

**PURCELLVILLE TOWN COUNCIL SPECIAL MEETING  
THURSDAY, JANUARY 30, 2020, 7:00 P.M.  
TOWN HALL COUNCIL CHAMBERS**

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The Special Meeting of the Purcellville Town Council convened at 7:00 P.M. in Council Chambers with the following in attendance:

**PRESENT:** Kwasi Fraser, Mayor  
Tip Stinnette, Council member/Vice Mayor  
Joel Grewe, Council member  
Nedim Ogelman, Council member (late arrival 7:09pm)  
Ted Greenly, Council member

**ABSENT:** Chris Bledsoe, Council member  
Ryan Cool, Council member

**STAFF:** David Mekarski, Town Manager  
Sally Hankins, Town Attorney  
Patrick Sullivan, Director of Community Development and Zoning  
Andrew Conlon, Senior Planner  
Diana Hays, Town Clerk/Executive Assistant

**CALL TO ORDER:**

Mayor Fraser called the meeting to order at 7:00 P.M. Mayor Fraser stated that this is our Special Town Council Meeting. The Pledge of Allegiance followed. He asked those present to remain standing to remember Kimberly Merline, a long-time resident of the county who passed away over the weekend.

**CITIZEN/BUSINESS COMMENT(S):**

Mayor Fraser noted that there was one request to comment submitted, but that the citizen, Nan Forbes, was not present.

Later in the meeting, Sam Brown of 37883 East Main Street addressed the members of the town council and visitors. Sam Brown commented that during the public comments' session of the comprehensive plan workshop on 22<sup>nd</sup> January 2020, the representative for the owner of a neighbouring property made a comment that the buildings on his property were dilapidated. Sam Brown remarked that this wasn't true, quoting Webster's New World Dictionary, which defines 'dilapidate' as 'falling to pieces and broken down'. Sam Brown stated that none of the buildings on his property match this description, noting that the A-frame at the Southern Inn is used for farm equipment storage, the cinder block and frame building next to Druhan Boulevard holds supplies for the business, and a workshop for the production of Christmas trees. Sam Brown continued that the building next to route 7 and across from Harris Teeter contains cider room production, a sales room and a wine tasting room. Sam Brown stated that any member of the panel would be welcome for a tour of the premises.

**DISCUSSION/INFORMATIONAL ITEMS:**

**a. Plan Purcellville Comprehensive Plan, Version 6.0-Review of Council Matrix**

David Mekarski noted that they would be going through the accepted items to see if the council was in agreement with all the acceptances and to see if any deliberation were required.

Council member Stinnette first referred to page 84 in the comprehensive plan. Council member Stinnette commented that they needed to add the nutrient credit initiative at Aberdeen and in general. Council member

Stinnette asked if they want to be designated as a municipal separate storm sewer system. Sally Hankins, Town Attorney, confirmed that they would prefer not to be as it comes with a lot of expensive regulations. Council member Stinnette asked if they could include language that foreshadows what is being done with the nutrient credits. David Mekarski stated that this would be to maximise the economic value of the Aberdeen through the sale of nutrient credits per the procedures set forth. Council member Stinnette requested that Diana Hays, Town Clerk/Executive Assistant, and Andy Conlon, Senior Planner, create a new line 342 on the change matrix, referring to page 85, item 17, and to add language that foreshadows the nutrient credit and carbon-offsetting programme. It was highlighted that the wording was already set out on line 274.

Council member Stinnette proposed that they go through each item on the first page, commenting that editorial items wouldn't need time spent on them.

Council member Stinnette noted no comments in the room regarding lines 3 and 4.

Council member Stinnette next looked to line 5, confirming that Mayor Fraser's comment had been accepted.

Council member Grewe confirmed that line 6 was regarding the ongoing history and was fine. Council member Stinnette asked if the passive voice comment had been addressed in relation to the use of 'planning team'. Mayor Fraser commented that they appeared to have gone with a hybrid. Council member Grewe confirmed that when a decision is made, it is made by the planning team, but when the document is acting or speaking, it's the plan.

Council member Stinnette noted that lines 7-12 had been accepted.

Council member Stinnette asked Diana Hays, Town Clerk/Executive Assistant, if she was putting the council resolution in the H column. Diana Hays confirmed this was being put in the G column.

Council member Stinnette noted that line 13 had been passed and 14 had been accepted.

Council member Ogelman joined the meeting and Council member Stinnette confirmed the passive voice rule set as discussed regarding line 6. Council member Ogelman accepted this.

Council member Stinnette noted that line 16 had been accepted. Mayor Fraser asked if they were still awaiting Council member Ogelman's comments in column G. Council member Stinnette confirmed that Council member Ogelman's comment was in relation to Pucan (ph) language. Council member Ogelman stated that he made a similar comment to Mayor Fraser and that they had dealt with his part of the comment, which was in relation to the community feedback for the Comprehensive Plan. Council member Stinnette confirmed that they could merge the comment further on with this and that this would address the feedback. Council member Ogelman suggested that they add the sentence on row 14 to the end of Mayor Fraser's comment. Council member Stinnette confirmed that they would take the agreed language from line 14 and add in Mayor Fraser's comments at the end.

Council member Stinnette next looked to line 17 and confirmed that Council member Ogelman's comment had been accepted. Council member Stinnette confirmed that Mayor Fraser's comment for line 19 had also been accepted. Council member Stinnette noted that lines 20 and 21 had also been accepted. Lines 35-37 were also accepted. Line 39-44 were also accepted.

Council member Grewe asked to return to lines 33 and 34, commenting that he would like to see as part of the goals in part 8 to include ensuring they have a robust enough economic base to afford all the mentioned goals. Council member Grewe stated that he wasn't requesting they put something in about how they do these things, but that he felt the annual costs of services to the town need to be factored into the calculations. Council member Stinnette first looked at line 33, bullet 10, and Council member Grewe's comment asking what led them to believe this was being forced on the community. Council member Grewe stated that this was language pushed to its limit and that he would like to reflect that they are acting as the town. Council

member Stinnette confirmed that they would remove 'maximum extent possible must be encouraged', which Council member Grewe accepted.

Mayor Fraser paused proceedings to return to citizen and business comments, as referenced in agenda point 4.

Council member Stinnette returned to the comprehensive plan, referring to page 72, economic development. Council member Stinnette noted that Council member Grewe has proposed a bullet point on the goals. Council member Grewe suggested that they could keep the opening of the old paragraph where it states 'economic development is important to the community to minimize the tax burden on the residents and ensure continuation of high-quality services to the town.' Council member Grewe stated that they need to show they are thinking through the fiscal implications of the goals. Council member Ogelman commented that this was similar to the discussion about the monetisation of resources, especially in the sense that this suggests a way forward. Council member Ogelman stated that he was okay to say the town should do its best to find ways to avoid taxing citizens more and raising rates but wondered if this just needed to be an acknowledgement. Council member Grewe commented that he was looking to be aligned with page 8, where many don't have solutions, but if they are to list the priorities of the town, they need the capacity to be able to do this without being forced into the position. Council member Stinnette suggested that the new goal would be 'to sustain Purcellville's quality of life and to maintain fiscal stewardship as well as the commitment to identifying and discussing future revenue options and opportunities.' The council agreed to the wording.

Council member Ogelman noted that there are 2 ways to take the financial pressure off, to find the other sources of revenue and to consider efficiencies. Council member Stinnette stated that this was captured under the future revenue options, opportunities and stewardship.

Council member Stinnette next looked at lines 45-48, which were all accepted, as well as 54 and 55. Council member Stinnette noted that lines 56 and 58 had been accepted, as were lines 61 and 62.

Council member Stinnette referred to lines 63 and 64, which had been adjudicated.

Council member Grewe requested to return to line 61, noting the Wikipedia quote, the passage from Fodor's, and the annual report. Council member Stinnette stated that this was added to the next to last paragraph. Council member Grewe commented that he was uncomfortable with it pushing data to be pejorative and that he felt it was written in a way that it could be interpreted as undermining the credibility of the information. Council member Grewe continued that he felt putting in commentary on the source of the data made him uncomfortable, adding that instead they could show that there are sources on both sides. Mayor Fraser asked Council member Grewe to confirm what he felt was undermining the data. Council member Grewe noted the comment regarding the Urban Land Institute wasn't necessary to the information it was conveying. Council member Ogelman commented that he wasn't willing to accept the Urban Land Institute as authoritative as a source for saying this and that the sourcing was included for transparency. Council member Ogelman stated that his alternative would be to strip the statements that are based on what the Urban Land Institute is saying. Council member Grewe replied that they could state 'studies estimate housing' and then keep the last line as he felt this included a diversified level of perspective. Council member Ogelman remarked that he was unwilling to accept the statements with the degree of certainty being given.

Looking at page 18 of the comprehensive plan, the second to last paragraph, Council member Stinnette suggested 'a high demand combined with increasingly limited supply means that housing affordability in Purcellville could be negatively affected. As demand increases, what supply lags behind demand, housing values and cost will increase.' Council member Stinnette then noted the next 2 sentences would be deleted. The next sentence would then be, 'The external pressures of housing demand and affordability are significant challenges to be addressed in order to preserve and protect the unique thriving and diverse small-town character.' Council member Grewe agreed with the proposed wording. Council member Ogelman challenged that he didn't see where the supply-driven housing market has led to lower cost housing. Council member Grewe referred to an economic forum that he had attended with Mayor Fraser, explaining that a

team were working on Northern Virginia who were tracking an incident at Fairfax where they had built housing of a particular type and it started depressing housing prices as there was more supply than demand. Council member Grewe noted that they therefore had a local study on this and they could get the data if needed. Mayor Fraser commented that he didn't see where they were coming to this conclusion in their statements that the increase in supply would lower the cost. Council member Stinnette noted the third sentence, which he recommended be removed, referenced this. Council member Ogelman suggested that they say the housing values and cost will be likely to increase.

Council member Grewe noted line 62, raised by Council member Bledsoe, refers to the same issue, and that Council member Bledsoe had stated that affordability in Purcellville is negatively affected. Council member Grewe noted that if they accepted the change for line 61 then they would have to deny Council member Bledsoe's comments. Council member Ogelman stated that he was more comfortable saying that prices right now are negatively affected rather than forecasting that they would be. Council member Stinnette suggested 'the high demand combined with the increasingly limited supply means the housing affordability in Purcellville is negatively affected'. Council member Ogelman asked if these are the only 2 factors affecting it. Council member Stinnette responded that demand isn't yet at the point where they have satiated it from an economics perspective, which is why the statement works as it talks to demand increasing. Council member Stinnette continued that they could change the 'will' to 'is' in the first sentence, which would allow them to accept Council member Bledsoe's comments, and removing the 2 sentences would work with Council member Ogelman's comments.

Council member Stinnette next looked to lines 65-67, 71-73, 81, 82, 84, 87-91, 95 and 96 which were all accepted.

Council member Stinnette noted that no change was recommended for lines 97 and 98. Council member Stinnette noted that this was regarding Council member Ogelman's comments on the discussion of scale with buildings being limited to a maximum of 3 storeys. Council member Stinnette noted that this wasn't necessarily true across the municipality. Council member Grewe added that there is also a higher limit on certain types of agriculture buildings. Council member Ogelman responded that in Washington DC, by Council member Grewe's argument, the exception should be rule, and the Washington Monument ought to be the standard. Council member Ogelman commented that if they say the exceptions are the standard then they will cease to be monumental buildings and will instead be the benchmark for height. Council member Ogelman remarked that he felt that scale is the active citizen value that is brought to this. Council member Stinnette noted the second to last bullet gets to Council member Ogelman's point, which states that buildings should be limited, which the planning commission did. Council member Stinnette stated that the additional language comes from the ordinance. Council member Grewe agreed with Council member Ogelman's assessment of the logic regarding Washington DC and that he wouldn't want to apply it to Purcellville. Council member Stinnette asked if they had taken the language from the ordinance. David Mekarski remarked that the community was very upset at the scale of the square, which is 5 storeys at the rear.

Council member Stinnette stated that staff would need to pull up the ordinance as he was confident that the language had been taken from this. Mayor Fraser commented that he thought this was an aspirational document and asked if they were suppressing their ability to dream a vision by going back to the ordinance. Council member Stinnette responded that seeing the ordinance was passed 3-4 years ago, he felt this was thoroughly researched. Council member Grewe noted the amendment that buildings may be up to 45 feet in height except for any business building or part of such building that is located within 50 feet of any residential shall not exceed 35 feet. It was noted that the council had agreed that they wanted to encourage strong relationships between a building and its context, including public spaces and surrounding buildings, which was why the historic district is out of character of the form and size of the old downtown. A question was raised on whether there should be the rigidity of old-style special criteria in an aspirational document. David Mekarski noted they were going from Euclidian to form-based zoning, and that he believed the form-based zoning was providing a lot of potential flexibility for use. For this to work with what people want from the character of the town is for scale to be controlled. David Mekarski remarked that scale is the strictness

they need to appropriately harmonise the flexibility of the zoning with what citizens want. Council member Ogelman responded that a form-based code provides flexibility and restrictions.

Mayor Fraser referred to page 26 and the bullet starting with larger retail and commercial buildings, noting that the only difference in this from Council member Ogelman's statement is that Council member Ogelman took out the word 'larger'. Mayor Fraser asked Council member Ogelman if this was acceptable for this bullet. Council member Stinnette noted that no change was recommended by staff and council had agreed to accept this.

Council member Stinnette then looked to line 97, page 26, and that they agreed to accept Council member Ogelman's recommendation. Council member Stinnette noted that it should state that buildings should be limited to a maximum of 45 feet. Council member Ogelman remarked that what they adopted reverted to the standards that existed before they had been changed to be bigger. Council member Ogelman added that this is an aspirational document, and he would prefer the maximum height to be 3 storeys. Council member Stinnette responded that this was problematic as storeys can be different heights. It was agreed that the wording should state that buildings be limited to 3 stories and 45 feet. Council member Ogelman added that the aspiration was for different districts to be taken into consideration so this is an upper limit.

Council member Stinnette noted figure 49 on page 28, on which staff recommended no change. Council member Stinnette noted Council member Ogelman's comment that the building doesn't exist in Purcellville. Council member Stinnette stated that the Subway building was more suitable than McDonald's and requested that they get a picture of the Subway building. Council member Stinnette confirmed the change was adopted by council.

Council member Stinnette confirmed that lines 106-110, 112-114 and 123 were all accepted.

Council member Stinnette noted line 129, which was regarding using a more appropriate photograph. David Mekarski asked if they wished to suggest more appropriate photos. Council member Stinnette confirmed that this referred to figures 83 and 84 and Mayor Fraser's comments that it seemed like another community to which Mayor Fraser stated that it was Brooklyn, New York. David Mekarski suggested they could take photos of the multi-family places that they have. Council member Stinnette recommended they use the one opposite the high school and the one on Main Street. Council member Grewe asked if 84 was supposed to be an idea of a traditional building redevelopment and asked if they had an example of this in the town. Patrick Sullivan noted the building behind the Purcellville Diner, which Council member Stinnette didn't feel was aspirational. It was stated that if they are finding something that doesn't exist in town then it ought to have the character or flavour of the town. Mayor Fraser recommended they use the blue house by the traffic lights before 21<sup>st</sup>, and it was agreed that this would work.

Council member Stinnette confirmed that line 130 was accepted and noted that a rule set was defined for line 131 regarding the use of planning team and plan. Council member Stinnette stated that lines 136, 145-150, 152-156, 162, 163, 168, 169 176, 177, 181, 185, 191, 203-206, 209-213 were all accepted.

Looking at line 214, Council member Stinnette confirmed that when 'monetised' is used, they will insert an explanation behind it.

Council member Stinnette noted that lines 218-226 were all accepted. Patrick Sullivan requested to look at 221, noting that Mayor Fraser requested a new picture of the water tower, noting that the planning commission had decided not to credit anyone who put pictures in the plan, but the photographer of the submitted photo had asked to be credited in the plan. Council member Stinnette asked that they go and take a photo of the water tower. It was noted that the photo was good but that they don't want to source any photos. Mayor Fraser confirmed that he would go back and speak to the photographer and they would seek another photo if he didn't allow it to be used uncredited.

Council member Stinnette then looked to lines 227-229, which were all accepted.

Council member Stinnette noted line 233, which was accepted but to be a requirement it would have to be adopted as a zoning regulation.

Council member Grewe requested to discuss line 228, echoing Council member Ogelman's comment that they need to recognise the different combinations of funding. Council member Grewe stated that he didn't know if the date was particularly helpful and that they run into an issue on how all the money is used. Council member Grewe asked if they could simplify the point to reference this, including federal grants, as well as financing. Council member Grewe commented that he didn't find the date relevant for a forward-facing document. Council member Ogelman stated that his issue was putting in a statement about rising notably over the past 20 years without giving any context to what this is. Council member Ogelman confirmed this was in relation to the first clause of the third paragraph. Council member Stinnette noted that the second paragraph hadn't been changed and that Council member Ogelman was saying he changed it based on the language in the third. Council member Ogelman explained that citizens need the context of knowing why they have the challenge of a debt situation. Council member Grewe commented that David Mekarski's proposed replacement goes into more specific detail on the cost of water. Council member Stinnette responded that nowhere in the paragraph does it baseline the debt that they incurred in 2008 and that he felt there is value in putting a marker in the document to state they crossed the Rubicon in 2008 and how much it cost.

Council member Grewe commented that any broad strokes need to be as accurate as they can be without being broad enough to bore the reader, noting that the wastewater debt was \$35m, \$5m of which was for the secondary building and \$30m for the plant. It was noted that very little capital was put into water infrastructure, which is why the water capital was reduced. David Mekarski stated that he could work with Liz to get better facts on what was in 2008 and rewrite this. Council member Grewe accepted the proposal. Council member Stinnette added that they don't need to be so precise. Council member Grewe clarified that he was reacting to the comments relative to the context of the original draft of the plan from the planning commission and, in context, what was in place was better. Council member Stinnette commented that if staff were energised to do this then it would need to be pinned to wastewater.

Council member Stinnette confirmed that lines 233-235, 242, 243, 248-250, 252-255 were all accepted.

Council member Grewe noted that 254 related to a bullet already discussed, noting that they had received an email from Ed about the historical overlay. Council member Ogelman stated that the point he was trying to make was that there is an inventory of structures that are considered historical and that the town's overlay district didn't incorporate them. As an overlay district doesn't have to be contiguous, Council member Ogelman commented that he wanted to aspirationally make the historical district include all structures registered as historical. Council member Grewe asked if they could look to have it be obligatory to bind on the land and property owners relative to these or, if they are in the overlay, then they can choose to tie their property to this. Sally Hankins confirmed it would be a must once it's an overlay district in the zoning ordinance. Council member Ogelman noted that this wouldn't impact property values. Council member Grewe suggested that they examine the Purcellville historical overlay district to potentially include all structures, which would allow them to ensure the land and property owners bought into this and would go towards Council member Ogelman's aspirational goal.

Council member Ogelman commented that it says to consider initiating a process to include doing this. Council member Grewe confirmed that he was referring to Council member Ogelman's proposed edits that make this point more directive. Council member Ogelman stated that he agreed with the spirit of the recommendation. Council member Stinnette noted that they carefully put in the language seen in item 5. Council member Stinnette asked if Council member Ogelman's language needed to be put in when they already have item 5. Council member Ogelman felt that the language of item 5 captures this and wondered if they instead call them 'historically contributing structures' rather than 'all residential buildings.' Council member Grewe suggested the wording be 'could include historically contributing structures within the boundaries of Purcellville.' Sally Hankins suggested that they don't limit this to just the Purcellville historic

district as that would then have to be expanded to incorporate all historically relevant structures. Council member Stinnette recommended that they delete 'all residential buildings within the boundaries of Purcellville historic district' and replace it with 'historically contributing structures and entertain recommendations from relevant entities to expand in recognition of the historic buildings within the town.'

Council member Ogelman noted that he recommended on line 254 that bullet 5 be made bullet 1. This was accepted.

Council member Stinnette confirmed that the map for line 258 was accepted. Lines 260-264 were all accepted. Council member Grewe queried where the text on line 260 was being added. Council member Ogelman commented that he believed this was meant to be part of the cultural resources section, not historic. Mayor Fraser noted the 10 bullets on history, to which Council member Stinnette stated that these were recommendations. Council member Stinnette confirmed that Mayor Fraser's comment was to be inserted in the historical resources paragraph on page 80 before the recommendations. Council member Grewe requested that it be put between the line on national register and major routes.

Council member Grewe noted line 263, commenting that they were either adding a bullet or were refining bullet 2. Council member Stinnette confirmed that they were adding bullet 11 to advance efforts to convert portions of the Purcellville train station into a museum and welcome centre. Council member Ogelman noted that line 259 recommended that a bullet 11 be added and that therefore line 263 would be adding bullet 12, which Council member Stinnette confirmed.

Council member Stinnette confirmed that lines 265-269, 271 and 272 were accepted.

Council member Stinnette noted that staff had noted line 273. It was stated that the only disagreement was regarding item 4 to consider conducting a Greenhouse Study, which has been completed. It was noted that this had already been addressed to state 'update the Greenhouse Gas Study at regular intervals.'

It was confirmed that pictures were required for 271 and Mayor Fraser requested that a photo be pulled from the inventory.

Council member Stinnette confirmed that lines 275-277 were accepted.

Council member Stinnette noted line 280 and a request to update the text if it is out of date. Council member Grewe stated that these comments are now disconnected from the current version as they predate the matrix. It was agreed that this had already been discussed and the text was accurate.

Council member Stinnette confirmed that lines 282, 283, 287, 288, 290-294 were accepted.

Council member Stinnette next looked to line 295 and the comment that no change was required but a placeholder for a larger discussion regarding the characterisation of agricultural land, which Council member Stinnette noted had been covered.

Council member Stinnette confirmed that lines 296-299, 301-312, 316-317 were accepted.

Council member Stinnette noted line 318, raised by Council member Grewe, regarding the amendment process on page 101. Council member Stinnette noted that Council member Grewe commented it may be onerous for anyone including the town to undertake, to which staff replied that this is the process that currently exists. Council member Grewe commented on the breadth of the terminology and noted it had been discussed. Council member Grewe asked how exhaustive the process should be. Council member Stinnette confirmed that the sentence that leads into this states 'the following criteria should be included as evaluated as part of the comprehensive plan amendments.' Council member Stinnette stated that staff have an amendment checklist that provides greater fidelity. It was noted that this is part of the amendment process. Council member Grewe asked if this was different than the current standing amendment process, to which

Council member Stinnette confirmed this is the standard amendment process being used today. Council member Grewe accepted this. Council member Stinnette added that the document points to community development and what the process is. Council member Ogelman commented that he got comfort from the rigorous process. Council member Grewe confirmed that he just wanted to know there is a scope to the start and stop of the process, which there is, and that he was in favour of the topics remaining. It was confirmed that no change was required.

Council member Stinnette confirmed that lines 319, 320, 322-325, 331-333 were accepted.

Council member Stinnette next looked to line 337 and noted Council member Bledsoe's comment regarding that the copy distributed to council was poor quality with almost unreadable maps. It was confirmed that a better-quality document would be provided for the public and the comment was accepted.

Council member Stinnette confirmed that line 340 was accepted and that staff would address Council member Greenly's comment on 341.

Council member Stinnette noted that they had resolved the issues on the East End, Hirst East, West End and Browning, and confirmed that the maps had been updated. Council member Stinnette stated that there were some outstanding issues, with the first being that, after the public hearing, which would likely hear discussion on the agriculture tourism commercial land use, they would need to go back and make refinements to the definition. Council member Stinnette noted that once the zoning ordinance had been squared away, they will go back and run the amendment process to update the comprehensive plan with maximum square footage numbers.

Council member Stinnette confirmed that the next step for staff was to work with the consultant and use the matrix to create version 7.0 of the comprehensive plan that would be suitable for a public hearing. Council member Stinnette suggested that this be sent out to the community before the public hearing and that staff would have to certify the change matrix against the consultant's work on version 7.0. David Mekarski commented that he was unsure how much would be done with the consultant or if they would put together a working document. Patrick Sullivan stated that the consultants are talking up to 7<sup>th</sup> February and it was noted that the public hearing would be 11<sup>th</sup> February, so they would put together a working document and modify the documents via Word. Council member Stinnette asked AC and Patrick Sullivan if they could get this done in time. Patrick Sullivan commented that he was unsure. David Mekarski noted that there was a lot of editing and it was confirmed that the document isn't currently in Word.

Sally Hankins asked if the public hearing could be on version 6.0 as that is what was advertised. Council member Stinnette remarked that they had gone through and made changes to version 6.0 so the community needs to react to those changes. By not publicising the changes at the public hearing, they would have to run another once further changes are made. Sally Hankins stated that this would depend on how substantive the changes were and if this change could've been contemplated by the advertisement. Sally Hankins felt that land use changes were substantive and that they tried to anticipate that in the advertisement, but she didn't consider many of the wording changes as substantive. Sally Hankins confirmed that the change for agriculture tourism commercial was substantive, but it was advertised correctly. Council member Stinnette responded that they advertised 'agriculture-tourism-commercial' and they decided to change the title as well as a sentence, which was in the advertisement. Council member Stinnette stated that he was fine to present 6.0 as the certified copy and that the council matrix could be provided as an artefact, but the matrix would have to include everything, including the change for agriculture tourism commercial.

Sally Hankins commented that they got the ATC district advertised with the original language that was brought to the council and was then published. The wording was then revised with the residential part removed. David Mekarski noted that a straw poll wasn't held as it was suggested this would be taken up after the public hearing. Council member Stinnette noted that they were quorate and they had an agreement. Council member Stinnette recommended that they inform the community in advance of the public hearing of their intent to make the change to the land use beyond what was advertised. Council member Stinnette noted



that they took out the dashes from the name and stated that the sentence would read, 'This land use category blends a rural agricultural component with office, retail, cultural, institutional and tourism-oriented uses.' Council member Stinnette described this as a small change, but if the land is now designated that then it's a substantive change. Sally Hankins agreed with this. Council member Stinnette asked if they go to the public hearing based on version 6.0 of the advertisement and matrix whether they would need another public hearing for the land use. Sally Hankins confirmed that they would. Mayor Fraser stated that this wouldn't be the case if they could make all the changes and advertise it for the public hearing. David Mekarski stated that they wouldn't have time to do this due to the 2 publication dates. It was noted that they would have to advertise 3 weeks in advance and that this date had therefore passed.

Council member Stinnette stated that they would bust 90 days and that they wouldn't send this back to the planning commission. Council member Stinnette clarified that they would have the public hearing within the 90 days but they wouldn't have acted on this within the 90 days to include a public hearing so they would have to have another. David Mekarski stated that he didn't feel anyone would fault them for this. Sally Hankins agreed but stated that her recommendation would be that they get the planning commission to recertify the plan with no discussion as this certification would trigger the 90 days. Sally Hankins noted Council member Stinnette's suggestion that they don't adhere to the 90 days and see what happens, explaining that if someone challenged the validity of the comprehensive plan, one count put into the challenge would be that the plan wasn't validly adopted. If that turned out to be a point they won then they would have an invalidly adopted comprehensive plan, which may not be harmful, but the way to fix this would be to have the planning commission recertify the plan. A comment was made in agreement with Sally Hankins.

Council member Stinnette stated that he saw no value in getting the plan recertified and that he saw value in putting out a memo that states they had the public hearing and, as a result, they would go through the due diligence as a council and they would exceed the 90 days. Council member Stinnette commented that as long as they had this documented in a publicly available document then he felt they could defend the decision. Council member Stinnette added that documenting why they went beyond 90 days was more transparent. Sally Hankins acknowledged the circuitous nature of recertifying to restart the 90 days but stated that this would take away the technical argument from anyone challenging the validity of the plan. Council member Stinnette commented that he would start losing votes, noting that last time he received 5 votes, 1 absent and 1 against, adding that given the changes made, he would lose votes. Sally Hankins explained that she wasn't suggesting they certify anything other than what was certified the last time. Council member Stinnette responded that he understood this but that he would lose at least one vote. Sally Hankins commented that was okay if they didn't recommend approval as long as they vote, but there could be an issue from a policy perspective.

David Mekarski stated that this was a transparent process and that he felt recertifying was the right thing to do. Council member Stinnette replied that he didn't agree and therefore commended to the council that as long they document their reasoning, he felt they could withstand anyone raising an issue with the plan. Council member Stinnette added that there was no value in sending the plan back to the planning commission. David Mekarski commented that this would stop them being vulnerable to the process being called into question.

Mayor Fraser clarified that this would give them an additional 90 days. Council member Stinnette stated that he would accept going back to the planning commission for recertification but he wanted the risks to be understood as, given what has occurred in the last 90 days, they could then decide not to support the comprehensive plan. Council member Stinnette felt this would then create a more difficult optic due to addressing a process technicality that adds no value to the process of creating, adjudicating and deliberating on the comprehensive plan. Council member Grewe commented on the idea of putting out the version 6.0 plan alongside the change matrix to then inform the public hearing was a concern as navigating the plan in this form is a challenge. Council member Grewe stated that they owe it to the public to be able to read the full plan with every edit included, adding this would also be beneficial for the council to see the plan in its entirety. Council member Grewe commented that they need a fully put-together document that the public can read, adding that the challenge would be if they vote against the plan. Council member Grewe agreed

with Council member Stinnette and that he was comfortable to exceed the 90 days to ensure public input. Sally Hankins stated the intent of the 90 days was to protect private property owners who seek a comprehensive plan amendment before the governing body so they're not trapped in the planning commission cycle, stating that 90 days for a comprehensive plan wasn't possible.

Mayor Fraser asked if not going back to the planning commission was a large risk. Sally Hankins commented that she thought this was a relatively small risk. David Mekarski asked why they wouldn't go back as he was unsure how what had been altered would change the planning commission's view and therefore wasn't a good enough deterrent from going back. Council member Stinnette agreed with Council member Grewe's comment regarding owing the community a clean copy and therefore recommended that they cancel the upcoming public hearing as they want to give a full copy. Council member Stinnette continued that they then inform the consultant to make a clean copy, get it certified, put it out to the community and change the language they proposed to make on agricultural tourism commercial to give a comprehensive rendering of the plan. Sally Hankins stated she was in favour of the idea but that she would hold the public hearing as it had been advertised and they may receive comments that affect their decisions that would then create further substantive change. Sally Hankins recommended that they hold the public hearing and state a second hearing would be held that would include all the substantive changes. Council member Stinnette countered that having a public hearing and stating they will hold another gives the impression that they will railroad it afterwards.

Council member Stinnette stated that they owe the community the discussions in a readable format and that he felt the community would understand if they needed more time to work on all the comments before holding the hearing. Council member Stinnette added that he feels the 90 days is for the amendment process and the applicant rather than for the council, and that this makes exceeding the 90 days low risk. Council member Stinnette continued that he was therefore against going back to the planning commission and asking them to recertify it to allow them a further 90 days. Sally Hankins noted that the argument was that the 90 days would not apply to them.

Mayor Fraser asked the council how they would feel about not going back to the planning commission. Council member Greenly stated that he had been persuaded by the risk being smaller and therefore approved Council member Stinnette's proposal. Council member Ogelman noted that he didn't see a downside to going back to the planning commission and he therefore wasn't concerned about the legal component. Council member Ogelman added that he felt not going back as they didn't want to confront the vote was a bad reason to not do so. Council member Stinnette confirmed that this wasn't the reason, and it was instead a possible outcome. Council member Stinnette added that if they went back to the commission with a substantive change or direction then he would see the value in this, but that he didn't see the value in asking for the same answer they received 90 days ago. Council member Ogelman remarked that he didn't feel they would be asking the planning commission to repeat what they did last time, but they would instead be noting that the 90 days wasn't a reasonable schedule. Council member Ogelman explained that this would mean they had done the correct thing and the transparency would come from asking them to follow the law.

Mayor Fraser agreed with Council member Ogelman, stating that if they took this back and positioned the discussion that they had dedicated 4 days a week and still didn't reach 90 days and therefore needed to get a further 90 days by recertifying 6.0 then he felt the planning commission would understand this. Council member Stinnette clarified that they would therefore state that the council was requesting an additional 90 days, and to get this, the council would ask them to recertify what was sent 90 days ago. Council member Ogelman stated that they were asking for the 90 days due to the contractor's schedule, which could also be included in the ask. Council member Ogelman noted that they had achieved what they were trying to do in the window they had but there were schedules outside their control, which was why they would go back to the planning commission. Council member Stinnette stated his support for this argument if they were asking the planning commission for 90 days and acknowledging that this would be done by asking them to recertify the plan. Sally Hankins confirmed that this would be the way to proceed.

Council member Stinnette asked if they should continue with the public hearing on 11<sup>th</sup> February, commenting that they could instead have a meeting where they pass the resolution that requests the planning commission grant a further 90 days. Council member Ogelman agreed that it should be stated in this way, adding that they don't need to use the full additional 90 days. Sally Hankins confirmed that the earliest they could get a cancellation notice into the paper would be Friday 7<sup>th</sup> February and they would note that it would be rescheduled to a date to be determined. Council member Grewe added that this could also be noted on social media alongside a statement explaining the technical reasons why it was taking more time. Council member Grewe added that this would help the planning issue see this was a technical issue. Sally Hankins noted that if someone showed up on 11<sup>th</sup> February to speak then they could hear them, but it wouldn't count as part of the public hearing. David Mekarski suggested that they also put out a press release.

Council member Ogelman asked what would happen if the planning commission voted against the recertification. Council member Stinnette confirmed that the vote is to authorise the council to deliberate on the plan for another 90 days, which is done by recertifying what was sent 90 days ago. Council member Ogelman queried what happened if the planning commission voted against this. Council member Stinnette explained that if they voted against giving the council an additional 90 days, they wouldn't be voting against the comprehensive plan, then they would be back at the original proposal made by Council member Stinnette. Council member Ogelman stated that they would then be doing this as it was the only option available. Council member Stinnette suggested that it was important the vote be framed around either not being able to make the 90 days or needing a further 90 days. Sally Hankins confirmed that this is how they would frame all the whereas clauses as the way the statute reads is that the governing body should act within 90 days of the local planning commission's recommending resolution, and they would frame this with a focus on the time.

Council member Stinnette confirmed that they agreed to cancel the upcoming public hearing and do a clean copy of the comprehensive plan that includes all that has been worked on in the last month. Council member Stinnette continued having agreed to a timing resolution to the planning commission that they would vote on as a council on 11<sup>th</sup> February and refer to the planning commission. Council member Stinnette noted that he would require a resolution for the planning commission to take up, which will be taken up on 20<sup>th</sup> February, and this will allow the council to extend the timeline.

Mayor Fraser asked when they could expect a clean copy for the public. Sally Hankins suggested it would take around 3 weeks to a month. Mayor Fraser asked if any resources were required to assist with this. Patrick Sullivan confirmed that the changes were recorded electronically on the matrix but that they need to go through 342 items and produce a document for the consultant to put into the final plan. Mayor Fraser clarified that it would take a long time to bring someone up to speed to help them to do this versus taking 6 weeks to getting it done. Sally Hankins noted that the consultant estimated it taking 3 weeks to make the changes. Council member Stinnette stated that part of the work was staff getting it to the consultant and then the consultant doing the work, and that it would take 3 weeks for the consultant. Staff confirmed that it would take them 1.5-2 weeks for their side. Mayor Fraser asked if they would therefore have a clean copy for the public in March, and it was confirmed that it should be the first week of March and they would expect the public hearing to also be in March.

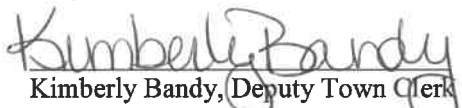
Council member Stinnette noted that they wanted to wait for the clean copy before it's certified, and if the consultant comes back in early March then it would take them a couple of weeks to certify it, then it would take 3 weeks to advertise this, so they would be aiming for a public hearing in early April. Sally Hankins stated that in the second meeting in March they could have a council vote that certifies the plan as to what they want to take to the public hearing. Sally Hankins added that the deadline would be around 20<sup>th</sup> May. Council member Ogelman commented that they weren't in full control of schedules. Council member Stinnette confirmed that the public hearing was likely to be in early April, then there will be some adjustments for the consultant to make, and they are likely to then vote at the end of April, early May, which Sally Hankins felt was comfortable.

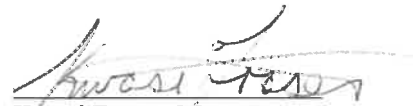
Council member Ogelman noted a word change that he hadn't raised. Council member Ogelman referred to the word cloud on page 11 and commented that it was showing the major terms and hadn't connected them together. Council member Ogelman suggested it should state 'terms' instead of 'themes'. Council member Grewe asked if they could use 'ideas' instead. Council member Stinnette accepted the change to 'terms.'

**ADJOURNMENT:**

With no further business, Council member Grewe made a motion to adjourn the meeting at 9:46PM. The motion was second by Council member Greenly and carried 5-2 absent.

Submitted by TakeNote.

  
Kimberly Bandy, Deputy Town Clerk

  
Kwasi Fraser, Mayor