

**MINUTES
PURCELLVILLE TOWN COUNCIL MEETING
THURSDAY, APRIL 14, 2020, 7:00 PM
TOWN HALL COUNCIL CHAMBERS**

The GoTo meeting of the Purcellville Town Council convened at 7:00 PM with the following in attendance:

PRESENT VIA REMOTE PARTICIPATION:

Kwasi Fraser, Mayor
Tip Stinnette, Vice Mayor
Ted Greenly, Council member
Chris Bledsoe, Council member
Joel Grewe, Council member
Nedim Ogelman, Council member (arrived at 7:04 PM)
Ryan Cool, Council member

ABSENT: None

STAFF PRESENT VIA REMOTE PARTICIPATION:

David Mekarski, Town Manager
Sally Hankins, Town Attorney
Hooper McCann, Director of Administration
Liz Krens, Director of Finance
Chief Cynthia McAlister, Police Dept.
Deputy Chief Dave Dailey, Police Dept.
Diana Hays, Town Clerk/Executive Assistant
Kimberly Bandy, Deputy Clerk

CALL TO ORDER:

Mayor Fraser called the GoTo (virtual) meeting to order at 7:00 PM.

AGENDA AMENDMENTS/APPROVAL:

David Mekarski, Town Manager, added a discussion item about the restaurant voucher program requesting that Council answer a few questions from staff so they can move forward with the program.

CITIZEN/BUSINESS COMMENTS:

None

MAYOR AND COUNCIL COMMENTS:

The only comment shared was from Vice Mayor Stinnette who stated he is looking forward to discussing the election options later in the agenda.

DISCUSSION/INFORMATIONAL ITEM(S):

a. Summary of Restaurant Vouchers

Hooper McCann, Director of Administration, stated she needed guidance on the program and that the team was discussing the option of one \$20 coupon or two \$10 coupons which could be used at two different locations. After some discussion, Council agreed on the two \$10 coupons.

Ms. McCann asked for clarification if the program would be just for restaurants or restaurants and other businesses. Vice Mayor Stinnette stated there may or may not be an expiration date associated with the vouchers and recommended the duration be determined. Hooper McCann added that staff recommends the expiration date of July 30 for fiscal year accountability and reporting. Liz Krens recommended an expiration of June 30 and then reassess the program. Council member Grewe talked about supporting all businesses and questioned whether June 30 would be long enough. Council member Ogelman agreed with it including all businesses, and agreed with the date recommended by staff. Council member Bledsoe agreed with Council member Grewe that June 30 may be too early but agreed that an expiration is needed, and suggested end of first or second quarter. Council member Greenly proposed year-end as an expiration. Council member Cool stated his no vote still stands. Discussion took place about the expiration date and accounting. Council member Ogelman stated he would like it clear who is saying what in terms of accountability and feels a vote should be taken, and would like the expiration of June 30.

Mayor Fraser took an informal poll of preferred expiration date: Ogelman-June 30; Mayor-June 30; Bledsoe-December 31; Grewe-December 31 or anything after the end of August; Greenly-December 31; Stinnette-December 31; Cool-June 30. Mayor Fraser announced the expiration would be December 31 and would be for all businesses.

Ms. McCann stated staff has been in contact with the Town's bulk mailing company and that the vouchers should be mailed by the end of the month. Ms. McCann talked about businesses (shopping centers, apts.) where the water bill may go to one office and asked if manual mailings would be acceptable in those cases. Council agreed.

Council member Bledsoe offered to help distribute the manual vouchers, and asked how you limit to Purcellville businesses versus businesses with a Purcellville address. Hooper McCann stated we would be using the utility billing system and each coupon will have the utility account number on it, and that businesses would sign up online if they are interested in accepting the vouchers. Ms. McCann clarified that staff would work with the manager of the units to get the individual addresses.

David Mekarski expressed concern for using all 330 businesses with less than one-third of restaurants and that staff would have to contact each business to see if they would participate in the program, and proposed starting with the restaurants. Hooper McCann clarified that the teams thought was to do a push to get the word out before the program is initiated and ask businesses to sign up so staff can keep a list online. Vice Mayor Stinnette suggested leading the program off with a news release this week to solicit businesses that are interested in participating. Sally Hankins suggested to include "Redeemable Within Town Limits Businesses" on the coupons. Liz Krens added that cash could not be distributed from the front window for reimbursements if it were open

as it is not a cash control practice currently. Ms. Krens stated there would be a submission form to include with the collected vouchers and expects reimbursements could be made in two to three weeks.

Mayor Fraser stated the goal is that all businesses are targeted, the vouchers are across the board and a news release could go out tomorrow afternoon. Hooper McCann stated staff will roll out the program and will have a news release out as soon as possible.

ACTION ITEM(S):

a. Adoption of 2020 Tax Rate Ordinance/Real Estate Tax Rate, Fireman's Field Service Tax District, Personal Property Tax Rate and PPTRA

Liz Krens, Director of Finance, opened the discussion and explained that the proposed rates needed a vote this evening to move forward and reviewed the agreed upon rates stated in the ordinance, which are no change from the prior year.

Council member Grewe made a motion that the Town Council adopt Ordinance No. 20-04-01, establishing for calendar year 2020 the Real Estate Tax Rate, the tangible Personal Property Tax Rate, the tangible personal property tax relief rate, and the Fireman's Field Service District Tax Rate. The motion was seconded by Council member Bledsoe.

Council member Grewe commented on his appreciation for the staff keeping the rates to the current rates.

Motion:	Council member Grewe
Second:	Council member Bledsoe
Carried:	7-0-0 absent

Cool:	Aye
Greenly:	Aye
Grewe:	Aye
Stinnette:	Aye
Bledsoe:	Aye
Ogelman:	Aye
Mayor:	Aye

b. Postponing the Town Election of May 5, 2020

Vice Mayor Stinnette stated that he advocated for this action item to be on the agenda and had asked staff to research options as he had been approached by citizens in his community. Vice Mayor Stinnette referenced Governor Northam's proposal to move the elections to November, and that VML does not support the Governor's proposal. Vice Mayor Stinnette added he does not feel May 5 is in the best interest of the community, and that the Town can let VML, the General Assembly and the Governor do what they do or the Town can proffer a position for the community, which he supports.

Council member Ogelman stated he does not feel anyone should have to choose between exercising their political right to vote and their safety, and with the current pandemic feels it is right to make sure people can vote and not be disenfranchised of their vote.

Council member Grewe agreed to not wait on a date, and agreed with Council member Ogelman's statement and would be against a May date. Council member Grewe stated he would prefer to not defer to November and prefers to ask the Governor to exercise his 14 day delay permitted by law. Council member Grewe stated the Town would then have permission to seek an additional deferment by the VA Supreme Court to extend the Governor's deferment by a total of up to 30 days, which would be early June. Sally Hankins confirmed. Council member Grewe talked about VML's and Judy Brown's concerns for terms of office that could invalidate any absentee ballots that are cast. Council member Grewe stated he feels other jurisdictions agree the delay be made sooner rather than later. Council member Grewe added that he agrees with the second and third paragraphs of the motion as written and may strike the "to November 2020" out of the first paragraph.

Council member Bledsoe referenced the motions and the "by 14 days" and understands that the Governor, by executive order, can delay an election by up to 14 days, and supports requesting that of the Governor's office. Council member Bledsoe clarified that the Council can petition the VA Supreme Court to delay an election by up to 16 days, which would make a 30 day delay, and feels that should be made more clear. Council member Bledsoe added he feels both should be pursued in parallel and either one moves it further from early May. Council member Bledsoe added that the two should be complimentary and hopes with help from our representatives from the General Assembly can put pressure on it to get acted upon quickly rather than waiting for the General Assembly to act at their session on April 22. In summary, Council member Bledsoe stated he feels they should be pursued independently regardless of whether the Governor moves the date, and make sure one does not cancel out the other.

Council member Grewe confirmed with Sally Hankins that the Governor's choice, when moved to action, would not stop the town from pursuing continuity and being able to act simultaneously with those actions. Ms. Hankins added that if the Governor does the 14 day order the Town can have a petition ready to file with the Supreme Court, and if it appears the General Assembly is taking action, the Town would not file the petition because it would not be necessary. Ms. Hankins requested that Council give staff authority to pursue all options other than May 5, and Council member Bledsoe added that it should also be prior to June 30 for reasons stated by VML. Ms. Hankins stated she does not understand VML's objection other than it causes seats to be held over beyond the date, which could also be resigned.

Council member Ogelman stated he has two criteria – safety and knowledge of what we are trying to do and making sure people are not disenfranchised, and does not see a reason (Council member Ogelman's comments could not be heard).

Council member Greenly stated he is not in favor of the May date due to safety reasons, prefers June, and does not support November. Council member Greenly expressed concerns for casted ballots not counting if the date is pushed out too far.

Council member Cool stated he had heard from citizens that this motion was confusing and are

concerned how it would affect their right to vote. Council member Cool talked about the confusion between the lockdown date of June 10 and the proposed June 3 date, and would be fine with moving it to November. Council member Cool talked about absentee voting and that some citizens are not able to or do not know how to do this and just are not willing to.

Mayor Fraser stated his main concern is for safety, and that the June date seemed to be too close and talked about, due to COVID-19, to delay into July or August. Mayor Fraser added he will recuse himself since he is a candidate and does not feel the town should wait for the state and does not see the value the town has in the decision. Sally Hankins stated she agrees that June may not allow enough time and that it is the state's decision on behalf of all localities. Ms. Hankins summarized that Council prefers to have it before the term expires in June, but if not possible, prefers as soon thereafter as possible. Ms. Hankins added that November is preferred over May 5, with May 5 being the last choice.

Council member Bledsoe stated the he agreed on reaching out to the Governor's office to request they issue 14 day delay on the election, to pursue a petition to the VA Supreme Court to delay an additional 16, and to work with representatives in the General Assembly to move to November, but preferred to move to a later date in June, July, or August, preferably prior to June 30. Council member Bledsoe talked about the confusion with the possible Governor's executive order to delay 14 days (to May 19), the Town pursuing a petition to potential move 16 days, and asked where the Board of Elections comes in to start communicating the dates.

Vice Mayor Stinnette confirmed that Ms. Hankins has the intent and suggested taking the first paragraph of the motion and strike from "November 20" through "Governor Northam" and request an extension to the delegates and direct staff to support the measures from VML, NVRC and other governmental associations. Council member Grewe agreed with Vice Mayor Stinnette, and referred to Ms. Hankins that an affirmed vote must be met to petition the Supreme Court to engage the deferment, and proposed leaving that in the motion. Ms. Hankins requested that the motion include the order of priority (summer, November then May).

Council member Ogelman agreed with Vice Mayor Stinnette, but that there has to be a statement that it will not be at a time that will disenfranchise people or put them in harm's way, and is not concerned about a date after that. Ms. Hankins stated that June and July may not accomplish that. Council member Ogleman added he sees no reason to include the dates but to include the necessary conditions to have an election and be safe. Ms. Hankins confirmed with Council member Grewe to authorize her to lobby as many people that need to get a later date than May, that a request be sent to the Governor's office to issue an executive order extending the election date 14 days, and if that is done that the town file a petition to the Supreme Court, as needed, to obtain any additional time as permitted under the statute, and to not include specific dates in the motion.

Council member Grewe noted that the "danger zone" is a debated point and can word it to have the elections as soon as the emergency ends and feels that balances the desire to make sure safety is maintained with the attempt to hold elections sooner rather than later. Council member Ogelman stated he feels it makes sense to say "as soon as the emergency is passed" and that we want to make sure that no one is disenfranchised and to have a safe election.

Council member Grewe made a motion that Purcellville Town Council holds that they prefer the election date to be later than May 2020, and hold that the election is to be held as soon as it may be safely done after the declared COVID-19 Emergency has passed. Thus moved that Town Council direct staff to request an extension of the May 2020 Town election as recommended by Governor Northrup and send such request to Senator Bell and Delegate LaRock. I further moved that Town Council direct staff to seek support for this measure from VML, NVRC, and other governmental associations as appropriate. I further move that Town Council direct staff to send a request to issue an executive order under VA Code 24.2-603.1, extending the local election by 14 days and to seek support for those requests from elected representatives, the Virginia Municipal League, and the Northern Virginia Regional Commission. I further move that Town Council direct staff to prepare a petition to the Virginia Supreme Court, for prompt submission in the event the Governor exercises his authority to defer the local election by 14 days, pursuant to Virginia Code section 24.2-603.1, with such petition to request that the election be deferred to at least Thursday, June 4, 2020, but preferably after the end of the state of emergency. Vice Mayor Stinnette seconded the motion.

Motion: Council member Grewe
Second: Vice Mayor Stinnette
Carried: 7-0-0 absent

Cool: Aye
Greenly: Aye
Grewe: Aye
Stinnette: Aye
Bledsoe: Aye
Ogelman: Aye
Mayor: Aye

c. Changing the Name of the Fireman's Field Service Tax District

Ms. Hankins stated the reason for bringing this item forward is that she has heard from more than one that the name "Fireman's Field Service Tax District" does not accurately represent the purpose of the district, and that there is some interest in changing the name. Ms. Hankins referenced an email she sent with the purpose language from the ordinance, which does not pertain to Fireman's Field. Ms. Hankins added that the monies go to various town events, staffing for the events, the debt service on Fireman's Field and the complex as well as Parks and Recreation staff, Chapman DeMary trail and other events outside of Fireman's Field. Sally Hankins proposed that parks and recreation is best because the authority to adopt a tax district like this is specifically calls out parks and recreation.

Mayor Fraser referenced the history of the name and asked if the items in the ordinance were reviewed before naming it "Fireman's Field". Sally Hankins stated that this was before her time and has not reviewed that history. Council member Grewe stated that he understands that Fireman's Field has a symbol relative to the town after its adoption, incorporation and funding for it, was deemed politically helpful to name the asset that the tax was focused around unless citizens could clearly understand what it was going toward, and the idea was to basically pay for that. Council member Grewe added that according to the adopted budget, the town has been doing more

than just that for the fund, and suggested that there be clarity for what the tax comes under and is used for, as it pays for more than Fireman's Field.

Council member Ogelman stated he does not believe that was the purpose of the district and understands that the district was designed to pay off the debt incurred for purchasing the Fireman's Field area, and does not want it broadened and called something other than what it is intended for. Council member Ogelman stated he does not want to create taxes to pay for things that the town intends to pay for through other means, and likes calling it the "Fireman's Field Service Tax" and the "service" part has to do with servicing the debt that was incurred in purchasing field and the complex.

Council member Bledsoe asked for clarification that it was named that particularly for Fireman's Field and was established at the time that coincided with the acquisition of the Fireman's Field facility, but the ordinance specifically includes paying for town-wide parks, recreational staff, programming, asset management, capital improvements, etc. and not limited by ordinance to just the debt. Sally Hankins confirmed.

Vice Mayor Stinnette stated he agrees with Council members Ogelman and Cool and talked about paying off the Fireman's Field debt and getting rid of the tax district, and talked about financing parks and recreation endeavors out of the General Fund and not out of the Fireman's Field Tax District, and feels everything that is collected in the tax district should be paying off that debt.

Mayor Fraser stated he agrees with Vice Mayor Stinnette and referenced Council member Cool's email about the increase in management from 2013 when this was enacted and stated it has increased by over 500%. Mayor Fraser stated he wants to make sure that we look at moving forward with Fireman's Field with finding ways other than dipping into the three cents to pay off the debt.

Council member Bledsoe stated he agrees with the Mayor and Vice Mayor and if this is used and intended to pay off debt then that is what it should be utilized for and asked if the funds from the tax district have been used only to pay the debt or also elsewhere, and that the ordinance should specify exactly where it is being used. Council member Ogelman stated he agrees. Sally Hankins noted the tax rates were just adopted and that the three cents is currently being used for general purposes and if we do not move forward with using it for general purposes may find there is not enough revenue for the general purposes as adopted. David Mekarski stated approximately \$89,000 is being used to pay off Fireman's Field debt and if it is to be used just for the debt, we would need to find \$400,000, which is equal to three cents in property tax. Mr. Mekarski added that we cannot absorb and maintain recreational services and events on the current General Fund.

Council member Grewe stated he feels Council agrees they would like to see the debt paid off and agrees with Council that it should not be this way and would like to pursue having the operations rolled into the General Fund. Council member Grewe added he would like for citizens to have a better understanding of what is in the tax when it appears on their bill. Liz Krens stated that the accounting follows the legislation and that this is a special tax district, and because of the broad language in the original ordinance, the items are being booked in that special tax district fund, but that the choice is Council's. Ms. Krens suggested addressing the accounting and the budget via the ordinance.

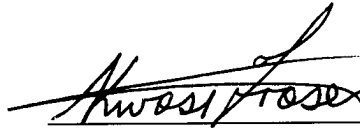
Council member Cool stated we need to do a better analogy and that this was put in the August 13, 2013 budget page 44 for debt service, and feels that during this time there is opportunity for some zero-based budgeting and getting to the bare minimum. Council member Cool talked about Meals Tax being increased to pay off legal bills, which gets paid and the tax continues to be collected. Council member Cool stated salaries were increased last year with the promise of a deliverable that was not received, yet continue to pay, and should take full advantage of the pandemic to get down to zero-base line review. Council member Cool restated that this tax district was created to pay off debt and administrative costs that went up over 500%.

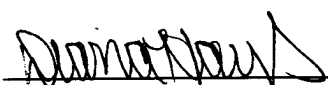
Council member Ogelman stated he likes the idea of going back and trying to be more transparent about what it is and its original intent, or to figure out where it has been added on to. Council member Ogelman stated he does not agree on changing the name now to fit where we are now, as that is not the intent, and should go through a process and create something, similar to a Parks and Recreation Tax, and vote on it.

Council member Grewe stated his only interest in the item is that when citizens see it on the bill that they know what it is, and agrees that it should not be this way. Council member Grewe added he feels there is not interest amongst Council at the moment to change the name, but may need to discuss what is in it. Council member Grewe suggested tabling this and have the discussion when the budget comes up then decide.

ADJOURNMENT:

With no further business, Council member Bledsoe made a motion to adjourn the meeting at 8:45 PM. The motion was seconded by Council member Grewe and carried 7-0.


Kwasi A. Fraser, Mayor


Diana Hays, Town Clerk

Mayor
Kwasi A. Fraser



Town Manager
David A. Mekarski

Council
Chris Bledsoe
Ryan J. Cool
Theodore Greenly
Joel D. Grewe
Nedim Ogelman
Tip Stinnette

221 S. Nursery Avenue
Purcellville, VA 20132
(540) 338-7421
Fax: (540) 338-6205
www.purcellvilleva.gov

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

ORDINANCE NO. 20-04-01

PRESENTED: April 14, 2020
ADOPTED: April 14, 2020

AN ORDINANCE: ESTABLISHING FOR CALENDAR YEAR 2020 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; REPEAL OF CONFLICTING ORDINANCES AND RESOLUTIONS; ESTABLISHING SEVERABILITY AND SAVINGS CLAUSES; ESTABLISHING EFFECTIVE DATE

WHEREAS, Virginia Code § 58.1-3201 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 real estate; and

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, Virginia Code § 15.2-2403 and Town Code Chapter 74 (Taxation), Article VIII (Fireman's Field Service Tax District), Section 74-232 authorize the Town of Purcellville, Virginia to levy and collect taxes on property located within the Fireman's Field Service Tax District ("District") in the same manner as the Town may establish other Town property taxes; and

AN ORDINANCE:

ESTABLISHING FOR CALENDAR YEAR 2020 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; REPEAL OF CONFLICTING ORDINANCES AND RESOLUTIONS; ESTABLISHING SEVERABILITY AND SAVINGS CLAUSES; ESTABLISHING EFFECTIVE DATE

WHEREAS,

the tax rates applicable to real property, personal property, and the Fireman's Field service district, are effective on a calendar-year basis, but are generally established in April of each calendar year, after the real property assessment data has been compiled by Loudoun County and transmitted to the Town for use in estimating Town tax revenues and budgeting.

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

SECTION I. Real Property. That the calendar year 2020 tax rate on real estate is hereby established to be \$0.22 per \$100 of assessed value.

SECTION II. Tangible Personal Property. That the calendar year 2020 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
- 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.

SECTION III. 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 33.5%.

SECTION IV. Fireman's Field. That the calendar year 2020 tax rate on real estate located within the Fireman's Field Service Tax District is hereby established to be \$0.030 per \$100 of assessed value.

SECTION V. Repeal. That Ordinances 19-04-01 (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 CY2019), as well as all other prior ordinances and resolutions in conflict herewith, are hereby repealed.

AN ORDINANCE:

ESTABLISHING FOR CALENDAR YEAR 2020 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; REPEAL OF CONFLICTING ORDINANCES AND RESOLUTIONS; ESTABLISHING SEVERABILITY AND SAVINGS CLAUSES; ESTABLISHING EFFECTIVE DATE

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.

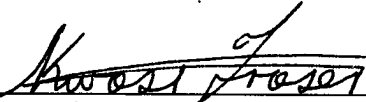
SECTION VII.

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.

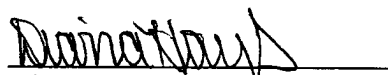
SECTION VIII.

Effective Date. That this ordinance shall be effective January 1, 2020.

PASSED THIS 14th DAY OF APRIL, 2020.


Kwasi A. Fraser, Mayor
Town of Purcellville

ATTEST:


Diana Hays, Town Clerk