

MINUTES
PURCELLVILLE TOWN COUNCIL MEETING
TUESDAY, NOVEMBER 9, 2021, 7:00 PM

Meeting recording can be found at the following link: <https://purcellvilleva.new.swagit.com/videos/147966>

COUNCIL MEMBERS PRESENT:

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

STAFF PRESENT:

David Mekarski, Town Manager
Sally Hankins, Town Attorney
Hooper McCann, Director of Administration
Elizabeth Krens, Director of Finance
Jason Didawick, Director of Public Works
Dale Lehnig, Director of Engineering, Planning & Development
Don Dooley, Director of Planning and Economic Development
Shannon Bohince, Director of IT
Chief Cynthia McAlister, Police Department
Deputy Chief Dave Daily, Police Department
Connie LeMarr, Assistant Director of Finance
Amie Ware, Division Manager Parks and Recreation Department
Andy Conlon, Senior Planner
Bob Dryden, Facilities Specialist
Diana Hays, Town Clerk/Executive Assistant
Kimberly Bandy, Deputy Town of Clerk
Max Inaba, IT Specialist

CALL TO ORDER:

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

OATH OF OFFICE

- a. Swearing-In Ceremony – Council member Elect Erin Rayner was sworn in by Gary Clemens, Clerk of the Circuit Court Loudoun County.

AMENDMENTS:

Mayor Fraser made an amendment to add to the Closed Session an item from a previous meeting regarding a Human Resource review mischaracterized as an investigation and further clarity is needed on this topic before bring forth to the public.

Sally Hankins, Town Attorney, made an amendment to have an additional Closed Session to convene after the Consent Agenda process with Matt Ames, telecommunications outside legal counsel, with the purpose to bring to Council attention to seek legal advice on a broadband franchise to deliver broadband services to town residents.

CONSENT AGENDA:

- a. Approval of Meeting Minutes – October 26, 2021 Special
- c. Deed of Easements for Capital Projects

Council member Stinnette amended the Consent Agenda as to not include b. Approval of Meeting Minutes-October 26, 2021 Work Session and have the minutes be brought back at the next Town Council meeting with edits.

Council member Grewe made the motion that the Purcellville Town Council approve the Consent Agenda, item 6a and c, as presented in the November 9, 2021 Town Council Meeting agenda packet.

(Carried: 7-0-0, Grewe: Aye, Bertaut: Aye, Stinnette: Aye, Williams: Aye, Milan: Aye, Rayner: Aye, Fraser: Aye)

CLOSED MEETING

Council member Stinnette moved that Town Council convene in a closed meeting pursuant to its authority under Va. Code Section 2.2-3711.A.8., to receive legal advice concerning a franchise agreement for broadband services in the Town of Purcellville.

The following individuals are requested to attend the closed meeting:

1. David Mekarski
2. Sally Hankins
3. All Town Council members
4. Matt Ames, Attorney

(Carried: 7-0-0, Grewe: Aye, Bertaut: Aye, Stinnette: Aye, Williams: Aye, Milan: Aye, Rayner: Aye, Fraser: Aye)

MOTION TO CERTIFY THE CLOSED MEETING

In accordance with Section §2.2-3712 of the Code of Virginia, Council member Stinnette move that Town Council certify to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements under Virginia Freedom of Information Act; and (ii) only such public business matters as were identified in the motion by which the convened were heard, discussed or considered in the meeting by the public body.

(Carried: 7-0-0, Grewe: Aye, Bertaut: Aye, Stinnette: Aye, Williams: Aye, Milan: Aye, Rayner: Aye, Fraser: Aye)

STANDING COMMITTEE, COMMISSION, AND BOARD REPORTS

- a. Planning Commission (Chair Nan Forbes gave the report)
- b. Purcellville Arts Council (Council member Williams gave the report)
- c. Board of Architectural Review (Council member Grewe gave the report)
- d. Parks and Recreation Advisory Board (Chair Phil Rohrer gave the report)
- e. Economic Development Advisory Committee (Vice Mayor Bertaut, Council Liaison gave the report)
- f. Tree and Environment Sustainability Committee (Council member Grewe, Council Liaison gave the report)
- g. Community Policing Advisory Committee (Council member Williams, Council liaison gave the report)
- h. Train Station Advisory Board (No updates)

CITIZEN/BUSINESS COMMENTS:

Adam Stevenson, 240 E. Loudoun Valley Drive, addressed the need for survival of nature and wilderness.

Jason Grace, Herndon, Virginia, Attorney for Casey Chapman, addressed comments by Council at October 12th Town Council meeting and shared information on Mr. Chapman as a Purcellville business owner.

MAYOR AND COUNCIL COMMENTS:

Mayor Fraser gave each Council member 3 minutes each to comment.

ACTION ITEMS:

a. Service Line Warranty

David Mekarski, Town Manager, gave the report. Jim Golden, a representative of the warranty program addressed questions from Council.

Council member Grewe made the motion that Town Council table agenda item 11a. Service Line Warranty.

(Carried: 7-0-0, Grewe: Aye, Bertaut: Aye, Stinnette: Aye, Williams: Aye, Milan: Aye, Rayner: Aye, Fraser: Aye)

b. Proposed Budget Adjustment to change Hirst Reservoir CIP Project from USDA Loan Funding to Cash

David Mekarski, Town Manager, gave the report and requested to table this item and bring back to a future agenda after the next two Special Meeting Budget Work Sessions.

Council member Grewe made the motion that Town Council table 11b. Proposed Budget Adjustment to change Hirst Reservoir CIP Project from USDA Loan Funding to Cash.

(Carried: 7-0-0, Grewe: Aye, Bertaut: Aye, Stinnette: Aye, Williams: Aye, Milan: Aye, Rayner: Aye, Fraser: Aye)

c. Community Policing Advisory Committee Members Attendance and Meeting Frequency

Mayor Kwasi Fraser gave the report that it was brought to his attention of the lack of attendance by members for quorum to be able to hold voting processes particularly on Community Policing Advisory Committee (CPAC). A discussion between Council and Town Attorney discussed changes that could be made via the charter, to the attendance policy for Committees, Commission, and Boards, number of members, and a more refined definition of quorum to be able to meet and make decisions. This would require an ordinance amendment, a newspaper advertisement being published of proposed changes, and a vote by Council to follow. Mayor Fraser suggested tabling these changes that would commit staff time and to go forward with making vacancies available. In the meantime, he would try reaching the individuals prior to the next CPAC December 6, 2021 meeting to see if they could recommit their time to the committee.

Council member Williams made the motion to remove the following members from the Community Policing Advisory Committee because of attendance records:

1. Larry Simms
2. Kirk Balthazar

(Carried: 7-0-0, Grewe: Aye, Bertaut: Aye, Stinnette: Aye, Williams: Aye, Milan: Aye, Rayner: Aye, Fraser: Aye)

DISCUSSION/INFORMATION ITEMS:

a. Town of Purcellville Holiday Events Update

Amie Ware, Division Manager Parks and Recreation Department, gave the report on the upcoming holiday events. The parade route was reviewed and applications will be available online for parade participants. The Holiday Market will be held within Town Hall and outside premises. Pictures with Santa, the Washington DC Metropolitan Area Lego Train Club display, and decorating ornaments activity would be located at the Train Station. There will also be a self-guided tour of Christmas lights around Purcellville.

b. Appeal of Board of Architectural Review's Decision on Exterior Finishes, Bia Kitchen, 108 N. 21st Street

Don Dooley, Director of Planning and Community Development, gave the report. A letter of appeal was sent to Town Council from Mr. Shane O'Connor, dated October 30, 2021, in regards to the Board of Architectural Review adopted conditions for Bia Kitchen, specifically to discuss condition Approval No. 7 reading as follows:

"The applicant shall demonstrate they have sufficiently investigated options to remove all the existing white paint on their brick building. If the paint cannot be removed from the brick, the

applicant shall return to the BAR to approve the proposed paint color to the building, as no exterior paint color to the building is approved at this time. It is not the intention of the BAR to withhold occupancy of the building prior to resolving this issue."

After discussion, it was determined that Mr. O'Connor return to the Board of Architectural Review (BAR) at their next November meeting for the approval and then if not, be brought back to a Town Council Meeting in December.

c. Update on Manager's Top Ten Focus Area Alignment with Current Projects

David Mekarski, Town Manager, gave the report and reviewed items. Staff is continuing to work on the ARPA Spending Plan details and plan on bringing more information to Council in December. A suggestion was made to bring forth the Zoning Ordinance Consultant proposal along with a Budget Amendment at the same time to expedite the process. Another suggestion was made to further discuss possibly purchasing the Marsh Well and in the meantime continue with the existing rental agreement negotiations.

d. 33rd and West Country Club Traffic Enforcement

Chief McAlister, Police Department, gave the report and signage in the area was discussed. Chief McAlister suggested that all complaints and concerns be sent directly to Police Department dispatch. Council and staff agreed to wait to make any changes in that area until after the Traffic Interchange is put in place and the Park and Ride developed. Deputy Chief Daily made mention of discussions for sidewalks to be put in place for safety.

ACTION ITEM:

Mayor Fraser requested that Council member Grewe make a motion to place Council member Rayner as Council liaison for the Board of Architectural Review. (BAR)

Council member Grewe made a motion to appointment Council member Erin Rayner as Council liaison to the BAR with the term expiring on June 30, 2022.

(Carried: 7-0-0, Grewe: Aye, Bertaut: Aye, Stinnette: Aye, Williams: Aye, Milan: Aye, Rayner: Aye, Fraser: Aye)

CLOSED MEETING

Mayor Fraser directed that the item regarding 150 S. Maple had been removed from Closed Session awaiting further detail.

Vice Mayor Bertaut made a motion that Town Council convene in a closed meeting pursuant to its authority under Va. Code Section 2.2-3711.A.8., to receive legal advice concerning the HR review of a complaint concerning the behavior of the Planning Commission, which complaint dates back to May of 2021.

A friendly amendment was made by Vice Mayor Bertaut to further move that as authorized under Section 2.2-3711(A)(1) of the code of Virginia, that the Town Council convene in a closed meeting to discuss the annual performance evaluation of the Town Manager. The presence of the following individuals is requested to attend the closed meeting:

1. All Town Council Members
2. David Mekarski
3. Sharon Rauch

(Carried: 7-0-0, Grewe: Aye, Bertaut: Aye, Stinnette: Aye, Williams: Aye, Milan: Aye, Rayner: Aye, Fraser: Aye)


MOTION TO CERTIFY THE CLOSED MEETING:

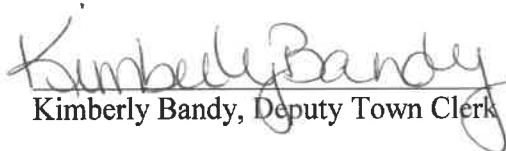
In accordance with Section §2.2-3712 of the Code of Virginia, Council member Grewe moved that Town Council certify to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements under Virginia Freedom of Information Act; and (ii) only such public business matters as were identified in the motion by which the convened were heard, discussed or considered in the meeting by the public body.

(Carried: 7-0-0, Grewe: Aye, Bertaut: Aye, Stinnette: Aye, Williams: Aye, Milan: Aye, Rayner: Aye, Fraser: Aye)

ADJOURNMENT

With no further business, Council member Grewe made a motion to adjourn the meeting at 11:48 PM and carried 7-0-0.


Kwasi Fraser, Mayor


Kimberly Bandy, Deputy Town Clerk