

**PURCELLVILLE TOWN COUNCIL MEETING  
TUESDAY, JANUARY 12, 2021, 7:00 PM  
VIRTUAL**

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The meeting of the Purcellville Town Council convened at 7:00 PM virtually on GoTo Meeting.

**COUNCIL MEMBERS PRESENT:**

Kwasi Fraser, Mayor  
Mary Jane Williams, Vice Mayor  
Tip Stinnette, Council Member  
Joel Grewe, Council Member  
Ted Greenly, Council Member  
Stan Milan, Council Member  
Christopher Bertaut, Council Member

**STAFF PRESENT:**

David Mekarski, Town Manager  
Sally Hankins, Town Attorney  
Hooper McCann, Director of Administration  
Sharon Rauch, Director of Human Resources  
Chief Cynthia McAlister, Police Dept.  
Deputy Chief Dave Dailey, Police Dept.  
Dale Lehnig, Director of Engineering, Planning & Development  
Elizabeth Krens, Director of Finance  
Connie LeMarr, Assistant Director of Finance  
Amie Ware, Division Manager Parks and Recreation  
Andy Conlon, Senior Planner  
Diana Hays, Town Clerk/Executive Assistant  
Kimberly Bandy, Deputy Town Clerk

**CALL TO ORDER:**

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

**AGENDA AMENDMENTS/APPROVAL:**

None

**CONSENT AGENDA**

- a. Approval of Meeting Minutes - January 16, 2020 Special Meeting
- b. Approval of Meeting Minutes - January 28, 2020 Meeting
- c. Approval of Meeting Minutes - December 8, 2020 Meeting
- d. Approval of Meeting Minutes - December 14, 2020 Special (Interviews)
- e. Approval of Meeting Minutes - December 16, 2020 Special Meeting

Council member Grewe made the motion that the Purcellville Town Council approve the Consent Agenda, item 6a-e, as presented in the January 12, 2021 Town Council Meeting agenda packet. Council member Bertaut second the motion and carried 7-0.

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

Greenly: Aye  
Grewe: Aye  
Bertaut: Aye  
Stinnette: Aye  
Williams: Aye  
Milan: Aye  
Fraser: Aye

#### **CITIZEN/BUSINESS COMMENTS**

Casey Chapman, 151 N. Hatcher Ave, made comment of wanting to bring his perspective and raised concern about the height restriction in the downtown be lowered from three stories, 45 feet to 2 stories 30 feet. He does not feel it is fair and pointing out that Nichols Hardware and Magnolias is higher than that. He objected to any changes to the height limitations in the C4 District.

#### **MAYOR AND COUNCIL COMMENTS (5 minutes per Council member)**

Council member Grewe extend condolences to the family of the loss of an elderly man in our community. He stated that the TESC and staff are in the process of Purcellville getting the Arbor Day designation of receiving the Tree City USA for the 14<sup>th</sup> year. He also commended staff for their heroic job over the last month in shouldering different aspects of David's job as he was recuperating.

Council member Stinnette commented to Casey Chapman that he hoped he stayed on the call until the Planning Commission item regarding heights is discussed. Council member Stinnette commented on the January minutes included in the agenda packet with regards to the Comprehensive Plan mentions three slivers of property along the edges of the collector road that should be evaluated by the staff and the Planning Commission to assure that these are properly aligned between the town and the county. The Browns and Mr. Message have identified these three pieces of property. He wanted to be on record that he thinks it wise for our Planning staff and Planning Commission to take a look at these.

Council member Greenly offered his condolences to two of our town residents that have lost loved ones.

Vice Mayor Williams also wanted to offer condolences to the two families. She also wanted to

mention that Community Policing Advisory Committee had their first meeting last night and it is a very enthusiastic group. Chief was able to answer a lot of questions in the discussion and she was thankful for what staff does behind the scenes to make the meeting successful.

Council member Milan also offered condolences to the two families. He also commented that he would like to re-iterate some things about what we say and who we are saying it to, as officials in elected positions have to be cautious in making points of interest and points of emphasis.

Council member Bertaut also wanted to offer condolences to both families that have suffered such grievous losses recently. He stated to be ever mindful that it has been a huge challenge getting through 2020 and he has been gratified and heartened with the way people have risen to each and every one of these challenges and looks forward to a better 2021.

Mayor Fraser offered condolences to the members of our community that have lost their loved ones. He stated it is a reminder how fragile life is. He also made comment on the insurrection this week at our nation's capital and thankful for the valiant work of police officers that the riot was unsuccessful. Mayor Fraser stated that he hopes that we can all keep our nation in prayer and in our thoughts as we go forward in this coming week and into 2021.

#### **ACTION ITEM(S)**

##### **a. Requesting Acceptance of Streets Into Urban Highway System**

Dale Lehnig, Director of Engineering, Planning and Development, introduced the item that staff recommends Town Council approve the acceptance of these streets system by resolution, and also this will get them added to the maintenance funding for the Virginia Department of Transportation.

Council member Grewe made a motion that Town Council approve Resolution 21-01-01 to request that Dunraven Way, Mildenhall Court, Pencoast Drive, Upper Heyford Place, and Mayfair Crown Drive be added into the Urban Highway System for maintenance payments. Vice Mayor Williams second the motion and carried 7-0.

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

Greenly:	Aye
Grewe:	Aye
Bertaut:	Aye
Stinnette:	Aye
Williams:	Aye
Milan:	Aye
Fraser:	Aye

**b. Critical Incident Response Team - Approval of Memorandum of Understanding**

Chief McAlister began by stating that there was a press conference announcement today on this matter, with the caveat that the official vote would be tonight, as does another jurisdiction. She stated that she would like to discuss and get council approval to move forward on having Purcellville become a member of the Critical Incident Response Team, which is 11 jurisdictions in the northern Virginia area. The purpose of this team is to bring together multi-jurisdictional expertise, and to allow critical incidents to be investigated by other departments other than the department where the incident was involved and it's the critical incidents where an officer uses force and leads to a serious injury or death of another person. Chief McAlister shared that this makes it much more transparent and allows the department that is going through the incident not to have to be involved in the investigation and at the end, it creates and builds a better investigation, less bias investigation and more comprehensive investigation. She stated also that this is bringing together homicide investigators that are very well seasoned from around the Northern Virginia region as well as commanders and crime scene investigators. It is beneficial mainly because we don't have those resources, and it brings the resources to us that we need and then allows us to get a complete criminal investigation and this is only the criminal investigation. She continued there's always two parallel investigations when a case like this occurs, there's the administrative, internal investigation, then there's the criminal investigation. This would take care of the criminal investigation, and once the case is completely compiled and done, it goes before the commonwealth of that jurisdiction where the incident happened, and then a determination is made if there's a criminal violation that needs to be charged, and then the department, that the incident occurred, continues to do their administrative investigation, and come up with the findings in the administrative investigation. Chief McAlister requested for council approval of joining the Memorandum of Understanding with the other Northern Virginia Police Departments that have built the Critical Incidents Response Team.

Council member Stinnette confirmed with Chief McAlister that this item was discussed at the Community Policing Advisory Committee meeting and they were in full support of this. As Council liaison to CPAC Vice Mayor Williams agreed.

David Mekarski also requested that Chief McAlister elaborate briefly on explanation of the difference between internal investigation and this criminal investigation. Chief McAlister explained that when force is used, and an injury occurs, there's the chance that it could be criminal in nature, the officer could have not followed procedure, could have violated the law in the actions that they took. By bringing these people in from the CIRT, every time there is a critical incident like this, there is a criminal investigation built then the final report gets turned over to the Commonwealth of that jurisdiction, and the Commonwealth reviews it and then sees what they will do with the findings of that case. She further explained a parallel investigation happens, because there is a need to look administratively if training, policies, and general orders were followed and if not, it's addressed and it gives a chance to look for training gaps, equipment gaps, etc. Chief McAlister continued that when an officer speaks internally in an administrative investigation, they are compelled to talk, when an officer speaks to the detectives in the criminal investigation they are treated like a regular citizen, and

they do not have to speak to the detectives if they choose not to. The results of the administrative case cannot be used in the criminal case because of them being two separate paths and being done for separate purposes.

Council member Grewe stated that this idea is a product of several years of work and discussions amongst the Northern Virginia Chief's table. Chief McAlister confirmed that she felt fortunate that this vision was well before the upheaval of current events.

Council member Stinnette made the motion that the Purcellville Town Council approve the participation of the Purcellville Police Department in the Northern Virginia Critical Incident Response Team, and authorize the Chief of Police to execute the Memorandum of Understanding as presented in the January 12, 2021 staff report. Council member Greenly second the motion and carried 7-0.

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

Greenly:	Aye
Grewe:	Aye
Bertaut:	Aye
Stinnette:	Aye
Williams:	Aye
Milan:	Aye
Fraser:	Aye

## DISCUSSION/INFORMATIONAL ITEMS

**a. Recommendations for Underutilized and Underperforming Town Owned Properties and Facilities-Pullen House Sale and/or Demolition Funding Budget Amendment (Dale Lehnig/Joshua Goff) (Item for discussion unless Council moves to Action)-Other Properties and Facilities for Consideration (Town Council List)**

David Mekarski, Town Manager, stated that there was a staff reorganization of the Engineering, Planning and Development departments which placed Joshua Goff in an Assets Management role and under his leadership worked on providing an estimate for demolition of the Pullen House as well as research on the sale of it. He further stated that there is continued research being done on all of our underutilized assets and would like to notify as many council members that are available, to be aware of doing walk throughs at the Community Gardens to ensure that those buildings are stabilized, re-used, or demolished.

Dale Lehnig, Director of Engineering, Planning & Development, stated that the Pullen House was originally purchased with the thought of it adding strategic value for future uses associated with Parks and Recreation activities and she requested that Amie Ware, Division Manager of Parks and Recreation, to go into further detail.

Amie Ware confirmed that this property is thought to have the potential to be a great addition to the Town's park assets. The Parks and Recreation Advisory Board is interested in using the Pullen

House property as an extension of Fireman's Field activities. The initial plan would be to work with local scout groups in building benches and tables for that area. She also proposed the idea of possibly developing a skate park on that property. The ideas to develop this property would create more of a draw for more people to that area and they would then shop and dine in local restaurants.

Dale Lehnig reviews the staff report and reiterated the three options for motion with more detail. She stated to be looking for what direction to proceed from Council.

- Request Town Council to approve budget amendment (BA 21-019) for \$70,000 to demolish the Pullen house; OR
- Request Town Council to authorize staff to begin the process to sell the Pullen house and property through a sealed bid process; OR
- Request Town Council to authorize staff to begin the process to sell the Pullen house and property using a real estate firm to sell the property.

Council member Greenly questioned the first motion of the \$70k already being an expenditure from Parks and Rec, it would not be an amendment. Elizabeth Krens, Director of Finance, stated that it would need to be an amendment, it would be a draw from reserves and she also confirmed there is no tax revenue being generated from this property as it being a town asset as well as the town being exempt from taxation. He shared that some citizens have shared wanting the property to become a Tot Lot and stated he supported the town keeping the property, but did realize that tough times calls for tough decisions.

Council member Grewe stated for the record that there are options to sell the property by two different methods and he would like more information on the processes and costs. Mr. Mekarski stated that through a realtor the town would ensue commission costs and through a sealed bid process there would not be that cost, but may not get the same kind of value in a bid that you would receive in a real estate sale. It is difficult to know which method would be of higher value to the town. Council member Grewe questioned that since the discussion is appropriating the funds for the demolition from Parks and Rec, will the revenue from a sale go into the Parks and Rec fund. Elizabeth Krens commented that the amount would go into the General Fund because that is where the assets currently sit and when the asset was first purchased there was no Parks and Rec fund. Council member Grewe stated that that a discussion should take place regarding this and questioned possibly drawing down any outstanding debt in the Parks and Rec and questioned the amount of the debt. (Elizabeth Krens, later in the meeting, answered through the chat that the amount was approximately \$1.2m of outstanding debt.) He liked the idea of park space, but he did understand that the town has fiscal issues.

Council member Bertaut stated that in the past he thought there were a lot of good, worthy uses for the house and that it could be rebuilt and has changed his opinion since then. He regards the property nothing more than a white elephant and stated thinking that many of the things proposed as recreational amenities for the town are worthy and liked the idea of a Tot Lot and there's been discussions of a waterpark, skate park, and picnic space, but he would argue that there's no reason to put any of them on the existing property, that the town would find the highest and best use of this property by selling it, preferably by sealed bid. Council member Bertaut stated taking the revenue from the sale and apportioning some of it to one or more amenities in a different area.

Council member Milan agreed with Council member Bertaut's comments and stated that

there are other town owned properties and plans to discuss those without incurring any more debt for the town.

Council member Stinnette clarified that the price mentioned of the sale of the property included the structure as is. He stated he agreed in large part with Council member Bertaut. Council member Stinnette stated that the demolition costs will only rise, over the 11 years of owning the property it has doubled in value, and once you give up property you do not get it back. He stated another course of action could be taken, to demolish the structure now, hold onto the property and use it, and explore other options before a sale. He stated that the property is undervalued and it will increase in the out years, but understands the imperative to do something with the property and he is ambivalent whether it comes to sell the property, but something does need to be done. He looks forward to providing guidance to staff on what collectively to do with this property.

Vice Mayor Williams stated agreement with Council member Stinnette. She stated to keep the property, demolish the structure, and then use it until we know it can be sold at a higher profit.

Mayor Fraser commented that we have property that has doubled in value and we cannot predict tomorrow's real estate given the financial situations we are faced with. He stated that there are already a lot of park spaces that are underutilized and for council to think about this property is within town and could produce revenue for the General Fund and Utility Fund. His directional guidance would be to sell it.

Council member Grewe stated he liked Council member Bertaut's idea to sell and use the revenue in part and using it to build and also pay off some debt.

Mayor Fraser commented that at least five council members are in favor of selling. He further stated that a sealed bid does not have to be taken and Mr. Mekarski stated that you could place a minimum on the bids from potential bidders. Sally Hankins, Town Attorney, stated that you could abandon the sale and start over the process.

Dale Lehnig stated that an appraisal of the property was requested in late December and needed to get the status.

Council member Milan began to state a motion and more discussion occurred as to what to include and how to state the motion.

It was suggested that all the information be further gathered and then possibly plan for a future closed session with council to discuss.

Council member Bertaut made a motion that the town council direct staff to move forward with a soliciting proposal for sealed bids to sell the property located at 301 South 20th Street Purcellville, Virginia with setting a minimum purchase price for the bid at \$330,000 subject to revision, or an appraisal, that will be done. Council member Milan second the motion.

Vice Mayor Williams stated that she would like on the record to follow Council member Bertaut's idea to use the money from the sale for a Tot Lot or park.

Motion: Council member Bertaut  
Second: Council member Milan  
Carried: 7-0

Greenly: Aye  
Grewe: Aye  
Bertaut: Aye  
Stinnette: Aye  
Williams: Aye  
Milan: Aye  
Fraser: Aye

Mayor Fraser commented that another part of this discussion item 10a. was “Other Properties and Facilities for Consideration” as a list or an asset inventory of potential land that the town could obtain economic value and monetize. He stated that this is list is homework for Council and this would be added to a future meeting.

**b. Digital Signage at the Corner of Maple and Main and Procurement Process to Install a Digital Sign at this Location (Dale Lehnig/Jason Didawick)**

Dale Lehnig referred to the information from the staff report. She stated that a digital sign has been proposed to replace the existing 7’-6” high x 9’-6” wide Town Event sign that is located in VDOT right-of-way on the North West corner of the Main Street and Maple Avenue intersection. Staff has been provided information for a proposed sign, and we have contacted VDOT and Dominion Power in order to better understand the requirements and costs associated with the proposed sign. Additionally, we have discussed the signage procurement requirements and zoning issues with the appropriate Town Staff. Town staff seeks direction from the Town Council for next steps.

Council member Greenly stated he was in favor of a town messaging board and questioned the permit cost of \$500 to be one time or annually and questioned the ongoing costs of this project. Ms. Lehnig confirmed that the permit fee is a one time fee.

Council member Milan stated he was in favor of this and questioned if there has been a consideration of the use of solar power to lower the cost of electricity. Ms. Lehnig would research the option of solar power.

Council member Bertaut seemed to be in favor of this as long as it would not be a nuisance and distraction for motorist in the center of town. He would encourage it to make it fit within the town character.

Council member Stinnette is in favor of this and appreciates the research already done and would like to see this move ahead.

Vice Mayor Williams agreed with Council member Greenly and was there money to spend on this now.



Council member Grewe commented that this would be practical and useful for the town. He would first like clarity as what this project includes, and if any traditional uses of the sign would be relinquished by going forward with new signage. He is also concerned with the luminosity and intensity of the lighting the signage would have. He stated before saying yes, that he would like to know the civic limitations and otherwise would agree to move forward.

Mayor Fraser stated that this item should be moved to the next meeting for action and include more information on Dominion costs and the items Council member Grewe mentioned.

**c. Update on Project Schedule for New Cell Tower and Amount Paid for Outside Legal to Date to Support the Project (Sally Hankins/Dale Lehnig)**

Sally Hankins, Town Attorney, stated that she wanted to let Council know that there was a meeting with the principals of Wireless edge today about the new cell tower at the wastewater treatment plant and it was a very good meeting. There was discussion on each of the points that had not been able to reach agreement on up to this point, and for each point, either reached agreement or identified a path to agreement. She stated that there is expectations to get a revised draft from Wireless edge next week and will be touching base with them Friday of this week and get the draft on Tuesday or Wednesday of next week. Then we will have a final week to hash out terms, and she is hoping to bring it back in its final form at the Council meeting February ninth.

Mayor Fraser questioned the zoning for that location for a cell tower. Ms. Hankins stated that is something that needs to get started and to amend the maximum height that would be allowed at that location. This process could take at least three to four months or could be longer dependent on public participation. David Mekarski stated that the current ordinance allows 128 feet and this tower would be 150 feet and to at least hold a community meeting on this matter.

Sally Hankins added that there are multiple permit processes that will be undertaken at the same time by Wireless Edge and they are aware of the zoning issues as well as of the numerous other avenues they need to approach for permitting. They have informed staff before they complete their process, there are government processes that they get their carriers in line to ensure that there is a project, then when the government approvals reach completion, and their estimation for government approvals would be nine months.

Council member Stinnette made comment to shorten timelines. He stated the fact that the town could push through some obstacles such as ordinance and just the same as have been done with Wireless Edge discussions to remove the impendent of a timely construction of a cell tower.

Ms. Hankins requested at the end of this discussion if council could give some direction whether there's a majority consensus to treat this tower on town property, which is a partnership of the town with the cell carrier to utilize the ability of the town to erect a structure like that, even if it does not comport with the zoning ordinance, then staff will move forward

in that direction. If there is consensus that there is a need to somehow amend the zoning ordinance, then there is a need to initiate that to bring forth the contract.

Council member Bertaut thanked everyone for moving this project forward, but disappointed by what was presented. He anticipated that there would be an update on the project schedule and received something that was not an update on the project schedule, but an update on part of the project and that being getting a contract with a carrier. He stated the citizens are looking for if and when there is going to be a cell tower at the Wastewater Treatment Plant. He stated that this is a big project and a timeline needs to be implemented and communicated regularly along with a defined budget for the overall effort.

David Mekarski wanted to remind Council that all costs with this project are born by Wireless Edge and no public dollars are being utilized in the construction of the tower likewise the construction of the tower would be on their timeline. There is some contractual language to ensure that their construction schedule is timely, but they would not start construction until they secured the first cellular grid with a major carrier. Ms. Hankins stated that the town does have a provision that states if government approvals not obtained or carriers do not sign, then the town can terminate the contract with not having any financial risks to the town. Mr. Mekarski stated that there's no financial risk and while revenues may not commence until after the first carrier is secured, and the towers constructed, there's signing bonuses and other elements where realization of some immediate revenue towards the general fund or the wastewater fund.

Mayor Fraser confirmed that there are costs and Ms. Hankins confirmed there would be soft costs to get to a contract and not any costs to construct the tower which Wireless Edge would incur and from there the town is simply in the position of receiving checks.

Council member Milan began a discussion on the Heroes Act, where it brings funds for green broadband to a rural community to offset any of our costs. Mr. Mekarski stated that the town could not meet the guidelines presented in that act. Council member Milan requested to revisit this and see if the guidelines have changed. Mr. Mekarski agreed to evaluate this. Mayor Fraser cautioned to be sure this does not delay the process.

Mayor Fraser stated to get back to Sally's point, because we have gotten input from the community over the past two years that there is a need to go forward and based on our authority as a public body that this is our wastewater treatment plant, and this is for the public good to move forward with it and don't have to go through a lengthy new ordinance process.

**d. Speed Camera Petition - Placement of Speed Cameras at School Zones (Chief McAlister/Deputy Chief Dailey)**

Chief Cynthia McAlister stated that there was a petition from a group of citizens asking to address the speed on South 20th Street and possibly incorporate speed cameras, and a new code section came out this past legislative session, which allows towns and jurisdictions to put in speed cameras for highway work zones or school crossings. Speed cameras in a school

crossing zone would activate 30 minutes prior and 30 minutes after the start and end bell of the school day. There were some bills that were floating around people wanted to put them in residential areas, but when the code was finally signed off, that was not in the new code. She further stated that when looking at South 20th Street, the police department doesn't feel it fell into a school zone or work zone. Chief McAlister stated to get companies to come in and put in speed cameras, speed data is needed to show that there is a problem, because the whole idea of the speed cameras is the vendor is going to make an amount of money by having the cameras in your town and we benefit by the ability to slow traffic down where it's needed to be slowed and then at some point, revenue is generated. She shared that after the cameras have been up for a while, the revenue kind of wains off and to get more compliance as opposed to benefiting from the civil penalty of \$100. She referenced another code section that the definition of a school crossing, which is in the area of a school, where there's presence, and children, and there's a reasonable need to slow the traffic down. Chief McAlister stated that there are several speed studies a year, and Major Dailey is in charge of getting those and coordinating with Public Works to get them done. He can discuss the speed results of that study on 20<sup>th</sup> Street and keeping in mind COVID. Traffic flow is not normal since COVID and that schools have been closed.

Deputy Chief Dailey stated that a traffic study had been done on 20<sup>th</sup> Street and looking at the data it was considered a low probability problem and the recommended strategy is to place a police car periodically on a rotating basis in the area. He also stated that Ms. Hankins could weigh in on the ambiguity in the code section if this would be a location that would warrant it. Deputy Chief Dailey further stated that the camera vendor would also come in to do a traffic analysis and help determine whether or not it's actually cost effective and whether it brings value based on the potential safety being increased, if needed.

Ms. Hankins further explained the code and the area in question.

Council member Stinnette made a comment that he read in a news article that this topic was discussed at the Community Policing Advisory Committee and they had understood and agreed with you explanation. Deputy Chief Dailey confirmed. Council member Stinnette confirmed that CPAC was being utilized as early warning sensors with the community. Vice Mayor Williams confirmed that CPAC was being put to use and good conversation with Chief McAlister pursued during the meeting.

Council member Grewe segued the conversation of having more cars visible and took this as an opportunity to state that there are hiring issues relative to force capacity budgeted for law enforcement in our town and being limited to how many places that officers can be. Chief McAlister confirmed that it is difficult to find quality people to come fill eight vacancies and it being a difficult time to do this. Council member Grewe requested the Chief to bring this issue to Council within strategic planning and budget meetings.

Council member Greenly commented on potentially placing speed bumps in the area and Chief McAlister stated she would have to discuss that with Public Works.

Mayor Fraser commented the value of this is that it's now front and center CPAC as visibility

to this and on a monthly basis there'll be a report on it and have answered the questions or concerns from those citizens on 20th Street. He stated that this was not meant to be an action item, but brought visibility and awareness to it.

Council member Stinnette commented to have Mr. Mekarski attach this evening minutes, CPAC minutes, and the petition and share this all with the citizens that signed the petition. Mr. Mekarski agreed.

**e. Reservoir and Water Main CIP Project-Availability of USDA Long Term Low Interest Rate Financing (David Mekarski/Dale Lehnig/Liz Krens - Oral update)**

David Mekarski stated that he met with both Liz Krens and Dale Lehnig earlier this week to go over some of the opportunities that this affords, but it's not without some constraints and after going over these brief bullets, he planned to turn it over to Liz and Dale to elaborate what USDA does provide. He stated "Right now we're eligible to receive a 40 year loan at a very favorable interest rate, 2.125% with no prepayment penalty. It requires that we complete a project within three years. There is some provision where it can be extended to five years based on certain criteria. The constraint is that the eligibility is based on a population below 10,000 that it's based on the American Community Survey of 2019, which shows our population at 9897. So, when the US Census data comes out and more than likely, we will exceed 10,000, we will no longer be eligible for this interest rate of 2.125% for 40 years. If the USDA also provides, if the rate is lower, at the time of closing, a new rate will be locked in, and only if it's lower. Now, in order to go forward with this, we obviously would have to go on an application process in a rapid flow, but the town has to do a number of elements to meet that application. We have to fulfill Preliminary Engineering Report. We have to complete environmental reports. Resident confirm, all projects can be fully completed within three years from the von obligation and it would require interim financing because USDA would only provide the cash to us after completion of the project. And so, whether we're doing, some of the water mains from the reservoir to the treatment plant, or from the treatment plant to the town, which we viewed as critical, or whether we do the \$1.4 million Hirst Reservoir Project. We have to finance that ourselves with some type of interim financing. Now, we could explore that interim financing that would be a letter of credit or some other form with Davenport's as they are researching the refinancing and restructuring of our water and sewer debt and so we're in a position to look at that but it is a significant constraint especially in light that the pandemic was really with us for another year. And I would not recommend, as your manager taking out large sums of money on your net assets, essentially, your fund reserves, and either water or sewer."

Elizabeth Krens confirmed that Mr. Mekarski did a good job in explaining the bullet points and reminded council from the December 16<sup>th</sup> meeting that Davenport would be returning in February to discuss those meeting topics further. Dale Lehnig stated that there is a question of completing projects in three years, federal money has a lot of strings attached to it, and staffing could be an issue.

Mayor Fraser questioned what window of opportunity do we have and how long is the

2019 data held onto. Mr. Mekarski stated that some research would have to be done to answer those questions. Mayor Fraser conversed on the Reservoir Project and the Pipeline Project combined would be \$2m and the question of financing \$2m based on our research knowing that a USDA would pay back the \$2m. Mr. Mekarski would not recommend this, but agreed to explore this if that is the given directive.

Council member Stinnette showed concern with the timeframe mechanism and suggested a third party assistance to be involved in this process.

Council member Grewe second Council member Stinnette's comments.

Council member Greenly stated that if the town goes down this path, it's the right path, but in doing so, to make sure staff gives council a prioritized list for council to clearly understand what we are looking for and what you're prepared to deliver.

Mayor Fraser stated that Mr. Mekarski has direction to move forward with a water main project using USDA loan with Mr. Mekarski agreeing Mr. Mekarski requested that Ms. Lehnig start looking at the time period to do the preliminary engineering report and get better clarification of whether any EIA or EIS would be necessary like Council member Stinnette had mentioned.

Elizabeth Krens clarified that the Hirst Project, \$1.5m Hirst Reservoir Project agreed to the \$1.5m cash.

David Mekarski strongly encouraged Council to pass the previous reimbursement resolution and Mayor Fraser stated that could be discussed on another agenda and not this evening.

**f. Update on Board of Architecture Review Appeal Hearing for Proposed Development on Hatcher Avenue (Sally Hankins - Oral update)**

Sally Hankins commented that the person that filed the appeal of the decision rendered by the BAR on the development on Hatcher Avenue has asked that the appeal get postponed to the springtime and the town is amenable to that and so is a property owner of Hatcher and with that, those issues are going to be postponed until springtime and in the hopes that in that intervening period, a group of interested parties can get together with the owner of the property, and see if there's some compromise to be reached about what could go there that would be acceptable to everyone who is impacted.

**g. Process for Utility Bill Adjustments During COVID-19 (Connie LeMarr- Oral update)**

Connie Le Marr was having technical difficulty. Elizabeth Krens stated she was not brushed up on this item, but would do her best to answer any specific questions and the policy was included in the agenda, and has been a policy since 2012. She stated that the importance of the policy is that you treat everybody the same and that you are not making special concessions for some people and not others. Connie provided a memo to Council earlier today that gave you some idea of some of the adjustments that have been made in the past and believe maybe some of the questions were on the fixtures and was maybe perhaps leaking toilets. Liz Krens commented that the key would be if you wanted to make a change, you need to

make it for the entire policy and make the change for everyone. She stated if there is anything else, that in summary, was some of the issues that have been dealt with in the past with this policy.

Connie LeMarr commented that she had sent a memo covering this topic and she stated that Liz covered the policy part of it and asked if there were some questions, that might have generated the request for the update.

Mayor Fraser thanked Connie for the analysis, and questioned her, "In your mind, and for the record, since we instituted our policy, it has been consistently applied fairly. Is that an accurate statement?"

Ms. LeMarr stated that was definitely an accurate assessment. She further stated that the process itself, the customer has to turn in the evidence that they've made the repair, and it goes into the finance department. Council was provided Excel Calculator worksheet that we've used since 2012 and it's basically two worksheets that everything is plugged into and standardize what comes out. Then it is reviewed with Public Works Department and the Director has to sign off on it before it actually can be processed. This is a very consistent practice.

Mayor Fraser stated the reason why he brought this up is during this COVID 19 environment is there a need to put the lever up, meaning that give more adjustments, defaults and, again, consistently applied.

Council member Stinnette commented he would advocate for is some sort of judgement sections, not to blindly follow this policy. The policy is kind of the entering argument that staff uses to go through, to adjudicate a case, but it would seem each case will be different on its merits, and that there ought to be a process for acknowledging the differences. Council member Stinnette suggested to have an exception clause that allows staff to apply some judgement on a case by case basis. He thought the standard is good and that needed no change.

Ms. LeMarr commented on further details on specific situations that could arise and how the policy is implemented.

Mayor Fraser commented not to know the status of the case that had brought up this discussion. He believed what he heard from Hooper was that there was a payment plan that was suggested or recommended to the user, but he didn't know if it went beyond that.

Connie LeMarr stated the leak that was brought to your attention was the toilet and the account holder was upset because they weren't getting a sewer leak as the sewer has the heavier lift on the bill and, the sewer adjustment has a much bigger impact. The customer was just disappointed at that point, that they did not qualify because it was a toilet leak and their adjustment was fairly small because the leak was detected very quickly luckily for them, it's just unfortunate that they got a significantly larger bill and what they were anticipating, but there was an offer, which is what we do standard for anyone, was a payment plan, but he did not get any additional adjustment beyond the standard water adjustment for a toilet leak.

David Mekarski commented on terms of the pandemic and hardship cases, the county's working with all the towns and reached out to Liz and Connie to identify any homeowner that's having hardship because of the pandemic and the lack of employment or a closing of the business and the county is allocating Cares Act money to clear their bill. David Mekarski continued the Leak policy is just a standard policy that kind of makes it harder if you have a leak in the middle of the pandemic and you're already struggling, there's nothing that says if you apply for the Cares Act funding it cares whether you had a leak or not. He stated that if you need to apply and you can get Cares Act funding because of that, it would clear your bill. He stated that the town is doing everything we can to make it advantageous for people to either get Cares Act funding or do the payment plan.

Mayor Fraser questioned if someone from the team could reach out to this customer and, again, offer them the payment plan or remind them of the payment plan and then, most importantly, let them know of this hardship solution working with the county? David Mekarski agreed.

Council member Bertaut thanked the team for providing the breakdown on how the process works and currently straightforward and clear what the rules are. He noticed that about average of eight citizens a year, who took advantage or were able to take advantage of this rule set. His question is how many were rejected and then had another question on the meters and their accuracy.

Connie LeMarr stated there are people who get rejected, and she didn't have that number. She stated that there were two that had just chosen not to take it, because the amount was small, and it basically used up there leak adjustment for the three year period. Connie LeMarr stated that the meters rarely go bad, and Public Works knows more on this. Meters as they get older, slow, which means typically when we have them tested at the customers, it actually comes out well within our tolerance range and if you replaced, then they actually will show truer usage because the meter is new and it's operating better. She stated that the time she's been on staff in 12 years, there was one meter tested that came back as a problem.

Mayor Fraser commented to Council that they agree to not move the needle to increase the discount.

Council member Grewe agreed with the Mayor's comment and also commented on having a discussion of bringing back a Ways and Means Committee to handle some of the process stuff that council handles that could make meetings more efficient.

**h. Progress Update/Language Review in Preparation for a Future Joint Planning Commission/Town Council Public Hearing on Proposed Maximum By Right Height in the C-4 Zoning District (Sally Hankins)**

Sally Hankins stated wanting to update Council on what has transpired at the Planning Commission since I was last before council in December. At its December eighth meeting, the Town Council considered the Planning Commission's request to devote staff resources to a zoning ordinance amendment that would reduce the by right height limits in the C4 Zoning

District. From what they currently are, three stories and 45 feet to two stories and 30 feet. At that meeting Council had voiced some concern for what could have, how that change could impact existing buildings, and what nonconformities could arise from that. Ms. Hankins further stated at the next meeting of the Planning Commission, about 10 days later, the Planning Commission considered those council concerns, and did a little bit more research in terms of what the existing building heights were, and came back, proposing that the C4 height be amended from three stories and 45 feet to two stories and 35 feet, not 30 feet. They also asked staff to review the method by which height is calculated, to make sure that that is something that's easy to administer and to identify whether or not we could have different regulations for monuments or iconic buildings, and the C4 zoning district that has historical significance or cultural significance and that do exceed those maximum height. They continue to request that we allow buildings above 35 feet but not taller than 45 feet by a special exception granted by the Town Council. Those were the parameters of the amendments given to staff which the Planning Commission voiced on December 17<sup>th</sup> and then because they had changed the parameter a bit, they changed the resolution and amended it and bring those changes to Council. Ms. Hankins stated that Planning Commission has surveyed the buildings to see, to try to anticipate what kind of nonconformities might arise with the 35 foot height change and have identified about eight buildings, and they sent those buildings to Council through e-mail by Nedim Ogelman, Chair of Planning Commission. The purpose of this meeting for tonight is to advise Council of the changes made and there is a resolution attached, which is not legally necessary for Council to adopt in order to move the amendments forward. The Planning Commission has requested that the C4 height Amendment come back to them on February fourth for review, and a recommendation, and that the Council take that item up at its meeting on February ninth for further consideration with the hope that it could go to a joint public hearing on March ninth.

Council member Stinnette commented on being impressed by the due diligence that Planning Commission took in trying to figure out what the impact of this change would be to the districts and it appears that a lot of work was done on Google Earth. Council member Stinnette made comment on measuring the buildings, how we're going to measure the buildings that needs to be, the structures, needs to be in the ordinance and there's a setback to consider. He stated his point being is that there is a methodology in the ordinance for measuring. He stated to make sure that we include the means of measure or validate the means with measure and go by the use by ordinance. The number two point is what the Planning Commission did and the precision, which they apply to measuring their buildings and determine what the ordinance is going to drive in terms of its means of measure for nonconforming structures. The number three point is to look at the nonconformance sections of the ordinance along with there's a 50% rule in there and be sure staff puts their eyes on that. The fourth point, which he does not as much care for as talking about 30 feet, now that there is talk of 35 feet and, essentially eight buildings, it's not that big a deal when it was 30 feet, he stated he thought there were going to be nonconformance. He stated that the Planning Commission wants to go right to the elected body, and understands the logic of that and less inclined to push back against that logic now that they've raised the entering argument to 35 feet.

Mayor Fraser confirmed with Ms. Hankins to move forward with this and Ms. Hankins stated that there was no need for formal action and she knew what the charges were. Mayor Fraser



stated we do not need a joint meeting between Council and Planning Commission to edge anything out and the next thing is to allow the public hearing whenever it is scheduled. Ms. Hankins confirmed and stated that is certainly a doable approach, the way the Planning Commission has it structured now, is she will be presenting text to them at their meeting February fourth and that will go out in advance, and to the extent that Council would prefer to have some advanced conversation about that anyone from Council could choose to attend that Planning Commission meeting, but if there is to be a conversation among Council at that meeting, there would be a need to advertise that meeting as a joint meeting. She further stated that it would be helpful to know, at least, three business days in advance, if that's going to be the case. Ms. Hankins further stated the schedule, the Planning Commission will discuss this February fourth and then, Council has a meeting February ninth, the very following Tuesday and Council could discuss this at their meeting on February ninth, without having a joint meeting. Ms. Hankins then if everything is a go on February ninth, the Council could direct staff to advertise a joint public hearing for March ninth, which would be a Council, regular meeting night and have the joint public hearing on that night.

Council member Grewe commented that he did not disagree with the four items and requested that Council member Milan to put in front of the Planning Commission as something to consider as that height adjustment kind of find some middle ground between 30 and 45 mark. He stated at a certain point, you also have the design, where we see architecture here in town, where you have a buildings that are part of the first floor, essentially, as a partial subbasement. The building itself doesn't clear that functionally 35 feet, but depending on how much of that grounds that the last floors, above or below ground is that counting as a story or not. He wondered if there was a need that the three story, two story demarcation versus just the actual height limits understanding some of those lower level basements designs.

Council member Milan commented that goes back from Tip's question on the way you measure from, because of the slope of the land would determine the measure from the way to build like mentioned for a ramblers, and is based on the slope of the land, then make the level ground where you enter into the structure with the street and then the slope would be built to accommodate that difference in the angle. He stated that is where the determination of where you measure is important because the land here is not flat and here is sloping hills and rolling hills and that's where looking at the back, may look like a three story when you come to the front, but where you enter is a two story. Council member Milan commented that's why we have to keep a standard measurement for every district in-town, when we do the ordinance, and that's the heavy lifting that we have to consider. He further stated that is what Nedim was doing when he did the Google and geospatial measurements and understand that we have to grow the formula to be fair and equitable throughout the town.

Council member Grewe stated to agree with Council member Milan's statements and that's what he was wanting to be confirmed that actually was not so much the height number, as the story count, where it talks about how many stories it is and make sure that how we count stories also is reflected in how we count height.

Council member Milan commented that is why you hit the 35 feet limit based on the number of stories and also the slope. Nedim Ogelman and Ed Neham have come up with a formula for doing that.

Sally Hankins questioned Council's preference based on one building that comes to mind is that newer Office Building near Magnolias looking at it from 21st Street, it looks like 2 or 3 stories and then if you go to the back side, you see that whole additional floor. She was inclined to encourage to keep this as simple as possible because there are ordinances where you measure the height from the average ground level of all, to have to go around the whole building and have to figure out all the different elevations and then average them out. She stated to simplify it so that measuring is from the ground level. Ms. Hankins stated that way you are not having to look at so many different angles of the building, but maybe just the principal angle, the one that you experience from the street, and measure height there and up and to Joel's point, you may not need the number of stories in that case really just care about scale, in terms of how towering over the street are you, and what does that experience like for someone on the street. She stated that if that's where this is headed, then it can be simplified that way.

Council member Milan commented that he agreed with that and it is where Nedim has based the measure in order from the street level and a measure from the street address to street level elevation to the top. Nedim Ogelman, Planning Commission Chair, stated the rule being used is the street address from the street address vantage point from the street elevation upwards and that would be the criteria for the two stories and for the 35 feet and further covers more detail.

Ms. Hankins questioned Ms. Lehnig if there is good data on the elevation of the centerline of our streets. Ms. Lehnig stated that not on the elevation now. Ms. Hankins responded with having to work with Ms. Lehnig to come up with something that is doable as easily and simply as possible.

Council member Bertaut commented on working through these issues with the height measurement, and questioned is an esthetic standard for height measurement, what is the actual height of the building and are we measuring from the front esthetically. He stated the whole point of having a slope from the front to the rear of the building is to create that daylight basement space and for people walking down the front of a typical street, there's no difference if it goes up 30 feet from the street elevation versus esthetically, if they were to walk around to the rear of the building and it goes up 40. They are not going to perceive the building as being essentially any taller because most of their impression is based on the front of the building, the way the facade is laid out and presented, and how that relates to all of the other visual elements up and down the very same street and what you've done is arrive back at effectively an actionable esthetic standards.

Council member Greenly commented to Nedim Ogelman (*inaudible*) having a hold on measurement and he questioned if the measurement is from the foundation.

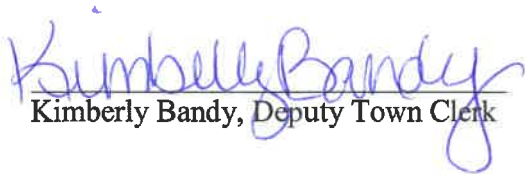
Nedim Ogelman stated in both instances, there was a need to be consistent with how to measure 92 structures and always measured from the front of the building, from the street level, from the building's address. He provided different documents with detail, describe the (*inaudible*). He stated the whole point of the exercise was to have a consistent process and to measure all of the buildings because that data, if that data had existed in the county, the

preference would have been to use existing data, but it didn't exist. *(inaudible)* Mr. Ogelman stated it's a reflection of the cut off of most of the buildings, all but 8 of those 92 buildings in that district and also reflects what he believed to be in the Comprehensive Plan regarding that district.

Mayor Fraser questioned if it would be difficult to identify the year built of the 8 buildings which are the exceptions. Ms. Hankins stated that she thinks she would be able to get that data.

### **ADJOURNMENT**

With no further business, Council member Milan made a motion to adjourn the meeting at 10:42PM. The motion was second by Council member Grewe and carried 7-0.

  
Kimberly Bandy, Deputy Town Clerk

  
Kwasi Fraser, Mayor

**Mayor**  
Kwasi A. Fraser



**Town Manager**  
David A. Mekarski

**Council**  
Christopher Bertaut  
Theodore Greenly  
Joel D. Grewe  
Stanley J. Milan, Sr.  
Tip Stinnette  
Mary Jane Williams

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

**RESOLUTION NO. 21-01-01**

**PRESENTED: JANUARY 12, 2021**

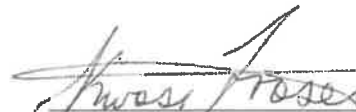
**ADOPTED: JANUARY 12, 2021**

**A RESOLUTION: REQUESTING ACCEPTANCE OF STREETS INTO URBAN  
HIGHWAY SYSTEM**


**WHEREAS,** construction is complete on five new roadways, they are now eligible for Virginia Department of Transportation maintenance payments; and

**NOW, THEREFORE, BE IT RESOLVED** by Council of the Town of Purcellville, Virginia hereby requests the Virginia Department of Transportation to accept the following streets as shown on the attached U-1 into the Urban Highway System for maintenance payments in accordance with §33.1-41.1 of the Code of Virginia, 1950 as amended.

**PASSED THIS 12th DAY OF JANUARY, 2021.**

  
Kwasi A. Fraser, Mayor  
Town of Purcellville

**ATTEST:**

  
Diana Hays, Clerk of Council



