

**MINUTES  
PURCELLVILLE TOWN COUNCIL MEETING  
TUESDAY, JUNE 09, 2020 7:00 PM  
VIRTUAL**

---

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

**PRESENT BY REMOTE PARTICIPATION:**

Kwasi Fraser, Mayor  
Tip Stinnette, Vice Mayor  
Nedim Ogelman, Council member  
Ryan Cool, Council member  
Ted Greenly, Council member  
Chris Bledsoe, Council member  
Joel Grewe, Council member

**ABSENT:**     None

**STAFF PRESENT BY REMOTE PARTICIPATION:**

David Mekarski, Town Manager  
Sally Hankins, Town Attorney  
Hooper McCann, Director of Administration  
Amie Ware, Manager of Parks and Recreation Division  
Sharon Rauch, Director of Human Resources  
Liz Krens, Director of Finance  
Linda Jackson, Financial Analyst  
Dale Lehnig, Director of Engineering, Planning and Community Development  
Patrick Sullivan, Director of Community Development  
Andy Conlon, Senior Planner  
Chief Cynthia McAlister, Police Dept.  
Major Dave Dailey, Police Dept.  
Diana Hays, Town Clerk/Executive Assistant

**CALL TO ORDER**

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

**AGENDA AMENDMENTS/APPROVAL**

Council member Grewe suggested to move discussion item to action item. Council member Bledsoe requested PPEA advice from Ms. Hankins and Mayor requested to defer to another meeting. Ms. Hankins requested that action item 10b. move to discussion item 9g. An Ordinance for Penalties and Other Billing Policy Changes. Mayor requested the legal review of the Community Testing be added as a discussion item and Ms. Hankins apologized for that not being

ready and she would like to send out an email and with further discussion had it placed on the agenda as 9h. COVID-19 Community Testing.

### **CONSENT AGENDA**

- a. Approval of Meeting Minutes - October 9, 2019 Special Meeting**
- b. Approval of Meeting Minutes - November 12, 2019 Town Council Meeting  
REVISED**
- c. Approval of Meeting Minutes - March 10, 2020 Town Council Meeting**
- d. Approval of Meeting Minutes - March 24, 2020 Work Session REVISED**

Council member Grewe made a motion that the Purcellville Town Council approve the consent agenda 6a.-6d. as presented in the June 9, 2020 Town Council meeting packet. The motion was seconded by Council member Greenly.

Motion:	Council member Grewe
Second:	Council member Greenly
Carried:	7-0

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

### **CITIZEN/BUSINESS COMMENTS**

None

### **MAYOR AND COUNCIL COMMENTS**

Council member Grewe congratulated the Mayor and all the new members of Council. He was pleased to see commitments from the Town of Purcellville on looking to find a more comprehensive justice in our country.

Council member Stinnette extended his congratulations to new Council members on their new elected positions on Town Council, also congratulations to those members that were a part of the election race on a whole, and a congratulations to staff for insuring the safety of our community.

Council member Greenly welcomed and congratulated the new Council members and also congratulated the Mayor. He was somber by the March and especially when the crowd silenced for the 8 minute and 46 seconds lapse of time to represent the time someone suffered.

Council member Cool commented that the March was a success and he believed the argument of defunding the police is a flawed argument. He believed the energy from the March will assist in doing great things. He looked forward to planning the 4<sup>th</sup> of July Parade and would like to get our area up to speed with the rest of the state to get to Stage 3 quicker.

Council member Bledsoe congratulated the Mayor and others elected and offered assistance to them as they begin their terms. He stated that he agreed the March was a success and hopeful of this ground swell beginning of real effective change.

Council member Ogelman stated he felt there was a start of tour of force for our community and admire the candidates for taking clear positions. He thanked Deputy Dailey clarifying what it meant to have a demonstration versus a parade. He was impressed with the young people during the March and also the high turnout for the local election. Council member Ogelman stated that there was so much energy which was channeled in a positive manor and hope to durably constructively go forward with this energy and he heard from multiple citizens after the demonstration that forming a Community Policing Advisory Committee would be a good idea. He planned on formulating a resolution to have this done.

Mayor Fraser thanked the community for showing up with voting in strong numbers during the week and also for the participation this weekend in the march. He commented that this weekend was a vision that moved into action and realizing our young people have the capacity to convert a moment into a movement. He hoped that the young people lead the changes that is needed, as Council member Stinnette mentioned, “constructive changes not destructive changes” that are needed in this community and across the nation. Mayor Fraser thanked our young people, staff, elected officials, and everyone involved in making this weekend happen.

### **DISCUSSION ITEMS**

#### **a. Report on Outdoor Dining (David Mekarski)**

David Mekarski, Town Manager, shared that he had staff send a printed copy of the recent news release to local restaurants on encouraging them to open for outdoor dining with using proper COVID safety protocol.

#### **b. July 4th Parade/Recognizing High School Graduates (Amie Ware)**

Amie Ware, Division Manager of Parks and Recreation, stated the options proposed would adhere to Governor’s orders on Phase 2, Option A. Limited Vehicles Only Parade or Option B. Reverse Parade Featuring Businesses. She shared details of each and stated that President Mr. Brad Quin, Purcellville Volunteer Fire Company, was online to assist with any questions. She also shared ideas on recognizing Loudoun Valley and Woodgrove High School Seniors. Council member Stinnette shared details on his thoughts on the celebration as well as First Amendments Rights with the march and requested to petition the state on holding the parade. Council member Greenly shared to be in favor of the parade. Council member Grewe agreed with Council member Stinnette with understanding staff would need assistance and have a plan for Phase 3. Council member Bledsoe agreed to have a parade, but with bounds and restrictions

imposed by the State and effort from staff planning with this in mind. Council member Cool would like to see the parade happen and numerous businesses have offered to assist. He would like to see the plan move to a yes and does not agree with the time of the day for parade. Council member Ogelman liked the contingency plan, approaching Richmond, and having the celebration parade with different plans in place.

Mr. Quin reiterated Public health and safety is his utmost concern and the “traditional” parade is off the table by following current guidelines and the current plan cannot be placing citizens in jeopardizing anyone’s health. He was told that the town had canceled the event in April and due to the enormous amount of planning needed he could not support this event like in the past and he is willing to help how he can but within safety guidelines. He also mentioned that a rumor was being shared that he had canceled the parade which is untrue. Deputy Dave Dailey shared that there was a number of issues and obstacles in holding a 4<sup>th</sup> of July celebration with the current COVID circumstances. Council member Grewe shared for the record that Mr. Quin did not cancel the parade, it was the Town and no one should ask him or his company to participate in any event that jeopardizes his concerns for public safety. He suggested to look forward to Phase 3. Mayor Fraser asked Mr. Mekarski if there was a way to get to a watered down traditional 4<sup>th</sup> of July Parade. Mr. Mekarski stated the amount of time needed was not available along with the outside constraints being put upon the town and the unknown spikes of COVID-19 due to recent public protests and marches. Amie Ware agreed with Mr. Mekarski and added that the County could not support this event if it is over 50 participants along with the lack of other support systems. Citizen shared their displeasure in not having a celebration for the 4<sup>th</sup> of July. Mayor Fraser confirmed that there will be a parade, but not the traditional parade. Council member Stinnette supported Ms. Ware’s plan then align with the Commonwealth, and take the plan down Main Street once there is support to do that. One plan of a parade with two avenues, the first plan is to leave citizens in their neighborhoods and the second plan would allow residents to gather on Main Street working with Mr. Quin and Deputy Dailey in planning. Mayor Fraser agreed and Council member Stinnette also added that Mr. Mekarski would need to send out a document for Richmond that requests an exception if in Phase 2 along with another memo from us to the County to be aligned with the rest of the State of Virginia.

**c. Update on Water Tower Project (Dale Lehnig)**

Dale Lehnig provided in her staff report and commented the same during the meeting that there were two distinct phases of modifications to the water tower that were needed in order to accommodate the placement of new/upgraded cellular antennas on the water tower. These two phases are catwalk railing modifications and foundation modifications. She stated that the catwalk railing modifications have been completed. She also stated that the foundation modifications, which include the installation of anchors at the water tower legs, and the replacement of soil around the legs with structural fill, began in earnest the week of June 1. Initial work to install the anchors has begun. Due to an unexpected condition, the anchor work will be delayed, and the excavation work will begin the week of June 8. The anticipated date of completion of the work remains unchanged, as presented in previous staff reports, and completion is on track for the end of September. The next conference call to coordinate with the carriers is scheduled for June 11, 2020.

**d. Partnering with a Third Party for the Nutrient Credit Project (Sally Hankins)**

Sally Hankins, Town Attorney, went over her submitted staff report and covered the following issues and recommendations and what needs to be resolved prior to finalizing a plan for the sale of environmental credits. She stated that as a way of generating revenue from the Town's Aberdeen Property, the Town submitted to the Department of Environmental Quality (DEQ) an application to obtain and sell nutrient credits generated on the Aberdeen Property. Nutrient credits are generated by converting existing cropland to forest, and committing to maintain the forest in perpetuity. She further commented that the credits may be sold only after the Town (or third party) has well-established trees on the property, at a density of at least 400 trees per acre. The credits are purchased by developers (including governmental agencies who develop projects, such as roads) who do not meet the state's environmental standards within the boundaries of the development site, and so purchase environmental credits as a means of satisfying environmental regulations. Ms. Hankins had submitted the Town's nutrient credit bank application and it was accepted by DEQ for processing on March 3, 2020, two days prior to a change in the methodology by which nutrient credits are calculated. The Town therefore is grandfathered to the more beneficial nutrient credit rates that were in effect on March 3rd. She shared that DEQ has not yet approved the Town's application, but an email from DEQ on May 22, 2020 indicated that the Town should receive an approval letter in June and once the Town's application is approved, the Town has time to determine how it will move forward, as there is no expiration to the approval. Ms. Hankins went over three issues: 1) New legislation, SB747, effective July 1, 2020 in which unclearly prohibits the Town from selling its own nutrient credits, 2) the Town's Water Resource plan with the Aberdeen property originally purchased as an avenue for water resource, and 3) Finances being calculated rely on the new legislation. She then recommended several points and considerations for Town staff to work with DEQ and the Attorney General's office to establish the state's interpretation of the legislation, if needed, the Town can seek an official opinion from the Attorney General, which does take 90 days to obtain, and if the state's interpretation is that the Town cannot sell the credits at all, even with a third party, then the Town should lobby the General Assembly for changes to the law so that the Town may sell its credits. Ms. Hankins stated that alternatively, the Town could accept this constraint and use the credits only for its own purposes. Ms. Hankins continued that once authority to sell credits is established (either through a third-party, or independently), then the Town should evaluate whether it wants to sell independently (if an option) or through a third party, and if the decision is to sell through a third party, then the Town should issue an RFP, and review proposals to obtain the best terms. She stated if the decision is to sell independently, then the Town should consult with an arborist to understand the benefits and risks associated with planting seeds, versus young trees and the Town will need to issue an IFB (Invitation for Bids) for the trees/seeds, and the labor to plant and maintain the trees/seeds through their establishment period. Ms. Hankins also shared that she had included a motion in her report to Council for staff to take these steps and update Council through each completion of these steps.

Mayor Fraser requested further explanation on the Water Resource Plan. Dale Lehnig responded that there are 4 wells that are known and two of which are good producers and one well not being on the Town's property, but just south of it which we have the water rights to. A consultant did look at the Aberdeen property and if we needed to drill for another well that would be on the south end of the Aberdeen property. She also stated that there was research

done for the lines running from the wells to the water treatment plant or to a new consolidated water treatment plant as well as placement of a water storage tank.

Mayor Fraser stated that the numbers needed to be confirmed from the finances discussion and what Acre quoted to the town making on this project versus what Ms. Hankins had proposed. Ms. Hankins took her information from the Acre written proposal and Mr. Mekarski confirmed that the higher return rate was locked in before December 31, 2019. Council member Bledsoe had questions on \$479,000 investment of planting trees now (2-3 years) and then being able to sell and comes back to the suggested number by the Mayor or Ms. Hankins suggested to use a third party that would front the \$479,000. Council member Cool commented that the town was back to square one as if Acre originally presented this project. Ms. Hankins responded that more research needed to be done by staff at the onset and there was no way that a prediction could have been made on the legislation. She shared that the town is in a good position of choice to do the project with or without a partner. Council member Ogelman commented to do the first step right away and Council member Stinnette commented that items 1-3 should get answered and then 4-7 will be answered. Council member Greenly had Ms. Hankins clarify the regulation and legislation. Council member Grewe suggested that all the ideas for development for Aberdeen would be useful to all be in one place on the town website. Mayor Fraser reiterated to reengage Acres or someone to get to net revenue of \$700,000-\$1,000,000 and Ms. Hankins recommended an RFP with certain limitations to follow the correct guidelines and also there are still questions that need to be answered before a commitment is made to this project. Mayor Fraser asked to validate the revenue numbers with a third party. Ms. Hankins asked for a consensus from council to move forward. Council agreed as a majority to move forward on pursuing an RFI.

**e. Comprehensive Plan Update (David Mekarski/Patrick Sullivan/Andy Conlon - oral update)**

David Mekarski stated that the comment matrix from council had been completed and Comprehensive Plan version 7.4 has been published online for the community. He stated that also the public hearing date has been set for June 23rd and one or more meetings following the public hearing to receive comments from the public and on track for adoption before the close of the fiscal year to present a new comp plan for the new council. Council member Stinnette confirmed version number and commented that the out of town properties were to be aligned with Parks and Protected Space on that map, but is not correctly portrayed in version 7.3 as this point was made in previous meetings. Ms. Hankins confirmed if this point was made during a public meeting that this would be an editorial change to the latest version before the public hearing. Council member Grewe confirmed with Mr. Mekarski that the 7.4 version would be available with proper changes.

**f. Administration's Recommendation for the CARES Act Allocation from Loudoun County (David Mekarski/Hooper McCann)**

David A. Mekarski, Town Manager, reviewed the information that was shared in the agenda packet. He stated that the County of Loudoun accepted funding in the amount of \$36,079,596 from the Federal Government's Coronavirus Aid, Relief, and Economic Security Act (CARES

Act) and a portion of this funding is earmarked for the incorporated towns with allocations based upon proportional population. The Town of Purcellville's expected distribution is \$891,932.

Mr. Mekarski further explained to receive this funding distribution from Loudoun County, the Town must complete two critical steps. One of which was completed at the May 26, 2020 Town Council Meeting to authorize the payment from the County and certify the acceptance of the funding. He stated the second requirement is to submit a high level spending plan to the County to include brief descriptions of intended funding use and how the expenditures will comply with the conditions of the funding, set forth by the U.S. Treasury. Once this Certification and High Level Spending Plan is submitted, the County will review the spending plan within five business days and if approved, the Town may expect payment to be distributed within ten business days of receipt. Hooper McCann, Director of Administration goes into further detail and explains what was represented in the staff report included in the agenda packet on the breakdown and distribution of these funds and that these funds allocations meet the Federal guidelines. There has been an amount set aside for unforeseen expenses. She added that these agreed upon allocation amounts can be adjusted and that this was a general basis for expected expenditures with guidance from the County.

Council member Stinnette commented on a newspaper article showing the County distributing some of their funds to non-profits. He requested that the prioritization for the town was to first distribute to local businesses, then non-profits, and then lastly the Town. Council member Greenly agreed that the message should be to prioritize businesses first, then nonprofits, and lastly the the Town. Council member Grewe commented he agreed with Council member Stinnette. He also reiterated Ms. McCann's point of not being bound by what is submitted now and can be modified along the way. Council member Grewe also confirmed with Ms. McCann that there was a large amount of the funding still available that has not been used of the total \$891,000. Council member Ogelman also agreed with Council member Stinnette's comment of prioritization and that he needed a systematic information on what the needs are for businesses as well as the nonprofits to make these decisions. He requested that EDAC assist in the survey contacting local businesses and nonprofits regarding this allocation and they've already been very involved. Mayor Fraser stated the sooner we confirm the \$891,932 that this amount of funds could be placed into the town's account and possibly be gaining interest through this process.

Council member Grewe moved that Town Council authorize the Town Manager to submit the Council-approved high level spending plan to Loudoun County for their approval and authorization to proceed. He further moved Town Council authorize the Town Manager to issue a Memorandum of Understanding with Loudoun County Economic Development Authority (EDA) allowing the Town to partner with Loudoun County Department of Economic Development (DED) and EDA for the administration and certification of local grant applications and the distribution of funds to the selected grantees on behalf of the Town.

He further moved Town Council approve BA 20-0058 to appropriate the Town's allocation of the federal CARES Act Coronavirus Relief Funds for Fiscal Year 2020.

Council member Stinnette made a friendly amendment to the motion be made to include a nonprofit category and flip the order of the high level spending plan to reflect roughly 60% to Businesses, Nonprofit to 10%, and the Town 30% with direction to staff to reflect these changes. Council member Bledsoe second the motion with the friendly amendment.

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

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

**g. An Ordinance for Penalties and Other Billing Policy Changes (Sally Hankins/Liz Krens)(Information will be provided in supplemental agenda)**

Sally Hankins, Town Attorney, stated that this is meant to give notice to council to help businesses and residents because of the COVID crisis of the real estate and personal property taxes due June 5<sup>th</sup> have been delayed to June 22<sup>nd</sup>, done under the town manager emergency ordinance. She would like to add that the penalty to be 0% through August 5<sup>th</sup> and after that it would change back to 10% August 6<sup>th</sup>. She would bring forth an ordinance reflecting this at the next meeting. Council member Bledsoe questioned if a supplemental agenda was shared as what was noted on the agenda packet. Ms. Hankins stated that only an oral presentation would be shared. There was no objection from council to pursue this.

**h. COVID -19 Community Testing**

Sally Hankins had questions on the contract sent from Perionics service agreement contract that was sent. She confirmed the \$7500 fee and the town location would be Rite Aid. Mayor Fraser confirmed that this location was being offered free of charge with no rental fee. The town procurement policy states that expenditures over \$5000 will need 3 quotes. There is also a need for Police services along with permitting of using the town location that would possibly be needed. The marketing of the location also needed to be done by the town. Ms. Hankins stated that insurance provisions were needed. Ms. Hankins also shared that the contract stated that there were three parties associated with this contract: the town, Perionics, and Lab Works. She shared that the contract needed to be changed to reflect Perionics as the sole partner. Mayor Fraser stated that the \$7500 payment would need to be made to Lab Works. Ms. Hankins requested that she call on Perionics and be handed over the authority to make this contract work and the testing date be confirmed as soon as possible and the Mayor agreed.

**ACTION ITEM(S)**

**a. Adoption of FY 2021 Budget and Appropriations for First Quarter FY 2021**



## **Expenditures (David Mekarski/Liz Krens)**

### **1. Adopting the Budget Resolution**

Elizabeth Krens shared the process with details from the staff report in the agenda packet and the implications of the COVID ramifications when speaking of and adopting the budget. Council member Grewe requested confirmation from Ms. Hankins that only adopting a portion of the budget may present an issue. Ms. Hankins stated the statute does state that a budget is expected to be adopted to cover the entire fiscal year and this does fall short and considering the COVID circumstances with limited information, but she believed it meets all of the statute intents of the staff to plan ahead. This would be accomplished as soon as this budget is adopted, the planning for the rest of the budget would continue to be worked on. She further stated that the choice by council was to either adopt a budget that we knew would need to be amended for the entire year or to move forward with one quarter being the First Quarter which was decided by council. Council member Grewe also questioned if there would be penalties. Ms. Hankins confirmed that she is unaware of any. Council member Stinnette added with avoidance of deficiency spending this can be managed on solid ground.

Council member Bledsoe moved that Town Council adopt Resolution Number 20-06-01, adopting the FY 2021 First Quarter Budget as amended by the *Summary of Changes to the FY 2021 Budget* and authorizing and the Town Manager to take all steps necessary and prudent to effectuate the implementation of the FY 2021 First Quarter Budget. Council member Grewe second the motion.

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

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

### **2. Adopting the Appropriations Resolution**

Council member Bledsoe moved that Town Council adopt Resolution Number 20-06-02, an interim appropriation for FY 2021 First Quarter expenditures, and re-appropriating for expenditure in FY 2020 the Capital Improvement Program project funds that were appropriated by Town Council in FY 2020 but were not spent within FY 2020, and re-appropriating the seven project expenditures in the General and Utility operating funds that were appropriated by Town Council in FY 2020 but not spent within FY 2020. Furthermore, Town Council will reconvene to consider and adopt an additional FY 2021 appropriation for Second, Third and Fourth quarter expenditures before October 1, 2020. Council member Grewe second the motion.

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

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

**b. EDAC Survey To Help Aid Purcellville Businesses (David Mekarski)**

David Mekarski reviewed what was shared in the agenda packet regarding the survey. He commented upon Council's approval of the proposed questions, staff will create the survey and forward the survey link to Town Council and to members of the Economic Development Advisory Committee with staff recommending the following: 1) For question 3 to change "weekly" to "monthly", 2) Prior to asking question number 6. What three specific initiatives should the Town pursue with the \$891,000 CARES Act Funding Relief Program to support Purcellville's small businesses?, it is important for the respondent to understand the availability of funds for business relief/stimulus following reimbursement of town expenses and some of the primary restrictions to include "It is estimated that the Town will have incurred through December 31, \$358,000 of unbudgeted expenses associated with the COVID-19 emergency. Following federal reimbursement of these local expenses, it is estimated that the Town will have \$434,000 (with change to the \$891,000) to assist local businesses with COVID-19 relief/stimulus grants. Funds cannot be utilized to subsidize or offset taxes or utility fees.", and 3) Add a question "Have you received any federal funds, in loans or grants, associated with COVID-19 impacts to your business?"

Council member Ogelman requested a decision from Council.

Council member Bledsoe questioned how would the questions be resolved for the survey; meaning would it be at this meeting or through another avenue. David Mekarski commented that the discretion could be given to him or Ms. Hankins to move forward with Council member Ogelman and EDAC.

Council member Stinnette moved that the Town Council approve the questions as amended by staff, remove the question "how long have you been in business", and what was your revenue compared to a year ago that staff changed to monthly and also make that a percentage of revenue question, which were noted by David Mekarski, and request that staff create the amended survey with coordination with EDAC.

Council member Grewe commented on questions 4 and 5 to break down full time versus part time and add on to question 10 to modify "federal, county or state" grants, and make questions 7 and 8 open ended questions instead of Yes or No.

Council member Stinnette moved that the Town Council approve the questions as amended and discussed, noted by David Mekarski, and request that staff create the survey in coordination with EDAC. Council member Grewe second the motion.

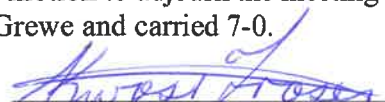
Motion: Council member Stinnette  
Second: Council member Grewe  
Carried: 7-0

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

#### **ADJOURNMENT**

With no further business, Council member Bledsoe made a motion to adjourn the meeting at 10:39 PM. The motion was seconded by Council member Grewe and carried 7-0.

  
Kimberly Bandy, Deputy Town Clerk

  
Kwasi A. Fraser, Mayor

