



**AGENDA
PURCELLVILLE TOWN COUNCIL REGULAR MEETING
JANUARY 24, 2017, 7:00 PM
TOWN HALL COUNCIL CHAMBERS**

- 1. CALL TO ORDER OF REGULAR MEETING** (Mayor Fraser)
- 2. PLEDGE OF ALLEGIANCE**
- 3. INVOCATION** (Mayor Fraser)
- 4. SUMMARY OF MOTIONS** *(provided separately)*
- 5. AGENDA AMENDMENTS/APPROVAL** (Town Council and Staff)
- 6. PROCLAMATIONS/RECOGNITIONS** (Town Council)
None
- 7. PUBLIC HEARINGS**
None
- 8. PRESENTATIONS**
None
- 9. CITIZEN/BUSINESS COMMENTS** (Mayor Fraser)
(All citizens who wish to speak will be given an opportunity. Limits will be imposed on all speakers. All speakers should sign up prior to speaking, and Town residents will be given the first opportunity to speak.)
- 10. MAYOR AND COUNCIL COMMENTS** (Mayor Fraser)
- 11. DISCUSSION/INFORMATIONAL ITEMS**
 - a. Public Safety Reports
 - i. Purcellville Volunteer Rescue Squad (Aaron Kahn, President)
 - ii. Purcellville Volunteer Fire Company (Brad Quin, President) (pgs. 3-5)
 - iii. Purcellville Police Citizens Support Team (James Taylor, President/Dawn Mabe, Vice President) (pg. 7)
 - iv. Purcellville Police Department (Lt. Joe Schroeck/Chief C. McAlister)
 - b. Public Works Monthly Operations Report (A. Vanegas) (pgs. 9-22)
 - c. Economic Development Update (P. Sullivan) (pgs. 23-36)

- d. Discussion with DEQ on Water Reclamation at the Wastewater Treatment Plant (A. Vanegas)

12. ACTION ITEMS

- a. Request for Rezoning and Comprehensive Plan Amendment – Patricia DiPalma-Kipfer* (D. Galindo) *INFORMATION FORTHCOMING IN A SUPPLEMENTAL AGENDA*
- b. 405 Browning Court Availability Fees* (A. Vanegas) (pgs. 37-38) (Motion pgs. 37-38)
- c. Budgeted Vacancies* (D. Davis) (pgs. 39-56) (Motions pgs. 47-48)
- d. Process for Town Manager Performance Evaluation* (Town Council) (pgs. 57-91)
- e. RZ16-01 - Remapping the Floodplain (Overlay) District & OA16-03 – Zoning Ordinance Text Amendment to Revise the Floodplain (Overlay) District (D. Galindo) (pgs. 93- 124) (Motions pg. 97)

13. DISCUSSION OF ITEMS PROPOSED FOR FUTURE PRESENTATIONS / RECOGNITION

- a. None

14. APPROVAL OF MINUTES

- a. December 13, 2016 Regular Meeting - revised (pgs. 126-170) (Motion pg. 125)
- b. January 10, 2017 Regular Meeting (pgs. 171-190) (Motion pg. 125)

15. CLOSED MEETING* (pgs. 191-193) (Motions pg. 192)

The purpose of the closed meeting is to discuss applicants for appointments to Committees, Commissions and Boards.

16. APPOINTMENTS TO COMMITTEES, COMMISSIONS AND BOARDS* (pgs. 195-196) (Motions pg. 196)

17. ADJOURNMENT

*Roll Call Votes

IF YOU REQUIRE ANY TYPE OF REASONABLE ACCOMMODATION AS A RESULT OF PHYSICAL, SENSORY OR MENTAL DISABILITY IN ORDER TO PARTICIPATE IN THIS MEETING, PLEASE CONTACT DIANA HAYS, TOWN CLERK, AT 540-338-7421. THREE DAYS NOTICE IS REQUESTED.



PURCELLVILLE VOLUNTEER FIRE COMPANY

ADMINISTRATIVE REPORT TO THE PURCELLVILLE TOWN COUNCIL

The contents of this report are intended to help inform the Purcellville Town Council of the administrative activities of the Purcellville Volunteer Fire Company in service to the community. Operational data (fire calls, action reports) are excluded and are part of a more formal operational report provided by the Chief of the Department.

Administration

- The Company conducted its annual officer elections in December with changeover to occur in January. The offices open for re-election were president, secretary, at-large board member, assistant chief and captain. Those elected to two years terms were Brad Quin, president; Bob Kasabian, secretary; Robert Lee, at large board; Scott Maple, assistant chief and Ted Raabe, captain. All company officers, new and incumbents will be sworn in at the annual Installation and Awards banquet scheduled for January 28, 2017.
- The company completed its annual Christmas Tree sale which began on November 25th by selling out its entire stock of 850 trees by December 17. This is a key element of our annual fund raising effort and we are grateful to the community for such support.
- The year ended with a record low number of new members joining the company. This is a phenomenon being experienced around the county and nation with respect to volunteer recruitment. We added just 14 members to the company versus the usual 20-25 averaged over the last 9 years. We are focusing efforts in FY 17 on outreach and recruitment and will be participating in a National Volunteer Fire Council sponsored effort to employ social media more efficiently to reach new recruits.
- The New Year recruiting effort began with the successful addition to the company of two new members in January. This is a good start we hope to maintain throughout the year.

- Losses were lower this year than in the past with just 13 members leaving the company for a variety of reasons. We will be impacted this year by the loss of five very active firefighters who have elected to become career firefighters in Loudoun, and two other surrounding counties. This is particularly difficult loss as these individuals are among our best trained and experienced staff. They remain on our rolls, we are proud of them, but their departure adds additional strain on our service capability.
- The trend for continued volunteer losses and increased career (paid) staffing continues County-wide. As this occurs the public funding for such staffing with increase with a congruent impact on the County budget. Of the 13 volunteer fire or fire and rescue companies in Loudoun, only five do not require 24/7 career staffing. Company 3, Middleburg, is now defunct and Companies 4 and 10 are nearing a critical decision to remain chartered. Purcellville remains a strong company but fights an uphill battle to recruit and retain volunteers in the current service and training environment.
- Eight members of the company successfully completed advanced medical certification training at classes held at our station. All firefighters in Loudoun must hold EMR or EMT certification to be eligible for service. Those trained as rescue company personnel are **not** required to have firefighter training.
- The Company's annual mail solicitation fund drive is underway with a target of \$32,000 in donations. More information on this solicitation will be available next month.
- For those who are following progress with the acquisition of our new tower ladder truck, it was placed into service on December 22 and was immediately dispatched that evening to a working incident in Bluemont. Since then it has already seen service on a number of incidents and other support runs. The apparatus it replaced is under contract to be sold to a fire company in Wisconsin whose staff travelled to Purcellville to inspect the vehicle.

Community Outreach and Public Relations

- Duty crew meals continue to be provided through the efforts of the Sellers family for each of our monthly meeting dates. This year the group coordinated by Wendy Sellers will add a second meal each month to the calendar. The meals are donated by community members who sign up to assist us with this key effort. The annual budget to feed duty crews of 8-10 members is approximately \$18,000 per year. This contribution helps to significantly defray those costs and is a wonderful way in which the community supports its volunteer fire fighters. We are very grateful for this superior effort.

- The annual Santa Ride occurred on December 17 with Santa riding atop our big Tower Ladder truck. Santa spent three hours touring Purcellville and dispensing his usual good wishes to all good boys and girls (and even good adults and fire fighters)!
- The company once again hosted the bi-monthly St. Francis De Sales blood drive at the station on January 15 securing over 60 donations.
- Company president Brad Quin was re-elected ted chair of the Administrative Operations Committee of the Loudoun County Combined Fire and Rescue System. He also sits on the LC-CFRS Executive Committee.
- Chiefs Bob Dryden and Michael O'Brien serve on the County's Aid to Localities (ATL) fund distribution committee and Chief Dryden serves as the company representative to the Fire Operations Committee of LC-CFRS.

Key Fire Service Facts

87% - the percentage of fire fighters in the Commonwealth of Virginia who are volunteers.

60 – the average number of hours a PVFC volunteer serves on duty crews **each month**. This time is exclusive of other responsibilities, training and required activity.

1 minute – the average time it takes a well-established fire to double in size.

C – the minimum acceptable grade in any class for high school members of the company. Grades are checked quarterly.

Respectfully Submitted

Bradley J. Quin
President/Membership Chair

January 2017

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STAFF REPORT

PURCELLVILLE CITIZENS SUPPORT TEAM

SUBJECT: Purcellville Police Citizen Support Team

DATE OF MEETING: January 24, 2017

SUMMARY AND RECOMMENDATIONS:

The following is a list of events in which the support team assisted since the last report of December 13, 2016.

1. No monthly meeting was held in December.
2. December 10th - Christmas Parade at noon – support team helped out with traffic control.
2. December 23rd – Wayne and Dawn Mabe of the support team and their grandson transported fruit baskets and boxes of food to pass out to needy families along with members of the Police Dept and Purcellville Women’s Club.

The Purcellville Police Citizen Support Team looks forward to helping out both the Police Department and the community in the upcoming events in town for 2017.

President – Dawn Mabe

Vice-President – James Taylor

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STAFF REPORT
INFORMATIONAL ITEM

Item #11b

SUBJECT: Public Work Monthly Operations Report

DATE OF MEETING: January 24, 2017

STAFF CONTACT: Alex Vanegas, CPM, Director, Public Works

SUMMARY and RECOMMENDATIONS:

Attached for your review are the Monthly Operations Reports for the four divisions of Public Works: Engineering & Capital Projects, Street & Utility Maintenance, Water Production and Water Reclamation. The enclosed reports are for the month of December 2016. Should you have any questions or desire any further clarification please let us know.

ATTACHMENT(S):

1. Engineering & Capital Improvements, Street & Utility Maintenance, Water Production and Water Reclamation Monthly Operations Reports.

Capital Projects & Engineering Department Update

12/31/2016

Town Projects Summary – Table A

Plan Reviews & Private Projects – Table B

Inspections Summary for December 2016

Site Plans and Subdivisions	
	Mayfair Residential Subdivision: Bond reduction inspections, as-built drawing review, sanitary sewer and storm sewer CCTV inspection review, occupancy inspections (12 townhomes, 5 single family, 6 reinspection for townhomes), water meter crock inspections (3)
	Mayfair Industrial Subdivision: as-built drawing review
	McDonald’s demolition and site plan construction; daily site visits, occupancy inspection, review of backflow prevention device inspection reports
	Southern States demolition and site plan construction; daily site visits
	Townwide concrete repairs. On hold due to weather conditions
	2-year warranty inspection, Fireman’s Field Storage Building
	Catoctin Corner, onsite. Sanitary sewer installation is on-going, daily site inspections.
	G Street homes. Sanitary sewer lateral, site inspections. Partial ROW bond release approved.
	108 Bailey Lane. Final site inspection. Bond reduction approved.
Right-of-way Permits	3
Water Meter Inspections (before installation)	3
Occupancy Permit Inspections (site)	12 townhomes, 6 re-inspection of townhomes 5 single family 1 commercial

Business Utility Forms, reviews/approvals – 2

Right-of-way Permits, reviews/approvals – 4

Education & Training

Beehive software training: Andrea Broshkevitch, Dale Lehnig, Jessica Mehl, Joshua Goff

OSHA online training: Joshua Goff

TABLE A TOWN PROJECTS

PROJECT NAME	DESCRIPTION	STATUS	NEXT STEPS	
Downtown Streetscape Ph. II	Downtown Streetscape (sidewalks, etc.) and stormwater collection/conveyance project. Federal enhancement funding.	Under construction; contractor is Jefferson Asphalt. Contractor has completed VDOT punchlist items. VDOT final inspection complete. Contractor has submitted additional closeout paperwork, but some additional is still needed. Final Change Order approved and signed. Internal audit complete.	Closeout documentation, final payment approval, then submit to VDOT for final reimbursement.	
East Main Street Sidewalk project	Construction of sidewalk from 901 East Main Street to 1043 East Main Street.	Capital project was completed in 2014. 2-year warranty inspection completed and punchlist sent to Contractor.	Contractor to complete warranty items. Work postponed due to weather, to be rescheduled.	
A Street Pathway	Constuction of pathway along A Street from Orchard Brook Terrace to Valley Springs Drive.	Capital project was completed in 2014. 2-year warranty inspection completed and punchlist sent to Contractor. Plantings have been replaced.	Contractor to complete warranty items.	
Hirst Farm Pond	Retrofit Hirst Farm pond for water quality benefits. Stormwater Local Assistance Funding, 50-50 split with Town.	Engineering design proposal has been reviewed. PO issued for initial survey work. Survey work complete, wetlands delineation underway. Met with Loudoun County to discuss possible funding assistance.	Awaiting county response to funding question.	
32nd and A Street Improvements	Proposed roundabout. Revenue Sharing grant, 50-50 split VDOT and Town	Considering rescoping this project for original intersection with turn lanes, instead of roundabout. Traffic counts completed. Study underway to provide cost estimates for alternatives, as well as guidance for preferred solution. Study complete, under review.	Review study; determine next steps.	

TABLE A TOWN PROJECTS

PROJECT NAME	DESCRIPTION	STATUS	NEXT STEPS	
Nursery Avenue Improvements	sidewalk , curb and gutter, stormwater collection and conveyance from the "teardrop" (20th Street) to the stream approx. 370 feet south of J Street. Funding is Revenue Sharing, 50-50 split Town and VDOT.	30% plans are complete. Advertising for RFP for design to 100%. RFP due August 9, 2016. Interviews conducted with 2 firms. ATCS approved by Town Council to move forward with 100% design plans. Received Contract and Certificate of Insurance (COI). Purchase order issued, kickoff meeting held. Design underway.	Design underway.	
Main Street and Maple Avenue Safety Improvements	Sidewalk to connect Main Street to McDonald's sidewalk, mid-block cross walk at approx. 550 E. Main Street.	60% plans complete, under VDOT review. Environmental forms complete and submitted to VDOT. Notice of Willingness posted, also sent to affected property owners.	Request authorization from VDOT to proceed with ROW phase.	
Allder School Road watermain replacement	Replace existing small diameter watermain, in house work.	VDOT land use permit submitted. Staff met with VDOT. There are cost increases due to VDOT suggestions. To TC January 10, 2017.	After TC guidance, determine next steps.	
Hirst Road Safety Improvements	Improvements along Hirst Road from Hatcher Avenue to Hillsboro Road (Route 690). Includes guardrail and shoulder improvements, upgrade pedestrian ramps, new signs and markings. Funding is revenue sharing, 50-50 split VDOT and Town.	Agreement with VDOT for RS project has been executed. Town has met with Kimley Horn to clarify scope for the project. Met with VDOT for project scoping. Final proposal from KHA needed.	Receive final proposal from KHA, request purchase order.	
Guardrail Replacement, various locations in Town	Replacement of damaged or non-compliant guardrail at various locations in Town	Agreement with VDOT for RS project has been executed. Town staff is working with procurement officer to obtain quotes.		
North Maple Avenue Water Main Replacement ON HOLD FOR FY18	Replacement of the existing 6-inch water main with a new 12-inch water main in Maple Avenue, Main Street to the W&OD Trail. Water main has had multiple breaks in the past.	100% plans are complete. Bids in 2012 exceeded budget, all bids rejected.	Project is in budget for FY2018	

TABLE A TOWN PROJECTS

PROJECT NAME	DESCRIPTION	STATUS	NEXT STEPS	
GIS updates - water layer	As needed, updates to GIS for water main, water meters, hydrants. Based on as-built drawings for new construction, but also staff obtained points for existing features.	Staff is collecting water meter location points, engineering is adding to GIS layer. Update to GIS needed for updated version of software.	Update GIS software.	
GIS updates - sanitary sewer layer	As needed, updates to GIS for sanitary sewer main, laterals, cleanouts. Based on as-built drawings for new construction, but also staff obtained points for existing features.	Staff is collecting cleanout location points, engineering is adding to GIS layer.		
GIS updates - storm sewer layer	As needed, updates to GIS for storm sewer main, inlets, culverts. Based on as-built drawings for new construction.	J Street drainage improvements needs to be added to GIS. New FEMA floodplain layers added.		
GIS mapping and information	Updates as needed, provide mapping/maps as requested	Created map showing Chapman DeMary trail, Suzanne Kane trail		
Title/easement research as requested	Research easements and title information.			
Unidirectional Flushing Program	The unidirectional flushing program serves to flush the water main. This program is generally implemented every other year.	The flushing commenced in March/April 2016, but the full program was not completed.	Finish the flushing program, fall 2016 or spring 2017.	
Backflow and Cross Connection Control Program	State regulations require the Town to collect inspection reports on testable backflow prevention devices. This is done annually. In 2016, letters were mailed to those with testable devices, requiring the inspection reports. Letters were also mailed to businesses for which the Town did not have confirmation of devices. A courtesy letter was mailed to those with non-testable devices that were more than 5 years old.	More than 250 letters were mailed. As of 7/21/16, 217 reports were submitted, and 102 businesses have responded that they do not have devices. 30 certified letters were mailed in July (final letter).	All businesses with known testable devices that have not responded have been visited by Town Staff. All but one have noted that they will provide test results.	

TABLE A TOWN PROJECTS

PROJECT NAME	DESCRIPTION	STATUS	NEXT STEPS	
Grease Trap Inspection Program	Grease in the sanitary sewer system can cause backups in the mains. Grease traps need to be maintained so that grease does not enter the Town system.	The Town requests businesses to submit forms to show that the grease trap has been serviced periodically. Working with Maintenance to have hot spots televised.		
Manhole Inspection	Inspect manholes that were lined during rehabilitation efforts in previous years to determine if rehab is holding up well	Manholes that were rehabilitated in 2009-2010 inspected (approximately 10 manholes)	Continue inspections.	
Monthly Manhole Inspection - select manholes	Several manholes in the Town's system are known to have issues with solids build-up. These manholes are inspected monthly, and if issues are noted, the maintenance dept is notified to clean the manholes	5 manhole inspections completed monthly.	Monthly inspections.	
Task Order Contract Request for Proposal (RFP)	RFP for Project Management and Construction Management Services	Proposals received 6/28/2016. Proposals reviewed by selection committee. Interviews with 2 firms held on 8/12/16. Selection of RK&K and WRA approved by TC. Contract Documents received, reviewed. Comments sent to RK&K, WRA.	Town attorney to speak to attorney for firm.	
Request for Proposal (RFP)	RFP for Nursery Avenue Roadway and Drainage Improvements. See also Nursery Avenue Roadway and Drainage Project above	30% plans are complete. ATCS was recommended and approved by TC to complete the design to the 100% stage. Town received Contract and Certificate of Insurance (COI). Contract signed. Kickoff meeting held, design to begin.	Engineer to work on design.	

TABLE B PRIVATE PROJECTS

PROJECT NAME	DESCRIPTION	STATUS	NEXT STEPS
TP13-02 Catoctin Corner Frontage Improvements	Water main extensions along Berlin Turnpike and East Main Street, Sewer main extension along East Main Street, traffic signal modifications (VDOT oversight)	Engineering review completed, no further comments. Plans have been approved. Preconstruction meeting held 11/30. Frontage improvements expected to begin spring 2017.	Construction at initiative of developer
TP15-08 Catoctin Corner Site Plan	Site work including water, sanitary sewer, storm sewer, other grading and site work.	Engineering review completed, no further comments. Plans have been approved. Preconstruction meeting held 11/30. Sanitary sewer installation (on site only) is ongoing.	Construction continues, site inspections continue.
TP14-06 Mayfair Residential Subdivision	262 dwelling units consisting of a mix of single family detached and single family attached dwelling units.	Single family and townhomes under construction. Phase 1 beneficial use approved; phase 2 beneficial use requested. Beneficial use inspection of Phase 2 water and sanitary sewer completed. Videos of sanitary sewer and storm sewer received; under review. Bond reduction requested, town response sent to developer. Town received additional sanitary sewer videos (1/3/2017), under review.	Respond to developer request for Phase 2 beneficial use.
TP14-08 Mayfair Industrial Subdivision	12 lot industrial subdivision with main street located off of Nichols Lane.	Infrastructure is installed. Beneficial use inspection completed, as-built drawings and sanitary sewer videos reviewed. Beneficial use not approved.	Developer to address punchlist items.
TP14-01 Southern States Site Plan	Demolition of existing building and construction of new building and parking lot	Plans approved. Under construction.	Daily site inspections.
TP14-12 McDonalds Rebuild site plan	Demolition and rebuild of McDonalds on N. Maple Ave.	Building and site work complete; occupancy approved.	Remove from report.
TP14-13 Vineyard Square site plan	Demolition of buildings and new construction on N. 21st Street	Easements recorded, bonds approved and site plan has been signed.	Construction at initiative of developer

TABLE B PRIVATE PROJECTS

PROJECT NAME	DESCRIPTION	STATUS	NEXT STEPS
Morgan Meadow preliminary plat	Preliminary plat for a 5 lot subdivision on N. Hall Ave.	Engineering review of 3rd submission complete. Resubmitted, approved.	
Mayfair Industrial Subdivision, Lot #1	Storage lot, minor site plan.	Engineering review completed 6/1/2016.	
TP16-05 Purcellville Firehouse, 130 S. 20th Street	Minor site plan, includes sidewalk, parking lot, sanitary sewer lateral replacement, building renovation.	PW review completed 9/8/2016. New plans submitted, PW comments 1/6/2017.	Developer to address comments, preconstruction meeting.
TP15-10 Lot 6F - 37231 Richardson Lane, mini warehouse	site plan for mini warehouse. Includes storm drainage for off site lots in Valley Industrial Park.	Reviewed 9/19/2016. Meeting with applicant scheduled for 11/10/16	Applicant to re-submit.
TP15-04 Dragon Yong-In Martial Arts	Site plan for addition of soccer field, walking track, traffic circulation and parking.	Zoning permit issued 4/8/2016.	PW requested business utility form to include irrigation system 11/6/2015
O'Toole Property rezone	Rezoning, and comp plan amendment	PW review 8/8/2016	Applicant to address comments
G Street Duplexes	Duplex construction, with associated water and sanitary sewer connections	Under construction. Water and sanitary sewer connections installed. Occupancy requested, approved. ROW bond reduction requested and approved.	Final site stabilization, driveway entrance pavement needed.

MAINTENANCE DEPARTMENT
MONTHLY OPERATIONS REPORT
FOR THE MONTH OF: DECEMBER 2016
PREPARED: JANUARY 2017

MAINTENANCE DEPARTMENT
MONTHLY OPERATIONS REPORT
FOR THE MONTH OF: DECEMBER 2015
PREPARED: JANUARY 2016

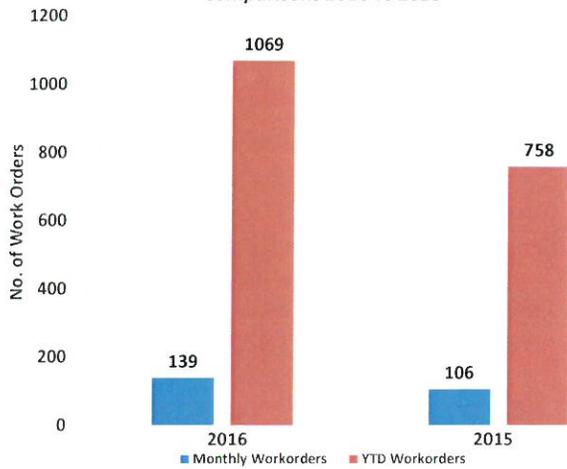
MEASURE	MONTH	UNITS	FY YTD	UNITS	MEASURE	MONTH	UNITS	FY YTD	UNITS
WORK ORDERS (W.O.) PROCESSED	139	#	1069	#	WORK ORDERS (W.O.) PROCESSED	106	#	758	#
STAFF HOURS REQUIRED FOR W.O.	676	HRS.	3277.44	HRS.	STAFF HOURS REQUIRED FOR W.O.	401.25	HRS.	3051.75	HRS.
NON-CORE DUTIES HOURS	48.75	HRS.	246.83	HRS.	NON-CORE DUTIES HOURS	0	HRS.	21	HRS.
CD. MAN HOURS REQUIRED FOR WO	627	HRS.	2850.34	HRS.	CD. MAN HOURS REQUIRED FOR WO	401.25	HRS.	3030.75	HRS.
PM FIRE HYDRANTS	0	#	0	#	PM FIRE HYDRANTS	0	#	0	#
EMERGENCY FIRE HYDRANT REPAIR	1	#	1	#	EMERGENCY FIRE HYDRANT REPAIR	0	#	0	#
PM VALVE EXERCISED	0	#	0	#	PM VALVE EXERCISED	0	#	0	#
CCTV SEWER LINE	0	L. FT.	9,979	L. FT.	SEWER LINE CLEANED	2,627	L. FT.	6,022	L. FT.
SEWER LINE CLEANED	0	L. FT.	9,356	L. FT.	CCTV SEWER LINE	1,308	L. FT.	7,123	L. FT.
VEHICLES SERVICED	6	#	20	#	# OF WATER BREAKS	0	#	2	#
# OF WATER BREAKS	0	#	1	#	# OF SEWER BACKUPS	0	#	7	#
# OF SEWER BACKUPS	3	#	10	#	# OF CLEANOUTS INSTALLED	1	#	2	#
# OF CLEANOUTS INSTALLED	0	#	4	#	# OF MIS UTILITY TICKETS	80	#	527	#
# OF MIS UTILITY TICKETS	83	#	718	#	# OF METERS READ	15	#	146	#
# OF METERS READ	31	#	186	#	# OF METERS SHUT OFF	3	#	39	#
# OF METERS SHUT OFF	2	#	31	#	# OF METERS TURNED ON	1	#	30	#
# OF METERS TURNED ON	1	#	25	#	# OF REPLACED METERS	0	#	2	#
# OF REPLACED METERS	0	#	2	#	# OF REPLACED REGISTERS	0	#	26	#
# OF REPLACED REGISTERS	0	#	46	#	# OF NEW ACC. METER INSTALLS	3	#	12	#
# OF NEW ACC. METER INSTALLS	5	#	52	#	# OF LEAK CHECKS	6	#	37	#
# OF LEAK CHECKS	21	#	51	#	# OF REPLACED MIUs (Radios)	8	#	63	#
# OF REPLACED MIUs (Radios)	12	#	112	#	BULK WATER SALES	0	Gallons	772.2K	#
CUSTOMER COMPLAINTS	5	#	40	#	CUSTOMER COMPLAINTS	1	#	42	#
WATER COMPLAINTS REC'D	0	#	2	#	WATER COMPLAINTS REC'D	0	#	4	#
WATER COMPLAINTS RESOLVED	100	%	100	%	WATER COMPLAINTS RESOLVED	100	%	100	%
WASTEWATER COMPLAINTS REC'D	2	#	8	#	WASTEWATER COMPLAINTS REC'D	0	#	0	#
WASTEWATER COMPLAINTS RES'D	100	%	100	%	WASTEWATER COMPLAINTS RES'D	100	%	100	%
BULK WATER SALES-QTY.	0.0	Gallons	756,500	Gallons					
BULK WATER SALES-\$	\$0	\$\$	\$8,322	\$\$					

ACCOMPLISHMENTS

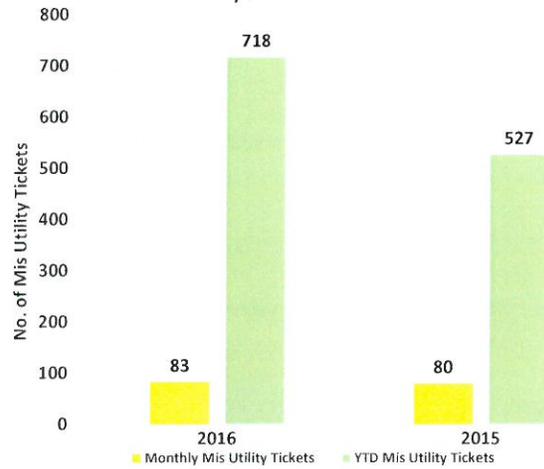
Revised snow plan for upcoming snow season
Prepared for FY17-FY18 Budget cycle

Maintenance Department December 2016 vs 2015 Comparisons

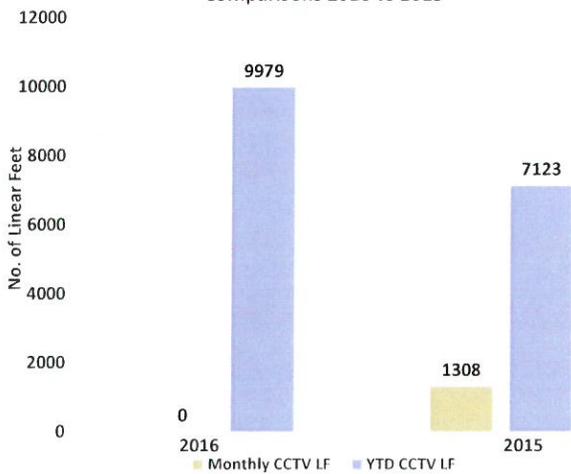
*December & YTD Work Orders Processed
Comparisons 2016 vs 2015*



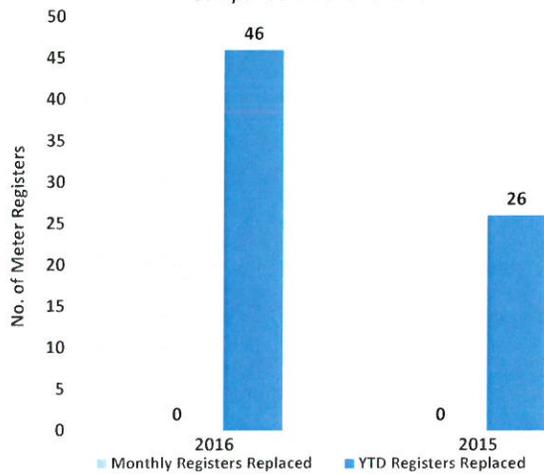
*December & YTD Mis Utility Tickets Processed
Comparisons 2016 vs 2015*



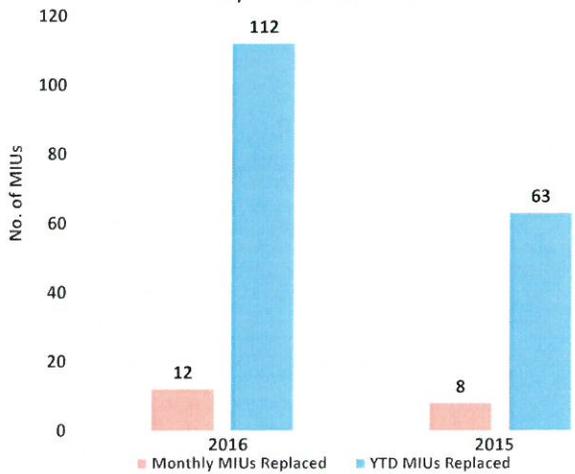
*December & YTD CCTV Sewer Lines
Comparisons 2016 vs 2015*



*December & YTD Meter Registers Replaced
Comparisons 2016 vs 2015*



*December & YTD MIUs Replaced
Comparisons 2016 vs 2015*



**WATER TREATMENT PLANT
MONTHLY OPERATIONS REPORT
FOR THE MONTH OF: DECEMBER 2016
PREPARED: JANUARY 2017**

**WATER TREATMENT PLANT
MONTHLY OPERATIONS REPORT
FOR THE MONTH OF: DECEMBER 2015
PREPARED: JANUARY 2016**

WATER	MONTH UNITS	AVG./DAY	UNITS	WATER	MONTH UNITS	AVG./DAY	UNITS
ALUMINUM SULFATE	1,613.8	lbs.	52.1	ALUMINUM SULFATE	1,313.6	lbs.	42.4
POLYMER	-			POLYMER			
METAPHOSPHATE	51.2	lbs.	1.7	METAPHOSPHATE	48.5	lbs.	1.6
SODA ASH	1,237.0	lbs.	39.9	SODA ASH	1,563.0	lbs.	50.4
FLUORIDE (WTP & WELLS)	126.3	lbs.	4.1	FLUORIDE (WTP & WELLS)	152.0	lbs.	4.9
POTASSIUM PERMANGANATE	39.9	lbs.	1.3	POTASSIUM PERMANGANATE	33.7	lbs.	1.1
CHLORINE (HYPOCHLORITE @ WTP)	185.0	lbs.	6.0	CHLORINE (HYPOCHLORITE @ WTP)	186.3	lbs.	6.0
CHLORINE RESIDUAL (TANK)			1.7	CHLORINE RESIDUAL (TANK)			1.5
AVERAGE PH (FINISHED)			7.4	AVERAGE PH (FINISHED)			7.4
BULK WATER SALES	0	gals.	0.0	BULK WATER SALES	0	gals.	0.0
INLINE METER, COOPER SPRINGS	2,090,478	gals.	67,434.8	INLINE METER, COOPER SPRINGS	1,763,793	gals.	56,896.6
JEFFERIES WELL	1,157,700	gals.	37,345.2	JEFFERIES WELL	47,700	gals.	1,538.7
WATER PLANT GALLONS	5,590,300	gals.	180,332.3	WATER PLANT GALLONS	6,573,200	gals.	212,038.7
MARSH WELL	2,441,040	gals.	78,743.2	MARSH WELL	1,806,500	gals.	58,274.2
MOUNTAIN VIEW WELL	993,800	gals.	32,058.1	MOUNTAIN VIEW WELL	694,900	gals.	22,416.1
MAIN STREET VILLAGES WELLS (MS-1 & VC)	3,382,700	gals.	109,119.4	MAIN STREET VILLAGES WELLS (MS-1 & VC)	3,113,300	gals.	100,429.0
CORNWELL #2 WELL	1,956,406	gals.	63,109.9	CORNWELL #2 WELL	1,916,207	gals.	61,813.1
FORBES WELL	1,253,451	gals.	40,433.9	FORBES WELL	883,455	gals.	28,498.5
HIRST #2 WELL	73,500	gals.	2,371.0	HIRST #2 WELL	0	gals.	0.0
TOTAL WATER FLOW	15,691,197	gals.	506,167.6	TOTAL WATER FLOW	15,035,262	gals.	485,008.5

RESERVOIR LEVELS: 31-Dec-2016 31-Dec-2015
FRONT LAKE: 1.25' 5.26'
BACK LAKE .35' 4.98'

RAINFALL: 3.12" 4.83"

ACCOMPLISHMENTS

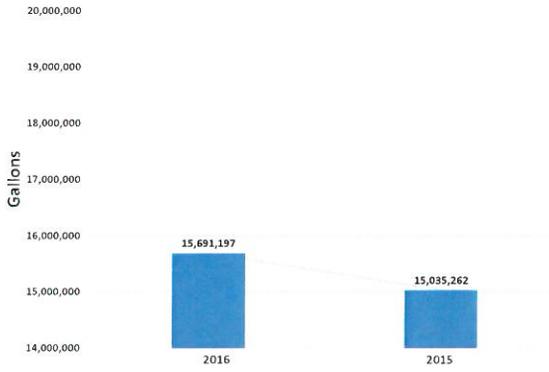
NPDES Discharge Monitoring Report due 01/10 was submitted electronically on 01/06/17
VDH ODW Monthly Operating Report due 1/10 was submitted electronically on 1/10/2017
Four Weekly Water Production Reports were completed
Hirst Well #2 taken out of service on 12/03/2016

Received Draft Taste and Odor Reduction Report prepared by CHA on 12/6/16. The report is under review.

31-Dec-2015
5.40'
5.20'

**Water Treatment Plant
December 2016 vs 2015 Comparisons**

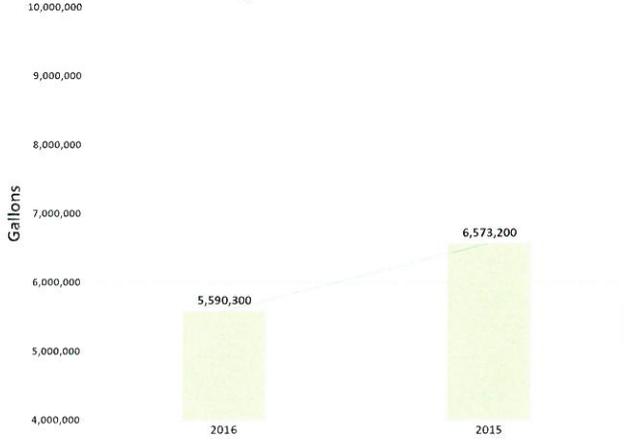
December Total Monthly Water Production 2016 vs 2015



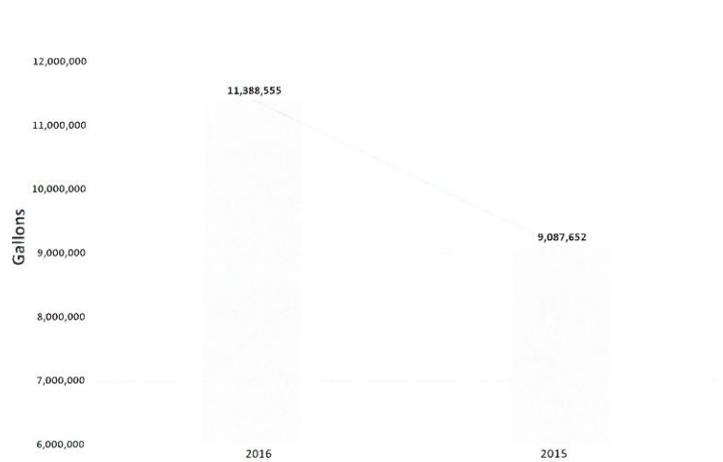
December Total Average Daily Water Production 2016 vs 2015



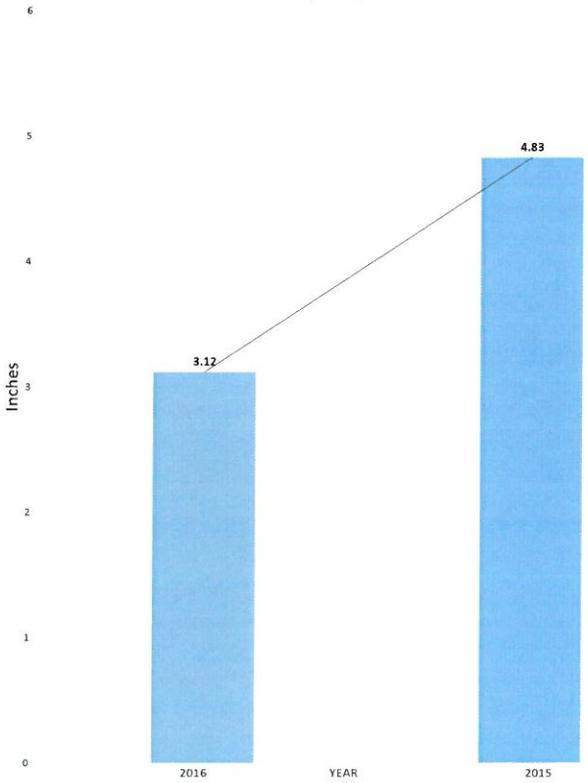
December Monthly Water Plant Water Production 2016 vs 2015



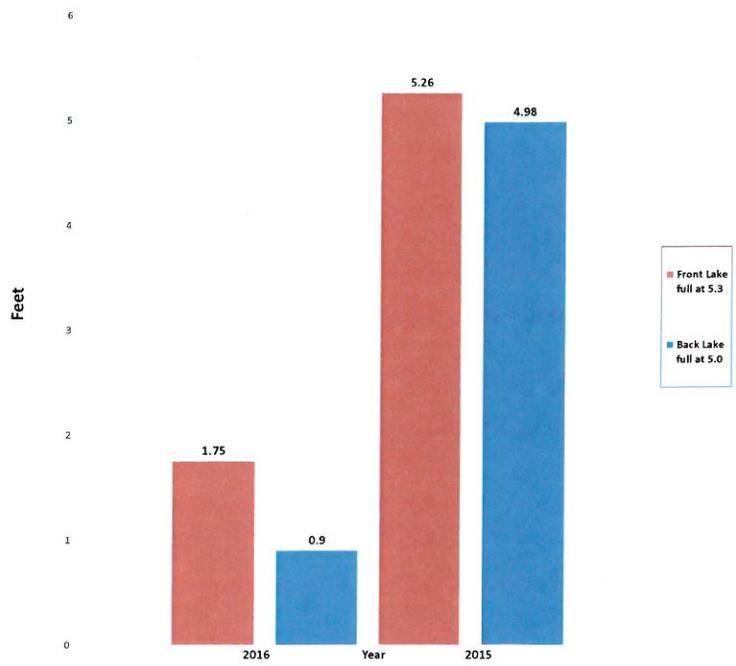
December Monthly Well Water Production 2016 vs 2015



December Monthly Precipitation 2016 vs 2015



December Front & Back Lake Levels 2016 vs 2015



WATER RECLAMATION FACILITY
 MONTHLY OPERATIONS REPORT
 FOR: DECEMBER 2016
 PREPARED: JANUARY 2017

WATER RECLAMATION FACILITY
 MONTHLY OPERATIONS REPORT
 FOR: DECEMBER 2015
 PREPARED: JANUARY 2016

MEASURE	MONTH	AVG./DAY	MEASURE	MONTH	AVG./DAY
INFLUENT FLOW	14,322,600 GAL	462,000 GAL	INFLUENT FLOW	20,375,700 GAL	657,300 GAL
EFFLUENT FLOW	15,683,500 GAL	505,900 GAL	EFFLUENT FLOW	22,253,800 GAL	717,900 GAL
MAXIMUM DAY INFLUENT	695,000 GAL		MAXIMUM DAY INFLUENT	1,019,300 GAL	
FERRIC CHLORIDE	1,325 GAL	43 GAL	FERRIC CHLORIDE	1,579 GAL	51 GAL
CITRIC ACID	276 GAL	69 GAL	CITRIC ACID	79 GAL	40 GAL
SODIUM HYPOCHLORITE	92 GAL	23 GAL	SODIUM HYPOCHLORITE	148 GAL	19 GAL
METHANOL	1,104 GAL	36 GAL	METHANOL	1,088 GAL	35 GAL
RAIN	1.20 IN.	IN.	RAIN	5.20 IN.	0.17 IN.

MONTHLY TOTAL NUTRIENT DISCHARGE

TOTAL NITROGEN	56 LBS.
TOTAL NITROGEN YTD	1,915 LBS.
AVG. DAILY NITROGEN	0.40 MG/L
VPDES NITROGEN LIMIT	4.0 MG/L
TOTAL PHOSPHORUS	16 LBS.
TOTAL PHOSPHORUS YTD	322 LBS.
AVG. PHOSPHORUS DAILY	0.12 MG/L
VPDES PHOSPHORUS LIMIT	0.3 MG/L

MONTHLY TOTAL NUTRIENT DISCHARGE

TOTAL NITROGEN	259 LBS.
TOTAL NITROGEN YTD	2,623 LBS.
AVG. DAILY NITROGEN	1.32 MG/L
VPDES NITROGEN LIMIT	4.0 MG/L
TOTAL PHOSPHORUS	20 LBS.
TOTAL PHOSPHORUS YTD	285 LBS.
AVG. PHOSPHORUS DAILY	0.10 MG/L
VPDES PHOSPHORUS LIMIT	0.3 MG/L

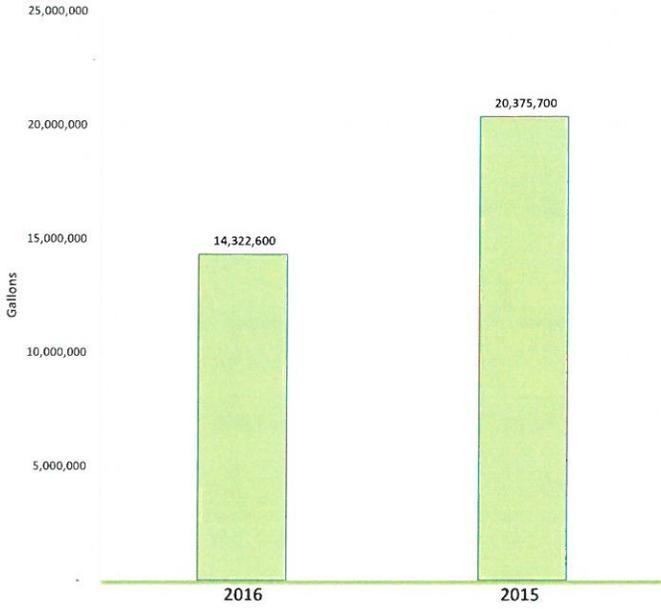
ACCOMPLISHMENTS

Lab techs are working on the annual MDL study for all in house permitted testing required by DCLS.
 Submitted VDEQ discharge monitoring report and Virginia's nutrient report
 Copper and Hardness Study sample analysis.

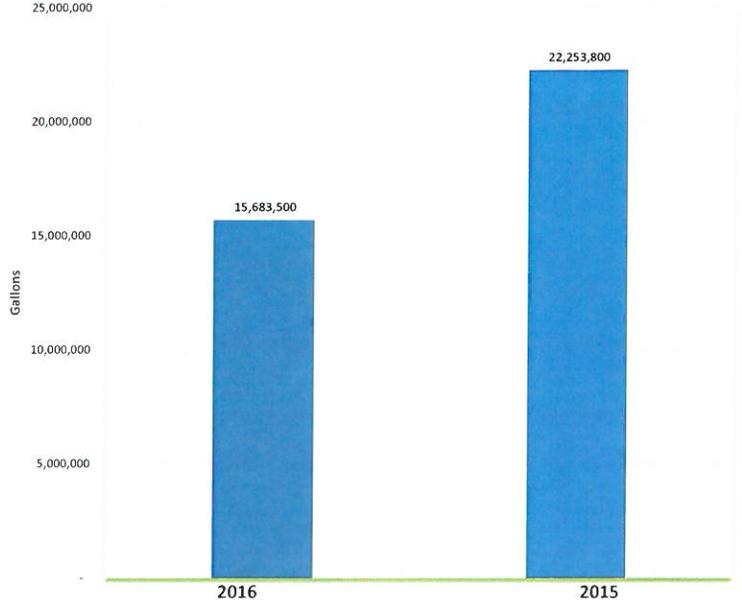
NIA No information available at this time.

Basham Simms Water Reclamation Facility December 2016 vs 2015 Comparisons

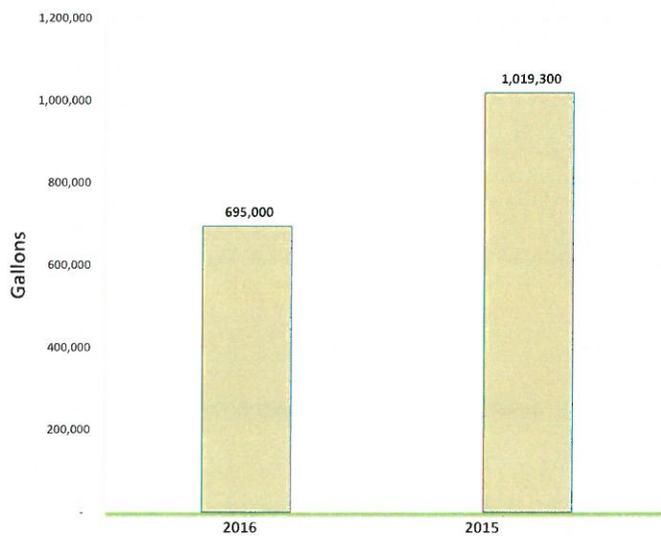
December Influent Flows Comparisons 2016 vs 2015



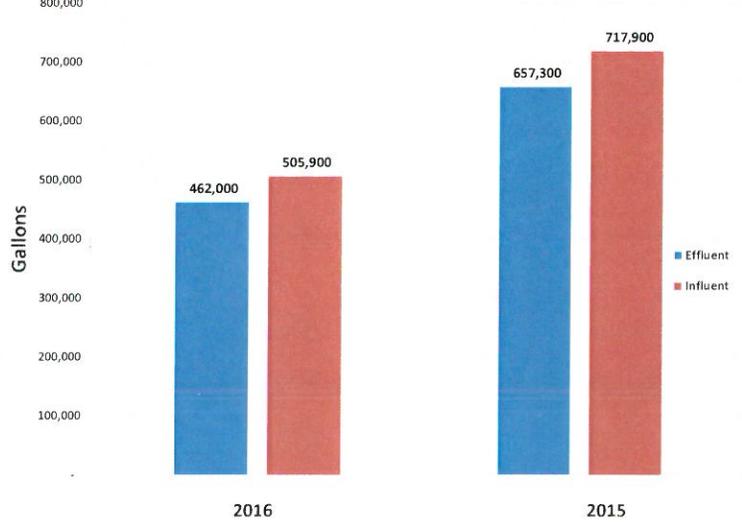
December Effluent Flows Comparisons 2016 vs 2015



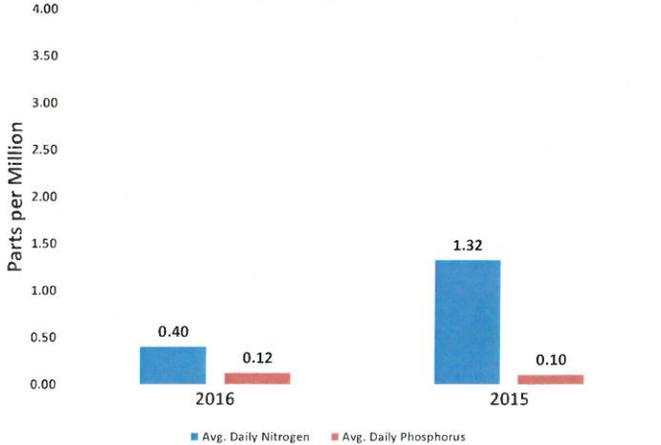
December Max. Daily Flows Comparisons 2016 vs 2015



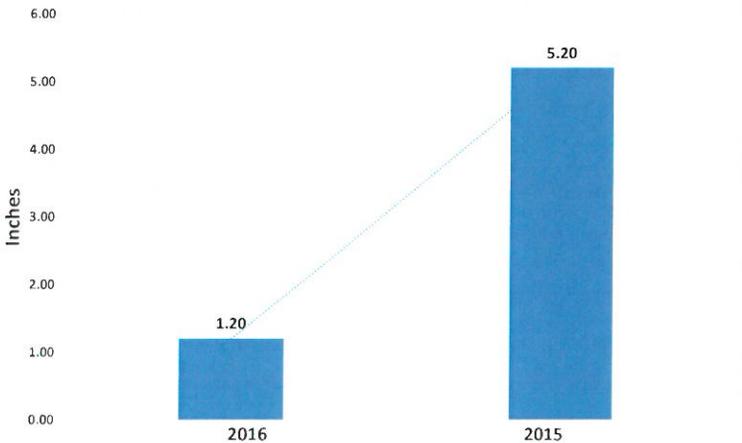
December Average Day Influent & Effluent Flows Comparisons 2016 vs 2015



Average Daily Nitrogen & Phosphorus 2016 vs 2015



Monthly Precipitation 2016 vs 2015





STAFF REPORT
INFORMATION

Item #11c

SUBJECT: Economic Development Report
DATE OF MEETING: January 24, 2017
STAFF CONTACTS: Patrick Sullivan, Community Development

SUMMARY and RECOMMENDATIONS:

December 2016 Economic Development report.

BACKGROUND:

This is the monthly report prepared by Community Development. The report provides updates as to different ongoing economic/building projects, public and private. The report also includes occupancy permits issued within the past month.

Each month a list of new business occupancies including the number of new employees/jobs created is detailed. The business occupancies are broken down between Home Occupancies and regular Commercial occupancy.

The report further includes an ongoing tally of the day-to-day workings of the Community Development Department such as permits issued, site plans received, lawn complaints, illegal signs, subdivisions, annexation applications, etc.

Red text in the report indicates new information.

ATTACHMENT(S):

1. December 2016 Economic Development Report.



**Department of Community Development
Department Update – 12/31/16**

Zoning Activity Summary. Current zoning and planning activity within the Department of Community Development. Table A below provides a summary of the ongoing applications. More detailed information follows the table in narrative form.

Legend: UR – Under Review; WOA – Waiting on Applicant; CDA – Certificate of Design Approval

Table A			
Current Projects			
Applicant/Project Name	Location/address	Review Type	Status See Legend at end of matrix
7-Eleven, Core States Group	700 E Main Street	Lot Consolidation	UR
7-Eleven, Core States Group		Special Use Permit for additional of pumps & larger canopy	UR
7-Eleven, Core States Group		BAR review of proposed canopy over gas pumps	BAR approval 7/19/16
Ball Property Development	32 nd Street	By-right Residential Subdivision for 19 Single Family Detached Houses	Pre-application meeting held on 10/12/16
Beckstrom Electric	Lot 1, Mayfair Industrial Park	Minor Site Plan for storage lot	UR
Catoctin Corner	Corner E Main and Route 287	Site Plan Construction Plans	Approved 10/6/16 Approved 9/20/16
Catoctin Corner		BLA - Purcellville Development and Patrick Henry College	Complete. 9-8-16 Recorded in Loudoun County Clerk's Office on 11/17/16
Catoctin Corner		Deed and Easement plat – Patrick Henry College	Executed. Town was not a party. Recorded in Loudoun County Clerk's Office on 11/18/16
Catoctin Corner		Deed and Easement plat – Patrick Henry College Parcel 2A	Recorded in Loudoun County Clerk's Office on 11/18/16
Catoctin Corner		Deed and Easement plat– Purcellville Development and Storm water Mgmt. Agreement	Recorded in Loudoun County Clerk's Office on 11/18/16
Makersmiths	785 & 787 South 20 th Street	Special Use Permit – (Public or Government Building Facility, or Use Not Otherwise Defined)	Joint Public Hearing held 11/3/16 and TC public hearing held on 12/13/2016. Approved by Town Council on 12/13/2016

Economic Development Summary- December 31, 2016

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Mary's House of Hope	781 South 20 th Street	Special Use Permit - (Transitional Housing)	Joint Public Hearing held 11/3/16 and TC public hearing held on 12/13/2016. Approved by Town Council on 12/13/2016
Morgan Meadows	N Hall Ave	Prel. Plat of Subdivision – 5 residential lots	Approved 8/24/16
McDonalds Corp.	N Maple Avenue	Site Plan	Approved 7/13/16 Temporary Occupancy issued 12/9/16
Mini Warehouse Climate Controlled Storage Facility	Lot 6F - 37231 Richardson Ln	Site Plan	WOA
New Town Development	Purcellville Ridge Commercial Lot – Ken Culbert Lane	New Construction	BAR approval 8/16/16 Pre-application meeting held on 10/3/16 for proposed child care facility
O'Toole	37935 Colonial Hwy	Rezoning Comp Plan Amend	UR WOA
Old Purcellville Firehouse	130 S 20 th Street	Minor Site Plan – Parking lot installation	UR Deed and plat under review.
Purcellville Motorsports	401 Browning Court	Site Plan Pre-app with BAR in July	Approved 4/7/08 BAR approval 7/19/16 Public Improvement bond and business utility form UR
Southern States	261 N 21 st Street	Site Plan	Approved 8/10/16
SunTrust Bank	165 Purcellville Gateway Drive	New Construction	Site Plan Revision submitted 12/20/16 UR
Vineyard Square	130-148 21 st	Site Plan New construction	Site plan approved 3/1/16
Virginia Regional Transit	Browning Court	SUP	Submitted 8/12/16 UR
Warner Brook	Purcellville Rd	Annexation	UR
Village Case		Comprehensive Plan Amendment	Submitted 8/2/16 WOA
Village Case		Proffered Condition Amendment	Submitted 8/2/16 WOA

Legend: UR – Under Review; WOA – Waiting on Applicant; CDA – Certificate of Design Approval

Table B			
Commercial/Industrial Zoning Permits Issued or Under Review			
Applicant/Project Name	Location/address	Review Type	Status See Legend at end of matrix
INOVA	740 S Main Street	Occupancy Permit	UR – Public Works
Monks BBQ	251 N 21 st Street	Interior fit up for restaurant expansion	Approved 2/17/16
Petit Lou Lou, LLC	713 E Main Street	BAR – Exterior renovations - restaurant	Approved 4/19/16
Petit Lou Lou, LLC		Interior Fit-up for French bakery and pastry shop	Approved 5/18/16

Economic Development Summary- December 31, 2016

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Tasos Vatikiotis – Purcellville Theater	860 E Main Street	Interior fit-up, Suite I, 2 nd Floor	Approved 4/26/16
Adroit Brewery	404 Browning Ct	Interior fit-up for brewery expansion	Approved 4/29/16
Select Property Management/ Purcellville Firehouse	130 S 20 th Street	Interior Future Tenant Fit-up	Approved 5/9/16
Berry Blossom	221 N 21 st Street	Interior Fit-up issued for ice cream and smoothie shop	Approved 5/13/16
Southern States	261 N. 21 st Street	Demolition of existing building and new construction	Approved 9/9/16
Lowers Risk Group	125 Hirst Road, Suites 5C, 6C & 7C	Interior renovations	Approved 10/19/16
550 East Main Street, LLC	550 E. Main Street	Interior renovations	Approved 11/9/16

Table C

Commercial/Industrial Occupancy Permits issued

Applicant/Project Name	Location/address	Review Type	Date of Approval	Employees
Mark Burgess CPA, PLLC	170 W Main Street, #201	Office	12/5/16	1
Sonja L. Boggs, LLC DBA The Reiki Center for Wellness	102 N. 21 st Street	Personal Service, Yoga Studio - Relocated	12/20/16	

Home Based Business – Permits Issued

Jamberry Consultant/Shawna M. Peek	809 Woodbine Court	On-line nail care products	12/1/16	1
New Employees		Year to Date	Month of November	
		112	2	

Legend: UR – Under Review; WOA – Waiting on Applicant; CDA – Certificate of Design Approval

Public/Town Projects:

None at this time.

Business-Related Projects:

Approved:

1. Catoctin Corner – E. Main Street and Rt. 287 N.

- Site plan submitted on 1/18/13 for a shopping center.
- Applicant submitted Traffic Analysis on May 14, 2014.
- Grading Plan has been submitted and is being reviewed by the County and the Town. 3rd submission received on 2/17/15 and was sent out for review.
- Review comments sent to applicant on 3/5/15. Waiting for final approval from Loudoun County.
- Grading plan approved on 7/8/15. Clearing has begun and a construction entrance has been established. Staff has been discussing site plan process with the applicant. Construction plans received on 9/4/15 and site plan received on 9/25/15. Both applications are under review.
- Proposed gas station has been preliminarily reviewed by the BAR. Certificate of Design for the gas station/convenience store approved by BAR on 11/17/15.
- An application for another new building at the shopping center was submitted for BAR review on 1/11/16.
- The BAR approved the design of 2 of the buildings at their 2/16/16 meeting and will be reviewing 3 additional new buildings and a dumpster enclosure at their 3/15/16 meeting.
- At the 3/15/16 BAR meeting, design approval was given to 3 buildings and the accessory dumpster enclosures.
- Site Plan and Construction Plans are under still review.
- Last building design will be reviewed by the BAR at their May meeting.
- CDA have been issued for all buildings. As applicant acquires proposed tenants some revisions to building designs are being proposed.
- Various deeds and plats for easements/vacations of easements have been submitted for review. Reviewed by Town Attorney and comments sent to applicant. Deed and plats approved as to form. Waiting for executed copies of deeds from the applicant.
- SUP submitted to shift the location of an approved drive-thru restaurant from the rear of property to prominent location adjacent to the project entrance off of Business 7. Planning Commission held public hearing on 8/4/16. Public hearing was continued to 8/18/16. Planning Commission did not recommend approval to Town Council.
- Construction Plans bonded 7/14/16 and approved 9/20/16.
- Site Plan bonded 7/2/16 and approved 10/6/16.
- Boundary Line adjustment recorded 11/17/16
- Easements recorded 11/18/16.

- Water and sewer availabilities paid on 12/12/16 for 1200 Wolf Rock Drive (Bldg. 3 & 4); 1201 Wolf Rock Drive, (Bldg. 1A, 1B, & 2); and 1230 Wolf Rock Drive (Bldg. 9). Zoning permits for these buildings are under review.
- **Zoning permits for 1200, 1201 and 1230 issued on 12/21/16.**

2. Mayfair Industrial – East Nichols Lane.

- Construction plans submitted on August 28, 2014 for the industrial use section of the Mayfair development. Plans are under review.
- Second submission with response to comments received from applicant on 12/29/14 and has been sent out for additional review. Additional review comments have been sent to applicant.
- Third submission of construction plans received on 3/6/15.
- Record Plat submitted on 2/25/15.
- Fourth submission of construction plans received on 4/15/15 and sent out for review on 4/16/15.
- Grading and land prep has begun. All remaining comments on construction plans sent to applicant 5/21/15.
- Construction plans approved 6/18/15.
- Revisions to construction plans submitted on 6/18/15 and have been sent out for review.
- Record plat resubmitted on 5/8/15. The revisions to construction plans were approved on 9/16/15.
- Record plat approved and recorded. Performance bond is being processed.
- Performance bond approved.
- Site Plan revision is currently under review.
- Site Plan revision approved on 7/13/16.

3. Vineyard Square – 130-148 21st Street.

- Nine demolition permits were issued on November 5, 2014 and demolition has begun on some of the sheds and accessory buildings.
- Site Plan submitted on 12/30/14 and was sent out to review agencies on that day. Review comments distributed on 1/30, 2/11 and 2/12/15.
- Second submission received on 3/3/15.
- Zoning Determination provided on March 13, 2015. Appeal of Zoning Administrator's determination to the BZA regarding BAR approval was received on April 10, 2015. Appeal to be heard by the BZA on July 1, 2015. Zoning Administrator's determination that the CDAs remain valid was upheld by the BZA on July 24, 2015. Waiting on site plan resubmission from applicant. The BZA decision was appealed to the Circuit Court.
- Third submission of the site plan was submitted on 8/7/15 and is under review.
- Applicant submitted 2 Deeds of Easement and Vacation for the project on 8/26/15. Public Works and Community Devel. Departments met with the

applicant on 8/31/15 to discuss the site plan. Site plan ready for approval after easements are finalized.

- Easements have been recorded, bonds have been approved and site plan has been signed 3-1-16.
- Court case complete. ZA prevailed. 4-25-16.

4. **McDonalds Restaurant** – 121 N. Maple Avenue.

- Certificate of Design approval was issued on August 19, 2014 for the construction of a new restaurant building at the current site.
- McDonalds has also submitted special use applications for a restaurant over 4,000 square feet and for a drive through at the same location.
- Planning Commission held a public hearing and recommended approval to the Town Council on 11/6/14.
- Following a public hearing, Town Council approved the special use permit applications on 12/9/14.
- Site Plan received on 12/9/14 and is under review. All review comments were received by January 27, 2015.
- 2nd submission received on 2/24/14 and was sent out for review on 2/25/15.
- Applicant requested a 120 day site plan extension which was granted. No news. Application will be put back in the active category when resubmitted. Still expect this to go forward sometime this year.
- Submitted a new application to the BAR for construction of a new building at their current site. This application will be reviewed at the BAR's March 15, 2016 meeting.
- BAR approval was issued on 3/15/16.
- Site Plan for the rebuilding of the restaurant submitted 4/15/16 and is under review.
- Lot Consolidation submitted on 4/22/16. Waiting on submission of deed.
- Reviewing Lot Consolidation Deed and plat. Approved.
- Performance Bond received and approved.
- Site Plan approved on 7/13/16. Public Improvements bonded.
- Demolition and zoning permits issued.
- McDonalds plans to reopen prior to Thanksgiving.
- **Temporary occupancy issued 12/9/16.**

5. **Southern States** – 261 N 21st Street.

- Site plan submitted on March 25, 2014 for redevelopment of 261 N. 21st Street. Plan is being reviewed for completeness. Site Plan has been sent out to review agencies. Applicant is working on comments.
- Interior fit-up was approved on January 13, 2015 and an application for Board of Architectural Review for exterior renovations to existing building was approved with conditions on February 17, 2015. This is being resurrected and I expect to see an updated application by the middle of January.

- An application was submitted to the BAR on 2/1/16 for review of a new building to be constructed at the site. The existing building is to be demolished.
- The design of the new building has been approved by the BAR and the site plan is still under review.
- BLA/Lot Consolidation and Sanitary Sewer Easement deed and plat are under review. Approved.
- Site Plan approved 8/10/16. Public Improvements bonded.
- Sewer availability must be paid prior to issuance of zoning permits for demolition and new construction.
- Site Plan approved, sewer availability paid, zoning and demolition permits issued on 9/9/16. Store is being temporarily relocated to West Main Street.

In Application Process:

1. **Warner Brook, LLC** – Purcellville Road.
 - Application submitted requesting annexation of two parcels (PIN#s 487-38-8931 and 487-28-1679) totaling 131.29 acres located at 17100 Purcellville Road just north of the Route 7 Bypass.
 - Departments are reviewing the application.
 - Waiting on applicant to provide a fiscal impact analysis.
2. **Virginia Regional Transit** – SUP application for commuter parking lot.
 - Text Amendment approved for commuter parking in the CM1 district.
 - Waiting on applicant to apply for SUP.
 - Special Use Permit application submitted on 8/12/16. Under review.
3. **O’Toole Property (37935 Colonial Highway)**
 - Rezoning and Comprehensive Plan Amendment submitted.
 - Comments sent to applicant – waiting for resubmission
 - Resubmission received 7/5/16 that included revised Statement of Justification, Response to review comments, Proffer Statement, Economic and Fiscal Impact of Commercial Use of the Property, Proposed Design Guidelines, and Traffic Impact Analysis.
 - Documents distributed for review.
4. **Beckstrom Electric** – Lot 1, Mayfair Industrial Park
 - Minor Site Plan submitted on 5/23/16 for a fences storage lot to be located on Lot 1 of the Mayfair Industrial Park.
 - Comments following completeness review by the Town were sent on June 8, 2016
 - Applicant responded and plan currently under review by Town staff.
 - Minor Site Plan sent out to review agencies on 8/26/16.

- Review comments sent to applicant.
 - Applicant resubmitted on 11/2/16. Under review.
5. **SunTrust Bank – 165 Purcellville Gateway Drive.**
- On 2/7/12 a zoning permit was issued for the construction of a bank in the Gateway Shopping Center, a stand-alone building at this site.
 - BAR approved the revised building design on March 18, 2014.
 - Site plan is under review. Project has been pushed back to the fall. No resolve in sight. Still hoping for a change in status.
 - Have received word that Sun Trust is expected to activate their application in the near future.
 - Applicant has requested that the application become active.
 - Building design will be reviewed by BAR at their 8/16/16 meeting.
 - BAR issued a certificate of design approval for the bank building at their 8/16/16 meeting.
 - Site Plan Revision submitted on 10/4/16. Submission sent out to review agencies on 10/18/16.
 - Site Plan resubmitted on 12/12/16 and went out to review agencies on 12/28/16.
6. **New Town Development – Purcellville Ridge Commercial Parcel**
- BAR will review on 8/16/16 the design of a new commercial building proposed on the east side of Ken Culbert Lane.
 - Applicant is to resubmit for further review.
 - Pre-application meeting held on 10/3/16 to discuss a proposed child daycare facility.
7. **Mini Warehouse Climate Controlled Storage Facility** - Lot 6F, Valley Industrial Park, 37231 Richardson Lane
- Submitted incomplete plans on 11/5/15 so plans were not accepted. Applicant was notified of deficiencies
 - Site plan resubmitted and fees received on 8/24/16.
 - Plans sent to review agencies on 8/25/16.
 - Comments have been sent to applicant.
 - On 12/13/2016, Town Council voted that an assumption of 90% impervious coverage on the lots draining to this lot is an unacceptable risk to the Town and 100% impervious coverage should be assumed.
8. **Village Case**
- Comprehensive Plan Amendment and Proffered Condition Amendment submitted on 8/2/16. The request is to amend the development of the “village center” undeveloped lot to construct 7 new single family residential units and to amend the development of an undeveloped church lot to construct 17 new single family residential units.

- Applications have been sent out to review agencies.

Other Projects and their status:

1. **Mayfair Residential** – Purcellville Road/Route 611.

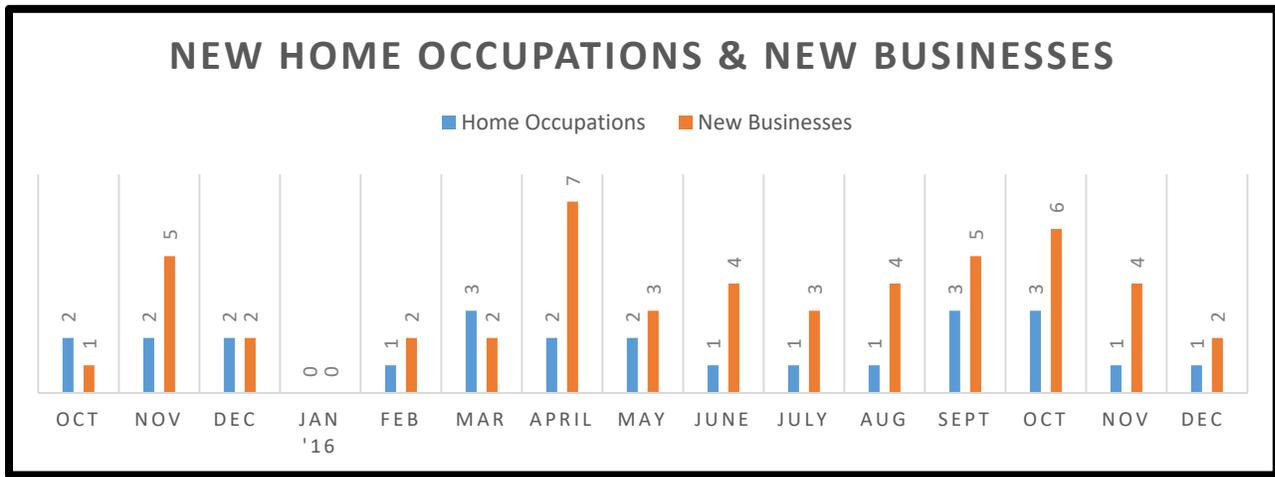
- Record Plat submitted on October 21, 2014 for the residential dwelling units located on Brookfield property annexed north of Town. Construction plans are under review for the 254 residential planned development and the 8 lot residential subdivision.
- 3rd submission of construction plans was received on 2/4/15 and comments sent on 3/16/15.
- Record Plat comments sent to applicant on 3/26/15.
- Site plan for Route 611 road work was approved on 3/31/15.
- Fourth submission of construction plans was received on 4/21/15 and sent out for comments on 4/22/15. Grading and clearing has begun.
- Construction plans approved on 5/15/15.
- Amendment submitted on 5/20/15 and sent out for review.
- Third submission of record plat received on 5/6/15. Amendment approved on 9/11/15.
- Second amendment to the construction plans was submitted on 9/23/15 and is under review.
- Amendments to the plans have been approved. Record plat approved and recorded. Performance bond is being processed.
- Performance bond submitted and zoning permits were issued on 12/18/15 for 16 townhouse units.
- Zoning permits have been issued for the construction of 4 single family homes.
- Brookfield is continuing to apply for residential zoning permits for this development. The first townhouse occupancy was issued 4/28/16.
- Waiting on applicant to submit the \$177,636.07 proffer for transportation improvements prior to the issuance of the 50th zoning permit.
- Proffer payment received.
- **67 single family zoning permits and 60 single family occupancies have been issued.**

2. **Morgan Meadows (formerly Beauma Meadows)** – N Hall Avenue.

- Record plat for a 5 lot subdivision located between Hall Avenue and 26th Street was received on 4/2/15.
- Applicant requested a 6 month extension which was granted.
- This is still semi active.
- Submitted an updated preliminary Plat for a 5 lot subdivision on 4/2/15. Is under review.
- Waiting on final submittal.
- Preliminary Subdivision Plat approved on 8/24/16.

Projects on Hold:

None



2016 Year-to-Date and Current Month Permits Summary:

	<u>2016 Year to Date</u> <u>Total</u>	<u>Month of December</u> <u>Total</u>
Commercial/Industrial (does not include temporary)	44	2
Home-Based businesses	19	1

	<u>2016 Year to Date</u> <u>Total</u>	<u>Month of December</u> <u>Total</u>
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Permits Issued

Zoning Permits (general permits)	268	18
Occupancy Permits (not temporary)	140	20
Correction Nov. should have been	120	14
Temporary Occupancy Permits	4	1
Sign Permits – Temporary	80	4
Sign Permits – Permanent	49	3
Sign Waivers	9	
Zoning Determination Letters	4	
Zoning Clearance Letters	34	4

	<u>2016 Year to Date</u>	<u>Month of December</u>
	<u>Total</u>	<u>Total</u>
Requests		
Special Use Permits	4	
BAR – Certificates of Design	21	
BAR – Pre-application discussions	3	
Variances		
Annexations		
Rezoning	1	1(Floodplain)
Comprehensive Plan Amend.	1	
Proffered Condition Amendment	1	
Boundary Line Adjustments	1	
Lot Consolidations	5	
Site Plans	1	
Site Plan Amendments/Revisions	3	
Minor Site Plans	2	
Special Exceptions	3	
Construction Plans		
Construction Plan Amendments		
Preliminary Subdivision Plats		
Minor Subdivision Plats		
Preliminary Subdivision Plat Revisions		
Commission Permits		
Easement Plats	3	
Record Plats		
Grading Plans		
Zoning Ordinance Amend. Request	3	2
County Referrals	2	1

Complaints/Violations for the month of December, 2016

Lawn Complaints (Tall Grass)	0
Code Violation Warnings	3
Formal Notices of Violation issued	0
Illegal signs confiscated in the Town’s right of way	7
Unresolved violations	1
Resident Complaints (not tall grass)	2

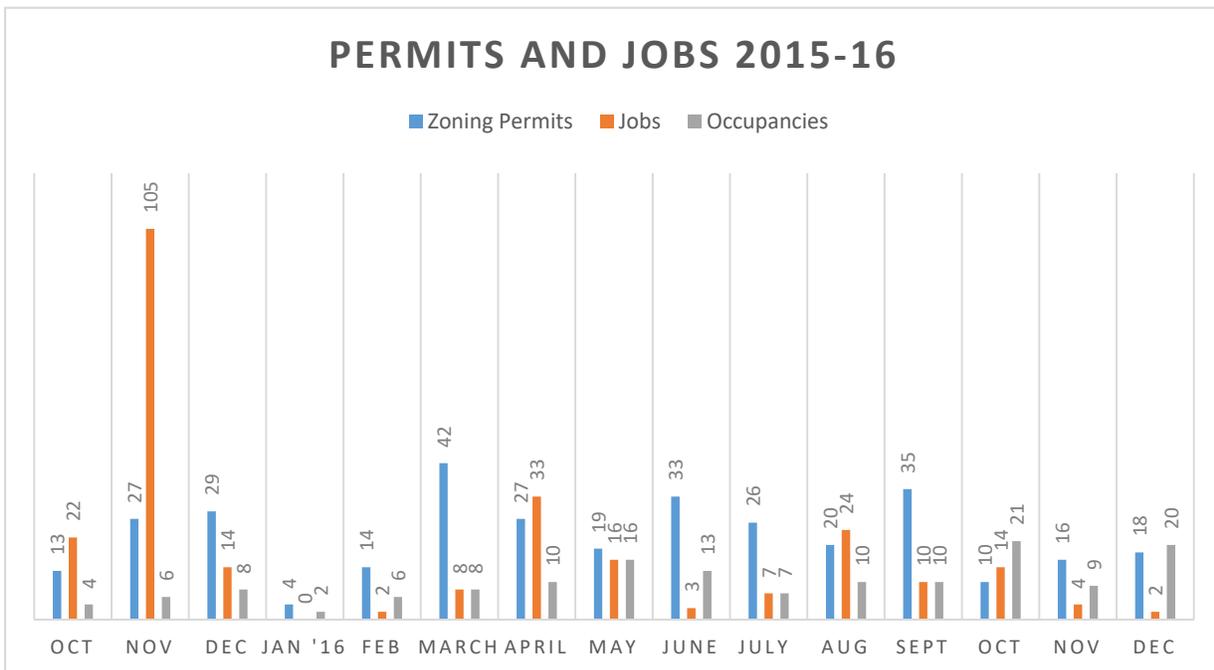
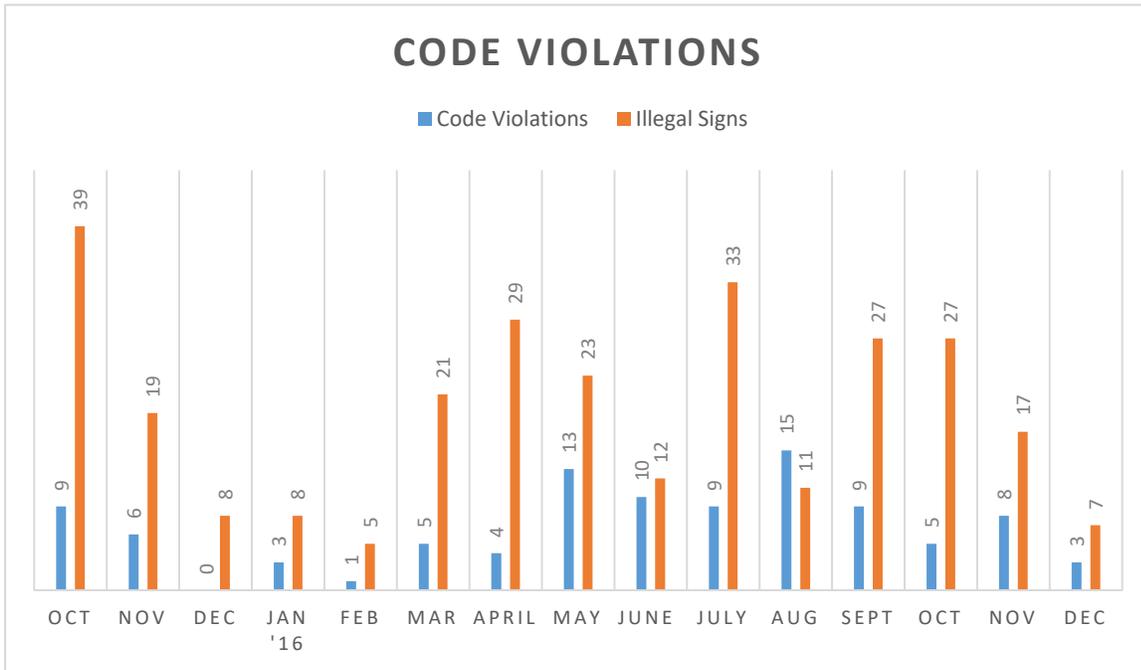


Chart I: Trends for Zoning Permits, Occupancy Permits and Jobs

The spike in jobs for November is due to Chick-Fil-A adding 100 jobs

Departmental Initiatives.

Comprehensive Plan Update. Project management plan was approved by the Planning Commission on May 7, 2015. Town Council approved the selection of McBride Dale Clarion to provide planning services for the Comprehensive Plan Update. For up to date information see www.planpurcellville.com .

The Economic Development Advisory Committee has completed a strategic tourism plan. The committee has initiated action items to begin implementing the plan. The initiatives are: preparing an events calendar for the Town, utilizing the Gazebo on 21st Street as an information kiosk, and helping with the production of a marketing video for the Town website. Work continues on these initiatives. EDAC is helped with a very successful painted wine barrel initiative. In addition the committee has reviewed, at Council's request, The RSR Gateway Annexation request, the Shop Local Program, business surveys, business vacancies and the Special Events Ordinance and other economic initiatives that the Town might consider.

The EDAC committee meets the first Tuesday of every month at 7PM in Town Hall and welcomes public input and participation.



STAFF REPORT
ACTION ITEM

Item #12b

SUBJECT: 405 Browning Court Availability Fees

DATE OF MEETING: January 24, 2017

STAFF CONTACTS: Alex Vanegas, CPM, Public Works Director

SUMMARY and RECOMMENDATIONS:

Purcellville Motor Bikes, a service repair shop and show room, proposes to develop the lot located at 405 Browning Court, on the southwest corner of the intersection of Browning Court with Hirst Road. The developer of the project has submitted the business utility form, requesting a 1-inch meter. The application, with plumbing plans, has been reviewed by Town Staff using the standard calculations and procedures that are employed for the review of all business utility forms submitted to the Town. Town Staff recommends approval of the meter size requested.

BACKGROUND:

Purcellville Motor Bikes site plan includes the construction of a building, parking lot, entrance, storm sewer, sanitary sewer lateral, water service and meter, and fire line. The site plan was approved and signed by the Town Planning Commission 04/07/08.

BUDGET IMPACT:

The water and sanitary sewer availability fees (plus meter fee) collected for this development, based on the requested and recommended meter size, is \$118,779.00.

MOTION(S):

"I move that the Town Council approve a 1-inch water and sewer availability for Purcellville Motor Bikes, located at 405 Browning Court, once all necessary land approvals have been secured. This approval is valid with the following stipulations:

This availability must be purchased prior to the zoning permit being issued for the development of the property and must be purchased at the going availability rates at the time of purchase.

The approval of this availability is with the understanding that if the number of fixtures or water use exceeds the allowable amount for the meter size, the current owner will be required to upgrade the availability as necessary with all appropriate approvals, or the use will not be permitted.

OR

“I move that the Town Council rejects the proposed water meter sizes and associated water and sewer availability fees.”



STAFF REPORT
ACTION ITEM

Item # 12.c

SUBJECT: Budgeted Vacancies

DATE OF MEETING: January 24, 2017

STAFF CONTACTS: Robert W. Lohr, Jr., Town Manager
Daniel C. Davis, Assistant Town Manager

SUMMARY and RECOMMENDATIONS:

In the Fiscal Year 2017 (FY17) budget, the Town Council approved enhancements of 4.20 FTEs (Full-Time Equivalents) in 5 separate positions. As of this time, two of the positions have been filled and three remain vacant. Staff recommends proceeding with filling these positions.

BACKGROUND:

At the December 8, 2016 Council Meeting, the Town Council discussed the position of paralegal that was approved by the prior Council as part of the FY 2017 Budget and was currently being advertised. As part of that item, the Town Attorney provided a description of her current workload, ongoing activities, unmet needs/projects, and expected duties of the paralegal. Council member Cool made a motion that Town Council affirm the appropriation of funds to hire a part-time paralegal in Fiscal Year 2017. The motion was seconded by Council member Bledsoe. The motion failed 3-3-1. No other motions were made at the time, and Town Manager Lohr stated that he would bring back an item of all vacant positions to the Council's first meeting in January.

At the January 10, 2017 Council Meeting, staff presented a report of all current vacant positions. Discussion focused on the "new" positions that were approved in the FY17 budget as enhancements. During that discussion, Council expressed a number of thoughts, including the request for more information about current workload and justification for these positions. Mayor Fraser and Council Member Ogelman discussed what efficiencies these positions would create that could ultimately reduce costs. Council Member Ogelman discussed his approach to the budget was based on the election results, and his three takeaways from the election were that the Town did not want to grow, residents did not want taxes to increase, and the Town needed to manage and lower its debt.

DISCUSSIONS DURING FY 2017 BUDGET PROCESS:

As part of the proposed FY 2017 budget, the Town Manager proposed a tax rate of \$0.24/\$100 assessed value, including enhancements of \$896,935 and 3.90 FTEs (this would eventually become 4.20 FTEs, as discussed in the January 10 Staff Report). The Town Council at the time discussed the various enhancements and also requested that the Town Manager find a way to keep the tax rate level (\$0.22/\$100 assessed value). Council also provided input on possible areas to cut from the proposed budget.

In a memo to Council dated April 8, 2016 (see attached), staff identified \$242,000 in reductions from the proposed budget that would keep the tax rate at the current rate of \$0.22 and would also allow the Town to proceed with the needed positions. At the June 14, 2016 Town Council Meeting, the budget was approved 5-2 (Fraser, Grim voted no).

In discussions of the FY 2017 budget, the Town Manager and staff indicated that the enhancement proposals were not in anticipation of future growth but were intended to help the Town catch up from reductions during the great recession. Many operations have not returned to the level of staffing from the mid-2000s, even though the Town has continued to grow in population and services have expanded.

Staff continues to stress that the positions under discussion are not needed for future growth or services; they are needed for today's activities, service levels, and population. In addition, the complexity of issues has grown, in that staff is asked to look creatively and innovatively at new ways to achieve Council's strategic initiatives. As has been stated previously, some items cannot be completed without the additional staff support.

Staff also notes that two of the three positions under consideration would have a positive effect on the Town Council's desire to lower our debt burden and look for alternative (non-tax) revenue streams. Any conversation about bonds, financing, and revenues requires the careful attention of our Town Attorney, and operational changes affect our Public Works Divisions – particularly the utility operations. The Assistant Director of Public Works and the Paralegal positions would free up time for current staff to focus on these items and topics that Council wishes to investigate.

VACANT POSITIONS APPROVED IN FY17 BUDGET:

The three positions under discussion are:

- Assistant Director, Public Works (full-time)
- Paralegal, Administration (part-time)
- Events Specialist, Parks/Recreation (part-time)

More details on each position are provided below.

Public Works – Assistant Director (Full-Time)

This enhancement improves the responsiveness to the community and expectations associated with the existing workload found within the Public Works Department. Traditionally, there was a Director of Utilities and a Director of Streets & Maintenance to handle the workload associated with all deliverables and tasks. Under the re-structuring of the organization, the positions were changed to Director of Public Works and an Assistant Director that handled the three field operations divisions. In 2013, it was decided to freeze the Assistant Director position as a cost savings measure. Although this was one of three full time positions approved in this current fiscal year budget, unlike the other two positions that were filled within a few months of the budget cycle, Public Works staff wanted to explore the possibility of filling it internally as well as look at the overall organization of Public Works to ensure the most efficient distribution of duties. Due to an increase of the workload and the growing expectations of the community as well as to have better coverage to serve the public when the Director is out of the office, there is a great need to fill this position.

The Assistant Director of Public Works is responsible for providing support to the Director of Public Works for the management of the Town's field operations and reports directly to the Director of Public Works. This position is responsible for performing a variety of administrative and reporting tasks in the areas of utilities, streets, and public works. Work involves the performance of administrative and reporting tasks as delegated by the Director of Public Works. This position also handles questions from the public, develops reports, analyzes data, develops and maintains record systems.

Furthermore, this position assists in the preparation of capital improvement programs; administers construction projects; provides data and information to contractors and engineers under contract with the Town; provides staff support to the Town Manager's office in the areas concerning engineering and public facilities management; reviews site development applications to assure compliance with the Town's public works and utility policies; responsible for general supervision of all field operations including but not limited to public works, streets and utilities; other work as may be requested by the Director, Assistant Town Manager and/or Town Manager.

In particular, this position is expected to complement the abilities of the Director of Public Works by handling the oversight of the Utilities & Maintenance Divisions, including the maintenance of infrastructure including roadways, water lines and sewer lines, initiating Right of Way activities permits, handling all interactions with VDOT, and running VDOT reimbursement program. The Asst. Director will assist with the management of personnel in each division of Public Works and providing support to Director of Public Works on any

other projects as necessary. The Assistant Director of Public Works will also make decisions within the Public Works Department in the absence of the Director of Public Works.

If this position is not filled, the time to respond to internal & external customers will be increased significantly. Revenue sources and reimbursements may be delayed or overlooked due to the timeframe required to fill out applications and provide supportive documentation.

Time required to respond to citizens, Town Manager, and Town Council as well as request from other department for data will continue to increase based on the new deliverables, special projects, researching information and new regulatory and reimbursement requirements.

Since each department seeks data, research and information requests, this will have impact to Community Development, Finance, Administration, and Legal Counsel based on the magnitude of requested information and deliverables.

Administration - Paralegal (Part-Time)

The paralegal enhancement is for a part-time position (24 hrs./week) to: (1) assist the Town Attorney with heavy workload in support of all Town Departments, the Town Council, and all Town committees, commissions, and boards, and (2) efficiently manage administrative tasks that are important to avoiding legal liability and efficiently managing resources.

Legal Workload Benefits

The workload results from (1) a backlog that accumulated when the Town did not have a full time Town Attorney, and (2) changes in the law that must be reflected in our current ordinances, and (3) an active and progressive legislative agenda.

To assist with heavy workload, the paralegal will handle routine and uncomplicated contract review, lease review, FOIA responses, deed review, legal research, and correspondence. As example, the paralegal can perform a review of Town Code compliance with state code, and then outline and draft all necessary updates for Town Attorney review prior to action by Town Council.

Administrative Benefits

The administrative aspect of the paralegal position will establish a much needed deadline and document tracking process; items not logged and tracked create a potential liability for the Town and can result in litigation. Additionally, the paralegal position will create and maintain a record keeping and document management system for the Town Attorney's

office. Other administrative tasks to be performed by the paralegal, in lieu of the Town Attorney, include: (a) review and approval of invoices from outside counsel, (b) filing, (c) copying and scanning, (d) occasional delivery of documents for recordation to the Courthouse, (e) meeting arrangements, (f) making reservations to attend required conferences, (g) ordering or renewing reference material or software for the Town Attorney's office, (h) checking and correcting references to the Virginia Code and the Town Ordinances, contained in the Town Code, (i) gathering historical documents in order to research a topic, and (j) review of public records in response to FOIA requests.

Efficiencies

Shifting administrative functions from the Town Attorney to a paralegal will increase efficiencies and cost-effectiveness by (1) allowing an administrative professional to perform the Town Attorney's administrative work, in lieu of that work being performed at a higher cost by the Town Attorney, and (2) freeing the Town Attorney to focus on projects requiring legal review, resulting in an increased speed of review for requests that come from all of the Town departments.

Cost Benefits

If the paralegal prevents even 5 billable hours per week from flowing to outside counsel, the annualized result will be the retention of \$65,000 per year that would otherwise be paid to outside counsel – an amount that is almost double the requested \$33,000 annual compensation. This cost benefit would be realized over time, after administrative systems are in place, and deed review training has occurred.

Follow-Up to Question

A question was raised by Council regarding the use of outside counsel by the Town Attorney and the cost of all legal activities. The Town Attorney budgets for legal expenses based on potential need and historical spending patterns for outside counsel. However, these costs are only expended if needed. In most cases, the need for outside counsel depends on reaction to lawsuits that are filed against the Town. There is no way to completely anticipate what kind of legal action the Town will have to respond to throughout any given year. Other needs for outside counsel include pro-forma review of documents and agreements. At this time, there are two primary areas where the Town is spending funds on outside counsel: deed and plat review, and HR matters. With additional support in administrative matters from a paralegal, as described previously, the Town Attorney expects to be able to lessen the Town's dependence on outside counsel for these routine matters.

Parks and Recreation – Events Specialist (Part-Time)

Staffing the Parks and Recreation division for the Town of Purcellville has been structured a few different ways since 2010 when the Town Events Program began to increase. It has been staffed with 2 part-time positions, one focusing on administration and one focusing on events, and then it was staffed as it currently is, with only one part-time staff. The position was originally staffed at 32 hours a week but then the hours were reduced to 28 per week due to labor laws regulating part-time staffing.

Initially the event specialist position was created to focus the majority of working time on the town special event program and be the liaison for the Parks and Recreation Advisory Board and Committee on the Environment. Despite the position title, the position is responsible for much more than simply coordinating Town events at Fireman’s Field and working with vendors associated with those events. It is event management/coordination at Fireman’s Field and other facilities and managing most of the administrative tasks associated with Parks and Recreation Division functions. Responsibilities of the division have increased in the following ways:

- **Creation and administration of the Special Events Ordinance** – this position manages the process from start to finish in outside organization event approval. These events take place on and off of Town property and require varying degrees of time and assistance from Parks and Recreation Staff. Examples are the American Legion Baseball tournament, the Cannon’s Fundraiser, Halloween Block Party, Dragon Yong-in Marshal Arts tournament, Sadie’s Race, etc. There have been 24 permits approved in the last calendar year and this number will increase as the public becomes more aware of the requirements of this ordinance. In addition, requests for donated resources for these events are processed to Council by Parks and Recreation staff.
- **Liaison for the newly formed Purcellville Arts Council** - The Parks and Recreation staff person supports this group by creating guidelines, producing press release, writing grants to introduce new art related programs to Town including Art at the Train Station, Art in Town Hall, and in the next fiscal year (FY16) supporting a new lecture series and community Art Project. This requires at least one night meeting a month and planning for at least 4 receptions a year, as well as additional coordination and input for the Music and Arts Festival to incorporate the Art Show sponsored by PAC. The PAC is a very engaged group that continues to look for ways to enhance the community; all of these activities require coordination, research into legal authority, and ongoing support from staff.
- **The Purcellville Music and Arts Festival is a fairly new event that requires increased support** - The event was originally called Rock the Field and had 200 –

500 attendees and needed little support from the Park Board Liaison. When the Park Board decided to change their event it became much larger and their need for support increased significantly. This event generally requires overtime and in 2016 the Parks and Recreation staff worked 99.5 hours during the pay period directly surrounding the event and more than the typical 28 hours a week in the weeks leading up to the event. It is almost impossible during the spring to take on any other responsibilities, such as bike park research, playground research, or friend group coordination while planning this event and keeping up with the ongoing planning of the Wine and Food Festival.

- **Wine and Food Festival Coordination** – while the Town hires an event management firm to handle the promotion, coordination, and logistics of the Wine and Food Festival, the Parks and Recreation staff continues to play a large role in this event. Staff serves as the liaison and coordinator of all parties, works closely with partners and patrons, works with management to make operational decisions, and manages the budget of the Festival. Although the event management firm reduces staff's work by a significant amount, staff is very much engaged in this event and must spend many hours to ensure that it is successful.
- **The position now has the responsibility of applying for and finding grants and awards** - such as the Visit Loudoun Tourism Grant, the Virginia Commission for the Arts grant, and the Keep Virginia Beautiful grant, the VRPS awards. We have been awarded the Tourism grant and the Virginia Commission for the Arts grant consecutively and we are always looking for more ways to fund the programs that the citizens want and will write those grants as well.
- **This position works with a volunteer citizen groups to manage the Community Garden and the Fourth of July Parade theme and awards** - These are both new groups that have been created in last 2 years. These activities provide a great community benefit but require continued time and coordination.
- **Initially this position worked on the Painting Purcellville Green event** - with the Environmental Committee, that event has now grown into Hail to The Trail and is produced by partnership between the Town and the Nature Generation requiring increased support.
- **Tree and Beautification (and Environment) Committee** - We anticipate with the new environmental and tree and beautification committee combining that more support will be required in the future that will include at least one night meeting a month and administration and programming for the initiatives set forth by this committee. Follow-up on requests, projects, and outreach will fall to Parks and Recreation staff.

- This position now writes staff reports and attends and reports at Town Council meetings on average 8 – 10 times a year
- This position works with Public Works, Administration, and the supported boards and committees to prepare the Parks and Recreation budget for review and submittal.
- This position has been appointed to the Employee Policy and Innovation Committee requiring monthly meetings and work on cross departmental projects that deal with employee policies and initiatives.

With the increase in the responsibilities associated with this position over the past few years and the anticipated increases associated with event permitting, board program support, and other administrative duties described, more hours are needed to give all programs and responsibilities the attention that they need and provide greater quality of life to our citizens and visitors.

Additionally, hiring this position will decrease the amount spent on outsourced marketing projects, such as media outlet research and pricing, marketing plan creation, social media campaign administration, and possibly graphic design. The Town pays as much as \$90 per hour for some of these types of job depending on the contractor that is being used. This position will be tasked with many of these jobs and can take on additional duties depending on the person's capabilities.

As a final thought, the programs and initiatives supported by Parks and Recreation staff are part of the fabric and culture of the Town of Purcellville. They are an important factor when people consider visiting our town, doing business or owning a business in our town, or moving to our Town. By providing 20 more hours a week to support these activities, we can offer the best possible product to our customers. This time will allow for fresh and thoughtful perspectives for program completion and initiation and will create more efficiency by allowing for in depth concentration on a few similar projects simultaneously as opposed to many vastly different projects at once.

The support position will also reduce the possibility for staff burn out by allowing staff to trade off working holidays, such as July 4th and Memorial Day. Currently, the one Parks and Recreation staff member is very limited in her ability to take off certain holidays. In addition, the Town had the benefit of one of the front desk receptionist in planning certain events, and that person has now taken a new position.

The support position will facilitate a check and balance process in a team environment for decision making and allow for collaboration on large programs and projects such as the Wine

and Food Festival or the Music and Arts Festival. Most importantly it will provide the time and dedication that these programs require and deserve; and reduce the risk of failure on the part of the town by expanding comprehensive knowledge of Parks and Recreation Division, programs, processes, and polices to more than one staff person.

ALTERNATIVES:

Staff awaits direction from Council on whether to proceed with recruiting and filling these three vacancies. At this point, all recruitment for these three positions has been on hold until formal direction from Council is given. Council may choose to authorize filling any or all of these positions or to direct staff not to fill any or all of these three positions.

DRAFT MOTIONS:

Assistant Director – Public Works

1. I move that the Town Council authorize staff to proceed with filling the position of Assistant Director of Public Works, as currently authorized in the FY 2017 budget.

OR

2. I move that the Town Council direct staff to not fill the position of Assistant Director of Public Works.

Paralegal - Administration

1. I move that the Town Council authorize staff to proceed with filling the position of Paralegal in Administration, as currently authorized in the FY 2017 budget.

OR

2. I move that the Town Council direct staff to not fill the position of Paralegal in Administration.

Events Specialist – Parks and Recreation

1. I move that the Town Council authorize staff to proceed with filling the position of Events Specialist in Parks and Recreation, as currently authorized in the FY 2017 budget.

OR

2. I move that the Town Council direct staff to not fill the position of Events Specialist in Parks and Recreation.

ATTACHMENTS:

1. Memo, dated April 8, 2016, on budget reduction options
2. Position Description – Assistant Director of Public Works (no job advertisement yet)
3. Job Advertisement – Paralegal
4. Job Advertisement – Events Specialist



MEMORANDUM - BUDGET DEVELOPMENT

TO: MAYOR AND COUNCIL MEMBERS
FROM: DANNY DAVIS, ASSISTANT TOWN MANAGER
THROUGH: ROBERT W. LOHR, JR., TOWN MANAGER
SUBJECT: BUDGET REDUCTION OPTIONS
DATE: APRIL 8, 2016

At the April 5th Budget Work Session, Council requested staff to review the proposed budget for possible expenditure reductions to keep the Real Property Tax rate at the current level of \$0.22 per \$100 assessed value. Council provided some suggested reductions, and staff has reviewed all department budgets for opportunities to find additional reductions.

During the Budget Work Sessions, staff has continued to emphasize – and we believe Council has supported – the need for the personnel enhancements included in the Proposed Budget. These staffing needs fill key roles and provide critical support in our daily operations.

Below is a table of proposed reductions/changes from staff that would more than meet the Council’s target of \$240,000 in order to maintain the current Real Property Tax rate. Discussion on each reduction is below the table.

<u>Department</u>	<u>Line Item</u>	<u>Reduction Amount</u>	<u>Revised Line Item Amount</u>
Overall/General Fund	Health Insurance	\$55,000	(Crosses All Depts.)
Overall/General Fund	Pay and Benefits Miscalculations in Proposed Budget	(\$50,000)	(Crosses All Depts.)
Administration	Legal Expenses	\$30,000	\$109,000
Administration	Insurance	\$10,000	\$110,000

Administration	Consulting	\$5,000	\$10,000
Administration	Public Information	\$5,000	\$5,000
Police/Public Works	Police Station Feasibility Study	\$50,000	\$0
Police	Capital Outlay – Vehicles; Reduce from 2 to 1 replacement vehicles	\$42,000	\$42,000
Public Works - Administration	Compensation Recalculation	\$20,000	\$318,542
Public Works - Administration	Engineering/Consulting	\$10,000	\$20,000
Public Works - Engineering	Engineering/Consulting	\$10,000	\$50,000
Public Works - Maintenance	State Fund Expenditures	\$50,000	\$478,000
Public Works - Maintenance	Town Street Maintenance	\$5,000	\$214,500
	<u>TOTAL PROPOSED REDUCTIONS:</u>	<u>\$242,000</u>	

Overall/ General Fund

The Health Insurance savings has been discussed previously. In addition, this category shows the adjustments necessary across the proposed budget to account for miscalculations of salary and health benefits throughout the proposed budget.

Administration

Legal Expenses are proposed to be reduced by \$30,000. This matches the budgeted amount for FY 2016. We believe this is achievable for two reasons. First, we have seen significant litigation in FY 2016 and hope that will subside in FY 2017. Second, we believe the paralegal enhancement will result in savings by not having to use outside counsel as much. We believe this is an appropriate and achievable reduction.

Also in Administration, we have received a revised annual quote from VML on our Insurance which saves \$10,000. We have proposed reducing the Records Management Consultant amount by \$5,000 and Public Information services by \$5,000.

Police

As discussed with Council, we have shown the removal of the feasibility study for a new Police Station, and we have proposed reducing the vehicle replacement from two vehicles to one.

Public Works Administration

Due to changing personnel in this division, we believe the compensation line for Public Works Administration can be reduced by \$20,000. There is no change in employees or organization of the department at this time, but we believe there will be a cost savings in FY 2017. We have also reduced Engineering/Consulting by \$10,000. This may impact Council's ability to conduct as many studies as it has in the past. Nonetheless, should new projects come up that need review/study, Council can consider those during the year and propose a Budget Adjustment, if necessary.

Public Works Engineering

We have proposed reducing the Engineering/Consulting line by \$10,000 similar to the PW-Admin line discussed above. As a result, the total amount budgeted for Engineering/Consulting between the two divisions for FY 2017 will be \$70,000. In the proposal presented here, we have *restored* the needed vehicle in Public Works Engineering. We believe this vehicle replacement is very important to safe operations and will avoid costly repairs to our current vehicle that is 12 years old and has a history of challenges (electrical problems, etc).

Public Works Maintenance

In reviewing past years' expenditures, staff has identified that the line item for direct expenditures on State roads may have been overstated. The Town receives \$667,540 in revenue from the State for road maintenance on State roadways. The Town can charge staff time costs, Town equipment costs, and direct costs (contractors/materials) to this revenue line. In reviewing past years' expenditures for State roads, we have seen that we charge a significant amount of equipment and staff time to this revenue source, and we don't have as many direct costs as budgeted. We are proposing to reduce the direct cost expenditure line (100-4041350; Maintenance Streets – State) by \$50,000. This does not mean we are doing less work on State roads; instead, it means that we are more accurately reflecting the Town's expenditures for State roads across the various line items. Without this change, we are putting Town revenues toward State road maintenance.

Staff is also proposing to reduce Town Street Maintenance expenditures by \$5,000 to match the FY 2016 budgeted amount. This will not impact current or proposed projects.

Conclusion

In conclusion, staff has proposed \$242,000 in reductions for Council to consider. These proposed changes fix the issues identified in the proposed budget document, account for savings identified by Council, and provide additional savings in current operational costs.

Staff also would like to note that the tax rate Council is hoping to achieve - \$0.22 – is actually **lower** than the equalized tax rate. Due to the slight decrease in existing properties' assessments, the equalized tax rate would be \$0.222. We hope this information is helpful as Council makes its decision on the Real Property Tax rate at the April 12th meeting. We are ready to respond to any questions you may have.

Town Of Purcellville

Job Description

Title: Assistant Director of Public works

Reports To: Director of Public Works

Position Summary:

The Assistant Director of Public Works is responsible for providing support to the Director of Public Works for the management of the Town's field operations and reports directly to the Director of Public Works. This position is responsible for performing a variety of administrative, leadership and reporting tasks in the areas of utilities, streets, drainage and other components of public works. Duties include performance of administrative and reporting tasks as delegated by the Director of Public Works. This position also handles questions from the public, develops reports, analyzes data, develops and maintains record systems.

Duties and Responsibilities:

Assists in the preparation of capital improvement programs; administers construction projects; provides data and information to contractors and engineers under contract with the Town; provides staff support to the Town Manager's office in the areas concerning engineering and public facilities management; reviews site development applications to assure compliance with the Town's public works and utility policies; responsible for general supervision of all field operations including but not limited to public works, streets and utilities; other work as may be requested by the Director, Assistant Town Manager and/or Town Manager.

In particular, this position is expected to compliment the abilities of the Director of Public Works by handling the oversight of the Utilities & Maintenance Department including the maintenance of infrastructure including roadways, water lines and sewer lines, initiating Right of Way activities permits, handling all interactions with VDOT, running VDOT reimbursement program. Assist with the management of personnel in each division of Public Work and providing support to Director of Public Works on any other projects as necessary. The Assistant Director of Public Works will also make decisions within the Public Works Department in the absence of the Director of Public Works.

Education and Certification Requirements:

Bachelor's Degree from an accredited college or university with major course work in civil, transportation, environmental or structural engineering. Considerable experience in civil engineering and design, construction, construction administration or construction inspection; or any equivalent combination of accepted education experience would provide the needed knowledge, abilities and skills.

Skill Requirements:

Considerable knowledge of basic civil engineering practices including design, construction, or construction inspection. Considerable knowledge of the Town's and VDOT's inspection standards and regulations; considerable knowledge of construction contract administration and estimating cost of construction work; ability to make comprehensive recommendations on field projects; ability to read and interpret plans, specifications and blueprints; ability to establish working relationships with other departments, contractors and the general public; ability to keep accurate records and reports; ability to work well with others; ability to interact with the public and elected officials; Ability to work with other departments; Ability to complete projects independently without direct oversight; Ability to handle multiple tasks on tight time lines in a high energy work environment.

Working Conditions and Physical Requirements

This is a light work position requiring the exertion of up to 10 pounds of force occasionally, and a negligible amount of force constantly to move objects; work requires reaching, standing, walking, and fingering; vocal communication is required for expressing or exchanging ideas by means of the spoken word; hearing is required to perceive information at normal spoken levels; visual acuity is required for color perception, preparing and analyzing written or computer data, use of measuring devices, determining the accuracy and thoroughness of work, and observing general surroundings and activities; the worker may occasionally be subject to outside environmental conditions.

Reasonable accommodations may be made to enable individuals with disabilities to perform the essential tasks.

Required Qualifications

Valid driver's license.

Desirable Qualifications:

Possession of a Professional Engineer license in the Commonwealth of Virginia.



PARALEGAL

The Town of Purcellville’s Office of the Town Attorney is seeking a Paralegal to work 20 to 25 hours per week. Compensation range is \$20 to 25 per hour, depending on qualifications.

Under supervision of the Town Attorney, the Paralegal will provide substantive legal work and administrative support for the Town Attorney’s office. Duties include file management, office management, legal research, and drafting correspondence, resolutions, ordinances, memos, public notices, and pleadings. A more detailed job description can be found on the Town’s website at www.purcellvilleva.com/jobs.aspx

The Paralegal position will initially be more administrative in nature, in order to establish the administrative processes and procedures of the Town Attorney’s office. The position will progressively become more reliant upon complex paralegal skills.

Paralegal Certification plus 5 years of related experience preferred. Must be licensed to drive. Must be a commissioned notary for the Commonwealth of Virginia, or obtain such commission upon hiring.

Nestled at the foot of the Blue Ridge Mountains, the Town of Purcellville is an award-winning, thriving community whose 9,000+ residents enjoy an exceptional quality of life that has become a hallmark of the town. If you are eager to work in this environment, submit an application and resume to Sharon Rauch, Human Resources Specialist, Town of Purcellville, 221 South Nursery Avenue, Purcellville, Virginia 20132. For an application, visit purcellvilleva.gov. Applications will be accepted until 5:00 pm on **December 21, 2016**. Equal Opportunity Employer.



Event Specialist

The Town of Purcellville has an immediate opening for an Event Specialist. This part time position (20 hours per week) is available in its Parks and Recreation Division and reports to the Parks and Recreation Division Manager. The Events Specialist is a highly-visible role and key asset in managing and organizing the highly-successful special events held by the Town. Some specific tasks include assisting in coordination of the Town Holiday Programs, Town Parades, The Purcellville Wine and Food Festival, The Purcellville Music and Arts Festival, coordination with volunteer groups and private organizations to host events, and event marketing, and volunteer coordination.

Desired qualifications include a Bachelor's degree in the field of Recreation or Events Planning plus four years of relevant work experience. Candidates that possess a high school diploma or GED and eight years of progressive work experience will also be considered. Experience in local government or nonprofit community relations is desired. Must be willing to work odd hours and Holidays.

Salary range is \$16 - \$20 per hour DOQ

Nestled at the foot of the Blue Ridge Mountains, the Town of Purcellville is an award-winning, thriving community whose 8,800 residents enjoy an exceptional quality of life that has become a hallmark of the town. If you are excited about working in this environment, submit an application and resume to Sharon Rauch, Human Resources Specialist at the Town of Purcellville, 221 South Nursery Avenue, Purcellville, Virginia 20132. Applications and resumes may be emailed to srauch@purcellvilleva.gov. Please place "Event Specialist" in the subject line. For an application, visit purcellvilleva.gov. Applications will be accepted until November 18th, 2016. Equal Opportunity Employer.

Overview:

This process is using the same forms that have been used in the past and were provided by the Town Manager. The process is relatively the same, with the exception that it does not include one on one meetings with the Town Manager and each individual member of the Purcellville Town Council.

The reason for this change is based on a couple of factors. Research of a number of County, Cities, and Towns were polled and found a larger majority held their Manager Evaluation meetings as a whole legislative body and in a closed session. Also, the Employment Agreement states the following: "This employment Agreement made this 16th day of December 11, 2001, July 8, 2003, and December 11, 2007 by and Between the Town of Purcellville, Virginia, a municipal corporation, hereinafter referred to as "Employer" and Robert W. Lohr, Jr., a resident of Virginia, hereinafter referred to as "Employee". Also, as stated in the Town Manager Employment Agreement in Article One, Employment, section 1.02 "The employment of the Employee shall be without a definite term. The Employee shall serve at the pleasure of then Town Council".

Suggested schedule proposed on January 10, 2017 at Town Council meeting:

Town Manager to complete Self Evaluation by submitting the Town Manager Evaluation Form to Town Council by Friday, January 20, 2017.

Town Council to submit completed Town Manager Evaluation form to Town Council and Town Manager by Friday, January 27, 2017

Town Council to schedule Town Manager Evaluation meeting Between January 30 – February 7, 2017

Motions to be considered if it is determined there is not an agreeable consensus of the process of the Town Manager and members of the Town Council for the process of the details regarding the Town Manager Evaluation.

I move that the process for the annual Town Manager Evaluation will not include any one on one meetings with the members of the Town Council, that the Evaluation of the Town Manager will be completed in a closed session at a duly and lawfully called meeting of the Town Council to include the Mayor, all members of the Town Council, and the Town Manager on a date to be determined by all parties.

Or

I move that the process for the annual Town Manager Evaluation will include one on one meetings with the members of Town Council, that the Evaluation of the Town Manager will be completed in a closed session at a duly and lawfully called meeting of the Town Council to include the Mayor, all members of the Town Council, and the Town Manager on a date to be determined by all parties.

TOWN OF PURCELLVILLE, VIRGINIA

EVALUATION OF TOWN MANAGER

This performance evaluation should not be construed as a contractual promise, a contract or covenant of employment, nor is it a guarantee of employment as long as you maintain any performance level or meet any performance standards, or for any specified length of time. Continued employment is always at the Town Council's discretion.

PURPOSE

In order to establish and maintain an effective Town Council and Town Manager relationship, it is essential that the Town Council establish an ongoing evaluation process that offers an opportunity for the Legislative body of the Council to review the performance of the Town Manager. This evaluation should focus on how effectively the Manager is accomplishing the goals established by the Council and how he/she is carrying out his/her responsibilities in key performance areas.

Specifically, the evaluation should serve the following needs:

- (1) Allow the Town Manager and Town Council to test, identify, improve, and refine their respective roles, relationships, and expectations of responsibilities to each other.
- (2) Allow the Town Council collective body the discussion of the Town Manager's strengths and opportunities for improvement as demonstrated by performance during the evaluation period, with the objective of increasing the Manager's effectiveness; that is, give the Town Council the opportunity to provide positive feedback in areas that have been handled well and to clarify areas where the Manager may need to become more effective through improved performance.

PROCESS

- (1) The evaluation process shall coincide with the beginning of the calendar year in January/February; the Council may require an additional evaluation at any time during the year.
- (2) Prior to the scheduled evaluation meeting with the Town Council, the Council should review the most recent Fiscal year Accomplishments of Town Council (provided FY 13/14, FY 14/15, FY 15/16), the Town Manager will provide a Manager's Self-Evaluation using the Town Manager Evaluation form along with any requests for revisions to current employment agreement and submits to the Town Council for review. Town Council may then submit requests for additional information and/or questions regarding specific information, projects, or issues to be brought to the Manager Evaluation meeting with the Town Council.
- (4) Prior to the scheduled evaluation by the Town Council, and after reviewing the Manager's Self-Evaluation, each Council Member submits a completed Town Manager evaluation form to all Council members and the Town Manager to review and prepare for the Manager's Evaluation meeting.
- (5) The Mayor and Council meet with the Town Manager to jointly discuss the Manager's performance. (The actual evaluation meeting will be held in a closed session)
- (6) After the evaluation discussion takes place, the Town Manager may exit the meeting, and the Town Council will discuss the Town Manager evaluation. The Town Council may or may not propose changes/revisions to the Town Manager's employment agreement, which may require legal input from HR attorney.

INSTRUCTIONS TO MAYOR AND TOWN COUNCIL

Attached is the evaluation form for the Town Manager. Space has been provided for each performance area to include your comments or observations. Each Town Council member completing the form is encouraged to select specific examples of why a particular rating has been chosen. The comments included should give the Town Manager enough information to correct problem areas and allow her/him to place specific items on her/his work plan for the following year.

Town Manager Evaluation

Key Duties: _____

Major Contributions and Progress on Performance Goals: _____

Progress towards Past Developmental Goals: _____

Comments on Council and Town Manager Interaction and This Evaluation Process:

Town Manager Evaluation Form

Name: _____ Date of Review: _____

Council Member: _____ Date of Last Review: _____

Rating	Exceeds Expectations	Fully Exhibits	Building Competency	Does Not Exist	Not Observed
	1	2	3	4	5

A. BASIC SKILLS

	1	2	3	4	5	Dev
1. Establishes and maintains appropriate interpersonal relationships with Council and Staff.						
2. Maintains appropriate communication with Council and Staff.						
3. Keeps Council informed of pertinent information.						
4. Ensures preparations are made for committee meetings.						
5. Effectively and Efficiently Handles Citizen Complaints.						

Observations: _____

Developmental Activities: _____

C. FUNCTIONAL SKILLS

	1	2	3	4	5	Dev
1. Establishes and maintains high quality standards in own work						
2. Adheres to, supports and refines as needed town policies and procedures						
3. Sets clean, definable goals and completes assignments in a timely manner						
4. Understands the budget process and uses skills to efficiently formulate and manage an annual budget						
5. Handles correspondence in a sensitive and timely manner						
6. Ensures that all laws, ordinances, resolutions, and the by-laws of the municipality are faithfully executed						
7. Possesses broad knowledge of:						
i) Public Personnel Policies						
ii) State Laws governing the operations of local government						
iii) Public Administration Policy and program development						
iv) Economic Development practices						
v) Grant Development process						
8. Develops plans for adequate professional growth on a biannual basis						

Observations: _____

Developmental Activities: _____

Town Manager Evaluation

Overall Assessment: _____

Overall Observations: _____

Recommended Performance Goals: _____

Town Council Member (signature)

I acknowledge receipt and discussion of this assessment of my performance.

Town Manager (signature)

I intend do not intend to attach comments regarding this evaluation.

MEMORANDUM

TO: Mayor and Town Council
FROM: Robert W. Lohr, Jr., Town Manager
RE: Feedback on Town Manager's Performance Evaluation Process
DATE: January 13, 2017

BACKGROUND:

I wanted to take this opportunity to provide feedback and let you know that I welcome a performance appraisal process that is objective and completed on an annual basis. For the last thirty years, I have had the pleasure of serving seven mayors and over sixty town council members. Throughout my entire career, I have had some level of performance appraisal process in place and have never received a negative evaluation or been called into closed session by town council for a performance related issue. I take great pride in that fact but also realize that as a manager, I improve and learn every day and there is always room for improvement if provided the proper constructive feedback. Unfortunately, throughout my career I have not been provided consistent and thorough annual evaluations by my town councils. While I would have loved to have had an evaluation by all seven council members every year, this seldom happened. What I can say is that I am always available in my office or by phone to discuss any issues or concerns at any time of day, 365 days of the year. I attribute my willingness to sit down at any time and visit with a council member or take a phone call to address a specific problem or issue that they have as one of the successes to my long tenure in the two communities that I have served. While formal evaluations are important, too many organizations place all their focus on an evaluation that happens once a year rather than the manager and council working together to build daily communication so that problems and issues do not compound while waiting for an annual performance appraisal. With this said, I appreciate the work that Council member Grim and Council member Cool have done on this over the last month and I enjoyed having the opportunity to sit down with them to provide some feedback on the history of our process. Again, I welcome a more formalized process and look forward to working with this Council to make sure that it is put in place as quickly as possible.

Unfortunately, I did not have time before the Town Council meeting on Tuesday night to review the email that we received at approximately 5:45 pm. While I agree with many of the items, there are some recommendations and issues that I would like to address with Town Council that I feel will make this process better for not only the Town Council but also the manager.

For the purpose of history I have included, as *Attachment I*, an email that I sent to Council on September 28, 2015 which outlined the performance appraisal process and indicated my willingness to review and upgrade the process so that there would be better participation. It is important to note that I have gone more than three years since my last performance appraisal. During this period, two elections have occurred with substantial changes in the Council composition. In fairness to me as a manager, I have reached out to all of the incoming Council members and have worked hard to develop open lines of communication but I have not received formal performance feedback from the Town Council that is so important to ensure that operations of the Town are moving in a positive direction.

RECOMMENDATIONS:

- 1) I agree with the committee that we should continue with the existing evaluation form and review process. While I feel that we can probably improve on this instrument in the next year, we need to move forward and create a baseline since I have not received an evaluation in over three years.
- 2) I believe the proposed process timeline is too aggressive and with just receiving notice this week, it would not be fair in a comprehensive evaluation to rush the entire process that should normally take two months and push it through in less than four weeks. Up until Tuesday night, I had planned on submitting my annual report to Town Council by January 31, 2017 which is my normal schedule. Even though I have not been receiving consistent evaluations, I have submitted this report to Council on an annual basis. Please review copies of my previous reports that I submitted to Town Council for each calendar year which are included under *Attachment II*. For reference, I will include a recommended timeline later in the report.
- 3) The first paragraph of the proposed process that was included as page 2 from Council member Grim should be eliminated. This is a legal disclaimer and has no place in a performance appraisal process which is supposed to be a positive and constructive process completed annually. The state law is clear and does not need to be included. It sets a negative tone and is counterproductive to any progressive evaluation process.
- 4) The document should begin with the Purpose section as outlined.
- 5) In the fourth paragraph under the Purpose section titled (2) it should begin with “allow the Town Council to discuss the Town Manager’s strength and opportunities...”.
- 6) Add a fourth paragraph under the Purpose section (3). It should read as follows, “Allow the Town Manager to provide feedback to Town Council on how the legislative body can help the staff complete their job and create a more positive work environment.”
- 7) Under the Process section, the following clarification should be added to (1) The evaluation process will occur annually and coincide with the beginning of the calendar year in January/February/March timespan based on the following steps:
 - a) The Town Manager will submit a summary of projects and accomplishments to Town Council by January 31 of each year.

- b) The Town Council members will individually complete their evaluation before February 15 each year and submit them to the Mayor and Human Resources Specialist to compile. The Mayor and HR Specialist will then make copies of all of the individual evaluations and an overall summary in order to provide a complete package to all Town Council members and the Town Manager by February 28.
 - c) The Town Council will schedule a closed meeting at the first regular meeting in March in order to complete the performance evaluation.
- 8) The Town Council can require a meeting to discuss performance at any time so it does not have to be included in the section stating that an additional evaluation can be required at any time.
 - 9) Under Process section (2), I recommend the following two changes:
 - a) The Town Manager should provide you with their specific report not the Town Council Accomplishment report. While staff has always given all credit to Town Council, you are not evaluating yourselves but the Town Manager.
 - b) The summary report should be all that you need to start the process. The process of having the employee evaluate themselves is being used less each year. In honesty, most Town Councils do not really care about how the employee perceives their performance and what really matters is how the Town Council feels and assesses the performance.
 - 10) Step (3) was left off of the draft and all of the items will be moved up
 - 11) Under Process section (4), the self-evaluation component is removed.
 - 12) Under Process section (5), the word “will” is added after Council.
 - 13) Under Process section (6), I am not recommending any changes to my Employment Agreement. It is not a unilateral agreement and both parties must agree to any changes. If either party recommends a change in the future, it should be discussed in closed session. Any action would then have to be addressed in open session with both parties in full agreement.
 - 14) Under the Instructions to Mayor and Town Council, the wording appears to infer that there will only be corrective problems with comments needed, it does not present a neutral thought process. What happens if the performance is good, do you not include not include comments? The way it is worded is negative.

For the purposes of your comparison, I have included my recommended proposed revised draft of the Performance Evaluation Process and it is included under *Attachment III*.

PROPOSED TIMELINE:

• Town Manager’s Summary of Projects and Accomplishments	January 31
• Council Members complete individual evaluations of the Town Manager and deliver them to the Mayor and HR Specialist	February 15
• Individual evaluations and group summary is provided to Town Manager and Town Council in preparation of performance evaluation	February 28

<ul style="list-style-type: none">• Town Council and Manager meet in closed session to complete evaluation	First Regular Meeting in March
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FLOWCHART

The Mayor requested a flowchart of the items and the following document outlines the Proposed Performance Appraisal Process:

*[Proposed Performance Appraisal of the Town Manager
Flowchart provided on following page]*



From: Lohr, Rob
Sent: Monday, September 28, 2015 11:21 AM
To: Ben Packard - Personal; Davis, Daniel; Doug McCollum - Personal; Fraser, Kwasi; Hankins, Sally; Jimmerson, Karen; John Nave - Personal; Kwasi Fraser - Personal 2; Lehr, Joan; McCann, Hooper; McCollum, Doug; McConville, Patrick; Nave, John; Packard, Ben; Patrick McConville - Personal; Lohr, Rob
Subject: FW: Summary of Projects, Accomplishments, Evaluation Form, Employment Agreement
Attachments: Summary of Projects and Work for 2014.pdf; Accomplishments FY 14.15.pdf; Town Manager Evaluation Form - Fillable.pdf; Employment Agreement.pdf

Dear Mayor and TC,

Several weeks ago, the Mayor and I were talking and we discussed my performance appraisal process. We have been so busy that neither I nor TC has had a chance to set down and conduct a formal process which I welcome. He ask me to let TC know how our process has worked in the past. I have included the following four documents for your background:

- 1) Summary of Projects and Work for previous year – For the last 10 years, I have provided TC with an annual report that outlines my workload metrics, Training, awards and other pertinent background. This helps me track workloads and captures many key items that I find beneficial. It also served as a starting block for TC to begin my performance evaluation. I usually have it complete by February of each year.
- 2) Accomplishments of FY 14-15 – Each year, I work with staff to go back and review the successes that the Town has had on behalf of TC. This allows the staff and TC to celebrate the accomplishments and log the volume of work that we have addressed.
- 3) Town Manager’s Evaluation Form – This form has been changed three times in 23 years by previous TC to meet their needs. The current form was revised back in 2007/2008 when former councilmember Greg Wagner was Chairman of the Personnel Committee. My employment agreement requires the TC to review my performance by March of each year. I have been reviewed most years that I have been here but seldom do I receive more than 2 or 3 evaluations. Some years, I received none. This really isn’t a problem even though I would like greater participation but realize that I’m blessed to have great feedback and input from individual TC members throughout my career here. Seldom does a week go by where I’m not provided feedback, praise or recommendations for improvement and I consider this type of interactions ongoing input. In the past, I always tried to meet or follow-up with the few written performance evaluations that I have received to make sure that we focus on expanding on the good items and work on areas where I can improve. I would welcome any revision that you may have to the process and would like to sit with each member that choses to complete an evaluation to discuss it at length and also welcome a chance to sit with the entire TC to discuss my performance.
- 4) Employment Agreement – Like most all manager’s in local government, I have an employment agreement or contract depending on where you are located. In Virginia, all managers serve at the pleasure of their elected bodies and most communities have agreements that outline their employment arrangements, benefits and separation/severance agreements depending on who is terminating the employment. Hooper has provided this before under FOIA and TC was copied but I wanted to make sure that you have a hard copy. The current agreement was last modified in 2007 and remains in force until both parties chose to amend or it is terminated by either party under the terms of the agreement.

Several quick facts or summary observations:

- 1) I welcome a chance to have all TC members review my performance both individually and collectively as a body.
- 2) Historically over the years, I have probably had 2 or 3 take the time during good years and some years, no one returned an evaluation when Hooper or Doris sent it to TC.
- 3) I’m pleased with the daily and weekly feedback that I get from TC and suspect this may justify why some TC members have chosen not to formally evaluate me in the past.
- 4) Even though my employment agreement provides for an automatic 3% merit increase if the TC doesn’t complete my evaluation annually, I have never triggered that component and have always taken what TC gave staff for a

COLA and never ask for more. This includes the almost 4 years that the Town froze COLA or merit during the recession. My salary was frozen with the rest of the staff.

- 5) While I have received the professional development bonus each year for maintaining my ICMA credentialed manager's designation, I have not received a performance bonus or spot bonus as outlined in my employment agreement since the agreement was updated in 2007. Previous Town Councils were busy and never took the time to deliberate on this component. Regardless, I'm very appreciative of my job and compensation package and truly love serving the last 23 years as Purcellville's Town Manager.

I hope this answers any questions you may have and look forward to meeting with you individually and collectively to review my performance. Thanks, Rob

From: Hays, Diana

Sent: Thursday, September 24, 2015 2:26 PM

To: Lohr, Rob <rlahr@purcellvilleva.gov>

Subject: Summary of Projects, Accomplishments, Evaluation Form, Employment Agreement

Diana Hays

Town Clerk/Project Manager

Town of Purcellville

221 S. Nursery Ave.

Purcellville, VA 20132

Direct: 540-751-2334 / Fax: 540-338-7205

Mayor
Robert W. Lazaro, Jr.

Council
Thomas A. Priscilla, Jr.
James O. Wiley
Joan Lehr
J. Keith Melton, Jr.
John A. Nave
Patrick McConville II



Town Manager
Robert W. Lohr, Jr.
Assistant Town Manager
J. Patrick Childs

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

MEMORANDUM

TO: Mayor and Town Council

FROM: Robert W. Lohr, Jr., Town Manager *R. Lohr, Jr.*

RE: Request for Summary of Projects and Accomplishments
for 2012 in Advance of Performance Evaluation

DATE: January 14, 2013

At the request of Town Council in previous years, I have developed a background summary of projects that I have worked on during the past year. This will be the ninth year that I have tracked these items at the request of Town Council and it illustrates some very interesting trends.

For the purpose of review during my evaluation, I have included some background information and summary of projects that should be highlighted for 2012.

- 1) **WORK HOURS** – During 2012, I worked 194 hours of overtime which is considered to be any work outside of the normal forty-hour work week. Fortunately, this is down from the mid to high 300's that I worked consistently from 2000 to 2010. These hours are documented nights, holidays, and weekends. I believe this positive trend is the direct result of the efficiency items regarding meetings that Town Council has implemented over the last two years. Overall, the Town Council, staff and community have seen a significant reduction in the number of hours and number of meetings that everyone attends, while still seeing an increase in the amount of work and projects that we are addressing. This is the first substantial drop in overtime hours that I have seen during my tenure with the Town and it came during a period where we had multiple emergencies which resulted in many hours worked at night and over the weekend addressing these emergencies.
- 2) **MEETINGS AND PROGRAMS** – During 2012, I attended thirty-nine meetings and special work programs that were outside of the normal work day. For the first time in three years, this number has decreased significantly and it is directly attributed to the Town Council's transition to a Committee of the Whole Business/Worksession meeting concept. Currently, Town Council conducts all of the business in two meetings that we had addressed in four to five meetings in the past.

- 3) **EMERGENCY CALL-OUTS** – Unlike many other government managers, I have always placed a high priority on being accessible to our citizens, Town Council and staff. I make myself available for emergency call-outs on a daily basis. Throughout my career, it has been a priority of mine to live in or near the community where I serve. In many cases this allows me the ability to be one of the fastest to respond and step in as the primary point of contact during emergency situations. During 2012, I responded to ten emergency call-outs which occurred at night, during holidays or on weekends. This also decreased from my last report where I had responded to eighteen in the previous year. It has not been uncommon for me to receive fifteen to twenty-five emergency call-outs per year over the last decade. While the emergency call-outs we had this year were more serious, the frequency was less. Examples of these emergency call-outs include water breaks, sewer blockages, flooding reports, citizen complaints and notification to Town Council on emergency situations or developments within our community. In addition, I respond to emergency alarms or special call-outs that Town Council receives such as groups forgetting to obtain keys to facilities for meetings.
- 4) **SPECIAL PROGRAMS AND VOLUNTEER PROJECTS** – Throughout 2012, I was busy working with Town Council on special projects and also represented the Town at a multitude of programs. Many of these programs resulted in hours of commitment outside of the normal work week. These programs and activities included the following:
- a) Halloween Block Party
 - b) Bowman Park Dedication
 - c) Clean-up and assistance during the Tag Sale
 - d) 9/11 Ceremony
 - e) Meeting with hotel consultant who was studying the feasibility of a facility within our community
 - f) Memorial Day Program
 - g) Loudoun Grown Expo clean-up
 - h) Northern Virginia Regional Commission CAO Monthly Meetings
 - i) Town Manager/County Administrator Quarterly Meetings for Loudoun County
 - j) Police Awards Banquet
 - k) Open House for Gateway Shopping Center
 - l) Purcellville Business Association's monthly luncheons and annual program

- m) 4th of July Parade
 - n) Coordinated the Town Council's Strategic Planning Retreat
 - o) Helped coordinate and attended the Swearing-in Ceremony for Newly Elected Officials
 - p) Served on VLGMA's Executive Committee
 - q) Served as Assistant Coach for the Purcellville Packers Football Team
 - r) Served as Lieutenant with the Purcellville Volunteer Fire Department which involved a minimum of one twelve-hour duty crew per week
 - s) Coordinated four tours of the Town Hall for students from the Community Center, Boy Scouts and Austrian Foreign Exchange Students
 - t) Coordinated the Visioning Session for the Town Council and their Committees, Commissions and Boards in January
 - u) Attended the Grand Opening of the newly renovated Virginia Regional Transit building and the DMV Ribbon Cutting program for their new services
 - v) Attended the VML Town Sectional Meeting in Leesburg
 - w) Worked with staff to submit a VML Achievement Award for the Purcellville Jobs Program
 - x) Attended ground-breaking for the Bank of Clarke County
- 5) **TRAINING** – During 2012 I had the opportunity to attend the following training classes and programs to benefit my professional development with the Town of Purcellville:
- a) Attended a VLGMA pre-conference ICMA Workshop which was titled "Change for Good: Leading Transformation in Your Organization and Your Community"
 - b) Attended the 2012 VLGMA Winter Conference which was titled "Surviving and Thriving in 21st Century Local Government: A Guide to Addressing a Variety of New Challenges"
 - c) Attended the 2012 VLGMA Summer Conference which was titled "Confronting the Past, Planning for the Future"
 - d) Attended Mayday Training Exercise at Loudoun County Fire and Rescue Center

- e) Attended a Northern Virginia Emergency Operations Manual and Training Program which addresses Emergency Protocol set-up by the Washington Council of Governments (COG)
- f) Set up an eight-hour Management Team Training Program with Marshall Wagner and Associates to look at the “Human Element of the Delivery of Public Service”
- g) Completed e-Sexual Harassment Training through an on-line County module
- h) Completed an Injury Investigation Reporting Class through Loudoun County Fire and Rescue
- i) Completed Incident Safety Officer class through Loudoun County Fire and Rescue

6) **AWARDS** – During 2012, I received the following awards and milestones:

- a) Received my 5th year designation as a Credentialed Manager under ICMA

7) **GENERAL ACCOMPLISHMENTS** –

- a) One of the most important accomplishments that I feel is a positive element and should be evaluated in my 2012 Performance Review is my support and dedication to our current Council and Town residents. Throughout 2012, I worked hard to provide support to our current Council and community. I did this by making myself available to these groups night and day to address any issue that came up. I never failed to respond in any type of weather or at any time to address the issues that Council members or residents may have had with the Town. As my family can attest, this meant leaving dinners, family functions and responding at all hours of the day and night to deal with any type of issue that may have developed.
- b) Provided constant and daily support to our Management Team and staff in order to lead the staff in accomplishing items requested by our citizens and identified by our Council.
- c) Provided support to our Committees, Commissions and Boards on any issues that may arise.
- d) Drafted the 2012 Annual Town Council/Community Accomplishment List which included 230 significant projects or tasks that we undertook during FY11/12.

- e) Served as point staff member in the Town's response to the severe Derecho Storm that we experienced this summer. Within five minutes of the incident, I was at the fire house working with Chief Dryden to coordinate the Town and Fire Department response to our community. During this event, I worked more than twenty hours over the weekend helping to address the issues caused by this storm, communicating to the Council and public and developing a debris management program with staff.
- f) Handled the management, operations and communication process for the water break that occurred at Fields Farm.
- g) Completed Performance Evaluations of all Department Heads that report to my office.
- h) Helped coordinate and address with staff the Hurricane Sandy impacts that hit our community this fall.
- i) Submitted two 2013 Loudoun County Chamber of Commerce Valor Awards for two firefighters that are assigned to Station 2.
- j) Expanded our Committee, Commission and Board Code of Conduct to address areas of enhancements requested by Town Council.
- k) Based on direction from Town Council, worked with Jason Brownell to secure a five-year Shared Parking Agreement for the private parking lot located in front of the Train Station.
- l) Worked with staff to secure a location and concept for a state grant submitted by Visit Loudoun under the "LOVE" tourism campaign.
- m) Helped negotiate final construction closeout of the Fireman's Field parking lot with ITEK Construction.
- n) Represented the Town of Purcellville and community at Captain Quin's Memorial Program and internment.
- o) Worked with Davenport to provide multiple financial presentations to the Town.
- p) Worked with Police Department and community to address parking and overflow issues related to the County bus system in Valley Industrial Park.
- q) Hosted the Employee Awards Program.
- r) Worked with staff to accommodate Loudoun Lyme's 5K Run program that they are moving from the National Conference Center to Western Loudoun in 2013.

- s) Worked with the Downtown businesses and Postal Service to secure the first postal delivery to our Downtown Business Area through the use of USPS remote boxes.
- t) Assisted Council in the recruitment and selection of a full-time Town Attorney.
- u) Worked with staff to bring on the first PIO firm to assist the Town with public communications and outreach programs.
- v) Worked with property owners and regulatory agencies to facilitate the initiation of the SCR Construction Project.
- w) Attended multiple meetings at the Town and County level on the Town/County joint initiative to review and potentially eliminate the JLMA, PUGAMP and Annexation Agreement.
- x) Assisted with the Second Annual Citizen and Business Surveys.
- y) Helped coordinate the implementation of the Siemens Sustainable Community Award program which was given to the Town by the U.S. Chamber of Businesses Civic Leadership Center.
- z) Worked with the community, Loudoun County, staff and legal counsel to continue to address the outstanding bonding issues in Hirst Farm as a result of the bankrupt developer.
- aa) Helped work with staff to restore communication and operational capability to the Town after the severe lightning storm struck and damaged our generator and switching gear in late June.
- bb) Served as point negotiator on the Town's two contracts that we received for 130 East Main Street and helped bring the Purcellville Marketplace's final contract to completion.
- cc) Served on VML's Policy Committee for General Laws.
- dd) Served as Town point on the Babe Ruth Southeast Regional Tournament last summer.
- ee) Worked with staff to fill the vacancies in the Parks and Rec. Department.
- ff) Developed a new meeting process which allowed the Town to implement efficiency recommendations identified by Council. This process involved going from multiple meetings in a committee structure to a Committee as a Whole operation.
- gg) Worked with David Scala who served a three month intern with the Town Manager's Office.

- hh) Worked with Purcellville Garden Club to help them identify potential public projects they wanted to invest in within our community.
- ii) Submitted a grant application to Loudoun County which helped to secure \$450,000 in funding for continued projects at Fireman's Field.
- jj) Worked with staff to implement our new iPad Paperless Government Program which began as a trial program with the Management Team and expanded to Town Council during this period.
- kk) Updated Emergency Response Plans for Water Leaks within our community.
- ll) Drafted an enhanced Public Communications and Information Plan for Emergency Events.
- mm) Worked with staff to review and update the Restaurant Brochure and Business Guide.
- nn) Worked with staff in the Administration Department to procure additional funding under our Federal Transportation Enhancement Grant for our Downtown Improvements.
- oo) Worked with Finance staff to continue to upgrade our budget process and CAFR which allowed us to receive both the GFOA Distinguished Budget Presentation Award and the GFOA Certificate of Achievement for Excellence in Financial Reporting for this year.
- pp) Helped to monitor vacancies and recruit additional residents to vacancies on committees, commissions and boards.
- qq) Recommended and implemented a plan of action to address the VRS reforms that were adopted by the General Assembly.
- rr) Worked with staff to revise our Train Station Usage Policy and fees associated with this initiative.

Mayor
Robert W. Lazaro, Jr.

Council
Thomas A. Priscilla, Jr.
James O. Wiley
Joan Lehr
J. Keith Melton, Jr.
John A. Nave
Patrick McConville II



Town Manager
Robert W. Lohr, Jr.
Assistant Town Manager
J. Patrick Childs

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MEMORANDUM

TO: Mayor and Town Council *RLJ*
FROM: Robert W. Lohr, Jr., Town Manager
RE: Request for Summary of Projects and Accomplishments
for 2013 in Advance of Performance Evaluation
DATE: January 10, 2014

At the request of Town Council in previous years, I have developed a background summary of projects that I have worked on during the past year. This will be the tenth year that I have tracked these items at the request of Town Council and it illustrates some very interesting trends and metrics.

For the purpose of review during my evaluation, I have included some background information and summary of projects that should be highlighted for 2013.

- 1) **WORK HOURS** – During 2013, I worked 140 hours of overtime which is considered to be any work outside of the normal forty-hour work week. Fortunately, this is down from the mid to high 300's that I worked consistently from 2000 to 2010. These hours are documented nights, holidays and weekends. I believe this positive trend is the direct result of many efficiency items that Town Council has implemented over the last two years. Most importantly, the reduction in Town and committee meetings to an average two regular meetings a month has had a very positive impact to not only the public but also staff and Council.
- 2) **MEETINGS AND PROGRAMS** – During 2013, I attended thirty meetings and special work programs that were outside of the normal work day. For the second time in five years, this number has decreased significantly and it is directly attributed to the Town Council's transition to a Committee of the Whole Business/Worksession meeting concept. Currently, Town Council conducts all of the business in two meetings where four to five meetings a month was the norm in the past.

- 3) **EMERGENCY CALL-OUTS** – Unlike many other government managers, I have always placed a high priority on being accessible to our citizens, Town Council and staff. I make myself available for emergency call-outs on a daily basis. Throughout my career, it has been a priority of mine to live in or near the community where I serve. In many cases this allows me to be one of the fastest to respond and step in as the primary point of contact during emergency situations until our full team arrives. During 2013, I responded to ten emergency call-outs which occurred at night, during holidays or on weekends. This is the same number as 2012 but we have seen a significant decrease from previous years where it has not been uncommon for me to receive fifteen to twenty-five emergency call-outs per year. While the emergency call-outs we had this year were more serious, the frequency was less. Examples of these emergency call-outs include water breaks, sewer blockages, flooding reports, citizen complaints and notification to Town Council on emergency situations or developments within our community. In addition, I respond to emergency alarms or special call-outs that Town Council receives such as groups forgetting to obtain keys to facilities for meetings.
- 4) **SPECIAL PROGRAMS AND VOLUNTEER PROJECTS** – Throughout 2013, I was busy working with Town Council on special projects and also represented the Town at a multitude of programs. Many of these programs resulted in hours of commitment outside of the normal work week. These programs and activities included the following:
- a) PBA Luncheon and Annual Banquet
 - b) FOIA Program held in Leesburg
 - c) Clean-up after Loudoun Grown Expo
 - d) Spoke to Purcellville Farmer’s Club
 - e) Hosted the Town Association of Northern Virginia at Magnolias
 - f) Assisted with Wine and Food Festival Organization and clean-up
 - g) Dedication of Catoctin Creek Distillery
 - h) World Series Banquet and Opening Ceremony
 - i) Dedication of Plaque for Don Rose
 - j) Dedication of Fireman’s Field Plaque
 - k) Organization and clean-up of Halloween Festival
 - l) Volunteer as Road Marshall for Turkey Trot
 - m) VML Town Section Meeting in Bridgewater

- n) Coordinated 4 Tours of the Town Hall for Girl Scouts, Boy Scouts and youth groups
- o) Served as Crew Leader at Purcellville Volunteer Fire Department through May at which time I took a leave of absence to spend more time with my family as the boys are getting older
- p) Represented Town at Emerick Elementary Tree Planting
- q) Represented the Town at the Monthly CAO Meetings for Northern Virginia Regional Commission
- r) Hosted Local JMU Graduate Manager's Program for Loudoun County which included Clerk of the Court, County Administrator, Lovettsville Town Manager and previous Town Manager for Round Hill
- s) Participated in Loudoun County Administrator/Town Manager's Quarterly Meeting

5) **TRAINING** – During 2013, I had the opportunity to attend the following training classes and programs to benefit my professional development with the Town of Purcellville:

- a) VLGMA pre-conference ICMA Workshop which was titled “Contemporary Trends in Local Government”
- b) VLGMA Conference 2013 which was titled “Contemporary Leadership in Challenging Times”
- c) VLGMA Summer Conference which was titled “Local Government Leadership – A Passion for our Profession”
- d) Worked with Marshall – Wagner and Associates to hold our Management Team Retreat at Patrick Henry College
- e) Reviewed a webinar that staff attended entitled “Branding Your Community”

6) **AWARDS** – During 2013, I received the following awards and milestones:

- a) Community Service Award from the Purcellville Business Association at their March banquet
- b) Completed 20 years of service with Purcellville Volunteer Fire Department and received a Company Award for Length of Service
- c) Completed 20 years of service with Loudoun County Fire and Rescue and received a County Award

- d) Appreciation Award for Service on VLGMA's Executive Committee (2011-2013)
- e) 6th Year Designation as a Credentialed Manager under the ICMA Program
- f) 20 Year Service Award from the Town of Purcellville

7) **GENERAL ACCOMPLISHMENTS** –

- a) One of the most important accomplishments that I feel is a positive element and should be evaluated in my 2013 Performance Review is my support and dedication to our current Council and Town residents. Throughout 2013, I worked hard to provide support to our current Council and community. I did this by making myself available to these groups night and day to address any issue that came up. I never failed to respond in any type of weather or at any time to address the issues that Council members or residents may have had with the Town. As my family can attest, this normally meant leaving dinners, family functions and responding at all hours of the day and night to deal with any type of issue that may have developed.
- b) Provided constant and daily support to our Management Team and staff in order to lead the staff in accomplishing items requested by our citizens and our Council.
- c) Provided support to our Committees, Commissions and Boards on any issues that developed.
- d) Worked with Davenport to provide multiple financial presentations to the Town.
- e) Hosted the Employee Awards Program.
- f) Worked with staff to deliver a CAFR that showed the Town ran a surplus in our General Fund and increased our Rainy Day Fund reserves.
- g) Assisted in opening SCR project on time for dedication ceremony.
- h) Saved the Town \$130,000 in additional design and construction costs by negotiating with VDOT to open the roundabout as a 2 lane travel corridor.
- i) Led the Town's effort to get the Town successfully rated as a AAA Community with the rating agencies.
- j) Developed the tour and presentation for the 3 rating agencies when they visited the Town during our rating process.
- k) Successfully worked with Finance and Davenport to restructure/refinance debt in our Utilities and General Fund resulting in the following:

- i. Savings of \$2,000,000 in future payments.
 - ii. Freed up \$10,000,000 in debt service over the next 5 years that can be spread out over the community as it continues to grow.
 - iii. Locked in interest rates at some of the lowest historical rates which will result in considerable savings in the future when balloon payments would have been due.
- l) Represented Town at all Babe Ruth World Series events.
 - m) Updated Emergency Response and Communication Process for water leaks and sewer blockages.
 - n) Completed guidelines to assist in governing meeting conduct policies and behavior at Town facilities.
 - o) Hosted 2 management interns during the summer session.
 - p) Worked with staff to address the outstanding bonding issues and public improvements in Hirst Farm.
 - q) Helped draft the Town's position on the new NVTAFunding for State Transportation Projects.
 - r) Worked with Town Council to fill numerous vacancies on Committees, Commissions and Boards.
 - s) Submitted funding request for A Street Sidewalk to Loudoun County and successfully received budget funding on this project.
 - t) Completed draft Emergency Response Guide for staff members to follow when dealing with emergency workplace issues.
 - u) Developed a process for volunteers to complete projects on public property.
 - v) Reorganized Public Works after Samer Beidas' departure.
 - w) Reorganized Admin. with changes to Town Clerk, HR Specialist and Public Works project support.
 - x) Reviewed and helped staff update Tourism Brochure for summer events.
 - y) Met with Newton Marasco and Amie Ware to address several grant and development projects at the Chapman-DeMary Trail.
 - z) Hosted semi-monthly Department Head Team Meetings

- aa) Handled and identified noise complaint issues involving helicopters from Andrews Air Force Base.
- bb) Secured location for LOVE Letter Campaign.
- cc) Worked with Liz Krens to meet with the Assessor's Office on the County's newly reorganized assessment process.
- dd) Worked with Patrick Sullivan to proactively reach out to Patrick Henry College on development process.
- ee) Served as one member of the point team that worked with Brookfield Homes and Loudoun County to negotiate a settlement to the 25 year old problems created by the original approval of Autumn Hill.
- ff) Assisted Purcellville Volunteer Rescue Squad with right of first refusal removal so that they could repurpose their building to a veterinary office owned by Hoof and Paw.
- gg) Worked with Town Council to expand Police Department by one officer.
- hh) Assisted staff with details and logistics on the Don Rose dedication of Fireman's Field.
- ii) Worked with the Police Department and court system to get full restitution from the juveniles who vandalized Fireman's Field.
- jj) Worked with staff to correct water intrusion issues at the lower level at Town Hall.
- kk) Worked with Department Heads, Management Team and Finance to deliver a budget to the Town Council that adequately addressed the community's needs along with the fiscal constraints.
- ll) Worked with staff, VDOT, Dominion Power and Loudoun County to help Scott and Becky Harris address issues that were delaying their opening.
- mm) Met with Verizon management twice to deal with two unnecessary outages that occurred within our community.
- nn) Served as point with VDOT and Commonwealth Transportation Board to ensure that the Town's positive track record and successes on our Downtown Improvement Project were relayed during the grant process. This involved meetings with members of the Commonwealth Transportation Board, speaking in Richmond and interacting with regional VDOT staff on a monthly basis.
- oo) Finalized outstanding construction performance and payment dispute on Maintenance building that had been outstanding for years.

- pp) Worked with staff to help promote economic development opportunities on the Kline property located on Route 287.
- qq) Assisted several Eagle Scout candidates with their projects.
- rr) Helped lead the staff's response to the Brown's condemnation lawsuit providing background and historical information to the legal team.
- ss) Helped finalize and address outstanding questions from Purcellville Volunteer Rescue Squad on their remaining proffers from the original PHC proffer statement.
- tt) Worked out several tax payment plans with Finance and Town businesses to allow the Town to collect payments due and the businesses to proceed with expansion opportunities.
- uu) Met with reps from Loudoun Hounds and Aldie Senators to give them a tour of Fireman's Field and to promote our stadium.
- vv) Identified and worked with staff to address warranty issues with peeling paint at Bush Tabernacle.
- ww) Provided additional administrative support to Police Department during Chief Smith's absence. Worked with the Chief and his family during his extended illness.
- xx) Developed and upgraded signage plan to better direct the public to our Valley Industrial Park. Improved the sight distance and safety at the intersection of Nichols and Hatcher.
- yy) Reached out to the impacted parties/stakeholders impacted by the A Street Sidewalk Project and helped set the plan in motion.
- zz) Coordinated the Management Team/Planning Session at PHC.
- aaa) Worked with Angie Plowman to provide support and legal services to staff and Town Council during Sally Hankin's maternity leave.
- bbb) Worked on historical research to certify needed 21st Street right of way for Downtown Improvement Project.
- ccc) Provided internship to Kevin Culbert to develop several GIS maps for the Town during his short internship period.
- ddd) Addressed and negotiated a resolution to the accidental removal of screening by Dominion Power at the 31st Street substation.
- eee) Met with potential investor about the positive opportunities on developing Catoctin Corner Shopping Center which resulted in the developer putting in a contract on the property.

fff) Developed a new Holiday Leave Schedule that reduced the amount of work required by Town Council annually and standardized a schedule a year in advance that would be beneficial to staff's planning.

ggg) Successfully worked with staff and legal counsel to secure a positive settlement offer with Harford Mutual Insurance Company on their coverage for bond default at Hirst Farm.

Mayor
Kwasi A. Fraser

Council
Joan Lehr
John A. Nave
Patrick McConville II
Karen Jimmerson
Douglass J. McCollum
Benjamin J. Packard



Town Manager
Robert W. Lohr, Jr.
Assistant Town Manager
Daniel C. Davis

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MEMORANDUM

TO: Mayor and Town Council *rwf*

FROM: Robert W. Lohr, Jr., Town Manager

RE: Request for Summary of Projects and Work for 2014 in Advance of Performance Evaluation

DATE: September 15, 2015

At the request of Town Council in previous years, I have developed a background summary of actions that I have worked on during the past calendar year. This will be the ninth year that I have tracked these items at the request of Town Council and it illustrates some interesting trends.

For the purpose of review during my evaluation, I have included some background information and summary of work hours that should be highlighted for 2014.

- 1) **WORK HOURS** – During 2014, I worked 161 hours of overtime which is considered to be any work outside of the normal forty-hour work week. Fortunately, this is down from the mid to high 300's that I worked consistently from 2000 to 2010. These hours are documented nights, holidays, and weekends. I believe this positive trend is the direct result of the efficiency items that we implemented regarding meetings and organizational structure over the last four years. Overall, the Town Council, staff and community have seen a significant reduction in the number of hours and number of meetings that everyone attends, while seeing an increase in the amount of work and projects that we are addressing. This is the third year in a row where I have seen a substantial drop in overtime hours, and it will be interesting to see how the increased workloads and community requests for 2015 track. In 2012, I had tracked 194 hours of overtime for a reference point.
- 2) **MEETINGS AND PROGRAMS** – During 2014, I attended forty-three meetings and special work programs that were outside of the normal work day. This is an increase of four meetings from the previous period, and they can be directly attributed to special

dedications and ribbon cutting programs that we had related to the Town's capital projects.

- 3) **EMERGENCY CALL-OUTS** – Unlike many other government managers, I have always placed a high priority on being accessible to our citizens, Town Council and staff. I make myself available for emergency call-outs on a daily basis. Throughout my career, it has been a priority of mine to live in or near the community where I serve. In many cases this allows me the ability to be one of the fastest to respond and step in as a primary point of contact during emergency situations. During 2014, I responded to eleven emergency call-outs which occurred at night, during holidays or on weekends. This has increased from my last report by one. It is not uncommon for me receive fifteen to twenty-five emergency call-outs per year over the past decade. While the emergency call-outs we had this year were less serious, the frequency was more. Examples of these emergency call-outs include water breaks, sewer blockages, flooding reports, citizen complaints, Town Hall lock-outs and notification to Town Council on emergency situations or developments within our community. In addition, I respond to emergency alarms and special call-outs that Town Council receives such as groups forgetting to obtain keys to facilities for meetings.

- 4) **SPECIAL PROGRAMS AND VOLUNTEER PROJECTS** – Throughout 2014, I was busy working with Town Council on special projects and also represented the Town at a multitude of programs. Many of these programs resulted in hours of commitment outside of the normal work week. These programs and activities included the following:
 - a) Business Forum with Senator Warner
 - b) Assistance to set up Loudoun Grown Expo
 - c) Represented the Town at the Fire Dept.'s Annual Banquet
 - d) Northern Virginia Regional Commission CAO Meeting
 - e) Memorial Day Program
 - f) A Street Sidewalk Dedication
 - g) Main Street Sidewalk Dedication
 - h) Assisted with clean up at Wine and Food Festival
 - i) Watershed Dedication for former Mayor Bob Lazaro
 - j) 9/11 Remembrance Ceremony
 - k) Coordinated intensive two-day Strategic Planning Session for Council
 - l) Attended Save Our Children Youth Program hosted by the Purcellville Police Dept.
 - m) Attended the Christmas Tree Lighting Program and secured the donated tree for the Town
 - n) Attended the Christmas Parade and the Nichols Hardware Centennial Celebration
 - o) Met quarterly with Town Managers and County Administrators from Loudoun County
 - p) Attended monthly Purcellville Business Association meetings
 - q) Helped coordinate the VML Achievement Awards submission
 - r) Attended PBA Annual Banquet
 - s) Attended Annual Police Awards Banquet

- t) Helped coordinate swearing-in ceremony for newly elected Council members
- u) Hosted German law student who was visiting our region with Northern Virginia Regional Commission
- v) Hosted tour of Town by Boy Scouts and other community groups

5) **TRAINING** – During 2014, I had the opportunity to attend the following training classes and programs to benefit my professional development with the Town of Purcellville:

- a) Attended two ICMA monthly webinars on “Regional Service Delivery for Small Communities” and “Succession Planning and Knowledge Transfer”
- b) Attended two-day Town Council/Staff Retreat hosted by Dr. Michael Chandler
- c) Read book entitled: Save Your City-(How to Get Businesses to Help Cut Your Taxes)
- d) In lieu of attending the VLGMA and ICMA annual conferences which my work scheduled did not permit, I participated in the ICMA Annual Virtual Conference which provided virtual presentations of key sessions. These sessions involved approximately 19 hours of programs and included the following:

- 1) Opening session on the “Bully Pulpit”
- 2) What Matters Now?
- 3) Finding and Keeping Talented Staff in Small Communities
- 4) Partnerships and Collaboration with the Private Sector
- 5) Political Astuteness: Bridging the Gap between Politics and Administration
- 6) Integrity and Leadership? It Begins With You!
- 7) Technology for Citizen Engagement
- 8) That Was Then. This Is Now. Hey What about Tomorrow?
- 9) The Jetsons Meet Mayberry
- 10) What We Share: Successful Collaborations
- 11) Council of Governments: Leveraging the Regional Approach to Municipal Services
- 12) Enhancing Operational Efficiencies and Elevating Your Community for Success
- 13) Facilitating Discussion in a Challenging Environment

6) **AWARDS** – During 2014, I received the following awards and milestones:

- a) Received my seventh year designation as a credentialed manager under ICMA
- b) Received the Community Builders Award from the Hamilton-Thompson Masonic Lodge #37 in Purcellville

Town of Purcellville, Virginia

PERFORMANCE EVALUATION PROCESS
FOR TOWN MANAGER*Draft Proposal: January 13, 2017***PURPOSE**

In order to establish and maintain an effective Town Council and Town Manager relationship, it is essential that the Town Council establish an ongoing evaluation process that offers an opportunity for the legislative body of the Council to review the performance of the Town Manager. This evaluation should focus on how effectively the Manager is accomplishing the goals established by the Council and how he/she is carrying out his/her responsibilities in key performance areas.

Specifically, the evaluation should serve the following needs:

- 1) Allow the Town Manager and Town Council to test, identify, improve and refine their respective roles, relationships and expectations of responsibilities to each other.
- 2) Allow the Town Council to discuss the Town Manager's strengths and opportunities for improvement as demonstrated by performance during the evaluation period, with the objective of increasing the Manager's effectiveness; that is give the Council the opportunity to provide positive feedback in areas that have been handled well and to clarify areas where the Manager may need to become more effective through improved performance.
- 3) Allow the Town Manager to provide feedback to Town Council and how the legislative body can help the staff complete their job and create a more positive work environment.

PROCESS

- 1) The evaluation process should coincide with the beginning of the calendar year in January/February/March based on the following steps:
 - a) The Town Manager will submit a summary of projects and accomplishments to Town Council by January 31 of each year.
 - b) The Town Council members will individually complete their evaluation before February 15 each year and submit them to the Mayor and Human Resources Specialist to tabulate. The Mayor and HR Specialist will then make copies of all of the individual evaluations and the overall summary in order to provide a complete package to all Town Council members and the Town Manager by February 28.
 - c) The Town Council will schedule a closed meeting at the first regular meeting in March in order to complete the performance evaluation.

- 2) Prior to the scheduled evaluation meeting with the Town Council, Council should review the Town Manager's most recent summary of projects and accomplishments along with any requests for revisions to the current employment agreement submitted by the Town Manager. The Town Council may then submit requests for additional information and/or questions regarding specific information, projects or issues to be brought to the Manager's evaluation meeting with the Town Council.
- 3) The Mayor and Council will meet with the Town Manager to jointly discuss the Manager's performance. The actual evaluation meeting will be held in a closed session.
- 4) After the evaluation discussion takes place, the Town Manager may exit the meeting and the Town Council will discuss the Town Manager's evaluation. The Town Council may or may not propose changes or revisions to the Town Manager's Employment Agreement however, any recommendations will be discussed at a later period with the Town Manager since both parties must agree to any changes.

INSTRUCTIONS TO MAYOR AND TOWN COUNCIL

Attached is the evaluation form for the Town Manager. Space has been provided for each performance area to include your comments and/or observations. Each Town Council member completing the form is encouraged to select specific examples of why a particular rating has been chosen. Comments included should give the Town Manager enough information to reaffirm positive actions or to correct any problem areas in the future.

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STAFF REPORT
ACTION ITEM

Item # 12e

SUBJECT: RZ16-01 – Remapping the Floodplain (Overlay) District &
OA16-03 – Zoning Ordinance Text Amendment to Revise the
Floodplain (Overlay) District

DATE OF MEETING: January 24, 2017

STAFF CONTACT: Daniel Galindo, AICP – Senior Planner

SUMMARY and RECOMMENDATIONS:

Prior to February 17, 2017, the Town of Purcellville must adopt a new Flood Insurance Rate Map and revise its floodplain regulations to comply with the current standards of the National Flood Insurance Program (NFIP). Failure to do so would result in the Town’s removal from the NFIP. The Town’s participation in the NFIP allows the Town to be eligible for certain federal funds in the event our infrastructure is damaged during a flood and also ensures that flood insurance is available for purchase by property owners within the Town.

At its December 13th meeting, Town Council approved Resolution 16-12-04 initiating a remapping of the Town’s Floodplain District (coded as RZ16-01) and related amendments to the text of the Zoning Ordinance (coded as OA16-03). The Planning Commission held public hearings on OA16-03 and RZ16-01 on January 5th, and Town Council held its public hearings on these items on January 10th. As recommended by Staff, the Planning Commission voted to recommend approval of OA16-03 and RZ16-01 at its January 5th regular meeting with the following suggested modifications:

1. Delete “For other than new construction and substantial improvement, under the Coastal Barriers Resource Act (P.L. – 97-348),” from the beginning of the proposed definition of “Start of construction” in Article 12, Section 7;
2. Change “Purcellville town offices” to “Town of Purcellville offices” in Article 12, Section 9;
3. Capitalize “Town Council” in Article 12, Section 10;
4. Replace “BFE” with “base flood elevation” in the text proposed for Article 12, Section 12, Subsection 12.6, Number 2;

5. Delete “zones” as the second word of the paragraph in the text proposed for Article 12, Section 12, Subsection 12.6, Number 3; and
6. In Article 12, Section 18, Subsection 18.2, delete the proposed Number 6 and renumber the remaining numbers of the subsection as 6 through 17.

These suggested modifications have been incorporated in to Ordinance 17-01-01 (Attachment 1) which is presented for approval.

BACKGROUND:

Areas prone to flooding, known as floodplains, exist within Purcellville. In these floodplains, there is a pronounced threat of recurring flooding which may result in damage to real property or endanger the health and safety of the public. According to the Federal Emergency Management Agency (FEMA), floods are the most common, and most costly, natural disaster. Because of this, the National Flood Insurance Act of 1968 authorized federally-backed flood insurance to be made available through the National Flood Insurance Program (NFIP). The NFIP aims to reduce the impact of flooding on private and public structures by providing affordable insurance to property owners and by encouraging communities to adopt and enforce floodplain management regulations. These efforts help mitigate the effects of flooding on new and improved structures which also results in greater protection of the health and safety of the public.

Although FEMA first formally identified Purcellville’s floodplains on a Flood Hazard Boundary Map in 1975, Purcellville did not join the NFIP until a more detailed Flood Insurance Rate Map (FIRM) was created in 1989. The Town’s participation in the NFIP allows the Town to be eligible for certain federal funds in the event our infrastructure is damaged during a flood and also ensures that flood insurance is available for purchase by property owners within the Town. After joining the NFIP, communities periodically adopt new FIRMs and amend their floodplain management regulations to maintain compliance with the standards of the NFIP. It is now time for Purcellville to do so, and as recommended by Staff, Town Council approved Resolution 16-12-04 on December 13th which initiated a zoning text amendment to revise the Town of Purcellville’s floodplain management regulations (coded as OA16-03) and the remapping of the boundaries of the Town’s Floodplain District (coded as RZ16-01).

ANALYSIS:

Since early 2014, FEMA has worked with Loudoun County and its towns to update and improve the accuracy of the county-wide FIRM and associated Flood Insurance Study (FIS). Recently, FEMA notified the Town that the new FIRM and new FIS have been finalized and will become effective on February 17, 2017. Before then, the Town must accomplish certain tasks in order to remain in the NFIP. The purpose of OA16-03 and RZ16-01 is to accomplish these tasks, which include:

1. Amending the Town's floodplain management regulations contained within the Zoning Ordinance to satisfy the current standards of the NFIP; and
2. Remapping the boundaries of the Floodplain District on the Town's Official Zoning Map to conform to the revised FIRM and FIS boundaries.

Staff began preparing the revised floodplain regulations that would become OA16-03 in the summer of 2016, and a draft was sent to the Virginia Department of Conservation and Recreation (DCR), which administers the NFIP in the Commonwealth, in early November to be reviewed for compliance with NFIP standards. In early December, DCR returned comments suggesting a few minor changes to the draft ordinance to ensure its compliance with these standards. Staff has since revised the draft floodplain regulations to incorporate DCR's suggestions, and DCR has determined that the proposed amendment now complies with the requirements of the NFIP.

OA16-03 proposes to revise the Town's floodplain management regulations, as shown in Ordinance 17-01-01, by amending: (1) Article 5, Section 5; (2) Article 12, Sections 1-4 and 6-19; and (3) Article 15, Section 2 of the Purcellville Zoning Ordinance. Staff and the Planning Commission are recommending the following changes from the draft amendment presented for public hearing:

1. Delete "For other than new construction and substantial improvement, under the Coastal Barriers Resource Act (P.L. - 97-348)," from the beginning of the proposed definition of "Start of construction" in Article 12, Section 7;
2. Change "Purcellville town offices" to "Town of Purcellville offices" in Article 12, Section 9;
3. Capitalize "Town Council" in Article 12, Section 10;
4. Replace "BFE" with "base flood elevation" in the text proposed for Article 12, Section 12, Subsection 12.6, Number 2;
5. Delete "zones" as the second word of the paragraph in the text proposed for Article 12, Section 12, Subsection 12.6, Number 3; and
6. In Article 12, Section 18, Subsection 18.2, delete the proposed Number 6 and renumber the remaining numbers of the subsection as 6 through 17.

These suggested modifications have been incorporated in to Ordinance 17-01-01 which is presented for approval.

In conjunction with OA16-03's proposed adoption of the new FIRM and new FIS as the basis of the Floodplain District (see Article 12, Section 8 in Ordinance 17-01-01), RZ16-01 would remap the District on Purcellville's Official Zoning Map to conform to the updated FIRM and FIS for Loudoun County, Virginia and Incorporated Areas (including Purcellville). Attachment 2 is a map that displays the current boundaries of the Floodplain District and the proposed boundaries of the Floodplain Overlay District¹.

ISSUES:

In order to remain in the NFIP, Purcellville must adopt the new FIRM, adopt the new FIS, and amend the Town's floodplain regulations by February 17, 2017. Failure to do so will result in the Town's removal from the NFIP.

BUDGET IMPACT:

There is no significant budgetary impact to approve OA16-03 and RZ16-01; however, if these new regulations are not adopted and the Town is removed from the NFIP, there could be significant budget impacts in the event of a flood that damages Town infrastructure as we would no longer be eligible for certain federal disaster relief funds.

FINDINGS:

1. Areas of floodplain exist within Purcellville where there is a threat of recurring flooding which may result in damage to real property or endanger the health and safety of the public.
2. There is a desire and need to mitigate these threats through the regulation of development in the floodplain and by ensuring the availability of a program of insurance coverage for those who reside or hold title to property located within such flood-prone areas.

¹ OA16-03 proposes to rename the current "Floodplain District" to "Floodplain Overlay District" to better reflect that the District's regulations apply *in addition to* the regulations of the underlying zoning district (such as, for example, R-2 Single-Family Residential, CM-1 Local Service Industrial, etc.). The Floodplain District's regulations also apply only to the portion of land within the District's boundaries and, thus, may apply to only a portion of a given property.

3. Adopting the up-to-date floodplain boundaries displayed in the new FIRM and FIS for Loudoun County, Virginia and Incorporated Areas will serve the public necessity, convenience, and general welfare.
4. Adopting amended floodplain management regulations which comply with the current standards of the NFIP will serve the public necessity, convenience, and general welfare.
5. Failure to adopt the new FIRM, adopt the new FIS, and amend the Town’s floodplain regulations by February 17, 2017 will result in the Town’s removal from the NFIP.

MOTIONS:

1. Approval – Recommended by the Planning Commission

I move that the Purcellville Town Council adopt Ordinance No. 17-01-01 approving OA16-03 and RZ16-01, as set forth in the Staff Report, for the reasons stated therein.

-OR-

2. Approval with Modifications

I move that the Purcellville Town Council adopt Ordinance No. 17-01-01 approving OA16-03 and RZ16-01, for the reasons stated therein, with the following changes:

1. _____
2. _____
3. _____

I further move that Staff is directed to make any additional changes to Ordinance No. 17-01-01 that are necessary to properly implement Council’s directed changes.

-OR-

3. Disapproval

I move that the Purcellville Town Council not approve Ordinance No. 17-01-01 for the following reasons:

1. _____
2. _____
3. _____

ATTACHMENTS:

1. Ordinance 17-01-01 – Approving OA16-03 and RZ16-01

2. RZ16-01 Proposed Floodplain Overlay District Map

These materials and others pertaining to OA16-03 and RZ16-01 can be found at:

<http://purcellvilleva.gov/DocumentCenter/Index/283>

TOWN OF PURCELLVILLE

IN

LOUDOUN COUNTY, VIRGINIA

ORDINANCE NO. 17-01-01

PRESENTED: January 24, 2017

ADOPTED: _____

AN ORDINANCE: APPROVING OA16-03 TO AMEND ZONING ORDINANCE ARTICLES 5, 12 AND 15 TO REVISE THE TOWN'S FLOODPLAIN MANAGEMENT REGULATIONS AND RZ16-01 TO REMAP THE BOUNDARIES OF THE FLOODPLAIN OVERLAY DISTRICT.

WHEREAS, the Town Council of the Town of Purcellville, Virginia states the following as its recitals and findings:

- R1. On December 13, 2016, the Town Council adopted Resolution 16-12-04 initiating the remapping of the Town's Floodplain Overlay District (coded as RZ16-01) and related amendments to the text of the *Zoning Ordinance for the Town of Purcellville, Virginia* (coded as OA16-03).
- R2. The Planning Commission held a duly-advertised public hearing concerning RZ16-01 and OA16-03 on January 5, 2017.
- R3. The Planning Commission voted at its regular meeting on January 5, 2017 to recommend approval of RZ16-01 and OA16-03 with modifications to the proposed text.
- R4. The Town Council conducted a duly-advertised public hearing concerning RZ16-01 and OA16-03 on January 10, 2017.
- R5. The Purcellville Town Council finds that (i) remapping the Floodplain Overlay District on the *Zoning Map of Purcellville, Virginia* and (ii) amending the *Zoning Ordinance for the Town of Purcellville, Virginia* as set forth in this

Ordinance are required to serve the public necessity, convenience, and general welfare, and constitute good zoning practice because:

- a. Areas of floodplain exist within Purcellville where there is a threat of recurring flooding which may result in damage to real property or endanger the health and safety of the public;
- b. There is a desire and need to mitigate these threats through the regulation of development in the floodplain and by ensuring the availability of a program of insurance coverage for those who reside or hold title to property located within such flood-prone areas;
- c. Purcellville has been a member of the National Flood Insurance Program since 1989 to ensure the availability of such insurance coverage;
- d. The new Flood Insurance Study and Flood Insurance Rate Map for Loudoun County, Virginia and Incorporated Areas, prepared by the Federal Emergency Management Agency, dated February 17, 2017, show that the floodplain boundaries have changed;
- e. The proposed floodplain management regulations are needed in order to comply with the current standards of the National Flood Insurance Program; and
- f. Failure to adopt the new Flood Insurance Study, adopt the new Flood Insurance Rate Map, and amend the Town's floodplain management regulations by February 17, 2017 would result in the Town's removal from the National Flood Insurance Program and harm the citizens of Purcellville.

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

SECTION I. That the following Articles and Sections of the *Zoning Ordinance for the Town of Purcellville, Virginia* are hereby amended to add all underlined text and to remove all strikethrough text as follows:

ARTICLE 5. - NONCONFORMITIES

...

Section 5. - Destruction of nonconformities.

The owner of any residential or commercial building damaged or destroyed by a natural disaster or other act of God shall be permitted to repair, rebuild, or replace such building to eliminate or reduce the nonconforming features to the extent possible, without the need to obtain a

variance as provided in § 15.2-2310 of the Code of Virginia, 1950, as amended. If such building is damaged greater than 50 percent and cannot be repaired, rebuilt or replaced except to restore it to its original nonconforming condition, the owner shall have the right to do so. The owner shall apply for a zoning permit for such restoration. Any work done to repair, rebuild or replace such building shall be in compliance with the provisions of the Uniform Statewide Building Code, and any work done to repair, rebuild or replace such building shall be in compliance with the provisions of Article 12: Floodplain Overlay District~~article 12. Floodplain district~~, if applicable. Unless such building is repaired, rebuilt or replaced within two years of the date of the natural disaster or other act of God, such building shall only be repaired, rebuilt or replaced in accordance with the provisions of this ordinance. However, if the nonconforming building is in an area under a federal disaster declaration and the building has been damaged or destroyed as a direct result of conditions that gave rise to the declaration, then the property owner shall have an additional two years for the building to be repaired, rebuilt or replaced as otherwise provided in this paragraph. For purposes of this section, "act of God" shall include any natural disaster or phenomena including a hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake or fire caused by lightning or wildfire. For purposes of this section, owners of property damaged by an accidental fire have the same rights to rebuild such property as if it were damaged by an act of God. Nothing herein shall be construed to enable the property owner to commit an arson as defined under § 18.2-77 or 18.2-80 of the Code of Virginia, 1950, as amended, and obtain vested rights under this section.

...

ARTICLE 12. - FLOODPLAIN OVERLAY DISTRICT

Section 1. - Purpose of article.

This ordinance is adopted pursuant to the authority granted to localities by Va. Code § 15.2 - 2280.

The purpose of these provisions is to prevent: the loss of life and property, the creation of health and safety hazards, the disruptions of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:

- a. Regulating the uses, activities and development which, acting alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities and frequencies.
- b. Restricting or prohibiting certain uses, activities and development from locating within areas subject to flooding.
- c. Requiring all those uses, activities and development that do occur in flood-prone areas to be protected and/or flood-proofed against flooding and flood damage.
- d. Protecting individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.
- e. Assuring compliance with federal and state laws and regulations that address the need for floodplain management and protection.

- f. Qualifying residents and property owners in the Town of Purcellville for the insurance and subsidies provided by the National Flood Insurance Program.

Section 2. - Applicability.

These provisions shall apply to all privately and publicly owned lands within the Town of Purcellville and identified as ~~being in the 100-year floodplain by the Federal Insurance Administration Special Flood Hazard Area (SFHA) according to the Flood Insurance Rate Map (FIRM) that is provided to Loudoun County and the Town of Purcellville by the Federal Emergency Management Agency (FEMA).~~

Section 3. - Compliance and liability.

~~3.11.~~ No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provisions of this ordinance and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this ordinance.

~~3.22.~~ The degree of flood protection sought by the provisions of this ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study but does not imply total flood protection. Larger floods may occur on rare occasions. Flood heights may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that areas outside the floodplain overlay districts, or that land uses permitted within such districts will be free from flooding or flood damage.

~~3.33.~~ This ordinance shall not create liability on the part of the Town of Purcellville or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

Section 4. - Abrogation and greater restrictions.

This ordinance supersedes any ordinance currently in effect in flood-prone areas. However, any underlying ordinance shall remain in full force and effect to the extent that those provisions are more restrictive.

Section 5. - Severability.

If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance shall be declared invalid for any reason whatever, such decision shall not affect the remaining portions of this ordinance. The remaining portions shall remain in full force and effect; and for this purpose, the provisions of this ordinance are hereby declared to be severable.

Section 6. - Penalties.

Any person who fails to comply with any of the requirements or provisions of this article or directions of the Floodplain Administrator or any authorized employee of the Town of Purcellville shall be guilty of the appropriate violation and subject to the penalties therefore.

The Virginia Uniform Statewide Building Code addresses building code violations and the associated penalties in Section 104 and Section 115. Violations and associated penalties of the

Zoning Ordinance of the Town of Purcellville are addressed in Article 11, Section 17: Violation and Penalties.

In addition to the above penalties, all other actions are hereby reserved, including an action in equity for the proper enforcement of this article. The imposition of a fine or penalty for any violation of, or noncompliance with, this article shall not excuse the violation or noncompliance or permit it to continue; and all such persons shall be required to correct or remedy such violations within a reasonable time. Any structure constructed, reconstructed, enlarged, altered or relocated in noncompliance with this article may be declared by the Town of Purcellville to be a public nuisance and abatable as such. Flood insurance may be withheld from structures constructed in violation of this article. In addition to all other penalties provided by law, flood insurance may be withheld from structures constructed in violation of this ordinance.

Section 7. - Definitions.

The definitions of this section shall be used solely for the purpose of interpreting and administering the regulations of this article. If the definitions of this section conflict with other definitions of this Zoning Ordinance, the definitions of this section shall control. Unless specifically defined in this section or in Article 15: Definitions, words or phrases used in this article shall be interpreted as to give them the meaning they have in common usage and to give this article its most reasonable application given its stated purpose.

~~7.1 Anticipated development. That development which could occur given the existing zoning and regulations on property located within the floodplain/floodway.~~

Appurtenant or accessory structure. Accessory structures not to exceed 200 sq. ft.

Base flood. The flood having a one percent (1%) chance of being equaled or exceeded in any given year. Also referred to as the 100-year flood.

Base flood elevation. The water surface elevation of the Base Flood in relation to the datum specified on the Flood Insurance Rate Map.

Basement. Any area of the building having its floor sub-grade (below ground level) on all sides.

Board of Zoning Appeals. The board appointed to review appeals made by individuals with regard to decisions of the Zoning Administrator in the interpretation of this ordinance.

Conditional Letter of Map Revision (CLOMR). A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study.

~~7.2 Development. Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, the placement of manufactured homes, streets, and other paving, utilities, filling, grading, excavation, mining, dredging, or drilling operations, or storage of equipment or materials.~~

Elevated building. A non-basement building built to have the lowest floor elevated above the ground level by means of solid foundation perimeter walls, pilings, or columns (posts and piers).

Encroachment. The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

Existing construction. Structures for which the “start of construction” commenced before July 5, 2001. “Existing construction” may also be referred to as “existing structures.”

~~7.3~~ Flood or flooding.

1. A general and temporary inundation of normally dry land area from:

- a. The overflow of inland or tidal waters;
- b. The unusual and rapid accumulation or runoff of surface waters from any source; or
- c. Mudflows which are proximately caused by flooding as defined in paragraph (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph 1 (a) of this definition.

Flood Insurance Rate Map (FIRM). An official map of a community, on which the Federal Emergency Management Agency has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

Flood Insurance Study (FIS). A report by FEMA that examines, evaluates and determines flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudflow and/or flood-related erosion hazards.

~~7.4~~ Floodplain. Any land area susceptible to being inundated by water from any source. (a) A relatively flat or low land area adjacent to a river, stream, or watercourse which is subject to partial or complete inundation; (b) an area subject to the unusual and rapid accumulation or runoff of surface waters from any source.

~~7.5~~ Base flood/100-year flood. A flood, that on the average, is likely to occur once every 100 years (i.e., that has a one percent chance of occurring each year, although the flood may occur in any year).

~~7.6~~ Board of zoning appeals. The board appointed to review appeals made by individuals with regard to decisions of the zoning administrator in the interpretation of this ordinance.

~~7.7~~ Flood-prone area. See Floodplain. Any land area susceptible to being inundated by water from any source.

Flood-proofing. Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Freeboard. A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed.

Highest adjacent grade. The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure. Any structure that is

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior; or,
 - b. Directly by the Secretary of the Interior in states without approved programs.

Hydrologic and Hydraulic Engineering Analysis. Analyses performed by a licensed professional engineer, in accordance with standard engineering practices that are accepted by the Virginia Department of Conservation and Recreation and FEMA, used to determine the base flood, other frequency floods, flood elevations, floodway information and boundaries, and flood profiles.

Letter of Map Amendment (LOMA). An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a Land as defined by meets and bounds or structure is not located in a special flood hazard area.

Letter of Map Change (LOMC). A Letter of Map Change is an official FEMA determination, by letter, that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

Letter of Map Revision (LOMR). A revision based on technical data that may show changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. A Letter of Map Revision Based on Fill (LOMR-F), is a determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer exposed to flooding associated with the base flood. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

Lowest adjacent grade. The lowest natural elevation of the ground surface next to the walls of a structure.

Lowest floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an

area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Federal Code 44CFR §60.3.

Manufactured home. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

Manufactured home park or subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

New construction. For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after November 15, 1989 and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

Post-FIRM structures. A structure for which construction or substantial improvement occurred on or after November 15, 1989.

Pre-FIRM structures. A structure for which construction or substantial improvement occurred before November 15, 1989.

Recreational vehicle. A vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and,
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.

Repetitive loss structure. A building covered by a contract for flood insurance that has incurred flood-related damages on two occasions in a 10-year period, in which the cost of the repair, on the average, equaled or exceeded 25 percent of the market value of the structure at the time of each such flood event; and at the time of the second incidence of flood-related damage, the contract for flood insurance contains increased cost of compliance coverage.

Severe repetitive loss structure. A structure that:

1. Is covered under a contract for flood insurance made available under the NFIP; and
2. Has incurred flood related damage for which:
 - a. 4 or more separate claims payments have been made under flood insurance coverage with the amount of each such claim exceeding \$5,000, and with the cumulative amount of such claims payments exceeding \$20,000; or
 - b. At least 2 separate claims payments have been made under such coverage, with the cumulative amount of such claims exceeding the market value of the insured structure.

Shallow flooding area. A special flood hazard area with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Special flood hazard area. The land in the floodplain subject to a one (1%) percent or greater chance of being flooded in any given year as determined in Section 8 of this article.

Start of construction. Means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of the construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure. For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Substantial damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred repetitive loss or substantial damage regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
2. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.
3. Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined above, must comply with all ordinance requirements that do not preclude the structure's continued designation as a historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.

Violation. The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

Watercourse. A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

Section 8. - Establishment of floodplain overlay district.

The floodplain overlay district is hereby established as an overlay district, meaning that it is a district overlaid upon other districts as shown on the official zoning ~~ordinance~~ map, and as such, the provisions for the floodplain overlay district shall serve as a supplement to the underlying district provisions. In the event of any conflict between the provisions or requirements of the floodplain overlay district and those of any underlying district, the more restrictive provisions shall apply.

In the event any provision concerning the floodplain overlay district is declared inapplicable as a result of any legislative or administrative actions or judicial decision, the basic underlying provisions shall remain applicable.

Basis of district:

The floodplain overlay district shall include ~~the Special Flood Hazard Areas (SFHAs) areas subject to inundation by waters of the 100-year flood.~~ The basis for the delineation of the district shall be the Flood Insurance Study (FIS), and the Flood Insurance Rate Map (FIRM) for Loudoun County, Virginia and Incorporated Areas, prepared by the Federal Emergency Management Agency, dated February 17, 2017, as revised or amended ~~100-year flood elevations or profiles contained in the Flood Insurance Study for the Town of Purcellville prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated November 15, 1989, as amended.~~

The Town of Purcellville may identify and regulate local flood hazard or ponding areas that are not delineated on the FIRM. These areas may be delineated on a "Local Flood Hazard Map" using best available topographic data and locally derived information such as flood of record, historic high water marks or approximate study methodologies.

1. The approximated floodplain areas shall be the A Zones on the FIRM accompanying the FIS that floodplain area for which no detailed flood profiles or elevations are provided, but where a one percent annual chance 100-year floodplain boundary has been approximated. ~~Such areas are shown as Zone A on the maps accompanying the flood insurance study.~~ For these areas, the one percent annual chance 100-year flood elevations and floodway information from federal, state, and other acceptable sources shall be used, when available.

Where the specific one percent annual chance 100-year flood elevation cannot be determined for this area using other sources of data, such as the U.S. Army Corps of Engineers Floodplain Information Reports, U.S. Geological Survey Flood Prone Quadrangles, etc., then the applicant for the proposed use, development and/or activity shall determine this elevation. ~~in accordance with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analysis shall be undertaken only by professional~~

~~engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. For development proposed in the approximate floodplain the applicant must use technical methods that correctly reflect currently accepted practices, such as point on boundary, high water marks, or detailed methodologies hydrologic and hydraulic analyses.~~ Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the ~~town~~ Floodplain Administrator.

~~The Floodplain Administrator reserves the right to require a hydrologic and hydraulic analysis for any development. When such base flood elevation data is utilized, the lowest floor shall be elevated to or above the base flood level plus eighteen (18) inches.~~

~~During the permitting process, the Floodplain Administrator shall obtain:~~

- ~~a. The elevation of the lowest floor (in relation to mean sea level), including the basement, of all new and substantially improved structures; and,~~
- ~~b. If the structure has been flood-proofed in accordance with the requirements of this article, the elevation (in relation to mean sea level) to which the structure has been flood-proofed.~~

~~For subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed fifty lots or five acres, whichever is the lesser, base flood elevation data shall be obtained from other sources or developed using detailed methodologies comparable to those contained in a FIS.~~

- ~~2. The detailed floodplain areas shall be the AE or AH Zones on the FIRM accompanying the FIS for which the base flood elevations have been provided and the floodway has not been delineated.~~
- ~~3. The floodway is in an AE Zone and is delineated, for purposes of this ordinance, using the criterion that certain areas within the floodplain must be capable of carrying the waters of the one percent annual chance flood without increasing the water surface elevation of that flood more than one (1) foot at any point. The areas included in the floodway are specifically defined in the above-referenced FIS and shown on the accompanying FIRM.~~

Section 9. - Official zoning map.

The boundaries of the floodplain overlay district are established as shown on the Flood Insurance Rate Map~~flood insurance rate map~~ which is declared to be a part of this ordinance and which shall be kept on file at the Town of Purcellville ~~town~~ offices.

Section 10. - District boundary change.

The delineation of the floodplain overlay district may be revised by the ~~town council~~ Town Council where natural or manmade changes have occurred and/or where more detailed studies have been conducted or undertaken by the U.S. Army Corps of Engineers or other qualified agency or an individual documents the need for such change. However, prior to any such change, approval must be obtained from the Federal Emergency Management Agency~~Insurance Administration~~. A completed LOMR is a record of this approval.

Section 11. - Interpretation of district boundaries.

Initial interpretations of the boundaries of the floodplain overlay district shall be made by the zoning administrator. Should a dispute arise concerning the boundaries of the district the applicant may appeal the decision of the administrator to the board of zoning appeals. The person questioning or contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the board and to submit his own technical evidence if he so desires.

Section 12. - General provisions.

12.1 Zoning Permit Required

All uses, activities and development, including placement of manufactured homes, occurring within the floodplain overlay district shall be undertaken only upon the issuance of a zoning permit. Such development shall be undertaken only in strict compliance with the provisions of this ordinance and with all other applicable codes and ordinances, such as the Virginia Uniform Statewide Building Code and the Town of Purcellville Land Development and Subdivision Control Ordinance. Prior to the issuance of any such permit, the zoning administrator shall require all applications ~~(applicants)~~ to comply with all applicable state and federal laws, and shall review all sites to assure they are reasonably safe from flooding. Under no circumstances shall any use, activity and/or development adversely affect the capacity of the channels or floodway of any watercourse, drainage ditch or any other drainage facility or system.

12.2 Effect of Development on Base Flood Elevation

No new construction or development shall be permitted within the ~~(AE area)~~ floodplain overlay district unless it is demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the cumulative effect of the proposed development, when combined with all other existing and anticipated development will not increase the elevation of the 100-year-base flood more than one foot at any point. Within any floodway area, no new construction or development shall be permitted that would cause any increase in the 100-year-base flood elevation. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently-accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the Floodplain Administrator.

12.3 Alteration or Relocation of Waterways

Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc., within ~~the Town of Purcellville this municipality~~, approval-a permit shall be obtained from the ~~Division of Soil and Water Conservation (Department of Conservation and Historic Resources)~~. A permit from the U.S. Corps of Engineers, the Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission, and certification from the state water control board may be necessary (a joint permit application is available from any one of these three organizations). Further notification of the proposal shall be given to all affected adjacent jurisdictions, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management), other required agencies and the municipalities. ~~Copies of such notifications shall be provided to the Division of Soil and Water Conservation~~

~~(Department of Conservation and Historic Resources), and the~~ Federal Emergency Management Agency~~Insurance Administration.~~

12.4 Information Required for Permits and Applications

All applications for development in the floodplain overlay district and all zoning permits issued for the floodplain shall incorporate the following information:

- a. For structures that have been elevated, the elevation of the lowest floor (including basement).
- b. For structures that have been flood-proofed (nonresidential only), the elevation to which the structure has been flood-proofed.
- c. The elevation of the 100-year base flood.
- d. Topographic information showing existing and proposed ground elevations.

12.5 General Standards

The following provisions shall apply to all permits:

1. New construction and substantial improvements shall be according to Section 12.6 of this article and the Virginia Uniform Statewide Building Code, and anchored to prevent floatation, collapse or lateral movement of the structure.
2. Manufactured homes shall be anchored to prevent floatation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state anchoring requirements for resisting wind forces.
3. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
4. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
5. Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities, including duct work, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
9. The flood carrying capacity within an altered or relocated portion of any watercourse shall be maintained.

12.6 Elevation and Construction Standards

1. Residential Construction

New construction or substantial improvement of any residential structure (including manufactured homes) in Zones AE, AH and A with detailed base flood elevations shall have the lowest floor, including basement, elevated at least eighteen (18) inches above the base flood level. The placement of manufactured homes (mobile homes) is prohibited, except in an existing manufactured home (mobile home) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring, elevation, and encroachment standards are met.

2. Non-Residential Construction

New construction or substantial improvement of any commercial, industrial, or non-residential building (or manufactured home) shall have the lowest floor, including basement, elevated at least eighteen (18) inches above the base flood level. Non-residential buildings located in all AE, AH and A zones with detailed base flood elevations may be flood-proofed in lieu of being elevated provided that all areas of the building components below the elevation corresponding to the base flood elevation plus two feet are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification, including the specific elevation (in relation to mean sea level) to which such structures are flood-proofed, shall be maintained by the Floodplain Administrator.

3. Space Below the Lowest Floor

In A, AE, and AH zones, fully enclosed areas, of new construction or substantially improved structures, which are below the regulatory flood protection elevation shall:

- a. Not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator).
- b. Be constructed entirely of flood resistant materials below the regulatory flood protection elevation;
- c. Include measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet the following minimum design criteria:
 - i. Provide a minimum of two openings on different sides of each enclosed area subject to flooding.
 - ii. The total net area of all openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding.
 - iii. If a building has more than one enclosed area, each area must have openings to allow floodwaters to automatically enter and exit.
 - iv. The bottom of all required openings shall be no higher than one (1) foot above the adjacent grade.

v. Openings may be equipped with screens, louvers, or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both directions.

vi. Foundation enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires openings as outlined above.

4. Standards for Manufactured Homes and Recreational Vehicles

a. All manufactured homes placed, or substantially improved, on individual lots or parcels, must meet all the requirements for new construction, including the elevation and anchoring requirements in Sections 12.5 and 12.6 (1) through (3).

b. All recreational vehicles placed on sites must either:

i. Be on the site for fewer than 180 consecutive days, be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions); or

ii. Meet all the requirements for manufactured homes in Section 12.6(4)(a).

Section 13. - ~~Reserved~~Permitted uses.

~~The following uses are permitted in the floodplain overlay district provided that they are not prohibited by any other applicable ordinance:~~

- ~~1. Agricultural uses such as general farming, pasturing, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.~~
- ~~2. Public and private recreational uses and activities such as parks, day camps, picnic grounds, golf courses, boat launching and swimming areas, hiking and horseback riding trails, wildlife and nature preserves, game farms, fishing areas.~~
- ~~3. Accessory residential uses such as gardens, play areas, and pervious loading areas.~~
- ~~4. Accessory industrial and commercial uses such as pervious parking and loading areas.~~
- ~~5. Temporary uses such as circuses, carnivals and similar activities.~~

Section 14. - ~~Reserved~~Uses permitted with a variance.

~~The following uses are conditionally permitted in the floodplain district when a variance is granted by the board of zoning appeals provided that they are not prohibited by this or any other ordinance:~~

- ~~1. Structures accessory to uses and activities permitted in this section.~~
- ~~2. Utilities and public facilities and improvements such as streets, bridges, transmission lines, pipe lines and other similar uses.~~

- ~~3.—Storage of materials and equipment provided that they are not buoyant, or provided that such material and equipment is firmly anchored to prevent flotation or movement, and/or can be readily removed from the area within the time available after flood warning.~~
- ~~4.—Other similar uses and activities provided they cause no increase in flood heights and/or velocities. All uses, activities and structural developments shall be undertaken in strict compliance with the floodproofing provisions contained in all applicable codes and ordinances.~~

Section 15. - Factors to be considered when granting variances.

~~Variations shall be issued only upon (i) a showing of good and sufficient cause, (ii) after the Board of Zoning Appeals has determined that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) after the Board of Zoning Appeals has determined that the granting of such variance will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense; and will not (d) create nuisances, (e) cause fraud or victimization of the public, or (f) conflict with local laws or ordinances.~~

~~While the granting of variances generally is limited to a lot size less than one-half acre, deviations from that limitation may occur. However, as the lot size increases beyond one-half acre, the technical justification required for issuing a variance increases. Variations may be issued by the Board of Zoning Appeals for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the provisions of this section.~~

In passing upon applications for variances, the board of zoning appeals shall satisfy all relevant factors and procedures specified in other sections of the zoning ordinance and consider the following additional factors:

1. The danger to life and property due to increased flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development, or activity within any floodway area that will cause any increase in flood levels during the ~~100-year one percent annual chance~~ flood.
2. The danger that materials may be swept onto other lands or downstream to the injury of others.
3. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
5. The importance of the services provided by the proposed facility to the community.
6. The requirements of the facility for a waterfront location.
7. The availability of alternative locations not subject to flooding for the proposed use.
8. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
9. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.

10. The safety of access by ordinary emergency vehicles to the property in time of flood.
11. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
12. The historic nature of a structure. Variances for repair or rehabilitation of historic structures may be granted upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- ~~12~~3. Such other factors which are relevant to the purposes of this ordinance.

The board of zoning appeals may refer any application and accompanying documentation pertaining to any request for a ~~use permit variance~~ to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for flood protection and other related matters.

~~Variances shall be issued only after the board of zoning appeals has determined that the granting of such will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense, and will not (d) create nuisances, (e) cause fraud or victimization of the public, or (f) conflict with local laws or ordinances.~~

Variances shall be issued only after the board of zoning appeals has determined that ~~the~~the variance will be the minimum required to provide relief from any hardship to the applicant.

The board of zoning appeals shall notify the applicant for a variance, in writing, that the issuance of a variance to construct a structure below the ~~100-year one percent annual chance~~ flood elevation (a) increases the risks to life and property and (b) will result in increased premium rates for flood insurance. A record shall be maintained of the above notification as well as all variance actions, including justification for the issuance of the variances. Any variances which are issued shall be noted in the annual or biennial report submitted to the Federal Emergency Management Agency Insurance Administrator.

Section 16. - Design criteria for utilities and facilities.

1. *Sanitary sewer facilities.* All new or replacement sanitary sewer facilities and private package sewage treatment plants (including all pumping stations and collector systems) shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into the floodwaters. In addition, they should be located and constructed to minimize or eliminate flood damage and impairment.
2. *Water facilities.* All new or replacement water facilities shall be designed to minimize or eliminate infiltration of floodwaters into the system and be located and constructed to minimize or eliminate flood damages.
3. *Drainage facilities.* All storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The systems shall ensure drainage away from buildings and on-site waste disposal sites. The town may require a primarily underground system to accommodate frequent floods and a secondary surface system to accommodate larger, less frequent floods. Drainage plans shall be consistent with local and regional drainage plans. The facilities shall be designed to minimize (or eliminate) the discharge of excess runoff onto adjacent properties.

4. *Utilities.* All utilities, such as gas lines, electrical and telephone systems being placed in flood-prone areas should be located, elevated (where possible), and constructed to minimize the change of impairment during a flooding occurrence.
5. *Streets and sidewalks.* Streets and sidewalks should be designed to minimize their potential for increasing and aggravating the levels of flood flow. Draining openings shall be required to sufficiently discharge flood flows without unduly increasing flood heights.

Section 17. - Existing structures in the floodplain overlay districts.

A structure or use of a structure or premises which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions, may be continued subject to the following conditions:

1. Existing structures in the floodway shall not be expanded or enlarged unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the proposed expansion would not result in any increase in the base flood elevation.
2. Any modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use located in any floodplain district to an ~~extend~~ extent or amount of less than 50 percent of its market value, shall conform to the Virginia Uniform Statewide Building Code and the applicable provisions of this ordinance ~~be elevated and/or floodproofed to the greatest extent possible.~~
23. The modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use, regardless of its location in a floodplain district, to an extent or amount of 50 percent or more of its market value shall be undertaken only in full compliance with the provisions of the Virginia Uniform Statewide Building Code and other applicable provisions of law.
34. Uses or adjuncts thereof which are, or become, nuisances shall not be permitted to continue.

Section 18. - Administration

18.1 Designation of the Floodplain Administrator

The Zoning Administrator is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator. The Floodplain Administrator may:

1. Do the work themselves. In the absence of a designated Floodplain Administrator, the duties are conducted by the Town of Purcellville chief executive officer.
2. Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees.
3. Enter into a written agreement or written contract with another community or private sector entity to administer specific provisions of these regulations. Administration of any part of these regulations by another entity shall not relieve the community of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 C.F.R. Section 59.22.

18.2 Duties and Responsibilities of the Floodplain Administrator

The duties and responsibilities of the Floodplain Administrator shall include but are not limited to:

1. Review applications for permits to determine whether proposed activities will be located in the Special Flood Hazard Area (SFHA).
2. Interpret floodplain boundaries and provide available base flood elevation and flood hazard information.
3. Review applications to determine whether proposed activities will be reasonably safe from flooding and require new construction and substantial improvements to meet the requirements of these regulations.
4. Review applications to determine whether all necessary permits have been obtained from the Federal, State or local agencies from which prior or concurrent approval is required; in particular, permits from state agencies for any construction, reconstruction, repair, or alteration of a dam, reservoir, or waterway obstruction (including bridges, culverts, structures), any alteration of a watercourse, or any change of the course, current, or cross section of a stream or body of water, including any change to the one percent annual chance floodplain of free-flowing non-tidal waters of the State.
5. Verify that applicants proposing an alteration of a watercourse have notified adjacent communities, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management), and other appropriate agencies (VADEQ, USACE) and have submitted copies of such notifications to FEMA.
6. Approve applications and issue permits to develop in flood hazard areas if the provisions of these regulations have been met, or disapprove applications if the provisions of these regulations have not been met.
7. Inspect or cause to be inspected, buildings, structures, and other development for which permits have been issued to determine compliance with these regulations or to determine if non-compliance has occurred or violations have been committed.
8. Review Elevation Certificates and require incomplete or deficient certificates to be corrected.
9. Submit to FEMA, or require applicants to submit to FEMA, data and information necessary to maintain FIRMs, including hydrologic and hydraulic engineering analyses prepared by or for the Town of Purcellville, within six months after such data and information becomes available if the analyses indicate changes in base flood elevations.
10. Maintain and permanently keep records that are necessary for the administration of these regulations, including:
 - a. Flood Insurance Studies, Flood Insurance Rate Maps (including historic studies and maps and current effective studies and maps) and Letters of Map Change; and
 - b. Documentation supporting issuance and denial of permits, Elevation Certificates, documentation of the elevation (in relation to the datum on the FIRM) to which structures have been flood-proofed, other required design certifications, variances, and records of enforcement actions taken to correct violations of these regulations.

11. Enforce the provisions of these regulations, investigate violations, issue notices of violations or stop work orders, and require permit holders to take corrective action.
12. Advise the Board of Zoning Appeals regarding the intent of these regulations and, for each application for a variance, prepare a staff report and recommendation.
13. Administer the requirements related to proposed work on existing buildings:
 - a. Make determinations as to whether buildings and structures that are located in flood hazard areas and that are damaged by any cause have been substantially damaged.
 - b. Make reasonable efforts to notify owners of substantially damaged structures of the need to obtain a permit to repair, rehabilitate, or reconstruct, and prohibit the non-compliant repair of substantially damaged buildings except for temporary emergency protective measures necessary to secure a property or stabilize a building or structure to prevent additional damage.
14. Undertake, as determined appropriate by the Floodplain Administrator due to the circumstances, other actions which may include but are not limited to: issuing press releases, public service announcements, and other public information materials related to permit requests and repair of damaged structures; coordinating with other Federal, State, and local agencies to assist with substantial damage determinations; providing owners of damaged structures information related to the proper repair of damaged structures in special flood hazard areas; and assisting property owners with documentation necessary to file claims for Increased Cost of Compliance coverage under NFIP flood insurance policies.
15. Notify the Federal Emergency Management Agency when the corporate boundaries of the Town of Purcellville have been modified and:
 - a. Provide a map that clearly delineates the new corporate boundaries or the new area for which the authority to regulate pursuant to these regulations has either been assumed or relinquished through annexation; and
 - b. If the FIRM for any annexed area includes special flood hazard areas that have flood zones that have regulatory requirements that are not set forth in these regulations, prepare amendments to these regulations to adopt the FIRM and appropriate requirements, and submit the amendments to the governing body for adoption; such adoption shall take place at the same time as or prior to the date of annexation and a copy of the amended regulations shall be provided to Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and FEMA.
16. Upon the request of FEMA, complete and submit a report concerning participation in the NFIP which may request information regarding the number of buildings in the SFHA, number of permits issued for development in the SFHA, and number of variances issued for development in the SFHA.
17. It is the duty of the Community Floodplain Administrator to take into account flood, mudslide and flood-related erosion hazards, to the extent that they are known, in all official actions relating to land management and use throughout the entire jurisdictional area of the Community, whether or not those hazards have been specifically delineated geographically (e.g. via mapping or surveying).

18.3 Use and Interpretation of FIRMs

The Floodplain Administrator shall make interpretations, where needed, as to the exact location of special flood hazard areas, floodplain boundaries, and floodway boundaries. The following shall apply to the use and interpretation of FIRMs and data:

1. Where field surveyed topography indicates that adjacent ground elevations:
 - a. Are below the base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as special flood hazard area and subject to the requirements of these regulations;
 - b. Are above the base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the SFHA.
2. In FEMA-identified special flood hazard areas where base flood elevation and floodway data have not been identified and in areas where FEMA has not identified SFHAs, any other flood hazard data available from a Federal, State, or other source shall be reviewed and reasonably used.
3. Base flood elevations and designated floodway boundaries on FIRMs and in FISs shall take precedence over base flood elevations and floodway boundaries by any other sources if such sources show reduced floodway widths and/or lower base flood elevations.
4. Other sources of data shall be reasonably used if such sources show increased base flood elevations and/or larger floodway areas than are shown on FIRMs and in FISs.
5. If a Preliminary Flood Insurance Rate Map and/or a Preliminary Flood Insurance Study has been provided by FEMA:
 - a. Upon the issuance of a Letter of Final Determination by FEMA, the preliminary flood hazard data shall be used and shall replace the flood hazard data previously provided from FEMA for the purposes of administering these regulations.
 - b. Prior to the issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data shall be deemed the best available data pursuant to Section 8 of this Article and used where no base flood elevations and/or floodway areas are provided on the effective FIRM.
 - c. Prior to issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data is permitted where the preliminary base flood elevations or floodway areas exceed the base flood elevations and/or designated floodway widths in existing flood hazard data provided by FEMA. Such preliminary data may be subject to change and/or appeal to FEMA.

18.4 Jurisdictional Boundary Changes

The County floodplain ordinance in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements for participation in the National Flood Insurance Program. Municipalities with existing floodplain ordinances shall pass a resolution acknowledging and accepting responsibility for enforcing floodplain ordinance standards prior to annexation of any area containing identified flood hazards. If the FIRM for any annexed area

includes special flood hazard areas that have flood zones that have regulatory requirements that are not set forth in these regulations, prepare amendments to these regulations to adopt the FIRM and appropriate requirements, and submit the amendments to the governing body for adoption; such adoption shall take place at the same time as or prior to the date of annexation and a copy of the amended regulations shall be provided to Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and FEMA.

In accordance with the Code of Federal Regulations, Title 44 Subpart (B) Section 59.22 (a) (9) (v) all NFIP participating communities must notify the Federal Emergency Management Agency and optionally the Virginia Department of Conservation and Recreation - Department of Dam Safety and Floodplain Management in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area.

In order that all Flood Insurance Rate Maps accurately represent the community's boundaries, a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority must be included with the notification.

18.5 Letters of Map Revision

When development in the floodplain will cause or causes a change in the base flood elevation, the applicant, including state agencies, must notify FEMA by applying for a Conditional Letter of Map Revision and then a Letter of Map Revision.

Example cases:

1. Any development that causes a rise in the base flood elevations within the floodway.
2. Any development occurring in Zone AE without a designated floodway, which will cause a rise of more than one foot in the base flood elevation.
3. Alteration or relocation of a stream (including but not limited to installing culverts and bridges).

18.6 Submitting Technical Data

Base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, a community shall notify the Federal Emergency Management Agency of the changes by submitting technical or scientific data. The community may submit data via a LOMR. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and flood plain management requirements will be based upon current data.

Section 19. - Standards for Subdivision Proposals

1. All subdivision proposals shall be consistent with the need to minimize flood damage;
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and
4. Base flood elevation data shall be obtained from other sources or developed using detailed methodologies, hydraulic and hydrologic analysis, comparable to those contained in a Flood Insurance Study for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed fifty lots or five acres, whichever is the lesser.

...

ARTICLE 15. - DEFINITIONS

...

Section 2. - Definitions.

2.1 Terms Defined

For the purpose of this ordinance, certain terms and words are hereby defined: See Subsection 2.2: Further Definitions for alternative locations within the Zoning Ordinance where terms are defined.

Accessory automated teller machine (ATM). See *Automated teller machine (ATM), accessory.*

...

Detached single-family dwelling. See *Dwelling, single-family detached.*

Development. Any man-made change to improved or unimproved real estate including, but not limited to, buildings or other structures, the placement of mobile-manufactured homes, streets, and other paving, utilities, filling, grading, excavation, mining, dredging, ~~or~~ drilling operations, or storage of equipment of materials.

Diameter at breast height (dbh). The diameter of a tree measured as the circumference of the tree trunk at 4.5 feet above the ground. In the case of multiple trunks, the collective circumstances of all trunks at 4.5 feet above grade will constitute dbh.

...

Fitness center. A private fitness establishment which may offer for use aerobic training and/or strength training equipment, saunas, locker rooms and shower facilities and instruction in general health and physical fitness. Such use may provide massages, provided not more than five percent of the gross floor area is used for massages.

Floodplain. Any land area susceptible to being inundated by water from any source. (a) A relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation; (b) an area subject to the unusual and rapid accumulation of surface waters from any source. ~~(f) For further definitions pertaining to floodplains, see Article 12: Floodplain Overlay District).~~

Floor area.

- a. Commercial, business, and industrial buildings, or buildings containing mixed uses: The sum of the gross horizontal areas of the several floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings but not including: (1) attic space providing headroom of less than seven feet; (2) basement space not used for retailing; (3) uncovered steps or fire escapes; (4) accessory water towers or cooling towers; (5) accessory off-street parking spaces; and (6) accessory off-street loading spaces.
- b. Residential buildings: The sum of the gross horizontal areas of the several floors of a dwelling, exclusive of garages, basements, and open porches, measured from the exterior faces of the exterior walls.

...

Yard/garage sale. Any sale entitled “garage sale,” “yard sale,” “barn sale,” “lawn sale,” or any similar casual, temporary sale of tangible personal property on any portion of a residential lot, as allowed by the use regulations of a zoning district, which is advertised by any means whereby the public at large can be made aware of such sale. Such sales are limited to a period of no more than three consecutive days.

2.2 Further Definitions

The following locations within this ordinance contain additional term definitions:

- 1. Additional definitions pertaining to parking lot landscaping are found in Article 6, Section 1, Subsection 1.7: Parking Lot Landscape and Screening Requirements.
- 2. Additional definitions pertaining to signs are found in Article 6, Section 3: General Sign Regulations.
- 3. Additional definitions pertaining to lighting are found in Article 6, Section 9: Lighting Requirements.
- 4. Additional definitions pertaining to landscape buffering are found in Article 7, Section 4: Buffering Requirements.
- 5. Additional definitions pertaining to floodplains are found in Article 12: Floodplain Overlay District.
- 6. Additional definitions pertaining to steep slopes are found in Article 13: Steep Slope Standards.
- 7. Additional definitions pertaining to the Historic Corridor Overlay District are found in Article 14A: Historic Corridor Overlay District—HC.

SECTION II. That the boundaries of the Floodplain Overlay District shall be remapped on the *Zoning Map of Purcellville, Virginia* to coincide with the boundaries shown on the Flood Insurance Study and the Flood Insurance Rate Map for Loudoun County, Virginia and Incorporated Areas, prepared by the Federal Emergency Management Agency, dated February 17, 2017.

SECTION III. That all prior ordinances in conflict herewith are hereby repealed.

SECTION IV. That this ordinance shall be effective upon its adoption.

SECTION V. That if a court of competent jurisdiction declares any provision of this Ordinance invalid, the decision shall not affect the validity of the Ordinance as a whole or any remaining provisions of the *Zoning Ordinance for the Town of Purcellville, Virginia*.

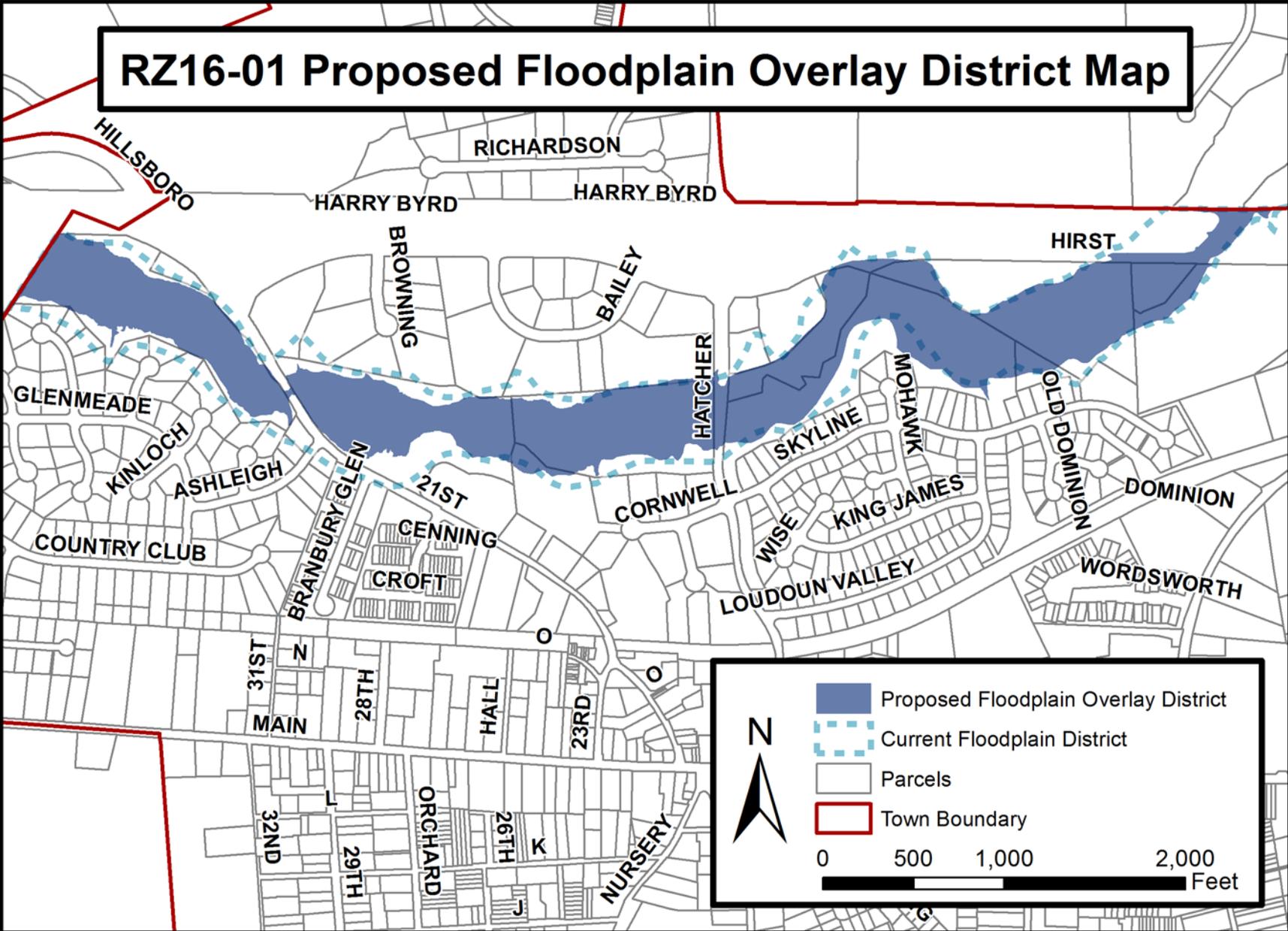
PASSED THIS ___ DAY OF _____, 2017.

**Kwasi A. Fraser, Mayor
Town of Purcellville**

ATTEST:

Diana Hays, Town Clerk

RZ16-01 Proposed Floodplain Overlay District Map





STAFF REPORT
ACTION ITEM

Item #14

SUBJECT: Approval of Meeting Minutes

DATE OF MEETING: January 24, 2017

STAFF CONTACTS: Diana Hays, Town Clerk/Project Manager

SUMMARY and RECOMMENDATIONS:

Attached are the meeting minutes from the December 13, 2016 Town Council Meeting (as revised) and the January 10, 2017 Town Council Meeting for review and approval by Town Council.

MOTION(S):

“I move that we approve the minutes of the December 13, 2016 Town Council Meeting (as revised) and the January 10, 2017 Town Council Meeting and waive reading.”

ATTACHMENT(S):

1. December 13, 2016 Town Council Meeting Minutes (revised)
2. January 10, 2017 Town Council Meeting

**MINUTES
PURCELLVILLE TOWN COUNCIL MEETING
DECEMBER 13, 2016, 7:00 PM
TOWN HALL COUNCIL CHAMBERS**

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

PRESENT: Kwasi Fraser, Mayor
Karen Jimmerson, Vice Mayor
Chris Bledsoe, Council member
Kelli Grim, Council member
Nedim Ogelman, Council member
Doug McCollum, Council member
Ryan Cool, Council member

ABSENT: None

STAFF: Robert W. Lohr, Jr., Town Manager
Danny Davis, Assistant Town Manager
Sally Hankins, Town Attorney
Liz Krens, Director of Finance
Hooper McCann, Director of Administration
Alex Vanegas, Director of Public Works
Lt. Joe Schroeck, Police Dept.
Daniel Galindo, Senior Planner
Dale Lehnig, Capital Projects and Engineering Manager
Melanie Scoggins, Division Manager – Parks and Recreation
Sharon Rausch, Human Resources Specialist
Diana Hays, Town Clerk/Project Manager

CALL TO ORDER OF REGULAR MEETING:

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

AGENDA AMENDMENTS/APPROVAL:

None

PROCLAMATIONS/RECOGNITIONS:

None

PUBLIC HEARINGS:

a. SUP16-03 Mary's House of Hope (Transitional Housing)

Mayor Fraser opened the public hearing at 7:01 PM and provided the purpose of the public hearing. Mayor Fraser granted speakers five minutes. Dan Galindo provided the staff presentation and a summary of the public hearing as noted in the staff report and added that the amendment would bring the structure into compliance. Mr. Galindo stated that staff and the Planning Commission recommend approval of the amendment and that the recommended conditions have been incorporated into Resolution 16-12-02.

There was no one signed up to speak and no materials submitted for the record.

Council member Grim stated the property was supposed to be torn down previously and it has been moved forward and used for a good cause. Council member Grim added she feels this moves in a positive direction to serve both Town and County residents for the long term.

Mayor Fraser stated he sees this a dormant asset which will be used and provides tax revenue and cash flow to the Town to benefit the citizens.

Tom Hill, 17256 Pickwick Drive, with Makersmiths stated he has been working with Mary's House of Hope and is in favor of this action.

With no further comments, Mayor Fraser closed the public hearing at 7:06 PM.

b. SUP16-04 Makersmiths (Public or Government Building, Facility, or Use Not Otherwise Defined)

Mayor Fraser opened the public hearing at 7:06 PM and stated the purpose of the hearing.

There was no one signed up to speak.

Dan Galindo provided the staff presentation. Mr. Galindo added that Makersmiths has worked with Mary's House of Hope to come up with a list of conditions that will work for both parties, and that the Planning Commission recommends approval of the application with the conditions as noted in Resolution 16-12-03.

There were no written materials provided for the record.

Council member Grim stated this would generate income on a dormant building and improve the property and feels it is a good economic development opportunity.

With no further comments, Mayor Fraser closed the public hearing at 7:10 PM.

c. Ordinance 16-12-01: Adding an Environmental Sustainability Component to the Powers and Duties of the Tree and Beautification Commission

Mayor Fraser opened the public hearing at 7:10 PM and stated the purpose of the hearing.

Sally Hankins stated she had no additional information to add to the staff report or to the Mayor's comments.

There was no one signed up to speak and Council had no comments.

Mayor Fraser closed the public hearing at 7:12 PM.

d. Ordinance 16-12-02: Amending the Town Code to add the Purcellville Arts Council as a Committee of Town Council

Mayor Fraser opened the public hearing at 7:12 PM and stated the reason for the hearing.

There was no one signed up to speak.

Sally Hankins gave the staff presentation and summarized the duties of the Purcellville Arts Council as noted in the staff report to include pursuing funding resources for art purposes, reviewing the annual Town budget for art related expenditures, providing recommendations to Council on policies for the expansion of art in Town, providing financial and organizational support to artists and art organizations who provide to the community and identify art programs and events that will enhance the community and recommend to Council how to support those programs.

There were no written materials submitted for the record.

Council member Bledsoe stated he feels this would be a great addition to the Town.

Council member McCollum spoke in favor of the Arts Council and their strong volunteer base. Council member McCollum referenced Section 26-43 and that he would prefer to have the majority of the members from the Town. Council member McCollum asked if the ex-officio member is one of the eleven and if they would be a voting member. Sally Hankins confirmed the ex-officio member would be one of the eleven and this would typically be a voting position however the custom of the Town has been to not have ex-officio members vote. Sally Hankins added that the junior members would vote as ex-officio members but until the custom of the Council liaison is changed, those will continue to be non-voting seats. Ms. Hankins added that there are no residency requirements for the junior members but that at least five of the members shall be residents. Sally Hankins stated she would like to add to the second paragraph 26-43 to say at least five instead of just five, and added that the residency number could be increased at Council's discretion.

Council member Ogelman asked about making the wording say that the majority of the members are from the Town. Sally Hankins talked about issues when members resign their seats changing ratios.

Mayor Fraser requested on behalf of Council that language be added to state that the majority of the members are from the Town. Sally Hankins suggested it say that preference will be given to Town residents and Council agreed. Sally Hankins stated she would amend the ordinance accordingly.

Pat Scannell, 803 Lennon Court, Leesburg, Executive Director of Makersmiths, stated that Makersmiths would offer free regular access to Council at their space and will work with Council to provide additional resources as needed.

With no further comments, Mayor Fraser closed the public hearing at 7:22 PM.

e. Ordinance 16-12-03: To establish a Barment Program

Mayor Fraser opened the public hearing at 7:22 PM and stated the purpose of the hearing. Mayor Fraser granted speakers three minutes.

Joe Schroeck gave the staff presentation and provided some background information as to why this is needed. Lt. Schroeck added this would provide the police department the opportunity to ban people from certain properties in Town.

Amy Turner, 500 W. J Street, stated she owns Twigs and that this would greatly improve the feeling of the shopping center. Ms. Turner asked for help with this item and spoke in favor it.

Council member McCollum talked about this and asked if HOA properties can invoke the same provisions. Lt. Schroeck stated he feels it would apply to both private and public properties. Council member McCollum added he feels HOA's should be advised if this should pass. Sally Hankins confirmed that this could be used by any owner of private property to include a residential property owner or an HOA for common area.

Council member Grim added that HOA's and citizens would need educated on this item.

Council member Ogelman stated he is also in support of providing education to citizens.

Council member McCollum added that this would help in private areas around town.

With no further comments, Mayor Fraser closed the public hearing at 7:31 PM.

f. Participation in Virginia Investment Pool Trust Fund

Mayor Fraser opened the public hearing at 7:32 PM and stated the purpose for the hearing.

Liz Krens gave the staff presentation and stated that this would authorize the Town to participate in VIP to expand investment options available to the Town. Ms. Krens added the Town's investment policy would need amended to add VIP as an approved investment if this should pass.

There were no written materials submitted for the record and there was no one signed up to speak.

Council member McCollum stated he appreciated the clarity of the staff report.

Council member Ogelman asked about the safety of the investment. Liz Krens stated the VIP is rated very high and provides a very strong protection against losses from creditor defaults and is the lowest level of volatility or sensitivity to market conditions.

With no further comments, Mayor Fraser closed the public hearing at 7:37 PM.

PRESENTATIONS:

a. FY16 Comprehensive Annual Financial Report, Matt McLearen, CPA, CFE, Robinson, Farmer, Cox Associates

Mr. McLearen provided an overview of the Comprehensive Annual Financial Report.

Mayor Fraser asked about the General Fund unassigned balance of \$5.6m and asked what the unassigned balance is in the Utility Fund. Mr. McLearen stated that utility funds are reported differently with different terms and have an unrestricted net position and is approx. \$6.5m.

Rob Lohr offered staff's and Mr. McLearen's assistance with any questions that Council may have.

STANDING COMMITTEE/COMMISSION/BOARD REPORTS:

a. Purcellville Arts Council (Liz Jarvis, Chairman/D. McCollum, Council Liaison)

Liz Jarvis, Chair of the Arts Council, came forward and stated that at their monthly meeting the Arts Council talked about the art banners that are up downtown across from Magnolia's. Chair Jarvis added these were submitted by local artists and that the project will expand down 21st Street. Chair Jarvis stated the large ornaments are up around Town and will stay through the holiday season and each year thereafter. The Arts Council talked about the projects at the Train Station during the month as well as future events. Liz Jarvis stated the Western Loudoun Artisan Trail has launched, and that there will be a call for artists for art at Town Hall next month.

Council member McCollum asked about the location of specific art around town. Liz Jarvis stated this will be added to the website.

Council member Grim asked about the holiday artisan gallery. Liz Jarvis stated she believes it will go through the end of the month and Michael Oaks is running it.

b. Planning Commission (T. Stein, Chairman/K. Grim, Council Liaison)

Kelli Grim, Council Liaison, stated at their meeting earlier in the month they discussed the priority of projects under review by the Planning Commission to include the comprehensive plan review, the floodplain ordinance, stream and creek buffer, C-4 district height limit and civil penalties. Council member Grim stated that the results of the online survey and the last work session will be shared soon. Council member Grim added that the current legislative applications that are in process are the O'Toole property, the 7-11 fueling station expansion, Village Case and the VRT park and ride.

c. Board of Architectural Review (Pat Giglio, Chairman/N. Ogelman, Council Liaison)

Council member Ogelman stated the BAR will not be meeting in December but will convene in January.

d. Parks and Recreation Advisory Board (Eamon Coy, Chairman/R. Cool, Council Liaison)

Council member Cool stated the Music and Arts Festival planning is underway. Council member Cool stated three applications were received for the sports grants and the deadline will likely be extended. Council member Cool stated the trolley tours had a sponsor this year and was very popular. Council member Cool requested that the trolley tour map be posted on the Town's website and sent to local groups. Council member Cool thanked Melanie Scoggins and staff for putting together all of the holiday events.

e. Economic Development Advisory Board (Daniel Abramson, Chairman/C. Bledsoe, Council Liaison)

Council member Bledsoe stated they have been speaking with the Purcellville Historical Society about the Train Station Visitor Center. Council member Bledsoe stated they are almost ready to launch the business survey and are discussing questions for the Polco survey particularly about branding. Council member Bledsoe added that EDAC is looking into holding a Town race event next year. EDAC met with Lisa Hall of Vitalita as well as Council member Cool and Town staff about ways the Town can improve their support to support the business community. Council member Bledsoe stated he attended the Loudoun County Comprehensive Plan Workshop on December 5th and felt the common theme was rural preservation. Council member Bledsoe stated he attended a work shop for a solar utility farm opportunity and how a local community in NC has supported the growth of solar farms for utilities.

Mayor Fraser asked about the status on the vacancy initiative. Council member Bledsoe stated they are working with Patrick Sullivan to understand current trends and how they relate to other communities. Mayor Fraser asked the status of McDonald's. Rob Lohr stated he believes Thursday morning however is not certain.

CITIZEN AND BUSINESS COMMENTS:

Mayor Fraser granted speakers 5 minutes to speak.

Chris St. John, 420 S. Davis Drive, came forward and asked that the Town reinstate two stop signs that were at 32nd and Nursery. Ms. Davis stated this is a safety concern to families in the area and asked for assistance with traffic calming.

Patricia DiPalma-Kipfer, 38038 W. Colonial Highway, came forward to talk about item 12d on the agenda. Ms. Kipfer provided comments for clarification in the staff report. Ms. Kipfer stated that in 1999 when she purchased her property she was a County resident with a land use designation of A-3 located in phase one of the UGA JLMA. Ms. Kipfer added that in October of 2008 she received a letter from the Town stating her three acre property along with another 110 acres was being annexed into the Town by town initiation. Ms. Kipfer added she was told by the Town Manager to get a good land use attorney and at the public hearing, Attorney Nelis stated it was better for her to be in Town than not even though she would likely be surround by incompatible commercial development. Ms. Kipfer stated the staff report mentions a dual rezoning and that the reason she uses that term is because she did not know how to identify what she was requesting even though there is a precedent on record. Ms. Kipfer asked Council to refer to her handout of the staff's report and ordinance number 10-08-01 dated August 10, 2010 approving RZ09-02 of five parcels, two of which are currently in single family residential use but rezoned MC district. Ms. Kipfer stated she hopes some of the information presented aids Council in making an informed decision about the future of her property. Ms. Kipfer submitted a handout to Town Council and for the record.

MAYOR AND COUNCIL COMMENTS:

Council member Cool stated the Christmas parade was a success, and requested that everyone spread the word about the Virginia Storm basketball team. Council member Cool stated he attended the Cannons fundraiser at Northgate and that season tickets are now available.

Council member Bledsoe stated he is pleased Polco is moving forward and thanked staff for making it happen quickly.

Council member Ogelman stated he has been reaching out to businesses and listening to their concerns and added that what they have in common is they like the small town feel. Council member Ogelman stated he met with the Brown's Farm HOA and that they are trying to eliminate the joint land management area because they feel it has created zoning ideas that do not make sense given it is built out. Council member Ogelman added that the HOA is interested in seeing if the Town is interested in lobbying the County for that and he would like to discuss this further in a future meeting. Council member Ogelman added that someone there

talked about the Town's public conduct policy and concerns with some of language talking about a disruptive person coming back to a future meeting and could be barred from attending. Council member Ogelman stated this person has spoken with civil liberties and attorneys and thinks this is a problem, and would like to revisit this item at a future meeting. Council member Ogelman stated he visited the police station and the focus was on community policing. Council member Ogelman stated he attended the tree lighting which was very well attended. Council member Ogelman added that he also attended the Envision Loudoun County comprehensive plan session and that the theme at his table was to preserve the phase by which western Loudoun remains rural and that there is a distinct transitional area between the more urban eastern Loudoun and more rural western Loudoun. Council member Ogelman stated he met with the Mayor at the college about how to further engage students. Council member Ogelman stated that he and Vice Mayor Jimmerson have been talking with companies on how to bring broadband to the Town.

Council member McCollum stated he was impressed with the decorations around Town and attended Sunday's trolley tour. Council member McCollum thanked Council member Cool and the Parks and Recreation Advisory Board for their efforts. Council member McCollum stated he visited the police department and talked about the four vacancies they are having trouble filling.

Council member Grim talked about the holiday artisan gallery and feels it is a great asset to the Town. Council member Grim thanked Melanie Scoggins and staff for their work with the holiday events. Council member Grim noted the recent accidents at the roundabout which are being reviewed for solutions. Council member Grim spoke in favor of the stop signs at Nursery and 32nd Street. Council member Grim disclosed she has spoken several times to Ms. Kipfer to verify information.

Vice Mayor Jimmerson stated she met with Graybar Fiber and Lemko for internet solutions. Vice Mayor Jimmerson stated she attended the Envision workshop which was very well attended. Vice Mayor Jimmerson stated she is happy to see that VDOT is going to work on the timing of the lights at 287 and Rt. 7 northbound to help alleviate some of the left turn traffic onto Rt. 7 westbound. Vice Mayor Jimmerson thanked staff and the Parks and Recreation Advisory Board for the efforts with the holiday events.

Mayor Fraser thanked Melanie Scoggins and staff for their preparations of the holiday events and Giant for their donations. Mayor Fraser talked about articles in the local papers about the wells being contaminated by e-coli and spoke further about the need for due diligence of the article. Mayor Fraser stated he would like to work with staff on how to communicate the process to the citizens.

ACTION ITEMS:

a. Lot 6F Valley Industrial Park – Valley Self Storage

Sally Hankins stated that there is an applicant from Valley Self Storage who would like to make use of a lot in the Valley Industrial Park and talked about the risk associated to the Town

which is higher than normally accepted by staff. Ms. Hankins added the risks come from the lot that was reserved in 1989 for storm water management to capture runoff from approximately six other lots. Ms. Hankins added that a Town street also drains to that lot and because the lot is currently vacant there has not been issues. Ms. Hankins added that the issue with the proposed development was that in order to have it approved, the applicant would have to continue to capture the run off from the other lots pursuant to the reservation previously put into place. Ms. Hankins added that typically the Town would not assume 100% but something less and estimates there is approximately 85% coverage on the lots. Ms. Hankins stated that Mr. Leone and his engineers have stated that 100% is too stringent an assumption, and reviewed the risks as outline in the staff report.

Rob Lohr added that Mr. Leone was not able to attend tonight's meeting however his engineer from Bohler Engineering was present to answer questions.

Council member Ogelman confirmed with Ms. Hankins that this is an extraordinary circumstance due to the lot and asked if there are other similar cases and what their typical assumptions are. Ms. Hankins stated she has not seen this example and is unable to answer. Rob Lohr added he was not aware of another situation in town where a lot with storm drainage on it was reengineered but knows it has been done in other jurisdictions.

Council member McCollum noted he did not see in the staff report that the property owners have been consulted with and if they will accept the run off. Sally Hankins stated she advised the applicant to have the lot owners sign the application and amend the plat to remove the restriction. Ms. Hankins added that she believes the applicant did not want to take that approach. Council member McCollum stated that he did not understand what the 10% difference is in the water run-off. Sally Hankins stated she feels the 100% is very unusual and reviewed her recommended as stated in the staff report. A representative from Bohler Engineering stated there are many pipes underground and they are not removing the stormwater management facility but maintaining it, and that the 10% would add an additional 150 ft. of pipe underground and with the existing utilities are running out of space.

Council member Grim talked about the six lots and some of them being the Town's and asked if the Town is part of the original plan. Rob Lohr stated that at the time it was built the majority of Richardson and Nichols was not in the Town's corporate limits and the Town inherited the project. Council member Grim asked if the County has any oversight and if they do any inspections. Alex Vanegas stated they reviewed the information but do not conduct regular inspections to his knowledge. Further discussion took place about the motions provided as well as staff's recommendation.

Council member Ogelman asked why the Town would make the decision when there are other parties with a contractual relationship with the property. Ms. Hankins stated the property owner has the right to come to the Town and ask to develop the property without getting the consent of other property owners.

Council member Bledsoe asked if the lot is immediately east of Valley Self Storage and Sally Hankins confirmed. Council member Bledsoe asked the percentage of runoff the capacity is.

The engineer stated he did not have the calculations on how it was initially designed and added the storage that is there is 54,000 cubic feet and they would be improving the quality of the water leaving the site. Council member Bledsoe asked if there have been any incidents over the past ten or so years of flooding and where the lot was able to serve adequately for the adjoining properties. Alex Vanegas stated he is not aware of any. Council member Bledsoe asked if it is sloping down towards or Rt. 7 or rising towards Rt. 7. Sally Hankins stated she believes it continues to slope downwards towards the bypass as it heads south. Council member Bledsoe referenced the staff report and footnote one where it said “the maximum impervious coverage currently allowed under the Town zoning ordinance for Valley Industrial Park is 85%”. Ms. Hankins stated that is her understanding. Council member Bledsoe added if it states 85% and they are proposing 90%, they are covered unless the ordinance is changed to allow them to increase the impervious coverage. Sally Hankins confirmed that they are proposing 90% which would capture more runoff than what the Town would allow to occur on those properties today.

Mayor Fraser confirmed with the engineer that they are proposing a solution for the existing owners. The engineer from Bohler stated they are proposing a solution which they think not only meets the intent of the initial design but exceeds it and treats all of the water that drains to it now. The engineer added that if one of the upstream landowners redevelops the property and they are able to make it 100% impervious, they would have the right to make it bigger on their property from the way the agreement is, however with the zoning ordinance, it still requires green spaces and trees and is not sure how they could ever get to 100%. Mayor Fraser asked about correspondence between existing homeowners.

Council member Grim stated she does not feel that Council has the right to make the decision on behalf of other property owners and would like the option for not less than 90%.

Council member Grim made a motion that Town Council advise staff that an assumption of 90% impervious coverage on the lots draining to Lot 6F of the Valley Industrial Park is an unacceptable risk to the Town, and 100% impervious coverage should be assumed. The motion was seconded by Council member Ogelman.

Motion: Council member Grim
Second: Council member Ogelman
Carried: 5-2-0

Cool - Aye
Bledsoe - Nay
Ogelman - Aye
McCollum - Nay
Grim - Aye
Jimmerson - Aye
Mayor - Aye

Mayor Fraser stated there is a financial aspect and that the development will mean the Town will have increased tax revenue and understands the risk bore by the existing owners, and feels there should be outreach to the owners.

b. SUP16-03 Mary’s House of Hope (Transitional Housing)

Dan Galindo stated that there is a motion to suspend the rules if Council chooses to vote the same night as the hearing.

Vice Mayor Jimmerson made a motion that Town Council suspend the rules to allow action on SUP16-03 the same night as the public hearing. The motion was seconded by Council member Bledsoe.

Council member Ogelman stated he feels it is a bad idea to have public hearings and vote the same night and that Council should be very explicit why they are breaching a rule. Council member Ogelman added in this instance because a public hearing was held and there was follow up from the hearing and tonight’s hearing was an administrative formality that he is ok voting on the same evening as this pro forma public hearing, Council member Ogelman added that this is not Council’s normal way of doing business.

Motion: Vice Mayor Jimmerson
Second: Council member Bledsoe
Carried: 7-0-0

Cool - Aye
Bledsoe - Aye
Ogelman - Aye
McCollum - Aye
Grim - Aye
Jimmerson - Aye
Mayor - Aye

Vice Mayor Jimmerson made a motion that for the reasons stated in the staff report dated December 13, 2016 and as recommended by the Planning Commission on November 17, 2016, that the Purcellville Town Council approve Resolution 16-12-02 which approves SP16-03 allowing transitional housing at 781 South 20th Street, subject to the conditions stated therein, The motion was seconded by Council member Bledsoe.

Motion: Vice Mayor Jimmerson
Second: Council member Bledsoe
Carried: 7-0-0

Cool - Aye
Bledsoe - Aye
Ogelman - Aye
McCollum - Aye

Mayor
Kwasi A. Fraser

Council
Chris Bledsoe
Ryan J. Cool
Kelli Grim
Karen Jimmerson
Douglass J. McCollum
Nedim Ogelman



Town Manager
Robert W. Lohr, Jr.
Assistant Town Manager
Daniel C. Davis

221 S. Nursery Avenue
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**TOWN OF PURCELLVILLE
IN
LOUDOUN COUNTY, VIRGINIA**

RESOLUTION NO. 16-12-02

**PRESENTED:
ADOPTED:**

**DECEMBER 13, 2016
DECEMBER 13, 2016**

A RESOLUTION: APPROVING SPECIAL USE PERMIT SUP16-03 FOR TRANSITIONAL HOUSING AT 781 SOUTH 20TH STREET.

WHEREAS, on October 6, 2016 the Town of Purcellville and The Good Shepherd Alliance, Inc. submitted an application for a special use permit (SUP16-03) to permit transitional housing to be located at 781 South 20th Street on a parcel that is further identified in Loudoun County land records as Tax Map Number /44//43/////A/ and Parcel Identification Number 489-38-4477-000; and

WHEREAS, the property is in the R-2 (Single-Family Residential) Zoning District; and

WHEREAS, transitional housing requires a special use permit to operate in the R-2 Zoning District; and

WHEREAS, following required public notice the Planning Commission held a public hearing on this application on November 3, 2016, and following that hearing, made a recommendation for approval on November 17, 2016; and

WHEREAS, following required public notice this Council held a public hearing on this application on December 13, 2016; and

WHEREAS, this Council finds that this application meets the use standards for transitional housing as well as the general standards for special uses contained in Article 4, Section 1 and Article 8, Section 1 of the *Zoning Ordinance for the Town of Purcellville, Virginia*, respectively, and further finds that the location is appropriate and not in conflict with the comprehensive plan, that the public health, safety, morals, and general welfare will not be adversely affected, that adequate utilities and off-street parking facilities will be provided, and that necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values;

THEREFORE BE IT RESOLVED that the Purcellville Town Council hereby approves SUP16-03, a special use permit for transitional housing to be located at 781 South 20th Street on a parcel that is further identified in Loudoun County Land Records as Tax

A RESOLUTION:

APPROVING SPECIAL USE PERMIT SUP16-03 FOR TRANSITIONAL HOUSING AT 781 SOUTH 20TH STREET.

Map Number /44/43/////A/ and Parcel Identification Number 489-38-4477-000, subject to the following additional conditions imposed to protect the public health, safety, and welfare:

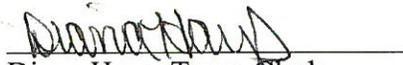
1. The use shall be developed as shown on the concept plan submitted with the application, and attached hereto, entitled "Concept Plan, 781 S. 20th Street, Purcellville, VA," dated October 4, 2016.

PASSED THIS 13TH DAY OF DECEMBER, 2016.



Kwasi A. Fraser, Mayor
Town of Purcellville

ATTEST:


Diana Hays, Town Clerk

Grim - Aye
Jimmerson - Aye
Mayor - Aye

c. SUP16-04 Makersmiths (Public or Government Building, Facility, or Use Not Otherwise Defined)

Dan Galindo stated that there is a motion to suspend the rules if Council chooses to vote the same night as the public hearing. Mr. Galindo added that on the second page of the resolution on condition three that the Planning Commission changed the maximum noise level from 60 decibels to 55 which was agreed upon by Makersmiths.

Council member Ogelman stated this item is the same as the previous item where a public hearing has been previously held.

Council member Ogelman made a motion that Town Council suspend the rules to allow action on SUP16-04 the same night as the public hearing. The motion was seconded by Council member Cool.

Motion: Council member Ogelman
Second: Council member Cool
Carried: 7-0-0

Cool - Aye
Bledsoe - Aye
Ogelman - Aye
McCollum - Aye
Grim - Aye
Jimmerson - Aye
Mayor - Aye

Council member Ogelman made a motion that for the reasons stated in the staff report dated December 13, 2016 and as recommended by the Planning Commission on November 17, 2016, I move that the Purcellville Town Council approve Resolution 16-12-03 which approves SUP16-04 allowing a makerspace as a public or government building, facility, or use not otherwise defined at 785 and 87 South 20th Street, subject to the conditions stated therein. The motion was seconded by Vice Mayor Jimmerson.

Council member McCollum stated that because of the proximity that Makersmiths has to Mary's House of Hope, would like to incorporate in the motion that the applicant is subject to strict compliance with the terms agreed to by Mary's House of Hope dated November 15, 2016, and the lease terms that they want to negotiate with the Town.

Council member Ogelman stated that the public hearing this evening was to be compliant with the law and requested to hear from Makersmiths if they would be amendable to the proposed change.

Mayor
Kwasi A. Fraser

Council
Chris Bledsoe
Ryan J. Cool
Kelli Grim
Karen Jimmerson
Douglass J. McCollum
Nedim Ogelman



Town Manager
Robert W. Lohr, Jr.
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TOWN OF PURCELLVILLE

IN

LOUDOUN COUNTY, VIRGINIA

RESOLUTION NO. 16-12-03

PRESENTED:

DECEMBER 13, 2016

ADOPTED:

DECEMBER 13, 2016

A RESOLUTION: APPROVING SPECIAL USE PERMIT SUP16-04 FOR A MAKERSPACE AS A PUBLIC OR GOVERNMENT BUILDING, FACILITY, OR USE NOT OTHERWISE DEFINED AT 785 AND 787 SOUTH 20TH STREET.

WHEREAS, on October 7, 2016 the Town of Purcellville and Thomas Hill, on behalf of Makersmiths, Inc., submitted an application for a special use permit (SUP16-04) to permit a makerspace as a public or government building, facility, or use not otherwise defined to be located at 785 and 787 South 20th Street on a parcel that is further identified in Loudoun County land records as Tax Map Number /44//43/////B/ and Parcel Identification Number 489-28-1645-000; and

WHEREAS, the property is in the IP (Institutional and Public Use) Zoning District; and

WHEREAS, a public or government building, facility, or use not otherwise defined requires a special use permit to operate in the IP Zoning District; and

WHEREAS, following required public notice the Planning Commission held a public hearing on this application on November 3, 2016, and following that hearing, made a recommendation for approval on November 17, 2016; and

WHEREAS, following required public notice this Council held a public hearing on this application on December 13, 2016; and

WHEREAS, this Council finds that a makerspace qualifies as a public or government building, facility, or use not otherwise defined and meets the general standards for special uses contained in Article 8, Section 1 of the *Zoning Ordinance for the Town of Purcellville, Virginia* and further finds that the location is appropriate and not in conflict with the comprehensive plan, that the public health, safety, morals, and general welfare will not be adversely affected, that adequate utilities and off-street parking facilities will be provided, and that necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values;

A RESOLUTION:

APPROVING SPECIAL USE PERMIT SUP16-04 FOR A MAKERSPACE AS A PUBLIC OR GOVERNMENT BUILDING, FACILITY, OR USE NOT OTHERWISE DEFINED AT 785 AND 787 SOUTH 20TH STREET

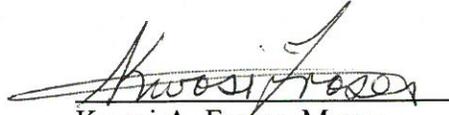
THEREFORE BE IT RESOLVED that the Purcellville Town Council hereby approves SUP16-04, a special use permit for a makerspace as a public or government building, facility, or use not otherwise defined to be located at 785 and 787 South 20th Street on a parcel that is further identified in Loudoun County land records as Tax Map Number /44//43/////B/ and Parcel Identification Number 489-28-1645-000, subject to the following additional conditions imposed to protect the public health, safety, and welfare:

1. The makerspace shall be developed as shown on the concept plan submitted with the application, and attached hereto, entitled “Concept Plan, 785 S. 20th Street, Purcellville, VA,” dated October 4, 2016.
2. The southern driveway shall serve as the primary ingress/egress point for the makerspace. The makerspace may only utilize the northern driveway for occasional deliveries between 9:00 a.m. and 6:00 p.m. or during periods of inclement weather when authorized by the Town Manager. Prior to any use of the northern driveway for the makerspace, the operators of the makerspace must give advance notice to the owners of the adjoining property to the east currently addressed as 781 South 20th Street, Purcellville, Virginia. The adjoining property is further identified in the Loudoun County land records as Tax Map Number /44//43/////A/ and Parcel Identification Number 489-38-4477-000.
3. In addition to compliance with the Town’s noise ordinance, as it may be amended, the makerspace shall emit no noise above 55 decibels between the hours of 10:00 p.m. and 8:00 a.m. as measured at the property line of the adjoining property to the east identified in the second condition.
4. Screening shall be constructed between the building identified as the “Old maintenance shop” on the Concept Plan and the building on the adjoining property to the east identified in the second condition. Such screening, which may be located on either property, shall consist of vegetative and/or architectural components which create a definite visual separation between the two properties.
5. Between the hours of 9:00 p.m. and 8:00 a.m., there shall be no outside activity or congregation of people within the parking area on the east side of the building identified as the “Old maintenance shop” on the Concept Plan.
6. As required by the Declaration of Restrictive Covenants recorded in the Loudoun County land records as Instrument 20071219-0087614, the groundwater beneath the remediation area identified on the Concept Plan shall not be used for any purpose other than environmental monitoring and testing.
7. As required by the Declaration of Restrictive Covenants recorded in the Loudoun County land records as Instrument 20071219-0087614, the remediation area identified on the Concept Plan shall not be used for residential purposes, children’s daycare facilities, schools or playground purposes.

A RESOLUTION:

APPROVING SPECIAL USE PERMIT SUP16-04 FOR A MAKERSPACE AS A PUBLIC OR
GOVERNMENT BUILDING, FACILITY, OR USE NOT OTHERWISE DEFINED AT 785 AND 787
SOUTH 20TH STREET

PASSED THIS 13TH DAY OF DECEMBER, 2016.


Kwasi A. Fraser, Mayor
Town of Purcellville

ATTEST:


Diana Hays, Town Clerk

Dan Galindo clarified that the terms that were in the memo have been incorporated into the conditions in the resolution. Council member McCollum added he would like language included that they will strictly comply with the terms of the negotiated lease.

Pat Scannell with Makersmiths stated they have agreed to the terms and feels this has been captured in the documents however will agree to it in multiple places if the Town desires.

Council member Ogelman rejected the friendly amendment and stated he feels the information is sufficient as does Town staff and believes Makersmiths and Mary's House of Hope have talked significantly and does not see the need for the amendment.

Motion: Council member Ogelman
Second: Vice Mayor Jimmerson
Carried: 7-0-0

Cool - Aye
Bledsoe - Aye
Ogelman - Aye
McCollum - Aye
Grim - Aye
Jimmerson - Aye
Mayor - Aye

d. Request for Rezoning and Comprehensive Plan Amendment – Patricia DiPalma-Kipfer

Dan Galindo highlighted two issues and that the wording in Ms. Kipfer's request is not currently worded in a way that the Town can affirmatively act on that specific request tonight and talked about the proposed motions. Mr. Galindo added that the second item is to clarify that the Town does not typically initiate zoning requests at the request of property owners. Dan Galindo referenced the staff report that Ms. Kipfer distributed (dated August 10, 2010) regarding the Browning Equipment S. 9th Street commercial rezoning. Ms. Kipfer submitted this document for the record.

Mayor Fraser asked for staff's recommendation. Dan Galindo stated that staff's recommendation would be for Council to not initiate it and to provide guidance if there is something Council would want to do and that the reason is that the Town would be foregoing fees that other properties have paid for rezoning's.

Council member Grim stated that this needs clarification and there are a number of things missing from the package to include history of the property from when it was annexed into the Town, which was not initiated by the property owner. Council member Grim talked about PUGAMP, and suggested further review be done of other properties to include the Browning property and the Chapman property along Hirst Road, and this item be reviewed again at the

second meeting in January and to include a report that has all of the facts to be determined by staff and the Planning Commission.

Council member Ogelman stated he feels public input is needed on this item and would like to have all of the facts before making a decision.

Mayor Fraser stated that based on what is presented tonight that his position will always be to seek out proffers and the revenue to make it worthwhile for the citizens. Mayor Fraser added that he understands additional information is needed for Council to make a decision.

Council member Bledsoe asked for clarification in the staff report about the options provided.

Council member Grim requested that Council agree to move this item to January to have all the facts and to have the misinformation clarified as well as background information.

Council member Grim made a motion that agenda item 12d Request for Rezoning and Comprehensive Plan Amendment by Patricia DiPalma-Kipfer be moved to the January work session of 2017. The motion was seconded by Council member Bledsoe.

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

Cool - Aye
Bledsoe - Aye
Ogelman - Aye
McCollum - Aye
Grim - Aye
Jimmerson - Aye
Mayor - Aye

e. Non-Potable Connections

Alex Vanegas stated the Town has received a couple of requests for non-potable meters, and staff recommends that Council deny the non-potable water policy at this time.

Council member Bledsoe asked when the model would be finished. Alex Vanegas stated they are still working on various scenarios and the consultant expects to have those finished in the spring of 2017.

Council member Bledsoe made a motion that Town Council deny the request to reinstate the non-potable water meter policy at this time until there is a financial model that can allow for better predictions. The motion was seconded by Council member Grim.

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

Cool - Aye
Bledsoe - Aye
Ogelman - Aye
McCollum - Aye
Grim - Aye
Jimmerson - Aye
Mayor - Aye

f. Ordinance 16-12-01: Adding an Environmental Sustainability Component to the Powers and Duties of the Tree and Beautification Commission

Sally Hankins stated that a public hearing was held earlier in the evening and the rules of procedure would ordinarily prohibit a vote the same evening and added that a motion was provided to suspend the rules to allow Council to vote.

Council member Ogelman asked why the vote is taking place the same night as the hearing.

Council member Grim stated she is disturbed that it is taking so long for the committee to be active and feels it is in the best interest to vote.

Council member Cool stated he agrees with Council member Ogelman and that a vote should not take place the same evening as the public hearing however since this item does not have substantial financial impact and has a positive impact on the community, would motion to move forward.

Mayor Fraser agreed it is not a material impact to the citizens and agreed to move forward.

Council member Cool made a motion that Town Council suspend the rules to allow adoption of Ordinance 16-12-01 on the same night as the public hearing. The motion was seconded by Vice Mayor Jimmerson.

Motion: Council member Cool
Second: Vice Mayor Jimmerson
Carried: 7-0-0

Cool - Aye
Bledsoe - Aye
Ogelman - Aye
McCollum - Aye
Grim - Aye
Jimmerson - Aye
Mayor - Aye

Council member Cool made a motion that Town Council adopt Ordinance 16-12-01, to add an environmental sustainability component to the powers and duties of the Tree and Beautification Commission, and to amend the Commission's membership rules. The motion was seconded by Vice Mayor Jimmerson.

Mayor Fraser stated he would like the word environmental noted in the name of the committee. Sally Hankins stated the name can be changed however it would need to occur at a later date due to the extensive changes to be made throughout the code. Council member Ogelman agreed.

Sally Hankins recommended that Council vote on the motion then proceed with a subsequent motion to change the name of the committee. Ms. Hankins added that staff is planning to redraft the committee, commission and board chapter of the Town code to remove the Train Station Steering Committee and any others that are non-operating, and to update others so they reflect the actuality of today.

Motion: Council member Cool
Second: Vice Mayor Jimmerson
Carried: 7-0-0

Cool - Aye
Bledsoe - Aye
Ogelman - Aye
McCollum - Aye
Grim - Aye
Jimmerson - Aye
Mayor - Aye

Council member McCollum suggested that Council take time to think about the name of the new committee before voting.

Vice Mayor Jimmerson made a motion that Town Council initiate an action to change the name of the Tree and Beautification Commission and the Environmental Sustainability component.

Council member Ogelman made a motion that Town Council task staff to align the names of the committees, commissions and boards with values that they reflect, including having the Tree and Beautification Commission incorporate the environment and sustainability into the Commission's title and to look at the powers and duties that have been adopted by Ordinance. The motion was seconded by Council member Bledsoe.

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

Cool - Aye

Mayor
Kwasi A. Fraser

Council
Chris Bledsoe
Ryan J. Cool
Kelli Grim
Karen Jimmerson
Douglass J. McCollum
Nedim Ogelman



Town Manager
Robert W. Lohr, Jr.
Assistant Town Manager
Daniel C. Davis

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TOWN OF PURCELLVILLE
IN
LOUDOUN COUNTY, VIRGINIA

ORDINANCE NO. 16-12-01 **PRESENTED: NOVEMBER 8, 2016**
ADOPTED: DECEMBER 13, 2016

AN ORDINANCE: AMENDING TOWN CODE CHAPTER 26 (“COMMUNITY DEVELOPMENT”), ARTICLE V (“TREE AND BEAUTIFICATION COMMISSION”), SECTIONS 26-38 AND 26-39 TO EXPAND THE DUTIES OF THE TREE AND BEAUTIFICATION COMMISSION TO INCLUDE ALL ASPECTS OF ENVIRONMENTAL SUSTAINABILITY, TO INCREASE THE MAXIMUM NUMBER OF MEMBERS ON THE COMMISSION, AND TO ESTABLISH A MINIMUM NUMBER OF MEMBERS

WHEREAS, at its meeting on November 8, 2016, the Purcellville Town Council directed staff to prepare and advertise an ordinance for public hearing that would amend Town Code Chapter 26, Article V, Sections 26-38 and 26-39 to expand the duties of the Tree and Beautification Commission to include all aspects of environmental sustainability, to increase the maximum number of members on the Commission, and to establish a minimum number of members; and

WHEREAS, an advertisement for Ordinance 16-12-01 was published in a qualified newspaper on November 25, 2016 and December 2, 2016, for the Town Council public hearing on December 13, 2016.

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

Section 1. That Town Code Sections 26-38 and 26-39, of Chapter 26 (“Community Development”), Article V (“Tree and Beautification Commission”) are hereby amended to read in-full as follows:

AN ORDINANCE: AMENDING TOWN CODE CHAPTER 26 (“COMMUNITY DEVELOPMENT”), ARTICLE V (“TREE AND BEAUTIFICATION COMMISSION”), SECTIONS 26-38 AND 26-39 TO EXPAND THE DUTIES OF THE TREE AND BEAUTIFICATION COMMISSION TO INCLUDE ALL ASPECTS OF ENVIRONMENTAL SUSTAINABILITY, TO INCREASE THE MAXIMUM NUMBER OF MEMBERS ON THE COMMISSION, AND TO ESTABLISH A MINIMUM NUMBER OF MEMBERS

TOWN CODE ARTICLE V. – TREE AND BEAUTIFICATION COMMISSION

Sec. 26-38. – Commission Established; Membership, Meetings.

(a) *Composition, appointments and terms.* The Purcellville Tree and Beautification Commission is hereby established. Such commission shall consist of at least five but no more than nine members, five of which shall be residents of the town unless there is a deficiency of town residents interested in membership on the commission, then the council may appoint members from outside the corporate limits of the town. At least one member shall be an arborist. A member of council, appointed by the council, shall serve as an ex officio member of the commission. An appointment to fill a vacancy shall be for the unexpired term. Members shall serve two-year terms.

(1) *The commission shall elect its chairperson annually.* The commission shall meet monthly or more often as necessary upon the call of the chairperson or his designee. A member may be dismissed by the Town Council if he or she is absent for three or more meetings within a calendar year.

Sec. 26-39. - Duties.

The Purcellville Tree and Beautification Commission shall have the following duties:

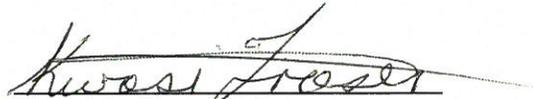
- (1) The tree and beautification commission shall recommend tree preservation and enhancement ordinances that promote environmental sustainability.
- (2) The tree and beautification commission shall disseminate technical information for professional groups and developers, and shall strive to inform the general public on the need for environmental and tree planning and preservation.
- (3) The tree and beautification commission shall advise the town council in the development and maintenance of the policies, standards and guidelines of the Town Code and zoning ordinance which will provide guidance for persons involved in planting, preserving, protecting or replacing trees with consideration for environmental sustainability (tree management program).
- (4) The tree and beautification commission shall act as an advocate group to increase the tree canopy in the community by assisting in coordinating the efforts of the town council with public/private groups such as homeowners associations.

AN ORDINANCE: AMENDING TOWN CODE CHAPTER 26 (“COMMUNITY DEVELOPMENT”), ARTICLE V (“TREE AND BEAUTIFICATION COMMISSION”), SECTIONS 26-38 AND 26-39 TO EXPAND THE DUTIES OF THE TREE AND BEAUTIFICATION COMMISSION TO INCLUDE ALL ASPECTS OF ENVIRONMENTAL SUSTAINABILITY, TO INCREASE THE MAXIMUM NUMBER OF MEMBERS ON THE COMMISSION, AND TO ESTABLISH A MINIMUM NUMBER OF MEMBERS

- (5) The tree and beautification commission shall promote programs that educate citizens about trees and their benefits and assist in choosing appropriate trees and sites for planting.
- (6) The tree and beautification commission shall promote, practice, and advance environmental stewardship and education activities.
- (7) The tree and beautification commission shall establish partnerships with citizens, business owners, and other stakeholders to plan and implement measurable environmentally responsible and sustainable initiatives.
- (8) The tree and beautification commission shall present an annual report each calendar year to the town council, such report shall include:
 - a. A description of the activities conducted.
 - b. A report of activities ongoing and forecast for future projects.
- (9) The tree and beautification commission shall enact by-laws to aid in its efficient operation.
- (10) All beautification projects related to landscaping, tree planting and other similar projects will be undertaken and coordinated by this commission.
- (11) To assist in such other duties as assigned.

Section 2. That this ordinance shall be effective upon its adoption.

PASSED THIS 13TH DAY OF DECEMBER, 2016.


Kwasi A. Fraser, Mayor
Town of Purcellville

ATTEST:


Diana Hays, Town Clerk

Bledsoe - Aye
Ogelman - Aye
McCollum - Aye
Grim - Aye
Jimmerson - Aye
Mayor - Aye

g. Ordinance 16-12-02: Amending the Town Code to add the Purcellville Arts Council as a Committee of Town Council

Council member Bledsoe made a motion that Town Council suspend the rules to allow adoption of Ordinance 16-12-02 on the same night as the public hearing for reasons previously addressed that this is not a matter of great impact to the Town but is also an important initiative that the Town would like to execute as soon as possible. The motion was seconded by Council member McCollum.

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

Cool - Aye
Bledsoe - Aye
Ogelman - Aye
McCollum - Aye
Grim - Aye
Jimmerson - Aye
Mayor - Aye

Sally Hankins stated that this Ordinance was amended from dais and the motion should not say that Ordinance 16-12-02 is being adopted as attached but as amended during the public hearing.

Council member McCollum made a motion that Town Council adopt Ordinance 16-12-02 creating the Purcellville Arts Council and establishing its powers and duties as amended during the Public Hearing discussion of December 13, 2016. The motion was seconded by Council member Grim.

Motion: Council member McCollum
Second: Council member Grim
Carried: 7-0-0

Cool - Aye
Bledsoe - Aye
Ogelman - Aye
McCollum - Aye
Grim - Aye

Jimmerson - Aye
Mayor - Aye

h. Participation in Virginia Investment Pool Trust Fund

Liz Krens summarized the item and added that it was discussed at the Public Hearing earlier in the evening and that an Ordinance is required to participate in the VIP. Ms. Krens added that staff recommends joining the VIP and amending the Town's investment policy to include the VIP.

Council member Cool made a motion that Town Council suspend the rules to allow action on Ordinance 16-12-04 the same night as the public hearing. The motion was seconded by Council member McCollum.

Motion: Council member Cool
Second: Council member McCollum
Carried: 7-0-0

Cool - Aye
Bledsoe - Aye
Ogelman - Aye
McCollum - Aye
Grim - Aye
Jimmerson - Aye
Mayor - Aye

Council member Ogelman stated he agrees with Ms. Krens and that there is no risk and some money that could be lost by delaying.

Council member Cool made a motion that Town Council adopt Ordinance 16-12-04 authorizing participation by the Town in the VACO/VML Virginia Investment Pool Trust Fund for the purpose of investing in accordance with Section 2.2-4501 of the Virginia Code and further directing the Town Treasurer to execute the VIP Trust Joinder Agreement on behalf of the Town. And further move that Town Council direct the Town Treasurer to complete all forms needed to effectuate and Town's membership in the Virginia Investment Pool Trust fund as authorized under Ordinance 16-12-04. And further move that Town Council amend the Town's Investment Policy to add the Virginia Investment Pool (VIP) as an approved investment. The motion was seconded by Council member McCollum.

Council member McCollum stated he concurs the view about collapsing the hearings and votes and feels it is a wise decision to move them forward.

Motion: Council member Cool
Second: Council member McCollum
Carried: 7-0-0

Mayor
Kwasi A. Fraser

Council
Chris Bledsoe
Ryan J. Cool
Kelli Grim
Karen Jimmerson
Douglass J. McCollum
Nedim Ogelman



Town Manager
Robert W. Lohr, Jr.
Assistant Town Manager
Daniel C. Davis

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TOWN OF PURCELLVILLE

IN

LOUDOUN COUNTY, VIRGINIA

ORDINANCE NO. 16-12-02

PRESENTED:

NOVEMBER 8, 2016

ADOPTED:

DECEMBER 13, 2016

AN ORDINANCE: AMENDING CHAPTER 26 (“COMMUNITY DEVELOPMENT”) OF THE TOWN CODE BY ADDING ARTICLE VIII, CREATING THE PURCELLVILLE ARTS COUNCIL

WHEREAS, at its meeting on November 8, 2016, the Purcellville Town Council directed staff to prepare an ordinance creating the Purcellville Arts Council and to schedule a public hearing regarding the same; and

WHEREAS, an advertisement for Ordinance 16-12-02 was published in a qualified newspaper on November 25, 2016 and December 2, 2016, advertising the creation of the Purcellville Arts Council and its proposed duties and powers under the ordinance.

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

Section 1. That Chapter 26 (“Community Development”) of the Town Code is hereby amended to add Article VIII, “Purcellville Arts Council,” as follows:

ARTICLE VIII. – PURCELLVILLE ARTS COUNCIL

Sec. 26-43. - Established; membership composition, appointments and terms.

The Purcellville Arts Council is hereby established. The Arts Council shall consist of at least five but no more than eleven members, all of whom are appointed by Town Council.

In selecting its appointments, Town Council shall give preference to residents of the town.

**AN ORDINANCE: AMENDING CHAPTER 26 (“COMMUNITY DEVELOPMENT”) OF THE TOWN CODE
BY ADDING ARTICLE VIII, CREATING THE PURCELLVILLE ARTS COUNCIL**

One seat on the Arts Council shall be reserved for a member of Town Council, who shall be appointed by the Town Council to serve as an ex officio member of the Arts Council.

Two seats on the Arts Council shall be reserved for Junior Members, who shall serve as ex officio members but for a term no longer than one-year. Junior members must currently be attending public/private school, college or home school and cannot exceed the age of 21. Junior Members shall be appointed by Town Council, and the term may begin upon appointment.

All members who are not “ex officio” members shall be appointed to the Arts Council for a two-year term, beginning on September 1 of the year of appointment, provided, however, that of the initial eight non “ex officio” appointments, the first four shall be for two-year terms, and the remaining four appointments shall be for a one-year term. Thereafter all non “ex-officio” appointments shall be for a two-year term.

Sec. 26-44. - Election of officers; meetings.

The Arts Council shall elect its chairperson and vice chairperson annually. The town manager, or his designee, shall serve as secretary. The Arts Council shall meet as often as necessary to accomplish its duties, with such meetings called by the chairperson, or the vice chairperson in the chairperson’s absence. A member may be removed from the Arts Council by the Town Council if he or she is absent from three or more meetings within a calendar year.

Sec. 26-45. - Bylaws

The Arts Council shall adopt bylaws for the conduct of meetings, after review by the Town Attorney.

Sec. 26-46. - Powers and duties.

The Purcellville Arts Council shall have the following powers and duties:

- (1) Identify, pursue, obtain, and spend, or allocate the spending of, funding grants for art purposes;
- (2) Review the Town’s proposed annual budget for expenditures related to art; make budgetary recommendations to the Town Council;
- (3) Recommend to Town Council policies for the expansion of art in Town;
- (4) Provide financial and organizational support to artists and art organizations who provide active and passive art programs and events to the community; and
- (5) Identify art programs and events that will enhance the community, and recommend to the Town Council how the Town can support such programs and events.

**AN ORDINANCE: AMENDING CHAPTER 26 ("COMMUNITY DEVELOPMENT") OF THE TOWN CODE
BY ADDING ARTICLE VIII, CREATING THE PURCELLVILLE ARTS COUNCIL**

Section 2. That this ordinance shall be effective upon its adoption.

PASSED THIS 13TH DAY OF DECEMBER, 2016.



Kwasi A. Fraser, Mayor
Town of Purcellville

ATTEST:



Diana Hays, Town Clerk

Cool - Aye
Bledsoe - Aye
Ogelman - Aye
McCollum - Aye
Grim - Aye
Jimmerson - Aye
Mayor - Aye

i. FY2018 Budget Development Calendar

Liz Krens referenced the proposed calendar for the upcoming budget process as provided in the staff report.

Council member Bledsoe made a motion that the Council adopt the public meeting dates as shown on the FY 2018 Budget Calendar with the understanding that budget meeting dates may be amended as necessary. The motion was seconded by Council member McCollum.

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

Cool - Aye
Bledsoe - Aye
Ogelman - Aye
McCollum - Aye
Grim - Aye
Jimmerson - Aye
Mayor - Aye

j. Recreation Facility – Bike Park

Melanie Scoggins summarized the staff report on behalf of the Parks and Recreation Advisory Board and mentioned the proposed Town property along S. 20th Street. Ms. Scoggins provided an overview of pump tracks and talked about possible funding ideas to include contributions, grants, non-profit groups and private businesses.

Council member McCollum stated there has been a continuing interest in this over the years and feels this is an exciting opportunity.

Council member Bledsoe stated he is in support of parks and recreation in Town. Council member Bledsoe asked the size of the property and the accessibility to users. Phil Rohr, Parks and Recreation Advisory Board member, stated they want kids to get there safely and talked about options off of A Street or Devonshire.

Vice Mayor Jimmerson suggested that the park be in memory of Robert Harrington.

Mayor
Kwasi A. Fraser

Council
Chris Bledsoe
Ryan J. Cool
Kelli Grim
Karen Jimmerson
Douglass J. McCollum
Nedim Ogelman



Town Manager
Robert W. Lohr, Jr.
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TOWN OF PURCELLVILLE
IN
LOUDOUN COUNTY, VIRGINIA

ORDINANCE NO. 16-12-04

PRESENTED:
ADOPTED:

DECEMBER 13, 2016
DECEMBER 13, 2016

AN ORDINANCE: AUTHORIZING PARTICIPATION BY THE TOWN OF PURCELLVILLE IN THE VACO/VML VIRGINIA INVESTMENT POOL TRUST FUND FOR THE PURPOSE OF INVESTING IN ACCORDANCE WITH SECTION 2.2-4501 OF THE CODE OF VIRGINIA

WHEREAS, the Investment of Public Funds Act (Va. Code §§ 2.2-4500 through 2.2-4519) details the eligible categories of securities and investments in which municipal corporations, other political subdivisions and other public bodies are authorized to invest funds other than sinking funds, belonging to them or within their control; and

WHEREAS, Va. Code § 15.2-1300 provides that any power, privilege or authority exercised by any political subdivision of the Commonwealth of Virginia may be exercised jointly with any other political subdivision having a similar power, privilege or authority, by agreements with one another for joint action in accordance with the provisions of that Code section; and

WHEREAS, the City of Chesapeake, Virginia and the City of Roanoke, Virginia have jointly established and participate in the VACo/VML Virginia Investment Pool Trust Fund (the “Trust Fund”); and

AN ORDINANCE:

AUTHORIZING PARTICIPATION BY THE TOWN OF PURCELLVILLE IN THE VACO/VML VIRGINIA INVESTMENT POOL TRUST FUND FOR THE PURPOSE OF INVESTING IN ACCORDANCE WITH SECTION 2.2-4501 OF THE CODE OF VIRGINIA

WHEREAS, it appearing to the Town Council of the Town of Purcellville that it is in the best interest of the Town of Purcellville to become a participating locality in the Trust Fund; and

WHEREAS, the Town's Director of Finance, also referred to in the Town Charter as the "Treasurer," has the authority and responsibility under Virginia law and the Town's adopted Investment Policy to determine the manner in which public funds other than sinking funds under his/her control will be invested;

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

1. That pursuant to Section 2.2-4501 of the Code of Virginia, the Town of Purcellville hereby establishes a trust for the purpose of investing moneys belonging to or within the control of the Town, as allowed by law.

2. That investments into the trust shall be made as authorized under the Virginia Investment of Public Funds Act, and shall be made jointly with other political subdivisions and public bodies participating in the Trust Fund.

3. That the Town of Purcellville agrees to be bound by the VACo/VML *Virginia Investment Pool Trust Fund Agreement* (the "**Agreement**") as a "Participating Political Subdivision," as that term is defined under the Agreement. The Agreement is attached and incorporated into this ordinance as **Exhibit A**.

4. That the Town of Purcellville's Director of Finance is hereby designated to serve as the trustee of the Town of Purcellville with respect to the Trust Fund, and is hereby authorized, in accordance with the Town's Investment Policy, to determine what moneys belonging to or under the control of the Town of Purcellville shall be invested in the Trust Fund.

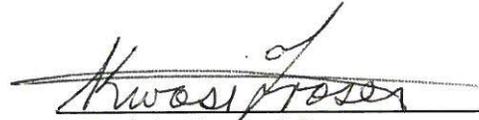
AN ORDINANCE:

AUTHORIZING PARTICIPATION BY THE TOWN OF PURCELLVILLE IN THE VACO/VML VIRGINIA INVESTMENT POOL TRUST FUND FOR THE PURPOSE OF INVESTING IN ACCORDANCE WITH SECTION 2.2-4501 OF THE CODE OF VIRGINIA

5. That the Town of Purcellville's Director of Finance shall execute and deliver the *Trust Joinder Agreement for Participating Political Subdivisions in the VACo/VML Virginia Investment Pool* ("**Trust Joinder Agreement**"), a copy of which is attached and incorporated into this ordinance as **Exhibit B**.

6. That this ordinance shall become effective upon its adoption.

PASSED THIS 13TH DAY OF DECEMBER, 2016.


Kwasi A. Fraser, Mayor
Town of Purcellville

ATTEST:

Diana Hays, Town Clerk

Council member Ogelman made a motion that the Parks and Recreation Advisory Board move forward with researching the opportunity to place a bike park recreation facility on the South 20th Street property and return to Council with a project plan that reflects the desires of the community and includes information regarding costs, funding structure, liability mitigation, and time line prior to project approval. The motion was seconded by Council member Cool.

Motion: Council member Ogelman
Second: Council member Cool
Carried: 7-0

Cool - Aye
Bledsoe - Aye
Ogelman - Aye
McCollum - Aye
Grim - Aye
Jimmerson - Aye
Mayor - Aye

k. Parks and Recreation Advisory Board Ordinance Amendment

Sally Hankins stated the reason for the amendment as stated in the motion.

Council member Cool made a motion that the Town Council direct staff to review and finalize the Parks and Recreation Advisory Board's proposed ordinance amendments, advertise the ordinance for a public hearing before Town Council, and review the board's proposed by-law amendments. The motion was seconded by Council member McCollum.

Council member Bledsoe stated he had some comments on the proposed Ordinance that he would forward to Sally Hankins. Council member Bledsoe asked if they should look at the number of members and possibly increase it. Council member Bledsoe added he would like to see the original by-laws with the proposed amendments noted.

Motion: Council member Cool
Second: Council member McCollum
Carried: 6-0-1 Absent

Cool - Aye
Bledsoe - Aye
Ogelman - Absent
McCollum - Aye
Grim - Aye
Jimmerson - Aye
Mayor - Aye

(Council member Ogelman left Council Chambers momentarily.)

l. Extension of Fireman’s Field Lease with Loudoun County

Rob Lohr stated that the history of the lease has been included with the staff report and summarized the three options provided.

Vice Mayor Jimmerson made a motion that Town Council adopt the Fifth Amendment to the License Agreement which extends the lease for twelve months from January 1, 2017 through December 31, 2017 with the County of Loudoun. The motion was seconded by Council member Cool.

Motion: Vice Mayor Jimmerson
Second: Council member Cool
Carried: 7-0-0

Cool - Aye
Bledsoe - Aye
Ogelman - Aye
McCollum - Aye
Grim - Aye
Jimmerson - Aye
Mayor - Aye

m. Initiation of Zoning Ordinance Text Amendment to Amend the Floodplain District & Authorization for Public Hearings

Dan Galindo summarized the revised item as provided in the supplemental agenda, and added that by February 17, 2017 the Town must adopt new flood insurance rate maps to stay in the flood insurance program which benefits the Town and citizens. Mr. Galindo added that staff is proposing first for Council to initiate the necessary zoning ordinance text amendment as well as a remapping of the floodplain district. Mr. Galindo added that the second part is the authorization of public hearings for the Planning Commission and Town Council in January 2017.

Council member McCollum made a motion that the Town Council adopt Resolution 16-12-04 initiating a remapping of the Town’s Floodplain District and amendments to Article 12 of the Zoning Ordinance as well as authorize Town staff to schedule the Planning Commission’s public hearings on these items for January 5th and Town Council’s public hearings for January 10th. The motion was seconded by Council member Bledsoe.

Council member Ogelman stated the motion appears to either accept what FEMA has laid out or forego funds. Dan Galindo agreed and added that there is some leeway in that you could choose to regulate the 500 year floodplain and that the only requirement to be in the program is to regulate it was the 100 year. Mr. Galindo added that this would maintain the status quo regulating the same level of flood plan and amending the text to comply with the current standards and adopting a new map.

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

Cool - Aye
Bledsoe - Aye
Ogelman - Aye
McCollum - Aye
Grim - Aye
Jimmerson - Aye
Mayor - Aye

n. Paralegal Staffing for Town Attorney's Office

Sally Hankins stated that this position was approved by Council previously and that funds have been appropriated for FY17. Ms. Hankins added that the position has been advertised in local papers and online and that staff recommends the continuation of the appropriation for the position and continue the hiring process.

Ms. Hankins stated that the Town Attorney supports all of the Town's departments to include personnel, police, finance/tax, parks and recreation and planning and zoning, and that it would be helpful to have someone who is responsible for tracking all of the items so they do not get overlooked. Sally Hankins stated she would like to see a standing committee in place that reviews ordinances and Town code. Sally Hankins added that another issue the Town has is along the lines of progress and aspirations and if the Town would like to have new programs, adopt new policies, put into place new ways of doing things that those are all projects that would go through the Town Attorney's office. Ms. Hankins referenced in the staff report the list of items that goes through the Town Attorney's office as well as the list of backlog work. Ms. Hankins talked about the prioritizing the backlog list and requested Council assistance with prioritizing the list. Ms. Hankins added that the recommendation is to keep the position funded.

Council member Grim referenced check registers for 2015 and 2016 for outside counsel and asked about chargebacks for legal work that Marty Kloeden may have done. Rob Lohr stated that Mr. Kloeden, because of his law degree, provided support and assistance and that the Town does not keep track of billable hours so the work that he did on contract management or with the Town Attorney was not accounted for. Rob Lohr added that estimates of time could be provided by percentage but the hours were not tracked every week.

Council member Ogelman stated that at the end of October he responded to a note from the Town Manager with a series of questions, specifically about trend data going back five years and does not recall seeing the information. Rob Lohr stated that staff included as much information as they had, however would be happy to discuss further if questions were not answered. Council member Ogelman stated the importance is the argument for the position is not really a snapshot argument but a trend argument that is about work hours and how they are distributed between staff and contract help. Rob Lohr added he feels it may be difficult to go

Mayor
Kwasi A. Fraser

Council
Chris Bledsoe
Ryan J. Cool
Kelli Grim
Karen Jimmerson
Douglass J. McCollum
Nedim Ogelman



Town Manager
Robert W. Lohr, Jr.
Assistant Town Manager
Daniel C. Davis

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TOWN OF PURCELLVILLE

IN

LOUDOUN COUNTY, VIRGINIA

RESOLUTION NO. 16-12-04

PRESENTED:

DECEMBER 13, 2016

ADOPTED:

DECEMBER 13, 2016

A RESOLUTION: INITIATING AMENDMENTS TO ARTICLE 12 (FLOODPLAIN DISTRICT) OF THE ZONING ORDINANCE

WHEREAS, the Town of Purcellville participates in the National Flood Insurance Program; and

WHEREAS, a new Flood Insurance Rate Map covering the Town's corporate limits will become effective on February 17, 2017; and

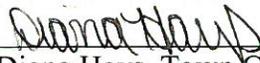
WHEREAS, the Town of Purcellville must adopt the new Flood Insurance Rate Map and revise its floodplain regulations in Article 12 of the Zoning Ordinance to comply with the current standards of the National Flood Insurance Program in order to maintain its participation in the Program.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Town of Purcellville, Virginia hereby initiates a text amendment to Article 12 of the Zoning Ordinance to amend the Town's floodplain regulations, as necessary, to maintain the Town's participation in the National Flood Insurance Program.

PASSED THIS 13TH DAY OF DECEMBER, 2016.


Kwasi A. Fraser, Mayor
Town of Purcellville

ATTEST:


Diana Hays, Town Clerk

back five years but will see what staff is able to do. Mr. Lohr added that the assumption was that each year everything was done that needed done to Council's satisfaction with the Town Attorney's help with what she could do and without the resources, items are being put on hold. Mr. Lohr recommended that Council look at what is being asked and what they may want to ask of the Town Attorney and what has not been accomplished, then work with staff to determine what resources it will take internally and externally, and how this position may help accomplish that.

Council member Ogelman stated he had information on 15 Virginia towns and cities that have more than 8,000 citizens and only five of them said they have a Paralegal and those that said they have a Paralegal were towns with at least 15,000 people, some being larger. Council member Ogelman added that none of the towns our size had a Paralegal and that every Town is different but comparisons are what they are. Council member Ogelman stated it begs the question to find out how Council may produce a larger demand than other towns, and that his thought is that they may need to work within means and reduce the requests. Council member Ogelman added that the towns that have a Paralegal are larger or are cities running school systems and fire departments.

Rob Lohr asked Council member Ogelman that if during his research if he had checked to see if they have administrative or clerical support that may help out as well as the comparison of work amongst Town Attorneys, and if the Attorney has administrative support and not necessarily a Paralegal. Rob Lohr added that Purcellville is a Town of 8,000 operating as if it were 25,000 and talked about the services, programs and committees, commissions and boards support as well as the budget and facilities. Mr. Lohr referenced the agenda and the amount of work being addressed.

(Vice Mayor Jimmerson left the meeting at 10:45 PM due to illness.)

Sally Hankins clarified and to add onto Mr. Lohr's comments that that Leesburg has two full-time Attorney's and a full-time Paralegal and also have embedded in other departments, people who do legal work. Ms. Hankins added as an example that they have someone dedicated to proffer review and drafting and another full-time person dedicated to all of their right of way acquisitions and all of their land and real estate matters as well as a full-time Procurement Officer. Ms. Hankins stated she asked them how they do contract review and very little of it makes it to the Town Attorney's office because it is handled by another department. For those reasons, Ms. Hankins stated it is hard to compare staffing because you do not know what functions are being absorbed by other department and other jurisdictions. Ms. Hankins stated when she looks back at data from 2005 about paying outside counsel to do the legal work for the Town that what the Town got was on average 15-20 hours per week of time. Ms. Hankins added that from 2005 – 2012 a lot of backlog accumulated so when she walked into the job there was backlog to include the Town Code and Ordinances not being updated because the resources were not devoted to keeping current. Ms. Hankins added that there was no way that during that level of development during that time that 15-20 hours per week could cover the needs.

Council member Ogelman stated that part of the report said that it is related to good governance, and good governance is having administration and governance that is commensurate to the value, size and scope of the community it is serving – not larger or smaller. Council member Ogelman added that Leesburg has both full time Attorney's on staff as well as Paralegals but that Leesburg has 47,763 people. Council member Ogelman added that he does not believe Purcellville is trying to be what Leesburg is to where it would need governance commensurate to a place like Leesburg. Council member Ogelman added that his data states that Leesburg spends about 6% of its \$94 million budget on legal and Purcellville spends about 10% of their \$21 million budget on legal.

Ms. Hankins added that the point she was trying to make is that they have legal people in other departments performing that function.

Council member Ogelman stated it is a comparison about scope and scalability and that one of his concerns is that in the good governance context, if the Town has the administrative capacity, that it would change the size, scope and function of the Town's government.

Council member Cool asked if the Town has had a former Paralegal and asked about prior funding to support legal debt. Council member Cool asked that during that period of growth if the Town had to look for alternative funding sources to pay off the legal debt. Council member Grim stated it was the meals tax. Council member Cool stated the Town was incurring quite a bit of legal expenses during the growth period for various reasons and had to look for other alternative methods of revenue enhancements to pay down the debt which is being paid down via the increase in the meals tax percentage. Council member Cool asked about the need to have the position whether it be because of excessive Council requests, growth, etc. Rob Lohr confirmed that this is the first time the Town is hiring a Paralegal and talked about the need for legal services in various areas to include ordinances, agendas and committees. Mr. Lohr added that during the growth period, a lot of legal items included review of deeds and documents but mainly lawsuits between the Town and County with the inability to reach reasonable stipulations outside of court, and that there are not too many communities that quadrupled in population in six years. Mr. Lohr talked further about the growth and duties of the Town's committees, commissions and boards as well as the expansion of the budget document, CIP budget and meeting agendas. Mr. Lohr added that the expectations placed on staff are far greater than in most communities Purcellville's size.

Council member Grim stated that this is a new Council that did not approve this enhancement, and from the time of the strategic meeting and after reviewing items, the Town is not in a growth spurt and all of the lawsuits were handled by outside firms. Council member Grim added that the dollar amount of concern is paying roughly the same amount now with an in-house attorney that the Town was with an independent contractor. Council member Grim added that after reviewing the backlog, there is no prioritization and stated that some of the items may be able to be mirrored from other jurisdictions. Council member Grim added that the Town is not growing and there are no major lawsuits, and the lawsuit(s) the Town does have are being handled by outside firms. Council member Grim added that Council may want to look at the level of work being created or being assumed that needs to be created. Council member Grim added that it is a matter of looking at the priorities of Council and what the

Town Attorney may be perceiving that she needs to be including in her projects. Council member Grim talked further about the sign ordinance and the Planning Commission and that there is work that committees, commissions and boards can do before reaching the Town Attorney's office. Council member Grim added that she feels the types of things on the list do need to be prioritized as they may not fit with the priorities of the Council which may put more pressure on the Town Attorney to look at the list and think they all need to be done now.

Mayor Fraser stated he is hearing that Council may need to lessen the work load on the Town Attorney if she is being overworked, and believes the argument for the Paralegal is that Ms. Hankins is overworked.

Council member McCollum talked about having the administrative work done by the Paralegal to allow the Town Attorney to focus on larger items. Mayor Fraser asked if staff would be at a breaking point if the Paralegal is not hired. Ms. Hankins stated she can continue on however the backlog list would continue to grow. Ms. Hankins stated she feels it is important that the ordinances be up to date and enforceable which is not happening under the current daily stream of staff reports and other things. Ms. Hankins talked about the time associated with creating and reviewing ordinances and creating staff reports. Ms. Hankins stated that recrafting words so that the definitions are clear and that they are consistent throughout and that everything ties together throughout the document is an endeavor that takes days. Ms. Hankins talked about the difficulty in creating a noise ordinance and that the sign ordinance will take a lot of research into constitutional issues and speech laws and the recent cases that have come down all needs read and processed by the Town Attorney who also puts together the framework. Ms. Hankins added that then an [interdepartmental] team is put together that looks at what are the issues the Town is having in reality, other than the legal issues that exist. Sally Hankins stated she heard Council bring up a constitutional issue about the policy on conduct of public meetings and said she agreed with the characterization of that issue, and stated you have to decide how lucky you are. Ms. Hankins added that it is her job to make sure everything is drafted so well that it prevents people from wanting to [litigate] because they cannot win [but if the drafting of such ordinances and policies is not prioritized] then we need to rely on luck. . . but that it makes her nervous to rely on luck.

Mayor Fraser stated concerns for hiring a Paralegal to take on busy work. Sally Hankins stated the main point of the Paralegal is cost effectiveness because she is paid a salary that is commensurate with a lawyer's salary and it is not cost effective for her to be filing, managing a calendar, setting up meetings, taking messages, copying, scanning or addressing envelopes.

Council member McCollum added that a Paralegal can do more than administrative work to include some contract review. Sally Hankins stated that at first there is so much administrative work/system to set up that it would take the Paralegal the first year to get up to speed.

Council member Bledsoe stated he has seen the many requests made by Council which a number of them have legal position as well as items coming up that will need legal review. Council member Bledsoe stated he feels the budget for this item could be money well spent and given the backlog, the number of initiatives and issues that the Town Council is supporting, is in favor of moving forward with the procurement.

Council member Cool made a motion that Town Council affirm the appropriation of funds to hire a part-time paralegal in Fiscal Year 2017. The motion was seconded by Council member Bledsoe.

Motion: Council member Cool
Second: Council member Bledsoe
Failed: 3-3-1 Absent

Cool - Aye
Bledsoe - Aye
Ogelman - Nay
McCollum - Aye
Grim - Nay
Jimmerson - Absent
Mayor - Nay

Mayor Fraser stated just before his vote that he needed more information to make a decision.

Rob Lohr stated that Council did not need to put another motion on the floor and is missing a Council member. Mr. Lohr added that in respect to Council does not want to keep advertising positions that have been funded in the budget and spend the money, and Council then wanting to review the positions. Mr. Lohr added that he has asked Human Resources to provide a list of all potential positions that have been funded so Council can discuss those at the January meeting. Mr. Lohr talked about the critical management positions that staff is doing without that have been historically funded for a significant amount of time. Mr. Lohr requested that a global discussion with Council take place at the January meeting before any more advertising takes place.

Mayor Fraser agreed and added that the Council is new and this issue could arise and therefore should review those positions.

Council member Grim stated that this is a new position as well. Rob Lohr added that there are other new positions and existing positions that need filled and would not want to have this happen again and Council feel concerned and have to hold up after advertising has been paid for. Mr. Lohr added he would like to understand what Council's view is before the next budget.

Council member Cool talked about getting a better understanding of the positions prior to them being budgeted for and to know how critical each position is.

Council member Grim added she feels it is Council's responsibility to show staff and management what the priorities are. Mayor Fraser agreed.

DISCUSSION/INFORMATIONAL ITEMS: *(items a-c were informational)*

a. Public Safety Reports (information reports as provided)

- i. Purcellville Volunteer Rescue Squad**
- ii. Purcellville Volunteer Fire Company**
- iii. Purcellville Police Citizens Support Team**
- iv. Purcellville Police Department**

Danny Davis stated the Town is going through the reaccreditation process while being down several positions and working on other projects. Mr. Davis stated the Chief has requested that a contract person be brought in to get the department through the accreditation process. Mr. Davis added the Town has the funding for this person.

Mayor Fraser stated he does not see an issue with \$3,000 and asked why staff was asking for permission. Danny Davis stated that due to other questions from Council regarding staff he thought it was fair to bring this forward to Council before spending the money. Council member Cool agreed with the \$3,000 and talked about due diligence in the police department during the upcoming budget. Council member Ogelman talked about expectations of staff, Council and the citizens and managing the expectations. Council member Grim stated she is aware of the accreditation process and that Council did not create the crisis and are not the ones adding the additional load, and that if Council does not have the information to understand that it is not their issue.

Lt. Schroeck stated the police department is having issues with their records management system and will have a report next month.

Council member Grim stated she saw a dark police car after the parade and asked if it was new. Lt. Schroeck stated he believes that vehicle is being used by the Business Manager. Council member Grim asked if this is part of the approved police vehicles list or in addition to. Danny Davis added that Mr. Dufek is not a sworn police officer and cannot utilize any of the police vehicles and is using a leased vehicle for his travel to include background checks and interviews. Mr. Davis added that this is temporary and in the budget will include a full discussion of the police department's fleet.

b. Economic Development Update (information report as provided)

Council had no comments.

c. Public Works Monthly Operations Report (information report as provided)

Council had no comments.

d. Classification and Compensation Study

Danny Davis stated this item has been brought up by Council and talked about the classification system that has not been updated in over ten years. Mr. Davis added that the Town has had funds in the budget for the past few years and has not been able to get the item due to workload and the procurement process. Mr. Davis stated that the County just issued a contract to a company that the Town may be able to ride as their services are what the Town

would be looking for in a compensation study. Danny Davis added that at the request of Council member Grim, staff has sent information to localities in VA and has received feedback and that the town is signed up for a compensation survey that is administered through the state. Mr. Davis stated staff is looking for Council's approval to move forward with the study.

Mayor Fraser stated that he is concerned with an outside consultant getting up to speed to understand the Town's culture to appropriately classify the jobs when the Town has an HR Dept. that should know that. Mr. Davis stated that due to the consultants work with other governments has a good understanding coming in, and that the Town's HR Dept. does not have the time to take on this project.

Council member Grim stated she has been communicating with VA Tech regarding a compensation study for larger jurisdictions paying less than the Evergreen contract, and objects to this being done at this time in the proposed way. Council member Grim added she would like to know the percentage of outsourcing all of the work – legal, studies, etc.

Council member Cool stated he hires people with a job code and classification and does not know how it can be done without it.

Mayor Fraser stated he would like to see the current classifications, roles and compensation. Rob Lohr stated staff will compile the information and add this to the January meeting agenda.

**DISCUSSION OF ITEMS PROPOSED FOR FUTURE PRESENTATIONS/
RECOGNITION:**

- a. Recognition Request – Loudoun Valley High School Boys Cross Country State Champs

Council approved the request.

- b. Recognition – The Wiley's

Rob Lohr added this item verbally and Council approved the request.

- c. Proclamation – National School Choice Week

Mayor Fraser stated he received a letter requesting this proclamation. Council approved the request.

APPROVAL OF MINUTES:

- a. November 3, 2016 Town Council Special Meeting
- b. November 8, 2016 Town Council Meeting
- c. November 16, 2016 Town Council Special Meeting

Council member Bledsoe made a motion to approve the minutes as noted above and waive reading. The motion was seconded by Council member Ogelman and passed with one absent.

CLOSED MEETING:

MOTION TO RECESS THE REGULAR MEETING AND CONVENE A CLOSED MEETING:

Council member Bledsoe made a motion that as authorized under Section 2.2-3711(A)(7) of the Code of Virginia, that the Purcellville Town Council convene in a closed meeting to consult with legal counsel employed or retained by the public body concerning the following specific legal matter that requires legal advice:

- a) The Town’s 1,272 acre water supply reservoir property, which is subject to a Deed of Easement dated March 27, 2009 benefiting the Virginia Outdoors Foundation.

The following individuals are requested to attend the closed meeting:

- 1) All Town Council members
- 2) Robert W. Lohr, Jr., Town Manager
- 3) Danny Davis, Assistant Town Manager
- 4) Alex Vanegas, Director of Public Works
- 5) Sally Hankins, Town Attorney

The motion was seconded by Council member Ogelman.

Motion:	Council member Bledsoe
Second:	Council member Ogelman
Carried:	6-0-1 Absent

Cool -	Aye
Bledsoe -	Aye
Ogelman -	Aye
McCollum -	Aye
Grim -	Aye
Jimmerson -	Absent
Mayor -	Aye

MOTION BY TOWN COUNCIL TO ADJOURN THE CLOSED MEETING AND RECONVENE THE OPEN MEETING:

Council member Bledsoe made a motion that the Town Council reconvene in an open meeting and that the minutes reflect no formal action was taken in the closed meeting. The motion was seconded by Council member Ogelman.

Motion:	Council member Bledsoe
Second:	Council member Ogelman
Carried:	6-0-1 Absent

Cool -	Aye
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Bledsoe - Aye
Ogelman - Aye
McCollum - Aye
Grim - Aye
Jimmerson - Absent
Mayor - Aye

MOTION THAT THE RESOLUTION CERTIFYING THE CLOSED MEETING BE ADOPTED AND REFLECTED IN THE MINUTES OF THE PUBLIC MEETING:

Council member Bledsoe made a motion that the Purcellville Town Council adopt Resolution 16-12-01 certifying the closed meeting of December 13, 2016. The motion was seconded by Council member Ogelman.

Motion: Council member Bledsoe
Second: Council member Ogelman
Carried: 6-0-1 Absent

Cool - Aye
Bledsoe - Aye
Ogelman - Aye
McCollum - Aye
Grim - Aye
Jimmerson - Absent
Mayor - Aye

ADJOURNMENT:

With no further business, Council member Bledsoe made a motion to adjourn the meeting at 12:11 AM. The motion was seconded by Council member Ogelman and passed with one absent.

Kwasi A. Fraser, Mayor

Diana Hays, Clerk of Council

MINUTES
PURCELLVILLE TOWN COUNCIL MEETING
JANUARY 10, 2017, 7:00 PM
TOWN HALL COUNCIL CHAMBERS

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

PRESENT: Kwasi Fraser, Mayor
Karen Jimmerson, Vice Mayor
Chris Bledsoe, Council member
Kelli Grim, Council member
Nedim Ogelman, Council member
Doug McCollum, Council member
Ryan Cool, Council member

ABSENT: None

STAFF: Robert W. Lohr, Jr. Town Manager
Danny Davis, Assistant Town Manager
Sally Hankins, Town Attorney
Alex Vanegas, Director of Public Works
Hooper McCann, Director of Administration
Patrick Sullivan, Director of Community Development
Chief Cindy McAlister, Police Dept.
Daniel Galindo, Senior Planner
Sharon Rauch, Human Resources Specialist
Tom Angus, Budget Specialist
Diana Hays, Town Clerk/Project Manager

CALL TO ORDER OF REGULAR MEETING:

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

AGENDA AMENDMENTS/APPROVAL

Council member Grim requested the addition of a discussion item to talk about the process of the Town Manager's review process. The request was approved.

PROCLAMATIONS/RECOGNITIONS:

- a. Recognition – Dr. James Wiley and Mrs. Betty Wiley

Mayor Fraser read through the history of Jim Wiley and Betty Wiley's contributions to the Town of Purcellville and presented them with a key to the Town.

b. Recognition – LVHS Boys Cross Country

Mayor and Council recognized the LVHS Boys Cross Country State Champs.

c. Proclamation – National School Choice Week

Mayor Fraser read the proclamation. No one was in attendance to accept the proclamation.

d. GFOA FY17 Budget Award

Mayor Fraser introduced Tom Angus who talked about the award.

PUBLIC HEARINGS:

a. RZ16-01 – Remapping the Floodplain (Overlay) District

b. OA16-03 – Zoning Ordinance Text Amendment to Revise the Floodplain (Overlay) District

Mayor Fraser opened the public hearings at 7:26 PM and stated the purpose of the hearings. Mayor Fraser granted speakers three minutes. Dan Galindo gave the staff presentation. There was no one signed up to speak. Council had no comments. Mayor Fraser closed the hearings at 7:30 PM.

PRESENTATIONS:

None

STANDING COMMITTEE/COMMISSION/BOARD REPORTS:

a. Planning Commission (T. Stein, Chairman/K. Grim, Council Liaison)

Council member Grim stated at the last meeting the public hearing was held and voted on. Council member Grim added that the comprehensive plan review is moving forward, and the Planning Commissioners are focused on a number of text amendments including the stream and creek buffer, reduction of height limits in downtown C-4 district, civil penalties and tree preservation regulations. Council member Grim added the Planning Commission is looking forward to the Tree Committee partnering with the Planning Commission.

b. Purcellville Arts Council (Liz Jarvis, Chairman/D. McCollum, Council Liaison)

Chair Liz Jarvis thanked the Wiley's for all they have done for art in the Town. Chair Jarvis stated the Arts Council met last night and discussed a number of items. The art banners have been hung downtown and the images for those were submitted by local artists. Chair Jarvis added there will be a call for artwork for the spring/summer art banner theme and for future art exhibits in Town Hall as well as the Music and Arts Festival. Chair Jarvis stated they are

between shows at Town Hall and expect to have the next artists work up in a week which will run through March. Chair Jarvis stated the Arts Council encouraged local artists to exhibit their work at the pop up gallery at the Artisan Gallery on 21st Street and added that the project was by the non-profit, Discover Purcellville. Chair Jarvis stated that based on feedback from the public, there is a need for permanent gallery space in Town. Chair Jarvis added that there will be a black history month in the Train Station in February and in March the artwork from both area high schools will be featured.

Chair Jarvis stated that there has been a lot of discussion amongst local business owners, artists and interested parties regarding murals in Town. Chair Jarvis added that Town staff met to discuss the process with which to effectively reach the goal. Chair Jarvis added that the Arts Council will be coming up with mural guidelines and an application template which will ideally be submitted to Town Council at the February 14th meeting for review. Chair Jarvis stated that ultimately the Board of Architectural Review will be looking at applications for any murals in Town.

Chair Jarvis stated that the Loudoun County Artisan Trail has official launched and a lunch and learn event is scheduled for January 17th at 11:30 AM at Franklin Park Arts Center for anyone interested in becoming part of the trail or getting more information. Chair Jarvis encouraged Council to attend as the head of artisan centers will be there to give an overview and answer questions.

Chair Jarvis stated the PAC is looking for new members with applications being accepted through the close of business on Friday, January 13th.

- c. **Board of Architectural Review** (Pat Giglio, Chairman/N. Ogelman, Council Liaison)

Council member Ogelman stated the BAR will meet next Tuesday, January 17th at 7:30 PM and citizens are encouraged to attend, participate and contribute.

- d. **Parks and Recreation Advisory Board** (Eamon Coy, Chairman/R. Cool, Council Liaison)

Council member Cool stated the sports grants deadline expired yesterday. Council member Cool added they are looking for performers and musicians for the Music and Arts Festival.

Council member Cool stated the PRAB has explored options to maintain the green space at Aberdeen while trying to think of ways to make it revenue positive and will discuss that further at next Tuesday's meeting.

- e. **Economic Development Advisory Board** (Daniel Abramson, Chairman/C. Bledsoe, Council Liaison)

Council member Bledsoe stated the EDAC meets the first Tuesday of every month. Council member Bledsoe announced there is a new tenant, Dragon Hops Brewery, moving into the old Town Hall/Purcellville Marketplace location.

Council member Bledsoe stated they met with Mark Fontaine, a local property manager who has a party interested in the Blockbuster space.

Council member Bledsoe added that EDAC is working with Danny Davis and staff to communicate news to try to gain more traction. EDAC is also working with Loudoun Economic Development group to facilitate as well.

Council member Bledsoe stated the business survey has gone out and EDAC will be working to promote it to the Town businesses for input. POLCO has also been launched which includes a vote for the Purcellville brand bumper sticker. Council member Bledsoe added that CGI videos will go online this week.

Council member Bledsoe added that an MOU has been signed by the Purcellville Historical Society for the Train Station and they will work to revise the covenants and conditions however in the meantime have authorized the EDAC to move forward with light commercial use, such as a visitor center and pop-up sales.

Council member Bledsoe added that in speaking with Mr. Fontaine, the EDAC is looking at ways to better analyze the current state in terms of a few vacant properties including an analysis to include percentage of available space.

CITIZEN AND BUSINESS COMMENTS:

There was no one signed up to speak.

MAYOR AND COUNCIL COMMENTS:

Council member Cool had no comments.

Council member Bledsoe thanked Jim and Betty Wiley for their contributions to the community and the value that they bring to the community.

Council member Ogelman stated he enjoyed Mrs. Wiley's comments about why they came to Purcellville and hopes to be able to preserve those things for generations to come. Council member Ogelman stated he was excited to see the community engagement tools now available for citizens to share ideas and solutions. Council member Ogelman talked about getting citizens to use the engagement tools and added that without input these tools will not be as effective as they could be. Council member Ogelman added he would like to hear ideas about how best to reach the community.

Council member McCollum wished the staff and Council a happy new year and stated that there is a lot to accomplish this year. Council member McCollum talked about the recognition

and thanked Mr. and Mrs. Wiley for their artistic skills. Council member McCollum thanked the Mayor for his State of the Town presentations on January 4th to the citizens and January 10th to the Purcellville Business Association. Council member McCollum recognized the Mayor's efforts as well as Senator Black and Delegate LaRock in getting the DMV office reopened. Council member McCollum noted that Catoctin Creek Distillery announced they have received a significant minority capital investment which will enable them to expand their operation on Main Street.

Council member Grim disclosed she had a conversation with Patricia DiPalma-Kipfer who owns the property next to Catoctin Corner who said she was notified that there is possible dynamiting coming to the property next to hers which includes having to video and take photographs of her property to note any current cracks or conditions as well as having her well tested because it is less than 500 feet from where there might be motion and movement. Council member Grim added that she shared this information with Council. Council member Grim stated she was unable to attend the ribbon cutting for DMV but that there will be full services available once a month.

Vice Mayor Jimmerson thanked the Wiley's for their passion of art and for their contributions to the Town. Vice Mayor Jimmerson stated she attended the staff's holiday luncheon last month and the retirement ceremony for Kitty Dugay. Vice Mayor Jimmerson added that on December 23rd she participated in holiday caroling with the Purcellville Women's Club with the Purcellville Police Dept. as escorts. Vice Mayor Jimmerson stated she attended the DMV opening and that the second Wednesday of every month the DMV2Go bus will be there from 9:00 AM – 4:00 PM offering full DMV services. Vice Mayor Jimmerson stated she is happy to see OpenGov and Polco being implemented for the residents. Vice Mayor Jimmerson added that the last Council was against spending \$5,000 per year on OpenGov and talked about an agenda item with the potential to save the Town approximately \$100,000 over the span of a decade. Vice Mayor Jimmerson talked about moving forward with the Tree and Beautification Committee with interviews being scheduled for January 24th, and wished everyone a happy new year.

Mayor Fraser thanked the Wiley's for their service to the community. Mayor Fraser stated that he, Sally Hankins and Council member Ogelman met on December 16th with Linda Erbs and a developer who has interests in the Stupar property which is on the corner of Maple and Hirst. Mayor Fraser added they are interested in possibly developing a senior citizen campus similar to a college for seniors to live, work and play within the facility. Mayor Fraser stated the group encouraged the developer to engage the community to support the initiative. Mayor Fraser added he spoke with one of the owners of Dragon Hops who has the processing capability to make hops and is willing to work with local farmers to process the hops and sell the end product. Mayor Fraser stated he met with EMFC who is a state of the art wastewater treatment modular solution company. Mayor Fraser added there are no intentions of replacing the plant but that they provide a way to augment capabilities at the pump level to process raw sewage before it gets to the plant. Mayor Fraser stated this is a potential way to increase operational efficiencies. Mayor Fraser stated it was a pleasure to present the State of the Town Address to both the citizens and to the business community.

DISCUSSION/INFORMATIONAL ITEMS:

a. Personnel Update and Budgeted Vacancies

Danny Davis summarized the item which came as a result from the Paralegal discussion at the December 13th Town Council Meeting. Mr. Davis added that the list of current vacancies is broken down into two categories – new positions approved in the FY17 budget and other vacancies that are part of ongoing operations. Mr. Davis added that in the FY17 budget, there were five enhancement positions approved by Council – three full time and two part time – with two of the full time positions being filled (Business Manager and Maintenance Worker). Mr. Davis added the others were to be advertised for but have been put on hold pending the current discussion and further direction from Town Council. Mr. Davis added that the positions include the Assistant Director of Public Works to provide support to Alex Vanegas, the Paralegal and the part-time Events Specialist. Danny Davis added that Melanie Scoggins currently supports two of the Council’s advisory boards and possibly a third one along with managing events, the events ordinance and other activities initiated by the committees. Mr. Davis added that the Town currently has seven vacancies in positions that were not new as of the budget year and reviewed those positions.

Council member McCollum stated that in the 2017 budget review, Council did not adopt any of the unfunded enhancements for personnel. Council member McCollum added that the hiring of the full time/part time personnel was designed by the prior Council to keep the workloads manageable. Council member McCollum stated that the position of Assistant Director of Public Works position has been vacant since Mr. Vanegas was promoted to replace the Director who had resigned. Council member McCollum added that in his view, a failure to fill the open position leaves the Town vulnerable in the event Mr. Vanegas should be recruited by another jurisdiction and feels it would be short sided for Council to direct that this active recruiting be curtailed until further notice due to the risk associated with it. Council member McCollum stated that Council has repeatedly expressed views to look for opportunities to generate additional revenue from parks and recreation efforts and arts council. Council member McCollum added that the current part time staff is stretched to the max and needs relief to fulfill the Council’s and committees expectations for revenue generation and responding to the many Council requests. Council member McCollum stated that based on his tenure with the Planning Commission and Town Council, feels there is a demonstrated need for the Paralegal part time position which could be terminated if there is no longer a demonstrated need. After reviewing the task list, Council member McCollum stated he feels that in order to fulfill the items that are important to Council, the position needs to be filled.

Council member Grim stated that she is in support of the Assistant Director of Public Works position as feels it is the most important and carries the largest portion of detailed activity and that the citizens deserve and need the highest quality of staffing for their public health. Council member Grim added she is ok with replacing positions. Council member Grim added that when a police dept. is high ranking/top heavy, there are not a lot of officers on the street. Council member Grim noted Cpl. Costello plans to retire in April and that he is not currently on the street but in the office and he also has an assistant to help with accreditation. Council member Grim added she feels the police department should be fully staffed but first by those

that patrol the streets. Council member Grim stated that her view of parks and recreation is looking closely at administrative functions of what is done with time, and added that here is a company that handles the largest event. Council member Grim added she has not seen documentation that breaks down how two part time people would manage and handle responsibilities. Council member Grim stated she does not feel priorities have been set as to what a Paralegal would do as compared to Council priorities.

Vice Mayor Jimmerson stated she was part of the Council that approved the positions and feels she needs to stand by her vote and agrees with Council member McCollum. Vice Mayor Jimmerson talked further about the Paralegal position and if it would free up some time for Sally Hankins to do some of the legal work that goes out. Vice Mayor Jimmerson added there is a potential for this person to relieve some of the administrative work from the Town Attorney.

Council member Ogelman stated this is a Town based on the election, is not looking to grow, residents do not want taxes to increase and a Town that is trying to manage debt. As a new Council, Council member Ogelman stated he does not want strategic decisions to be dictated by previous budget decisions even if they are smart ones. Council member Ogelman added he feels it should be a discussion. Council member Ogelman noted he looks to comparison and trends to figure out what happens. Council member Ogelman stated he has looked at other Towns in Virginia and was able to find data that broke down the Town's staff by general functions for Warrenton and found that the size of the staff from 2006-2015 has fluctuated very little and is slightly smaller than in 2006. Council member Ogelman added he also noticed that the staff is very public works, water and sewer intensive with 56% focused on those functions. They also had a significant public safety group and the rest were comprised of about 20% of the staff which remained consistent over time. Council member Ogelman added that if Public Works and water and sewer have needs in the past that they should be replenished. Council member Ogelman added he would like to see over time some justification given the Town does not want to grow, does not want to increase taxes, and wants to manage the debt, how it can be justified and would like to see something that shows that efficiency will be added and costs reduced ultimately. Council member Ogelman stated he would like to continue the discussion not straying from debt management, not to grow and to not increase taxes.

Mayor Fraser stated he looks at it from an efficiency perspective and looks at things from an operational and process perspective. Mayor Fraser added that when he sees a request for an Assistant Director of Public Works, would like to know if someone can be promoted within and if not would like to know why someone has not been trained to replace the Director if the need should occur instead of spending resources to advertise and bring someone in who may not be adaptable. Mayor Fraser stated he did not vote in favor of the budget because he wanted certain items as the Operational Audit to understand where the needs are within the Town. Mayor Fraser stated he trusts staffs judgement, but that when the taxpayer's money is being used, needs more than trust to drive the decision. Mayor Fraser stated that is has been noted in a previous meeting that there are no descriptions of what functions are for several positions which raises a red flag for him, and talked about getting those in order to understand where the needs are and determine if positions need filled, and added as of now is not convinced there is a need.

Mayor Fraser asked staff for guidance on the next steps for this item.

Danny Davis stated that staff can take Council's comments and address the questions and approaches and bring them back to the next meeting. Mr. Davis summarized by stating that Council is talking about three specific positions that were recently approved in the budget and that other regular vacancies that were previously in budgets for prior years, staff would continue with recruitment of those positions unless Council is directing a freeze. Mr. Davis stated that additional information would be provided on the three positions at the next meeting.

Council member Ogelman asked what the three positions are. Danny Davis stated that those are the Assistant Director of Public Works, the Paralegal and the part time Events Specialist. Council member Ogelman stated he thought Council voted at the last meeting on the Paralegal position. Mr. Davis stated the vote was a tie with the motion to authorize staff to continue with the recruitment of that position which failed (3-3 vote) and leaves the position in the budget as an authorized position, however staff would not move forward based on the disagreement amongst Council. Mr. Davis added that there was no vote to remove the decision from the budget or to have staff stop the recruitment process. Council member Ogelman stated that he read in the minutes to say that the Town Council failed to affirm the appropriation of funds to hire a part-time Paralegal in FY2017. Danny Davis stated it may have been a misstatement in the minutes or of conversation and that the funds are appropriated and that the discussion on the table was authorization to fill the position and that voted failed. Council member Ogelman stated the minutes need to be adjust to reflect that accurately.

Council member Grim stated she sent something from November to Council that may need to be considered if this is to move to action or another vote that there is a budget amendment that can be made if any position is going to be removed from the budget. Council member Grim encouraged Council to be very specific on their position for each position. Council member Grim requested information on how long each of the positions has been vacant.

Rob Lohr stated staff would review the exact motion and that staff is not going to fill a position just because the budget and appropriation motion was approved by the previous Council and talked further about the budget amendment processes. Mr. Lohr added that with the disagreement amongst Council on this item felt that Council left this item open for future discussions. Mr. Lohr stated that staff will address Council's concerns and bring the item back to the next meeting focusing on the three positions.

Mayor Fraser summarized that staff will provide feedback and information based on Council's input.

b. Sewer Backup Policy Program

Alex Vanegas summarized the report which summarized the sewer backup policy and asked for Council's guidance. Mr. Vanegas stated that in most municipalities they are only responsible for backups that occur in the main, and anything that occurs between the house to the main is the responsibility of the property owner. Alex Vanegas added that over the years the Town has changed the policy to install a cleanout which helps with backups to push

blockages to the sewer main. Mr. Vanegas added that the Town is one of two municipalities that take responsibility of the section of the lateral to the main as others only take responsibility for any backup that occurs in the collection system, which is the main and stated the Town would like to revise their policy to only be accountable for issues that occur within the sewer main. Mr. Vanegas added that if the Town were to revise the policy to where the Town is only responsible for issues that occur in the main, the expenditures would have been reduced by \$100,000, and added that the Town has received compensation for some of the claims from VML as part of insurance claims. Alex Vanegas asked for Council's comments on migrating the policy to be consistent with VML's recommendation and with what other municipalities in the region do.

Council member McCollum asked about the no-fault provision and if any of the prior claims fell under that category. Alex Vanegas stated that seven of the claims totaling \$39,000 that the Town received fell into the no-fault provision. Council member McCollum stated that it sounded like the Town was voluntarily taking responsibility for sections that other jurisdictions have not done. Alex Vanegas confirmed. Council member McCollum asked how the Town got in the position of taking responsibility for things that were not the Town's fault. Alex Vanegas stated that in the past the Town wanted to help out the customer and installed clean outs. Once clean outs were installed that gave access to that portion of the lateral which is where all the waste from the property goes through and technically the landowner should be responsible for it however there have been instances where tree roots grow into the lateral and the Town felt obligated to help the property owner. Alex Vanegas confirmed that cleanouts were installed on several properties at the property line and sometimes onto the property and added that the Town does have some tree easements which would make the Town liable if the roots got into that section of the lateral. Mr. Vanegas stated that VML has said that the Town would not be responsible for anything in the lateral which is consistent with other municipalities. Council member McCollum asked if the premium is higher because the Town assumes that responsibility. Alex Vanegas stated the Town does not pay a higher premium. Rob Lohr added that potential the Town does have a higher claim history which could potentially have an impact. Council member McCollum asked the cost of the deductible. Hooper McCann stated it is per incident and the primary item, regardless of the deductible, VML's primary concern along with fault no fault is that all claims be handled by the insurance companies. Ms. McCann added that VML works on behalf of the Town and with the citizen's insurance company to handle all aspects of at fault or no fault, and added that VML wants the municipality to pull away from making any type of decision associated with the actual fault. Ms. McCann stated that she believes that the deductible, if any, may be \$1,000 as it would depend on whether it is considered no fault or general liability and stated she would look it this further.

Rob Lohr added that the Town is very customer friendly and has provided a high level of customer service in urgent situations and stated that most of the older neighborhoods did not have cleanouts.

Council member Ogelman stated that the responsibility issue is the issue and feels this is a management of expectations and if there is an emergency there is a difference in having the Town come in to help resolve the emergency quickly and then being ultimately liable for the cost of it. Council member Ogelman added that in looking at the list, the majority of the costs

are from three incidents involving four houses. Council member Ogelman stated he feels it makes sense that if the state and our advisors in the state are saying the good policy is to stop at the main and the insurance is saying they are not going to pay the bill if it goes past the main, feels that helping people out in an emergency could still happen and it would be a matter of who would be liable for that cost. Council member Ogelman added he feels it is different than the part where people are distressed however does not feel that it makes sense that the Town automatically accepts the liability cost-wise.

Vice Mayor Jimmerson stated she supports this action and moving it forward and gave some examples of neighbors having to have clean-outs due to food, roots, dips in pipes, etc. Vice Mayor Jimmerson added that she feels the Tree Commission may be able to help with tree placement as related to pipes and developing a policy for any new development that comes in to avoid these incidents.

Council member Bledsoe asked about damages to laterals caused by either public activity or Town activity in the right of way. Alex Vanegas stated that when there is construction work in the right of way, they have to file for a Town permit or if it is on a VDOT road they have to go through VDOT and post a bond for it. Council member Bledsoe added that it was mentioned there are some areas where there are trees and the roots could grow into a lateral and cause a backup but it and the tree are in the right of way so it is no fault to the owner and asked if the Town would continue to be responsible in these types of events or if it will be up to the homeowner. Alex Vanegas added that the insurance covers most homeowners for these types of activities and added there is inexpensive supplemental insurance available to the homeowner. Alex Vanegas added that generally the Town would want to take the liability away from the Town so that if it is not in the main then it is the homeowner's responsibility. Alex Vanegas added that if there is concern, staff can look into adding items for case by case so that the liability is taken away from the Town so that if it is not in the main becomes the responsibility of the homeowner. Council member Bledsoe stated as they are considering to make the change which he supports asked if there is there an obligation to notify the public that the change is being made. Alex Vanegas stated from a policy standpoint that a public hearing is not required. Rob Lohr added that he does not feel from a legal requirement but from a communications standpoint it would be worth it to do news releases and other informational items so that before Council votes the community would understand and have the opportunity to provide feedback. Sally Hankins added that if Council is talking about helping out in an emergency then seeking reimbursement, she feels an ordinance is needed which would require a public hearing, since the reimbursement would come through by being able to place a lien on the home for the service provided. Council member Bledsoe stated that in the draft for the backup prevention program (paragraph 4 on page 4), asked if the word "street" should be "main" and not the street. Alex Vanegas added that the plumber would have to push out to the main and then the Town would handle it from there.

Council member Grim stated she would strongly support it but does also support between Dominion VA Power and insurance companies as it is a small amount of money for the insurance. Council member Grim stated she has talked to several homeowners about having the addendum to their homeowner's insurance policy and that it will take some education (water bill) about what to do when there is an issue and feels that over the past ten years feels that

fifty percent should have been handled through their insurer. Council member Grim added she feels the Town needs to do an education process to the citizens who would need to call their insurance company and plumber to determine fault with the Town being the third contact.

Mayor Fraser stated he feels there is support for this item.

Council member McCollum asked if the policy in place as one that few jurisdictions that does this, if the insurance premium would reflect the Town voluntarily taking on this responsibility. Hooper McCann stated she does not believe it does and that it is a pool. Ms. McCann added that she believes if the Town continued on this path against the recommendation of VML, it would not be favorable. Council member McCollum stated that with his experience with insurance suspects that it would reflect in the premium that is paid. Hooper McCann stated that any claims that the Town has are evaluated annually as part of the renewal process and that any time that the Town can provide assurance that they are doing everything in their power to uphold their policies and expectations, the outcome would be favorable.

Mayor Fraser asked that if by Council adopting the Council, would it be considered as taking something that was expected from the citizens, and would they have a legal case against the Town for it. Sally Hankins stated she would look into this and confirmed that essentially the Mayor was asking that have they acquired a property right or property interest in this that the Town would be depriving them of. Ms. Hankins added that the Constitution does allow us to deprive people of their property but not without due process and compensation. Ms. Hankins added that her guess would be no and that she would look into it further. Rob Lohr stated that as the Town Attorney is looking into this, the Town is allowed to adopt policies such as the Leak Adjustment Policy and added that this is the sewer equivalent of the Leak Adjustment Policy which is one of the more restrictive in the top five percent in Virginia. Mr. Lohr added that Council has the right to change policies as they move forward.

Mayor Fraser recommended to Alex Vanegas to move forward but to bring it for a decision however needs to include an outreach to the citizens and preferably identify some insurance carriers that will provide that added benefit to the citizens. Mayor Fraser added that he would like to make sure that the education and outreach components are considered. Alex Vanegas confirmed and added he will redefine the policy and bring it back to Council and once Council approves it will educate the community and issue News Releases and provide the names of the institutions that provide supplemental insurance to existing homeowners insurance.

Discussion took place on whether or not a motion was needed. Alex Vanegas stated that since Council has provided direction, no motion was needed at this time.

Danny Davis asked if Council would like to use Polco to reach out to citizens about this item. Vice Mayor Jimmerson stated she feels the residents would automatically say that they do not want responsibility.

c. Paper of Record and Legal Advertising for the Town of Purcellville

Rob Lohr stated the staff report contains information on the Town's process for legal ads, event ads, general public notices, and employment ads. Mr. Lohr added that questions were raised by Council how the Town does their process and ads, what is procured, issues and qualifications, etc. Mr. Lohr added that questions have also been provided for Council as they look at the direction they would like to go so that staff can meet the desires of Council and properly procure the correct items.

Council member Ogelman stated that in going through the questions referenced question two where a question was asked with comments included. Council member Ogelman asked if "most attractive price" meant "the lowest price". Rob Lohr confirmed and clarified to see that Council understood that always getting the lowest price in a small community may not be the most advisable. Mr. Lohr added that in the past, only legal ads have been procured and allowed employment ads, public notices and other ads to be shopped and choose by whoever is handling that project to try to get the most for the money. Council member Ogelman added he is hearing that "most attractive price" is not necessarily the lowest price and that there may be values that reflect the community. Rob Lohr confirmed and stated that some of the items may be procured while others are not and talked about the various options. Rob Lohr added that legal ads have specific requirements by law however there is flexible with the other ads.

Council member Grim talked about the time to procure legal ads coming up soon and talked about the contracts received in 2012 and the large differences in prices and the distribution area in reference to public notices only/legal advertising. Council member Grim suggested keeping all other ads separate and talked about what events are advertised in. Council member Grim added that she feels most events should not be advertised in town because they should attract out-of-town residents. Council member Grim stated she would like to see that the Town is going out for procurement and in referencing the last trash procurement, once the bids are narrowed down to then ask for best and final offers. Council member Grim stated that more than price should be looked at because a good distribution is needed and that on the other items, newspapers can provide a set price that could benefit the Town. Council member Grim added she feels there is a lot being spent on advertising that could be spent in other ways.

Vice Mayor Jimmerson stated she agrees that it is always worthy to go out and revisit everything. Vice Mayor Jimmerson referenced the requirements for legal notices and asked if the Town has a publication that citizens pay for. Rob Lohr stated he does not feel there is a paying paper that covers the Town that covers meetings and is involved in the Town. Mr. Lohr added that there is a legal process that allows the paper to go to the circuit court and petition if you do not have paying subscribers. Mr. Lohr added that most of the papers the Town has used has had to go through that process.

Mayor Fraser asked if this item would be brought back for a decision. Rob Lohr clarified a typo on the \$.19 per word and should be \$.019 per word. Mr. Lohr summarized that what he is hearing from Council is that staff can develop an RFP that includes per-word costs for all ads. Mr. Lohr added that employments ads are advertised in a number of free ads to include Virginia Municipal League, International Association of Chiefs of Police, ICMA and others.

Mr. Lohr added that staff will look into coming up with a procurement process that allows the Town to lock in the most competitive price so when a paper is chosen that the Town gets the best price possible but will reserve that right by Council and staff to be able to use any paper. Mr. Lohr added that this would save time by staff not having to negotiate every ad.

d. Town Manager's Performance Evaluation Process

Council member Grim stated that in December she and Council member Cool met with Rob Lohr. Council member Grim added that the contract/agreement does stipulate an annual review and discussed with Mr. Lohr what the process had been in the past and obtained documents that have been provided to Council which include the Town Manager Evaluation Form. Council member Grim added that this was not sought to change anything that has been in place however noticed there was not anything written other than Mr. Lohr stating how it has been done in the past. Council member Grim talked about the process in that Town Council members filled out, some not completely, the form and provide it to the Town Manager who would meet one-on-one with each Council member and then meet as a whole. Council member Grim asked for clarification from Rob Lohr. Mr. Lohr stated that he always requested a meeting as a whole but it seldom happened. Council member Grim stated that in reviewing what is also in the packet is the current employment agreement that stipulates issues that primarily the Town Manager is employed by the Town Council as a whole as noted in section 1.02. Council member Grim stated that what is being proposed is to use the same form and to get more technical, for the Town Manager's benefit, that he is able to provide his own evaluation and list of accomplishments. Each Council member would then review those and be able to do their own evaluation form then meet as a whole officially and make it a proper evaluation. Council member Grim stated she also included for background the accomplishments of the Town Council is included for FY13-16 because the last review was in 2013. Council member Grim stated that Rob Lohr sent out through VA Tech and requested details that have come in from different municipalities. Council member Grim added she included sample evaluation forms and employment agreements/contracts. Council member Grim stated that she and Council member Cool tried to put together a purpose and process with the only change missing in the process is that there is not a Council to Manager one-on-one portion to it but just Council as a whole. Council member Grim added the suggested proposed dates for the meeting was very broad and within a range whether it be in a closed session after an existing meeting or at a special meeting. Council member Grim added that this would get the process back on an annual review for the Town Manager and Town Council's benefit.

Council member Ogelman asked Council member Grim that in doing research and looking at other Town's how many had one-on-one meetings and how many did this as a body. Council member Grim added that in tracking down other managers and Council members tried to look at their process and in their process 90% were as a whole legislative body.

Council member McCollum asked if Council would agree on the areas to evaluate the Town Manager on. Council member Grim stated those are in the document. Council member McCollum stated that Council has not agreed to them and asked if Council should discuss those. Council member Grim stated that in speaking with the Town Manager feels that there are areas for observations and by providing samples from other municipalities evaluation

forms, if there are additional areas that they commented on that one of the key areas was to be sure to provide clear examples of why a rating has been chosen. Council member Grim stated that she felt Rob Lohr was fairly comfortable with the document as it is however feels it would help everyone to add things to it however it can be amended as agreed on.

Mayor Fraser stated he would like to see a proposal from Council member Grim and Council member Cool as to whether or not the existing process will be used and alternatives from each Council member if they have them. Then Council could make a decision on which one to use.

Council member Grim stated that their proposal was provided. Mayor Fraser confirmed.

Council member McCollum stated that over the years has found that one of the more effective ways to start was to ask the employee being appraised to fill out the form first and provide it to Council. Council member Grim stated that is in the proposed policy. Council member Grim stated he has not seen the document before. Mayor Fraser stated he has not read all of the documents. Mayor Fraser asked Council to communicate that through Rob Lohr and the two committee members so that a decision can be made at the next meeting as to what the process is. Mayor Fraser stated a step-by-step flow chart of the processes would be helpful to see.

Council member Ogelman stated it is his understanding of the document that the process is proposed as it exists with the one exception being that instead of one-on-one meetings with individual Council members, the Council members evaluate, the Town Manager provides the document and then the Council members meet as a body with the Town Manager. Council member Cool noted the Town Manager completes the form and submits to Council, Council fills it out then meets as a whole, not individually.

Mayor Fraser stated that the direction is clear and at the next meeting motions will be provided to move forward.

Council member Grim stated that if there are any questions, concerns or deviations to submit them to her and Council member Cool so the appropriate notes can be made for the next meeting.

ACTION ITEMS:

a. Alder School Road Water Main Replacement

Alex Vanegas suggested that this item be further discussed at the CIP meeting then action taken at the next Council meeting. Mr. Vanegas stated there are currently nine residents connected to the water by means of an agreement which was approved in 1955. Mr. Vanegas added that staff has received many complaints and would like to replace the line in-house with reserves funding.

Danny Davis added that the County and VDOT are in a project and will be repaving the road and the goal would be to do the work ahead of the paving project to avoid additional costs. Mr.

Davis added that he believes the project has been delayed in terms of design and that there is time to work through the item and to have additional discussion at the CIP meeting next week.

Council member Ogelman referenced the report stating that “currently inquiries to VDOT about potential paving of that section of Allder School Road from the roundabout to the start of the Loudoun County project have suggested that VDOT has no plans to pave that section in the near future”. Alex Vanegas confirmed that VDOT does not intend to pave that section however with the Town project, the Town will have a small section within that area to pave.

Council member Ogelman asked the nature of the Town’s agreement with those homes in the County and if there is a contract to provide that service in perpetuity or related to them paying the rates. Alex Vanegas stated it is his understanding that in looking back through Council minutes that an agreement was made with the Town and the Town agreed to take responsibility however the agreement could not be located.

Council member Grim asked the rate those homeowners are paying and stated she understood there is no agreement for providing water to those outside the Town limits except for the three properties recently discussed that have wells on their property. Mr. Lohr stated it is his understanding that they pay out of Town rates which are double the in town rates. Alex Vanegas added he would double check that information. Council member Grim requested the addresses of the nine properties for a drive-by reference. Alex Vanegas stated that if you take the exit toward Short Hill road out of the roundabout it is the houses on the left.

Council member Bledsoe referenced the bullet that suggests the project move forward for the following reasons and that it notes it conflicts with the driveway culverts which means the County will plan to replace 200 ft. of the current line. Alex Vanegas confirmed. Council member Bledsoe asked if the same circumstances would apply if the Town replaced the 4” line. Alex Vanegas stated they would have to replace their section as the Town has requested this to be done as part of the comments to their project. Council member Bledsoe asked if it there can be some coordination of the contracting efforts between their replacing the lines and the culvert work and digging and the Town replacing the line at the same time so there are no disruptions to service. Alex Vanegas stated that makes sense and can also ask them to bid out the entire waterline as part of the project with the Town reimbursing the County for the Town’s portion of the project. Council member Bledsoe referenced the next to the last paragraph on page 30 where it notes that the “town would need to pay the cost of the increased size” and asked if this is the cost difference between the 2” which the County already accounts for the 4”, and Alex Vanegas confirmed.

Mayor Fraser stated Council will email Mr. Vanegas any questions or comments in preparation of the CIP meeting. Based on the suggestion from Alex Vanegas, Council did not vote on this item.

b. Ordinance 16-12-03 – Amending Town Code to Create a Barment Program

Chief McAlister stated this item was first presented on October 11, 2016 followed by a public hearing on December 13, 2016. Chief McAlister added that the purpose is to give the officers some leverage when it comes to loitering and trespassing on property that the Town is not

owners of. Chief McAlister added that the property owner would provide the Town a limited power of attorney so the officers could take action upon trespassers in hopes to improve the quality of life in some of the shopping center areas around Town.

Vice Mayor Jimmerson made a motion that the Town Council adopt Ordinance 16-12-03 amending the Town Code Section 46-31 to allow the Town police to be designated, in writing, as persons lawfully in charge of property for the purpose of enforcing trespass violations, and to authorize the Chief of Police to prescribe the authorization forms necessary to effectuate this direction. The motion was seconded by Council member Cool.

Motion: Vice Mayor Jimmerson
Second: Council member Cool
Carried: 7-0-0

Cool - Aye
Bledsoe - Aye
Ogelman - Aye
McCollum - Aye
Grim - Aye
Jimmerson - Aye
Mayor - Aye

**DISCUSSION OF ITEMS PROPOSED FOR FUTURE PRESENTATIONS/
RECOGNITION:**

None

APPROVAL OF MINUTES:

a. December 13, 2016 Town Council Meeting

Vice Mayor Jimmerson noted the spelling of Council member Cool's last name was not capitalized on page 57.

Council member Bledsoe stated he noticed a discrepancy in the minutes which he had brought to the Town Clerk's attention. Council member Bledsoe added that it was in regards to Action Item A regarding his comments about his vote pertaining to Valley Self Storage that he asked be placed into the formal minutes for approval.

Council member Bledsoe made a motion that with those changes, Town Council approve the minutes of the December 13, 2016 Town Council Meeting and waive reading. The motion was seconded by Council member Cool.

Council member Ogelman noted that most of his comments had to do with the Paralegal discussion and how they are represented in the minutes. Council member Ogelman stated that in regards to the argument made for how he voted, noted he presented a considerable amount

Mayor
Kwasi A. Fraser

Council
Chris Bledsoe
Ryan J. Cool
Kelli Grim
Karen Jimmerson
Douglass J. McCollum
Nedim Ogelman



Town Manager
Robert W. Lohr, Jr.
Assistant Town Manager
Daniel C. Davis

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

ORDINANCE NO. 16-12-03

**PRESENTED: OCTOBER 11, 2016
ADOPTED: JANUARY 10, 2017**

AN ORDINANCE: TO AMEND AND REORDAIN TOWN CODE CHAPTER 46 (“OFFENSES AND MISCELLANEOUS PROVISIONS”), ARTICLE I (“IN GENERAL”), SECTION 46-31, FOR THE PURPOSE OF ALLOWING TOWN POLICE TO ENFORCE TRESPASS VIOLATIONS

WHEREAS, Section 15.2-1717.1 of the Code of Virginia authorizes Town police officers to be designated as “persons lawfully in charge” of real property for the purpose of forbidding a person from entering or remaining on the property; and

WHEREAS, the Town desires to afford property owners and those lawfully in charge of real property the ability to designate the Town police as “persons lawfully in charge” of designated real property for the purposes authorized under statute, and, at its meeting on October 11, 2016, the Purcellville Town Council directed staff to prepare and advertise such an ordinance for public hearing; and

WHEREAS, an advertisement for Ordinance 16-12-03 was published in a qualified newspaper on November 25, 2016 and December 2, 2016, for the Town Council public hearing on December 13, 2016.

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

Section 1. That Town Code Section 46-31 is hereby amended to read in-full as follows, with new text shown in underline format and deleted text shown in strikethrough format:

Sec. 46-31. – Trespass-after having been forbidden to do so; Designation of Police to Enforce Trespass Violations; Penalties.

(a) If any person without authority of law goes upon or remains upon the lands, buildings or premises of another, or any portion or area thereof, after having been forbidden to do so, either orally or in writing, by the owner, lessee, custodian or other person lawfully in charge thereof, or after having been forbidden to do so by signs posted by such persons or by the holder of any easement or other right-of-way authorized by the instrument creating such interest to post such signs on such lands, structures, premises or portion or area thereof at places where it or they may be reasonably seen, or if any person, whether he is the owner, tenant or otherwise entitled to the use of such land, building or premises, goes upon, or remains upon such land, building or premises after having been prohibited from doing so by a court of competent jurisdiction by an order issued pursuant to Code of Virginia, §§ 16.1-253, 16.1-253.1, 16.1-278.2 through 16.1-278.6, 16.1-278.8, 16.1-278.14, 16.1-278.15, or 16.1-279.1, or an ex parte order issued pursuant to Code of Virginia, § 20-103, and after having been served with such order, he shall be guilty of a class 1 misdemeanor. This section shall not be construed to affect in any way the provisions of Code of Virginia, §§ 18.2-132—18.2-136.

(Code 1977, § 12-29)

State Law reference— Similar provisions, Code of Virginia, § 18.2-119.

(b) Any owner, lessee, custodian, or the agent of such person, or other person lawfully in charge of real property may, in writing on a form or forms prescribed by the chief of police, designate the police department as a "person lawfully in charge thereof," as those terms are used in subsection (a) of this section, for the purpose of forbidding another to go or remain upon the lands, buildings or premises of such owner, lessee, custodian, or the agent of such person, or other person lawfully in charge. Such designation:

- (1) Shall include a description of the land, building or premises to which it applies;
- (2) Shall reference the period of time during which it is in effect; and
- (3) Shall be kept on file in the office of the chief of police or in such other location within the police department as the chief of police deems appropriate.

Section 2. That all prior ordinances in conflict herewith are hereby repealed.

AN ORDINANCE:

TO AMEND AND REORDAIN TOWN CODE CHAPTER 46 (“OFFENSES AND MISCELLANEOUS PROVISIONS”), ARTICLE I (“IN GENERAL”), SECTION 46-31, FOR THE PURPOSE OF ALLOWING TOWN POLICE TO ENFORCE TRESPASS VIOLATIONS

Section 3. Severability. If a court of competent jurisdiction declares any provision of this ordinance invalid, the decision shall not affect the validity of the ordinance as a whole or any remaining provisions of the Purcellville Town Code.

Section 3. That this ordinance shall be effective upon its adoption.

State Law Reference

Va. Code § 15.2-1717.1, Designation of police to enforce trespass violations

PASSED THIS 10TH DAY OF JANUARY, 2017.

Kwasi A. Fraser, Mayor
Town of Purcellville

ATTEST:

Diana Hays, Town Clerk

of data and information for why he wanted to vote the way that he did and would like that represented in the minutes. Council member Ogelman added that the way the motion reads “Council member Cool made the motion that the Town Council affirm the appropriation of funds to hire a part-time Paralegal in FY2017” added that was the motion that failed according to the minutes. Council member Ogelman stated he would like to make sure that it accurate because it will make a difference why Council voted and whether it is something that will come up in perpetuity regardless of the votes. Council member Ogelman added that the way the minutes read, recalls that Mayor Fraser made statement that he was not satisfied with the amount of information that he had and that was one of the reasons for which he was going to vote “nay” and that the way the minutes read shows the Mayor votes no with a final statement. Council member Ogelman added he does not feel that is an accurate reflection of what happened in that vote.

Mayor Fraser asked for confirmation and to make any necessary changes.

Council member Grim stated that on page 51 of the agenda packet that she spoke with the Town Clerk and asked if she were able to dissect what that information was as Ms. Kipfer provided information that is not made clear and also in regards to the staff report dated August 10, 2010 about the Browning Equipment 9th Street Rezoning. Diana Hays, Town Clerk, noted that she had updated the minutes to reflect that the document was dated August 10, 2010 and that she spoke with Ms. Kipfer and will be receiving a copy from her and has also received a copy from Dan Galindo and will make sure that is noted in the minutes that a handout was provided by Ms. Kipfer. Council member Grim stated that in her years of reading minutes noted that it is important to capture information that is submitted for the record and note that it is in the meeting file so the document is accounted for. Council member Grim asked if Council would approve the minutes with the proposed revisions to be inserted. Mayor Fraser stated that Council accepted the motion with the changes and asked Ms. Hankins if that was the right procedure. Diana Hays, Town Clerk, noted that can be done or the minutes could be brought back with the revisions to the next meeting for review and approval, which was the preference of the Clerk. Mayor Fraser withdrew the motion to approve the minutes.

ADJOURNMENT:

With no further business, Council member Ogelman made a motion to adjourn the meeting at 9:40 PM. The motion was seconded by Council member Bledsoe and passed unanimously.

Kwasi A. Fraser, Mayor

Diana Hays, Clerk of Council



STAFF REPORT
ACTION

Item #15

SUBJECT: Closed Meeting
DATE OF MEETING: January 24, 2017
STAFF CONTACTS: Diana Hays, Town Clerk/Project Manager

SUMMARY and RECOMMENDATIONS:

Attached are the motions and resolution pertaining to the closed meeting.

ATTACHMENT(S):

1. Closed Meeting Motions
2. Resolution 17-01-01

MOTION TO RECESS THE REGULAR MEETING AND CONVENE A CLOSED MEETING

“As authorized under Section 2.2-3711(A)(1) of the Code of Virginia, I move that the Purcellville Town Council convene in a closed meeting to discuss and consider prospective candidates for appointment to committees, commissions and boards. The presence of the following individuals will reasonably aid the public body in its consideration of these appointments, and they are therefore requested to attend the closed meeting:

- 1) All Town Council members

MOTION BY TOWN COUNCIL TO ADJOURN THE CLOSED MEETING AND RECONVENE THE OPEN MEETING

“I move that the Town Council reconvene in an open meeting and that the minutes reflect no formal action was taken in the closed meeting.”

MOTION THAT THE RESOLUTION CERTIFYING THE CLOSED MEETING BE ADOPTED AND REFLECTED IN THE MINUTES OF THE PUBLIC MEETING

“I move that the Purcellville Town Council adopt Resolution 17-01-01 certifying the closed meeting of January 24, 2017.”

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STAFF REPORT
ACTION ITEM

Item #16

SUBJECT: Appointments to Committees, Commissions and Boards
DATE OF MEETING: January 24, 2017
STAFF CONTACTS: Robert W. Lohr, Jr., Town Manager

BACKGROUND:

Each year the Town has vacancies to fill due to resignations and expired terms on committees, commissions and boards. The Town advertises these vacancies, and members of Council recruit in the community to fill the vacancies and new positions.

At their December 13, 2016 meeting, Town Council approved Ordinance 16-12-01 to expand the duties of the Tree and Beautification Commission to include all aspects of environmental sustainability, to increase the maximum number of members on the commission and to establish a minimum numbers of members. This newly revived committee is in need of active members to work with Town Council and other committees to promote, practice and advance environmental stewardship and education activities throughout Purcellville. Per the Ordinance, The Tree and Beautification shall consist of at least five but no more than nine members, five of which shall be residents of the town unless there is a deficiency of town residents interested in membership on the commission then Council may appoint members from outside the town limits. At least one member shall be an arborist. A member of Council, appointed by Council, shall serve as an ex officio member of the commission. Vice Mayor Jimmerson currently serves in this capacity through June 30, 2018.

Also at their December, 13, 2016 meeting, Town Council approved Ordinance 16-12-02 which amended the Town Code to add Article VIII, Purcellville Arts Council. While this committee has been active, it is now considered an established committee. Since the Purcellville Arts Council is a newly established committee, Council has/will be interviewing interested applicants to fill positions on this committee. Per the Ordinance, the Arts Council shall consist of at least five but no more than eleven members, with preference given to residents of the Town. One of the seats on the Arts Council shall be reserved for a member of Town Council to serve as an ex officio member. Council member McCollum currently serves in this capacity through June 30, 2018. Two seats on the Arts Council shall be reserved for

Junior Members who shall serve as ex officio members for a term no longer than a year. At this time the Town has received no applications from Jr. Members.

MOTION(S):

“I move that Town Council approve the following appointments to fill terms on the Tree and Beautification Commission:

<u>Name</u>	<u>Committee, Commission or Board</u>	<u>Term</u>
	Tree and Beautification Commission	January 24, 2017 thru August 31, 2019
	Tree and Beautification Commission	January 24, 2017 thru August 31, 2019
	Tree and Beautification Commission	January 24, 2017 thru August 31, 2019
	Tree and Beautification Commission	January 24, 2017 thru August 31, 2018
	Tree and Beautification Commission	January 24, 2017 thru August 31, 2018

And;

I move that Town Council approve the following appointments to fill terms on the Purcellville Arts Council:

<u>Name</u>	<u>Committee, Commission or Board</u>	<u>Term</u>
	Purcellville Arts Council	January 24, 2017 thru August 31, 2019
	Purcellville Arts Council	January 24, 2017 thru August 31, 2019
	Purcellville Arts Council	January 24, 2017 thru August 31, 2019
	Purcellville Arts Council	January 24, 2017 thru August 31, 2019
	Purcellville Arts Council	January 24, 2017 thru August 31, 2018
	Purcellville Arts Council	January 10, 2017 thru August 31, 2018”