

MINUTES
PURCELLVILLE TOWN COUNCIL MEETING WORK SESSION
TUESDAY, APRIL 25, 2023, 6:00 PM
TOWN HALL COUNCIL CHAMBERS

Meeting video can be found at the following link: <https://purcellvilleva.new.swagit.com/videos/224802>

COUNCIL MEMBERS PRESENT: Mayor Stanley Milan, Mary Jane Williams, Carol Luke, Ron Rise, Vice Mayor Christopher Bertaut, Boo Bennett, Erin Rayner

STAFF PRESENT: Director of Administration Hooper McCann, Director of Human Resources Sharon Rauch, Police Department Chief Cindy McAlister, Police Department Deputy Chief David Dailey, Contracts and Insurance Counsel Marty Kloeden, Director of Public Works Jason Didawick, Director of Engineering, Planning & Development Dale Lehnig, Zoning Administrator Martha Mason Semmes, Division Manager Parks and Recreation Amie Ware, Town Clerk/Executive Assistant Diana Hays, Deputy Town Clerk Kimberly Bandy

CALL TO ORDER:

Mayor Milan called the meeting to order at 6:02 PM. The Pledge of Allegiance followed.

CLOSED MEETING:

CONVENE THE CLOSED MEETING MOTION:

Council member Rayner moved pursuant to the Code of Virginia Section 2.2-3711(A)(1) that the Purcellville Town Council convene in a closed meeting to discuss and consider perspective candidates for employment of the public body. Specifically, the Town Council will interview applicants for the Interim Town Manager position.

The following are requested to attend the closed meeting:

1. All Town Council members
2. Sharon Rauch, Director of Human Resources

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

CERTIFYING THE CLOSED MEETING MOTION:

In accordance with Section §2.2-3712 of the Code of Virginia, Council member Williams 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.

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

AMENDMENTS:

Council member Williams moved to add a discussion item regarding highlights of the April 12th staff meeting in which the Mayor impromptu attended.

Mayor Milan moved to amend action item 9a. "SUP 22-01 Drive Thru Decision" to Discussion 10a. and for the Discussion item 10e. "Will of the Majority" be moved to 10b.

CONSENT AGENDA:

- a. Approval of Meeting Minutes - April 10, 2023 Special**
- b. Approval of Meeting Minutes – April 12, 2023 Special**
- c. Approval of Meeting Minutes - April 17, 2023 Special**
- d. Approval of Meeting Minutes - April 19, 2023 Special**

Council member Williams moved that the Town Council approve the Consent Agenda 5a.- d as presented in the April 25, 2023 Town Council Meeting Work Session agenda packet.

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

CITIZEN COMMENTS:

Christopher Hansford, requested to speak, but was not in Chambers.

Caitlin Serotkin, 841 Pencoast Drive, shared to be in favour of the 7/690 and for it to be built in its' entirety, and in favour of 5% Cost of Living Allowance (COLA) for the entire staff with budget cuts not to be correlated with staff. She also requested an apology to the citizens of the town from Mayor Milan, Vice Mayor Bertaut, Council member Luke, and Council member Bennett for cutting senior staff and destroying the Town relationship with the County, and not delivering on a second entrance to Woodgrove High School for safety. She also asked for the Mayor Milan and Vice Mayor Bertaut's resignation on the grounds of violation of case law and first amendment rights.

Jeff Hedrick, 433 Autumn Chase Court, agreed with previous comment and is embarrassed by actions and conduct of Council leadership and the damage that has been done.

Christa Kermode, 300 block of East Main Street, shared comment on the April 11th meeting disagreeing with consideration of a 2% COLA with the already budgeted 5%, and the actual COLA being 8% and finds it irresponsible and ill-informed for a comparison between government budgeting and family financing. She disagrees with staff to bear the burden of towns utility debt in which numerous professionals have suggested to previous Council the best practices to resolve the issues and have been ignored.

Mitchel Seipt, 260 E. King James Street, shared moving here for the opportunity of community and is now concerned that there is a building of walls/divisions instead of solutions for creating civility, cooperation, and conversation. He was particularly concerned over the item "Will of the Majority".

Casey Chapman, 125 Hirst Road, CaseCo LLC, shared being pleased to hear from the community and hope they will be listened to. He reviewed awards and notifications of credits being given to staff, felt budget line items have been a waste of time for staff, displeased with outcomes with the County, Planning Commission needs more guidance, and he supports 7/690 project.

Brian Dean, 601 W. Main Street, shared being saddened by the outcome of the April 11th Meeting and shared seeing mismanagement and dysfunction for the town from Council leadership.

David Milam, 122 Amalfi Court, former CPAC member, shared support for Police and salaries being very low, he referenced the Baker Tilly 2019 report regarding salary, disappointed in the suggested 2% COLA as it was an insult, and recognizing how Council treats staff.

Daniel Carvill, 224 Apsley Terrace, commented on COLA issues and shared that staff is the most valuable, intangible assets that the town has and it cannot afford to lose the staff. He would be willing to pay higher taxes to help staff.

Nicholas Pelchar, 530 S. 20th Street, commented that there is no need for a Town Police Department.

Brian Ducharme, 141 S. 29th Street, commented and showed concerned on the first 100 days of council seats, lack of transparent government decision making, “the mission, vision, and values” methodology on town website needs review, specifically the reference to teamwork.

Veronica Maddox 608 Saville Row Terrace, echoed prior citizen comments with the exception of one and she believed that COLA should be on the agenda as a topic and discussion of 2% COLA increase was insulting to staff.

MAYOR AND COUNCIL COMMENTS

Council member Williams thanked the residents for their thoughts and support of staff specifically the three “Cs” of governing, mainly civility and thanked staff for answering the line by line budget questions.

Council member Luke commented on visiting door to door of the citizens of Purcellville and the difficulty of trying to meet the needs of everyone; staff and residents. She cares for staff and the people of Purcellville and in regards to COLA, there is a need to satisfy the budget.

Council member Rise thanked the residents for comments and shared that the town has a very professional staff which there is a need to take care of them. Staff should not be told that their families are less important than ours and shared that Council needs to take care of staff because they take care of this town.

Council member Rayner thanked staff for all the work they do and their perseverance. She commented on how they keep the town running. She also thanked all the citizens for the support of the town and staff. She echoed comments of Council member Rise, and that it is week 4 on budget discussions and how Council should be concentrating on money coming into the town. There is no spending problem, but a need to: enhance economic growth opportunities; attract new businesses; investment in infrastructure; and develop partnerships with the County.

Council member Bennett shared no comment.

Vice Mayor Bertaut thanked staff for the budget sessions and thanked the citizens for sharing their comments. He shared that he ran his campaign on the platform of fiscal responsibility to the citizens and shared the pay increase built into the budget is not 5 %, it is 9%; 5% COLA and 4% performance base pay increase and salaries are on par with other municipalities. He suggested the importance of the need for a grant writer. He commented on the agenda item “Will of the Majority” and it is affirmation of the democratic process to keep the activity of the public officials public and transparent.

Mayor Milan echoed comments of Vice Mayor Bertaut. He shared that it was absurd to have a request for an elected official resignation because of the unknown legal aspects of Council not being able to be shared. The review of line by line budget was necessary to disclose issues from previous budget sessions, unnecessary activities, and identify discretionary and nondiscretionary funds. He shared an example of the legal department services being \$500,000 and by going with a firm there would be a savings of \$100,000. There is a question of increase salaries by 9% and

put the burden of 6% on water rates and there is a need to balance this in with the big picture. He commented on the staff meeting of April 12th being held in Council Chambers and listened to complaints/conversation and that 9000 other people need consideration. He appreciates everything staff does and wants to make amends to balance what is visual to actual.

ACTION ITEM(S):

a. Appointment of Interim Town Manager, if Council chooses

Mayor Milan shared that there would be no action taken. Sharon Rauch needs to ask the candidate for availability, extend the offer, and create a contract.

DISCUSSION/INFORMATIONAL ITEM(S):

a. SUP 22-01 Drive Thru Decision

The applicant shared a presentation.

Mayor Milan conducted a straw vote on returning this item to an action item which was in favor of moving the item back to action.

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

Martha Mason Semmes, Zoning Administrator, proposed adding the following to the motion: “Add a raised crosswalk as depicted on the circulation exhibit presented by the applicant at the April 25th Town Council Meeting”.

Vice Mayor Bertaut reiterated to add condition #8: “Add a raised crosswalk as depicted on the circulation exhibit presented by the applicant at the April 25th Town Council Meeting”.

Council member Williams moved that the Town Council approve SUP 22-01 to permit a drive-through facility for a proposed restaurant in the Shoppes at Main & Maple shopping center subject to the following conditions:

1. Ensure during site plan review that the landscaping and screening measures between the drive-through and adjacent homes are adequate to screen the proposed facility from all homes;
2. Add a striped crosswalk across the northwest edge of the drive-through lane connecting the 6-foot sidewalk with the building to allow pedestrians walking to the facility from the east to safely cross from the sidewalk to the building;
3. Install bollards on either side of the drive-through aisle at the recommended pedestrian crossing from the proposed sidewalk to the building to further protect pedestrian safety at this crosswalk. These may be lighted bollards and their placement and details must be reviewed and approved by the Town engineers;
4. The final, on-site circulation plan for the drive-through facility parking lot must be reviewed and approved by the Engineering, Planning and Development Department

specifically related to pedestrian and vehicular safety in the facility's vicinity prior to the issuance of site plan approval for the facility;

5. Additional information must be provided on the routing and hours of operation for construction traffic and measures that will be taken to address potential impacts on adjacent roadways and uses. Said information shall be provided as part of a construction management plan within the site plan;

6. Limit the hours of operation to 4:30AM to 12 Midnight, with any variant final hours to be negotiated at the site plan stage. Negotiated hours cannot include 24 hours of operation; and

7. Ensure that the Board of Architectural Review is provided with the additional design standards of Article 4, Section 7.9 of the MC District regulations that must apply to this proposed use at the time of their review of the plans for the use.

8. Add a raised crosswalk as depicted on the circulation exhibit presented by the applicant at the April 25th Town Council Meeting.

(Carried 4-2-1 Abstain; Rayner: Aye, Bennett: Nay, Bertaut: Abstain, Rise: Aye, Luke: Aye, Williams: Aye; Milan: Nay)

b. Will of the Majority

Vice Mayor Bertaut gave the report and shared an email to Town Council referencing the City of Williamsburg Policy and Procedures Manual referencing the Will of the Majority. Hooper McCann, Director of Administration, shared to have a more wholistic approach to accept policies and procedures on its entirety. Mayor Milan stated that Ms. McCann will add this to the policy and procedure manual and move forward on this project as a whole with the Interim Town Manager once they are in place.

Hooper McCann, Director of Administration, requested a 5 minute recess.

c. PFAS Funding from VDH for the Town-Requires Council Approval

Jason Didawick, Director of Public Works, gave the report and shared there is a May 5th deadline.

Vice Mayor Bertaut moved that the Purcellville Town Council approve the Letter of Intent for two grant applications to the Virginia Department of Health, Office of Drinking Water Planning & Design Fund Program to fund engineering reports addressing potential impacts to the Town water utility of proposed federal water quality regulations for six contaminants referred to collectively as PFAS.

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

Mayor Milan conducted a straw vote to move this item to an action item that passed to be in favor and there was a repeated motion and vote.

Vice Mayor Bertaut moved that the Purcellville Town Council approve the Letter of Intent for two grant applications to the Virginia Department of Health, Office of Drinking Water Planning & Design Fund Program to fund engineering reports addressing potential impacts to the Town water utility of proposed federal water quality regulations for six contaminants referred to collectively as PFAS.

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

Mayor Milan shared that the Bush Tabernacle item be moved to Action as well as the Approval of Budget Amendment for the Police Department

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

Amie Ware, Division Manager Parks and Recreation, gave the report. Council member Rise shared that he would not want the Tabernacle to be closed over the summer. Council member Rayner shared that the current contract needs to stay the same to keep moving forward with keeping the Bush Tabernacle open. Marty Kloeden shared this would be a justifiable emergency procurement which means the contract has no changes. He corrected the motion to replace the June 30, 2023 be changed to July 1, 2023 if there were to be a motion at this meeting. There were several questions of the contract verbiage. Vice Mayor Bertaut shared there is 2 months left in the original agreement and would like the town to put out an RFP with an aggressive timeline. Ms. McCann commented that the workgroup has presented a well thought out timeline. Vice Mayor Bertaut shared a different way to proceed in a shortened amount of time and asked Marty Kloeden if the rate had to stay the same and Mr. Kloeden confirmed that it did have to stay the same. The non-renewal notice (terminated contract) was discussed and how/what was terminated by the town.

Mayor Milan would like the Interim Town Manager to look over this contract. Sharon Rauch shared that the Interim Town Manager will be in place by Friday. Council member Rise reminded the process included it needing to be published for 10 business days and the drop-dead timeframe is before the middle of June, but sooner the better. Ms. Ware shared the urgency because of event reservations are not being taken by the current operator. Brian Dean, member of the workgroup, shared to move quickly and agreed with the need for more promotion of the roller-skating rink.

Mayor Milan suggested scheduling a special meeting, if necessary, to meet deadlines.

According to Resolution 23-01-01 at 9:30pm during a meeting the Council should vote to extend the meeting by 30 minutes. Mayor Milan asked if there was any objection in extending the meeting to complete the budget amendment item for the Police Department. The meeting continued with no Council member objections.

e. Approval of Budget Amendment for Police Department Furniture

Chief Cindy McAlister, Police Department, gave the report and walked through the history for the renovation and the set timeline for ordering the furniture for the new space. Chief McAlister shared that she has been frugal in this request and the amount could be decreased to \$112,000.

Mayor Milan conducted a straw vote to move this item to an action item that passed to be in favor to do so. (Carried 7-0)

Council member Williams moved the Town Council approve Budget Amendment BA 23-035 (attachment 3), to appropriate \$112, 850 from the General Fund Reserves for the funding of furniture for the renovated Police Department Leased Facility in the amount of \$112,850 in Fiscal Year 2023.

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

f. Route 7/690 Interchange Update

Dale Lehnig, Director of Engineering, Planning & Development, suggested to defer this item to the next meeting when there would more allowed time to discuss. Mayor Milan stated to add this item to the next agenda at the top of the list for discussion.

g. Discussion of Staff Meeting April 12, 2023

(not discussed)

ADJOURNMENT:

With no further business, Vice Mayor Bertaut made a motion to adjourn the meeting at 10:04 PM and the motion carried.

Stanley J. Milan Sr., Mayor

Kimberly Bandy, Deputy Town Clerk