

MINUTES
PURCELLVILLE TOWN COUNCIL MEETING WORK SESSION
TUESDAY, MARCH 28, 2023, 6:00 PM
TOWN HALL COUNCIL CHAMBERS

Meeting video can be found at the following link: <https://purcellvilleva.new.swagit.com/videos/222993>

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

COUNCIL MEMBERS ABSENT: Ron Rise, Jr. (*For medical reasons*)

STAFF PRESENT: Interim Town Manager John Anzivino, Director of Administration Hooper McCann, Director of Finance Elizabeth Krens, Director of Human Resources Sharon Rauch, Police Department Deputy Chief David Dailey, Assistant Director of Finance Connie LeMarr, Contracts and Insurance Counsel Marty Kloeden, Division Manager Parks and Recreation Amie Ware, Capital Projects Coordinator Jessica Keller, Facilities Specialist Bob Dryden, Town Clerk/Executive Assistant Diana Hays, Deputy Town Clerk Kimberly Bandy

CALL TO ORDER:

Mayor Milan called the meeting to order at 6:01 PM. The Pledge of Allegiance followed.

AMENDMENTS:

None

CONSENT AGENDA:

- a. Approval of Meeting Minutes - March 9, 2023 Special
- b. Approval of Meeting Minutes - March 14, 2023
- c. Approval of Meeting Minutes - March 15, 2023 Special
- d. Approval of Meeting Minutes - March 22, 2023 Special

Council member Williams moved that the Town Council approve the Consent Agenda 5a.- d as presented in the March 28, 2023 Town Council Meeting Work Session agenda packet.

(**Carried: 6-0-1 Absent**, Rayner: Aye, Bennett: Aye, Bertaut: Aye, Rise: Absent, Luke: Aye, Williams: Aye; Milan: Aye)

CITIZEN COMMENTS:

None

MAYOR AND COUNCIL COMMENTS

Council member Williams thanked Amie Ware for coordinating the Arts Reception.

Council member Luke thanked Jason Didawick, Director of Public Works, on the tour of Aberdeen Property and was able to speak with Ms. Brown on her research. She looks forward to moving on applying for the permit of financing by the end of April.

Council member Rayner shared attending the National League of Cities Congressional City Conference in DC and attending a Water Equity Seminar that was offered which spoke of Local Infrastructure Hub. She shared being signed up for training in learning about grants and encouraged other Council members to do the same.

Council member Bennett made no comment.

Vice Mayor Bertaut thanked staff for budget package of information being coordinated and distributed and encouraged fellow Council members to send questions to staff ahead of time. The budget will be gone through in detail. He thanked the Police Department for acting upon the Blue Ride Middle School lock down. He mentioned the 7/690 Interchange and receiving emails on it's approval and shared that the only approval/disapproval needed was for the east bound portion Route 7 exit ramp and the rest is on the County. He also mentioned VDOT communication on this project on right of way and concern for the flood plain.

Mayor Milan echoed Vice Mayor Bertaut comments and shared the distraction of social media posts. He shared the National League of Cities Training with all Town Council members and access to types of grants which would need to be worked out with staff on coordinating efforts for submissions. He showed concern for the floor of the Tabernacle after the Kids Closet Event.

John Anzivino, Interim Town Manager, addressed the Mayor's concern on the condition of the floor of the Bush Tabernacle and how best to protect the floor. Mr. Anzivino shared that he and Bob Dryden had seen the recent results of a Zamboni machine cleaning the floor and addressing how to better preserve the floor with its manufacturer.

ACTION ITEM(S):

**a. Council to Adopt Ordinance for "2023 Real Estate Property Tax Rates"
(Includes Fireman's Field Tax District) for County Tax Bill Preparation**

Elizabeth Krens, Director of Finance, gave the report. After review of the staff report, further discussion and Council questions, Mr. Anzivino recommended to Council to want to equalize, but would suggest to go no further than 20% per hundred.

Mayor Milan conducted a straw vote amongst Council to go to \$.21 or \$.20. It was a draw with Council member Williams, Council member Rayner, and Council member Luke for \$.21 and Council member Bennett, Vice Mayor Bertaut, and Mayor Milan for \$.20.

Council member Rayner moved that the Town Council adopt Ordinance No. 23-03-01, establishing for calendar year 2023 the Real Estate Tax rate of \$0.21 and the Fireman's Field Service District Tax rate of \$0.03

(Carried 3-3-1 Absent, Rayner: Aye, Bennett: Nay, Bertaut: Nay, Rise: Absent, Luke: Aye, Williams: Aye; Milan: Nay)

Motion failed.

Vice Mayor Bertaut moved that the Town Council adopt Ordinance No. 23-03-01, establishing for calendar year 2023 the Real Estate Tax rate of \$0.205 and the Fireman's Field Service District Tax rate of \$0.03

(Carried 5-1-1 Absent, Rayner: Aye, Bennett: Aye, Bertaut: Aye, Rise: Absent, Luke: Aye, Williams: Nay; Milan: Aye)

b. Requested Extension of Interim Zoning Administrator's Agreement

John Anzivino gave the report. He shared that he would provide Council with a regular monthly update next week on the Zoning Administrator's activity. Sharon Rauch, Director of Human Resources, shared there were eight applicants submitted for the Planning position and one applicant was interviewed twice and she was trying to secure time for a second candidate to be interviewed.

Council member Williams moved that the Town Council reappoint Martha Mason Semmes to serve as the Interim Zoning Administrator for the Town of Purcellville, effective April 1 through July 31, 2023.

(Carried 6-0-1 Absent, Rayner: Aye, Bennett: Aye, Bertaut: Aye, Rise: Absent, Luke: Aye, Williams: Aye; Milan: Aye)

c. Bush Tabernacle Work Group Update on Contract/RFP

Council member Rayner gave the report and requested to rescind the nonrenewal notice of the SAE contract and keep the Tabernacle open during the summer/winter to continue to create revenue for the town. She shared there is more time needed to create a full scope RFP. Amie Ware, Manager of Parks and Recreation, shared additional information on the Parks and Recreation Advisory Board (PRAB)/Economics Development Advisory Committee (EDAC) work group meetings where the RFP was discussed. Marty Kloeden, Contracts and Insurance Counsel, continued to share information on the suggested process for reconsidering the SAE contract while moving forward with an RFP with a timeline in mind to reach March 2024 to have more flexibility.

Mayor Milan suggested to table this item for a later date for further discussion at a meeting in April/May. The Mayor had sent an example of an RFP for the Tabernacle which now would need the inclusion of Dillons Woods. Hooper McCann, Director of Administration, requested direction be given to the PRAB/EDAC work group. Mayor shared that his expectations were to see revenue generated opportunities, maintain the eight events that the town can interject through the inclusion of Dillons Woods, how the Tabernacle and Dillons Woods combined would create more revenue from the Wine and Food Festival, and possible use of the outbuildings as rental income. Vice Mayor Bertaut suggested that there should be no vote this evening and this be brought back for action in April after the contract has been worked through with SAE. Mayor

Milan asked if staff had spoken to SAE in which the manager of SAE had shared a favorable response to this idea. Ms. Ware will have an answer from Mr. Alexander within the week.

d. Participation in Proposed National Opioid Settlement

John Anzivino gave the report. Vice Mayor Bertaut shared with Mr. Anzivino to look into testing for opioid metabolites in the town system.

Council member Luke moved that the Town Council adopt Resolution 22-03-02 approving of the Town's participation in the proposed settlement of opioid-related claims against Teva, Allergan, Walmart, Walgreens, CVS and their related corporate entities, and direct the Town's outside counsel to execute the documents necessary to effectuate the Town's participation in the settlements.

(Carried 6-0-1 Absent, Rayner: Aye, Bennett: Aye, Bertaut: Aye, Rise: Absent, Luke: Aye, Williams: Aye; Milan: Aye)

DISCUSSION/INFORMATIONAL ITEM(S):

a. General Budget Discussion

John Anzivino, Interim Town Manager, gave the report. Staff will send an email to Council prior to each budget meeting work session pin pointing the section of the budget discussion planned for the meeting. As questions are asked of staff they will be recorded and addressed by staff in a Q&A document.

MOTION TO CONVENE A CLOSED MEETING

As authorized under Sections 2.2-3711(A)(3) and 2.2-3711(A)(7) of the Code of Virginia, Vice Mayor Bertaut moved that the Purcellville Town Council convene in a closed meeting for consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body. Specifically, the Council will receive a briefing regarding the acquisition of easements for the 12th Street drainage and roadway improvements project. The following are requested to attend the closed meeting:

- 1) All Town Council members
- 2) John Anzivino, Interim Town Manager
- 3) Dale Lehnig, Director of Engineering, Planning and Development (*via phone*)
- 4) Jessica Keller, Capital Projects Coordinator

Vice Mayor Bertaut further moved as authorized under Section 2.2-3711(A)(29) of the Code of Virginia that Council convene in a closed meeting to discuss the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body. Specifically, the Council will review contracts for interim legal services. The following are requested to attend this portion of the closed meeting:

- 1) All Town Council members
- 2) John Anzivino, Interim Town Manager

(Carried: 6-0-1 Absent, Rayner: Aye, Bennett: Aye, Bertaut: Aye, Rise: Absent, Luke: Aye, Williams: Aye; Milan: Aye)

MOTION TO CERTIFY THE CLOSED MEETING

In accordance with Section §2.2-3712 of the Code of Virginia, Council member Williams made a motion 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: 6-0-1 absent, Rayner: Aye, Bennett: Aye, Bertaut: Aye, Rise: Absent, Luke: Aye, Williams: Aye; Milan: Aye)

ADJOURNMENT:

With no further business, Vice Mayor Bertaut made a motion to adjourn the meeting at 8:24 PM and the motion carried.


Kimberly Bandy, Deputy Town Clerk


Stanley J. Milan Sr., Mayor

Mayor
Stanley J. Milan, Sr.

Interim Town Manager
John Anzivino

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



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

RESOLUTION NO. 23-03-02

**PRESENTED: MARCH 28, 2023
ADOPTED: MARCH 28, 2023**

A RESOLUTION: APPROVING OF THE TOWN OF PURCELLVILLE'S PARTICIPATION IN THE PROPOSED SETTLEMENT OF OPIOID-RELATED CLAIMS AGAINST TEVA, ALLERGAN, WALMART, WALGREENS, CVS, AND THEIR RELATED CORPORATE ENTITIES, AND DIRECT THE TOWN'S ATTORNEY AND/OR THE TOWN'S OUTSIDE COUNSEL TO EXECUTE THE DOCUMENTS NECESSARY TO EFFECTUATE THE TOWN'S PARTICIPATION IN THE SETTLEMENTS

WHEREAS, the opioid epidemic that has cost thousands of human lives across the country also impacts the Commonwealth of Virginia and its cities, towns, and counties by adversely impacting the delivery of emergency medical, law enforcement, criminal justice, mental health and substance abuse services, and other services; and


WHEREAS, the Commonwealth of Virginia and its cities, towns, and counties have been required and will continue to be required to allocate substantial taxpayer dollars, resources, staff energy and time to address the damage the opioid epidemic has caused and continues to cause the citizens of the Commonwealth of Virginia; and

WHEREAS, settlement proposals have been negotiated that will cause Teva, Allergan, Walmart, Walgreens, and CVS to pay billions to state and local governments nationwide to resolve opioid-related claims against them; and

NOW THEREFORE BE IT RESOLVED, that the Purcellville Town Council approves the Town's participation in the proposed settlement of opioid-related claims against Teva, Allergan, Walmart, Walgreens, and CVS, and their related corporate entities, and directs the Town's outside counsel to execute the documents necessary to effectuate the Town's participation in the settlements, including the required release of claims against settling entities.

A RESOLUTION: APPROVING OF THE TOWN OF PURCELLVILLE'S PARTICIPATION IN THE PROPOSED SETTLEMENT OF OPIOID-RELATED CLAIMS AGAINST TEVA, ALLERGAN, WALMART, WALGREENS, CVS, AND THEIR RELATED CORPORATE ENTITIES, AND DIRECTING THE TOWN'S ATTORNEY AND/OR THE TOWN'S OUTSIDE COUNSEL TO EXECUTE THE DOCUMENTS NECESSARY TO EFFECTUATE THE TOWN'S PARTICIPATION IN THE SETTLEMENTS

PASSED THIS 28th DAY OF MARCH, 2023.


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


Diana Hays, Town Clerk

