

**MINUTES
PURCELLVILLE TOWN COUNCIL SPECIAL MEETING
THURSDAY, APRIL 8, 2020, 7:00 PM
TOWN HALL COUNCIL CHAMBERS**

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

PRESENT: Kwasi Fraser, Mayor
Tip Stinnette, Vice Mayor
Ted Greenly, Council member
Joel Grewe, Council member

PRESENT VIA REMOTE PARTICIPATION:
Ryan Cool, Council member
Chris Bledsoe, Council member
Nedim Ogelman, Council member

STAFF: David Mekarski, Town Manager
Sally Hankins, Town Attorney
Diana Hays, Town Clerk/Executive Assistant
Kimberly Bandy, Deputy Town Clerk

STAFF VIA REMOTE PARTICIPATION:
Liz Krens, Director of Finance
Linda Jackson, Financial Analyst
Patrick Sullivan, Director of Community Development
Hooper McCann, Director of Administration
Shannon Bohince, Director of Information Technology
Jason Didawick, Assistant Public Works Director
Dale Lehnig, Capital Projects and Engineering Manager

CALL TO ORDER OF SPECIAL MEETING

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

AGENDA AMENDMENTS/APPROVAL:

David Mekarski, Town Manager added a discussion item from Davenport on RFP Request for proposal for a tax anticipation note for a line of credit. Mayor Fraser adds TAN RFP as 7b.

CITIZEN/BUSINESS COMMENTS:

None

DISCUSSION/INFORMATIONAL ITEM(S):

a. FY21 Budget – Proposal to Adopt 1st Quarter Appropriation Due to Declaration of Emergency *(Presentation on record with the Clerks's office.)*

David Mekarski introduced Liz Krenz, Director of Finance, and Linda Jackson, Financial Analyst, online with GoTo Meeting to walk through the presentation.

Linda Jackson opened with this presentation being on Emergency Budget changes. The table of contents consisting of Emergency Spending Plan, FY21 Proposed Budget that was discussed at the March 18, 2020 Special Meeting and March 24, 2020 Work Session Meeting, and where the budget resided at that point. Also, the included item discussion on the Interim Emergency FY21 First Quarter Appropriation and next steps.

Ms. Jackson stated after five months of preparing the FY21 budget, there is now a state of emergency and this has redirected those efforts as well as effecting FY20. Ms. Jackson stated revenues and expenditures are not reasonably predictable in this state of emergency and David Mekarski has taken action immediately to have all Directors eliminate nonessential spending and requested any requisitions above \$5,000 would need his approval for the length of the emergency. On March 24th there also had been a decision of no increased meals tax and real estate taxes. An Interim Emergency FY21 Appropriation has been discussed and revisions made to the budget with the Mayor and Vice Mayor's review. If the FY21 1st Quarter Appropriation is approved then the October 2020 through June 2021 Budget would need to be approved prior to October 1, 2020. On March 18th through April 8th the annual budget was reviewed and thereafter staff achieved reaching reductions by \$1.2 million with the goal being to identify expenditure cuts to match the proposed tax rate increases that had been discussed. This eliminated any proposed tax rate increases. In the April 8th version of the draft budget, there was not opportunity to change the 5% increase of utility rates, but the expenditure reductions that were cut consisted of personnel pay increases, overtime reduction, a reorganization to lower FTE by two, and reduce travel and training. Also a deferral of the traffic study along with any other nonessential programs within departments and deferred capital asset replacements left in Fireman's Field and any Capital Improvement Projects that required town funding.

Ms. Linda Jackson stated there were annual operating changes that were reduced by \$300,000 in the general fund to eliminate the \$0.02 tax increase, reduced revenue by \$480,000 related to the 1% meal tax revenue that was proposed, and offset by \$305,000 to transfer to waste water and transportation study of \$175,000. The Parks and Recreation reduced revenue of \$75,000 by eliminating the ½ cent reduction and the wastewater was impacted by a transfer that was going to go there from meals tax. There is a numeric summary chart included in the presentation with this further explained with reference to FY20 current budget of \$19.4 million and on March 18th presentation an increase of \$776,000 instead it's been reduced by about \$1.2 million. 19:16:00

Ms. Jackson continued with the annual operating expense changes excluding the CIP totaling \$1,160,000 reduction. This consisted of \$93,000 a salary indexed from 3% to 1.5% and reduction of travel and training of \$54,000. The governmental fund expense reduction consisted of a \$305,000 meals tax transfer to wastewater, reduce \$175,000 transportation study, \$100,000 future reorganization of FTE from 87 to 85, \$75,000 Parks and Recreation Capital Asset Replacement Fund for Fireman's Field, reduction of \$65,000 of overtime, \$9,000 Public Works admin other expenditures, and \$5,000 in the new shared parking agreement. In the Utility fund expenses there was a reduction of \$334,000 in cash funded Capital Improvement Projects of which \$160,000

LEAP Aeration Upgrade and \$174,000 Membrane Replacement. There was also a reduction of \$10,000 GIS Layers from both water and wastewater. There is another look at the annual operating expenses changes excluding the Capital Improvement Projects in a numerical format included in the presentation with this further explained by fund.

Ms. Linda Jackson continued with covering the steps taken to arrive at the Interim Emergency FY21 First Quarter Appropriation Assumptions. The Interim Emergency 1Q Appropriation assumes an average quarter from the Revenue FY20 Budget which excluded reserves that allowed no FY21 tax rate, fee, or utility rate increase. The expenditures and CIP were taken from the Manager Revised Proposed April 8th Budget and divided by four which must be adopted by June 30, 2020. The finalization of the FY21 Budget by adopting 2Q, 3Q, & 4Q Appropriation must be revisited in August 2020 covering October 2020 through June 2021 (2Q-4Q) with allowing enough time for a public hearing and must be adopted prior to October 1, 2020.

Ms. Linda Jackson continued with the Interim Emergency FY21 First Quarter Appropriation Cash Flow Assumptions breaking it down to inflow, outflow, and short-fall. The estimated cash inflow for informational purposes with recognized timing implications of the Annual Budget and the assumptions for inflow also included: PPTRA in 1Q (Aug), Property Taxes are collected in 2Q and 4Q, Business License in 3Q, Vehicle License in 4Q, Meals, Utility, Sales, and Communications tax are in arrears, and Fines & Forfeitures and investment income are in arrears. Each of these specific events are based upon the specific quarter and would not fall within Q1. The assumption for estimated outflow equals an average quarter at this time which is not the norm. The inflow estimate is approximately \$3.0M when compared to the \$5M average outflow, this creates a \$2.0M estimated cash flow short-fall. Cash flow variations are consistent with those seen within a normal annual budget year even without the state of emergency. Operating payments will be maintained through our reserve account and/or Line of Credit. There is a summarization slide with a detailed numeric explanation of the current budget summary and including March 18th proposed and April 8th revised proposed numbers.

The next steps to be taken and going forward are outlined by Ms. Jackson. The first step is for Town Council achieving consensus on approving proposed FY21 1Q Appropriation for a Public Hearing to be held on May 12, 2020 and adoption on June 9, 2020. The code of Virginia § 15.2-2503 requires the governing body to approve the budget plan for the ensuing fiscal year no later June 30, 2020. The step to finalize FY21 Budget would be to adopt 2Q, 3Q, & 4Q Appropriations. If the Town Council adopts an Interim Emergency Appropriation for First Quarter, steps for additional Amendments will be required prior to Oct 1, 2020.

David Mekarski, Town Manager, stated that the management team had worked very hard to originally present at the budget message presentation a lean budget with a 9% reduction from the previous year and have made further cuts and now is 15% below last year's budget with no increase in property tax, meals tax, Fireman's Field District tax, and does not raise utility rates for the first quarter. It is impossible to predict the future economic impacts from the COVID-19 for our next fiscal year, but there is some level of predictability for the estimation of this fiscal year pertaining to meals tax possibly losing \$250k to \$800k and possible drop in sales tax or even a natural boost because of the hoarding at the beginning of the pandemic. There is hope from the distribution of the CARES Act's proportionate amount of \$150 billion government reserve distribution with some of those monies to possibly create relief for local municipalities on their economic loss. Managers and Mayors throughout the region have been working on lobbying Congress to ask for various amendments to the CARES Act and suggestions for upcoming

legislation. The ordinance structure to ratify Meals Tax Holiday to assure that it's only reflecting the meals tax being collected for the take out operations and won't impede the ability to ask for relief on dine-in meals that have been restricted because of the decision from the Governor's office in light of the pandemic.

Vice Mayor Stinnette summarized the presentation as it being a stripped down, bare boned annual budget and then sliced it to the 1Q to get to the 1Q appropriation request. He confirmed the chargeback model that would be employed in that FY21 1Q the same model for FY20 and there is a deferral of the majority of the Capital Improvement Projects and giving way to the replacement membrane in the 1Q of FY21. He also confirmed the town would be operating under a hiring freeze by not growing full time equivalents and any expenditures greater than \$5k have to be authorized. Also, there is no reflected increase in 1Q personal property tax, real estate tax or Fireman's Field tax as well as no increase of utility rates for both water and wastewater.

Council member Greenly questioned the membrane being critical for operation with a suggested service life. Liz Krens commented on there being a savings plan for the membranes to be managed and the membranes have lasted longer than anticipated with plans to replace them in the next few years.

Council member Bledsoe had a question regarding water and sewer rates. David Mekarski responded that there would be no increase in the first quarter and the 5% increase in water and sewer is needed to maintain operation as expected, but we may not meet full operating costs and there will possibly be an exaction from net reserves/assets to maintain operations. The possibility of a rate increase is being reserved and will be decided upon at the end of this emergency. Our water and wastewater funds do need to be managed. Liz Krens commented in further detail on numerous models being researched with the utility rate consultant. Council member Bledsoe confirmed with Sally Hankins, Town Attorney, not being in compliance with code 15.2.2503 and the adoption of a 1Q only budget, but not meeting a full year budget deadline. Sally Hankins stated that we are proceeding in a fair and reasonable reaction under the circumstances reaching the intent of the statute and there will be a number of other municipalities in the same situation.

Council member Cool questioned the membrane topic and Loudoun Water history. Dale Lehnig responded on being in contract with Suez for purchasing membranes at a decreased cost and this would not allow the Loudoun Water option. Council member Cool addressed Mr. Mekarski to follow up with this option after the end of the contract with Suez.

Council member Ogelman confirmed that Mr. Mekarski reserves only the right to propose utility increases and these steps being taken on the budget are uncharted territory like Ms. Hankins had pointed out. He commented that there may be opportunities to uncover through this process and he also questioned on how it is being decided on what rules will be abided by and what rules would not.

Ms. Hankins stated that when decisions are difficult to make and have more than one answer that could be right, this would cause reflection on the mission of the town being to protect the public health, safety, and welfare of our citizens and make a judgement call on those decisions. She stated the example of the option to hold electronic town meetings outweighed jeopardizing citizens' health for a gathering. She further stated decisions are being made conservatively with the information we have and with the concern for public welfare in the short term of the next three months and not wasting time debating issues on the complete unknown for the next six months to a year.

Mayor Fraser commented that this is uncharted territory and cited an example of trying to fix the plane while it is in the air. He questioned Mr. Mekarski if the team did their due diligence in the Capital Improvement Projects cut and made sure it does not expose risk in this type of current disaster environment. Vice Mayor Stinnette commented on the Capital Improvement Projects \$337,000 budget cut only being in Q1 and added more detail to the Mayor's question. David Mekarski then commented on the importance and concern of the Capital Improvement Project for the draw pipe on the Reservoir to be stated in next years' budget, but it has been taken out for Q1. Dale Lehnig further commented on the importance of the intake structure on the Hirst Reservoir and there is a need to obtain more than a temporary conditional operation certificate over the next year or two for the dam valve. The valve would need to be replaced or an alternative system to obtain the permanent permit. Ms Lehnig also commented on the engineering of the draw pipe construction and design, and then the intake infrastructure. Mayor Fraser restated his question; is the community put at risk with cutting the Capital Improvement Projects budget. Mr. Mekarski answered the cuts are with a marginal risk that would not cause concern for himself or Engineering.

David Mekarski questioned the Mayor if any Council members have cause for concern not to support this Q1 FY21 Budget Appropriation. Mayor requested comments or concerns.

Council member Grewe would like to do the entire year and then make amendments knowing there will be adjustments anyway and is concerned it may not be the best, but is willing to entertain and support it.

Vice Mayor Stinnette stated that this appropriation allows staff to get through the first three months with less debate to move quickly and spend the rest of their time on the remaining three quarters of the budget.

Council member Greenly supported it.

Council member Bledsoe stated there seemed to be a general consensus for support and questioned when this will be returned for formal acceptance.

Liz Krens stated if a consensus is reached tonight, a public hearing will be advertised and scheduled for the first meeting in May and with Council adoption to be the first meeting in June. David Mekarski is open for any questions through May.

Council member Cool and Council Member Ogelman had no further questions.

Mayor Fraser gave directive to David Mekarski to move forward on the public hearing.

b. Fund Balance Consideration and Potential TAN Strategy

David Mekarski reminded Council from an earlier meeting where Davenport had a presentation relative to the need to maintain our excellent fund balances and net positions in water and wastewater accounts, which has garnered top bond ratings for our municipality, and the benefit of that was displayed in the refinancing strategy presented with not extending the term, only reducing the interest rate, which accomplished saving taxpayers \$2M over a 14 year period by the action of Council.

David Mekarski continued while going through one of the most difficult times and a loss of

revenue as well as a delay of revenue to the town from delay of water bills, sewer bills, and tax payments, if the town were simply to rely upon fund reserves and net positions, the town would weaken themselves financially and in a state of emergency this is where the town needs to stay strong as possible. David Mekarski commented that Kyle Laux from Davenport briefly mentioned at the earlier meeting to consider a line of credit strategy. This prompted a more formal follow up to the conversation regarding financial impacts to our municipal revenue streams. Mr. Mekarski continued that he and Liz Krens had a conference call with David Rose and Kyle Laux and they recommended the administration to begin working on an RFP to local, state and national banks for a tax anticipation note (TAN) that is limited to a 12 month period structured like a line of credit or draw and can only allow an amount up to the anticipated tax or rate revenue expected during that fiscal year (\$3M) which would allow the Town to meet its operating obligations in the light of lost or delayed revenue streams associated with the impacts of the coronavirus pandemic and local declaration of emergency. The TAN would be allowed to cover payroll, operating expenses, and equipment. Mr Mekarski commented on the CARES Act and at that time there is an unknown formula that would be used by the Governor and his right to reserve a decision on the types of allocation by funds from that act. Without possibly getting this Congressional fund support for economic loss, the town is facing 10-20% loss of total revenue and would not be able to sustain service delivery. By taking this TAN out we could hopefully be in a position to apply for relief through FEMA, Disaster Recovery Funds and or this first tier Governor allocation that would be used to pay off this TAN and anything at the end of the year we could not sustain would come out of the reserve account as the last measure.

Mr. Mekarski requested for Council to agree to go forward for immediate action to coordinate with Davenport and Company to prepare the recommended RFP and authorize its advertisement. Upon return of proposals, Davenport and the Town administration will share information with the Council for review and authorization to execute.

Mayor Fraser stated that this is not new information and asked for any concerns from Council with staff going forward with this.

Council member Grewe commented that he would always want more information than not and since this is authorization to go forward in only investigating this strategy he supported it.

Council member Greenly and Vice Mayor Stinnette nodded.

Council member Cool stated he was good.

Council member Ogelman stated that this would be more debt, in favor to move forward in looking, but be careful what is said yes to.

Council member Bledsoe agreed with Council member Ogelman and to proceed with caution.

Mayor Fraser gave directive to Mr. Mekarski to go forward on the research.

ACTION ITEM(S):

a. Ratifying Emergency Order Establishing Continuity of Operations

Sally Hankins, Town Attorney, stated that this ordinance from the March 24 Meeting looks substantially the same. There were two substantive changes from a Council member, shared by

email, to Part B and Part C. Ms. Hankins stated since Section B was edited, there was also a paragraph added to the bottom of that section to establish a succession for the Town Manager if he were unable to act.

After much discussion and deliberation by Council with Ms. Hankins on this ordinance, the final draft was agreed upon during the meeting. Part B and Part C contained:

“Part B – Emergency Interim Successors

The Town Manager is hereby authorized to designate an emergency interim successor for each of the following positions, when the person in that position is unable to act:

- (a) Town Clerk
- (b) Town Attorney
- (c) All Department Directors

State Code prohibitions on dual office holding shall continue to apply. At the time of their designation, an emergency interim successor shall do such things, if any, as are required to qualify them to exercise the powers and discharge the duties of the office as to which they have been assigned; provided, that the designation of an emergency interim successor for an office subject to confirmation by the Town Council shall not require the approval of the Town Council to be effective.

The Town Manager may at any time and without cause terminate the authority of any emergency interim successor so designated.

Further, should the Town Manager be unable to act any time during the course of a state of emergency or disaster, he shall be succeeded jointly by the Director of Administration, who shall assume the Town Manager’s function of Director of Operations, and the Chief of Police, who shall assume the Town Manager’s function of Director of Emergency Management; under this condition, the Chief of Police shall report to the Director of Administration. The Town Council shall at all times have the authority to change these identified successors to the Town Manager.

Part C – Employee Hiring, Functions, Compensation, and Leave

During the time the Town is under a state of emergency or disaster, the Town Manager or his successor shall have the authority to perform the following acts, which acts shall be reversed within a reasonable time upon conclusion of the emergency or disaster:

1. Hire, promote, transfer, and reinstate employees as needed, without delay, and without adherence to any process required under law or policy
2. Change employee job functions as needed and set wages to account for such changes in job functions; convert non-exempt employees to exempt status when allowed under FLSA
3. Create leave and work-from-home policies as needed to handle the emergency or disaster”

Ms. Hankins had one other smaller change to the ordinance which was the definition of coronavirus to read: a coronavirus, which causes a disease known as COVID-19.

Mayor Fraser stated that this is an emergency and he would like a 7-0 vote.

Vice Mayor agreed with the Mayor that a 7-0 vote is needed this evening.

Council member Grewe made a motion that the Town Council adopt Ordinance 20-03-01, as amended on the floor, an emergency ordinance establishing special laws for the continuing government functions while expediting Town response to an emergency or disaster. Vice Mayor Stinnette seconded the motion.

Council member Bledsoe requested to see a final draft of this ordinance and Ms. Hankins complied.

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

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

b. Adoption of Meals Tax Holiday Ordinance

Ms. Sally Hankins opened that the vote was made at the last meeting on this ordinance, but then there was a request to craft the ordinance which was in the agenda packet and the vote was to ratify the ordinance 20-03-02.

David Mekarski led the discussion on his addition of Section 4 shown in the presented ordinance to go into further detailed statement of future economic impact from the Governor's order and state of emergency of this Meals Tax Holiday.

“Section 4. That this ordinance only applies to the limited meals service local restaurants are now engaged in with “take out orders” as a result of the Governor’s order fifty-three (53) to close restaurant and dining establishments and does not waive the right for the Town of Purcellville to file an economic loss statement for COVID-19 associated relief under any federal or state existing, pending legislation, which governs the recovery of economic loss to local states or municipalities. “

Council member Bledsoe asked to see the ordinance with changes that was emailed out before the meeting start time.

Vice Mayor Stinnette moved that the Purcellville Town Council ratify Ordinance 20-03-02 suspending the collection of Meals Tax during the months of April and May, 2020.
Council member Bledsoe seconded the motion.

Council member Grewe stated that he would like the following added to the ordinance: Section 4 line 5 to read “existing, pending or future legislation.”

Mayor Fraser stated the motion was made with a friendly amendment made by Council member Grewe and Vice Mayor Stinnette accepted the amendment.

Motion: Vice Mayor Stinnette
Second: Council member Bledsoe

Carried: 7-0-0 absent

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

Sally Hankins, Town Attorney, interjected with a possible amendment that Finance had a question on collection of penalties and interests on Meals Tax for February with a March 20th collection date to be submitted before July 1 or if not submitted at all, when would it be reassigned.

Council member Grewe questioned if this could be attached to the length of the State of Emergency where there is a pause until the end is declared.

Council member Ogelman liked the idea of using the July date and then revisiting if it was needed.

Vice Mayor Stinnette stated to be able to enforce or not to enforce, instead of going through legislation, through having the Town Manager use operational discretion.

Council member Grewe found a statement that would cover this questioned amendment without needing the actual amendment through the previous ordinance for the Town Manager. Ms. Hankins thanked Council member Grewe and confirmed that this is already covered.

c. Purcellville Website Link-Away to ICG COVID-19 Assessment Tool (*Presentation is on file at the Clerk's office*)

David Waldrop, CEO of ICG, introduced himself as well as Louie Lyons, Co-founder, COO, and Counsel for ICG, and Pat Scannell, Advisor, was also on the phone. Mr. Lyons stated their address as 8823 Bells Mill Rd, Potomac, MD 20854 and began the presentation. He referenced to their website: doIhaveit, which helps collect information from individuals that may have early symptoms of COVID-19 within their specific localities. He further explained that national and state information is updated daily, but not specific to towns and counties. He suggested that their web link could run within the background of the towns' website. He further explained this information is collected and grouped within a zip code and in a timely manner. Mr. Lyons explained that it is an anonymous survey that is completed. The aggregation of this information is what is interesting and this gives people the opportunity to share information early and an effort to manage public welfare. This information is attempting to be proactive rather than reactive to serve the public.

Council member Grewe asked if this data could lead up to any recovery stats and it seemed to him that this data is needed at a bigger pictured scale.

David Mekarski pointed out that there was some concern that the 20132 zip code is more than what is within town limits. Mr. Waldrop commented that this way this self-test allows for more anonymity and privacy can be protected. This also allows for a bigger picture for emergency response and possible hospital visits.

Council member Grewe agreed that this would provide more data, better data, which is what is needed and he liked it. He confirmed that it is not in multiple languages, it is compliant with US law and when the data is collected it is provided to the public safety and response organizations only.

Council member Greenly congratulated ICG for putting together this software. He confirmed with Mr. Waldrop that they have worked with many medical personnel, State of Illinois, and FEMA3 to look at what is being collected and confirmed this is not a cost to the town.

Council member Bledsoe was complimentary of this tool and reinstated the concern of the size of 20132 zip code which was discussed and the business option. He questioned Mr. Mekarski on how this tool would be promoted to the public.

Mayor Fraser clarified that 20132 covered 82 square miles.

Council member Ogelman thanked the group for applying their skill set through this tool for this crisis. He questioned if there is any factoring to cover the carriers of the virus that are asymptomatic and are not experiencing the downside.

A series of questions and discussion unfolds with Council.

Sally Hankins, Town Attorney, asks a series of questions and the discussion moves to a motion.

Vice Mayor Stinnette moved that the Town Council direct the Town Manager to have the

doIhaveit graphical element along with related county public health artifacts added to the Town's COVID-19 website with appropriate non-hosted website disclaimer by Thursday April, 9, 2020. Council member Grewe seconded the motion.

Motion: Vice Mayor Stinnette
Second: Council member Grewe

Carried: 7-0-0 absent

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

d. Relief for Local Businesses – Implementation of Shop Purcellville Program

David Mekarski opened with a program initiative in this being to help local businesses during this unusual time. The first idea of the presentation of \$10 coupons to participating businesses and then they would be turned into our Finance department for reimbursement to stimulate businesses. After a meeting with the Communications Team, they recommended the reactivation of the Shop Purcellville program that was originally launched in 2013, with modifications to fit the current circumstances associated with COVID-19 along with the coupons.

Vice Mayor agreed with staff if they would like to pursue the Shop Purcellville action and he strongly agrees for the need to inject monies into the business community which the coupon program accomplishes to provide quick relief.

Hooper McCann added that Amie Ware and Hibah Salah have been working on a virtual initiative called Purcellville Strong with local businesses to not only bring activities to the community, but to also highlight our local businesses and not only working on the coupon program.

Council member Greenly suggested to ask business owners what they preferred to try.

Council member Grewe suggested to bring back Shop Purcellville and also do the coupon program, but to up the \$10 coupon to \$20. He'd like to prevent as many businesses as possible to stay open for business and not shut their doors.

Ms Hankins questioned if the plan is to only send coupons to residents and not property owners ie. renters using utility bills to contact these residents.

It is established by Liz Krens and Hooper McCann that there are roughly 2800 residential utility accounts and 323 businesses utility accounts.

Council member Grewe suggested either to go do the program or do an appropriation of \$75,000 from the unallocated reserves to go ahead and do this.

Council member Bledsoe appreciated staff's time and effort to initiate this.

Council member Cool commented that businesses that are strong will survive and he is unsure of the town being in a position to distribute \$75,000. Although this is well intended, this ship has already sailed and he will not support the program unless it is shown where the funds are coming from.

Council member Ogelman was supportive of subsidizing local businesses and the program.

Mayor Fraser was in support of the coupon program to inject stimulus into our local economy and possibly get some pro-bono work done to print the coupons and is only in support of the Shop Purcellville Program if staff is up to the task.

Council member Grewe stated the policy of holding 30% of our operating in general reserve which would be \$3.278 million in reserves and have another \$2.167 million above that by looking at the February statement. The discussion is about taking \$70,000 which still leaves well above the 30% and not adding debt.

Vice Mayor Stinnette acknowledged that Council member Cool made a fair point, but there will be a need to spend money to sustain our businesses. He agreed with being behind on this initiative and doesn't mind that, it better to be late than not show up at all.

Council member Grewe made the motion that the Town Council direct staff that the Town Council allocate \$70,000 from the unallocated reserves and direct staff to reestablish the Shop Purcellville program and provide town residents assistance as they are being affected by the 2020 coronavirus pandemic. Vice Mayor Stinnette seconded the motion.

Council member Greenly stated that he agreed with the motion with an amendment to direct Town Manager versus staff. Mayor Fraser accepted friendly amendment.

Motion:	Council member Grewe
Second:	Vice Mayor Stinnette
Carried:	6-1-0 absent

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

ADJOURNMENT

With no further business, Council member Cool made a motion to adjourn the meeting at 10:52 PM. The motion was seconded by Council member Grewe and carried 7-0-0 absent.

Kwasi A. Fraser, Mayor

Kimberly Bandy, Deputy 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
www.purcellvilleva.gov

221 S. Nursery Avenue
Purcellville, VA 20132
(540) 338-7421
Fax: (540) 338-6205

TOWN OF PURCELLVILLE
IN
LOUDOUN COUNTY, VIRGINIA

ORDINANCE NO. 20-03-01

PRESENTED: MARCH 24, 2020
ADOPTED: APRIL 8, 2020

**AN ORDINANCE: ESTABLISHING LAWS GOVERNING OPERATION OF THE
TOWN FOR THE PURPOSE OF CONTINUING GOVERNMENT
FUNCTIONS DURING AND AFTER A DISASTER**

WHEREAS, the immediate need for this ordinance is the result of a declaration of emergency and disaster, as declared by the Governor of Virginia on March 12, 2020, and by the Town Manager on March 16, 2020. Those declarations were prompted by the public health threat caused by the spread of a coronavirus, which causes a disease known as COVID-19.

NOW THEREFORE, the Town Council of the Town of Purcellville, Virginia hereby ordains:

Section 1. That the Town Code of the Town of Purcellville, Virginia is hereby amended to add a Chapter entitled, "Powers During States of Emergency and Disasters," as follows:

POWERS DURING STATES OF EMERGENCY AND DISASTERS

Part A – Purpose; Time Limits; Authority

The purpose of this ordinance is to ensure the continuation of an effective and legally-constituted government for the duration of any emergency or disaster, as declared by either the Town of Purcellville or the Commonwealth of Virginia. In order for government to perform essential

**AN ORDINANCE: ESTABLISHING LAWS GOVERNING OPERATION OF THE TOWN FOR THE
PURPOSE OF CONTINUING GOVERNMENT FUNCTIONS DURING AND AFTER A
DISASTER**

services while re-directing its limited resources toward resolution of an emergency or disaster, special powers are needed.

The Town may operate under this Ordinance only while a state of emergency remains in effect, as declared by the Town Manager of the Town of Purcellville or the Governor of Virginia, as the result of a disaster, emergency, or major disaster, as those terms are used and defined in Va. Code § [44-146.16](#).

Va. Code § 15.2-1413 authorizes this ordinance, allowing for the continuity of government in the event of a disaster. Virginia Code provides that, notwithstanding any contrary provision of law, general or special, any locality may, by ordinance, provide a method to assure continuity in its government, in the event of an enemy attack or other disaster. Such ordinance shall be limited in its effect to a period not exceeding six months after any such attack or disaster and shall provide for a method for the resumption of normal governmental authority by the end of the six-month period.

Part B – Emergency Interim Successors

The Town Manager is hereby authorized to designate an emergency interim successor for each of the following positions, when the person in that position is unable to act:

- (a) Town Clerk
- (b) Town Attorney
- (c) All Department Directors

State Code prohibitions on dual office holding shall continue to apply. At the time of their designation, an emergency interim successor shall do such things, if any, as are required to qualify them to exercise the powers and discharge the duties of the office as to which they have been assigned; provided, that the designation of an emergency interim successor for an office subject to confirmation by the Town Council shall not require the approval of the Town Council to be effective.

The Town Manager may at any time and without cause terminate the authority of any emergency interim successor so designated.

Further, should the Town Manager be unable to act any time during the course of a state of emergency or disaster, he shall be succeeded jointly by the Director of Administration, who shall assume the Town Manager's function of Director of Operations, and the Chief of Police, who shall assume the Town Manager's function of Director of Emergency Management; under this condition, the Chief of Police shall report to the Director of Administration. The Town Council shall at all times have the authority to change these identified successors to the Town Manager.

Part C – Employee Hiring, Functions, Compensation, and Leave

**AN ORDINANCE: ESTABLISHING LAWS GOVERNING OPERATION OF THE TOWN FOR THE
PURPOSE OF CONTINUING GOVERNMENT FUNCTIONS DURING AND AFTER A
DISASTER**

During the time the Town is under a state of emergency or disaster, the Town Manager or his successor shall have the authority to perform the following acts, which acts shall be reversed within a reasonable time upon conclusion of the emergency or disaster:

1. Hire, promote, transfer, and reinstate employees as needed, without delay, and without adherence to any process required under law or policy
2. Change employee job functions as needed and set wages to account for such changes in job functions; convert non-exempt employees to exempt status when allowed under FLSA
3. Create leave and work-from-home policies as needed to handle the emergency or disaster

Part D – Employee Grievances

The right of an employee to file a grievance against the Town shall be suspended during the time in which the Town is under a state of emergency or disaster, and all deadlines established for such grievances shall be tolled until the state of emergency or disaster has been declared by Town Council to have concluded.

Part E – Town Contracts & Procurement

The Town Manager or his successor shall have the authority during an emergency or disaster to amend the terms of existing contracts as needed to address the emergency, so long as such amendments are limited to the duration of the emergency. Further, the Town Manager shall have all authority to expedite the procurement of goods and services, as granted under Virginia Code, and to expend monies from Town reserves. Such amendments, procurements, and expenditures shall be valid only if also approved by a second officer of the Town, other than the Town Manager or his successor, which officer should, if possible, be the Town's director of Finance or her interim emergency successor. Such secondary approval may be given in writing, by email, or orally by phone or in person, so long as any oral approval is later reduced to writing.

Part F – Deferment of Payments Due to the Town

During the time the Town is under a state of emergency or disaster, the Town Manager or his successor shall have the authority to defer the due date for payments of local taxes, charges, and fees to the extent permitted by state law.

Part G – Public Property and Public Services

During the time the Town is under a state of emergency or disaster, the Town Manager or his successor shall have the authority to perform the following acts, which acts shall be reversed within a reasonable time upon conclusion of the emergency or disaster and, in any event, no later than 6 months after such conclusion:

**AN ORDINANCE: ESTABLISHING LAWS GOVERNING OPERATION OF THE TOWN FOR THE
PURPOSE OF CONTINUING GOVERNMENT FUNCTIONS DURING AND AFTER A
DISASTER**

1. Restrict or prohibit the public from entering or congregating around Town-owned buildings, facilities, and real property as he deems necessary to ensure the health, safety, and welfare of the public, Town staff, and Town officials. The Town Manager's discretion hereunder should be exercised so that it is consistent with advice from public health officials, public emergency officials, and other state or federal guidelines.
2. Suspend the provision of non-essential government services.
3. Cancel or postpone Town Events, in spite of any penalties that may be incurred under contract for cancelling or postponing such events.

Part H – Public Meetings & Ordinance Adoption

1. Public Notice, Public Hearing & Ordinance Adoption. During periods of emergency or disaster, the Town Council may adopt ordinances without first advertising or conducting a public hearing when the Town Manager determines (1) that the matter to be decided is necessary to the reasonable continuation of government functions, and (2) that one or both of the following apply: (a) that the delay resulting from such advertising and public hearing would harm the public health, safety, or welfare, or (b) the physical assembly of the public would harm the public health, safety, or welfare.

If the Town Manager determines that only the delay resulting from advertising and public hearing will harm the public health, safety, or welfare, then the Town shall provide an alternate form of public notice, but shall maintain the traditional public hearing format at the public meeting. The Town shall provide public notice as early as possible, describing both the nature of the matter to be considered by Council and the date, time and location of the Council meeting, by: (i) issuing a press release, (ii) posting to the Town's Facebook page, and (iii) posting to the Town's website.

If the Town Manager determines that the delay of advertising will not harm the public health, safety, or welfare, but that the physical assembly of the public would, then the Town shall advertise the public hearing in the manner that meets or exceeds the minimum statutory requirements, but will allow public attendance only through electronic and telephonic means as provided under Section 3, below. The Town's public notice shall specify how the public may observe the meeting on-line, listen to the meeting over the phone, ask questions, and offer comments. Further, when public hearings are conducted by Town Council in this manner, the Town Council shall reserve time during the meeting to receive public input by email and telephone.

Ordinances adopted under a state of emergency with either advertising methods or public hearing methods that fail to meet the minimum requirements of State Code shall automatically terminate upon the Town Council's declaration that the emergency or disaster

**AN ORDINANCE: ESTABLISHING LAWS GOVERNING OPERATION OF THE TOWN FOR THE
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has concluded. The Town Clerk shall track all ordinances so adopted, and, to the extent such ordinances need to remain effective after the Town Council declares the emergency to have concluded, they must be re-adopted in accordance with standard, non-emergency procedures.

2. Electronic & Telephonic Meetings. For any regular, special, or emergency meeting of the Town Council, or any subordinate board, committee, or commission, the Town Manager may direct that (i) such meeting be held by solely electronic or telephonic means without a quorum of members physically present, or (ii) if the meeting is to be physically assembled, that members of the public not be permitted to attend when necessary to protect the public health safety or welfare of the public or Town officials; provided, however, that either such directive may be given only so long as all of the following criteria are satisfied:

- (a) All meetings shall have a live audio and video broadcast accessible through the Town website.
- (b) All meetings shall have a dial-in phone number that will accommodate at least 100 persons participating by phone.
- (c) The public will be given time to participate in any such meeting by speaking over the phone, or by emailing the Town Clerk who will then present the comment or question to the public body.
- (d) The notice and agenda for any meeting held in wholly electronic or telephonic form under this section shall:
 - (1) affirmatively state that the meeting is being held during a state of emergency and that emergency rules under this Ordinance shall apply;
 - (2) provide the website address for viewing the meeting on-line and provide the dial-in phone number for participation by phone; and
 - (3) notify the public that they may provide comments and questions via email or telephone during the meeting.

If action is taken at a Town Council meeting under conditions that have caused the Town to prohibit the public from physically attending while the electronic and telephonic methods of public participation are non-functioning, such that no public observation or participation of the meeting is possible, then such Council action must be brought back before Council for ratification at the earliest possible opportunity under conditions when the public may either physically attend, or participate electronically or telephonically.

3. Lack of Quorum. If, during a state of emergency, a quorum of Council members cannot be assembled, either physically or electronically, then an affirmative vote by a majority of those Council Members who are present (physically or electronically) and voting will operate to make a decision of Town Council binding.

AN ORDINANCE:

**ESTABLISHING LAWS GOVERNING OPERATION OF THE TOWN FOR THE
PURPOSE OF CONTINUING GOVERNMENT FUNCTIONS DURING AND AFTER A
DISASTER**

4. Cancellation of Meetings. The Town Manager may order the cancelation of any meeting of a Town commission, committee, or board.

5. Emergency Meetings. The Town Council shall continue to have the power to call emergency meetings as allowed under statute. When these meetings are conducted:

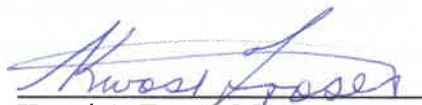
- (a) Opportunities for public access and participation during any emergency meeting shall be given using the best available methods under the circumstances.
- (b) The nature of the emergency shall be reflected in the minutes of the meeting.
- (c) All actions taken at an emergency meeting that are unrelated to the emergency itself shall be ratified at a later regular or special meeting.

Section 2. That this ordinance shall be effective March 16, 2020, on the same date that the Town Manager declared a state of emergency due to the coronavirus.

Section 3. That the Town Council may at any time amend this ordinance by a simple majority of those voting.

Section 4. That if any section, paragraph, subdivision, clause, phrase, or provision of this ordinance shall be adjudged invalid by the courts, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so decided to be invalid.

PASSED THIS 8th DAY OF APRIL, 2020.


Kwasi A. Fraser, Mayor
Town of Purcellville

ATTEST:


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

221 S. Nursery Avenue
Purcellville, VA 20132
(540) 338-7421
Fax: (540) 338-6205
www.purcellvilleva.gov

TOWN OF PURCELLVILLE
IN
LOUDOUN COUNTY, VIRGINIA

ORDINANCE NO. 20-03-02

PRESENTED: MARCH 24, 2020

ADOPTED: APRIL 8, 2020

EFFECTIVE: MARCH 16, 2020

**AN ORDINANCE: TO SUSPEND THE COLLECTION OF MEALS TAX DURING
THE MONTHS OF APRIL AND MAY, 2020**

WHEREAS, the purpose of this ordinance is to assist affected businesses and residents with the hardship resulting from the public health threat caused by the spread of a coronavirus, which causes a disease known as COVID-19; and

WHEREAS, under Town Code section 74-82, a levy ("**Meals Tax**") is imposed on each person on the amount paid for meals purchased from any food establishment within the Town limits, and the current rate of such levy is 5%; and

WHEREAS, without decreasing the current meals tax rate of 5%, the Town Council desires to suspend the collection of the Meals Tax for the months of April and May, 2020, with collection of the 5% Meals Tax to resume on June 1, 2020.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Purcellville, Virginia:

Section 1. That collection of the Meals Tax as required under Town Code Section 74-83 is suspended for the months of April and May, 2020.

AN ORDINANCE:

**TO SUSPEND THE COLLECTION OF MEALS TAX DURING THE MONTHS OF APRIL
AND MAY, 2020**

- Section 2. That all Meals Tax reporting requirements, and deadlines therefore, shall remain in effect for the months of April and May, 2020, as set forth under Town Code Section 74-86.
- Section 3. That this ordinance shall be effective March 16, 2020, on the same date that the Town Manager declared a state of emergency due to a coronavirus that causes a disease known as COVID-19.
- Section 4. That this ordinance only applies to the limited meals service local restaurants are now engaged in with "take out orders" as a result of the Governor's order fifty-three (53) to close restaurant and dining establishments and does not waive the right for the Town of Purcellville to file an economic loss statement for COVID-19 associated relief under any federal or state existing, pending or future legislation, which governs the recovery of economic loss to local states or municipalities.

PASSED THIS 8th DAY OF APRIL, 2020.



Kwasi A. Fraser, Mayor
Town of Purcellville

ATTEST:



Diana Hays, Town Clerk