purcellville Volunteer Rescue Squad

Chief McAlister provided the report and noted that the rescue squad assisted with the DUI checkpoint on Aug. 26 and their picnic was held Sept. 17. The rescue squad will assist the police dept. with the drug take back day on Oct. 22, the Halloween Block Party on Oct. 21 and the Turkey Trot on Nov. 13.

ii. Purcellville Volunteer Fire Company

No report.

iii. Purcellville Police Citizens Support Team

No report.

iv. Purcellville Police Department

Chief McAlister referenced the new report format based on a sample provided by Council which is reflected in the August report.

Council member Bledsoe asked if the categories could be referenced on a graph showing month to month and year over year trends. Chief McAlister stated she prefers to show a five-year trend and will provide graphs, charts, etc. once they have learned the new system.

Council member McCollum requested clarification on arrests and Chief McAlister will look into adding the information however feels it would be time consuming.

b. Public Works Monthly Operations Report

Alex Vanegas summarized the report and noted that Engineering and Capital Projects has been included and will look into adding graphs to his reports.

c. Non-Potable Connections

Rob Lohr requested that the item be moved to the first meeting in October when the business owner and resident that requested this item can be in attendance. Mayor Fraser approved the request.

d. Tax Collection Update & Collection Processes Information

Connie LeMarr stated an update on all tax collections has been provided to Council.

Council member Ogelman asked about the percentage collected in 2016 for personal property tax and Ms. LeMarr stated that since it's the current year, it hasn't yet reached the 90 days.

Council member Grim asked if business owners are able to pay Meals Tax electronically and Connie LeMarr stated these can be paid by dropping off in the drop box or pay at the window but not online.

Vice Mayor Jimmerson asked about the total amount billed for 2016 was less than 2015 for personal property tax and with the increase in residents doesn't understand why and talked further about out of Town tags in Town.

Council member Bledsoe asked about costs incurred to the Town for using a collection agency. Liz Krens stated it is a percentage however hasn't been used recently because the DMV stops have been effective.

e. Tree and Beautification Committee

Vice Mayor Jimmerson asked about activating the committee and setting a date and time for the meetings. Danny Davis stated staff is in the process of getting the ordinance revised but in the meantime the committee can function like the Arts Council does and added that Council is welcome to interview and set the committee and staff will assist with meetings, by-laws, etc. and that the long term goal for all committees, commissions and boards is to re-codify them all into one section in the code rather than spread throughout. Sally Hankins added that another long term project is making sure each committee has by-laws that they operate under.

f. Crosswalk Improvements/Other Revenue Sharing Applications

Alex Vanegas summarized the report and noted the Town is in the process of developing the revenue sharing grant applications and added that each year the transportation board and VDOT allocate funds for municipalities to apply for as a cost sharing measure and most of the grants require a 50% match by the locality. Mr. Vanegas stated applications are due by October 30 and a resolution is required by November 30 to submit to VDOT. Mr. Vanegas stated the Town is looking at several projects and would like to bring those and the resolutions back to Council on October 11.

Council member Grim asked if crosswalk maintenance included could be within HOA's. Alex Vanegas stated if it is a Town-maintained street it would be included but not private streets.

Council member McCollum asked for clarification on the four crosswalks on the list. Mr. Vanegas stated the Town is looking at enhancing them to include better signage, flashing lights at the crosswalks near schools, etc.

Council member Ogelman thanked Alex for looking into and pursuing these grants and asked about the maintenance proposal. Alex stated that the maintenance related applications are submitted to VDOT who takes it before the Commonwealth Transportation Board and decide if it meets the requirements for approval.

Council member Grim asked about the crossing on the Southern Collector Road to the orchard's secondary entrance and thought there had been discussions about a flashing light. Alex Vanegas stated he met with the Brown's and installed what had been requested which can be enhanced at their request.

ACTION ITEMS:

a. Proposed Conceptual Lease for Makersmiths Use of Old Maintenance/Waste Water Treatment Plan Site on 20th Street

Rob Lohr stated that the conceptual lease including Makersmiths comments has been provided and requested direction from Council as to what should be included in the final agreement.

Council member McCollum stated he provided questions to staff yesterday and Rob Lohr reviewed the email responses that he sent to Council.

Pat Scannell clarified that the Makersmiths has engaged a warehouse in Berryville they use for storage.

Council and staff talked about right of first refusal and Rob Lohr added that Sally Hankins is looking into whether or not this can be added. Rob Lohr suggested that Council start the right of first refusal on the first day of the lease and run it for a set period of time based on comfort level. Council member Grim stated she feels they should only have right of first refusal during the terms of the lease. Council agreed that the right of first refusal should be concurrent with the lease.

Council discussed hold harmless and Pat Scannell stated he can talk about it with their insurance carrier and would like to work with staff on it.

Makersmith stated they would like for the opportunity for subletting for items relating to Makersmiths however is comfortable with the suggestion that Mr. Lohr gave that requests would come to the Town and be streamlined and expedited. Council member Bledsoe suggested changing the term.

The Town and Makersmiths discussed having a joint safety audit of the location with a representatives of other Maker Spaces, insurance company and the Town and is comfortable with whatever reasonable standard of safety inspection the Town wants.

Rob Lohr read the question and his answer regarding hours of operation and Pat Scannell stated he prefers no limits because there is no benefit to the Town for enforcing limits yet allows Makers to work in the evening. Mr. Scannell also stated he would like to have a reporting mechanism in place that would allow neighboring residents to be able to file a complaint if one should arise. Further discussion took place about a quieter gate, public hearings and tree buffers.

Rob Lohr talked about the property and the needs of the Town and Makersmiths in order to set the meets and bounds.

Vice Mayor Jimmerson made a motion that the town Council provide the following direction to staff to incorporate in the conceptual terms of the lease and direct the Town Attorney to complete a formal lease agreement based on this information presented and discussed in tonight's meeting. The motion was seconded by Council member Bledsoe.

Motion:	Vice Mayor Jimmerson
Second:	Council member Bledsoe
Carried:	6-0-1 Absent

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

Council took a five minute recess.

b. Process for Handling Complaints Against Public Officials

Sally Hankins summarized the layout of the staff report to include staff's recommendations and noted the redline information provided by Council member Grim for discussion.

Ms. Hankins noted a couple of items that carried over from the last meeting to include establishing a threshold test for determining whether a complaint merited investigation which has been included in the policy, establish a committee that would conduct the hearing concerning the complaint and the hearing rules and format which has been included in the policy and how Council decides whether a complaint will be acted upon. Ms. Hankins talked about the issue of whether or not the policy applies to all appointees or just Council members and as the draft policy is written does include committee members. Sally Hankins agreed to modify item 3 to include the following changes: *(ii) to read "violate the Code of Conduct applicable to committees, commissions and boards when the subject of the complaint is a member of a committee, commission or board; (iii) violates the public trust . . . "*

Council and staff talked about the appointment of the committee and who would be the advisor would be. Further discussion took place about using residents versus a paid advisor. Council

member Grim suggested the number of citizens be increased to three and making it an Ethics Advisory Committee instead of a Hearing Committee. Council member Ogelman stated he feels the language throughout needs to be about a regular committee structure and citizen input without acquiring outside expenses.

In the interest of time, Mayor Fraser suggested that Council review Council member Grim's document and provide comments to Sally then make a decision at the next meeting.

c. NVTAs Local & Regional Funding Options

Alex Vanegas stated that funds are made available each year from NVTAs for transportation projects and added that the Town goes through the County who administers the projects through an agreement. Mr. Vanegas reviewed the estimated amounts to the Town and stated he is looking for guidance as to what projects to apply for to use the funds. Mr. Vanegas reviewed the local and regional projects.

Mayor Fraser asked about 12th Street as a main cut through. Alex Vanegas stated some portions may be applicable however much of it is drainage and utility related however can add it to the list. Further discussion took place about easements.

Council member Grim talked about the projects on the list and doesn't feel the A Street/Maple roundabout is critical over the next couple years or the A Street/32nd Street roundabout and added the citizen's priority is a traffic signal at Main and 32nd, 12th Street and the eastbound turn lane at Main and Pickwick. Council member Grim also talked about Elliott Dr. and Blue Ridge Middle School and partnering with the County and school to look into funds, and the Hirst Road/Berlin Turnpike intersection improvements and asked if any of that is part of Mayfair's proffers as well as the land to be developed on Hirst Road. Danny Davis added that by working with the County to get the 287 left turn lane will help Hirst.

Council member Grim made a motion that the Purcellville Town Council approve moving forward to secure funding through the NVTAs 30% local fund for FY 18 & 19 for the following project(s): the traffic signal at Main and 32nd and 12th Street, and request consideration for the NVTAs 70% regional fund for FY18 & 19 for the following project: Rt. 7 Bypass/690 Interchange. The motion was seconded by Vice Mayor Jimmerson.

Motion: Council member Grim
Second: Vice Mayor Jimmerson
Carried: 6-0-1 Absent

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

d. Citizen Engagement Update/Polco

Council member Ogelman made a motion that the Town Council direct staff to proceed using the Community Voice module on the Town's website using the categories described in this item, and further move that the Town Council authorize the Town Manager to enter into a License Agreement with Polco for online citizen polling services as shown in Attachment 1. The motion was seconded by Council member Bledsoe.

Motion: Council member Ogelman
Second: Council member Bledsoe
Carried: 6-0-1 Absent

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

e. 2016 Business License Analysis

Connie LeMarr stated that this item is provided each year and reviewed the graphs provided in the staff report. Council member Grim stated she would like time to evaluate the reports. Council member Bledsoe agreed. Ms. LeMarr noted a public hearing needs held in order to change the rates. Vice Mayor Jimmerson requested an analysis on neighbor jurisdictions. Mayor Fraser requested that this item be further reviewed and be brought back to the next meeting for decision.

f. Stream and Creek Buffer Zoning Text Amendment

Council member Grim noted she attached some background information and that this item has moved through the Planning Commission process and was going to public hearing and that this is the Council setting the priority list to the Planning Commission as has been discussed with the Planning Commission. Council member Grim added that the Town does not currently have a policy in place but that she is working on one like other municipalities do which would direct the Planning Commission to take action. Ms. Grim added that these items are of great concern to the citizens.

Sally Hankins stated that when Town Council directs the Planning Commission and initiates a text amendment it happens by statute by adopting a resolution. Ms. Hankins added that the Planning Commission has its own authority to initiate a text amendment by a motion, and added she can bring a resolution to the next meeting for vote.

Further discussion took place about who would move the items forward – the Town Council or the Planning Commission as well as communication between the two bodies and what should be included in the amendments.

Council member Grim made a motion that the Town Council direct the Town Attorney to draft a resolution instructing the Planning Commission to move forward with text amendments relating to Stream and Creek Buffers, C-4 District Building Height Limits, Civil Penalties, Screenings and Plantings and Clearing Limits for Minimum Plan Requirements. The motion was seconded by Council member Ogelman.

Motion: Council member Grim
Second: Council member Ogelman
Carried: 6-0-1 Absent

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

Items g. and h. were discussed above.

g. C-4 District Building Height

h. Civil Penalties

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

None

APPROVAL OF MINUTES

- a. September 8, 2016 Town Council Special Meeting**
- b. September 13, 2016 Town Council Special Meeting**
- c. September 13, 2016 Town Council Regular Meeting**

Vice Mayor Jimmerson made a motion to approve the minutes of the September 8, 2016, Town Council Special Meeting, the September 13, 2016 Town Council Special Meeting and the September 13, 2016 Town Council Regular Meeting and waive reading. The motion was seconded by Council member Bledsoe and approved unanimously with one absent.

MOTION TO RECESS THE REGULAR MEETING AND CONVENE A CLOSED MEETING

Council member Ogelman 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 Vice Mayor Jimmerson.

Motion: Council member Ogelman
Second: Vice Mayor Jimmerson
Carried: 6-0-1 Absent

Cool - Absent
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: 6-0-1 Absent

Cool - Absent
Bledsoe - Aye
Ogelman - Aye
McCollum - Aye
Jimmerson - 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 16-09-05 certifying the closed meeting of September 13, 2016. The motion was seconded by Council member Ogelman.

Motion: Vice Mayor Jimmerson
Second: Council member Ogelman
Carried: 6-0-1 Absent

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

APPOINTMENTS TO THE COMMITTEES, COMMISSIONS AND BOARDS:

Council member Bledsoe made a motion that the Town Council approve the following appointment to fill an expired term on the Parks and Recreation Advisory Board:

<u>Name</u>	<u>Committee, Commission or Board</u>	<u>Term</u>
Eamon Coy	Parks and Recreation Advisory Board	Sept. 1, 2016 to Aug. 31, 2018

The motion was seconded by Council member Ogelman.

Motion: Council member Bledsoe
Second: Council member Ogelman
Carried: 6-0-1 Absent

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

Council member Bledsoe made a motion that the Town Council approve the following appointments to fill expired terms on the Parks and Recreation Advisory Board:

<u>Name</u>	<u>Committee, Commission or Board</u>	<u>Term</u>
Sandy Nave	Parks and Recreation Advisory Board	Sept. 1, 2016 to Aug. 31, 2018
Brian James	Parks and Recreation Advisory Board	Sept. 1, 2016 to Aug. 31, 2018

And that Town Council approve the following appointment to fill an expired term on the Economic Development Advisory Committee:

<u>Name</u>	<u>Committee, Commission or Board</u>	<u>Term</u>
Daniel Abramson	Economic Development Advisory Committee	Sept. 1, 2016 to Aug. 31, 2018

And that Town Council approve the following appointments to fill vacancies on the Economic Development Advisory Committee:

<u>Name</u>	<u>Committee, Commission or Board</u>	<u>Term</u>
Warren Grossman	Economic Development Advisory Committee	Sept. 1, 2016 to Aug. 31, 2018
David Meistrich	Economic Development Advisory Committee	Sept. 1, 2016 to Aug. 31, 2018
Seth Castellano	Economic Development Advisory Committee	Sept. 1, 2016 to Aug. 31, 2018
Cliff Robinson	Economic Development Advisory Committee	Sept. 1, 2015 to Aug. 31, 2017

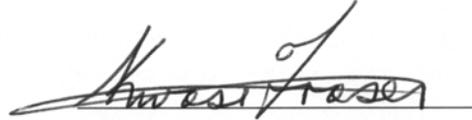
The motion was seconded by Council member Ogelman.

Motion: Council member Bledsoe
Second: Council member Ogelman
Carried: 6-0-1 Absent

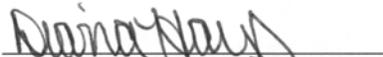
Cool - Absent
Bledsoe - Aye
Ogelman - Aye
McCollum - Aye
Grim- Aye
Jimmerson - Aye
Mayor - Aye

ADJOURNMENT

With no further business, Council member Bledsoe made a motion to adjourn the meeting at 11:08 PM. The motion was seconded by Council member Ogelman and approved unanimously with one absent.

A handwritten signature in black ink, appearing to read "Kwasi A. Fraser", written over a horizontal line.

Kwasi A. Fraser, Mayor

A handwritten signature in black ink, appearing to read "Diana Hays", written over a horizontal line.
Diana Hays, Clerk of Council

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. 16-09-05

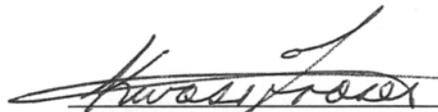
**PRESENTED: SEPTEMBER 27, 2016
ADOPTED: SEPTEMBER 27, 2016**

**A RESOLUTION: CERTIFYING THE CLOSED MEETING ON
SEPTEMBER 27, 2016**

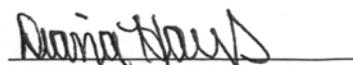
WHEREAS, the Town Council of the Town of Purcellville, Virginia, has this day convened a closed meeting in accordance with an affirmative recorded vote of the Purcellville Town Council and in accordance with the Virginia Freedom of Information Act.

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 27TH DAY OF SEPTEMBER, 2016.


Kwasi A. Fraser, Mayor
Town of Purcellville

ATTEST:


Diana Hays, Town Clerk