

**PURCELLVILLE TOWN COUNCIL MEETING
TUESDAY, JUNE 8 2021, 7:00 PM
TOWN HALL COUNCIL CHAMBERS**

The meeting of the Purcellville Town Council convened at 7:00 PM in Town Hall Council Chambers.

COUNCIL MEMBERS PRESENT IN PERSON:

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

STAFF PRESENT IN PERSON:

David Mekarski, Town Manager
Sally Hankins, Town Attorney
Hooper McCann, Director of Administration
Liz Krens, Director of Finance
Dale Lehnig, Director of Engineering, Planning and Development
Andrea Broshkevitch, GIS & Special Projects Coordinator
Deputy Chief David Dailey, Police Department
Hibah Salah, Projects and Events Coordinator
Diana Hays, Town Clerk/Executive Assistant
Kimberly Bandy, Deputy Town Clerk

STAFF PRESENT REMOTELY:

Sharon Rauch, Director of Human Resources
Don Dooley, Director of Planning and Economic Development
Chief Cynthia McAlister, Police Dept.
Jason Didawick, Director of Public Works
Linda Jackson, Financial Analyst

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 – May 25, 2021 Special Meeting

Council member Grewe made a motion that the Purcellville Town Council approve Consent Agenda, items 6a, as presented in the June 8, 2021 Town Council Meeting agenda packet.

(Carried: 6-0-0, Grewe: Aye, Bertaut: Aye, Stinnette: Aye, Williams: Aye, Milan: Aye, Fraser: Aye)

PUBLIC HEARING

a. Public Hearing – Establishment of a Forested Nutrient Mitigation Bank on 95.025 Acres of the Town’s Aberdeen Property

Mayor Fraser opened the public hearing at 7:01 PM, and Sally Hankins, Town Attorney, gave the staff presentation. There were no public comments. After Council discussion, the public hearing was closed at 7:17 PM.

b. Public Hearing – Sprint Spectrum LLC Cellular Lease Agreement-Lease of Public Property

Mayor Fraser opened the public hearing at 7:17 PM, and Dale Lehnig, Director of Engineering, Planning and Development, gave the staff presentation. There were no public comments. After Council discussion, the public hearing was closed at 7:21 PM.

STANDING COMMITTEE, COMMISSION, AND BOARD REPORTS

a. Planning Commission

Chair Ogelman gave the report.

b. Purcellville Arts Council

Chair McCollum gave the report.

c. Board of Architectural Review

As no applications were submitted, there was no report.

d. Parks and Recreation Advisory Board

Chair Rohrer gave the report.

e. Economic Development Advisory Committee

Council member Bertaut gave the report.

f. Tree and Environment Sustainability Committee

Council member Grewe gave the report.

g. Community Policing Advisory Committee

Vice Chair Ford gave the report.

h. Train Station Advisory Board

Mayor Fraser gave the report.

CITIZEN/BUSINESS COMMENTS

Bill Murphy, business owner 115 E. Main St, made comment on C-4 District.

Casey Chapman, 205 Hirst Rd. Suite 106, made comment on C-4 District.

Ryan Cool, 828 Devonshire Circle, made comment remotely in the Chat box which is on file at Clerk's office.

Tamara Dean, 601 W. Main Street, made comment on C-4 District.

Jordan Clough, 35909 Bell Road, made comment on C-4 District.

MAYOR AND COUNCIL COMMENTS

Mayor and Council were given 3 minutes.

ACTION ITEM(S)

a. C-4 Height Amendment

Don Dooley, Director of Planning and Economic Development, gave the report.

Council member Milan moved that Town Council approve Ordinance 21-02-01 as prepared for the June 8, 2021 Town Council meeting.

(Carried: 4-2-0, Grewe: Nay, Bertaut: Aye, Stinnette: Aye, Williams: Nay, Milan: Aye, Fraser: Aye)

b. Approval of Sprint Spectrum LLC Lease Agreement at Water Tower

Dale Lehnig, Director of Engineering & Planning & Development, gave the report.

Given that the proposed Sprint Spectrum LLC Lease Water Tower Lease Agreement is similar to existing contracts with similar terms that have been approved after a public hearing, and given that no speakers for or against this lease agreement spoke at tonight's public hearing, Council member Stinnette moved that the Town Council suspend the rule against taking action on a matter on the same night as the public hearing.

(Carried: 6-0-0, Grewe: Aye, Bertaut: Aye, Stinnette: Aye, Williams: Aye, Milan: Aye, Fraser: Aye)

Council member Stinnette moved that the Town Council approve the Water Tower

Communications Site Lease Agreement for Sprint Spectrum LLC and authorize the Town Manager to execute the Agreement on behalf of the Town.

(Carried: 6-0-0, Grewe: Aye, Bertaut: Aye, Stinnette: Aye, Williams: Aye, Milan: Aye, Fraser: Aye)

c. Adoption of FY2022 Budget and Master Tax and Fee Schedule

David Mekarski, Town Manager, and Elizabeth Krens, Director of Finance, gave the reports and Option 1 was taken out of the choices.

1. Adopting the Budget Resolution

Council member Grewe moved that Town Council adopt Resolution Number 21-06-03, adopting the FY 2022 Budget as amended by the selected Summary of Changes to the FY 2022 Budget Option 2 and authorizing the Town Manager to take all steps necessary and prudent to effectuate the implementation of the FY 2022 Budget.

(Carried: 6-0-0, Grewe: Aye, Bertaut: Aye, Stinnette: Aye, Williams: Aye, Milan: Aye, Fraser: Aye)

2. Adopting the Appropriations Resolution

Council member Grewe moved that Town Council adopt Resolution Number 21-06-04, appropriating for expenditure in FY2022 all funds contained in the FY 2022 Budget, and re-appropriating for expenditure in FY 2021 the Capital Improvement Program project funds that were appropriated by Town Council in FY 2021 but were not spent within FY 2021, and re-appropriating the ten project expenditures in the General and Utility operating funds that were appropriated by Town Council in FY 2021 but not spent within FY2021.

(Carried: 6-0-0, Grewe: Aye, Bertaut: Aye, Stinnette: Aye, Williams: Aye, Milan: Aye, Fraser: Aye)

3 . Adopting and Re-ordaining all Tax Rates, Fees, and Fines for the Town the Appropriations Resolution

Council member Grewe moved that the Town Council adopt Ordinance Number 21-06-01, adopting and re-ordaining the tax rates, fees, and fines for the Town of Purcellville.

(Carried: 6-0-0, Grewe: Aye, Bertaut: Aye, Stinnette: Aye, Williams: Aye, Milan: Aye, Fraser: Aye)

d. Nutrient Mitigation Bank at Aberdeen Property

Sally Hankins, Town Attorney, gave the report.

Mayor Fraser moved that the Town Council suspend the rule against voting on the night of the

public hearing.

(Carried: 6-0-0, Grewe: Aye, Bertaut: Aye, Stinnette: Aye, Williams: Aye, Milan: Aye, Fraser: Aye)

Mayor Fraser moved that Town Council approve the following documents in order to finalize creation of the Town's Nutrient Bank, and to transfer Sponsorship of the Bank to Davey Resource Group in exchange for revenue sharing: (1) the Nutrient Bank Acquisition, Development, and Maintenance Agreement, (2) the Land Conversion Easement Agreement, and (3) the Declaration of Restrictions and Covenants, all as attached to the Staff Report for the June 8, 2021 Council Meeting. Mayor Fraser further moved that the Town Council authorize and direct the Town Manager to execute all documents related to the Nutrient Bank as needed to effectuate this intent.

(Carried: 6-0-0, Grewe: Aye, Bertaut: Aye, Stinnette: Aye, Williams: Aye, Milan: Aye, Fraser: Aye)

e. Filling Town Vacancy

Sally Hankins, Town Attorney, gave the report.

Council member Grewe moved that Town Council direct the Town Attorney to petition the Loudoun County Circuit Court for a Writ of Election to fill the vacancy created by the resignation of Council Member Greenly.

(Carried: 6-0-0, Grewe: Aye, Bertaut: Aye, Stinnette: Aye, Williams: Aye, Milan: Aye, Fraser: Aye)

ADJOURNMENT

With no further business, Council member Grewe made a motion to adjourn the meeting at 9:12 PM.

Kwasi Fraser, Mayor

Kimberly Bandy, Deputy Town Clerk

Mayor
Kwasi A. Fraser



Town Manager
David A. Mekarski

Council
Christopher Bertaut

Joel D. Grewe
Stanley J. Milan, Sr.
Tip Stinnette
Mary Jane Williams

221 S. Nursery Avenue
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**TOWN OF PURCELLVILLE
IN
LOUDOUN COUNTY, VIRGINIA**

ORDINANCE NO. 21-02-01

PRESENTED: APRIL 27, 2021

ADOPTED: JUNE 8, 2021

AN ORDINANCE: AMENDING THE ZONING ORDINANCE AS FOLLOWS: AMENDING ARTICLE 6 (“SUPPLEMENTARY REGULATIONS”), SECTION 4 (“SUPPLEMENTARY HEIGHT, AREA, AND BULK REGULATIONS”), TO ADD SUBSECTION 4.10, “BUILDING HEIGHT CALCULATIONS;” AMENDING ARTICLE 15 (“DEFINITIONS”) TO DELETE THE DEFINITION OF “BUILDING, HEIGHT OF;” AMENDING ARTICLE 4 (“DISTRICT REGULATIONS”), SECTION 9 (“C-4 CENTRAL COMMERCIAL DISTRICT”), SUBSECTION 9.1 (“HEIGHT”) TO MODIFY THE BUILDING AND STRUCTURE HEIGHTS ALLOWED IN THE C-4 ZONING DISTRICT; AMENDING ARTICLE 5 (“NONCONFORMITIES”), SECTION 5 (“DESTRUCTION OF NONCONFORMITIES”), TO ALLOW NONCONFORMING STRUCTURES TO BE RESTORED TO THEIR ORIGINAL NONCONFORMING CONDITION IF DESTROYED BY FIRE, NATURAL DISASTER OR ACT OF GOD

Be it ordained by the Council of the Town of Purcellville, Virginia:

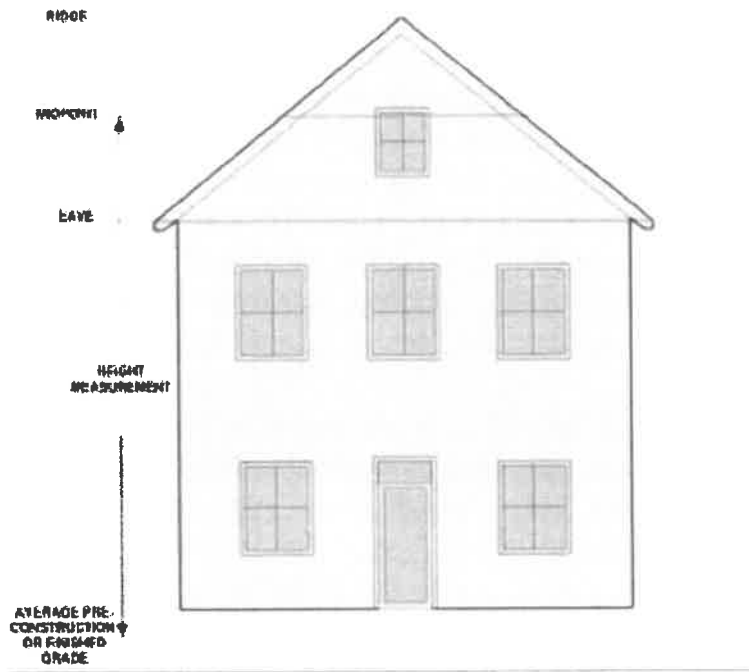
Section I. That Zoning Ordinance Article 6 (“Supplementary Regulations”), Section 4 (“Supplementary Height, Area, and Bulk Regulations”) be amended to add the underlined text, remove the strikethrough text, and add the images as follows:

AN ORDINANCE: AMENDING THE ZONING ORDINANCE AS FOLLOWS: AMENDING ARTICLE 6 ("SUPPLEMENTARY REGULATIONS"), SECTION 4 ("SUPPLEMENTARY HEIGHT, AREA, AND BULK REGULATIONS"), TO ADD SUBSECTION 4.10, "BUILDING HEIGHT CALCULATIONS;" AMENDING ARTICLE 15 ("DEFINITIONS") TO DELETE THE DEFINITION OF "BUILDING, HEIGHT OF;" AMENDING ARTICLE 4 ("DISTRICT REGULATIONS"), SECTION 9 ("C-4 CENTRAL COMMERCIAL DISTRICT"), SUBSECTION 9.1 ("HEIGHT") TO MODIFY THE BUILDING AND STRUCTURE HEIGHTS ALLOWED IN THE C-4 ZONING DISTRICT; AMENDING ARTICLE 5 ("NONCONFORMITIES"), SECTION 5 ("DESTRUCTION OF NONCONFORMITIES"), TO ALLOW NONCONFORMING STRUCTURES TO BE RESTORED TO THEIR ORIGINAL NONCONFORMING CONDITION IF DESTROYED BY FIRE, NATURAL DISASTER OR ACT OF GOD

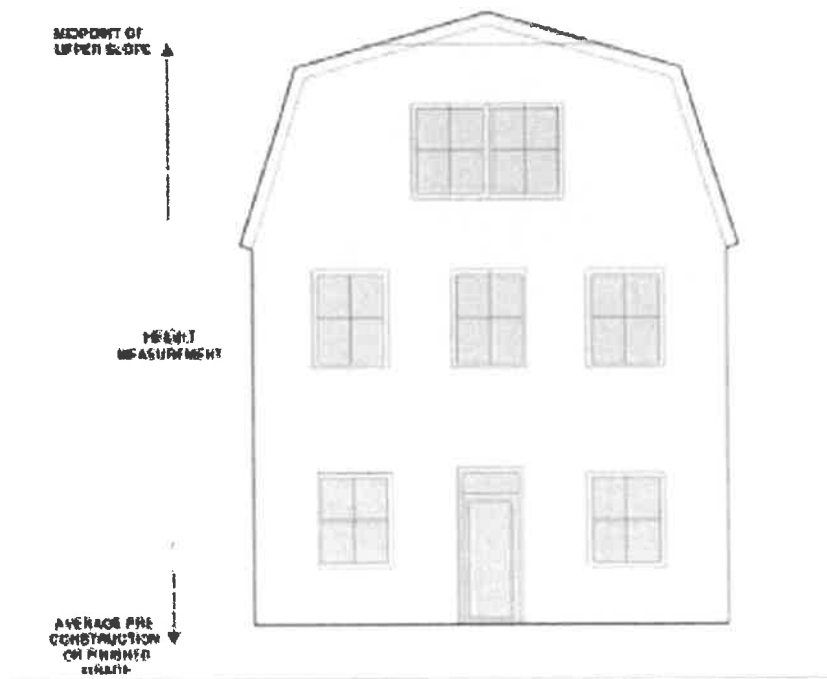
4.10 Building Height Calculations. Building height shall be the vertical distance of a building as measured from the "average finished grade" along the front facade of a building, to the: (i) midpoint between eaves and the ridge of a gable or hip roof; (ii) midpoint of the uppermost slope of a gambrel roof; (iii) deck line of a mansard roof; and (iv) highest point of a flat roof. If the eaves of a gable or hip roof are uneven, then the height is measured to the average of the midpoints between each of the eaves and the ridge of the highest roof line. If a building has two front facades, then average finished grade shall be measured along the facade fronting the street from which the property derives its street address.

The "average finished grade" shall be the average ground level at the point where the ground and building meet. Average finished grade shall be calculated by finding the average of the elevation points of the finished grade, taken at evenly spaced intervals of approximately 5 feet along the length of the front building facade. Average finished grade calculations shall not include: (i) the lower elevation of window wells that are not more than 10 feet in width along the wall of the building and extend from the building no more than 4 feet, or (ii) areaways (below-grade walled areas designed to allow light to enter a below-grade space) with a width less than 15 feet. Finished grades that are established with a retaining wall must be measured at a distance from the building sufficient to include the higher or lower grade elevation toward the average grade calculation. The images below are intended to assist with the interpretation of this ordinance.

AN ORDINANCE: AMENDING THE ZONING ORDINANCE AS FOLLOWS: AMENDING ARTICLE 6 ("SUPPLEMENTARY REGULATIONS"), SECTION 4 ("SUPPLEMENTARY HEIGHT, AREA, AND BULK REGULATIONS"), TO ADD SUBSECTION 4.10, "BUILDING HEIGHT CALCULATIONS;" AMENDING ARTICLE 15 ("DEFINITIONS") TO DELETE THE DEFINITION OF "BUILDING HEIGHT OF;" AMENDING ARTICLE 4 ("DISTRICT REGULATIONS"), SECTION 9 ("C-4 CENTRAL COMMERCIAL DISTRICT"), SUBSECTION 9.1 ("HEIGHT") TO MODIFY THE BUILDING AND STRUCTURE HEIGHTS ALLOWED IN THE C-4 ZONING DISTRICT; AMENDING ARTICLE 5 ("NONCONFORMITIES"), SECTION 5 ("DESTRUCTION OF NONCONFORMITIES"), TO ALLOW NONCONFORMING STRUCTURES TO BE RESTORED TO THEIR ORIGINAL NONCONFORMING CONDITION IF DESTROYED BY FIRE, NATURAL DISASTER OR ACT OF GOD



Gable or Hip Roof.
Height is measured to the midpoint between the eaves and the ridge, regardless of the orientation of the gable to the street.



Gambrel Roof.
Height is measured to the midpoint of the uppermost slope of the roof.

PCL XL error

Error: IllegalOperatorSequence
Operator: ReadImage
Position: 5065

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STAFF PRESENT IN PERSON:

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Hooper McCann, Director of Administration
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Don Dooley, Director of Planning and Economic Development
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Jason Didawick, Director of Public Works
Linda Jackson, Financial Analyst

CALL TO ORDER:

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AGENDA AMENDMENTS/APPROVAL:

None

CONSENT AGENDA

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MAYOR AND COUNCIL COMMENTS

Mayor and Council were given 3 minutes.

ACTION ITEM(S)

a. C-4 Height Amendment

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Council member Milan moved that Town Council approve Ordinance 21-02-01 as prepared for the June 8, 2021 Town Council meeting.

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b. Approval of Sprint Spectrum LLC Lease Agreement at Water Tower

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Given that the proposed Sprint Spectrum LLC Lease Water Tower Lease Agreement is similar to existing contracts with similar terms that have been approved after a public hearing, and given that no speakers for or against this lease agreement spoke at tonight's public hearing, Council member Stinnette moved that the Town Council suspend the rule against taking action on a matter on the same night as the public hearing.

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c. Adoption of FY2022 Budget and Master Tax and Fee Schedule

David Mekarski, Town Manager, and Elizabeth Krens, Director of Finance, gave the reports and Option 1 was taken out of the choices.

1. Adopting the Budget Resolution

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3 . Adopting and Re-ordaining all Tax Rates, Fees, and Fines for the Town the Appropriations Resolution

Council member Grewe moved that the Town Council adopt Ordinance Number 21-06-01, adopting and re-ordaining the tax rates, fees, and fines for the Town of Purcellville.

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d. Nutrient Mitigation Bank at Aberdeen Property

Sally Hankins, Town Attorney, gave the report.

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(Carried: 6-0-0, Grewe: Aye, Bertaut: Aye, Stinnette: Aye, Williams: Aye, Milan: Aye, Fraser: Aye)

e. Filling Town Vacancy


Sally Hankins, Town Attorney, gave the report.

Council member Grewe moved that Town Council direct the Town Attorney to petition the Loudoun County Circuit Court for a Writ of Election to fill the vacancy created by the resignation of Council Member Greenly.

(Carried: 6-0-0, Grewe: Aye, Bertaut: Aye, Stinnette: Aye, Williams: Aye, Milan: Aye, Fraser: Aye)

ADJOURNMENT

With no further business, Council member Grewe made a motion to adjourn the meeting at 9:12 PM.


Kwasi Fraser, Mayor
Kimberly Bandy, Deputy Town Clerk

Mayor
Kwasi A. Fraser



Town Manager
David A. Mekarski

Council
Christopher Bertaut

Joel D. Grewe
Stanley J. Milan, Sr.
Tip Stinnette
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(540) 338-7421
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**TOWN OF PURCELLVILLE
IN
LOUDOUN COUNTY, VIRGINIA**

ORDINANCE NO. 21-02-01

PRESENTED: APRIL 27, 2021

ADOPTED: JUNE 8, 2021

AN ORDINANCE: AMENDING THE ZONING ORDINANCE AS FOLLOWS: AMENDING ARTICLE 6 (“SUPPLEMENTARY REGULATIONS”), SECTION 4 (“SUPPLEMENTARY HEIGHT, AREA, AND BULK REGULATIONS”), TO ADD SUBSECTION 4.10, “BUILDING HEIGHT CALCULATIONS;” AMENDING ARTICLE 15 (“DEFINITIONS”) TO DELETE THE DEFINITION OF “BUILDING, HEIGHT OF;” AMENDING ARTICLE 4 (“DISTRICT REGULATIONS”), SECTION 9 (“C-4 CENTRAL COMMERCIAL DISTRICT”), SUBSECTION 9.1 (“HEIGHT”) TO MODIFY THE BUILDING AND STRUCTURE HEIGHTS ALLOWED IN THE C-4 ZONING DISTRICT; AMENDING ARTICLE 5 (“NONCONFORMITIES”), SECTION 5 (“DESTRUCTION OF NONCONFORMITIES”), TO ALLOW NONCONFORMING STRUCTURES TO BE RESTORED TO THEIR ORIGINAL NONCONFORMING CONDITION IF DESTROYED BY FIRE, NATURAL DISASTER OR ACT OF GOD

Be it ordained by the Council of the Town of Purcellville, Virginia:

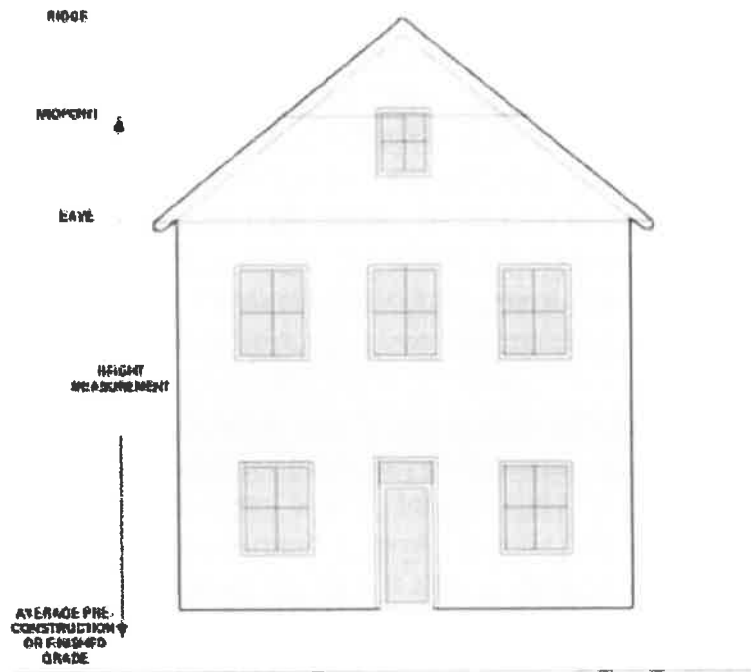
Section I. That Zoning Ordinance Article 6 (“Supplementary Regulations”), Section 4 (“Supplementary Height, Area, and Bulk Regulations”) be amended to add the underlined text, remove the strikethrough text, and add the images as follows:

AN ORDINANCE: AMENDING THE ZONING ORDINANCE AS FOLLOWS: AMENDING ARTICLE 6 ("SUPPLEMENTARY REGULATIONS"), SECTION 4 ("SUPPLEMENTARY HEIGHT, AREA, AND BULK REGULATIONS"), TO ADD SUBSECTION 4.10, "BUILDING HEIGHT CALCULATIONS;" AMENDING ARTICLE 15 ("DEFINITIONS") TO DELETE THE DEFINITION OF "BUILDING HEIGHT OF;" AMENDING ARTICLE 4 ("DISTRICT REGULATIONS"), SECTION 9 ("C-4 CENTRAL COMMERCIAL DISTRICT"), SUBSECTION 9.1 ("HEIGHT") TO MODIFY THE BUILDING AND STRUCTURE HEIGHTS ALLOWED IN THE C-4 ZONING DISTRICT; AMENDING ARTICLE 5 ("NONCONFORMITIES"), SECTION 5 ("DESTRUCTION OF NONCONFORMITIES"), TO ALLOW NONCONFORMING STRUCTURES TO BE RESTORED TO THEIR ORIGINAL NONCONFORMING CONDITION IF DESTROYED BY FIRE, NATURAL DISASTER OR ACT OF GOD

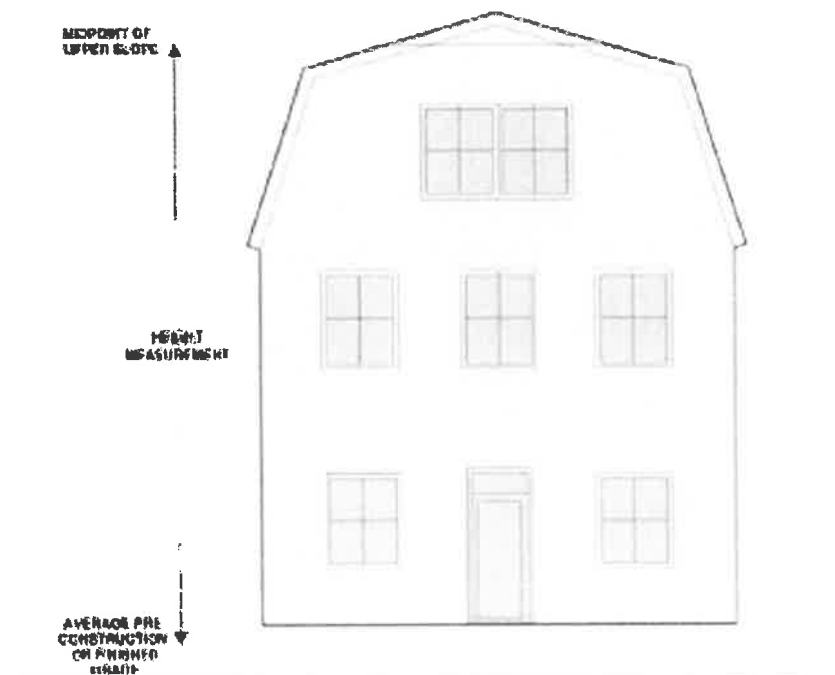
4.10 Building Height Calculations. Building height shall be the vertical distance of a building as measured from the "average finished grade" along the front façade of a building, to the: (i) midpoint between eaves and the ridge of a gable or hip roof; (ii) midpoint of the uppermost slope of a gambrel roof; (iii) deck line of a mansard roof; and (iv) highest point of a flat roof. If the eaves of a gable or hip roof are uneven, then the height is measured to the average of the midpoints between each of the eaves and the ridge of the highest roof line. If a building has two front façades, then average finished grade shall be measured along the façade fronting the street from which the property derives its street address.

The "average finished grade" shall be the average ground level at the point where the ground and building meet. Average finished grade shall be calculated by finding the average of the elevation points of the finished grade, taken at evenly spaced intervals of approximately 5 feet along the length of the front building façade. Average finished grade calculations shall not include: (i) the lower elevation of window wells that are not more than 10 feet in width along the wall of the building and extend from the building no more than 4 feet, or (ii) areaways (below-grade walled areas designed to allow light to enter a below-grade space) with a width less than 15 feet. Finished grades that are established with a retaining wall must be measured at a distance from the building sufficient to include the higher or lower grade elevation toward the average grade calculation. The images below are intended to assist with the interpretation of this ordinance.

AN ORDINANCE: AMENDING THE ZONING ORDINANCE AS FOLLOWS: AMENDING ARTICLE 6 ("SUPPLEMENTARY REGULATIONS"), SECTION 4 ("SUPPLEMENTARY HEIGHT, AREA, AND BULK REGULATIONS"), TO ADD SUBSECTION 4.10, "BUILDING HEIGHT CALCULATIONS;" AMENDING ARTICLE 15 ("DEFINITIONS") TO DELETE THE DEFINITION OF "BUILDING, HEIGHT OF;" AMENDING ARTICLE 4 ("DISTRICT REGULATIONS"), SECTION 9 ("C-4 CENTRAL COMMERCIAL DISTRICT"), SUBSECTION 9.1 ("HEIGHT") TO MODIFY THE BUILDING AND STRUCTURE HEIGHTS ALLOWED IN THE C-4 ZONING DISTRICT; AMENDING ARTICLE 5 ("NONCONFORMITIES"), SECTION 5 ("DESTRUCTION OF NONCONFORMITIES"), TO ALLOW NONCONFORMING STRUCTURES TO BE RESTORED TO THEIR ORIGINAL NONCONFORMING CONDITION IF DESTROYED BY FIRE, NATURAL DISASTER OR ACT OF GOD

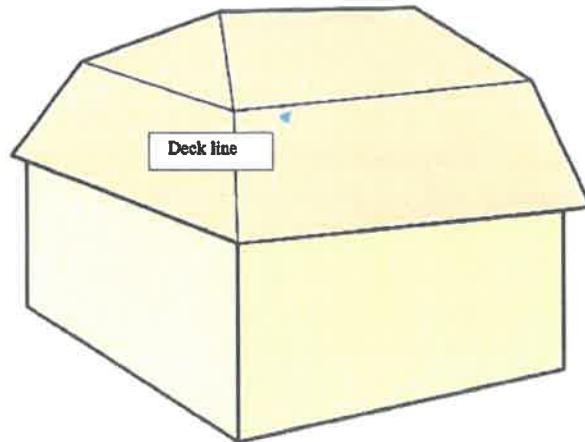


Gable or Hip Roof.
Height is measured to the midpoint between the eaves and the ridge, regardless of the orientation of the gable to the street.



Gambrel Roof.
Height is measured to the midpoint of the uppermost slope of the roof.

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Mansard Roof.
Height is measured to the deck line.

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Section II. That Article 15 ("Definitions") be amended to delete the strikethrough text as follows:

~~Building, Height of: The vertical distance from the average finished grade or from the average level of the finished grade at the front building line, if higher, to the highest point of the coping of a flat roof, or the deck line or highest point of coping or parapet of a mansard roof, or to the mean height level between eaves and ridge for gable, hip, shed, and gambrel roofs. When the highest wall of a building with a shed roof is within 35 feet of a street, the height of such building shall be measured to the highest point of coping or parapet.~~

Section III. That Article 4 ("District Regulations"), Section 9 ("C-4 Central commercial district"), Subsection 9.8 ("Height standards") be amended to add the underlined text and delete the strikethrough text as follows:

9.8 Height Standards

All buildings may be erected as a matter of right up to a maximum height of 35 feet and two and one-half stories (a basement shall not count as a "story" in the C-4 district). ~~Buildings may be erected up to three stories and 45 feet in height except that: In addition:~~

~~1. Any business building or part of such building which is located within 50 feet of any residential district shall not exceed 35 feet in height.~~

AN ORDINANCE: AMENDING THE ZONING ORDINANCE AS FOLLOWS: AMENDING ARTICLE 6 ("SUPPLEMENTARY REGULATIONS"), SECTION 4 ("SUPPLEMENTARY HEIGHT, AREA, AND BULK REGULATIONS"), TO ADD SUBSECTION 4.10, "BUILDING HEIGHT CALCULATIONS;" AMENDING ARTICLE 15 ("DEFINITIONS") TO DELETE THE DEFINITION OF "BUILDING, HEIGHT OF;" AMENDING ARTICLE 4 ("DISTRICT REGULATIONS"), SECTION 9 ("C-4 CENTRAL COMMERCIAL DISTRICT"), SUBSECTION 9.1 ("HEIGHT") TO MODIFY THE BUILDING AND STRUCTURE HEIGHTS ALLOWED IN THE C-4 ZONING DISTRICT; AMENDING ARTICLE 5 ("NONCONFORMITIES"), SECTION 5 ("DESTRUCTION OF NONCONFORMITIES"), TO ALLOW NONCONFORMING STRUCTURES TO BE RESTORED TO THEIR ORIGINAL NONCONFORMING CONDITION IF DESTROYED BY FIRE, NATURAL DISASTER OR ACT OF GOD

1. Buildings may be erected up to three stories and 45 feet if approved by Town Council in accordance with the process set forth in Subsection 9 herein. Any lawfully existing building measuring between 35 feet and 45 feet in height is deemed to have obtained Town Council approval for the building height.

2. Publicly owned buildings and places of worship may be erected to a maximum height of three stories and 60 feet, as measured to the uppermost point of the roof, if approved by Town Council in accordance with the process set forth in Subsection 9 herein. Any lawfully existing public building or place of worship measuring between 35 feet and 60 feet in height is deemed to have obtained Town Council approval for the building height, provided that required front, side and rear yards shall be increased one foot for each foot in height over 50 feet.

3. Church spires, belfries, and cupolas, monuments, water towers, chimneys, flues, and flag poles of any height, and television antennas up to 125 feet in height, may extend above the maximum building height specified herein if approved by Town Council in accordance with the process set forth in Subsection 9 herein. ~~are exempt from height regulations.~~

4. Chimneys and flues may extend above the maximum building height specified herein, but only by the least amount possible to comply with the applicable building codes; chimneys and flues may extend beyond the minimum height required by the applicable building code if approved by Town Council in accordance with the process set forth in Subsection 9 herein.

5. Parapet walls shall not count toward building height and may be constructed as a matter of right up to a maximum of four feet above the height of the building on which the walls rest.

6. Height shall be measured as prescribed in Article 4 Section 4.10 of this ordinance.

7. Flagpoles, monuments, and structures of a similar nature may be permitted up to 35 feet in height, or up to 45 feet in height if approved by Town Council in accordance with the process set forth in Subsection 9 herein.

8. "Over the Air Reception Devices" that are regulated by the FCC, including antenna and satellite dishes, may be installed and extend up to 12 feet above the height of the constructed building, or taller if approved by Town Council in accordance with the process set forth in Subsection 9 herein.

AN ORDINANCE: AMENDING THE ZONING ORDINANCE AS FOLLOWS: AMENDING ARTICLE 6 ("SUPPLEMENTARY REGULATIONS"), SECTION 4 ("SUPPLEMENTARY HEIGHT, AREA, AND BULK REGULATIONS"), TO ADD SUBSECTION 4.10, "BUILDING HEIGHT CALCULATIONS;" AMENDING ARTICLE 15 ("DEFINITIONS") TO DELETE THE DEFINITION OF "BUILDING, HEIGHT OF;" AMENDING ARTICLE 4 ("DISTRICT REGULATIONS"), SECTION 9 ("C-4 CENTRAL COMMERCIAL DISTRICT"), SUBSECTION 9.1 ("HEIGHT") TO MODIFY THE BUILDING AND STRUCTURE HEIGHTS ALLOWED IN THE C-4 ZONING DISTRICT; AMENDING ARTICLE 5 ("NONCONFORMITIES"), SECTION 5 ("DESTRUCTION OF NONCONFORMITIES"), TO ALLOW NONCONFORMING STRUCTURES TO BE RESTORED TO THEIR ORIGINAL NONCONFORMING CONDITION IF DESTROYED BY FIRE, NATURAL DISASTER OR ACT OF GOD

9. Town Council shall act upon requests for additional height after receiving recommendations from both the Planning Commission and the Board of Architectural Review, and after conducting a public hearing advertised in accordance with Virginia Code 15.2-2204. Persons requesting additional height shall submit an application form together with relevant supporting materials to the Director of Planning, using the Town's application form for *Special Use Permits*. The Director of Planning shall review the application for completeness and, once complete, transmit the application to both:

(a) the Planning Commission, who shall: (i) conduct a public hearing advertised in accordance with Virginia Code 15.2-2204, and (ii) consider the request and formulate a recommendation in accordance with the process and standards (those relevant to height) for *Special Exception* applications as set forth in Article 9, Section 5 of the Zoning Ordinance; and

(b) the Board of Architectural Review, who shall consider the request in accordance with the process and standards (those relevant to height) set forth in Article 14A of the Zoning Ordinance.

The Planning Commission and Board of Architectural Review processes shall run concurrently, and joint meetings of the bodies are permitted but not required. Each body shall send a written recommendation to the Town Council through the Director of Planning, together with its findings concerning how the proposal measures against the standards by which it was reviewed. Any applicant seeking additional height as permitted under this ordinance shall pay a single application fee equal to the fee required for processing a *Special Use Permit for Construction*.

Section IV. That Article 5 ("Nonconformities") Section 5 ("Destruction of nonconformities") of the Zoning Ordinance be amended to add the underlined text and delete the strikethrough text as follows:


The owner of any residential or commercial building damaged or destroyed by a fire, natural disaster or other act of God shall be permitted to repair, rebuild, or replace such building to its original nonconforming condition, or, at the option of the owner, to some condition that eliminates or reduces ~~eliminate or reduce~~ the nonconforming features ~~to the extent possible~~, without the need to obtain a variance as provided in § 15.2-2310 of the Code of Virginia, 1950, as amended.

Section V. That if any provision or section of this ordinance shall be held by a court of competent jurisdiction to be invalid, void, or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

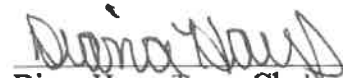
AN ORDINANCE: AMENDING THE ZONING ORDINANCE AS FOLLOWS: AMENDING ARTICLE 6 ("SUPPLEMENTARY REGULATIONS"), SECTION 4 ("SUPPLEMENTARY HEIGHT, AREA, AND BULK REGULATIONS"), TO ADD SUBSECTION 4.10, "BUILDING HEIGHT CALCULATIONS;" AMENDING ARTICLE 15 ("DEFINITIONS") TO DELETE THE DEFINITION OF "BUILDING HEIGHT OF;" AMENDING ARTICLE 4 ("DISTRICT REGULATIONS"), SECTION 9 ("C-4 CENTRAL COMMERCIAL DISTRICT"), SUBSECTION 9.1 ("HEIGHT") TO MODIFY THE BUILDING AND STRUCTURE HEIGHTS ALLOWED IN THE C-4 ZONING DISTRICT; AMENDING ARTICLE 5 ("NONCONFORMITIES"), SECTION 5 ("DESTRUCTION OF NONCONFORMITIES"), TO ALLOW NONCONFORMING STRUCTURES TO BE RESTORED TO THEIR ORIGINAL NONCONFORMING CONDITION IF DESTROYED BY FIRE, NATURAL DISASTER OR ACT OF GOD

Section VI. That this ordinance shall be effective upon its adoption.

PASSED THIS 8th DAY OF JUNE, 2021.


Kwasi A. Fraser, Mayor
Town of Purcellville

ATTEST:


Diana Hays, Town Clerk

Mayor
Kwasi A. Fraser



Town Manager
David A. Mekarski

Council
Christopher Bertaut

Joel D. Grewe
Stanley J. Milan, Sr.
Tip Stinnette
Mary Jane Williams

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TOWN OF PURCELLVILLE
IN
LOUDOUN COUNTY, VIRGINIA

ORDINANCE NO. 21-06-01

PRESENTED: JUNE 8, 2021
ADOPTED: JUNE 8, 2021

AN ORDINANCE: ADOPTING TAX RATES, FEES, AND FINES AS SHOWN ON THE MASTER TAX AND FEE SCHEDULE FOR FISCAL YEAR 2022; AMENDING THE PURCELLVILLE TOWN CODE BY ADDING “APPENDIX A,” SETTING FORTH THE MASTER TAX AND FEE SCHEDULE

WHEREAS, Virginia Code Section 15.2-107 provides that all levies and fees imposed or increased by a locality pursuant to the provisions of Chapters 21 or 22 of Title 15.2 of the Code of Virginia shall be adopted by ordinance; and

WHEREAS, in order to consolidate the location of all taxes and fees imposed by the Town on a fiscal year basis into a single document, the Town has established a Master Tax & Fee Schedule; and

WHEREAS, the Master Tax and Fee Schedule changes were duly advertised in the Loudoun Times-Mirror, published on April 9, 2021, and April 16, 2021; and

WHEREAS, the Town Council conducted a public hearing on April 27, 2021 to receive comments on the Master Tax and Fee Schedule, as it was advertised.

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

**AN ORDINANCE: ADOPTING TAX RATES, FEES, AND FINES AS SHOWN ON THE
MASTER TAX AND FEE SCHEDULE FOR FISCAL YEAR 2022;
AMENDING THE PURCELLVILLE TOWN CODE BY ADDING
"APPENDIX A," SETTING FORTH THE MASTER TAX AND FEE
SCHEDULE**

SECTION I. That all tax rates, fines, and fees for the Town of Purcellville are hereby adopted and re-ordained as set forth in Appendix A to this Ordinance, "Master Tax and Fee Schedule."


SECTION II. That all tax rates, fines, and fees adopted under this Ordinance shall supersede any conflicting tax rate, fine, or fee previously adopted.

SECTION III. That the Master Tax and Fee Schedule adopted and re-ordained under this Ordinance shall be set forth in Appendix A of the Town Code of Purcellville, Virginia.

SECTION IV. That if any portion of this Ordinance shall be adjudged invalid by a court of competent jurisdiction, the same shall not affect the validity of this Ordinance as a whole or any other part or provision thereof, other than the part so decided to be invalid.

SECTION V. That this Ordinance shall be effective July 1, 2021.

PASSED THIS 8th DAY OF JUNE, 2021


Kwasi A. Fraser, Mayor
Town of Purcellville

ATTEST:


Diana Hays, Town Clerk

Town Manager
David A. Mekarski, AICP

Town Attorney
Sally G. Hankins

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Chief of Police
Cynthia A. McAllister

Town Clerk
Diana Hays, CMC

Department Directors
Hooper McCann, Administration
Dale Lehnig, Engineering, Planning & Development
Elizabeth Krens, Finance
Sharon Rauch, Human Resources
Shannon Bohince, Information Technology
Don Dooley, Planning and Economic Development
Jason Didawick, Public Works

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

RESOLUTION NO. 21-06-03

PRESENTED: JUNE 8, 2021
ADOPTED: JUNE 8, 2021

A RESOLUTION: ADOPTING THE BUDGET FOR FISCAL YEAR 2022 SUBJECT TO CHANGES AS DIRECTED BY TOWN COUNCIL; ADDRESSING AMENDMENTS TO THE BUDGET BY COUNCIL RESOLUTION; AUTHORIZING AND DIRECTING THE TOWN MANAGER TO TAKE ALL STEPS NECESSARY AND PRUDENT TO EFFECTUATE IMPLEMENTATION OF THIS RESOLUTION

WHEREAS, pursuant to Section 15.2-2503 of the Code of Virginia (1950), as amended, the Town Council must approve for fiscal planning purposes a budget that contains a complete and itemized classified plan of all contemplated expenditures, all estimated revenues, and all estimated borrowings for the Town during the fiscal year beginning July 1, 2021 and ending June 30, 2022 ("FY 2022"); and

WHEREAS, the Town Manager prepared for FY 2022 a budget entitled *Proposed Fiscal Year 2022 Fiscal Plan and & Capital Improvement Program Fiscal Year 2022-2026* ("FY 2022 Budget"), which was the subject of a duly advertised Town Council public hearing, and was considered and discussed by Town Council through budget work sessions; and

WHEREAS, as a result of several budget work sessions, the Town Council directed that certain changes be made to the FY 2022 Budget, which changes are set forth in a document entitled *Summary of Changes to the FY 2022 Budget*.

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

SECTION I. The FY 2022 Budget is hereby approved and adopted in its entirety subject to the incorporation by Staff of all changes listed in the *Summary of Changes to the FY 2022 Budget*. The FY 2022 Budget shall include fund categories and budgeted expenditures for such fund categories as follows: General Fund, \$11,100,117; Parks and Recreation Fund, \$607,112; Utility Funds (includes Water Fund and Wastewater Fund), \$6,941,391; and Capital Projects Funds, \$3,783,850.

SECTION II. Amendments to the adopted FY 2022 Budget may be enacted by the Town Council by resolution from time to time.

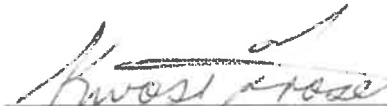
SECTION III. The Town Manager is hereby authorized and directed to take all appropriate administrative actions necessary and prudent to effectuate implementation of this Resolution including, but not limited to, transferring money within and between funds, increasing the budget upon approval of Grants funded by others, paying all short and long-term debt due, and establishing necessary encumbrances at the end of the fiscal year.

SECTION IV. All prior budgets, ordinances, and resolutions in conflict herewith are hereby repealed.

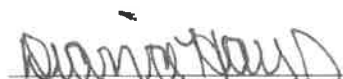
SECTION V. If any provision of this Resolution is declared invalid, the decision shall not affect the validity of the Resolution as a whole or any remaining provisions of the Resolution.

SECTION VI. This Resolution shall be effective July 1, 2021.

PASSED THIS 8th DAY OF JUNE, 2021


Kwasi A. Fraser, Mayor
Town of Purcellville

ATTEST:


Diana Hays, Town Clerk

Mayor
Kwasi A. Fraser



Town Manager
David A. Mekarski

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

RESOLUTION NO. 21-06-04

PRESENTED: JUNE 8, 2021
ADOPTED: JUNE 8, 2021

A RESOLUTION: APPROPRIATING FOR EXPENDITURE IN FISCAL YEAR 2022 FUNDS BUDGETED FOR EXPENDITURE IN THE ADOPTED FISCAL YEAR 2022 BUDGET; RE-APPROPRIATING FOR EXPENDITURE IN FISCAL YEAR 2022 ALL CAPITAL IMPROVEMENT PROJECT FUNDS AND SPECIFIC ACCOUNTS IN THE GENERAL AND UTILITY FUNDS APPROPRIATED FOR EXPENDITURE IN FISCAL YEAR 2021 BUT NOT EXPENDED IN FISCAL YEAR 2021

- WHEREAS,** the Town Council adopted a budget for fiscal year 2022 (“FY 2022 Budget); and
- WHEREAS,** pursuant to Section 15.2-2506 of the Code of Virginia (1950), as amended, in addition to adopting a budget each fiscal year, the Town Council must also take action to appropriate all funds to be expended each fiscal year, before the Town may either obligate or spend such funds; and
- WHEREAS,** further pursuant to Section 15.2-2506 of the Code of Virginia (1950), as amended, the Town must spend all appropriated funds in the same fiscal year for which they were appropriated, unless the Town Council votes to re-appropriate unspent funds for expenditure in the following fiscal year; and
- WHEREAS,** the Town Council appropriated for expenditure in FY 2021 certain capital improvement project funds that were not fully expended in FY 2021, and desires to re-appropriate such funds for expenditure in FY 2022.

A RESOLUTION:

APPROPRIATING FOR EXPENDITURE IN FISCAL YEAR 2022 FUNDS BUDGETED FOR EXPENDITURE IN THE ADOPTED *FISCAL YEAR 2022 BUDGET*; RE-APPROPRIATING FOR EXPENDITURE IN FISCAL YEAR 2022 ALL CAPITAL IMPROVEMENT PROJECT FUNDS AND SPECIFIC ACCOUNTS IN THE GENERAL AND UTILITY FUNDS APPROPRIATED FOR EXPENDITURE IN FISCAL YEAR 2021 BUT NOT EXPENDED IN FISCAL YEAR 2021

WHEREAS, the Town Council appropriated for expenditure certain operating projects in FY 2021 that were not fully expended in FY 2021, and desires to re-appropriate such funds for expenditure in FY 2022.

WHEREAS, the Town Council appropriated for expenditure in FY 2021 Virginia Department of Transportation (VDOT) street funding that was not fully expended in FY 2021, and desires to re-appropriate such funds for expenditure in FY 2022.

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

SECTION I. The budgeted expenditures in each fund category, as reflected in the FY 2022 Budget and the *Summary of Changes to the FY 2022 Budget*, are hereby appropriated for expenditure in fiscal year 2022.

SECTION II. The capital improvement project funds that were appropriated for expenditure in FY 2021 but not spent in FY 2021, are hereby re-appropriated for expenditure in FY 2022 in amounts not to exceed the following: General Fund **\$5,905,530**; Parks & Rec Fund **\$344,125**; Water Fund **\$695,220**; and Wastewater Fund **\$781,093**; for a total no to exceed value of **\$7,725,968**.

SECTION III. The operating projects that were appropriated for expenditure in FY 2021 but not spent in FY 2021, are hereby re-appropriated for expenditure in FY 2022 in amounts not to exceed the following: Governmental Funds **\$104,207** and Utility Funds **\$147,560**. These expenditures are as follows: Compensation Study (HR) (Account #11211000-403112, \$8,624), Personnel Manual (Account #11215000-403650, \$9,135), County Tax Program (Consult) (Account #11242000-403110, \$16,000), Zoning Ordinance (Account #18105000-403135, \$38,967), in the General Operating Fund, the Visitor Center (Account #27125030-405820, \$4,900), Fireman's Field Maintenance (Account #29402100-408100, \$26,581), in the Parks & Rec Fund, Purchased Water (Account #51530000-406220, \$16,000) for the Water Fund, Anoxic Pump, (Account #52620000-403315, \$10,888), Cassette Refurbishment, (Account #52940000-408010, \$60,672), and Inflow & Infiltration (Account #52940000-408300, \$60,000), for Wastewater, in the Utility Operating Funds.

A RESOLUTION:

APPROPRIATING FOR EXPENDITURE IN FISCAL YEAR 2022 FUNDS BUDGETED FOR EXPENDITURE IN THE ADOPTED FISCAL YEAR 2022 BUDGET; RE-APPROPRIATING FOR EXPENDITURE IN FISCAL YEAR 2022 ALL CAPITAL IMPROVEMENT PROJECT FUNDS AND SPECIFIC ACCOUNTS IN THE GENERAL AND UTILITY FUNDS APPROPRIATED FOR EXPENDITURE IN FISCAL YEAR 2021 BUT NOT EXPENDED IN FISCAL YEAR 2021

SECTION IV. The unspent Virginia Department of Transportation (VDOT) funding that were appropriated for expenditure in FY 2021 but not spent in FY 2021, are hereby re-appropriated for expenditure in FY 2022 in amounts not to exceed the \$300,000. The proposed use of the VDOT funds include the paving, sidewalks, drainage, and snow removal.

SECTION V. Supplemental appropriations may be enacted by the Town Council by resolution from time to time.

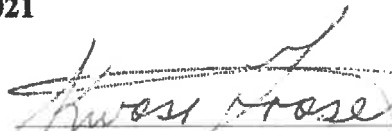
SECTION VI. The Town Manager is hereby authorized and directed to take all appropriate administrative actions necessary and prudent to effectuate implementation of this Resolution including, but not limited to, transferring money within and between funds, increasing the budget upon approval of Grants funded by others, paying all short and long term debt due, and establishing necessary encumbrances at the end of the fiscal year.

SECTION VII. All prior budgets, ordinances, appropriations, and resolutions in conflict herewith are hereby repealed.

SECTION VIII. If any provision of this Resolution is declared invalid, the decision shall not affect the validity of the Resolution as a whole or any remaining provisions of the Resolution.

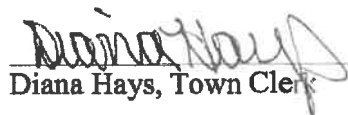
SECTION IX. This Resolution shall be effective July 1, 2021.

PASSED THIS 8th DAY OF JUNE, 2021



Kwasi A. Fraser, Mayor
Town of Purcellville

ATTEST:


Diana Hays, Town Clerk

