

MINUTES
PURCELLVILLE TOWN COUNCIL MEETING/WORK SESSION
TUESDAY, APRIL 28, 2020 7:00 PM
TOWN HALL COUNCIL CHAMBERS

The GoTo meeting of the Purcellville Town Council convened at 7:00 PM in Council Chambers with the following in attendance:

PRESENT VIA REMOTE PARTICIPATION:

Kwasi Fraser, Mayor
Tip Stinnette, Vice Mayor
Nedim Ogelman, Council member
Ryan Cool, Council member
Ted Greenly, Council member
Joel Grewe, Council member
Chris Bledsoe, Council member

ABSENT: None

STAFF PRESENT VIA REMOTE PARTICIPATION:

David Mekarski, Town Manager
Sally Hankins, Town Attorney
Hooper McCann, Director of Administration
Amie Ware, Division Manager-Parks and Recreation
Patrick Sullivan, Director of Community Development
Jason Didawick, Assistant Public Works Director
Dale Lehnig, Capital Projects and Engineering Manager
Liz Krens, Director of Finance
Connie LeMarr, Assistant Director of Finance
Chief Cynthia McAlister, Police Dept.
Deputy Chief Dave Dailey, Police Dept.
Lt. Barry Dufek, Police Dept.
Diana Hays, Town Clerk/Executive Assistant
Kimberly Bandy, Deputy Clerk

CALL TO ORDER

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

AGENDA AMENDMENTS/APPROVAL

Council member Grewe referenced the amendment to the virtual meeting law and that there is a broader interpretation of the continuity of government, and that more than responding to the crisis and normal business is permitted to move forward under the remote meeting policy. Vice Mayor Stinnette suggested thinking about items where community input would take place while using remote meeting technology. Council member Cool talked about the delay in the comprehensive plan and the number of opportunities that have been available for public engagement.

Mayor Fraser announced that the action item (Valley Industrial Park) had been removed from the agenda until a time when citizens can easily attend.

CONSENT AGENDA

- a. Approval of Meeting Minutes – November 12, 2019**
- b. Approval of Meeting Minutes – February 25, 2020**
- c. Approval of Meeting Minutes – March 24, 2020**
- d. Approval of Meeting Minutes – April 8, 2020**
- e. Approval of Minutes – April 14, 2020**

Council member Ogelman stated he had several issues with minutes and votes and would send his changes, and that the items need to be corrected as part of the record. Council member Ogelman stated he agreed with Council member Cool on his comments about the comprehensive plan and that it has been worked on since before he was on Council, and that Vice Mayor Stinnette is arguing that it should not be completed at this time. Mayor Fraser added he would also submit changes to the minutes to staff. Council member Bledsoe suggested the approval of the minutes be deferred. Council member Cool referenced comments he made that he would like added. Sally Hankins advised Council not vote if there are issues with the votes in the minutes.

Council member Grewe suggested the consent item be deferred, and Council agreed.

CITIZEN/BUSINESS COMMENTS

None

MAYOR AND COUNCIL COMMENTS

Council member Grewe deferred his comments and gave his condolences regarding the passing of the former Chief.

Vice Mayor Stinnette requested that Council members Ogelman and Cool be patient with the comprehensive plan and that there is no political, behind the scenes agenda other than bringing it up. Vice Mayor Stinnette suggested that Council consider before moving forward with an item that may need community engagement.

Council member Cool stated the comprehensive plan had been going on a long time and talked about items that have not yet been done, and about the opportunities being provided by local businesses. Council member Cool referenced an email he has not received an answer to about the Upper Loudoun Youth Football funding, and about two years ago it was mentioned the town is not asking their fair share from the County and that the new people coming in should have an answer about asking for fair share.

Council member Ogelman stated his point to Vice Mayor Stinnette and Council member Grewe is that he wants as much citizen participation as possible, but under the circumstances, would rather proceed with the process that has been going on for around five years.

Council member Bledsoe gave his condolences to family and friends of Chief Smith, and thanked staff for their continuance of work during the emergency. Council member Bledsoe referenced the signs out in front of local businesses as well as the hero's bench in front of the bank, and talked about supporting local businesses during this time.

Council member Greenly stated he has been receiving messages from citizens about the Dragon Hops building and if the Town is looking at it as a possible facility for the police department. Council member Greenly mentioned an ice cream truck in his neighborhood and asked if there is a permit process in place as well as for food and alcohol delivery, and that he would forward information to Mr. Mekarski to respond to.

Mayor Fraser gave his condolences to the family of Chief Smith, and that he would defer his comments to the appropriate agenda items.

ACTION ITEM(S)

- a. An Ordinance to Partially Vacate a Plate Restriction and Create a New Stormwater Management Easement – Valley Industrial Park Subdivision**

This item was removed from the agenda via amendment.

DISCUSSION ITEMS

- a. COVID-19 Work Adjustments and Maintaining Continuity of Services**

David Mekarski stated customer service is continuing with some adjustments and talked about the rotating shifts in place to segregate teams. Mr. Mekarski talked about communications with state, regional and local officials in keeping up with the pandemic, and that staff is in the process of reaching out to each town business to see if they are aware of assistance available to them.

Mayor Fraser requested that staff add a weekly update on the website about the efforts of staff to the community. David Mekarski stated that excerpts from the daily COVID report can be posted, and thanked staff for their community outreach.

Council member Cool referenced Mr. Mekarski's comment about the police contacting the local businesses and asked why the police are and if so if they are asking if they will be participating in the voucher program. Mr. Mekarski stated the call includes the voucher program and payroll protection program, and that the employee is on light duty and taking on this responsibility.

Vice Mayor Stinnette thanked David Mekarski for utilizing staff in other areas and does not feel the community is aware of all of the work going on behind the scenes and believes adding that to the website could be helpful. Vice Mayor Stinnette thanked staff for their various areas of work and leadership.

Council member Grewe agreed with the previous comments and thanked David Mekarski and the Police Dept. for their approaches.

Mayor Fraser thanked David Mekarski and team for their work and for providing data.

b. Update on Water Tower Project

Dale Lehnig stated the catwalk modifications are complete and the final work product has been approved. Ms. Lehnig added she is waiting on the final agreement with Verizon, and the contractor is scheduled to begin work on June 1 on the foundation modifications and is expected to be completed in mid-July. It is expected that the carriers can install antennas on the tower after that.

c. Business Sign-Up Progress on Voucher Program

Amie Ware reviewed the work that has been done on the voucher program and included items that had been completed since the staff report has been completed, to include contacting businesses in town to make them aware of the program. Ms. Ware added that vouchers had been mailed to citizens in complexes that do not have individual utility accounts.

Mayor Fraser requested that Amie Ware capture her summary on a webpage to show the community what is being done as well as the status of each item. Amie Ware stated she would share the webpage address with Council to add to their social media.

Council member Cool asked if home-based businesses would be receiving information on the voucher program. Amie Ware stated each utility account in town would be receiving a copy of the news release and vouchers. Mr. Mekarski added that if they contact the town, staff can help businesses sign up as a participating business in the voucher program.

Council member Ogelman thanked Amie Ware for reaching out to the Economic Development Committee about requesting assistance with the project.

Council member Grewe talked about the avenues for communications and requested that staff try to regularly distribute communications about how to receive various communications. Diana Hays confirmed she would review methods of communications with the team.

d. Purcellville Strong Update

Amie Ware talked about the purpose of the Purcellville Strong initiative, which is to keep the community connected, active and engaged, and talked about the various events and activities on the Parks and Recreation Facebook page. Ms. Ware added that activities have included bird bingo, highlights of local businesses, artists, musicians, and places, super hero Saturday, etc. Ms. Ware stated the initiative was used to highlight all of the submissions for the Wonder of Trees poster contest, co-sponsored by the Purcellville Arts Council and Tree and Environment Sustainability Committee. Ms. Ware talked about the other activities posted on the page.

Mayor Fraser asked what the measure of success looks like for this initiative and Ms. Ware stated that increasing followers and getting the town engage, as well as seeing businesses in town having signs with Purcellville Strong.

Vice Mayor Stinnette thanked Amie Ware and Hibah Salah for their creativity, and stated his measure of success is anything greater than zero and engaging people. Vice Mayor Stinnette suggested to keep tracking the follower matrix.

Council member Bledsoe thanked Ms. Ware and Ms. Salah for the types of programs they have created and for taking the lead in supporting the community.

e. Comprehensive Plan Progress Update

Patrick Sullivan stated that since the agenda packet has been issued, staff had a meeting with the consultant and provided her with enough information to finish the plan and expects a draft before the end of the week that would be ready to go to public hearing. Mr. Sullivan added the GIS maps were completed last week.

Council member Bledsoe asked what the process would be for determining the document is public hearing ready and if Council would receive a copy for review. Council member Bledsoe asked if any potential further Council comments would be considered similar to public comments parallel to the public hearing, and that Council would like to be sure that all of the comments are incorporated. David Mekarski stated that once he has the clean copy from the consultant, would like to review it with staff to ensure all comments have been completed to satisfaction and after that review would distribute the document to Council to review their comments and provide feedback. David Mekarski stated that citizens should be able to see old and new documents in person and that the public hearing may need delayed until public participation can be accommodated. Mr. Mekarski stated he would speak with Sally Hankins and Patrick Sullivan further about the public hearing.

Council member Cool suggested that Council go through the changes iteratively rather than wait until the end. Patrick Sullivan stated he would leave the decision to Council. Council member

Cool stated there have been plenty of opportunities for public input. David Mekarski stated that some of the edits made changed the entire document, and sending the document out incomplete would cause more concerns than if the final draft were distributed. Mr. Mekarski added he feels the public hearing should be conducted in a public setting.

Mayor Fraser asked if there would be an issue with sharing the document with Council the same day Mr. Sullivan receives it. Mr. Sullivan stated he would prefer to review it prior to distributing to Council. Mayor Fraser requested that Council receive the document by next Tuesday.

Council member Ogelman stated he does not feel that formatting the document is an issue due to software that is readily available to avoid that, rather than having to go back to the consultant. Council member Ogelman stated he has made a lot of comments and has done his due diligence, and requested the document as soon as he can have it as to not slow down the process. Council member Ogelman stated the citizens deserve to have this process not take five years. Mayor Fraser added he does not feel there is a reason the document cannot be shared with Council when staff receives it.

Vice Mayor Stinnette stated that when the document is received from the consultant that it should be sent to Council and staff, and that they should refer to the comments matrix and ensure their comments are reflected in the document. Vice Mayor Stinnette added issues between the two would need resolved and then a correct copy would be certified and followed with a public hearing. Vice Mayor Stinnette added that anything new that Council wants brought forward would need done in a public forum.

Council member Cool stated if the consultant cannot go through the matrix in a month and it is not done properly, questions why they would be paid. Vice Mayor Stinnette talked about the verification process and feels it is important to verify the consultants work, both staff and Council simultaneously.

Council member Bledsoe agreed with Vice Mayor Stinnette's approach. Vice Mayor Stinnette stated Council member Cool's comment is fair but that it would be difficult to go back on a contract that was initiated five years ago and talked about the verification process and doing due diligence to ensure that what was asked of the consultant has been done.

Council member Ogelman stated we need to learn from what happened so it is not repeated, and to do the due diligence in parallel, and feels comments can reviewed in a couple of days. Council member Cool agreed to not relitigate the contract but to put time constraints in place to review the plan and provide comments.

Council member Grewe agreed with the Vice Mayor's strategy on making sure the comments are as designed for the matrix, and would have comments back in a few days. Council member Grewe recognized they are asking two and a half staff to review hundreds of comments.

Mayor Fraser stated that on Friday the document would be circulated to the staff and to Council, and that David Mekarski would provide timelines, and Council would dedicate time to review

the document. Mr. Mekarski agreed, and Mr. Sullivan confirmed he would forward the document the same day as staff receives it from the consultant.

f. Revenue Collection Impacts To-Date

Liz Krens stated that revenue collections cycles lag, and that there is still some uncertainty of the COVID-19 impacts and provided information as provided in the staff report.

Liz Krens reviewed the status of each revenue fund and stated that most were on track or above budget. Ms. Krens added that staff just received the information from the County on personal property tax and that the department is working on that currently. Ms. Krens stated that the first Meals Tax revenues that would show impacts of COVID-19 were due April 20 and that there are around 10 businesses that have not paid with 6 delinquent for more than one month.

Vice Mayor Stinnette thanked Ms. Krens for the update and that he asked for this update to begin providing a sense of the possible deficit in June and to start thinking about the rainy day loan that Davenport is looking into and how much of the loan to look at. Vice Mayor Stinnette asked if there is an update on the Davenport research. Liz Krens stated she does not have information yet because they are trying to time the RFP to work with the law and what can be borrowed, which should be based on revenue anticipation for a particular fiscal year. Ms. Krens added there would not be a lot of benefit in trying to borrow at the end of the fiscal year because it would need repaid within the fiscal year, and that the goal is to borrow in early FY21 to not exceed revenue anticipation either for property taxes or utility user fees.

Council member Ogelman asked for an explanation for the penalty with BB&T. Liz Krens stated she understands that the banks fill out IRS tax forms report their deposits, and all localities for the bank franchise tax are listed on the forms, and BB&T overstated their deposits for the tax years 2012-2014, which could be due to their recent merger and numbers being reassessed. Ms. Krens added that the appeal was taken to the tax commissioner in Richmond who determined they did overpay for that period and the localities had to return the overpayment to the bank. Connie LeMarr confirmed there was an internal audit done as part of the merger and every locality had to pay the refund. Council member Ogelman confirmed that the bank made an accounting error and when it was appealed it was decided the bank would charge the customers the penalty. Ms. LeMarr stated the audit was presented to the Department of Taxation and during the review allowed a refund for 2012-2014 because BB&T had overstated their deposits. Council member Ogleman confirmed there was no error made by the town in regards to the payment and it was a bank error. Ms. LeMarr stated the bank reviewed what BB&T was saying that they overreported to each of the localities and went in and reviewed the amended tax returns the bank was making and figure out what was applicable and what they approved as overstated deposits by BB&T and what was due as a refund for their overpayment of tax to the town and other localities. Council member Ogelman asked if the tax assessor is making any accommodations to the localities in the process. Connie LeMarr stated the town is not being forced to pay interest, which is why the refund needed remitted by May 1, and that it was not the town's mistake. Liz Krens stated she believes VML and Treasurer's Association have looked into this and have tried to avoid returning the tax, but the tax assessor has overruled it.

g. Wastewater Sampling Update

David Mekarski referenced the news release sent by Mayor Fraser featuring this COVID-19 initiative and the request to evaluate the participation of our wastewater team to collect the necessary samples to fulfill the pilot study requirements. David Mekarski expressed staff's concerns for collecting the samples due to the lack of proper PPE, and recommended to the Mayor that the town not participate in the pilot program. Mayor Fraser agreed to not take risks with staff but was approached by a private firm that offers to do this contractually by providing a licensed operator to take the samples (two per week for one month). David Mekarski stated he has no objections moving forward with the contractor, and that the approximate cost to the town would be \$2,540.

Council member Ogelman talked about staff's objectives to safety and asked what the expectation is relative to the cost of the project. Mayor Fraser stated the program allows testing of wastewater being the window into the health and safety of the community. Council member Ogleman stated it is not a project of the Mayor's but asked if it is worth the cost.

Vice Mayor Stinnette referenced pages 85-109 in the packet which explains what we would get from testing. Vice Mayor Stinnette stated he feels the news release needs updated stressing the five outputs of testing and to stress that even though a trace analysis of COVID-19 may be in wastewater, there is no threat to the water supply, which is segregated from wastewater. Vice Mayor Stinnette added that without education citizens may relate it to the drinking water.

Council member Cool stated he supports the idea as a leader in the community and that this may be a way to get ahead.

Council member Grewe referenced the news release and asked what the turnaround time is on the data coming back to the town. David Mekarski stated he would speak with Biobot and get the answer. Council member Ogelman stated he does not feel Council member Grewe accurately framed the value of the process, and feels this is a non-invasive way to get the information and is a good use of taxpayer money. Council member Grewe referenced the Governor's plan and does not feel this would provide tangible data in regards to that timeline and this is likely not providing timely data or helping to open the state, and talked about the process for which this initiative was introduced. Council member Ogelman disagreed with Council member Grewe's comments and that his comments had nothing to do with the science behind the project. Mayor Fraser clarified that the news release stated that we would be assessing the project, which is what Council is doing.

Council member Bledsoe stated he feels the investment is rational and does not believe this item needs the action of Council but is a decision that can be made by the Town Manager. Council member Bledsoe stated that four weeks of testing may not get through the pandemic and that testing would need extended and talked about cost associated with the extension. Council member Bledsoe stated that while there is a benefit, the testing would need to continue to see the benefit, and suggested staff move forward with it.

Council member Greenly asked what the actionable outcomes would be and questioned the duration of the testing. Mayor Fraser stated that the goal is to share the data with those empowered to take action, and Purcellville would be the third to participate in a national research effort. Council member Greenly stated he supports the testing.

Vice Mayor Stinnette stated he assumes staff will continue to try to obtain the necessary PPE and could then take over the testing. Vice Mayor Stinnette added the solution values provided apply to the town and would also like to know the turnaround time on the results. David Mekarski talked about the availability of PPE for staff and talked about starting testing with Inboden and looking into adequate supplies for staff to test in the future. Mr. Mekarski added that no vote is needed and the item can be handled administratively.

Mayor Fraser requested that Vice Mayor Stinnette and Council member Ogelman work on a message for the community before the project moves forward, and to share it with the rest of Council. Council member Greenly requested considering a limit on the expense.

Council member Grewe thanked the Mayor for bringing this forward for discussion and talked about having a process for how news releases go out.

h. Refuse RFP Update

Hooper McCann talked about the regional consortium that the town entered into with other municipalities for the collection of refuse and recycling for the goal of getting a lower rate. Ms. McCann stated two bids were received, virtual interviews were held and best and final offers were discussed. Ms. McCann added the results were not as positive for the town as hoped and were more expensive than the town currently pays. Ms. McCann added that some of the services the town currently receives were also excluded to include refuse/recycling dumpsters at town properties and yard waste, and to continue yard waste was an additional \$188,000 per year. Hooper McCann stated the team met with David Mekarski and felt that it was not in the best interest of the town or fiscally responsible to move forward with the consortium, and the next step is to issue a request for proposals, which would focus on the town's needs. Ms. McCann also talked about the option of deferring the item until after the emergency and added the current contract expires on November 30 and there may be an option to extend it.

Vice Mayor Stinnette recalled an email provided by Council member Ogelman saying the town should not withdraw from the consortium until discussed with Council and assumes that is why the item is being discussed.

Council member Ogelman stated he spoke with David Mekarski and Hooper McCann and the town does not have to withdraw from the consortium but would not be pursuing at this time because the benefits do not exceed the cost for the town, but the Town can revisit the consortium at any time. Council member Ogelman added we need to focus on the best interest of the taxpayers of Purcellville. Hooper McCann confirmed and added that the town is not being excluded from the consortium but feels the town can get a better price going out independently.

i. Election Date Delay Update

Sally Hankins talked about the Governor's Executive Order that extended the election date from May 5 to May 19 and that the town would be sending a petition requesting it be extended an additional two weeks, to June 4.

Council member Grewe stated he received a few questions from citizens and asked when the petition would be filed. Sally Hankins stated it would be filed and received by the court on Thursday. Council member Grewe asked if there was a list of jurisdictions participating and Ms. Hankins stated that based on legal advice the town would be sending the petition independently. Council member Grewe asked if there would be an impact with the primaries in June and Sally Hankins stated she would look into this.

Mayor Fraser asked the fee for filing. Sally Hankins stated there is no filing fee but the service filing the petition would charge the town, and that the amount is unknown.

j. COVID-19 Survey Take-Rate

David Mekarski stated that to date 16 surveys have been taken in the 20132 zip code and that a total of 46 surveys have been taken over the 10 total zip codes in Loudoun County.

Council member Grewe asked if those came through the town's website or just submitted by zip code. David Mekarski stated by zip code, and staff cannot confirm exactly where the assessment was taken from.

Mayor Fraser stated he feels the interface is a bit hidden and asked about interest in getting it more visible. David Mekarski stated staff would entertain suggestions, and talked about the format of how to get to the survey based on how the company set it up and feels they could make the assessment more visible.

k. COVID-19 Related Police Department Enforcement/Good Faith Actions To-Date

Chief McAllister talked about the communication methods used by the department to include Next Door, Facebook and Instagram and added that staff also meets with other jurisdictions. Chief McAlister stated that the department works closely with businesses and restaurants and ensures they are following the executive orders. Chief McAlister talked about online reporting for citizens and the PPE work by the officers, and added she is pleased with the social distancing and the results of the stay at home order.

Vice Mayor Stinnette asked if the department has seen an increase in incident reporting online. Chief McAlister stated she feels things have slowed down, but the officers are responding to calls. Vice Mayor Stinnette thanked the department for their work.

Council member Bledsoe thanked the department for their work, being able to adjust and for proactively working with the businesses.

Mayor Fraser thanked the Chief and department for their efforts.

l. Update on Discussions with Commonwealth and County for Planning to Transition into the First Phase of Reopening

David Mekarski talked about the phased approach that the government has laid out, and that the state of VA and Loudoun County are not ready to reopen. Mr. Mekarski reviewed the steps to the phased approach as provided in the staff report. Mr. Mekarski summarized some of the calls with local and regional officials and added that Dr. Goodfriend advised to stay the course.

Mayor Fraser thanked Mr. Mekarski and added that this shows the team is collaborating at different levels.

Council member Grewe stated he does not see a path forward to the items since testing is not available except for those that are considered high risk. David Mekarski stated the Governor is setting up a task force to develop a strategy to open the economy and provide extensive testing. Mr. Mekarski added that discussion took place about the stimulus bills and that the guidelines are not flexible and go to direct related COVID expenses and talked about communications to congress to extend the existing legislation to allow some of the money to be allocated to small and mid-size communities for revenue loss. Council member Grewe talked about the presented strategy from above and does not feel it will work. Mayor Fraser added he feels the wastewater testing is a step in helping provide data in an effort to reopen.

m. Community Garden Building and Pond; Safety and Environmental Concerns – Illegal Entry and Use and Structural Integrity

David Mekarski stated the community garden property has a barn, pond, two additional structures, a concrete building and a large metal shed. Mr. Mekarski stated members have made the property an asset by opening the community garden, and talked about potential uses. Mr. Mekarski stated the access is off of a private road with limited parking and that the property is decaying. Mr. Mekarski added an evaluation was done in 2018 and that most of the buildings are salvageable but need immediate attention and repair. Mr. Mekarski added that staff met with Mr. Cable, Village Case resident, onsite and walked the property, and agreed to work with Council to assess the property. David Mekarski stated that Dale Lehnig and her team would be getting estimates; for demolition, restoring all buildings, and working with the community to build a vision for the property.

Lt. Barry Dufek, Field Operations Commander, stated he has received a few calls about the property and the buildings have been broken into, but feels due to patrol over the past month and a half that there has been no illegal activity. Jason Didawick agreed with Lt. Dufek on the issues and that the main concern is safety. Mr. Didawick added staff has been securing the buildings on a regular basis and feels there is opportunity to do something with the property.

Mayor Fraser referenced the resident that reached out and that he would be pleased that the facility has been secured, and talked about structural integrity and then moving forward with

what is best for the neighborhood. Mayor Fraser talked about engaging the Tree and Environment Sustainability Committee and the Economic Development Advisory Committee with the HOA and community for ideas, and that he would share an email with ideas, and requested ideas from Town Council.

Council member Ogelman stated he would share this with the Economic Development Advisory Committee and feels they would be excited to explore opportunities that would enrich the town. David Mekarski agreed this would be a good project for multiple committees.

ADJOURNMENT

With no further business, Council member Bledsoe made a motion to adjourn the meeting at 10:20 PM. The motion was seconded by Council member Grewe and carried 7-0.

Kwasi Fraser, Mayor

Diana Hays, Town Clerk