

MINUTES
PURCELLVILLE TOWN COUNCIL MEETING
TUESDAY, JANUARY 11, 2022, 7:00 PM
TOWN HALL COUNCIL CHAMBERS

Meeting recording can be found at the following link: <https://purcellvilleva.new.swagit.com/videos/152765>

COUNCIL MEMBERS PRESENT:

Kwasi Fraser, Mayor
Christopher Bertaut, Vice Mayor
Tip Stinnette, Council Member
Stan Milan, Council Member (participated remotely)
Joel Grewe, Council Member
Mary Jane Williams, Council Member
Erin Rayner, Council Member

STAFF PRESENT:

David Mekarski, Town Manager
Sally Hankins, Town Attorney
Chief Cynthia McAlister, Police Department
Deputy Chief Dave Daily, Police Department
Jason Didawick, Director of Public Works
Dale Lehnig, Director of Engineering, Planning & Development
Sharon Rauch, Director of Human Resources
Amie Ware, Division Manager Parks and Recreation Department
Diana Hays, Town Clerk/Executive Assistant
Kimberly Bandy, Deputy Town of Clerk

STAFF PRESENT REMOTELY:

Hooper McCann, Director of Administration
Elizabeth Krens, Director of Finance
Don Dooley, Director of Planning and Economic Development
Connie LeMarr, Assistant Director of Finance
Deputy Chief Dave Dailey, Police Department

CALL TO ORDER:

Mayor Fraser called the meeting to order at 7:00 PM. The Pledge of Allegiance followed. Mayor Fraser of moment of silence and reflection for Elizabeth Strange, wife of Council member Bertaut and Ms. Betty Wiley, Community Servant who lost her life this week.

AMENDMENTS:

Mayor Fraser requested an amendment to move item 14. Closed Meeting to begin after the Proclamation/Recognitions.

CONSENT AGENDA

- a. Approval of Meeting Minutes - December 14, 2021 Special
- b. Approval of Meeting Minutes - December 14, 2021
- c. Deed of Easement for Capital Project - 12th Street Roadway Improvements Project

Council member Grewe moved that the Purcellville Town Council approve the Consent Agenda, item 6a.- c., as presented in the January 11, 2022 Town Council Meeting agenda packet.

(Carried: 7-0-0, Grewe: Aye, Bertaut: Aye, Stinnette: Aye, Williams: Aye, Milan: Aye, Rayner: Aye, Fraser: Aye)

PROCLAMATION/RECOGNITIONS

a. Proclamation-School Choice Week

b. Recognition of Donated Easements-Nursery Avenue Infrastructure Project

- Christopher D. & Mary K. Brander
- Bethany United Methodist Church
- Thomas A. Priscilla, Jr.
- Shirley V. Pearson
- Catoctin Creek Distilling Company, LLC
- Stephen Michael & Kristine A. Bridge
- Maria Kakouras

c. Recognition Winners of Purcellville Words on a Fence Contest

- 1st Place: Anne Vermette
- 2nd Place: Elizabeth Annotto

d. Recognition Christmas Parade Decorating Winners

- 1st place (tie): Cub Scout Pack 1162
- 1st place (tie): Cub Scout Pack 39
- 2nd place: 501st Legion
- 3rd place: Marce Willard-Shaffer

CLOSED MEETING

MOTION TO CONVENE A CLOSED MEETING:

As authorized under Section 2.2-3711.A.1. of the Code of Virginia, Council member Grewe moved that the Town Council convene in a closed meeting to discuss the performance of an employee of the public body of the Town of Purcellville.

Council member Grewe further moved that Town Council convene in a closed meeting, pursuant to its authority under the Code of Virginia Section 2.2-3711.A.1 and A.8., for the purpose of (1) receiving an investigatory report by outside legal counsel; (2) receiving legal advice concerning the contents of the report, and; (3) discussing whether disciplinary action is warranted based on the report's findings. Specifically, the matters subject to the investigatory report include (A) a complaint made by Council members Milan and Bertaut at the Town Council meeting on November 9, 2021, expressing concern about the content of a conversation overheard between an employee and a local developer in Town Hall after the Planning Commission meeting of October 21, 2021, and (B) a complaint filed anonymously by an employee of the Town against Council members Milan and Bertaut, for those comments made on November 9th and other similar behavior. Town Council will discuss the investigator's findings and whether discipline is warranted.

The following individuals are requested to attend the closed meetings:

1. All Town Council members
2. David Mekarski
3. Sally Hankins
4. Sharon Rauch
5. Attorney Missy York from the law firm of Harman Claytor Corrigan & Wellman

(Carried: 7-0-0, Grewe: Aye, Bertaut: Aye, Stinnette: Aye, Williams: Aye, Milan: Aye, Rayner: Aye, Fraser: Aye)

MOTION TO CERTIFY THE CLOSED MEETING:

In accordance with Section §2.2-3712 of the Code of Virginia, Council member Grewe moved that Town Council certify to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements under Virginia Freedom of Information Act; and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the public body.

Council member Grewe went on the record that the discussion went out of the realm of the stated motion for the closed meeting. Mayor disagreed with Council member Grewe.

(Carried: 5-2-0, Grewe: Nay, Bertaut: Aye, Stinnette: Aye, Williams: Aye, Milan: Aye, Rayner: Nay, Fraser: Aye)

PUBLIC HEARING

a. Proposed Amendment to Operating Budget that Exceeds 1% to Appropriate Funding for Renovations at Leased Police Department Facility

Mayor Fraser opened the public hearing at 9:12PM. Chief McAlister gave the staff report. Council was given three minutes each for comments. There were no citizen comments.

Council member Stinnette moved that the Council suspend the rules to allow action on Budget Amendment BA 22-011 the same night as the public hearing.

(Carried: 7-0-0, Grewe: Aye, Bertaut: Aye, Stinnette: Aye, Williams: Aye, Milan: Aye, Rayner: Aye, Fraser: Aye)

AND

Council member Stinnette moved that the Town Council approve Budget Amendment BA 22-011 with the following change: to appropriate the cost of the renovation for the Police leased facility in the amount of \$800,000 from the unassigned General Funds Reserve for Fiscal Year 2022, and furthermore that staff research the feasibility of using ARPA Revenue Reduction Funds should the estimates come in higher than what we have allocated as well as continue to pursue negotiations with the Lower Group with the Right of First Refusal.

(Carried: 7-0-0, Grewe: Aye, Bertaut: Aye, Stinnette: Aye, Williams: Aye, Milan: Aye, Rayner: Aye, Fraser: Aye)

Mayor Fraser closed the public hearing at 9:37PM.

STANDING COMMITTEE, COMMISSION, AND BOARD REPORTS

Mayor Fraser postponed the updates to another meeting.

DISCUSSION ITEM

a. Diagnostic and Project Plan from ZoneCo, LLC (formerly Discussion item 13b.)

David Mekarski, Town Manager, gave the report.

Council member Milan moved that the Town Council accept the recommendations of the Planning Commission to limit the joint work sessions with the Planning Commission and Town Council to two times, Tasks 3.9 and 3.10.”

With a friendly amendment, Council member Stinnette moved that the Town Council accept the recommendations of the Planning Commission with respect to the adoption of the ZoneCo crafted project plan reflected in attachment 2 and the formation of a work group.

Council member Milan accepted the friendly amendment.

(Carried: 4-3-0, Grewe: Nay, Bertaut: Aye, Stinnette: Aye, Williams: Nay, Milan: Aye, Rayner: Nay, Fraser: Aye)

CITIZEN/BUSINESS COMMENTS

Nan Forbes, Chair of Planning Commission, recommended Town Council and Town Manager to declare a local emergency to move towards holding all CCB meetings virtually for safety of volunteers and staff.

MAYOR AND COUNCIL COMMENTS

Council members were given 3 minutes for comments.

ACTION ITEMS

a. Utility Write Offs

Connie LeMarr gave the report

Council member Williams moved that the Town Council authorize the write off of uncollectable utility accounts listed above in accordance with the Towns' collection policy.

(**Carried: 7-0-0**, Grewe: Aye, Bertaut: Aye, Stinnette: Aye, Williams: Aye, Milan: Aye, Rayner: Aye, Fraser: Aye)

b. Declaration of Local Emergency Due to Surge in COVID-19 Cases

David Mekarski, Town Manager, gave the report.

Council member Stinnette moved that Town Council declare a local emergency due to a surge in the COVID-19 virus, for the purpose of allowing wholly electronic public meetings. He further moved that, because the nature of this emergency does not warrant activation of the Town's Emergency Management Plan, that such Plan remain inactivated except to allow for wholly electronic public meetings. He further moved that the Town Council reconvene at a future meeting to declare an end to this emergency, once the public health official for Loudoun County has indicated that the surge in COVID cases has returned to a normal level of transmission.

There was discussion pertaining to declaring a Local Emergency and an ulterior suggestion of canceling Committee, Commission and Board meetings until the next Town Council meeting on January 25th. There was no issue in canceling the Parks and Recreation Advisory Board, Board of Architectural Review Board had been canceled previously, and the Train Station Advisory Board would already be canceling their meeting. As far as the upcoming Planning Commission Meeting, staff confirmed that ZoneCo had begun the diagnostic portion of their work which would take 2-3 months before needing any interaction from the assigned work group, staff, or Planning Commissioners on this project. The cancelation of the Planning Commission meeting on January 20th would not impede ZoneCo's timeline on the project.

Council member Stinnette respectfully tabled the motion until the next Town Council Meeting with the understanding that all Committee, Commission and Board meetings between now and the next Town Council meeting will be formally canceled to protect the health and welfare of our community members that serve the community.

Council member Bertaut suggested referring back to Council member Raynor's friendly amendment to assist in possibly passing the original motion stated by Council member Stinnette to add a "sunset clause" to this motion and the discussion led to not having favorable support through the Town Attorney's reading of the legal statute on declaration of local emergency.

c. Resolution to Rename Harry Byrd Highway (Route 7) Within the Town of Purcellville Corporate Limits to Billy Pierce Memorial Pike

David Mekarski, Town Manager, gave the report.

Council member Stinnette moved that the Town Council adopt Resolution 22-01-01 to rename Harry Byrd Highway (Route 7) within the Town of Purcellville corporate limits to Billy Pierce Memorial Pike.

(Carried: 7-0-0, Grewe: Aye, Bertaut: Aye, Stinnette: Aye, Williams: Aye, Milan: Aye, Rayner: Aye, Fraser: Aye)

d. Initiating Process to Vote on Article 14 Amendments to the Zoning Ordinance

David Mekarski, Town Manager, gave the report.

Council member Stinnette was interested in the Town Attorney's analysis of how to treat the same thing (parcel) differently in different overlays and wanting a better understanding of a proposition to remediate any disconnects that are currently contained in the registry in which he could have addressed by the Town Attorney at the public hearing. Ms. Hankins agreed that Council member Stinnette's questions could be addressed at the public hearing.

Ms. Hankins, Town Attorney, had pointed out that Council had not received a staff report with any of these issues associated with this district and it would be prudent to receive that before Council made a decision. She also had pointed out the risk of having two public hearings if the public hearing is scheduled early.

Council member Milan moved that the Town Council direct staff to schedule and advertise a public hearing in preparation for a vote on Article 14 Amendments to the Zoning Ordinance as presented at the December 14, 2021 Town Council meeting in addition at this meeting the Town Attorney will provide answers to two topics requested by Council member Stinnette.

Council member Grewe shared having an issue with "demolition" section and the possible need for having a second public hearing if there were substantive changes during the first public hearing. Council member Stinnette asked for more clarification. Ms. Hankins agreed that there is a possible risk of time and money scheduling the public hearing early in the process.

(Carried: 4-3-0, Grewe: Nay, Bertaut: Aye, Stinnette: Aye, Williams: Nay, Milan: Aye, Rayner: Nay, Fraser: Aye)

DISCUSSION/INFORMATIONAL ITEMS

a. Red Flag Rules Annual Report

Connie LeMarr gave the report

b. Diagnostic and Project Plan from ZoneCo, LLC *(Item was moved during the meeting for placement after the public hearing)*

c. Town Manager Top Ten Focus Area Alignment with Current Projects

David Mekarski, Town Manager, gave the report.

Mayor Fraser suggested adding a column for “Level of Effort” by staff to complete each project. Council member Grewe recommended for Mr. Mekarski to converse with Hooper McCann, Director of Administration, on adding this subject column.

ADJOURNMENT

With no further business, Council member Grewe made a motion to adjourn the meeting at 11:33PM and unanimously carried 7-0-0.

Kwasi Fraser, Mayor

Kimberly Bandy, Deputy Town Clerk