

**MINUTES  
PURCELLVILLE TOWN COUNCIL MEETING  
TUESDAY, DECEMBER 12, 2019, 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  
Tip Stinnette, Vice Mayor  
Nedim Ogelman, Council member  
Ryan Cool, Council member  
Ted Greenly, Council member (arrived 8:00 PM)  
Chris Bledsoe, Council member (arrived 7:25 PM)  
Joel Grewe, Council member

**ABSENT:** None

**STAFF:** David Mekarski, Town Manager  
Sally Hankins, Town Attorney  
Hooper McCann, Director of Administration  
Sharon Rauch, Director of Human Resources  
Amie Ware – Division Manager, Parks and Recreation  
Liz Krens, Director of Finance  
Connie LeMarr, Assistant Director of Finance  
Paula Hicks, Accounting Manager  
Patrick Sullivan, Director of Community Development  
Andy Conlon, Senior Planner  
Chief Cynthia McAlister, Police Dept.  
Major Dave Dailey, Police Dept.  
Buster Nicholson, Director of Public Works  
Jason Didawick, Assistant Director of Public Works  
Andrea Broshkevitch, Capital Projects and Engineering  
Stacie Alter, Water Compliance Officer  
Dale Lehnig, Capital Projects and Engineering Manager  
Diana Hays, Town Clerk/Executive Assistant  
Kimberly Bandy, Deputy Town Clerk

**CALL TO ORDER**

Mayor Fraser called the meeting to order at 7:00 PM. The Pledge of Allegiance followed.

**AGENDA AMENDMENTS/APPROVAL**

Council member Grewe requested to add a discussion item on the update of the current status of the Fireman's Field Maintenance Agreement. Council member Grewe asked to remove item 6a

Updated Readout of PHC Management Teams Top 10 Initiatives from the Consent Agenda and move to an Action Item. Council member Ogelman requested it be moved to a Discussion Item. Mayor Fraser approved the request to move the item to discussion.

The Town Council recognized Patrick Henry College for their certification in the Strategic Intelligence in National Security Program International Association Education.

The Town Council recognized Patrick Henry College for their first place finish in the Mock Trail in Baltimore, MD. *(no one was present to accept the recognition)*

### **CONSENT AGENDA**

Council member Grewe made a motion that the Town Council approve the Consent Agenda items 6b-g as presented in the December 10, 2019 Town Council meeting packet. The motion was seconded by Council member Ogelman and carried 5-0-2 absent.

### **PRESENTATIONS**

#### **a. FY19 Certified Annual Financial Report (CAFR)**

Megan Argenbright, Director CPA, Brown, Edwards & Company. LLP, presented the report. A copy of the report is posted on the Town's website and is on file in the Clerk's office. Ms. Argenbright stated that the CAFR was issued on time with an unmodified clean opinion.

Vice Mayor Stinnette referenced the letter and asked Ms. Argenbright to talk to the three corrective misstatements and the uncorrected misstatements. Ms. Argenbright stated the first was on inventory, which they find as a new auditor, the Town has inventory but has not necessarily been recorded as inventory in the financials. Ms. Argenbright added that staff was very responsive to the comment and it was adjusted to record the inventory.

Ms. Argenbright stated the second item is recording capital lease proceeds in the General Fund and is a different basis of accounting, and when there is a capital lease it is shown as proceeds as other revenue and other financing source and were for leased vehicles. Ms. Argenbright stated the third item was to increase capital assets for other leases in the other funds, and does not anticipate any of the three items being in the letter next year. Ms. Argenbright stated that the uncorrected misstatement is developer contributions meaning when a developer comes in, the roads are recorded but the water and sewer lines that are paid for by someone else would then become the property of the Town and the Town is then responsible for maintaining those, which need to be recorded. Ms. Argenbright added that there is a plan in place how to record it but did not want to rush into recording anything and did not feel it would change interpretations of the financial report. Ms. Argenbright stated the second is related to the inventory, which was adjusted and recorded at June 30, 2019, but it would have been difficult to go back and figure what it was at June 30, 2018 to know the beginning inventory balance.

Vice Mayor Stinnette confirmed with Ms. Argenbright that there were no disagreements with management and arrived at the conclusion that the Town is in a strong position in terms of its

financial accounting and management practices. Ms. Argenbright agreed, and added they issued a clean opinion.

Mayor Fraser referenced the financial highlights, bullet 3, and the increase in \$1 million and asked the key contributor. Liz Krens stated the increase is from revenues that exceeded expectations, particularly property tax and business revenues (licenses, meals tax) and expenditure savings in the Police and Public Works Depts.

Council member Ogelman referenced the discussion about the developer contributions and his understanding is there is an undercounting of a cost incurred by the Town as a result of the infrastructure provided by the developer. Liz Krens stated when the developers create a new development they put in roads and the roads are turned over to VDOT by a process through the Public Works Dept. Ms. Krens stated they have not been asked to identify or value the connecting water lines that the developers install. Ms. Krens added that Finance would be working with Public Works to develop a process over the next year to ask the developer to help the Town value the lines when they are turned over to the Town, which can then be recorded in the financial statements. Council member Ogelman asked how they are recorded and Liz Krens stated they are recorded as assets to the Town. Council member Ogelman stated he wanted to make sure that the perpetual operations, maintenance and capital improvements that go into the assets is accounted for. Liz Krens stated that any maintenance that occurs is reflected as annual or capital expenditures.

**b. Acre Investment Management, LLC, Sale of Nutrient Credits – Aberdeen Property**

Mayor Fraser introduced Rob Banner. Mr. Banner provided an overview of Acre's history and proposal for the Town, which is included in the agenda packet.

Council member Ogelman referenced the Aberdeen property and the infrastructure and asked if there is power. Jason Didawick stated staff has temporary power to the Jeffries Well but there is no other power. Council member Ogelman asked about expenses associated with getting power and Mr. Didawick stated he would need to check with the power company. Council member Ogelman asked if there is any advantage to the location relative to carbon credits. Mr. Banner stated the market is healthy for credits in this region, and added that in terms of the carbon market, the Town would be growing trees which reflect carbon as the trunk grows. Mr. Banner stated carbon credits are split 50/50 and nutrient credits are split 70 (Town)/30. Council member Ogelman confirmed that what is used to create nutrient credits can also be used when the trees are mature enough for carbon credits, and could use the existing trees to try to get carbon credits. Mr. Banner confirmed and that there may be a 4-5 year growth before credits are collected, and talked about the one time financial investment up front.

Council member Grewe referenced the nutrient and carbon credit industry and asked how often they can be sold – one time, reoccurring, etc. Mr. Banner stated the nutrient credit is a one-time event and the carbon market is as the tree grows and that this happened three times this year at one location. Council member Grewe asked if the land would need placed in an easement and never leaves. Mr. Banner stated that is the idea as he feels this is what the state wants to do to

protect rivers and tributaries. Council member Grewe referenced the activities on Aberdeen (hunting, fishing, etc.) and asked if those could be done with the easement. Mr. Banner confirmed they could, including selling licenses for hunting on hunting preserves. Council member Grewe referenced the current park, Great Meadows, and what the support services structure are supporting the events. Mr. Banner stated there was nothing in the Great Meadow space before it became what it is. Council member Grewe referenced the initial buildout to be about \$150,000 and Mr. Banner agreed on the rough estimate.

Council member Ogelman referenced the \$100,000 and that it would be to put together an equestrian arrangement. Mr. Banner confirmed there should be a proper arena for competition which would need engineered. Council member Ogelman stated he wanted to be sure in keeping the nutrient and carbon credits are cost. Mr. Banner stated they would buy the saplings, plant and manage the saplings, and would go through the application process and pay any of the fees. Once the credits are sold, the expenses are deducted from the proceeds and the Town gets 70 and Acre gets 30.

Vice Mayor Stinnette referenced emails he exchanged with Mr. Banner over the weekend and the sample ten year term versus the recommended fifteen year term. Mr. Banner stated each contract is different to meet the needs of the community, and that current rates are being re-valued, and that the values being discussed currently are substantial but could change. Mr. Banner urged Council to take a direction to make this happen as soon as possible to get the most benefit. Vice Mayor Stinnette referenced the easement being permanent and Mr. Banner confirmed. Vice Mayor Stinnette stated that the restrictions associated with the conservation landowner agreement expires after fifteen years and Mr. Banner stated it is in perpetuity. Vice Mayor Stinnette stated the CRP prohibits commercial agriculture and Mr. Banner confirmed. Vice Mayor Stinnette stated that the revenues garnered initially go to Acre to repay the investment and Mr. Banner confirmed, as noted in the term sheet. Vice Mayor Stinnette stated there is an agreement that would be negotiated on the Town's behalf with DEQ and Mr. Banner confirmed. Vice Mayor Stinnette stated it is not necessarily the same as the agreement between the Town and Acre, and Mr. Banner confirmed. Vice Mayor Stinnette asked if Council could see the agreement that would be crafted for DEQ and Mr. Banner confirmed they would share the agreement. Vice Mayor Stinnette asked if hops and vertical farming would not be consistent with the easement and Mr. Banner stated he is not sure where the boundary of the easement extends and he would get back with Council. Vice Mayor Stinnette talked about the number of activities being proposed and finds the proposal intriguing and feels Council needs to take the material and review it comprehensively then discuss what is envisioned for the easement area. Vice Mayor Stinnette asked if the rates would likely go down and Mr. Jensen confirmed. Vice Mayor Stinnette asked how often the rates have adjusted and Casey Jensen stated they have not changed, which is why it is expected, and talked about the adjustment process. Vice Mayor Stinnette asked if they expect the rates to go down by about 40%. Mr. Jensen stated that he has seen rates change from 80-90% to 20-30%. Vice Mayor stated as long as an application is submitted prior to December 31, the current rates would be locked in. Mr. Jensen stated public comment is a 30 day comment period. Vice Mayor Stinnette asked if the new rates are expected to be released for public comment on January 2 and Mr. Jensen stated that is his understanding. Vice Mayor Stinnette confirmed that as long as the Town has a completed application submitted before the end of the public comment period, the current rates would be locked in and Mr. Jensen

confirmed. Vice Mayor Stinnette asked how long it takes to complete an application and Mr. Jensen talked about the agreement between Acre and the Town first to allow enough time to submit and confirmed approximately 30 days.

Council member Bledsoe referenced the conservation agreement in perpetuity and asked what the piece is that expires in the five year, ten year and fifteen year term and how it impacts the arrangement. Mr. Banner stated that knowing the lease could be short would allow the Town to do what is needed quickly with renewals, giving Acre enough time to put the restricted covenants on the land for protection for DEQ, as DEQ will want to see the agreement is in perpetuity. Mr. Banner talked about other properties that could also be utilized. Council member Bledsoe confirmed the lease agreement is the term by which the Town agrees to partner with Acre and Mr. Banner confirmed. Council member Bledsoe asked if the conservation easement is put in place with Acre's arrangement to DEQ which is in perpetuity and asked what happens if the lease expires in ten years. Mr. Banner stated the DEQ will want to see the deed restrictions placed on the property and talked about the Town renewing the lease after five years. Council member Bledsoe referenced the devaluing of the credits that are expected the first of the year and asked if there is a potential if the Town wanted to get into this, if there is any reason why we couldn't do split parcels with 50 acres now and another 40 acres at a later time under a different arrangement. Mr. Banner stated he is not sure this could be done with DEQ to lock in rates in phases.

Council member Ogelman stated the property is already in a permanent conservation easement and some things cannot be done with that property. Mr. Banner confirmed that as long as the structures are temporary, there are many options for the remaining 50-60 acres, including parking. Council member Ogelman thanked the EDAC and PRAB for looking at all of the options, and talked about looking at ways to monetize assets in ways citizens want and to alleviate the pressure on taxes, and feels there is a sense of urgency.

Council member Grewe talked about the easement and land with legal restrictions on it as well as conveyance and asked Sally Hankins if she has seen the proposed contract. Ms. Hankins stated she does not recall seeing the contract. Council member Grewe talked about the conditions to be met with the land and the December 31 deadline and asked if the contract is achievable within the timeline. Sally Hankins stated the timeline is very tight and is not certain it is possible as the questions are not known at this time. Ms. Hankins stated that it depends how many questions as we go through the process of the drafting and that we know from past experience that putting any kind of permanent covenant on property that takes away its future uses can amount to a sale. Ms. Hankins added a special meeting would be required for the vote as well as an understanding of the DEQ regulations. Ms. Hankins stated that if it were just nutrient credits where you get all of the credit at the front of the project, does not understand if it were just that scenario and not carbon credits, what the obligation would be to maintain the trees in perpetuity after the sale of the credits has occurred. Mr. Banner stated they are there for the long haul. Ms. Hankins stated the way to address it would be to have the lease renewable at the sole option of the Town with no option on the part of the contractor to not renew.

Council member Greenly referenced an email he received that asked when the Town would receive the money. Mr. Banner stated they would break ground now before it freezes and that it

would take DEQ approximately 120 days to verify, and the Town could receive their benefit this time next year.

Mayor Fraser stated the Town bought the property in 2009 for \$2.17 million and has received no revenue. There is 189 acres paid for by tax payer's dollars and if agreed to by December 31 would net \$1.4 million for \$1 million. Mr. Banner stated the costs have to come off of that. Mayor Fraser added that if this were delayed to 2020, the net income would decrease, and that he is willing to take the risk.

David Mekarski talked about what is needed by December 31 to include a review of the nutrient land bank agreement and the details of easements as part of the application. Mr. Mekarski asked if a preliminary application could be submitted by December 31 then modify once the rest of the work is done.

Ms. Hankins stated the effects of the water resources should be understood. Dale Lehnig added there are two wells that are fairly large producers and are able to withdraw 300,000 per day from the property with the ability for additional wells.

Sally Hankins referenced Option A suggesting getting 25 (estimate) nutrient credits subject to approval by DEQ and asked how the range is determined. Mr. Jensen stated the 10,000 to 25,000 is a range of all credits across all watersheds in the state of Virginia, and that generally in this watershed you can get between 18,000 to 25,000.

Council member Cool stated that often what happens in government is analysis paralysis and that some of the no's and concerns are paralysis with intent and to be careful to ask the right questions and move smartly but quickly.

Mayor Fraser asked Council if they are ready to move forward by December 31. Council member Ogelman stated he is not sure it is achievable but should try getting information to the Town Attorney as quickly as possible. Sally Hankins asked if when the application is submitted to DEQ if the covenant can be in draft form and not voted on or approved by Council. Mr. Jensen stated it should be as final as possible to the point it is approvable by Council.

Council member Grewe asked if a public hearing is required. Ms. Hankins stated a public hearing is required and for the lease of public property believes the notice is seven days. Council member Grewe expressed hesitation with the tight timeline. Ms. Hankins stated if the lease does not need signed prior to the application being submitted, then the public hearing could occur after the application is submitted. Council member Grewe asked Mr. Banner if he has been through this with another public entity with DEQ and Mr. Banner stated he has not.

Mayor Fraser summarized that we start the process even if the December 31 deadline cannot be met.

Council member Bledsoe asked about staff time committed to this and if the team is prepared to work on this given the timeline. David Mekarski stated staff will do their best and expressed concerns with the Public Works efforts needed.

Vice Mayor Stinnette stated he believes the legal sequence of events comes first and needs understood and then the prioritization of activities and looking at DEQ and how complete an application to come in under the timeframe.

Council member Ogelman stated he agrees with the due diligence but thinks we are fooling ourselves if we think we do not have a sense of urgency with alternatives to monetize the asset.

Mayor Fraser stated Sally Hankins would put together a plan of key tasks then determine if December 31 is possible in order to make a determination.

### **CITIZEN/BUSINESS COMMENTS**

Brian Dean, owner of 601 W. Main Street came forward to talk about improvements for 32<sup>nd</sup> and Main Street. Mr. Dean stated he has children and the lack of sidewalks is the biggest concern in the area and that there is no way to cross Main Street. He suggested choosing Option 1 which has the least amount of impact, and that the option needs revised to include sidewalks.

Council member Greenly asked Ms. Lehnig about short term improvements and what the final solution would be. Ms. Lehnig confirmed these would be short term improvements and suggested deferring comments until the consultant speaks.

Phoebe Henderson, 527 W. Main Street, stated she feels there is no enforcement of speed in that area and that a left turn lane might be a permanent solution. Ms. Henderson asked where the space would come from for the roundabout and does not feel the area warrants one. Ms. Henderson feels the light could cause traffic to back up.

Tom Rust, 33801 Snickersville Turnpike, Bluemont, VA, talked about 611-631 W. Main Street that his family owns and hopes that sidewalks are a part of any solution due to the pedestrian traffic. Mr. Rust feels a turn lane should be added but a light would cause traffic to back up, and does not feel there is room for a traffic circle. Mr. Rust referenced the stormwater upgrades being proposed and the trail from Purcellville to Franklin Park.

Daniel Reed, 17760 Lincoln Road, Purcellville, former long-time resident of 31<sup>st</sup> Street stated he agreed with all of the prior comments and requested that Council postpone their decision, and he owns property that would be directly impacted. Mr. Reed stated he has not received any notification of the proposal and asked that Council receive additional public input. Mr. Reed stated he supports option one and asked Council to look at closing off the illegal parking lot behind 7-11 as it was put in with no permitting or inspection. Mr. Reed stated if the Town moves forward with a light to consider making it an exit only so the trucks can exit. Mr. Reed talked about 690 South, which connects to A Street which is not known to drivers and suggested adding signage for Hamilton, Lovettsville and Leesburg using A Street to relief some burden off 690. Mr. Reed suggested adding a no stopping box in front of 31<sup>st</sup> Street and a pedestrian crosswalk.

Phillip Thompson, former President of the NAACP and attorney from Leesburg, stated he sent an email to the Town Manager and Town Council as he was approached that the last and only

African American employee of the Town had passed away. Mr. Thompson talked about the workforce and the information that he had requested not being available and that everyone has to keep that information according to federal law. Mr. Thompson stated he received a second email from the Town explaining that some people had been identified and talked about the diversity of the Town employees as well as where employment applications are sent.

Council member Greenly stated, for the record, that he is Latino American.

### **MAYOR AND COUNCIL COMMENTS**

Council member Grewe referenced the top ten initiatives, and some time ago Council decided to run the Novak assessment and received forty plus recommendations. As time went by, the Novak study became more of a “go do command” and that Council has not taken time to adopt those actions and feels they need prioritized, which has not been done. Council member Grewe stated he feels those priorities need vetted first. David Mekarski stated he worked with the management team on staff reports to show consistency with the strategic plan as well as the organizational assessment, and that it is not asking Council to adopt but to get towards the goal. Council member Grewe commended the Finance team for the CAFR, staff on the Toys for Tots campaign, Lt. Dufek and his staff for their work on the recent house fire. Council member Grewe stated Council has not talked about a plan for Aberdeen but has a lot of ideas as well as the committees and staff and they have not been brought together.

Vice Mayor Stinnette thanked staff for their efforts on Toys for Tots, thanked Liz Krens for work on the CAFR, and thanked residents for speaking about 32<sup>nd</sup> Street and encouraged continued future engagement.

Council member Greenly recognized Paula Hicks for her work with the Town. Council member Greenly talked about the new President for the Upper Loudoun Youth Football League, Robert Sellers, and the option of ULYFL coming back to Fireman’s Field. Council member Greenly thanked Pack 39 for the engagement with Council.

Council member Cool thanked Buster Nicholson and team for their response on the sewer issue. In regards to the NAACP, Council member Cool asked if the Town is in violation of any state or federal laws. Sally Hankins stated we are not, and all records that are required are kept by the Town, which are not required to be reported EEOC. Council member Cool stated concerns for the landowner not being notified of impact to their land, which would be discussed later. Council member Cool requested Council read the book written by the 9<sup>th</sup> Secretary of the Dept. of Veteran’s Affairs called *It Shouldn’t be this Hard to Serve Your Country* as it relates to politics in Town.

Council member Bledsoe thanked the Police Dept. for their response to the Dec. 2 fire. Council member Bledsoe referenced Mr. Thompson’s comments and thanked David, Sally and Sharon for their professional response. Council member Bledsoe added increased diversity is a good thing and talked about any means to increase diversity, particularly in law enforcement. Council member Ogelman stated he disagrees with Council member Grewe’s view on how the Aberdeen process has developed and feels many good ideas have been received across the board with no money from the taxpayers through committees, commissions and boards. Council



member Ogelman talked about the inability on the dais to act on any one of the ideas or do due diligence and feels another committee would not be helpful.

Mayor Fraser had no comments.

## **DISCUSSION ITEMS**

### **a. Zoning Decision for Location of a Restaurant and Drive-Thru in Catoctin Corner by Use of By-Right**

David Mekarski introduced Dexter Mumaw, the developer for Catoctin Corner, and talked about the decision of the Zoning Administrator. Dexter Mumaw stated that a restaurant approached him about the space at Catoctin Corner that requires a drive through, and that originally when first presented their model it would not work for the population of Purcellville. Over the years their model has changed and could now work, if the drive through is permitted.

Patrick Sullivan stated when he reviewed the project he went back to the records and determined that this type of drive through had already been granted through a resolution in 2010. Mr. Sullivan added that the resolution talks about special use permit areas and not individual uses, and that the area map adopted by Council shows the area on the west side having two areas of drive through's, one which is already in place (Dunkin' Donuts).

Sally Hankins stated the Zoning Administrator's determination issued on Oct. 24 was an interpretation that does not contain certain language the statute would require for it to be a determination that is appealable, but it was communicated to Mr. Mumaw that if they were to resubmit a written request for determination that was appealable, they could do so with certain specific questions being asked and a site plan showing exactly where on the map they would be proposing the drive through restaurant. Ms. Hankins added that to her knowledge after speaking with Mr. Mumaw he wanted to find out whether there was some interest in order to determine whether or not to submit the request for determination.

David Mekarski added that as part of the original application for the development, a detailed traffic impact analysis was submitted and it shows two drive through's associated with restaurants, and that the proposed restaurant is half the size of what was anticipated.

Mayor Fraser asked when the traffic study was done. Patrick Sullivan confirmed it was done in 2009.

Council member Ogelman stated this was initially done in 2010 and the Planning Commission voted against it and the Town Council for it and that it would be helpful to have materials from the discussion as there were no minutes associated with the Town Council meeting. Council member Ogelman requested the minutes from Mr. Sullivan and Mr. Sullivan stated they did exist as very brief minutes. Council member Ogelman added that the special use permits were associated with particular uses related to a particular traffic context with respect to mitigation of traffic. Mr. Sullivan stated the final resolution refers to special permit areas and not tied to a use.

Sally Hankins stated the SUP's issued in 2010 included a restaurant with drive through on the approved plan, and it showed on the northeast corner of the property and what is being proposed is that the restaurant with drive through be located along Colonial Highway. Ms. Hankins stated the question is if the SUP that was approved in 2010 still valid, and confirmed it is, and if it can be applied to a different location being proposed. Ms. Hankins stated that the Zoning Administrator would need to determine if it can be used at a different location.

Council member Ogelman stated that he is having difficulty determining between special use permit and a by right use. Ms. Hankins stated a special use is when the request is made for the use and that the use has to be evaluated for transportation and other impacts. Ms. Hankins added that a special use would allow the Town to impose conditions that would mitigate impacts. Ms. Hankins stated that a by right use would not allow the Town to impose any conditions that would mitigate impacts. Council member Ogelman asked if the study from 2009 is still accurate. Ms. Hankins stated that once the approval was issued, which was in 2010, you acquire a vested right to use the approval as long as the approval remains valid, and this approval is valid. Ms. Hankins stated the question is if it is valid for this particular location, and that the SUP's that were approved were for a restaurant with drive through, a bank with a drive through and a pharmacy with a drive through.

Council member Ogelman stated the ZA said there was no connection with the uses to the drive through's. Sally Hankins stated there is room for judgement, which belongs to the Zoning Administrator, who can make modifications to SUP's after they have been approved, to include changing a location. Ms. Hankins added that the pharmacy with drive through SUP was actually assigned to the Dunkin' Donuts location as the drive through element transferred. Ms. Hankins added that the traffic study is done prior to any approval in order to understand impacts, and then staff requests that the impacts are mitigated followed by the mitigation measures to be written for a special use permit as conditions of approval. Ms. Hankins added that once those documents have been adopted and finalized, they are final and do not change. Mayor Fraser asked if the SUP that was approved in 2010 was for one restaurant, pharmacy and a bank. Ms. Hankins confirmed those were approved with drive through's. Council member Ogelman stated that the Zoning Administrator said that there was no connection between the uses and the drive through's but are talking about uses designed with particular drive through's – bank, restaurant and pharmacy. Ms. Hankins stated that the judgement belongs to the Zoning Administrator, and that the zoning ordinance does allow the Zoning Administrator to make minor modifications to SUP's after they have been approved, and one modification is changing locations.

Council member Bledsoe asked Patrick Sullivan that if regardless of where the proposed restaurant with drive through would be that there is only the existing ingress and egress from the property. Mr. Sullivan confirmed that there are two. Council member Bledsoe asked the development level of the entire development. Mr. Mumaw stated that the northeast corner contains a pad and another pad located in the front on Rt. 7. Council member Bledsoe asked if Panera is serious and Mr. Mumaw stated they have agreed in principle. Council member Bledsoe asked staff if the next step is a formal application and a formal opinion by the Zoning Administrator which would potentially be subject to appeal. Sally Hankins stated there may not be an application form but it could be a written request with specific questions including a diagram with the location. Mr. Mekarski added that Mr. Mumaw was inquiring whether this was

worth pursuing. Mr. Mumaw agreed with the providing the questions and drawing. David Mekarski stated that this could be scheduled for formal review in January if Council desires. Sally Hankins added that if Mr. Mumaw submits the request for a determination, it would start a 30 day clock, and asked if Mr. Mekarski was suggesting that it come back to Council. Mr. Mekarski stated that Ms. Hankins would likely need to make the ruling and asked how the Council would appeal the decision of the Zoning Administrator and if it would need to be done at a meeting. Ms. Hankins stated it would, and the process would be that the determination gets issued and Council receives a copy so they are aware of when their timeline begins and then at a subsequent meeting Council would decide whether they want to take any action.

Council member Bledsoe stated he does not see anything that would lead him to conclude that he would be interested in appealing the decision.

Mayor Fraser stated his issue is with the traffic study from 2010 as the Town has grown. Mayor Fraser added the space element where the Dunkin' Donuts is, is where the SUP was intended for and not in the new location. Mayor Fraser stated he disagrees with the Zoning Administrator and would appeal it.

Council member Grewe talked about the process, which is in place for a reason, and about the ordinance that was poorly written with contradictory language, and feels the Zoning Administrator had good judgement.

Vice Mayor Stinnette stated he is not up for the disagreement between Council and staff, feels the Planning Commission made their voice heard and Council had disagreed by vote. Vice Mayor Stinnette urged Council to think about the optics about taking on staff's judgement and is not interested in moving forward that route.

Council member Greenly stated he agrees with the Zoning Administrator's decision.

Council member Ogelman referenced the part of the process that allows Council to appeal, and is less worried about the optics of the representatives of the citizens of the Town having a difference of views with the Zoning Administrator than with the values of the citizens themselves. Council member Ogelman stated he feels the traffic in Town has changed, and will let the process unfold.

Mayor Fraser asked Mr. Mumaw if the SUP were to be granted if Panera were guaranteed to come to Purcellville. Mr. Mumaw stated no one else has shown interest. Mayor Fraser asked if the agreement with Panera falls through if the drive through stays. Sally Hankins stated at a minimum it would be for all restaurants with drive through's. Council member Bledsoe added that it has been approved and the debate is over the Zoning Administrator's decision applying to a new location. Council member Ogelman stated that it is subject to interpretation if there is an SUP available for that property for a restaurant, and feels input from citizens is needed.

Mayor Fraser asked what was appealed in 2014. Sally Hankins stated Vineyard Square was appealed.

Sally Hankins stated that it sounds like Council has requested a determination from Mr. Mumaw, which would be provided to Council and then the process would go on from there.

**b. Update on Plan Purcellville Comprehensive Plan**

Andy Conlon provided the timeline to date and noted that Plan Purcellville 6.0 had replaced the previous copy, and that on December 5 the Planning Commission remanned the Plan back to Town Council. Mr. Conlon stated the 90 day timeline started on November 21 and goes through March 5. Mr. Conlon added that the Town Council will need to hold a dually advertised Public Hearing that could be held tentatively on February 11. Andy Conlon referenced the deliberation of Council's matrix of comments and that action needs taken by March 5 to satisfy the timeline.

Vice Mayor Stinnette stated Council has until March 4/5 to adjudicate the comments, and asked if a schedule of meetings has been discussed with David Mekarski for Council to review the comments. Andy Conlon stated he would work with Mr. Mekarski on a meeting schedule and work on a sequence of events. Vice Mayor Stinnette asked when the schedule of meetings might be complete and suggested it be done soon. David Mekarski stated he feels the schedule of meetings could start in January and talked about the budget schedule and proposed completing this early in the year. Patrick Sullivan talked about the timeline needed for the public hearing and that the critical path of meetings could be distributed next week. Council member Grewe requested a copy of the comprehensive map that shows land uses from the 2006 Plan with a box that shows the proposed changes.

**c. Update on Fireman's Field Maintenance Agreement**

This item was added by an amendment. David Mekarski stated he attended the Board of Supervisors Meeting and the Board granted approval for the Town and County to negotiate a five year agreement, whereby the County would handle the maintenance and scheduling of the field, and the Town would take care of capital improvements and capital maintenance. Mr. Mekarski stated correspondence would be forthcoming from the County Attorney's office to the Town Attorney, which would begin the negotiation process. Mr. Mekarski added that once a draft is completed it would be presented to the Town Council, hopefully in January but the timing is dependent on correspondence from the County. Mr. Mekarski stated Council previously approved \$75,000 in the capital improvement budget which will be spent immediately on the new scoreboard, which is non-functional. Mr. Mekarski added those proposals would be shared with Council and that the approximate cost is \$30,000-\$35,000 for a standard score board and \$50,000-\$70,000 for an LED board.

Mayor Fraser asked if the contract is just for baseball. David Mekarski stated the contract has not yet been defined, and talked about blackout dates that would be included for Town activities and other athletics and that there could be an opportunity for football to return. Mayor Fraser talked about including the ability to have the field converted from baseball to football.

Council member Cool stated he has also heard that question asked - what has changed from the original message from Mr. Hemstreet's comments that football could play but that someone

would have to pay to convert the field and then to convert it back, either the user or the Town. David Mekarski stated that this has not changed and that the cost is significant.

Council member Greenly talked about working with football and that they are aware of the conversion, would connect them with David Mekarski to discuss it further. Council member Greenly stated he also gets asked about the field conversion and that he would have ULYFL communicate with the Town Manager.

Mayor Fraser talked stated that leadership within football wanted to take some reserve money and convert the field so that football was primary with baseball secondary. Council member Greenly stated it was discussed but that they understand that baseball is the primary.

**d. Updated Readout of Patrick Henry College Management Team's Top 10 Initiatives**

Vice Mayor Stinnette stated there can be one initiative and proposed changing the title of the first column to read "Town's strategic projects", and that the motion state that the project would be in support of the Town's strategic initiative, which was addressed. Vice Mayor Stinnette stated he reviewed staff's list and noticed one item is absent – Strengthen Community Partnerships. Vice Mayor Stinnette talked about the need to identify new resources for 200,000 gallons of water per day and is not sure how staff arrived at that, but feels it may be from the Comprehensive Plan, Zoning Ordinance and expected infill from both. Vice Mayor Stinnette talked about increasing employee satisfaction by reducing voluntary turnover and does not see how they relate. Vice Mayor Stinnette stated before work begins on projects, he is not convinced staff and Council are aligned, and is not ready to support this item at this time.

David Mekarski stated Council can amend the list so there is full alignment, and that if priorities change, Council can remove an item from the top ten and replace it with another. David Mekarski emphasized the importance of the 200,000 gallons, and asked Sharon Rauch to comment on the employee satisfaction item. Council member Grewe referenced the meeting held about one year ago and that one of the conversations was that the Town currently does not have the water resources to meet the 20% standard plus what is in the system. Dale Lehnig stated the average daily demand is 562,000, the sustainable capacity is 632,400 per day and the Town is at 89% of capacity at average daily demand; the maximum daily demand is 822,080 which is 1.3 times the existing sustainable capacity. Ms. Lehnig talked about infill areas and potential business growth increasing to 833,000 gallons per day. Council member Ogelman stated he recalls the conversation and had questions about the assumptions that were going into the infill and expects to have dialogue prior to accepting the twenty year forecast. Ms. Lehnig stated the numbers are conservative compared to the VDH number, and that the Town currently does not have the maximum daily demand that is needed for the system without anything else.

Mayor Fraser asked if the 200,000 additional gallons would meet the requirements. Dale Lehnig stated for today and not five years from now, and noted that the Nature Park wells would add an additional 118,000 gallons per day and Jeffries is ground water that needs treatment and requires a commission permit to be approved through the County and to get to the treatment end requires a special exception – estimated 3 to 6 months requirements. Mayor Fraser asked when the Nature

Well would be online and Dale Lehnig stated she believes by the middle of next year. Council member Ogelman stated it had been discussed repairing the intake at the reservoir and Dale Lehnig stated that would provide storage but not twenty-four hour capacity.

David Mekarski stated that the goal is to have the team aligned with Council priorities and that no action is required tonight. Mayor Fraser asked the impact of adjourning the meeting and deferring the action items. David Mekarski noted that there are items to be addressed this evening.

Council member Ogelman agreed with Vice Mayor Stinnette with strengthening community ties being conspicuous in its absence from the list, and agrees that the Tier 1 strategic objectives are not the Town Council's objectives but the Town's objectives. Council member Ogelman stated he feels staff should begin with the four Tier 1 strategic objectives and ensure things are being done consistently with them. Council member Ogelman added he feels output to citizens is better than taking the pulse of citizens.

### **ACTION ITEMS**

**a. Boundary Line Adjustment Between Loudoun County and the Town of Purcellville, near Field's Farm**

Sally Hankins stated the public hearing was held in November, and announced that Greg Barnes with Loudoun County was in attendance.

Vice Mayor Stinnette made a motion that the Town Council authorize the Town Manager to execute the Boundary Line Agreement, as attached to the staff report or in a form that is substantially in accord with the agreement attached to the staff report, to effectuate the boundary line changes shown on the exhibits and plat attached to the staff report. I further move that Town Council authorize the Town Manager and Town Attorney to petition the circuit court of Loudoun County, and to take all other steps necessary or prudent, to give effect to such boundary line adjustments. The motion was seconded by Council member Grewe.

Council member Ogelman referenced the sentence in the staff report that says "the road is a feature on the Town's Comprehensive Plan identified as a portion of the Northern Collector Road (NCR)" and asked if the NCR is a County road and if it is part of the design. Sally Hankins stated the NCR was showing going through a portion of the Town on the Transportation Plan, which was last modified in 2009. Vice Mayor Stinnette added that the current Comprehensive Plan does not talk about the NCR by design. Council member Ogelman added that the segment of the road would be within the Town boundaries and owned by the Town, and Sally Hankins confirmed.

Motion:	Vice Mayor Stinnette
Second:	Council member Grewe
Carried:	7-0

Grewe: Aye

Greenly: Aye  
Stinnette: Aye  
Cool: Aye  
Bledsoe: Aye  
Ogelman: Aye  
Mayor: Aye

**b. 32<sup>nd</sup> & Main Street Intersection Improvements – Conceptual Design Options**

Dale Lehnig stated this item has been discussed for approximately ten years for intersection improvements, and had applied for grant funding through VDOT revenue sharing funds and has some grant money for it. Ms. Lehnig added that three options would be presented and that notifications were given to property owners directly affected by any kind of necessary easement, and apologized to Mr. Reed that his property was not one where the Town would be requesting an easement.

Geoff Giffin, Kimley Horn, stated that Main Street is VDOT owned and VDOT approval is needed for whatever is voted on. Mr. Giffin gave a presentation as included in the agenda packet. Mr. Giffin stated that the first concept was intended as a short term improvement and, as heard from the public, could be a solution for now, and that the goal is do something quickly to show improvements. Mr. Giffin reviewed the other two concepts.

Council member Ogelman stated he believes the sidewalks are a good first solution but the question about the effect of a treatment has not been answered. Council member Ogelman added that if the first option is pursued creating the striping and sidewalks, any impacts could be determined from the change. Council member Greenly talked about concerns for cut through traffic, and referenced option one and the line of site, and does not feel it improves anything. Mr. Giffin stated that one of the ideas for concepts one and two is tree trimming.

Vice Mayor Stinnette asked what is needed from Council to move the item forward, and feels everyone is in agreement to start with one, and does not feel anyone is in favor of concept three. Vice Mayor Stinnette talked about further engaging the community if option one were to be selected and asked if it would help if it were narrowed down to two. Ms. Lehnig recommended looking at option one with sidewalks and determine costs then have dialogue with VDOT about the signal justification.

Council member Ogelman stated that, based on citizen comments, he would need to see the second and third order effects, and is not comfortable saying to pursue option two at this time. Council member Ogelman asked why VDOT is not weighing in first. Dale Lehnig stated they have had preliminary conversations with VDOT and it was KHA's thoughts that a signal would be justified. Council member Ogelman stated if he were to narrow it, it would be to what citizens were saying, and that would be an acceptable solution, otherwise wants to see second and third order effects.

Council member Bledsoe stated he feels Council is leaning towards option one with sidewalks and crosswalk and is concerned with preventing further improvements with a signal. Mr. Giffin

stated the sidewalks could be designed outside the footprint the best they can. Council member Bledsoe stated he prefers concept one with sidewalks.

Vice Mayor Stinnette suggested no decision be made this evening and to take the least popular option off the table so they are not pursuing something that there is no interest for, and agreed option one is the right answer. Council member Ogelman stated with option two he needs to see the second and third order effects. Vice Mayor Stinnette confirmed that Council member Ogelman would like options two and three off the table so staff can focus on option one. Council member Ogelman agreed.

Dale Lehnig asked if Council wants the sidewalk configurations that would allow for a signal in the future so the sidewalk would not need removed. Tom Rust, landowner at 601 W. Main, stated the general west end of Purcellville was not notified and encouraged Council to consider cross walks when considering sidewalks.

Sally Hankins stated to design option one to allow for future signalization, the Town will need to require more right of way from private landowners than if we were not trying to make room for a signal in the future. Ms. Hankins added that if it is never signalized, the land has been taken and not used. Council member Grewe stated he would not like to do that if we do not signalize and is not convinced it is necessary. Council member Grewe asked if there is a way to have one without the potential for signalization and one for the potential of signalization showing the amount of land that would be taken and include the net savings. Council member Greenly referenced page 111 and does not see how that solves the issue turning from 32<sup>nd</sup>. Council member Ogelman talked about the accidents and near misses being compared to other improved intersections in Town and asked how it compares, particularly the new roundabout. Deputy Chief Dailey stated that in perspective it is one lane each way into a much smaller traffic circle.

Dale Lehnig proposed developing concept one further looking at sidewalks followed by an informational meeting where the concepts are presented to the public who would have the opportunity to speak.

Mayor Fraser asked about the cost to modify the plan, and Mr. Giffin stated the cost to revise the plan would be minimal. Mayor Fraser asked what happens if VDOT declines the plan. Dale Lehnig stated that the largest hurdle would be the signal justification report, and that no significant public funds would have been expended before approval.

Dale Lehnig stated they would fully develop concept one and hold a public informational meeting.

### **11c. Parade Route Rules**

Council member Grewe talked about the consistent critical feedback on the parade rules from citizens and business owners about the parade. Council member Grewe stated he had provided a slight modification of rules in response to comments and talked further about the tossing of candy.



Council member Bledsoe noted that there are four days until the parade and anyone signed up did so under the published rules. Council member Bledsoe added the rules could be reviewed after the parade to see how things were followed.

Council member Ogelman stated it is being debated because there were aspects that had not been considered, including who determines the rules.

Council member Cool stated he feels the discussion is a waste of time.

Major Dave Dailey talked about the special events the Police Dept. manages and mentioned safety and efficiency are being determined without Council input on any of the events, and that staff reviews events and makes adjustments, if needed, for future events. Major Dailey stated that safety is the priority, all applicants had to agree to the rules online when they registered, and agrees four days out is not the time to try to change the rules.

Council member Grewe asked Sally Hankins if Council could change the rules as staff could. Sally Hankins stated she believes anyone can make the rules and agreed with Major Dailey that the rules are enforced by those with the expertise, and recommended that staff make the rules, evaluate and adjust on an annual basis. Council member Grew asked if they are binding if changed and Ms. Hankins stated she does not believe they would be due to the timing.

Due to the timing, Council agreed to leave the rules as they exist and to revisit them again in the future.

#### **d. Consideration to Close Town Offices on Monday, December 23, 2019**

David Mekarski talked about the dedication and talent of the employees and feels staff does not recognize the work-life balance, and asked for Council's consideration to provide an extra holiday to staff.

Vice Mayor Stinnette asked if the Town exercises liberal leave. David Mekarski stated if Town Hall is open we are obligated to maintain staffing and provide services. Vice Mayor Stinnette stated that the Town has the ability to advertise that the Town will be on minimal staffing and only be providing specific services. Hooper McCann added the citizens have expectations and that staff would have to determine who would have to work while others were off. Vice Mayor Stinnette stated there should be something between open and closed status, and asked the status of leave balances. Liz Krens stated the full time employee leave balance is in the middle of the 200 accrual limit balance and overtime and comp time are within budgetary constraints.

Mayor Fraser confirmed staff is requesting is a five day weekend. David Mekarski confirmed and added that this is additional leave. Mayor Fraser stated this would be hard to sell to the citizens of Purcellville. David Mekarski added there are 16 essential personnel that would be working this day.

Council member Cool talked about liberal leave within the government and feels it is not difficult to arrange.

Council member Grewe made a motion that the Purcellville Town Council authorize the Town Manager to close Town offices on Monday, December 23, 2019, providing all employees an additional day as a year-end thank you to the dedication, service and commitment and delivery of excellence provided each and every day. The motion was seconded by Council member Greenly.

Motion: Council member Grewe  
Second: Council member Greenly

Council member Bledsoe agreed with the motion but does not feel it is justified to provide another leave day at a cost to the Town, and cannot support the motion.

Vice Mayor Stinnette made a friendly amendment that the Town Council authorize the Town Manager to pursue a liberal leave policy on December 23, 2019 at his discretion, and feels this could be adequately communicated to the public.

Council member Grewe revised the motion that the Purcellville Town Council authorize the Town Manager to, at his discretion, pursue a liberal leave policy for Monday, December 23, 2019, providing employees the possibility of an additional day as a year-end thank you to the dedication, service, and commitment and delivery of excellence provided each and every day. The motion was seconded by Council member Bledsoe.

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

Grewe: Aye  
Greenly: Aye  
Stinnette: Aye  
Cool: Aye  
Bledsoe: Aye  
Ogelman: Aye  
Mayor: Aye

**e. Adoption of New Utility Rate Design Methodology**

Vice Mayor Stinnette stated the vote would be to authorize the Finance staff to begin to figure out how to incorporate the new model into their budget projections. David Mekarski confirmed and added that it also allows staff to do the configurations needed with the Munis system. Mayor Fraser confirmed there would be no budget impact and that this would move from 17 tiers to 4. David Mekarski stated this would not yet be implemented but would be programmed for budget and software.

Council member Ogelman asked why a vote is needed. Liz Krens stated, per Vice Mayor Stinnette's comment at the last meeting, that it would be a good idea to determine what alternate rate structure version we would like to choose which would help budget staff with software.

Council member Ogelman asked why Council would need to vote for staff to do the data gathering. Liz Krens stated it is Council's discretion but the Town Manager and budget staff would like some direction. Ms. Krens stated there will be a public hearing on the budget in April and a public hearing on the Master Tax and Fee Schedule, which would require an advertisement ready in March. David Mekarski stated that no rates would be changed and that this sets the stage to do the software programming and budgetary planning for alternative C which changes the rate schedule from 17 to 4 and for non-single family it has subordinate tiers per pipe size. Mr. Mekarski added that this would also allow Stantec to finalize their rate recommendations.

Council member Ogelman asked why Council would vote on an internal planning development tool. Vice Mayor Stinnette stated if the change is made from 17 to 4, it locks in implementation in the future. Liz Krens confirmed and added that in Stantec's presentation there are rates associated with tiers and it cannot be adopted without a public hearing and a vote from Council. Ms. Krens added that staff needs to know how to plan to do this effective with fiscal year 21, tentatively.

Mayor Fraser stated that the ad has to reference a dollar amount, and Liz Krens confirmed and talked about rates associated with each tier. Mayor Fraser asked why Stantec is not providing the models and why Council is making a decision on the method. David Mekarski stated that the method has to be selected before they can model the revenue sufficiency. Council member Grewe stated that for Stantec to be able to budget, they need to have some direction so they can build a cohesive budget. David Mekarski added that Liz Krens is thinking that we could do the revenue neutral methodology change for the beginning of FY21 and then do the revenue rate change the next fiscal year.

Council member Grewe made a motion that the Purcellville Town Council accept Stantec's recommendation for a new water and sewer rate structure simplifying our seventeen-tier water rate structure to a two group system (single family, non-single family) with a water fixed charge scaled based on meter size (based on average use) and a water volumetric charge based on Alternative C, which provides for single family residential users four inclining tiers (based on data analysis) and for non-single family users, four inclining tiers (tiered by meter size). Be it further provided that the sewer fixed charge for all customers would be scaled based on meter size (based on average use) with a sewer volumetric charge (based on a uniform rate). Under this alternative methodology to be implemented with future fiscal year rate changes both our water and sewer customers would be transitioning toward a cost of service methodology ensuring future equity and structural balance to implement a strategy that will permit Purcellville's utilities program to function as a self-supporting enterprise account. The motion was seconded by Council member Cool.

Motion:	Council member Grewe
Second:	Council member Cool

Vice Mayor Stinnette confirmed that this does not lock in an implementation date and asked if the decision can be reversed in the future if Council disagrees. Liz Krens stated that public hearing will advertise the proposed rate changes and does not mean that Council has to adopt it and also does not mean that we cannot set a timeframe within the adoption based on Council's

direction. Vice Mayor Stinnette stated that this structure is not revenue neutral at the individual level because Alternative C increases the monthly bill to \$1.75 for a three person household. Liz Krens confirmed and that it could also vary account to account based on usage. Vice Mayor Stinnette asked if a vote needs conducted tonight. Liz Krens stated she does not believe a vote is needed but that direction should be given and that the Town Manager will build his budget as he always does but needs to plan the philosophy and public hearings.

Vice Mayor Stinnette asked that a motion not be made and that the Town Manager move forward with what he needs to do. Council member Grewe withdrew his motion.

Council member Ogelman stated he had intended to participate in the meeting remotely but because a quorum was not present he was unable to participate, as was Council member Grewe. Council member Ogelman stated he had questions about multifamily units and tap numbers and how that is factored, and would like answers before he makes a decision. Liz Krens stated the rates are dependent on the meter size and whether it is a school or apartment building with multi-families, the rates would be dependent on meter size. Council member Ogelman asked how much variation there is in meter size, and that he has additional questions to be answered before moving forward. Council member Greenly added that he asked a similar question to be answered. Liz Krens stated she would work with Stantec to get answers.

**f. Update on the RFP for Construction and Management of a Proposed Cell Tower at the Wastewater Treatment Plant**

David Mekarski stated that the RFP development team called three bidders who were interested in submitting an RFP but did not, and took the comments and made changes to the specifications. Mr. Mekarski added that there five other suggestions in terms of marketing and approach to expand communications, and believes there will be a competitive response and will bring proposals to Council for consideration. Mr. Mekarski stated he estimates the changes can be made after the Aberdeen item is closed as it will take up significant time until December 31.

Council member Bledsoe made a motion that the Town Council authorize the administrative team to reissue the RFP amended to respond to the comments received from the potential proposers. The motion was seconded by Council member Cool.

Motion:	Council member Bledsoe
Second:	Council member Cool

Council member Greenly asked about direct mail to six to eight companies and asked if it could be cause for a protest if someone did not receive it. Sally Hankins stated she does not believe so that as long as the posting meets the minimum standards. Vice Mayor Stinnette stated as long as it is properly advertised to all in addition to direct mail.

Council member Grewe referenced the annual escalation of 5% and that the counter was to say no more than 2% as well as the annual license fee plus a percent of revenue and asked if it has been modeled what it would do to the financial revenue of the proposed tower. Sally Hankins stated it was not because both provisions were blank so the percent of revenue and annual lease

amounts were open ended for proposals. Ms. Hankins added that if you get rid of the annual lease but increase the percentage of annual revenues, it could end up the same. Council member Ogelman stated that they decided not to submit since they were not aware they could participate or it wasn't worth their time, and not necessarily countering the business case.

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

Grewe: Aye  
Greenly: Aye  
Stinnette: Aye  
Cool: Aye  
Bledsoe: Aye  
Ogelman: Aye  
Mayor: Aye

### **CLOSED MEETING**

Council member Grewe asked, given the time, if the Evaluation of Town Manager item could be removed. Mayor Fraser agreed to defer the item.

Council member Bledsoe made a motion that as authorized under Section 2.2-3711(A)(7) of the Code of Virginia, that the Purcellville Town Council convene in a closed meeting to consult with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation in an open meeting would adversely affect the negotiating or litigating posture of the public body, Specifically, such consultation will pertain to the settlement of employment disputes of certain employees.

The following individuals are requested to attend the closed meeting:

- 1) All Town Council members
- 2) David Mekarski, Town Manager
- 3) Yoora Pak, Wilson Elser (and/or representatives from Wilson Elser)

The motion was seconded by Council member Grewe.

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

Grewe: Aye  
Greenly: Aye  
Stinnette: Aye  
Cool: Aye  
Bledsoe: Aye

Ogelman: Aye  
Mayor: Aye

Council member Grewe made a motion that 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 Greenly.

Motion: Council member Grewe  
Second: Council member Greenly  
Carried: 7-0

Grewe: Aye  
Greenly: Aye  
Stinnette: Aye  
Cool: Aye  
Bledsoe: Aye  
Ogelman: Aye  
Mayor: Aye

Council member Grewe made a motion that the Purcellville Town Council adopt Resolution 19-12-02 certifying the closed meeting of December 10, 2019. The motion was seconded by Vice Mayor Stinnette.

Motion: Council member Grewe  
Second: Vice Mayor Stinnette  
Carried: 7-0

Grewe: Aye  
Greenly: Aye  
Stinnette: Aye  
Cool: Aye  
Bledsoe: Aye  
Ogelman: Aye  
Mayor: Aye

### **ADJOURNMENT**

With no further business, Council member Grewe made a motion to adjourn the meeting at 12:47 AM. The motion was seconded by Council member Bledsoe.

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

Grewe: Aye  
Greenly: Aye  
Stinnette: Aye

Cool: Aye  
Bledsoe: Aye  
Ogelman: Aye  
Mayor: Aye

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Kwasi A. Fraser, Mayor

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Diana Hays, Town Clerk

*Mayor*  
Kwasi A. Fraser



*Town Manager*  
David A. Mekarski

*Council*  
Chris Bledsoe  
Ryan J. Cool  
Theodore Greenly  
Joel D. Grewe  
Nedim Ogelman  
Tip Stinnette

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

**RESOLUTION NO. 19-12-02**

**PRESENTED: DECEMBER 10, 2019**  
**ADOPTED: DECEMBER 10, 2019**

**A RESOLUTION: CERTIFYING THE CLOSED MEETING ON DECEMBER 10, 2019**

**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 10th DAY OF DECEMBER, 2019.**

\_\_\_\_\_  
Kwasi A. Fraser, Mayor  
Town of Purcellville

ATTEST:

\_\_\_\_\_  
Diana Hays, Town Clerk