

**MINUTES
PURCELLVILLE TOWN COUNCIL MEETING
TUESDAY, FEBRUARY 14, 2023, 6:00 PM
TOWN HALL COUNCIL CHAMBERS**

Meeting video can be found at the following link: <https://purcellvilleva.new.swagit.com/videos/208341>

COUNCIL MEMBERS PRESENT: Mayor Stanley Milan, Mary Jane Williams, Carol Luke, Ron Rise, Vice Mayor Christopher Bertaut, Boo Bennett, Erin Rayner

STAFF PRESENT: Town Attorney Sally Hankins, Director of Engineering, Planning & Economic Development Dale Lehnig, Director of Public Works Jason Didawick, Director of Finance Elizabeth Krens, Director of Human Resources Sharon Rauch, Asset Management Coordinator Josh Goff, Police Department Chief Cynthia McAlister, Town Clerk/Executive Assistant Diana Hays, Deputy Town Clerk Kimberly Bandy

CALL TO ORDER:

Mayor Milan called the meeting to order at 6:00 PM. The Pledge of Allegiance followed.

AGENDA AMENDMENTS/APPROVAL

Council member Williams requested to defer 11c. and 11d. to the next meeting.

Council member Bennet requested to move Consent Agenda item 5c. to Discussion new 11c.

Mayor Milan moved Closed Session to follow Citizen/Business Comments.

CONSENT AGENDA

- a. **Approval of Meeting Minutes - January 24, 2023 Work Session**
- b. **Approval of Meeting Minutes - January 27, 2023 Special**

Council member Williams moved that the Town Council approve the consent agenda items 5a-b. as presented in the February 14, 2023 Town Council Meeting agenda packet.

(Carried: 7-0, Rayner: Aye, Bennett: Aye, Bertaut: Aye, Rise: Aye, Luke: Aye, Williams: Aye; Milan: Aye)

RECOGNITION

Mr. Dan Piper was recognized for his 17 years of service as a member to the Board of Architectural Review of Purcellville.

PRESENTATION:

- a. **Visit Loudoun Marketing & Tourism Update-Beth Erickson**

CITIZEN COMMENTS:

Loretta Speckheart, 304 Burnleigh Court, commented not to be in favour of 7/690 Interchange.
(On file at the Clerk's office)

Caitlyn Serotkin, 841 Pencoast Drive, commented on Town Council inactions in regards to County projects for the Town of Purcellville have caused the County to cancel permits, the Woodgrove entrance is needed, and questioned where will funding come from for the second entrance/exit for Mayfair.

Tony Souvaxis, 131 S. 9th Street and 30 year Business Owner El Rancho 101 S. Maple Drive, shared concern for the parking issue created by a new business opening and requesting 12 assigned parking spaces.

Christine Green, 229 Upper Heyford Place, commented on tourism presentation regarding retention of open spaces, possible new Western Loudoun facility like Claude Moore in moving sports fields to this cite, and the need for a 2nd entrance to Woodgrove and exit/entrance for Mayfair proposed by Lloyd Harting.

Bart Polizotto, 405 Rockburn Court, shared a concern for flooding of the Catoctin Creek level rising in the common area of Catoctin Meadows.

Mayor Milan requested to add the topic of writ of mandamus representation thereof, to the closed session. The Town Attorney shared that it would need to be discussed in an open meeting.

CLOSED SESSION

Vice Mayor Bertaut moved that, as authorized under Section 2.2.-3711(A)(1) of the Code of Virginia, that Town Council convene in a closed meeting to discuss and consider the employment contract of an existing employee of the public body. All Town Council members and the Director of Human Resources are requested to attend the closed meeting.

(Carried: 7-0, Rayner: Aye, Bennett: Aye, Bertaut: Aye, Rise: Aye, Luke: Aye, Williams: Aye; Milan: Aye)

Mayor Milan made a request to leave behind cell phones.

In accordance with Section §2.2-3712 of the Code of Virginia, Council member Williams 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, Rayner: Aye, Bennett: Aye, Bertaut: Aye, Rise: Aye, Luke: Aye, Williams: Aye; Milan: Aye)

ACTION:

Vice Mayor Bertaut shared the following statement:

"Since Council voted last Friday to accept the Town Manager's resignation, it has come to our attention that the parties did not have a mutual understanding of terms, and therefore further action is required. Because the Town Council does not wish to accept the conditions that were attached to the Town Manager's proffered resignation, the Town Council will instead elect to terminate the Town Manager's employment contract in accordance with its terms. Therefore:

Vice Mayor Bertaut moved that the Town Council terminate the Town Manager's Employment Agreement dated March 13, 2018, in accordance with its terms. Those terms include:

1. A 60-day written notice period, commencing February 14th and extending through April 15, 2023, with the Town Manager to spend such period on Paid Administrative Leave; and
2. A lump sum payment to be paid by the Town promptly after the Administrative Leave period ends, equal to:
 - a. Severance Pay equal to six months of the Town Manager's current annual base salary, PLUS
 - b. A payout of 157 hours of accumulated annual leave, to be paid at the Town Manager's current base salary; and
3. Town-paid dual health insurance coverages from February 14, 2023, through April 30, 2023, maintaining the same policy & coverage elections as were in existence on February 14, 2023; and
4. Town-paid employee-only COBRA continuation of the Town Manager's health insurance coverages, from May 1, 2023, through October 31, 2023."

(Carried: 7-0, Rayner: Aye, Bennett: Aye, Bertaut: Aye, Rise: Aye, Luke: Aye, Williams: Aye; Milan: Aye)

MAYOR AND COUNCIL COMMENTS

Council member Williams commented on gratitude of staff and Council member Rayner for arranging the February 8th VRSA Civility to Promote Trust in Local Government, gratitude towards entire staff for their hard work, reminder Rock the Rink this weekend with thanks to Parks and Recreation, and lessons from the meeting February 8th ; think before you speak. Council member Luke thanked Damon Cable for his correspondence to Town Council and support for nature and the need to take care of what we have.

Council member Rise thanked the citizens on their presence at the 7/690 Information meeting and Council is working towards a solution for all parties.

Council member Rayner commented on Special Election governing with accordance of the law and this should be upheld by Council.

Council member Bennett shared Happy St. Valentines Day.

Vice Mayor Bertaut marked the start of the budget proceedings for the Town and looking to get best value for residents, reference of sports field application and extension period, priority of the Woodgrove exit, and disagrees with the criminal liability of the writ of mandamus.

Mayor Milan commented on addressing staff concerns which seems to not be enough, advice given by the Town Attorney regarding the Special Election and how it was handled, the conflict of interest investigation regarding a father/son serving the town, the Civility Training which was held February 8th, and shared having a conversation with Congresswoman Wexton regarding 7/690 Interchange and better for efforts to be made to 7/287.

Sally Hankins, Town Attorney, made a statement in regards to being consistent with her legal advice on the subject of the Special Election which has been in writing and given thrice.

ACTION ITEM(S):

a. Adoption of 2023 Personal Property Tax Rates

Elizabeth Krens, Director of Finance, gave the report. The staff recommends the tax rates are of no change from the prior year. The ordinance 23-02-01 will need to be voted upon this evening, according to the Memorandum of Agreement with the County, personnel must set the 2023 personal property tax rates by the end of February, so the County can prepare and issue the combined tax bills in early April for a May 5th due date.

Council member Rayner moved that the Town Council adopt Ordinance No. 23-02-01, establishing for calendar year 2023 the tangible personal property tax rates and the vehicle license fee.

(Carried: 7-0 , Rayner: Aye, Bennett: Aye, Bertaut: Aye, Rise: Aye, Luke: Aye, Williams: Aye; Milan: Aye)

b. Special Election to Fill Town Council Vacancy-Petition Loudoun County Circuit Court for Writ of Election

Sally Hankins, Town Attorney, gave the report and referenced the staff report included in the agenda packet. Mayor Milan questioned if there was no vote on this item to petition the court for a special election along with challenging the statute against the charter, what would be the risk. Ms. Hankins explained she would need to recuse herself and could only represent the Council as a whole. Since she had given advice as an attorney that contradicts what members of the Council are seeking, each Town Council member will need their own private legal representation. After some discussion, Ms. Hankins advised to correct the mistake, petition the court for the special election. There had been no irreparable harm done yet because the election can still occur and there is still time, the filing deadline is in August for candidates.

Mayor Milan requested a recess until 8:00pm.

Council member Rise moved that Town Council direct the Town Attorney to petition the Loudoun County Circuit Court for a Writ of Special Election to occur on November 7, 2023, for the purpose of filling the vacancy created on January 1, 2023 by the resignation of Mayor Milan from his council seat. The petition shall note that Town Council has temporarily filled the vacancy with the appointment of Ron Rise Jr., who shall occupy the seat until the Special Election has been conducted and the person so elected has qualified.

(Carried: 7-0, Rayner: Aye, Bennett: Aye, Bertaut: Aye, Rise: Aye, Luke: Aye, Williams: Aye; Milan: Aye)

DISCUSSION/INFORMATIONAL ITEM(S):

a. Proposed Budget Amendment to be Presented for Aberdeen Property

Dale Lehnig, Director of Engineering, Planning & Development, introduced the report. Joshua Goff, Assets Management Coordinator, gave a more detailed report that was shared at the December 13, 2022 Town Council Meeting. The property at a minimum should be closed in and weatherproofed. An important point was made by the Virginia Department of Historic Resources (DHR) and the reference of until the known future use of this property there can be no action. (*referenced staff report*)

Council questioned grant money to be found and also the ARPA funds interest monies being accumulated and available for expenses. Ms. Lehnig suggested to bring back a budget amendment and possibly use ARPA Funds' interest. It was suggested that Hooper McCann, Director of Administration, be included on the conversation of using ARPA funds.

b. Proposed Budget Amendment for Preliminary Engineering Report and Assessment of Existing Water Plant

Jason Didawick, Director of Public Works, gave the report of this assessment being recommended for long term planning and asset management of the facility, identify recommendations of extending to a 30 year service life, and to allow to submit a funding application in April 2024 for the recent Bipartisan Infrastructure Legislation with the goal of securing grants and low interest loans for identified repairs/upgrades. It was 16 years ago the water plant was assessed to have a service life of approximately 20 more years. The updated report would evaluate costs of a new facility for reason of comparison. It was requested on pursuing a Request for Proposal (RFP) process. The completion of this survey would be a required step in applying for any grant money and it may be more efficient to pursue this through an on-call company rather than through an RFP and use staff time. A question was proposed if there is a ceiling for the grant money which remained unanswered and how was the \$100k determined by CHA. Vice Mayor Bertaut requested what the cost estimate would be for the process of an RFP and with staff time.

Council member Rayner moved the Town Council approve BA 23-027 to appropriate \$100,000 for the Water Treatment Plant Preliminary Engineering Report by use of \$75,000 in Water Reserves and \$25,000 from the FY23 Water Operating Budget.

Mayor Milan made a friendly amendment of 100,000 from Water Reserves instead of \$25,000 from the FY23 Water Operating Budget and was agreed.

Vice Mayor Bertaut would like to defer this vote until next meeting and have Interim Town Manager weigh-in.

(Failed: 2-5, Rayner: Aye, Bennett: Nay, Bertaut: Nay, Rise: Nay, Luke: Nay, Williams: Aye; Milan: Nay)

c. Stephan Mace Court Street Acceptance (*Moved from Consent agenda to Discussion item*)

Dale Lehnig, Director of Engineering, Planning & Development, gave the report. Josh Goff, Assets Management Coordinator, shared information on the inspection process. Stephan Mace Court was installed by a developer and inspected by the town which can now be accepted and registered with Virginia Department of Transportation (VDOT). The VDOT yearly funds are pulled together and can be used at the town's discretion on any project.

Council member Rise recommend that the Town Council approve Resolution 23-02-01 to request that Stephan Mace Court be added into the Urban Highway System for maintenance payments.

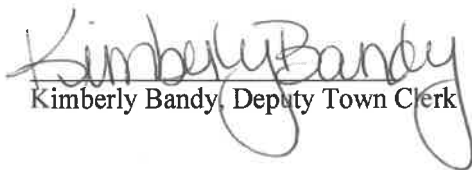
(**Carried: 7-0**, Rayner: Aye, Bennett: Aye, Bertaut: Aye, Rise: Aye, Luke: Aye, Williams: Aye; Milan: Aye)

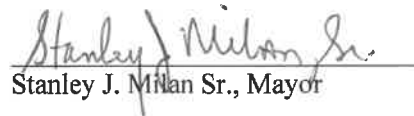
d. (Deferred to next meeting) Ethical Advocate Discussion on Expanding to Council and Committee, Commission and Board Members

e. (Deferred to next meeting) Future Town Council Meetings and Agenda Topics

ADJOURNMENT:

With no further business, Vice Mayor Bertaut made a motion to adjourn the meeting at 8:54 PM and carried (7-0).


Kimberly Bandy, Deputy Town Clerk


Stanley J. Milan Sr., Mayor

Mayor
Stanley J. Milan, Sr.

Council
Mary F. "Boo" Bennett
Christopher Bertaut
Carol Luke
Erin Rayner
Ronald B. Rise Jr.
Mary Jane Williams



Interim Town Manager
John Anzivino

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

ORDINANCE NO. 23-02-01

PRESENTED: FEBRUARY 14, 2023
ADOPTED: FEBRUARY 14, 2023

AN ORDINANCE: ESTABLISHING FOR CALENDAR YEAR 2023 THE PERSONAL PROPERTY TAX RATES 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 2023 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
- b. \$0.55 per \$100 of assessed value for all non-vehicular tangible personal property that is used in business; and

AN ORDINANCE:

ESTABLISHING FOR CALENDAR YEAR 2023 THE PERSONAL PROPERTY TAX RATES AND THE VEHICLE LICENSE FEE; REPEAL OF CONFLICTING ORDINANCES AND RESOLUTIONS; ESTABLISHING SEVERABILITY AND SAVINGS CLAUSES; ESTABLISHING EFFECTIVE DATE

- 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.

SECTION III. Vehicle License Fee. That the calendar year 2023 vehicle license fee is hereby established to be \$25.00 per vehicle in accordance with Loudoun County rates.

SECTION V.

Repeal. That Ordinances 22-02-02 (Setting the Personal Property Tax Rate, the Personal Property Tax Relief Rate and the Vehicle License Fee for CY2022), 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, 2023.

PASSED THIS 14th DAY OF FEBRUARY, 2023


Stanley J. Milan, Sr., Mayor

ATTEST:


Diana Hays, Town Clerk

Mayor
Stanley J. Milan, Sr.

Interim Town Manager
John Anzivino

Council
Mary F. "Boo" Bennett
Christopher Bertaut
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**TOWN OF PURCELLVILLE
IN
LOUDOUN COUNTY, VIRGINIA**

RESOLUTION NO. 23-02-01

**PRESENTED: FEBRUARY 14, 2023
ADOPTED: FEBRUARY 14, 2023**

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

WHEREAS, construction is complete on one new roadway, it is 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 street 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 14th DAY OF FEBRUARY, 2023.



Stanley J. Milan, Sr., Mayor
Town of Purcellville

ATTEST:



Diana Hays, Town Clerk

