

MINUTES
PURCELLVILLE TOWN COUNCIL MEETING
TUESDAY, APRIL 11, 2023, 6:00 PM
TOWN HALL COUNCIL CHAMBERS

Meeting video can be found at the following link: <https://purcellvilleva.new.swagit.com/videos/223803>

COUNCIL MEMBERS PRESENT: Mayor Stanley Milan, Mary Jane Williams, Carol Luke, Ron Rise, Mary Bennett, Erin Rayner, Vice Mayor Christopher Bertaut (*arrived 6:32 PM*)

STAFF PRESENT: Interim Town Manager John Anzivino, Director of Administration Hooper McCann, Director of Engineering, Planning & Economic Development Dale Lehnig, Town Attorney John Cafferky, Director of Public Works Jason Didawick, Director of Human Resources Sharon Rauch, Interim Zoning Administrator Martha Mason Semmes, Police Department Chief Cynthia McAlister, Financial Analyst Linda Jackson, Contract and Insurance Counsel Marty Kloeden, Executive Assistant/Town Clerk Diana Hays

CALL TO ORDER:

Mayor Milan called the meeting to order at 6:00 PM. The Pledge of Allegiance followed.

AGENDA AMENDMENTS/APPROVAL

Council member Bennett stated she had two budget amendments to add under Action items.

Council member Rise made a motion to move Action Items 11c., d., and e to Discussion items 12c., d., and e. to allow for Council deliberation prior to voting on each of the items at a subsequent meeting. The motion carried unanimously.

CONSENT AGENDA

- a. **Approval of Meeting Minutes-March 28, 2023**
- b. **Approval of Meeting Minutes-March 29, 2023 Special**
- c. **Approval of Meeting Minutes-April 3, 2023 Special**
- d. **Approval of Meeting Minutes-April 5, 2023 Special**

Council member Williams moved that the Town Council approve the consent agenda item 5a-d. as presented in the April 11, 2023 Town Council Meeting agenda packet.

(Carried: 6-0-1 absent, Rayner: Aye, Bennett: Aye, Bertaut: Absent, Rise: Aye, Luke: Aye, Williams: Aye; Milan: Aye)

RECOGNITION

Jason Didawick recognized Terry Water as VRWA 2023 Operator of the Year.

Mayor Milan and Town Council recognized Rick Reaves for his career as a band director.

Chief McAlister and the Council recognized several volunteers for the service to the Police.

PUBLIC HEARINGS:

a. Fiscal Year 2024 Town Manager's Proposed Budget

Mayor Milan opened the public hearing at 6:19 PM and introduced John Anzivino who gave the staff presentation. As there were no citizen or Council comments, Mayor Milan closed the public hearing at 6:23 PM.

b. Proposed Master Tax and Fee Changes – Effective 07.01.23

Mayor Milan opened the public hearing at 6:24 PM and introduced John Anzivino who gave the staff presentation. As there were no citizen or Council comments, Mayor Milan closed the public hearing at 6:28 PM.

c. SUP22-01 Drive-Thru Facility for Restaurant – Shoppes at Main and Maple

Mayor Milan opened the public hearing at 6:29 PM and introduced Martha Mason Semmes who gave the staff presentation. Mayor Milan introduced Matt Leslie with Walsh, Colucci, Lubely & Walsh. There were no citizen comments. Mayor Milan asked questions about the map on slide two and asked about the location of the proposed medical facility. Discussion took place about a second ingress/egress onto Ken Culbert Lane as well as the increased accessibility around the parking with the addition of the medical building.

With no further discussion Mayor Milan closed the public hearing at 7:16 PM.

STANDING COMMITTEES, COMMISSIONS AND BOARD QUARTERLY REPORTS:

a. Planning Commission (Nan Forbes, Chair/C. Bertaut, Council Liaison)

Chair Forbes gave the report.

b. Purcellville Arts Council (Bobbi Cowley, Chair/MJ Williams, Council Liaison)

Council member William gave the report and noted the report was emailed to Council.

c. Board of Architectural Review (Pat Giglio, Chair/C. Luke, Council Liaison)

Council member Luke gave the report.

**d. Parks and Recreation Advisory Board (Phil Rohrer and Laura Ours, Co-Chairs/
E. Rayner Council Liaison)**

Vice Chair Ours gave the report.

e. Economic Development Advisory Committee (David Wood Chair/R. Rise, Council Liaison)

Chair Wood referenced the report in the agenda packet.

f. Tree and Environment Sustainability Committee (Nikhil Mallampalli, Chair/M.

Bennett)

Council member Bennett gave the report.

g. Community Policing Advisory Committee (MJ Williams, Council liaison)

Council member Williams gave the report.

h. Train Station Advisory Board (Kacey Young, Chair/S. Milan, Council representative)

This item was emailed to Council in advance of the meeting.

CITIZEN COMMENTS:

Brian Dean, 601 W. Main Street, talked about his disappointment in the vote on the Western Loudoun Park and Ride.

MAYOR AND COUNCIL COMMENTS:

Council members Williams, Luke, Rise, Rayner, Vice Mayor Bertaut thanked the staff for their work on the budget presentations.

Council member Rayner noted she attended the Loudoun Together Summit in Middleburg and recognized the passing of former Planning Commissioner and town resident, Dennis Beese.

Council member Bennett noted she enjoyed the recognized provided to staff member Terry Andrews.

Vice Mayor Bertaut thanked the committees for their reports and the Planning Commission for their work on the applications and the rewrite of the zoning ordinance.

Mayor Milan thanked staff for breaking down the budget process to line by line; attended the Loudoun Together Summit; negative comments on social media and using good judgement before posting; the County and the Field's Farm Park project.

ACTION:

a. Appointment of Town Attorney

John Anzivino, Interim Town Manager, summarized the staff report and outlined the elements in the resolution. Council discussed the budget and limited hours allocated for the Town Attorney, and Mr. Anzivino noted that discipline would need employed by Council and staff using Town Attorney hours.

Council member Williams made a motion that the Town Council adopt Resolution 23-04-01 approving the appointment of John Cafferky as Town Attorney, and other legal assistance as outlined in the Resolution.

(Carried: 7-0, Rayner: Aye, Bennett: Aye, Bertaut: Aye, Rise: Aye, Luke: Aye, Williams: Aye; Milan: Aye)

b. Comcast Cable Franchise Agreement Extension

Marty Kloeden talked about the issues associated with finalizing the contract and requested an extension through the end of the year.

Council member Williams made a motion that the Council approve Resolution Number 23-04-02 extending the term of the Cable Franchise Agreement with Comcast of California/Maryland/Pennsylvania/ Virginia/West Virginia, LLC, until December 31, 2023 or until a new Cable Franchise Agreement with Comcast has been fully executed.

(Carried: 7-0, Rayner: Aye, Bennett: Aye, Bertaut: Aye, Rise: Aye, Luke: Aye, Williams: Aye; Milan: Aye)

c. Amendment of FY24 Budget

Council member Bennett made a motion to amend the FY24 budget for the Town of Purcellville to reflect a cost of living adjustment of 2% for all salaries and budget lines.

Council members Williams, Rise and Rayner spoke against the motion and proposed keeping the adjustment at 5% for employees due to the 8% inflation.

Mayor Milan, Vice Mayor Bertaut and Council member Luke supported the motion.

Mayor Milan requested a citizen be escorted out of the Chambers because of an outburst. The citizen left on his own will.

Mr. Anzivino talked about the award issued to an employee earlier in the meeting as well as other awards staff and the Town have received. Mr. Anzivino spoke against this item, as he has done previously, and was surprised this item was raised since this was not a budget meeting. Mr. Anzivino stated this would be voted on without finishing the budget, and added Council saved \$100,000 by contracting legal services, lowered the tax rate and saved \$90,000 as well as other reductions to be made in the budget. Mr. Anzivino talked about the current arrangement where surprises are brought up in a meeting, which are unusual, he is not used to and is not willing to continue with.

Mayor Milan recessed the meeting at 8:10 PM until 8:20 PM.

Mayor Milan reconvened the meeting at 8:20 PM and asked Mr. Anzivino why the comment came as a surprise. Mr. Anzivino stated the surprise is that this was not a budget meeting, have not finished reviewing the budget, have already saved money and there are probably more savings to be found. Mr. Anzivino stated to take that action before the budget process is complete, considering the County is giving 6% merit and merit increases, that Warrenton is giving 10% across the board, communities are competing for jobs and the town is having problems filling vacancies. Mr. Anzivino added that Council may have an idea where additional savings can be made but he does not. Mr. Anzivino apologized if he has offended Council but

will stand by his principles as a professional for over 40 years and has not experienced this type of action before.

Mayor Milan stated the budget has been reviewed for the past 3 weeks and has asked where numbers have come from, which are based on a 5% cost of living increase and 4% basis for merit. Mayor Milan added that making a budget adjustment on the pay raise is not unusual or out of character since the budget is based majority on those increases. Mayor Milan added he does not feel the timing of this amendment is out of sequence since the adjustments have been presented.

Council member Rayner reiterated this is not a bonus but a cost of living adjustment not even in line with the County and is insulting to the staff to not give at least the 5% adjustment.

Council member Bennett talked about making personal adjustments to accommodate the inflation rate.

Vice Mayor Bertaut talked about the three rounds of budget discussions he has been through and seems there is a never a good time to shake the budget and represent the people that elected them into the office. The Vice Mayor mentioned the budget meetings and there is never an item on the agenda to amend the budget and that Town Council cannot again be forced to choose between accepting or rejecting a budget in its totality at the end of the budget season and just before it has to go into operation, and asked if the Interim Town Manager had a suggestion on how to make changes to the proposed budget during the remaining budget meetings.

Mayor Milan stated the budget has been reviewed for three weeks the proposed increases and talked about the line item budget where they have found errors and numbers with no substantiation.

Mr. Anzivino noted the April 26th and May 3rd meetings are scheduled for open budget discussion by Council, which is where amendments should take place and noted he has not been asked about this previously. Mr. Anzivino added it is not so much is how Council has the right to reduce the budget but how it is being done, which he is standing by.

Mayor Milan asked that if staff is professional in their actions, he asked the Chief to escort a gentleman out and received a scoff, and added if you are dedicated to your trade and see an unruly person in Chambers and are asked for the individual to be escorted out, that came as a surprise. Chief McAlister stated every person has their freedom of speech, he was not unruly or disorderly, nor was she going to interfere with his freedom of speech. Chief McAlister added he did something with his hand one time and did not feel she had probable cause to remove him from the room.

Mayor Milan stated the budget amendment would be tabled until April 26th, as suggested. Mr. Anzivino stated he is not suggesting anything, has made his position clear and it is the surprise the nature of things occurring at the Council level and everybody wanting to get along and get it done as that seems to be what Council wants to do. Mr. Anzivino added it is a partnership

between the Manager and Council and this was completely unannounced to him tonight, had no time for preparation and said he is here because he wants to be here to help and expects a little heads up on things and isn't getting it so feels he is ready to go.

Council member Bennett thanked the Interim Town Manager for explaining the process, and that it was mentioned at the last meeting that any budget amendments should be brought up and now understands there are two meetings scheduled where proposed amendments could be made.

Mr. Anzivino stated he mentioned in a meeting with the Mayor earlier in the week those were the appropriate times to bring up the budget amendments and there was no positive affirmation on his part, and tonight is a complete surprise. Mr. Anzivino stated he worked in the public sector for 25 years and has not experienced this and does not want to do it anymore. Mr. Anzivino resigned his position as Interim Town Manager, as it was obvious Council could handle it on his own.

Council member Williams requested the second amendment to be made by Council member Bennett who stated it was none of her business. Council member Williams apologized to Mr. Anzivino and the staff and noted the social security raise was 9% last year and is 8% to 9% this year without asking for it.

Since no second to the motion was made, Mayor Milan tabled the budget amendments until the April 26th meeting.

Council member Rayner requested a recess and a motion to go into closed meeting to discuss the departure of John Anzivino. Mayor Milan recessed the meeting for five minutes.

Mayor Milan announced Council would be going into closed meeting then adjourning for the evening.

Vice Mayor Bertaut made a motion that as authorized under section 2.2-3711(A)(1) and 2.2-3711(A) of the Code of Virginia that Town Council convene in a closed meeting for consultation with legal counsel employed or retained by the public body regarding specific legal matters requiring the provision of legal advice by such counsel. Specifically, the Town Council will receive legal advice concerning the Interim Town Manager.

(Carried: 7-0, Rayner: Aye, Bennett: Aye, Bertaut: Aye, Rise: Aye, Luke: Aye, Williams: Aye; Milan: Aye)

In accordance with Section §2.2-3712 of the Code of Virginia, Vice Mayor Bertaut made a motion 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.

(**Carried: 7-0**, Rayner: Aye, Bennett: Aye, Bertaut: Aye, Rise: Aye, Luke: Aye, Williams: Aye; Milan: Aye)

Mayor Milan announced Council would reach out to Martha Mason Semmes to have her stand in as the Interim Town Manager.

c. Bush Tabernacle Workgroup Update and Request for Rescission of Non-Renewal Notice to the Concessionaire

Deferred

d. Approval of Budget Amendment for Police Department Furniture

Deferred

e. List of Projects to Determine Where to Use the Interest Being Earned from the ARPA Funds

Deferred

DISCUSSION/INFORMATIONAL ITEM(S):

a. Route 7/690 Interchange Update

Deferred

b. Future Town Council Meetings and Agenda Items

Deferred

ADJOURNMENT:

With no further business, Vice Mayor Bertaut made a motion to adjourn the meeting at 9:22 PM.

Stanley J. Milan Sr., Mayor

Diana Hays, Town Clerk

Mayor
Stanley J. Milan, Sr.

Council
Mary F. "Boo" Bennett
Christopher Bertaut
Carol Luke
Erin Rayner
Ronald B. Rise Jr.
Mary Jane Williams



Interim Town Manager
John Anzivino

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

RESOLUTION NO. 23-04-01

PRESENTED: APRIL 11, 2023
ADOPTED: APRIL 11, 2023

**A RESOLUTION: APPROVING THE APPOINTMENT OF JOHN CAFFERKY AS
TOWN ATTORNEY**

WHEREAS, the Town of Purcellville is a municipal corporation organized and existing under the laws of the State of Virginia and is charged with providing public services to the local residents; and

WHEREAS, the office of Town Attorney is currently vacant; and

WHEREAS, pursuant to Article III, Section 2-101 of the Purcellville Town Code, the Town Council desires to appoint John Cafferky with Blankingship and Keith, as Town Attorney; and

WHEREAS, Mr. Cafferky shall be authorized to represent the Town in all legal matters pertaining to the Town at the discretion and direction of the Town Council, and who shall be responsible for advising the Mayor, Town Council and Town staff upon legal questions arising in the conduct of Town business, preparing ordinances and resolutions when requested, rendering official opinions upon legal matter or question submitted by the Mayor, Town Council and Town staff, attend once monthly regular meetings of the Town Council and Planning Commission, and prepare contracts and instruments to which the Town is a party; and

WHEREAS, in the case of Mr. Cafferky's absence, Gifford Hampshire and Jeremy Root with Blankingship and Keith are authorized to act on behalf of the Town, when necessary; and

WHEREAS, Blankingship and Keith will ensure an Attorney is on site at Town Hall one (1) pre-designated day per week to meet, pre-scheduled by the Town Manager's office, with Council members and staff to discuss legal issues related to Town projects, issues, etc.; and

A RESOLUTION: APPROVING THE APPOINTMENT OF JOHN CAFFERKY AS TOWN ATTORNEY

WHEREAS, John Cafferky, Gifford Hampshire and Jeremy Root will be billed at the hourly rate of \$330.00 and work performed by Associates would be billed at the lower hourly rate of \$275.00 or their actual rate, and the Town will only be billed for time spent serving the Town's legal needs; and


WHEREAS, John Cafferky will discount by half, travel time not incurred during the regular workday, and Blankingship and Keith will exclude billing any travel time during which other business can be conducted; however, will bill the Town for mileage, tolls, and ordinary costs to include postage, copies, etc.;

WHEREAS, upon the recommendation of Blankingship and Keith the Town Council agrees to retain the services provided by the current part-time attorney, Marty Kloeden, to draft contracts, draft and prepare insurance compliance documents and review and recommend telecommunications related documents at the current rate of \$80.00 per hour and authorizes Mr. Kloeden and/or Mr. Cafferky to continue to seek advice and counsel from Hubacher and Ames for cellular leases, cable franchise renewals, etc. due to the specialized nature of the field at levels to be approved by the Town Council as part of the annual budget approval process..

NOW, THEREFORE, BE IT RESOLVED, the Mayor and members of Town Council authorize the Interim Town Manager to execute the agreement with Blankingship and Keith agreeing to the terms as outlined above.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

PASSED THIS 11th DAY OF APRIL, 2023.


Stanley J. Milan, Sr., Mayor
Town of Purcellville


Diana Hays, Town Clerk

Mayor
Stanley J. Milan, Sr.

Interim Town Manager
John A. Anzivino

Council
Mary F. "Boo" Bennett
Christopher Bertaut
Carol Luke
Erin Rayner
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TOWN OF PURCELLVILLE
IN
LOUDOUN COUNTY, VIRGINIA

RESOLUTION NO. 23-04-02

PRESENTED: APRIL 11, 2023
ADOPTED: APRIL 11, 2023

A RESOLUTION: RESOLUTION EXTENDING THE TERM OF THE COMCAST OF CALIFORNIA/MARYLAND/PENNSYLVANIA/VIRGINIA/WEST VIRGINIA, LLC, CABLE FRANCHISE AGREEMENT

WHEREAS, effective on September 1, 2007, the Town Council (the "Council") of the Town of Purcellville (the "Town"), and Comcast of California/Maryland/Pennsylvania/Virginia/West Virginia, LLC ("Comcast") entered into a Cable Franchise Agreement (the "Franchise"); and

WHEREAS, the Franchise expired on August 31, 2022; and

WHEREAS, the Franchise was extended from August 31, 2022 until January 31, 2023 and then extended until April 30, 2023 to permit continuing discussions with Comcast; and

WHEREAS, Town staff and Comcast remain in discussions concerning the renewal of the Franchise; and

WHEREAS, Town staff anticipates that due to the complexity of the issues involved in the renewal negotiations those negotiations are unlikely to be completed before the expiration date of the current Franchise extension; and

WHEREAS, the Council wishes to extend the term of the Franchise to allow sufficient time for the parties to complete negotiations; and

WHEREAS, by letter dated April 5, 2023 from Comcast's Director of Government and Regulatory Affairs to the Interim Town Manager, Comcast has expressed consent to the proposed extension of the Franchise; and

A RESOLUTION:

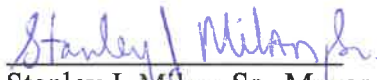
**RESOLUTION EXTENDING THE TERM OF THE COMCAST OF
CALIFORNIA/MARYLAND/PENNSYLVANIA/VIRGINIA/WEST VIRGINIA, LLC,
CABLE TELEVISION FRANCHISE**

WHEREAS, the Council desires to reserve its rights under state and federal law, including, without limitation, 47 U.S.C. § 546, and acknowledges that Comcast may have certain rights as well.


NOW, THEREFORE, BE IT RESOLVED THAT, the term of the Franchise is hereby extended from April 30, 2023 until December 31, 2023 or until the new Cable Franchise Agreement with Comcast has been fully executed.

This Resolution shall be effective immediately upon adoption.

PASSED THIS 11th DAY OF APRIL, 2023.


Stanley J. Milan, Sr., Mayor
Town of Purcellville

ATTEST:


Diana Hays, Town Clerk