

MINUTES
PURCELLVILLE TOWN COUNCIL MEETING
TUESDAY, FEBRUARY 8, 2022, 7:00 PM
TOWN HALL COUNCIL CHAMBERS

Meeting recording can be found at the following link: <https://purcellvilleva.new.swagit.com/videos/154231>

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 (participated remotely due to medical excuse)
Erin Rayner, Council Member

STAFF PRESENT:

David Mekarski, Town Manager
Sally Hankins, Town Attorney
Chief Cynthia McAlister, Police Department
Elizabeth Krens, Director of Finance
Jason Didawick, Director of Public Works
Dale Lehnig, Director of Engineering, Planning & Development
Amie Ware, Division Manager Parks and Recreation
Emily Johnson, Accreditation Manager
Diana Hays, Town Clerk/Executive Assistant
Kimberly Bandy, Deputy Town of Clerk
Max Inaba, IT Support Technician

STAFF PRESENT REMOTELY:

Hooper McCann, Director of Administration
Don Dooley, Director of Planning and Economic Development
Connie LeMarr, Assistant Director of Finance
Bernie Snyder, Water Superintendent

CALL TO ORDER:

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

AMENDMENTS:

Mayor Fraser Consent Agenda 6c. was moved to Action item 11a. which later in the meeting was placed under Action item 11c.

CONSENT AGENDA

- a. Approval of Meeting Minutes – January 25, 2022
- b. Deed of Easements

Council member Grewe moved that the Purcellville Town Council approve the Consent Agenda, item 6a.-b., as presented in the February 8, 2022 Town Council Meeting agenda packet.

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

RECOGNITIONS

- a. **Doc Wiley Leadership in the Arts Award Winner**

Mayor Fraser presented the award to Huyen MacMichael and Jessica Marshall, principals with the Davinci Arts Studios program headquartered at Franklin Park.

- b. **Police Department's 3rd Reaccreditation Certificate from the Virginia Law Enforcement Professional Standards Commission (VLEP SC)**

Erik Smith of the Virginia Department of Criminal Justice Services presented with Council the certificate to Chief Cynthia McAlister and Emily Johnson representing the Purcellville Police Department.

- c. **Waste Water Treatment Team**

Mayor Fraser gave the report and Council recognized the team for an unannounced DEQ inspection that went very well and no need for corrective actions.

PUBLIC HEARING

- a. **Lease of Public Property to Comcast for Cellular Equipment**

Mayor Fraser opened the public hearing at 7:16 PM. Sally Hankins and Dale Lehnig gave the report. There were no citizen comments. Mayor Fraser closed the public hearing at 7:26PM.

Approval of Lease Agreement of Public Property with Comcast

Vice Mayor Bertaut moved that Town Council suspend the rule against taking action on the night of the public hearing and approve the ground lease between the Town and Comcast as attached to the Staff Report dated February 8, 2022, and authorize the Town Manager to execute the lease.

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

CITIZEN/BUSINESS COMMENTS

Adam Stevenson 240 E Loudoun Valley Drive, made comments on Bike Park and related concerns.

Casey Chapman, CaseCo, made comments regarding Police Station, Town Council Meeting, and EDAC Meeting.

Michelle Caudill, 617 Greysands Lane, representing Bike Park Project made comments.

Council member Stinnette read emails sent from Chris Stevenson, Damon Cable, Kathleen Winters, and Sue Russell.

MAYOR AND COUNCIL COMMENTS

Council members were given 3 minutes for comments.

ACTION ITEMS

a. Approval of Revised Bike Park Concept

Sally Hankins, Town Manager, gave the report.

Council member Stinnette moved that Town Council direct staff to assist Ms. Caudill in submitting to DHR all required elements necessary for their review of the Bike Park concept plan. He further moved that, concurrent with the review by DHR, the Town Council send the Bike Park proposal to its advisory committees on both parks and the environment, for their review and advice, with the request that all comments from those committees be returned to Town Council by March 15th, along with potential backup plans, should DHR decline our application. Back up plans should be within the FF complex. Once comments have been received from DHR, the Tree and Environmental Sustainability Committee, and the Parks and Recreation Advisory Board, he moved that Town Council review the materials at its second meeting in March, at which meeting Council and Michelle can select a date for a community meeting. Once the community meeting concludes, Council can provide Michelle with feedback and direction that will assist in their procurement of engineering and surveying services, and the bike park infrastructure. Furthermore, direct town staff to work with Michelle to facilitate a ceremony for June 1, 2022.

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

b. Review of COVID Numbers for Rescinding the State of Emergency Declaration

Council member Stinnette gave the report.

Council member Stinnette moved that the Purcellville Town Council adopt Resolution 22-02-01 Delineating the Benchmarks to Terminate the Town Council Declaration of a State of Emergency Associated with the COVID Pandemic.

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

c. Approval of 3 Budget Amendments to Appropriate ARPA Funding to: 1) Premium & Other Pay to Public Sector Employees; 2) Renovations to Police Department Facility; and 3) Assistance to Small Businesses, Households, Non-Profits/Facade Improvement Grants – (Formerly Consent Agenda 6c.)

Hooper McCann, Director of Administration, gave the report.

Council member Stinnette moved the Town Council approve the following FY2022 Budget Amendments to appropriate funding from the Town of Purcellville's first tranche allocation of the American Rescue Plan Act Coronavirus State and Local Fiscal Recovery Funding and realign the funding sources for the Police Department Facility renovations:

- BA 22-018, in the amount of \$800,000 to reverse the use of General Fund Reserves for the renovations to the Police Department facility; and
- BA 22-019, in the amount of \$1,319,981 for Premium and other Pay for Public Sector Employees, Renovations to the PD facility, and Assistance to Small Businesses, Households, Non-profits and Façade Improvement Grants.

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

d. Town Council to Adopt 2022 Personal Property Tax Rate and PPTRA

Elizabeth Krens, Director of Finance, gave the report.

Vice Mayor Bertaut move that the Town Council adopt Ordinance 22-02-02, establishing for calendar year 2022 the tangible personal property tax rates, the personal property tax relief rate and vehicle license fee.

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

e. Approval of Real Estate Conveyance Contract Between Loudoun County and Town of Purcellville

Sally Hankins gave the report.

Council member Grewe moved that Town Council approve the land conveyance contract attached to the Staff Report dated February 8, 2022, and authorize the Town Manager or Town Attorney to execute the contract. He further moved that Town Council authorize staff to expend funds to complete inspection of the properties to ascertain their suitability for public use, specifically their suitability as water storage tank and police station sites.

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

DISCUSSION/INFORMATIONAL ITEMS

a. Cell Tower 3 Discussion Progress with the County

Sally Hankins gave the report.

b. Carver Center Gate Safety Compliance

David Mekarski gave the report. It was determined that there would need to be a further study on the gate lock with Fire and Rescue Compliance.

c. Inventory of Where Sidewalks are Needed in Town

Dale Lehnig gave the report.

Council member Stinnette moved the Town Council approve Budget Amendment BA 22-020 to appropriate \$42,000 from the Unrestricted General Fund Reserves for the Transportation Study in Fiscal Year 2022 with the provision that we use ARPA funds to reimburse the Unrestricted General Fund Reserves expenditure.

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

CLOSED MEETING

MOTION TO CONVENE A CLOSED MEETING:

Council member Grewe moved that Town Council convene in a closed meeting, pursuant to its authority under the Code of Virginia Section 2.2-3711.A.1 and A.8., for the purpose of (1) discussing an investigatory report by outside legal counsel, (2) receiving legal advice concerning the contents of the report, and (3) discussing the performance and potential discipline of an employee or appointee of the public body based on the report's findings. Specifically, the matters subject to the investigatory report include (A) a complaint made by Council members Milan and

Bertaut at the Town Council meeting on November 9, 2021, expressing concern about the content of a conversation overheard between an employee and a local developer in Town Hall after the Planning Commission meeting of October 21, 2021, and (B) a complaint filed anonymously by an employee of the Town against Council members Milan and Bertaut, for those comments made on November 9th and other similar behavior.

(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 closed meeting was 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)

Council member Stinnette moved that the Town Council adopt the following statement. The Town has conducted an independent investigation into a conversation that took place between the town employee and local developer after the October 21st, 2021, Planning Commission meeting. The outside investigation found that neither the employee's conduct nor the Council member's statements from the dais were criminal or corrupt.

(Carried: 6-1-0, Grewe: Aye, Bertaut: Aye, Stinnette: Aye, Williams: Aye, Milan: Nay, Rayner: Aye, Fraser: Aye)

ADJOURNMENT

With no further business, Vice Mayor Bertaut made a motion to adjourn the meeting at 10:06 PM and unanimously carried 7-0-0.


Kimberly Bandy, Deputy Town Clerk


Kwasi Fraser, Mayor

Mayor
Kwasi A. Fraser

Town Manager
David A. Mekarski

Council
Christopher Bertaut
Joel D. Grewe
Stanley J. Milan, Sr.
Erin Rayner
Tip Stinnette
Mary Jane Williams



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

RESOLUTION NO. 22-02-01

**PRESENTED: FEBRUARY 8, 2022
ADOPTED: FEBRUARY 8, 2022**

**A RESOLUTION: A RESOLUTION DELINEATING THE BENCHMARKS TO
TERMINATE THE TOWN COUNCIL DECLARATION OF A STATE OF EMERGENCY
ASSOCIATED WITH THE COVID PANDEMIC**

WHEREAS, The COVID Omicron variant has created a rise of transmission rate to levels that could adversely impact public health and safety to both our Town employees, Committee, Commissions and Boards and the general public; and

WHEREAS, the Town Council in regular session on January 25, 2022 passed a motion "...for public health reasons the Town Council declare a State of Emergency to permit committees, commissions, and boards of this public body to meet virtually until rescinded." and;

WHEREAS, Purcellville Town Council members expressed a desire to add a benchmark to lift its' State of Emergency and;

WHEREAS, the Loudoun County Board of Supervisors on Tuesday, February 1, 2022, voted to establish benchmarks that would allow for the lifting of mask requirements for supervisors and members of the public in the Loudoun County Government Center, and also considered lifting its local emergency order; and

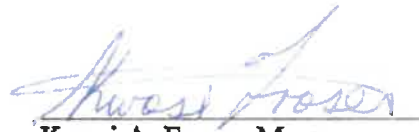
WHEREAS, the Town of Purcellville is in agreement with these established benchmarks which has taken into consideration the advice of Dr. David Goodfriend of the Loudoun County Health Department and the guidelines as set by the Centers for Disease Control and Prevention.

**A RESOLUTION: A RESOLUTION DELINEATING THE BENCHMARKS TO TERMINATE THE TOWN COUNCIL
DECLARATION OF A STATE OF EMERGENCY ASSOCIATED WITH THE COVID PANDEMIC**

NOW THEREFORE BE IT RESOLVED that the Purcellville Town Council establish a metric for ending its' local State of Emergency which would be 8% or less of a positivity rate and no more than 50 positive cases per 100,000 population per day as reported by the Loudoun County Department of Health.

BE IT FURTHER RESOLVED, that a copy of this Resolution be forward all members Purcellville Committees, Commissions, and Boards and a copy to the Town Manager for distribution to all employees.

PASSED THIS 8th DAY OF FEBUARY, 2022.


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.
Erin Rayner
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**TOWN OF PURCELLVILLE
IN
LOUDOUN COUNTY, VIRGINIA**

ORDINANCE NO. 22-02-02

**PRESENTED: FEBRUARY 8, 2022
ADOPTED: FEBRUARY 8, 2022**

AN ORDINANCE: ESTABLISHING FOR CALENDAR YEAR 2022 THE PERSONAL PROPERTY TAX RATES, THE PERSONAL PROPERTY TAX RELIEF RATE, AND THE VEHICLE LICENSE FEE; REPEAL OF CONFLICTING ORDINANCES AND RESOLUTIONS; ESTABLISHING SEVERABILITY AND SAVINGS CLAUSES; ESTABLISHING EFFECTIVE DATE

WHEREAS, Virginia Code § 58.1-3500 and Town Code Chapter 74 (Taxation), Article I (General), Section 74-1 (Annual levy; rate of taxes) authorize the Town of Purcellville, Virginia to levy and collect taxes on all tangible personal property, except household goods and effects, subject to certain conditions as provided by law; and

WHEREAS, Virginia Code § 58.1-3524 authorizes the Town to provide tangible personal property tax relief on qualifying vehicles; and

WHEREAS, the tax rates applicable to personal property are effective on a calendar-year basis, but are generally established in February of each calendar year for use in tax bill preparation and estimating Town tax revenues and budgeting.

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

SECTION I. Tangible Personal Property. That the calendar year 2022 tax rate on tangible personal property is hereby established to be:

- a. \$1.05 per \$100 of assessed value for all tangible personal property identified in Va. Code § 58.1-3503(A), subsections 1 through 13, which includes vehicles; and

AN ORDINANCE: ESTABLISHING FOR CALENDAR YEAR 2022 THE PERSONAL PROPERTY TAX RATES, THE PERSONAL PROPERTY TAX RELIEF RATE, AND THE VEHICLE LICENSE FEE; REPEAL OF CONFLICTING ORDINANCES AND RESOLUTIONS; ESTABLISHING SEVERABILITY AND SAVINGS CLAUSES; ESTABLISHING EFFECTIVE DATE

- b. \$0.55 per \$100 of assessed value for all non-vehicular tangible personal property that is used in business; and
- c. \$0.01 per \$100 of assessed value for the qualified tangible personal property of a qualified individual who actively serves as a volunteer member of a fire and rescue department in Loudoun County, as allowed by law; and
- d. \$0.525 per \$100 of assessed value, equivalent to 50% of the tangible personal property rate, for the qualified tangible personal property owned by certain elderly and disabled persons, as identified in VA Code §58.1-3506.1 et seq and determined by the Loudoun County Commissioner of Revenue.

SECTION II. Tax Relief. That tax relief shall be granted on the first \$20,000.00 of value of non-commercial vehicles qualified by law for such relief, and that such relief shall be calculated by discounting the tax obligation otherwise due on the first \$20,000 by 26%.

SECTION III. Vehicle License Fee. That the calendar year 2022 vehicle license fee is hereby established to be \$25.00 per vehicle in accordance with Loudoun County rates.

SECTION V. Repeal. That Ordinances 21-04-01 (Setting the Real Estate Tax Rate, the Personal Property Tax Rate, the Personal Property Tax Relief Rate and the Fireman's Field Service District Tax Rate for CY2020), as well as all other prior ordinances and resolutions in conflict herewith, are hereby repealed.

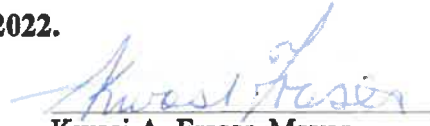
SECTION VI. Severability. That if a court of competent jurisdiction deems any provision of this ordinance to be invalid, such holding shall in no way affect the validity of the remaining sections or provisions of this ordinance, which shall remain in full force and effect.

SECTION VII. Savings Clause. That all ordinances repealed by this ordinance shall remain in full force and effect until the effective date of this ordinance. The repeal of ordinances hereunder shall not affect the authority of the Town to prosecute, punish or penalize any violation of such ordinances that occurred before the repeal hereunder takes effect.

SECTION VIII. Effective Date. That this ordinance shall be effective January 1, 2022.

AN ORDINANCE: ESTABLISHING FOR CALENDAR YEAR 2022 THE PERSONAL PROPERTY TAX RATES, THE PERSONAL PROPERTY TAX RELIEF RATE, AND THE VEHICLE LICENSE FEE; REPEAL OF CONFLICTING ORDINANCES AND RESOLUTIONS; ESTABLISHING SEVERABILITY AND SAVINGS CLAUSES; ESTABLISHING EFFECTIVE DATE

PASSED THIS 8TH DAY OF FEBRUARY, 2022.


Kwasi A. Fraser, Mayor
Town of Purcellville

ATTEST:


Diana Hays, Town Clerk

