

MINUTES
PURCELLVILLE TOWN COUNCIL MEETING/WORK SESSION
TUESDAY, JUNE 23, 2020 7:00 PM
TOWN HALL COUNCIL CHAMBERS

The town meeting work session of the Purcellville Town Council and the GoTo meeting 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
Joel Grewe, Council member
Chris Bledsoe, Council member

ABSENT: None

PRESENT: David Mekarski, Town Manager

Sally Hankins, Town Attorney
Diana Hays, Town Clerk/Executive Assistant

STAFF PRESENT VIA REMOTE PARTICIPATION:

Hooper McCann, Director of Administration
Amie Ware, Division Manager-Parks and Recreation
Patrick Sullivan, Director of Community Development
Andy Conlon, Senior Planner
Sharon Rauch, Director of Human Resources
Jason Didawick, Director of Public Works
Dale Lehnig, Director of Engineering, Planning and Development
Liz Krens, Director of Finance
Chief Cynthia McAlister, Police Dept.
Deputy Chief Dave Dailey, Police Dept.
Kimberly Bandy, Deputy Clerk

CALL TO ORDER

Mayor Fraser called the Town Council Meeting Work Session and GoTo (virtual) meeting to order at 7:00 PM. The Pledge of Allegiance followed.

AGENDA AMENDMENTS/APPROVAL

None

CONSENT AGENDA

- a. Approval of Meeting Minutes – January 14, 2020 Town Council Special Meeting**
- b. Approval of Meeting Minutes – January 14, 2020 Town Council Meeting**
- c. Reappointment and appointment of Train Station Advisory Board**

Council member Bledsoe made a motion that the Purcellville Town Council approve the Consent Agenda, item 6a- c, as presented in the June 23rd, 2020 Town Council Meeting Work Session agenda packet. The motion was seconded by Council member Grewe.

Motion: Council member Bledsoe
Second: Council member Grewe

Vice Mayor Stinnette made a comment of adding a new member to the Train Station Advisory Board and would like the opportunity to interview newly appointed members, but in this case would support this motion.

Mayor Fraser stated that current member Reggie Simms could no longer function on the Board and with support of the committee body that his brother, Larry Simms, that had been present at every meeting, would take his place.

Council member Bledsoe stated that his personal view of statutory commissions that have obligations in terms of ordinance enforcement such as Planning Commission, Board of Architectural Review, and Board of Zoning Appeals would be subject to Council interviews and other that are non-statutory such as Purcellville Arts Council, Parks Recreation Advisory Board, Tree and Environment Sustainability Committee, and Train Station Advisory Board would not necessarily be subject to that, still giving Council the opportunity to intercede and interview at their discretion which makes it much more efficient if the committees and boards themselves and Chairs of those committees would be able establish members, recruit new members and bring them on board, and then subject to a Consent Agenda so that council has the opportunity to object.

Council member Grewe stated his thoughts are similar to Council member Bledsoe, but not fully aligned, and he believes there is a benefit of personal interviews to interact with Council with an ability to develop a relationship with interviewees and to align Council with the Committees.

Council member Ogelman stated it is good general course of business to do what Council member Grewe said and to interview people before chosen just even to know them and see how they interact. This is not normal times and not sure if we should or could spend the time now for person to person interviews with so many other things to do. Council member Ogelman stated he certainly knows Mr. Simms and that he has been interested for a while to participate and this makes good sense to him and under these circumstances to handle it this way. He commented that he would not advocate for this motion to be a standard process.

Mayor Fraser reiterated that the motion was made and was there any other comments.

Council member Ogelman was in support of the Consent Agenda with provided edits for the January 14th minutes.

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

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

PUBLIC HEARING:

a. Plan Purcellville Comprehensive Plan 2030 version 7.4

Mayor Fraser opened the public hearing at 7:09 PM and stated that this public hearing was to hear comments for version 7.4. Mayor Fraser then introduced David Mekarski for the staff presentation.

David Mekarski stated that Plan Purcellville has been worked on for close to five years and is a representation of a future vision for our community. A vision that will guide a series of policy documents and regulatory codes under managed or slow growth and preservation of small town character. This plan goes beyond the basic elements and gives a policy document for citizens and contractors interested in establishing businesses in our town as well as individuals wanting to make this town their home. This plan has been painstakingly reviewed by the Planning Commission, professional staff, and professional consultant and this Council has spent literally eight special meetings in January combing through each page and fine tuning and continued through the spring and COVID crisis producing the final document. This document has been dually advertised as required by law and published twice and here for the public to weigh their final comments before this body. A series of planned special meetings are scheduled to deliberate on any comments tonight and subsequent public hearings to make a decision up or down on this document. Once the document is adopted this document is turned over to the Town Manager and Planning Commission and becomes a guiding document to begin to establish implementation tools that might be a new Zoning Ordinance, different regulatory tool, revisions to sign ordinances, changes to architectural standards, landscaping and parking lot standards: anything to guide future development guidelines, policies, or regulatory code would be fostered by compliance with this plan. As a professional certified planner, he is extremely pleased that this day has come and a testament to the hard work in each and every person that has rolled up their sleeves, volunteer hours, and that have made this document happen.

Mayor Fraser commented that tonight is not for approval or adoption of this document, but to hear from the public. He requested comments.

Diana Hays, Town Clerk, stated that she did received comments from Patty DiPalma-Kipfer of 38038 W. Colonial Hwy, and believed she was virtually present and would wait for her to make the comments herself or Ms. Hays would read them into the minutes. Ms. DiPalma-Kipfer was having technical difficulty and her comments were inaudible. Diana Hays, Town Clerk, read her comments into the record which will be included with the minutes.

Walt Peter, 34989 Williams Gap Rd, Round Hill, references Area 3 page 42 Agriculture Tourism Commercial defined, and matching the guiding statement on page 82 subsection C, and is concerned with the rights being taken away and questioned if this was this the intent or (*inaudible*). In his view, this does not track the definition of Agriculture Tourism Commercial.

Vice Mayor Stinnette read an email from Phil Message into the record and they will be included with the minutes for this meeting along with a marked up map showing his property in question.

Mayor Fraser requested comments from Council.

Council member Greenly had a discussion with Walt Peter that was not clear and inaudible.

Council member Ogelman stated that there could be some changes to that, but he believed what was consistent in the Area 3 description and the description on the earlier page is that we want whatever other uses that are going to be on those properties whether it is a lodging or something else to transition from the rural space to the town and be consistent with Agriculture and Tourism uses. He believed neither the description nor this part should say that you can have some kind of commercial uses that are detached from those purposes.

Mr. Walt Peter made further comments that were inaudible.

Walt Peter and Council member Ogelman further discuss Mr. Peter's point made earlier with both agreeing that size and scope should be appropriate and that is clear, but Mr. Peter is concerned if you are looking at this part of the Comprehensive Plan, and then go to the Planning Commission for development and they would say sorry that is what it says.

Council member Ogelman questioned if the statement is not expansive enough to accommodate and as a clause does not say "and" but does say "or", it is saying something about compatibility with the character not the nature of use.

Mr. Peter's concern is that it starts with "limited density, restricts commercial developments except for uses such as a farm store, a plant nursery, agricultural rural or tourism related businesses that are compatible..." which strings out a number of clauses that don't seem to gel. He stated when further reading down to "D" and reading it in entirety it portrays to him to be very limiting or rural. Mr. Peter does prefer the Agriculture Tourism Commercial definition as it stands, he would prefer something more, but is okay as it stands.

Council member Bledsoe had a chance to speak with Patty DiPalma-Kipfer and she shared with him very much the same concerns as Mr. Peter. There seems to be a mixed message with the narrative of the description of the district and the potential land uses and he believed that there is

room for marginal improvement as far as the language and be sure it is not limiting. There is concern someone reading the Comprehensive Plan would make assumptions in term of the limitations and not fully understand the potential uses of the property. Council member Bledsoe made a commitment that this concern would be discussed over the next few meetings.

Vice Mayor Stinnette commented that he does not find the definition of Agriculture Tourism Commercial on page 48 radically or significantly inconsistent with the language on page 82. He continued to comment on the treatment of the East end and be on the record simply put as the choice be Green Space or High Density Development which is a false choice because between those two extremes there seems to be a range of options and alternatives. He believed this to be true and has spent the last five years considering and debating those options and he has concluded that it is entirely appropriate to consider on how to best advance the interest of the collective whole and reach a compromise that serves the interest of all stakeholders. This has been reached by this plan and with the proposed land use designation and definition for Agriculture Tourism Commercial. Vice Mayor Stinnette stands behind the work of this Town Council to put some rigor behind the definition of Agriculture Tourism Commercial and there has been an exhaustive amount of time on this. He believed that it is harmonized between page 48 and page 82 on Agriculture Tourism Commercial and an applicant could submit an application based on this information.

Walt Peter suggested that section C, line 4, page 82 would be better changed from “or” to be changed to “as well as tourism-related”.

Council member Ogelman stated he would not have a problem making that change. Mayor Fraser stated that there was no disagreement from Council to add “as well as” in the statement.

Council member Ogelman wanted to go on the record for Ms. DiPalma-Kipfer stating that Council are servants of the people of this town and are not here to represent a particular interest with a particular property and have been working to do that, and he believed what is being done reflects the will of the citizens of our town in this aspirational document. Council member Ogelman stands 100% behind what Council is trying to do.

Mayor Fraser stated that he will make his comment along with his vote at a later meeting and grant Ms. DiPalma-Kipfer’s request. Mayor Fraser closed the public hearing at 7:39 PM.

CITIZEN/BUSINESS COMMENTS

None

MAYOR AND COUNCIL COMMENTS

Council member Grewe commented that he is appreciative of being able to convene in person. He stated that Governor Northam granted, in advance notice, the plan to move to Phase 3 on July 1, 2020 that included NOVA with details that were shared with the community stated the forecast that would be helpful to the town. He shared his sorrow of the Purcellville Art Gallery closing at the end of the month. He wanted to raise some issues for tonight: 1) Is there anything that has changed the previous timeline to restore the cell transmitters?

Dale Lehnig commented that today they finished drilling the holes for the anchors and put in the epoxy and put in anchor bolts and then they will do a pull test by the end of June, first week of July. AT&T has requested the building permit by Loudoun County and Verizon is also requesting their building permit from the County and things seem to be on schedule.

2) He was surprised about the announcement about the parade and looks forward to greater detail later this evening. 3) He would like an update on the COVID testing done last week and the cost to the town.

Vice Mayor Stinnette commented to Council member Grewe to refer to Loudoun Now on update on the testing. He was thankful to David Mekarski and staff for the memo advocating Northern Virginia moving to Phase 3 and proud of the Town Manager, Staff, Chief, and planning committee getting to “yes” on the parade. He thanked Council member Nedim Ogelman for teeing up the Policing Advisory Committee. Vice Mayor Stinnette referenced an email from Stan and mentioned living in a WOKE World and everything we do and say takes on a hyperbolic meaning from the little things like incident reports to the big things how we actually interface with our community. He knows we do these things with the best intentions and we do carry a lot of weight in what we say, we need to meter the things we say with that understanding and appreciation.

Council member Greenly welcomed the new Council members to the Chambers and congratulated the Mayor. He is excited about the news on the parade and will support this event and thanks the staff. Council member Greenly read a statement: If you turn on any t.v. or radio newscast, hearing from the news, newspaper, neighbors and friends conversations of police interactions in our community and across the globe. Some of these interactions will make you think “What were they thinking?” and others will put a warm smile on your face. He supports some of the changes being made nationally and look forward to the day where all people are treated equally with the same respect. That day cannot come soon enough and is long overdue. He pointed out the men and women of the Purcellville Police department, who are dedicated professionals, that many of you call friends and neighbors that many of them have helped people in distress, patrol our town 24/7 365 days a year, and have been seen reading children’s stories to audiences young and old. While every organization has room for improvement and our PD is no different and it should be remembered that Purcellville has not experienced any of the tragic events plaguing our nation nor to his knowledge any complaints along those lines have been filed. Tonight we will hear a proposal from Council member Ogelman for strengthening the PD and Community ties and is in support. He appreciated the Purcellville Police Department and appreciated their professionalism, dedication to service, and the willingness to stand in harm way each and every day. He stands with them, look forward to helping them, and supports strengthening community ties. Council member Greenly applauded the Police Department and “Back the Blue”.

Council member Cool stated that he is very excited to have these four years come to an end and messaged the new Council members that took their oath, best wishes to each of them as they enter public service. He stated it has been an honor to serve on this Council and with the Mayor, and what started as numerous letters to the newspapers in 2009, and led to an eventual election to Town Council, and appointment to Vice Mayor and has been a great journey would not change a single thing. There has been allot accomplished for our citizens and there is a lot more to do and beyond pleased to hand off this work to the new Council members. He stated that he has learned a ton and the following are some highlights he shared: “This job is not about your ego and relevance. You

are here to serve for the greatest good for all citizens and not your personal benefit. It is imperative that you take all the data and facts along with what you promised and deliver a stance. You can't sit on the fence during your time on Council. You will have to take a position and defend it. Sometimes that may result in making some people quite angry, but remember if you want to be everything to everyone, you are in the wrong business. Don't pander and sugar coat your words and positions. People want leadership, they don't want to be coddled by political idle talk or speaking a lot, without really saying anything. Also I know folks ran on a slate, with the loss of independent thought you also lose integrity, so maintain your independent thoughts. Most importantly, core values - if you don't stand for something you will fall for anything. Your core values should be the same today as at the end of your term. Again, best of luck on your time on Council and I look forward to supporting your efforts in our town going forward."

Council member Bledsoe commented that it is good to be back in a room with everyone. It's been a long hard slog of social distancing, but glad to be back at Town Hall for the last regular meeting with a couple more to follow. He echoed the sentiments of Council member Grewe on the Art Gallery closing and he had spoken to Michael Oaks about the current climate being too difficult to maintain the gallery. Council member Bledsoe wishes Discover Purcellville the best of luck and he knows that they will continue to work on improving the Purcellville experience on bringing people to this town. Council member Bledsoe stated that he was grateful to Amie Ware, Hibah Salah, David Mekarski, and staff on all the work they did on finding a way to get a parade. The remainder of his time was the following farewell message: "As I wrap up four years on Council and those of you who know, eight years of service on the Parks and Rec committee and Planning Commission, I want to express my appreciation for number one, my wife, Kamie, who has been extremely supportive along with my family. I could not have done this job without their support and greatly appreciate them putting up with my absence in my time in meetings. I also would like to thank this Council and those of you who that I have served with, it's been an honor and privilege. I'd like to thank citizens for their support and their willingness to bring forward issues and concerns and discuss them at length. It is definitely one of the most valuable parts of this job is your interaction with the community and your ability to represent those citizens. I'd especially like to thank the staff of 80 odd souls both under Mr. Mekarski's leadership and his predecessors has been incredible to me and this Council. I cannot say enough good things about their professionalism and their dedication to our community. To Chris, Mary Jane, and Stan "Welcome". It was a pleasure to see you sworn in tonight and can't tell you enough how this has been an awarding experience and I'm sure you will experience the same. I would offer, that this staff and this town has always got the best interests of the community at heart, they are professionals, they know the operations and they always keep that in mind, and for any project to be successful it will need staff support. Mr. Mekarski is always willing to give freely of his time to consult with individual Council members as well as the Council as a whole and determine who on staff is best suited and available to support initiatives as well as helping you determine how any given initiative fits within the top priorities that you will define as Council. They will welcome your ideas. Staff has been, and will continue to be, an invaluable resource for this Council. You will undoubtedly, this Fall, get together in the Strategic Planning and define your key initiatives and once you define those, the staff will work towards those common goals along with you. I would also suggest that you, number one, respect each other even in disagreement or differences between you and your fellow Council members which will naturally happen, you will all work together in all, elected to represent the community and I know you have that at heart. That's why I strongly recommend picking up the phone and

talking to your fellow Council members if you have a difference, discuss those, and work together towards common ground. Your commitment to our 10,000 plus citizens is to do the best you are able for the good of all the community and I sincerely wish you all the best. So again, thank you to my wife and family for their sacrifices and thank you to my fellow Council members for your service as well.”

Council member Ogelman read a statement that he had prepared:” First I want to say that I am humbled to have served the citizens of Purcellville. Thank you for your trust. Representative government and democracy depend on giving citizens a clear voice and a clear choice by telling them what you will try to do and then doing your best if elected to do exactly what they asked of you. I’ve tried and hopefully fulfilled this role. I said I would listen to the will of our citizens in 2016, and those citizens asked us to keep the town from growing too fast and the taxes and rates from getting too high. All of my efforts on Town Council during the past 4 years have focused on achieving that majority will of our citizens. All of the candidates who won in 2016 said that they supported the same values, but only some pursued those values with energy once elected. I am honored to have served with Mayor Fraser and Council member Cool who gave orders, clear indication for what they stand for, and have been steadfast, consistent, and true in serving our community as they said they would. I want to say how lucky we are to having a Mayor who put Purcellville citizens first and his entrepreneurial, creative, and driven enough to come up with solutions to hard challenges. I hope that our town staff through the leadership of our Town Manager will have the courage to align behind the consistent majority to sustain slow growth, keep taxes and rates as low as possible, enhance our infrastructure, and pursue innovative solutions to achieve this. I say to the group of slow growth candidates who won this month in a clean sweep on a ticket with Mayor Fraser, to stay true to what you promised citizens you would do during the campaign. You weren’t elected to do your will and bidding or that of outside developers or some other special interest group, you were elected to represent the majority will of Purcellville citizens. Stay true to that because I hope and believe that I have. Thank you Purcellville and I especially want to thank my wife and sons for their limitless support to me and to Purcellville. Thanks.”

Mayor Fraser stated that he is reminded of “The Book of Ester 4:14, “For Such a Time as This”. He addressed Council member Bledsoe, Council member Cool, and Council member Ogelman and stated that they may not have wanted this job, but this job wanted them. He continued with mentioning during the past 4 years, that they have done immensely great things for the town of Purcellville and some of these things have not materialized yet, but they have set the foundation and strategy. He stated that this has given Council the ability to stand on that foundation and move forward. Mayor Fraser thanked them and their families for that and they are welcomed to serve on any town committee.

Mayor Fraser also wanted to thank the faith based community of our town. He mentioned that over two thousand dairy boxes were delivered to the town of Purcellville and the faith based communities were able to offload those boxes within a span of an hour. He stated that is what community is and he would like to have our town continue to do these types of things to help the less fortunate.

ACTION ITEMS

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

Sally Hankins, Town Attorney, opened that this topic had been before Council several times and continued to summarize the guidelines in the staff report. She did emphasize there was one request from Mr. Ken Walsh that was incorporated into the motion to be on record.

Council member Greenly questioned from the last meeting in May that Mr. Walsh had commented that not all tenants had been notified. He asked if that was addressed. Ms. Hankins commented that there was nothing to address because notices were sent out in multiple forms to all lot owners that there properties drained to that site and in the staff report there is record of 5 meetings that were held and set for discussion on this matter including a public hearing that was properly advertised. Ms. Hankins did state that there are general concerns voiced, but none that would change the documents being adopted at this meeting presented in the agenda packet.

Council member Ogelman confirmed with Sally Hankins that at the last meeting that it was explicitly discussed if there were any last comments they had to be received before this meeting where the intention of Council was to take action.

David Mekarski, Town Manager, wanted to emphasize that there would be significant improvements met through this new stormwater management system for property owners.

Council member Grewe made a motion that Town Council approve Ordinance 20-04-02, removing Plat Note #5 from the Valley Industrial Park Subdivision Plat, and directing the Town Manager to sign the Deed of Easement and Vacation of Easement for Lot 6F of the Valley Industrial Park, pursuant to the terms of the Ordinance, and conditioned upon the documents being amended, to the satisfaction of the Town Attorney, to clarify that the draining lot owners' permitted construction activities will not give rise to a legal claim for damages by the owner of Lot 6F, and that the owner of Lot 6F may not place constraints on the timing of permitted construction activities so as to cause increased construction costs. The motion was seconded by Council member Bledsoe.

Motion:	Council member Grewe
Second:	Council member Bledsoe

Vice Mayor Stinnette stated that he wanted to emphasize the information shared in the staff package which over the last 18 months we have had 5 public meetings on this in various forms and various places. Within his first 6 months of Town Council he was involved in at least two other meetings on this topic. He noted in the staff package that Dale Lehnig stated that they were able to arrive in estimation cost of the improvement of the existing stormwater management system right now and the improvements to the new stormwater system are equivalent. Vice Mayor Stinnette commented, furthermore if one of the other lots wanted to increase the capacity of the existing system, the expense they would outlay for that is roughly equivalent to bringing the existing storm water treatment up to code. He wanted to make the point to address Dennis and Perry Schultz that they have had a number of concerns and this addresses one of their concerns. Another concern was that

they believed was that Council should not be making decisions such as this during this time, COVID pandemic, and Vice Mayor Stinnette stated at the end of the day it's a new operating environment and COVID is not going away soon, and we cannot afford as a community to stop all things during this period of time, but we should adapt and learn how to operate in this environment.

Council member Grewe agreed with Vice Mayor Stinnette on recalling the meetings on this topic and noted that staff presented good work in the agenda packet and concerns were addressed as well as they could be. He believed that this is a benefit to the lot owners and to the town as a whole and he would be voting Aye.

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

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

Mark Nelis, 1964 N. 21st St, wanted to briefly state, on behalf of Mr. Leone, Bohler Engineering and his office, a thank you to Council for their patience and a thank you to David Mekarski and staff for their work on this.

b. Approval of Amendment of Town Manager's Contract

Sally Hankins proposed an amendment to the Town Manager's contract to allow him to establish and maintain a permanent residence within 15 miles of the corporate boundaries of the Town of Purcellville, in which he resides now, which was also discussed between Council and the Town Manager. She stated that the Town Charter does permit this, but the Town Manager's current contract stated that he live within the Town Corporate limits.

Council member Cool stated that he said before, had made the point to the incoming Council members to be sure to focus on legislative duties and not this kind of nonsense. He commented that we need David to be happy and everyone to be happy in their life and I implore the new folks coming on to focus on legislative duties and not this.

Council member Cool made a motion that the Purcellville Town Council approve the Second Amendment to the Town Manager's Employment Agreement. The motion was seconded by Council member Grewe.

Motion: Council member Cool
Second: Council member Grewe

Council member Greenly stated that he sees no problem with this and that Sally Hankins pointed out that the Town Charter allows this. He shared that some residents questioned that the Town Manager should feel the same pain and reap the benefits of living in the town. He answered that the Town Manager does not drive our budget and he follows what is asked of him.

Council member Ogelman stated that this was something in the contract and it was something as a legislative act that 5 of the people in the room agreed to, and he made 6, because he was not there to vote and submitted a letter to the Mayor that he supported this. Two years ago this group of people agreed to a Town Manager contract structured by the interim Town Manager and interim attorney at the time that included a clause from the previous Town Manager's contract that stated that the Town Manager will be a resident and citizen of Purcellville, so the people here that agreed to that contract are Council Member Bledsoe, Council member Cool, Council member Greenly, Mayor Fraser, and Town Manager Mekarski. Council member Ogelman was not there to vote, but in principle supported it. He stated that they voted to appoint a new Town Manager and approve the employment agreement and the Town Manager signed that and all of us agreed to that. Council member Ogelman continued to remind the group there was a citizen at a meeting at a run up to that, actually came out that recommended that we institute that. That citizen stated that the Town Manager should live inside the town limits, that he or she have the same experiences as the citizens. Council member Ogelman stated that now two short years later there is a discussion to repeal that contractual obligation, that has never been fulfilled, that 6 of us agreed to in a valid contract that everyone entered into voluntarily. He questioned what has changed minds. Council member Ogelman questioned what we supported, voted on, and approved, again, why has it changed now. He agreed with this citizen and agreed with previous Town Managers and previous Town Council that it was good for our Town Manager to have an organic tie to the community. He stated regardless if that Town Manager is mostly doing implementation and carrying out the will of our citizens, and in fact one of the benefits is that person is plugged into what the citizens want. Council member Ogelman would like to know why this has changed.

Vice Mayor Stinnette commented that he was not one of those 6, but he was one of the 7 that got to today. The collective mistake as a Board was not enforcing the terms of the contract from the get go and owns part of that blame. He stated because it wasn't enforced, and two years have lapsed, and our Town Manager has basically established a lifestyle on a property that is not compliant with the terms of the contract. We allowed that and he will be one to blame and apologized for that. Vice Mayor Stinnette answered Council member Ogelman and stated that as it has gone on this long, it would be cruel and unusual punishment to turn around to the Town Manager to instruct him to uproot himself.

Council member Bledsoe commented that he has personal views on this and in answering Council member Ogelman's comment on Council wanting a Town Manager to be plugged into the town and experience the pain and rewards of living in this town, he cannot think of another person that embodied this more or more plugged in more than the man sitting at the end of the dais. He stated that Mr. Mekarski is at all the town events, he spends weekends here, he eats at our eateries, he engages in our community, and he is front and center for every initiative this Council or community

demands and he will continue to do that. Council member Bledsoe continued that the Town Manager found himself with limited income and in trying to sell his domicile in Illinois, it was difficult to find a property for himself in town.

Council member Cool disagreed with Council member Ogelman. He stated that the citizens of Purcellville comment on concerns for water rates, traffic, schools being open, and have big problems and the Town Manager living outside of town limits is not on their mind. Council member Cool stated that he did not care if the town manager lived 25 minutes away, he just would want him to do his job. He understands the point on the contract and misalignment, but it is done and over, we disagree.

Mayor Fraser stated that he was intentional at the interview for the Town Manager and the way he read the Charter at that time, it was an either /or. He commented that it was stated that the Town Manager needed to be within the town and have an organic tie in which he agreed. Mayor Fraser would be the minority on this vote.

Motion:	Council member Cool
Second:	Council member Grewe
Carried:	5-2

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

DISCUSSION ITEM(S)

a. Update on Independence Day Celebration

David Mekarski stated that the Governor would be moving Virginia and Northern Virginia to Phase 3 on July 1 which opened the door to plan for an Independence Day Parade for vehicles only, with no pedestrians walking, no hand-outs, and no traditional floats that have a close congregate, but we will close the road for the entire period. A traditional route starting at Loudoun Valley High School and taking north on Maple and right on Main St and left on Nursery and end at Emerick Elementary. Mr. Mekarski went into further detail on the permit being obtained, the time set aside for the event, and types of vehicles that would be allowed to participate. He would be following up with a press release.

Amie Ware stated that there would be a press release with an application link and with more details.

Vice Mayor Stinnette questioned why floats could not be used and clarified with floats participants hugging on them would not be showing good social distancing protocol, but floats could be allowed. Amie Ware responded that an unmanned float would be acceptable.

Council member Grewe stated that the floats have to practice social distancing in all forms.

Council member Greenly commented the County has called off fireworks.
David Mekarski stated that this was to avoid the congregation of more than 250 people.

Council member Cool questioned who would be enforcing the social distancing.

Council member Bledsoe questioned the VDOT Main St. closure and there had been a concern mentioned at an earlier meeting by Deputy Dailey to have adequate public safety staffing for this event. David Mekarski stated that there was still concern, but are trying to work it out with the Sheriff department and our own staff. Chief McAlister stated that the Sheriff's Department did confirm they would be available to assist. Council member Bledsoe questioned if the original plans for Independence Day, as an alternative plan was still proceeding: Patriotic Porch Tour and the Patriotic Path to Businesses. Amie Ware confirmed they will still be conducted. Council member Bledsoe questioned how the combination of the rally organizer and the Independence Day activity be handled. Amie Ware commented that it is the hope to contact the rally organizer and have them follow our activity or join in.

Council member Ogelman questioned to consider the family businesses being able to be together on a float because they would probably be practicing social distancing anyway and his second question was the intent is to preserve the health, safety, and welfare of the people and within the bounds of their freedoms, what can be done to give the opportunity to maintain their health. To expect people to stay 6 feet away from each other along the parade route without some structure will not work and he suggested marking off areas along the route.

Council member Cool disagreed with Council member Ogelman and believed it was the responsibility of the attendees to remain 6 feet apart.

Vice Mayor Stinnette recommended to staff not to be the "social distancing police" and referenced the provided link from Amie Ware with produced rules for COVID -19 social distancing protocol. A hand out of this protocol would be the tool for our citizens along with rules for the event.

Mayor Fraser confirmed that Emerick Elementary would be closed and it will be a pass through, not a destination to gather. He also commented on a text he had received, that the Spanish Flu is a different situation from what is being faced today and thanked staff for engaging in the parade.

b. Update on Community Testing

David Mekarski, Town Manager, stated that a COVID testing site by Periomics was held this past Friday at the Rite Aid on Main Street. He reported that 156 individuals were screened, 4 deemed positive for the virus, 2 of those 4 were positive for both virus and antibodies, and 11 deemed positive for antibodies. There were no incidents and people appreciated the testing service. Participants were issued a super bill (receipt) to submit to their insurance companies and total costs were a formula in the contract to provide \$7,500 deposit with the town then providing \$30 per test which was \$4,680 dollar credit, so costs would be \$2,820, being a CARES Act reimbursement.

Council member Bledsoe confirmed numbers and questioned if this information would be shared with the public.

Vice Mayor Stinnette stated that June 22nd printing of the Loudoun Now had an article on the event with information on the results.

Council member Grewe questioned if any of the people tested are within the Purcellville town zip code of 20132. David Mekarski stated that the specificity of zip code was not released and has been requested.

c. Community Policing Advisory Committee

Council member Ogelman stated that this was not his idea. He explained a long standing citizen had reached out to him before the demonstration in town held by Black Lives Matter (NAACP) about creating an Independent Community Policing Advisory Committee for Purcellville. The messages at the demonstration were an appeal by the Mayor and other elected officials that participated that day for people to channel the energy of the protests into something durable and constructive going forward. Council member Ogelman referred to “Molly”(citizen) reached out to him about a set of reforms and a citizen’s committee that should objectively and independently have a pulse on the community. This way the Police Department could become more preventative instead of reactive. This committee would be made up of 7 to 9 members with one nonvoting Council liaison and also be citizens selected by Town Council. These citizens would engage in community outreach and advise Town Council and the Police Department on ways to improve the community/police relationship and to provide an independent voice for citizens on policing issues and concerns. Council member Ogelman cited the staff report in having examples of this from North Carolina. This committee would be independent of the Police Department and members of the Police Department would not be members of this committee. Town Council and Police Department would get guidance from this advisory committee and the Police Department would also give Town Council guidance on what is feasible or achievable on these shared suggestions. This committee would not be involved in investigations and would be advocates for the community having to do with the Police Department. For example, this committee would hash through the list of reforms from “Molly” and decide what would be discussed, put forward, and what to possibly be adopted.

Chief McAlister stated that she agreed with the idea that Council member Ogelman presented. She believed that it is a complicated issue to map out and to ensure that this benefits the community, the town, the town government to include the PD, and the selection of those on the committee has to be large enough to represent the diversity of our community, but small enough to not get into stagnate discussions and not move on things. These types of committees have been able to provide a lot of value in getting equipment such as body cameras as well as provide purposeful and meaningful conversations with the Community. Chief McAlister stated she would like to see the energy from June 8th continue with momentum and make us a stronger community. She is willing to assist in moving this or some type of committee forward.

Council member Grewe liked this idea and thought it was a good idea. He questioned Sally Hankins with already having a set committee named Public Safety Committee that is not staffed, but already in existence and this could be used as to not to recreate the wheel, but to possibly re-purpose it.

Council member Greenly referred to the agenda packet of examples that are shown and if Council member Ogelman had any other material to share such as on members, committees, Police Departments, other than Council, showing voting on the selection of the committee.

Council member Ogelman clarified the question pertaining to voting on the selection of members on the committee and stated that the Public Safety Committee that existed previously was more like a Civil Police Auxiliary Force, from his understanding, which may not be what he is initiating. The distinction for this committee is that it has to be independent to have a viable roll for the benefit for the Town as a whole including the Police Department. There are examples that no family members of Police Department employees, or Police Department employees can be on this committee. He believed that the reason for this was to give a credible voice within the community and to give sound independent advice to the Police Department. Council member Ogelman stated there are several types of these committees that can be formed even to significantly provide technical oversight to the Police Department, but the best model that he sees is a Community Policing Advisory Board that has the pulse on the community, does its best to have the most at risk population represented, and has an independent function with the Town Council and be able to independently advise the Police Department. He stated that it would be better to build this anew.

Vice Mayor Stinnette suggested to build upon the idea from Council member Ogelman. He suggested to turn this on its' head and approach it to go build a task force, get people that have the energy, and lock them in a room and they have to come up with a construct, that is an enduring construct with a charter, a name, a mission, a scope, expectations, how many people, etc. in other words we don't build it for them, they build it and report back to Council if it is an edit to an existing body or a whole new body. Vice Mayor Stinnette advocated for a quicker start, less prescriptive, that is more of "The world is your oyster and tell us what you think this should look like" and come back to Council in a defined period of time along with the Chief or Deputy Chief to assist with the outlook.

Mayor Fraser stated his concern with Vice Mayor Stinnette's suggestion was the fact you are forming a committee to form a committee. This idea already exists and he questioned could we shamelessly plagiarize this and fit it to Purcellville.

Vice Mayor Stinnette stated that we could do this and plagiarizing from another community would be fine until they do not bear the same concerns and situations as Purcellville and it should not be a "one-size fits all" approach. A second downside would be the external communications of government of Purcellville that comes up with a construct to abide by, instead of doing a grass roots approach. This should be a "yes and".

Mayor Fraser stated he would like to see a timeline associated.

Council member Greenly suggested that there could be a hybrid model somewhere to fit the Town of Purcellville. He agreed to strike while the iron is hot.

Council member Ogelman stated that we need people to own this and have their ideas along with a light structure to start. He believed that the new Council Members should create a committee structure like other committees. He agreed with the Chief it should have 9 members and our community should do our best, without legislating that, make sure the most at risk are represented and let them tell us what we need to give and help our Police Department be the best they can be.

Council member Bledsoe applauded this initiative, encouraged by the Chief offering suggestions and the need for better engagement in the community. The approach, in his opinion, is to establish the charter or mission of that group and what the scope of their oversight or recommendations would be, who they report to, and what level of engagement they actually have with the command of the Police Department as well as the Town Management and the Council. Council member Bledsoe commented to Council member Ogelman's point that was made, which is two key points that he wanted to make, was that the Committee should look to, in terms of influencing police and promoting diversity in the police force and the Committee itself should be people with those that represent that diversity. Council member Bledsoe stated that's the only way that this can really succeed to have that voice and that particular viewpoint.

He took the opportunity to applaud, again, the Chief's engagement with the Black Lives Matter March, her comments at that event, and her willingness to engage and be open to public input, public engagement, and discussions. This is a great step in the right direction, he looks forward to seeing how this evolves.

Council member Cool commented that a prior committee never used, may have been set up improperly. He stated to be hopeful that this group will actually do something, but concerned when he thinks back to a lot of these types of things do die out and the longer it takes, the more bureaucracy, it will be a rogue group. Council member Cool stated that some kind of structure is good and also challenged people to get it done in six months and to return to Council Chambers and have something in place. He stated that Council need to get out of the way and not create all kinds of bureaucracy and hold it up.

David Mekarski commented and gave one perspective as this was done for an educational commission while he was at Olympic Fields, Illinois. He stated there were six interested citizens, activists, retired teachers, and administrators that met in a conference room and he worked with them in a collaborative fashion, just like the Chief or Deputy could work collaboratively with this group, and the group was put together in 45 to 60 days. Mr. Mekarski offered to work with the Chief or Deputy and will help guide the think tank group and still let them be creative and free with some understanding of how the police department works.

Council member Ogelman made comments that were inaudible.

Mayor Fraser summarized that there was the citizen, "Molly", whom sent the passionate email and that she could be the ambassador along with other members within the community that would also be able to come into a room and discuss this with her. Mayor Fraser addressed Council Member Ogelman that he would be off Council next Wednesday and he could also be in this group to be brainstorming and discussing a plan to return before Council in two weeks. Mayor Fraser

addressed David Mekarski that he thought staff should not be included at the beginning stages, allow this committee to bring it before Council first, and then engage staff.

Council member Greenly commented that this committee needs to be armed with facts and figures, some of the training that the Police Department already receives would help drive that discussion, otherwise it would be like shooting at a blank slate.

Mayor Fraser stated to use the Police Department as a library or a resource, but for it to get into the room first and get these folks together with their ideas.

Vice Mayor Stinnette commented that it would be like a Blue Ribbon Task Force with anyone with energy, put them in a room, shape this, tell Council, what the board, the committee, the commission should look like, how many people should be on it, and what it should go do.

d. Purcellville Film Office as a Team within the Purcellville Arts Council or Train Station Advisory Board

Mayor Fraser stated there was a presentation given to the Environmental Development Advisory Board three months ago and one of those individuals that presented was the Senior Vice President of Marketing for Geico who lives in Lincoln. She presented the idea of using our assets within Town to be in films. In addition to that, she believed there is an opportunity with all of the performing arts within this region to use Purcellville as a Film Office. This Purcellville Film Office would be where people would learn how to produce, direct and make films possibly, but secondarily, use some town assets. Mayor Fraser suggested, as an example, use the Wastewater Treatment Facility as an alien spaceship in a film and other ideas like this and to possibly have a sub team within the parts of the Arts Council to do that kind of effort with not a whole new committee. He suggested the “home” for this sub-committee and idea could be the Train Station that is an asset being underutilized.

Council member Greenly stated that the Mayor had just answered two of his questions. He is very excited about this idea and it brings a lot of merit. The local film community is already asking him what the next step on this Film Office project would be and how it will work with taxes being paid. Council member Greenly suggested Parks and Recreation be involved, but understands why it would be the Arts Council.

Council member Grewe echoed Council member Greenly’s comments and liked the idea. He was approached months ago by a children's Shakespeare Group in town looking for a place to perform and engage. He stated that this doesn't quite get there, but this idea, with more elaboration could expand from just digital film to performing arts and something more broad. The Town does have assets and places to perform and this idea could bring them in and incorporate them into part of the community. Council member Grewe commented that the Train Station being used as a location was a good plan, to provide a place to house information, used for rent free collaboration and nominal costs would be achievable and would be a great use for that, a kind of nexus in Town. He referred to Council member Bledsoe to comment as the Council liaison for the Purcellville Arts Council in being able to support this.

Council member Bledsoe commented that he did share this idea with Purcellville Arts Council and received questions, which he re-assured them it was a discussion item, which was just being broached tonight for the first time. The Purcellville Arts Council shared excitement and he believed in the opportunity, Mr. McCullum, who's the current Chair of the Arts Council, was here earlier tonight, and they have a keen interest in it. Liz Jarvis, former Chair, used to be with Sony Pictures in LA and she has a lot of contacts and that's partly the success having three years running with the Cabin Fever Film Festival. Council member Bledsoe recalled this year, during the Film Festival intermission when some of the more or less professional filmmakers connected with some of the youth that had done their own films and saw them trade contact information, and huddled over to the side, and talked about how they can do things together was good to see. This Film Office is a perfect opportunity to leverage that excitement and that talent throughout our community, but also, to the goal to promote Purcellville and Purcellville assets. Council member Bledsoe commented that the Arts Council would be the ideal place to form that subcommittee to leverage how they can pull the resources together, how they could staff a physical office, and what ways they can serve the community, and leverage desires for film locations and use of other assets of opportunities in Town. He stated that his encouragement and suggestion would be to use the Arts Council.

Council member Ogelman commented that the presentation was initially proposed to the Economic Development Advisory Board for a good reason and believed that Council always wants to be try to think of ways to capitalize, the way the Mayor is talking about, to take pressure off raising rates and taxes. He stated if any of these committees, and thought back to when people were being interviewed for committees, it was discussed about having synergies across committees and suggested to have these subcommittees, have subcommittees have members of multiple committees on them. Council member Ogelman commented that it's not just the art community thinking about how do you make it work art wise, but you have Economic Development Advisory Committee coming in and then they ask how does this jive with our strategic tourism plan or how can it be leveraged. He recalled that the Train Station Advisory Board worked on the Movies in the Park and other multiple things that they were thinking holistically about the art aspect of it, but also about how to attract people into town and how to generate revenue. Council member Ogelman continued to comment the way to do that is to have these subcommittees involved in more than one of our committees, because the committees don't naturally meet up.

Vice Mayor Stinnette commented on three points: 1) The need to follow up with Kacey Young, the Train Station Advisory Board, on this not falling under them, 2) The need to socialize the vision for using physical space of the Train Station, and 3) Council member Bledsoe has already laid the groundwork for Purcellville Arts Council involvement and the need to choose a good fit from Council that takes his spot. Once these three levels are accomplished then matrix in other members.

Mayor Fraser commented that the socialization being done with the Purcellville Arts Council and he being part of the Train Station Advisory Board would speak with Kacey Young and team to start moving this forward. Mayor Fraser asked for any other comments.

David Mekarski, Town Manager, stated for those that are watching our Comprehensive Plan process, we need to identify to the public as well as the staff and the Council the next date to meet on deliberating on what was heard at the public hearing and final changes on the Comprehensive Plan. A series of special meetings have already been requested and advertised.

Mayor Fraser proposed the question to Council.

Council member Grewe suggested to meet Thursday and then meet Monday or Tuesday the following next week. Council member Ogelman commented that he was committed to have this completed by the 30th of June. Mayor Fraser summarized to meet on Thursday, and hold Friday open if needed, and then meet on Tuesday.

David Mekarski addressed the Council with a note of gratitude in considering the amendment to his contract.

ADJOURNMENT

With no further business, Council member Bledsoe made a motion to adjourn the meeting at 9:58 PM. The motion was seconded by Council member Cool and carried 7-0.

Kwasi Fraser, Mayor

Kimberly Bandy, Deputy Town Clerk

Tuesday June 23, 2020

Town Council Public Hearing on Comp. Plan 2030 Version 7.4 dated 6.9.2020

My name is:

**Patricia (Patti) DiPalma Kipfer
38038 W Colonial Hwy
Town Resident.**

Good Evening Mayor Kwasi, Town Council Members, Town Staff, and guests.

I've emailed a copy of my comments to Diana Hays, Town Clerk and requested that a printed copy of my comments be attached to the official minutes of this Public Hearing.

I am speaking tonight to officially protest the "proposed" land use designation of "Agriculture Tourism Commercial" for my property. This designation is reflected in Version 7.4 of the 2030 Comprehensive Plan dated June 9, 2020.

Please see page 81, Map 21 Area 2 of the East End Focus Area and the corresponding Guiding Statement on page 82 for Area 2. The Legend Designation of "Agriculture Tourism Commercial" and the related written text is flat out WRONG!

This land use category was CREATED to protect and enhance the LAST remaining agricultural property in the Town of Purcellville, Crooked Run Orchard. This land use was not intended to CREATE new agricultural land. My property is not a farm, or any other type of agricultural property.

You all know the history of my property so I won't go into details here except to say there have been no justifiable or substantive reasons for changing my current land use, approved by CPA-11-01 by the Town Governing Body on June 14, 2011, and resolved by the Town Governing Body by RES-17-02-01 On February 14, 2017. This is the official recorded history and cannot be disputed. A recent quote by the Mayor published in the June 11, 2020 edition of Loudoun Now is most appropriate -- "CHANGE WITHOUT SUBSTANCE IS NOTHING."

My requests are simple and clear:

(1) that my requested land use change to: "Commercial Medium Scale." This designation is the most appropriate of the current land use designations for my property in the East End Commercial corridor.

(2) that an official recorded vote be held on my requested change with each TC member required to provide their "specific reason/justification" for their vote. In your justification, please think of this as a change to your own property where you would NOT accept a justification of an unsupported "will of the people, trends, or analysis."

Thank you for listening.

From: Philip Message <philipmessage@yahoo.com>

Sent: Wednesday, June 17, 2020 9:26 PM

To: Only Town Council <purcellvilletc@purcellvilleva.gov>; Hays, Diana <dhays@purcellvilleva.gov>

Subject: Comprehensive Plan Correction

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mayor & Members of the Town Council

I own approximately 8 acres of land; most of it falls within the County (including my residence) but two of these acres lie within the Town, on the south side of Druham Blvd. These parcels were "left over" on the "other side of the road" from Village Case when Druham Blvd was constructed. The topography of the land doesn't make them viable for development, and I purchased them 15 years ago simply to ensure that my property boundary extended from my house all the way to the road.

At the Town Council meeting a few months ago discussing the draft Comprehensive Plan, I pointed out that these two acres had been designated as Parks and Open Space. I thought Council was in Agreement that this was a mistake (it's such a small slither on the map that it's easy to see how this could occur). However, it appears that this hasn't been corrected in the June 9th version of the document.

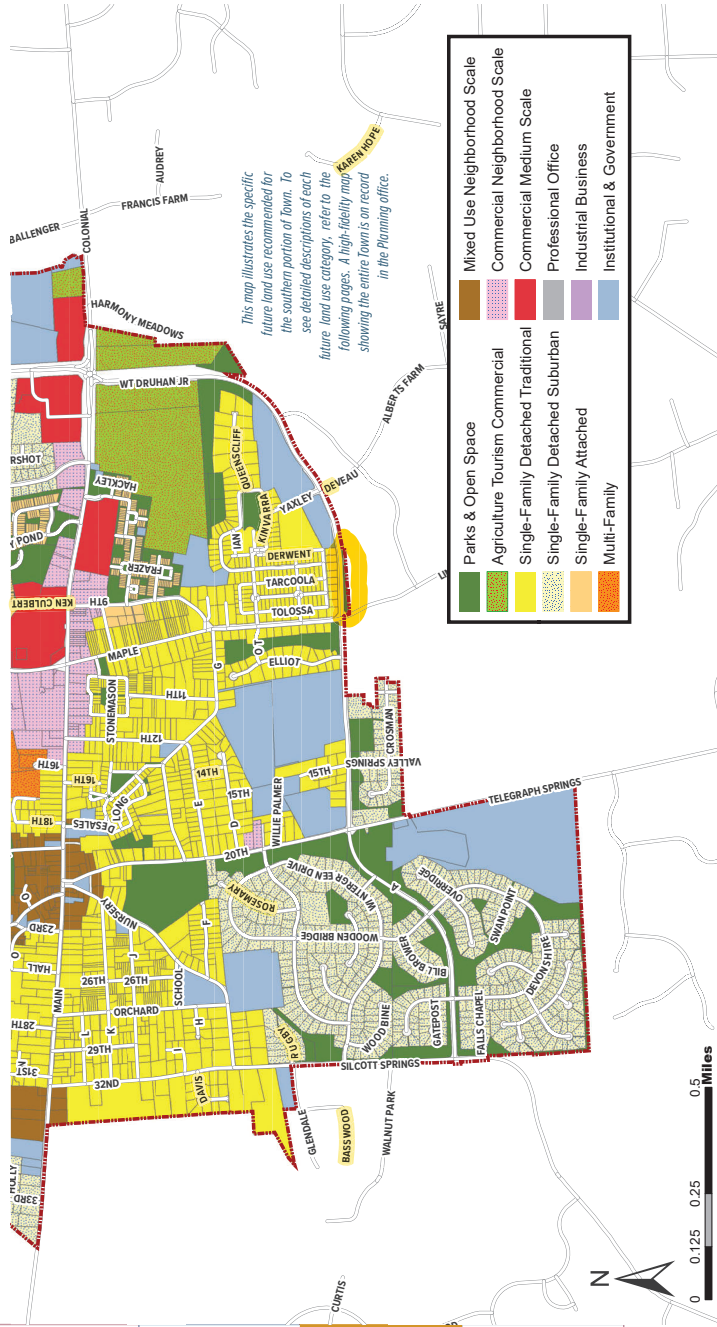
I would be grateful if you would read this email into the record, correct this mistake and keep the land use designation unchanged. I have highlighted the area in question using an orange marker, and I've attached the relevant page from the Comprehensive Plan to this email.

Thank you for your consideration

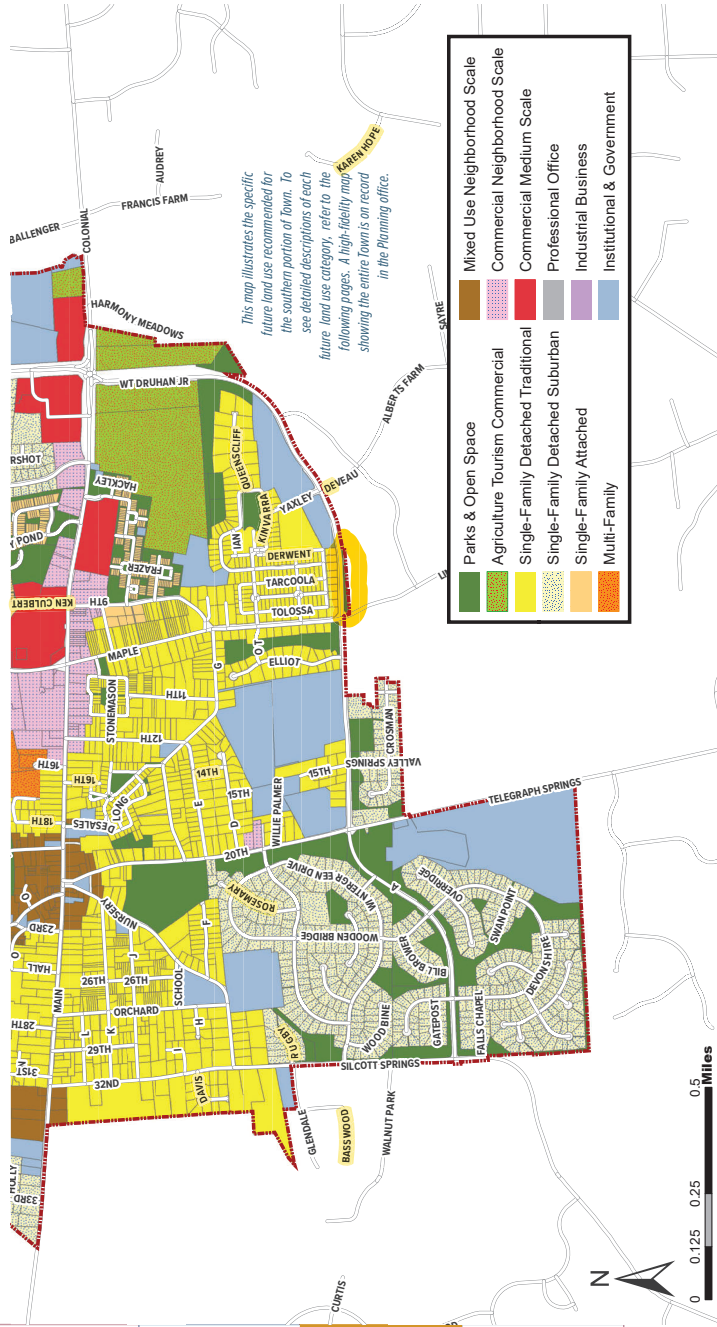
Sincerely,

Philip Message
17738 Lincoln Road
Purcellville VA 20132
703-431-7784 (Cell)

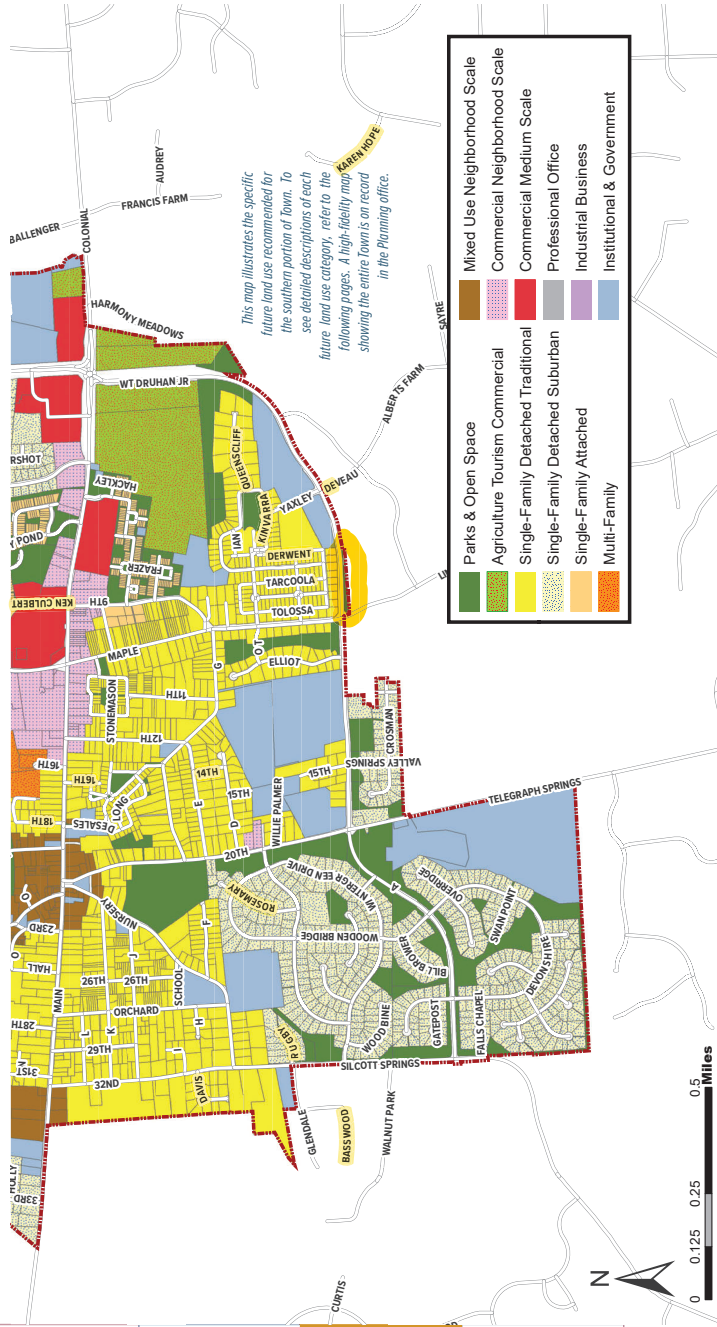
MAP 4. FUTURE LAND USE PLAN - SOUTH OF MAIN STREET



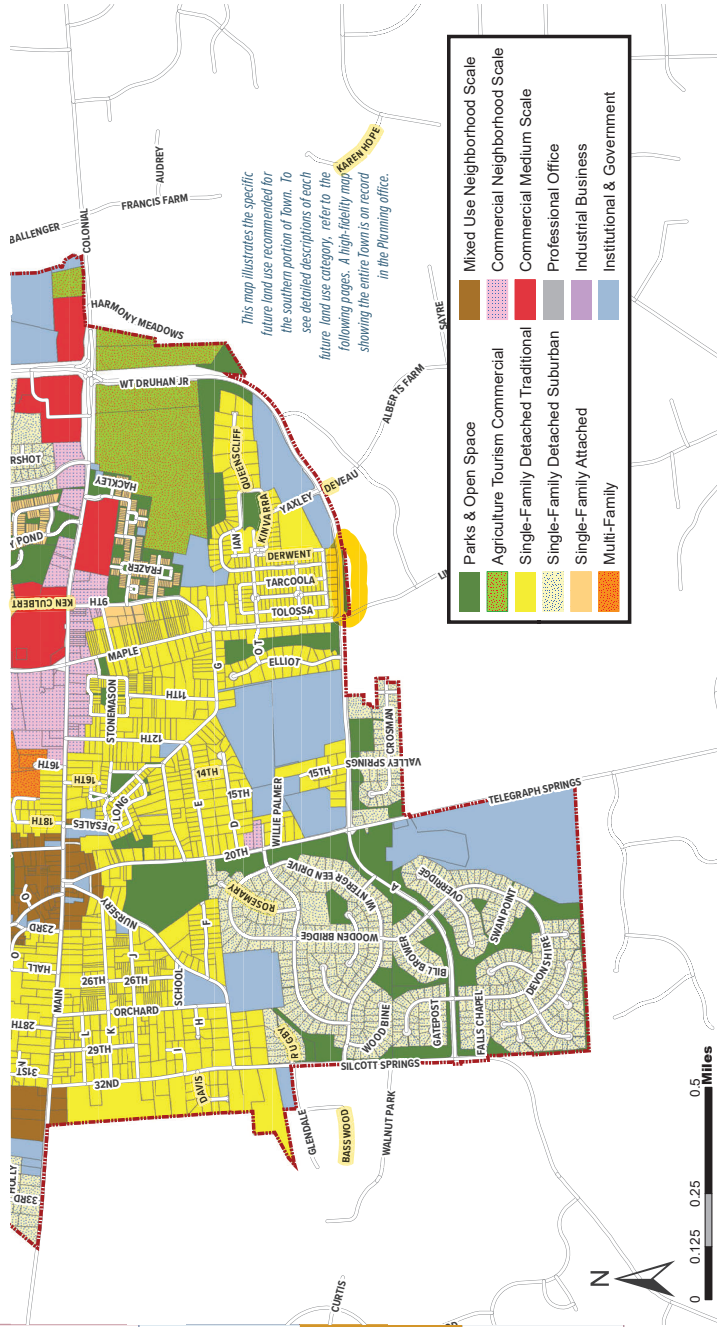
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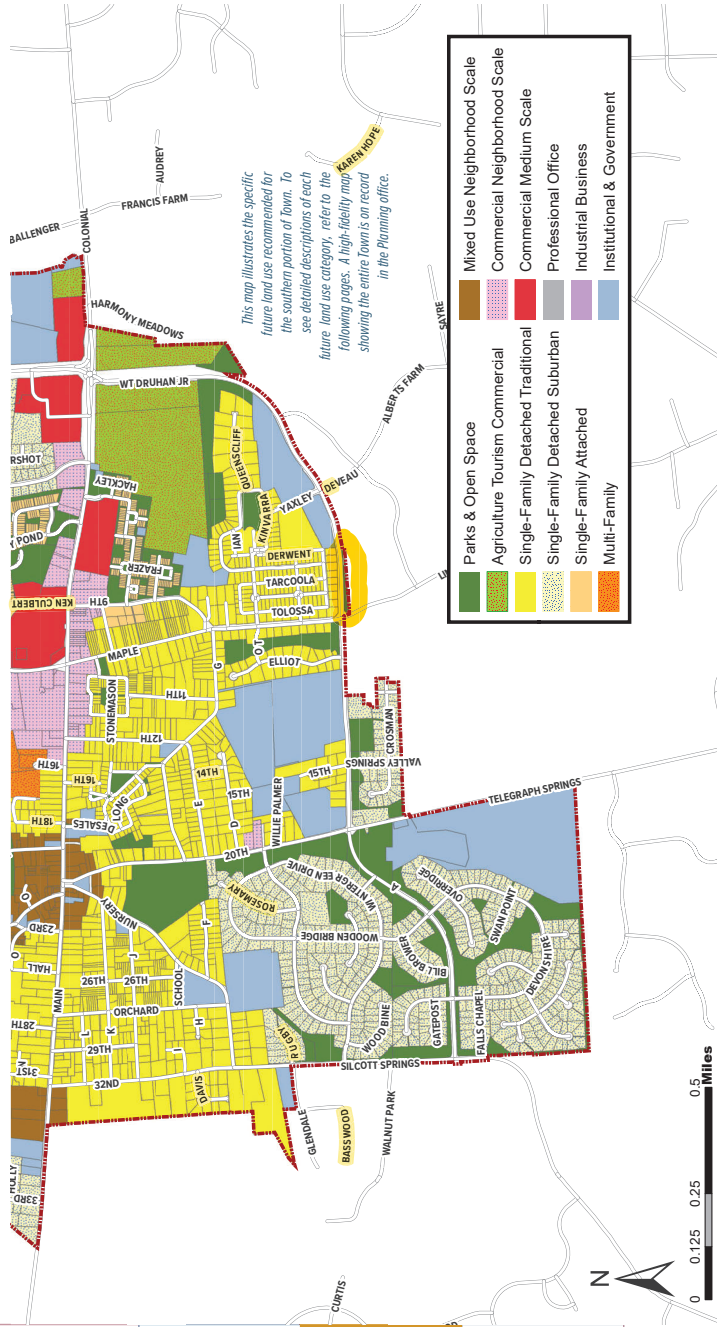
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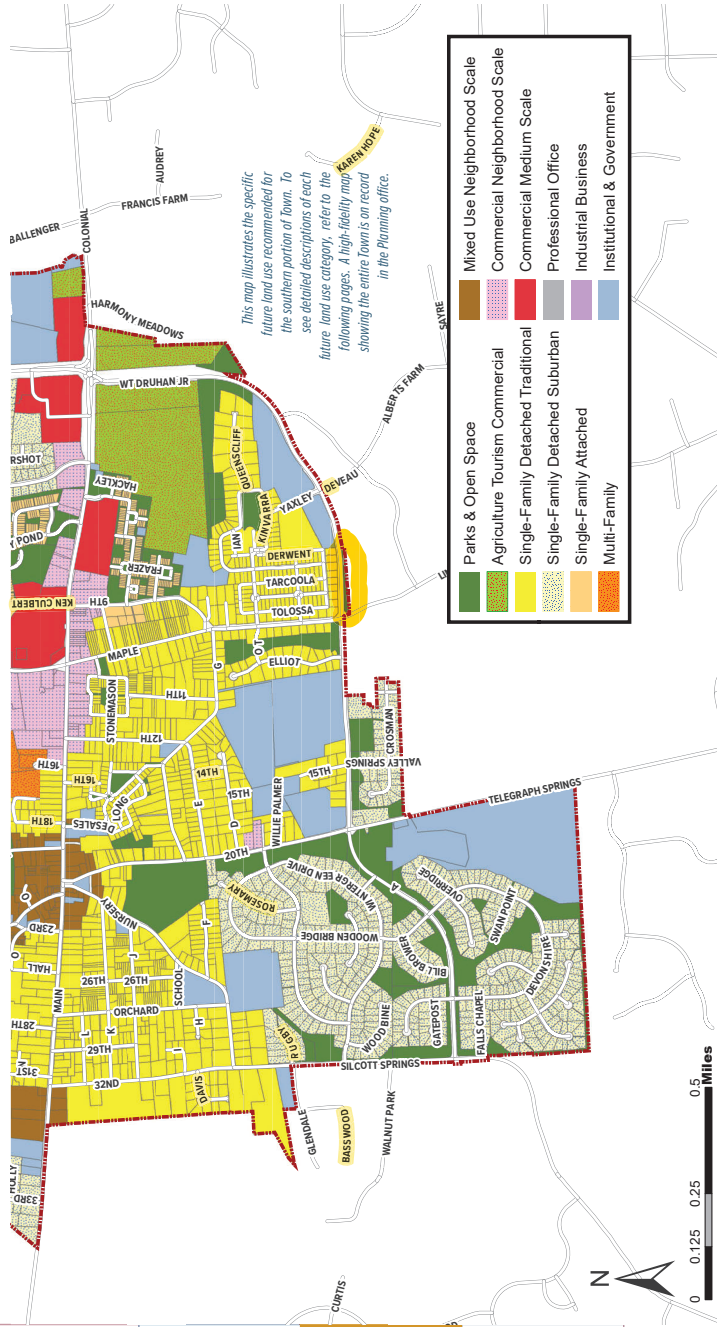
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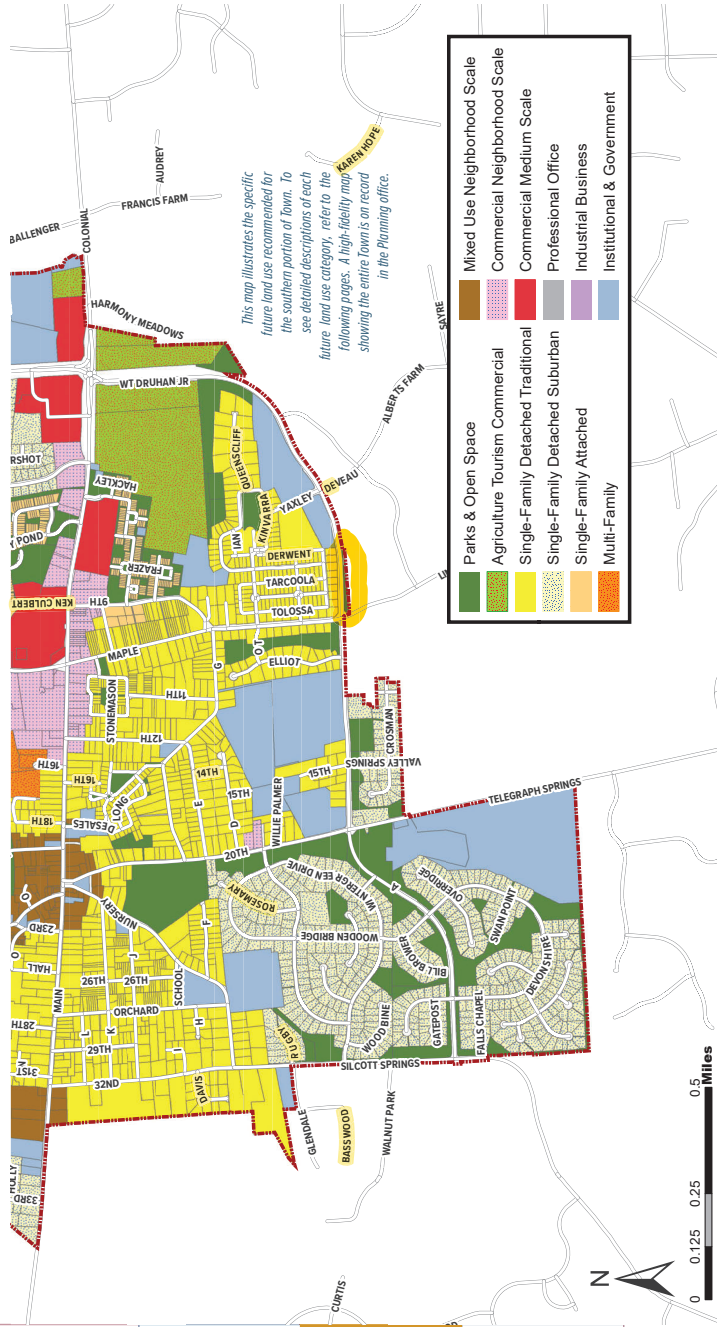
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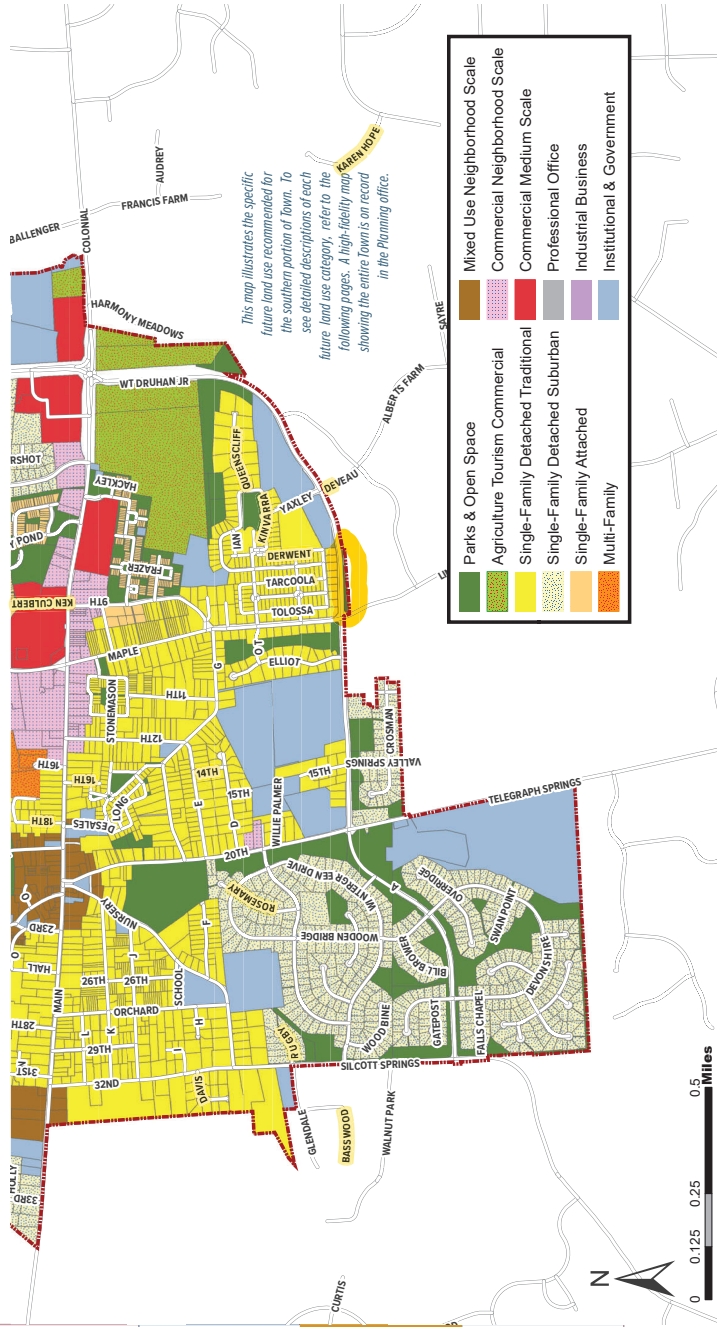
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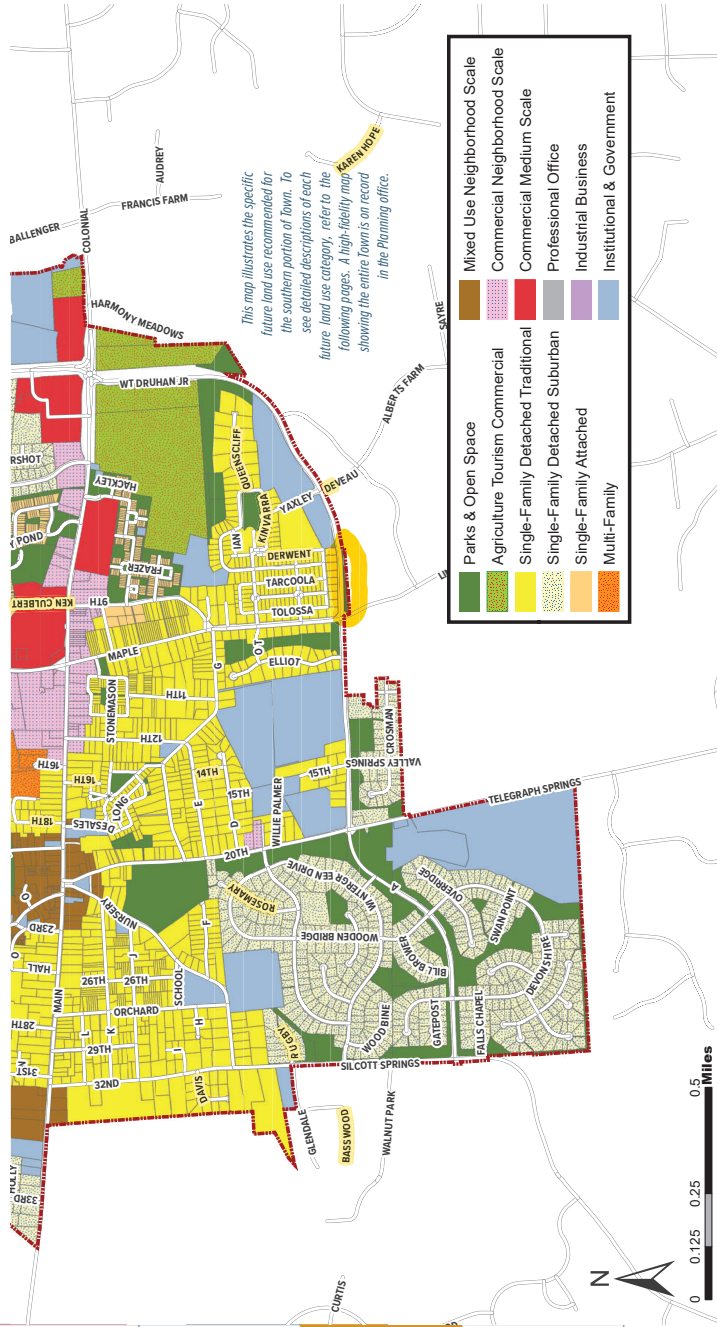
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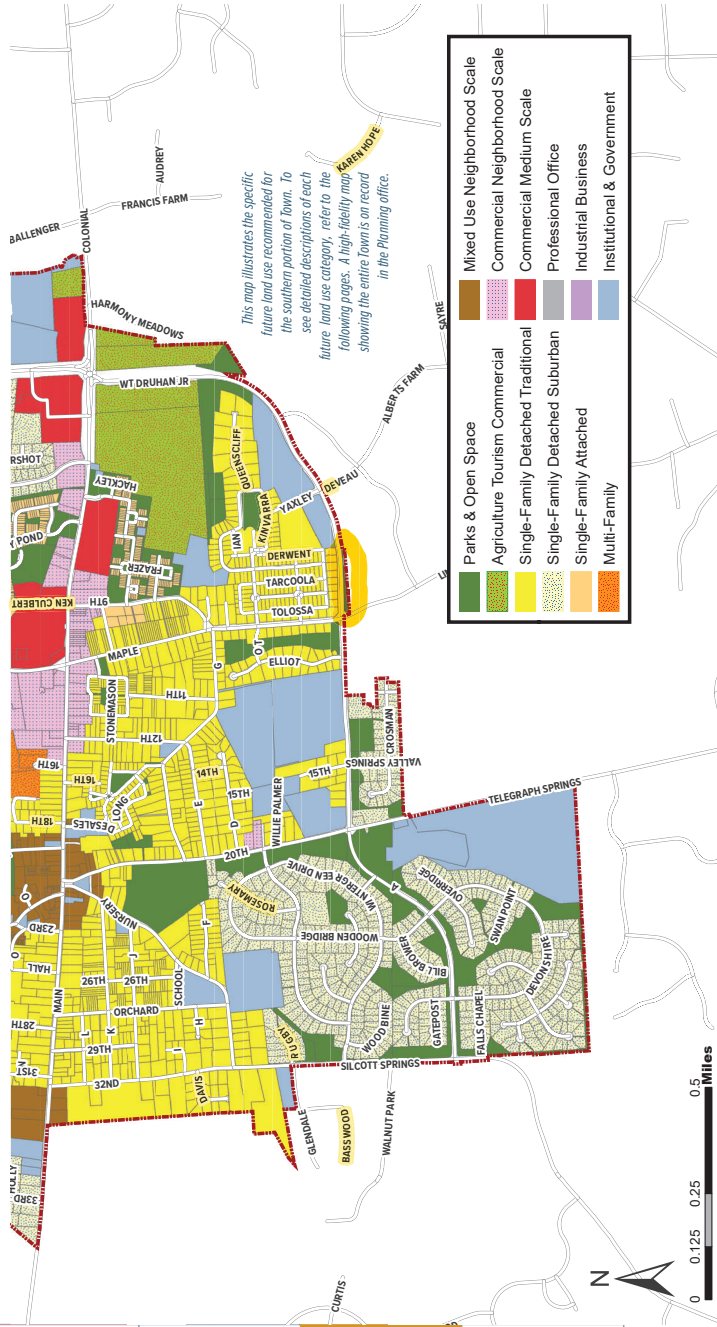
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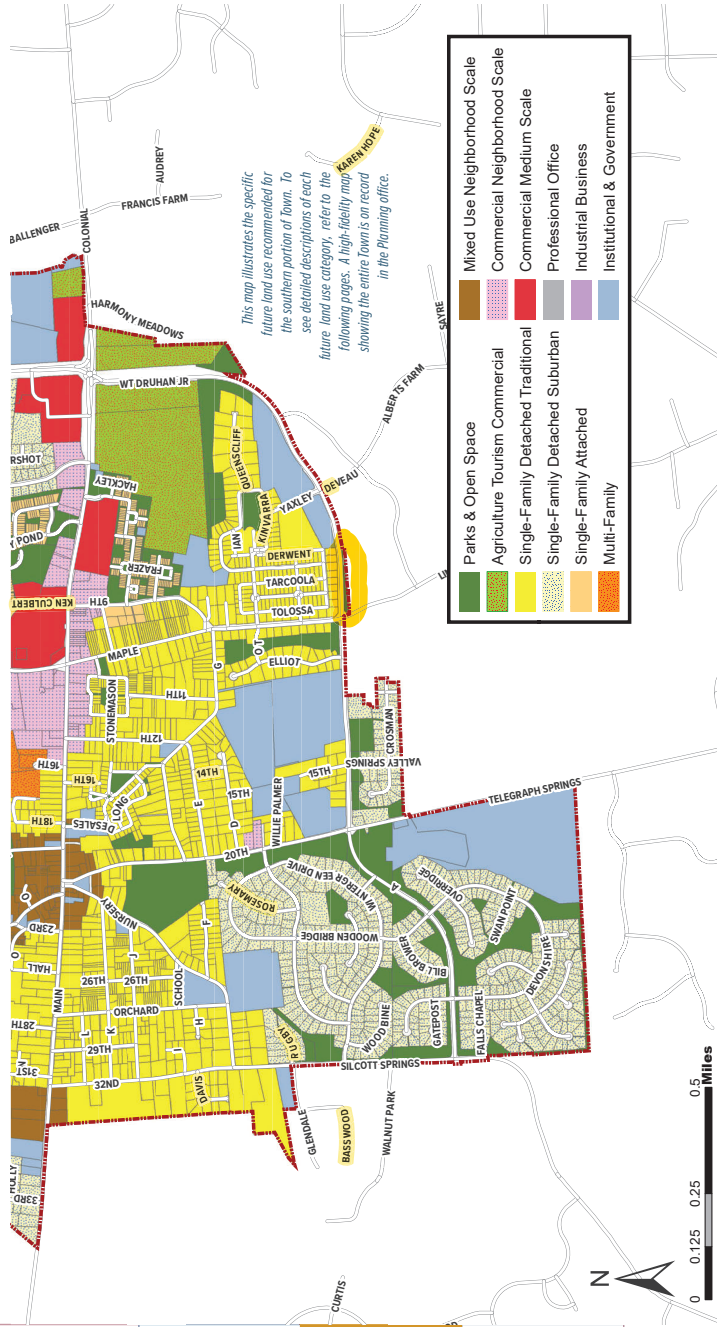
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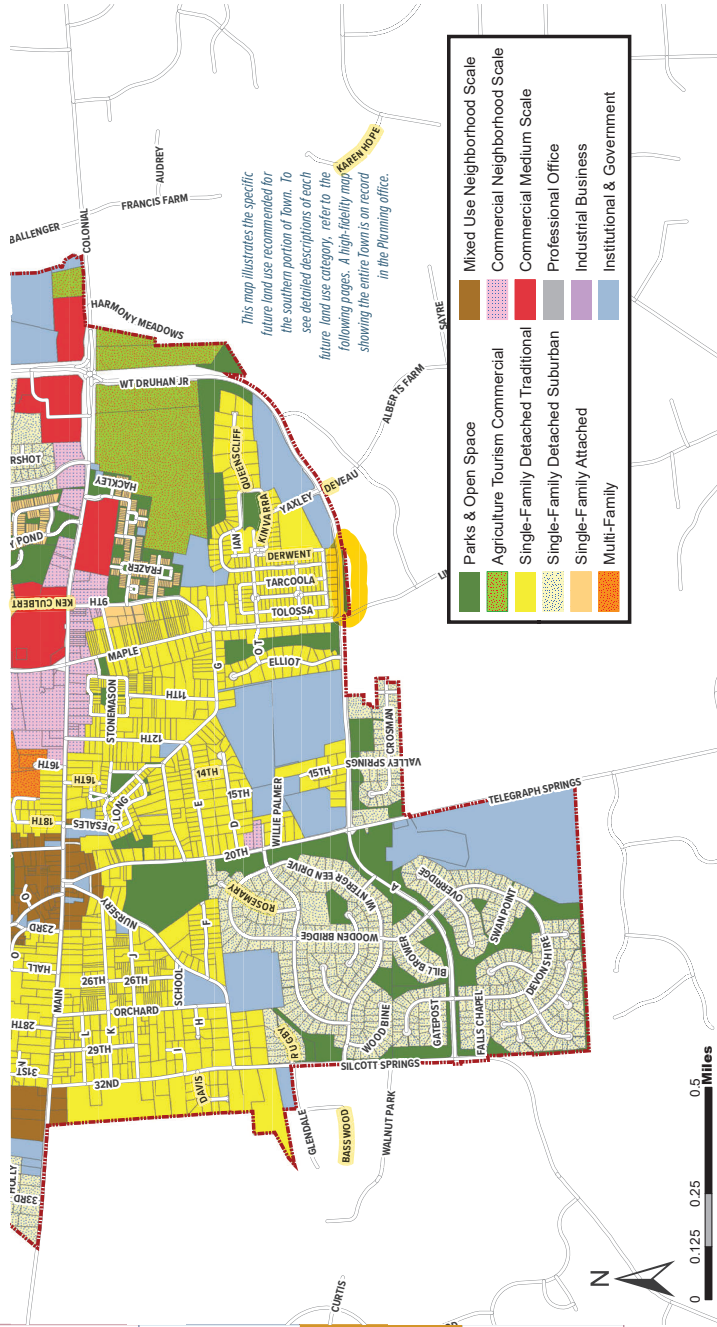
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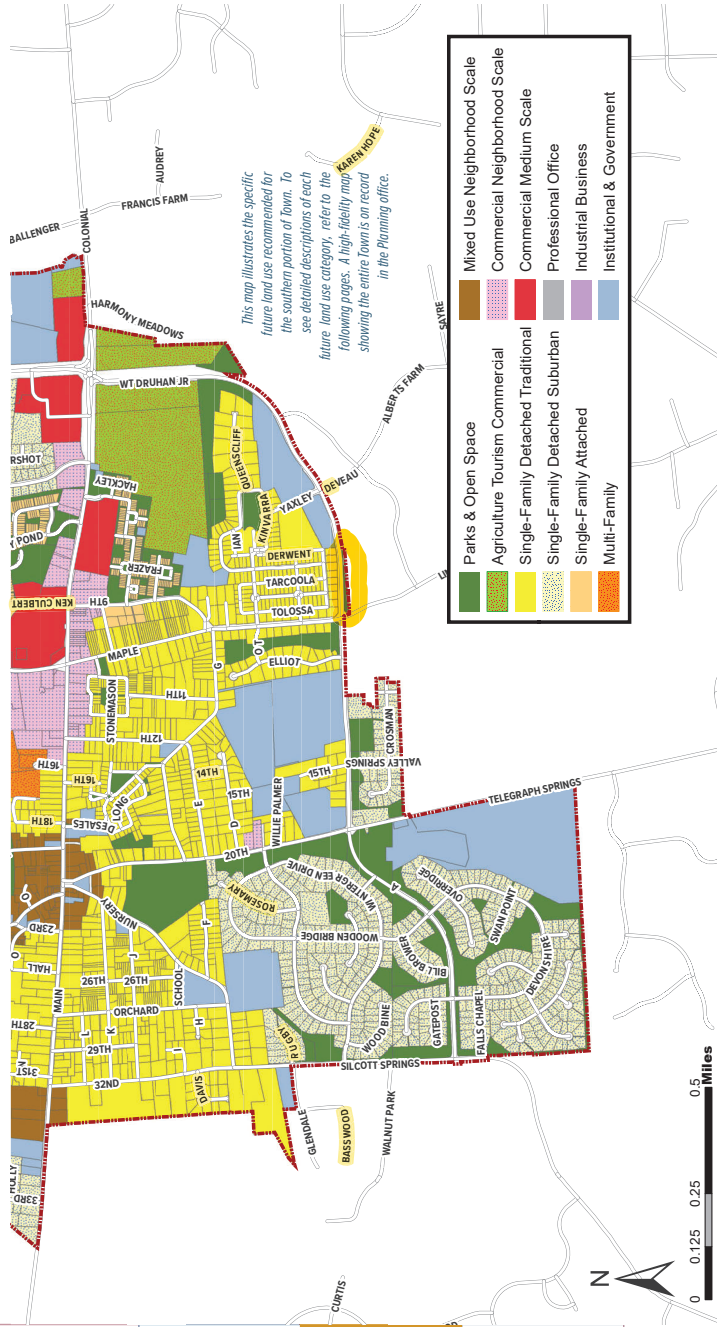
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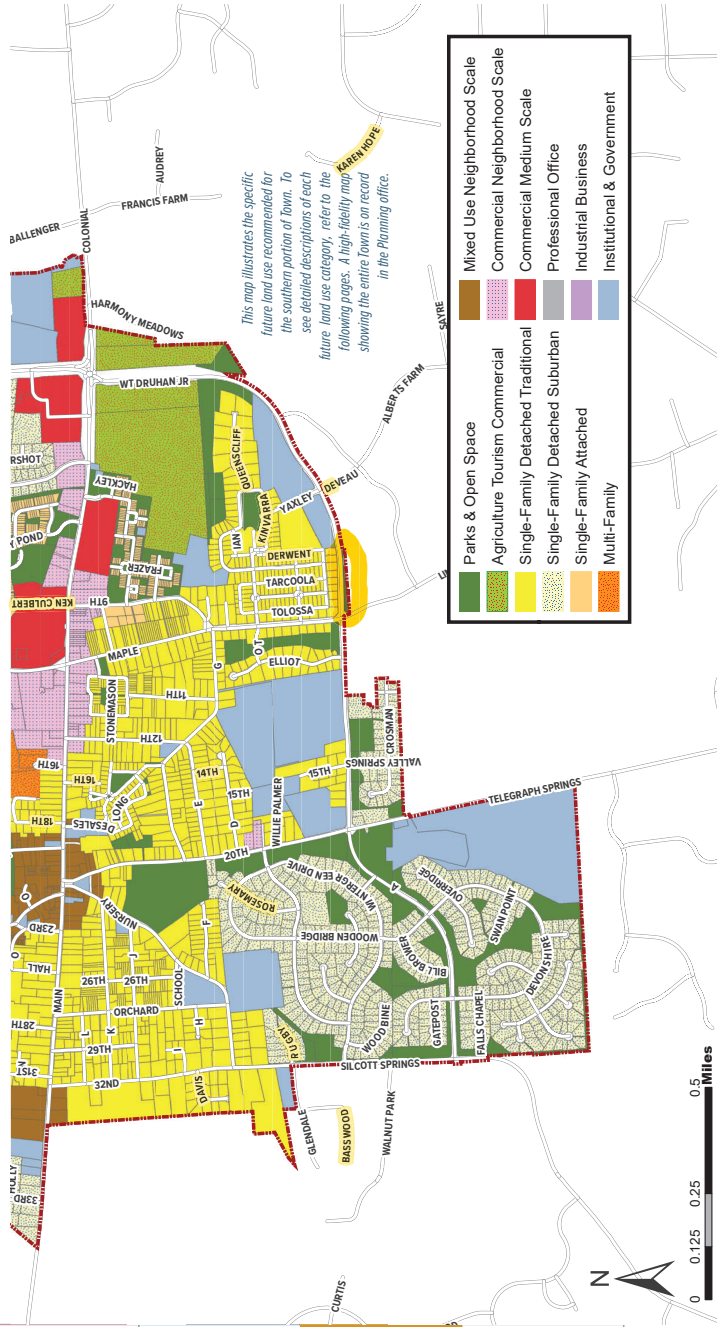
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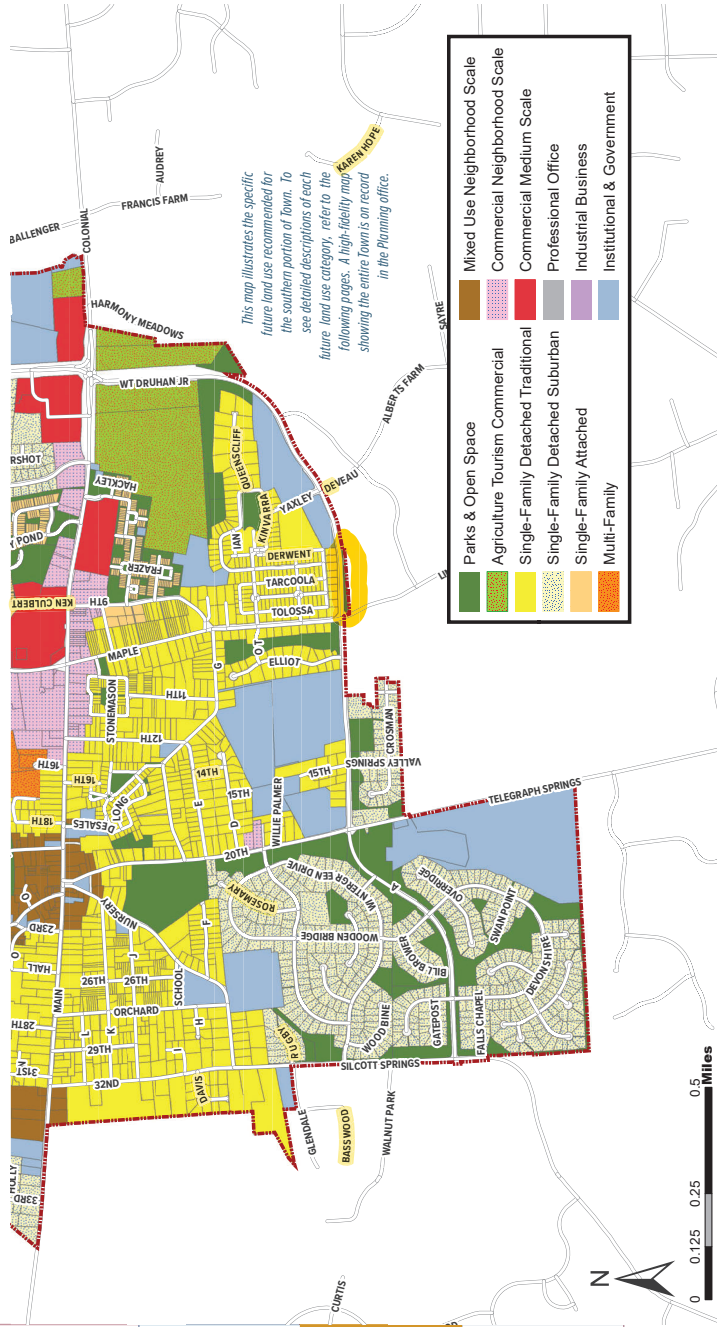
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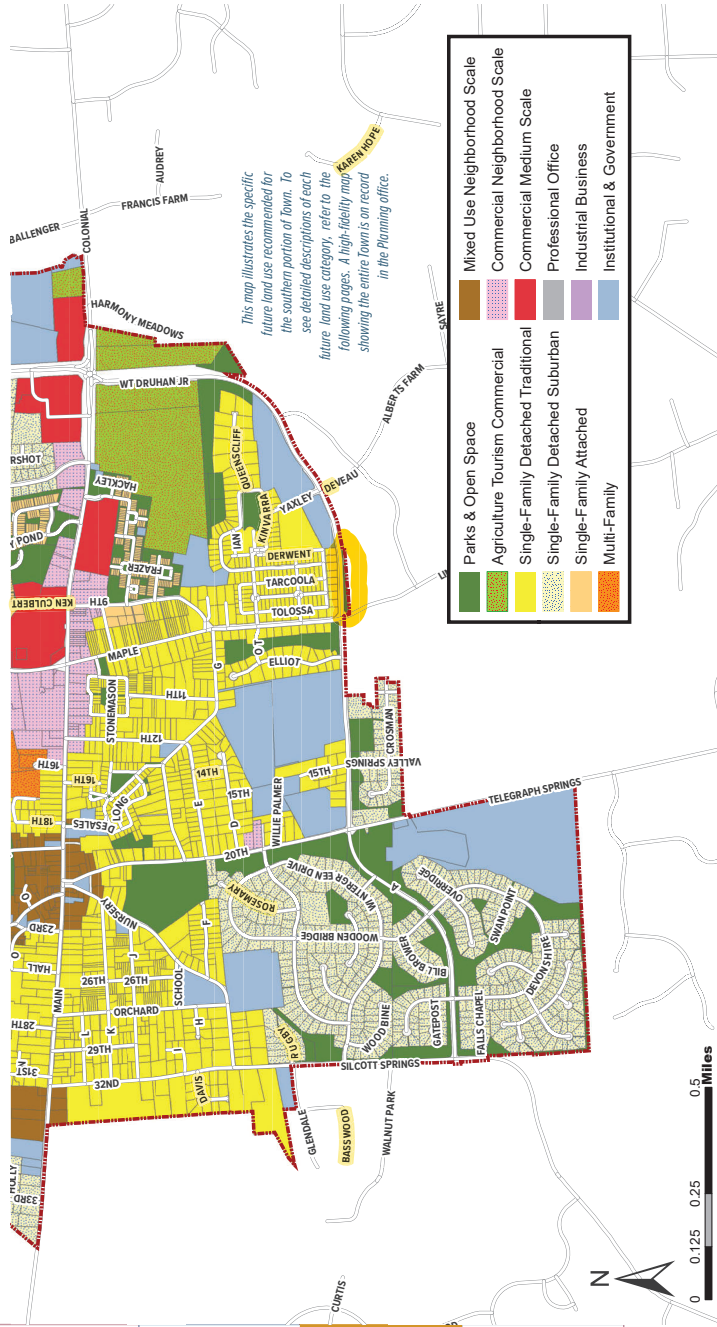
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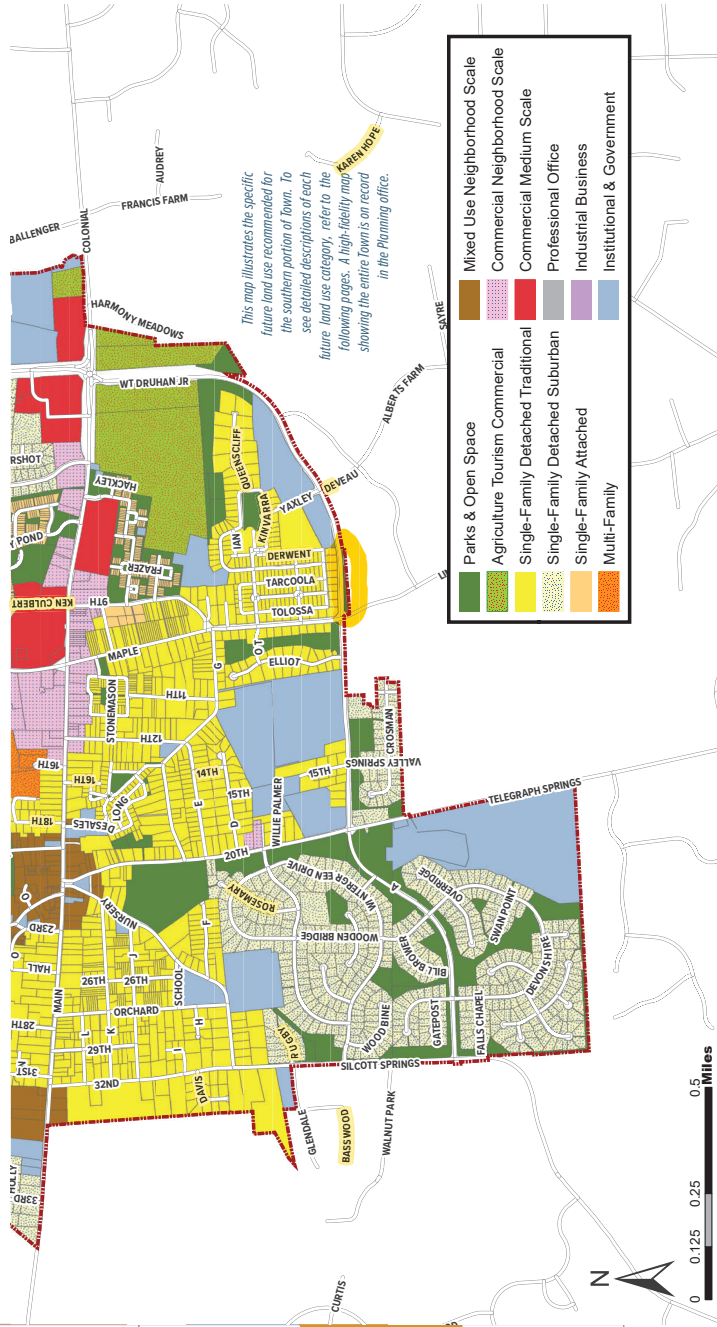
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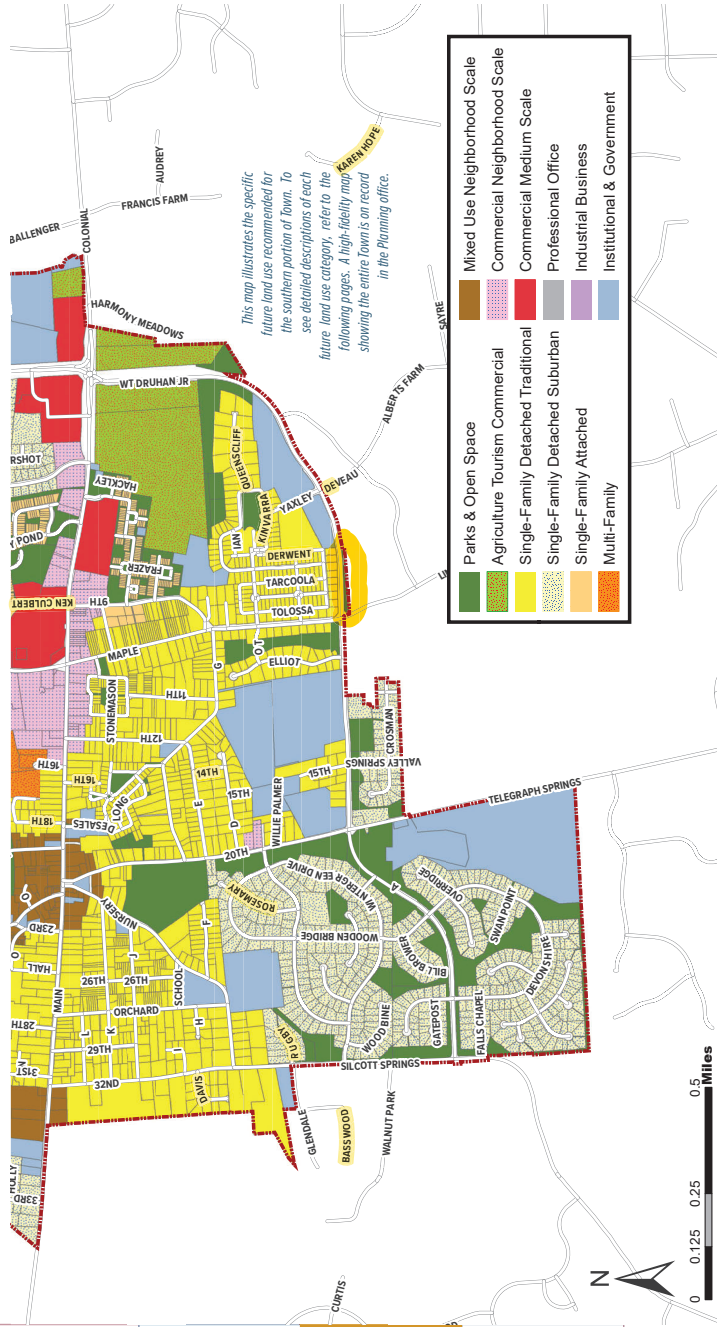
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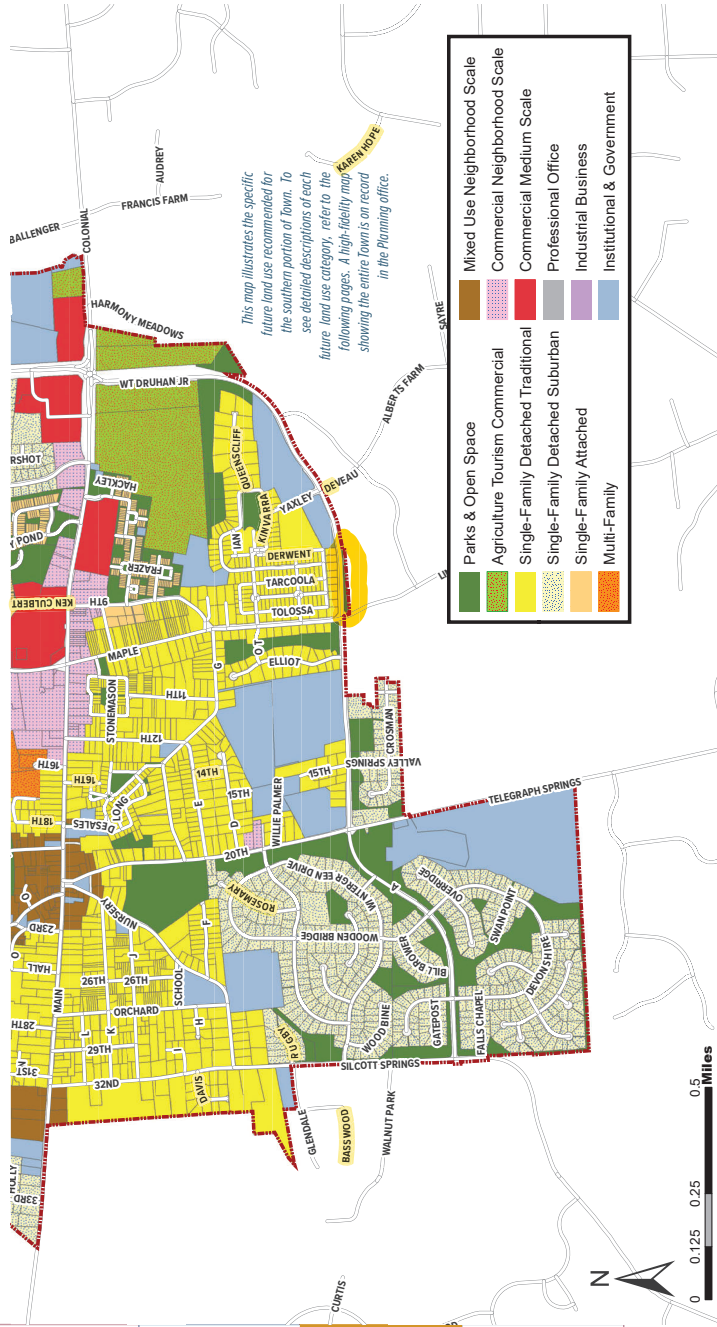
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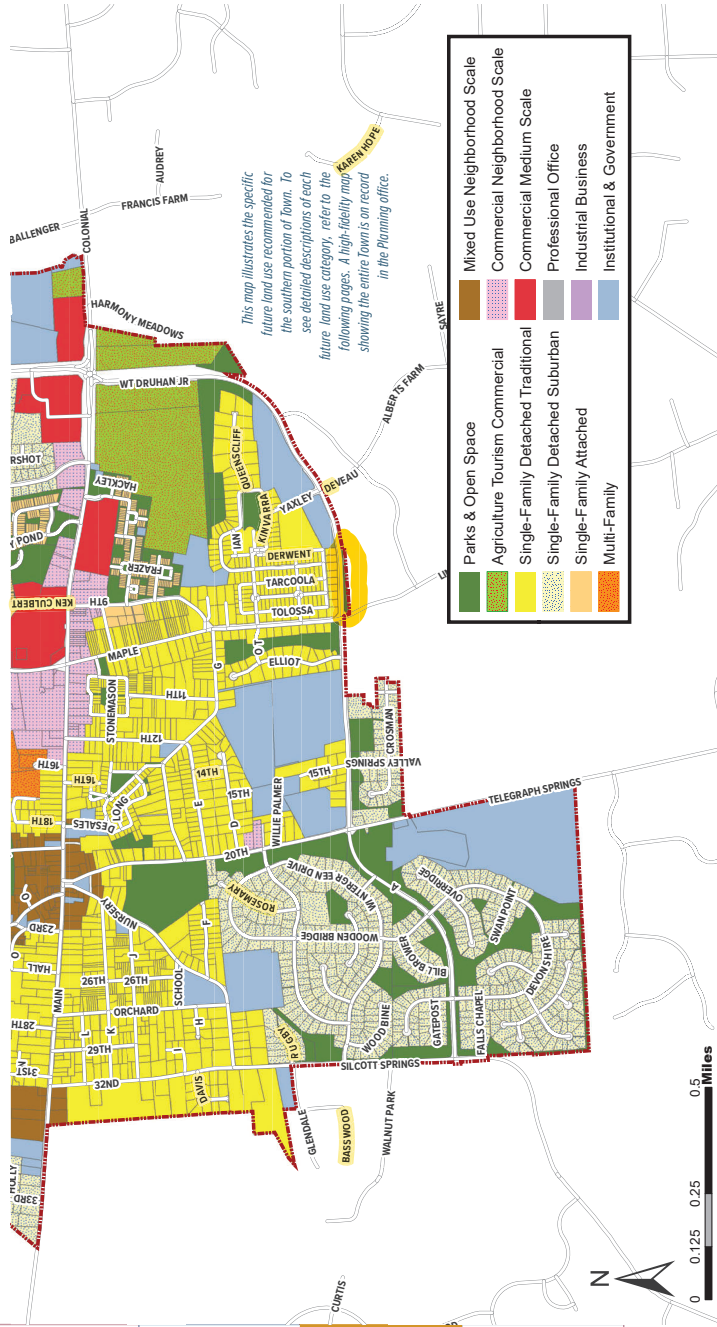
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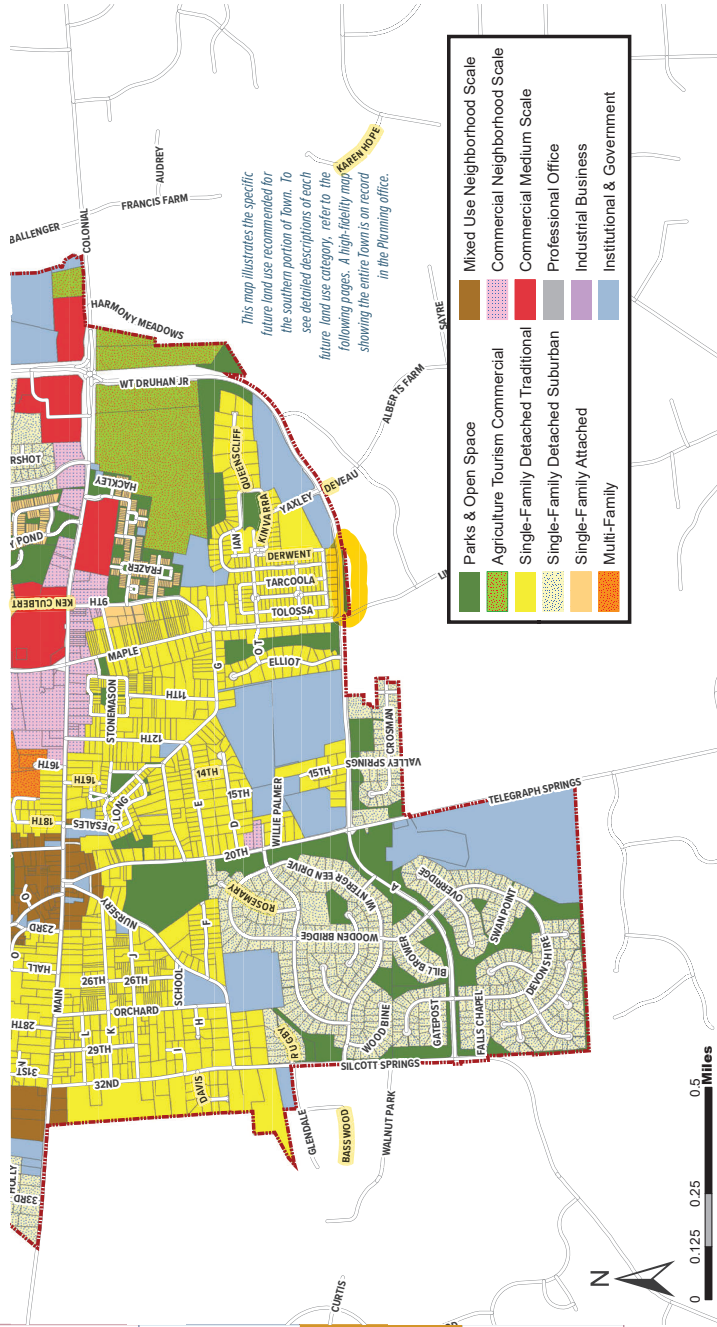
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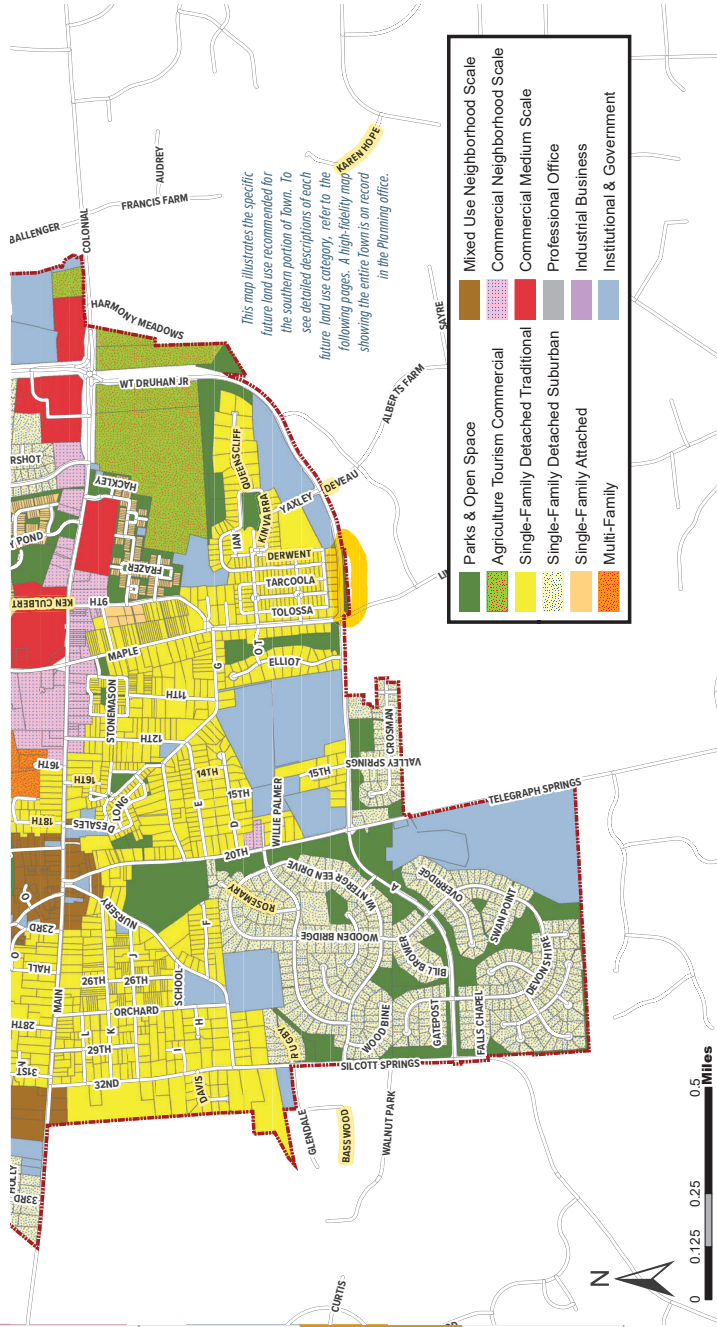
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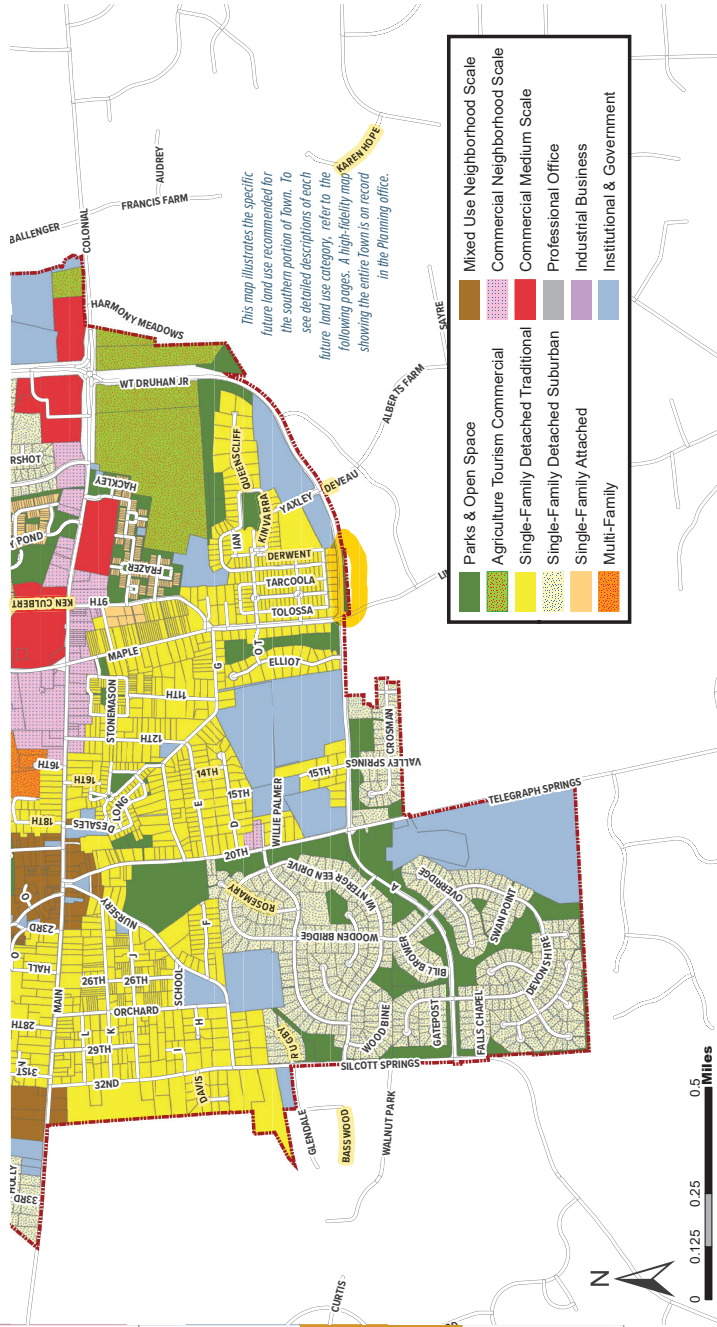
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MAP 4. FUTURE LAND USE PLAN - SOUTH OF MAIN STREET



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. 20-04-02

PRESENTED: MAY 26, 2020

ADOPTED: JUNE 23, 2020

AN ORDINANCE: VACATING PLAT NOTE #5 OF THE SUBDIVISION PLAT FOR THE VALLEY INDUSTRIAL PARK, RECORDED IN LOUDOUN COUNTY LAND RECORDS AT DEED BOOK 1032, PAGE 200, AND APPROVING THE VACATION BY SEPARATE INSTRUMENT OF A STORMWATER DETENTION EASEMENT RECORDED IN LOUDOUN COUNTY LAND RECORDS AT DEED BOOK 1977, PAGE 2328

WHEREAS, Tracy A. Byrd, Trustee, Successor to Elizabeth A. Leone, Trustee of the Trust Agreement u/t/d December 15, 2006 (“**Owner**”) is the owner of Lot 6F of the Valley Industrial Park subdivision (“**Property**”), by a deed recorded in the land records of Loudoun County as Instrument Number 20080125-004306; and

WHEREAS, the Property is subject to a restriction created by plat note #5 on the plat of subdivision dated November 14, 1988 and signed by the Town on February 5, 1989, entitled, “*Plat Showing Vacation and Dedication of Various Easements and Resubdivision of Lots 1F, 2F, 12F, 13F, 14F, 15F, 16F, 17F, and 18F, Valley Industrial Park,*” recorded in the land records of Loudoun County at Deed Book 1032, Page 200. Plat note #5 states, “*Lot 6 reserved for future stormwater management facilities, if required*” (“**Plat Note #5**”). A stormwater detention basin benefitting the subdivision has been installed on the Property; and

WHEREAS, the Property is also subject to a never-used stormwater management easement that was granted to the Town for the purpose of installing and maintaining an underground stormwater management facility on the Property that was never installed, which easement was granted to the Town by a plat of subdivision entitled, “*Plat Showing Various Easements, Lot 6F, Valley Industrial Park,*” dated June 1, 2001 and revised through July 10, 2001, recorded in the land records of Loudoun County at Deed Book 1977, Page 2328 (plat at page 2336) in the land records of Loudoun County, Virginia (the “**2001 Stormwater Easement**”); and

AN ORDINANCE:

VACATING PLAT NOTE #5 OF THE SUBDIVISION PLAT FOR THE VALLEY INDUSTRIAL PARK, RECORDED IN LOUDOUN COUNTY LAND RECORDS AT DEED BOOK 1032, PAGE 200, AND APPROVING THE VACATION BY SEPARATE INSTRUMENT OF A STORMWATER DETENTION EASEMENT RECORDED IN LOUDOUN COUNTY LAND RECORDS AT DEED BOOK 1977, PAGE 2328

WHEREAS, it is the desire and intent of the Owner to develop the Property with a commercial use pursuant to Site Plan Application TP 15-10 for Valley Industrial Park, Lot 6F Self-Storage Facility, dated November 9, 2015 and revised through January 24, 2020 (the “**Site Plan**”), which would include the construction of a new underground stormwater management facility on the Property located within a new stormwater management easement; and

WHEREAS, in order to develop the Property with the commercial use as shown on the Site Plan, both Plat Note #5 and the 2001 Stormwater Easement must be vacated; and

WHEREAS, pursuant to Va. Code Section 15.2-2272(2), the Town may vacate Plat Note #5 by ordinance adopted after a duly-advertised public hearing, which the Town held on January 28, 2020; and

WHEREAS, pursuant to Va. Code Section 15.2-2272(1), the Town may vacate the 2001 Stormwater Easement by an instrument signed by the Owner and the Town, because only the Owner’s property was shown on the subject plat, the Town was the only grantee of such easement, and the vacation does not impede or alter drainage for any lot owners; and

WHEREAS, the Council of the Town of Purcellville, with the recommendation of the Town of Purcellville Department of Public Works and Loudoun County Stormwater Management Team, finds the stormwater management facilities proposed in the Site Plan will improve the quality of stormwater discharged into Catoctin Creek and increase stormwater management capacity, without expense to the taxpayers of the Town of Purcellville; and

WHEREAS, the Town desires to vacate Plat Note #5 and the 2001 Stormwater Easement, so long as the Owner establishes a new stormwater easement and the Property continues to capture and treat the stormwater flowing to the Property from properties owned by other lot owners within the Valley Industrial Park Subdivision, with the obligations of the Owner being established and ensured by the following documents: (a) the *Deed of Easement and Vacation of Easements on Lot 6F, Valley Industrial Park*; (b) the *Deed of Easement for Lot 7F, Valley Industrial Park*; and (c) the *Stormwater Management/BMP Facilities Maintenance Agreement* for Lot 6F, Valley Industrial Park (collectively, the “**Documents**”); and

WHEREAS, the Owner has agreed to the terms of the Documents which establish, among other things, the Owner’s responsibility for the construction and maintenance of improved stormwater management and BMP facilities on Lot 6F for the benefit of properties draining to Lot 6F.

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

- Section 1. That Plat Note #5, which reads, “*Lot 6 reserved for future stormwater management facilities, if required*” as set forth on the plat entitled, “*Plat Showing Vacation and Dedication of Various Easements and Resubdivision of Lots 1F, 2F, 12F, 13F, 14F, 15F, 16F, 17F, and 18F, Valley Industrial Park,*” dated November 14, 1988 and signed by the Town on February 5, 1989, recorded at Deed Book 1032, Page 200, shall be vacated automatically after the Documents have been properly and fully executed and recorded among the land records of Loudoun County.
- Section 2. That the Town Manager shall execute a separate instrument vacating the 2001 Stormwater Easement, which was conveyed to the Town by deed and plat recorded in the land records of Loudoun County at Deed Book 1977, Page 2328 (plat at page 2336), with the plat entitled, “*Plat Showing Various Easements, Lot 6F, Valley Industrial Park,*” dated June 1, 2001 and revised through July 10, 2001. That such separate instrument shall be signed by the Town Manager *after* the Documents have been properly and fully executed and recorded among the land records of Loudoun County.
- Section 3. That the Town accepts the terms and conditions of the Documents, and directs its Mayor or Town Manager to execute the Documents *prior to* the Town taking final action on Site Plan TP 15-10.
- Section 4. That Site Plan TP 15-10 shall reference the Documents within the notes on Sheet 1, prior to receiving final action from the Town.
- Section 5. That no one of the Documents shall be valid unless and until all of the Documents are fully and properly executed and recorded by the Owner in the Loudoun County land records.
- Section 6. That this Ordinance shall be recorded in the land records of Loudoun County.

PASSED THIS 23rd DAY OF JUNE, 2020.

Kwasi A. Fraser, Mayor
Town of Purcellville

ATTEST:

Diana Hays, Town Clerk