

**PURCELLVILLE TOWN COUNCIL  
REGULAR MEETING/COMMITTEE OF THE WHOLE WORK SESSION  
FEBRUARY 24, 2015, 7:00 PM  
TOWN HALL COUNCIL CHAMBERS**

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1. **CALL TO ORDER OF REGULAR MEETING/COMMITTEE OF THE WHOLE WORK SESSION** (Mayor Fraser)
2. **AGENDA AMENDMENTS/APPROVAL** (Town Council and Staff)
3. **SUMMARY OF MOTIONS** (pgs. 4-5)
4. **PRESENTATIONS**
  - a) Bush Tabernacle Activities (Philip Message, President)
  - b) Socrata (Ewan Simpson, Territory Manager)
5. **CITIZEN COMMENTS** (Mayor Fraser)  
*(All citizens who wish to speak will be given an opportunity. A five minute limit 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.)*
6. **MAYOR AND COUNCIL COMMENTS** (Mayor Fraser)
7. **FINANCE**
  - a) Citizen/Business Appeals
    - i) None Scheduled
  - b) Old Business
    - i) None Scheduled
  - c) New Business
    - i) 2014 Annual Red Flag Rule Report (C. LeMarr) **(pg. 6)**
8. **PERSONNEL**
  - a) Old Business
    - i) None Scheduled
  - b) New Business
    - i) Personnel Update (S. Rauch) **(pgs. 7-8)**

9. **COMMUNITY DEVELOPMENT AND LAND USE**

a) Economic Development

i) None Scheduled

b) Land Use

i) None Scheduled

c) Old Business

i) None Scheduled

d) New Business

i) None Scheduled

10. **LEGAL AND POLICY**

a) Old Business

i) Special Events Ordinance\* (S. Hankins) (pgs. 9-29) (*Motion pg. 10*)

b) New Business

i) None Scheduled

11. **PUBLIC SAFETY**

a) Old Business

i) None Scheduled

b) New Business

i) None Scheduled

c) Police Department Staff Report (D. Smith) (pgs. 30-32)

d) Reports from Public Safety Agencies

i) Purcellville Volunteer Rescue Squad (Chief/President) (pg. 33)

ii) Purcellville Volunteer Fire Dept. (Chief/President)

iii) Purcellville Support Team (President) (pg. 34)

12. **TRANSPORTATION/INFRASTRUCTURE**

a) Old Business

- i) None Scheduled
- b) New Business
  - i) None Scheduled

**13. UTILITY**

- a) Old Business
  - i) None Scheduled
- b) New Business
  - i) None Scheduled
- c) Public Works Operations Report (A. Vanegas) **(pgs. 35-38)**

**14. GENERAL TOWN COUNCIL ACTION OR DISCUSSION**

- a) 21<sup>st</sup> and 23<sup>rd</sup> Streetscape Improvements: Phase II – Construction Contract Award\* (A. Vanegas) **(pgs. 39-42) (Motion pg. 40)**
- b) 21<sup>st</sup> and 23<sup>rd</sup> Streetscape Improvements: Phase II – Geotechnical and Quality Control Testing Task Order Award\* (A. Vanegas) **(pgs. 43-47) (Motion pg. 43)**
- c) Travel and Training Expense Reimbursement Policy for Elected/Appointed Officials\* (R. Lohr) **(pgs. 48-53) (Motion pg. 49)**
- d) Town of Purcellville/Purcellville Business Association Volunteer Awards Program (Town Council)
- e) VA Commission on the Arts FY 2016 Local Government Challenge Grant\* (R. Lohr) **(pgs. 54-62) (Motion pg. 55)**

**15. APPROVAL OF MINUTES**

- a) Town Council Regular Meeting – February 10, 2015 **(pgs. 63-79)**

**16. 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.

**USE OF ELECTRONIC DEVICES DURING MEETINGS**

*For the comfort and consideration of others, all cellular phones must be turned off and cannot be used in the Council Chambers. Pagers must be set on silent or vibrate mode. This is requested due to the potential for interference with our recording devices and the transmittal of our hearing impaired broadcast.*

**Purcellville Town Council**  
**Regular Meeting/Committee of the Whole Work Session**  
**SUMMARY OF MOTIONS**  
**FEBRUARY 24, 2015**

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**10. LEGAL AND POLICY**

**a) Old Business**

**i) Special Events Ordinance (S. Hankins) (pgs. 9-29) (Motion pg. 10)**

MOTION:

“I move that Town Council continue discussion of this item at its meeting on March 24, 2015.”

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**14. GENERAL TOWN COUNCIL ACTION OR DISCUSSION**

**a) 21<sup>st</sup> and 23<sup>rd</sup> Streetscape Improvements: Phase II – Construction Contract Award (A. Vanegas) (pgs. 39-42) (Motion pg. 40)**

MOTION:

“I move that the Town Council approve of and authorize the Town Manager to execute a Contract with Jefferson Asphalt Products Company, Inc. for the 21<sup>st</sup> and 23<sup>rd</sup> Streetscape Improvements: Phase II project for the Base Bid amount of \$1,154,444.10 and also approve a 25% contingency of \$288,611.03 for use on the project.”

**b) 21<sup>st</sup> and 23<sup>rd</sup> Streetscape Improvements: Phase II – Geotechnical and Quality Control Testing Task Order Award (A. Vanegas) (pgs. 43-47) (Motion pg. 43)**

MOTION:

“I move that the Town Council approve of the Geotechnical Testing and Quality Control Services task order and authorize the Town Manager to execute the purchase order related to the construction of the 21<sup>st</sup> and 23<sup>rd</sup> Streetscape Improvements: Phase II project, to GeoConcepts Engineering, Inc., in the amount of \$105,605.00, as per their proposal dated January 13, 2015.”

**c) Travel and Training Expense Reimbursement Policy for Elected/Appointed Officials (R. Lohr) (pgs. 48-53) (Motion pg. 49)**

MOTIONS:

“I move that Town Council adopt the Travel and Training Reimbursement Policy for Elected/Appointed Officials as presented.”

or

“I move that Town Council adopt the Travel and Training Reimbursement Policy for Elected/Appointed Officials with the following changes: \_\_\_\_\_.”

or

“I move that Town Council not adopt the Travel and Training Reimbursement Policy for Elected/Appointed Officials.”

- e) VA Commission on the Arts FY 2016 Local Government Challenge Grant (R. Lohr) (pgs. 54-62) (Motion pg. 55)**

**MOTION:**

“I move that we direct staff to work with the Purcellville Arts Council to begin preparing the Local Government Challenge Grant for 2015-2016. Prior to March 10, 2015, the Purcellville Arts Council should provide the Town with the identified group and projects that would be funded with available allocations under the FY15/16 budget. I further recommend staff prepare the Challenge Grant with the Town matching \$ \_\_\_\_\_.”

or

“I direct staff not to file for the Virginia Commission for the Arts grant but recommend setting aside \$ \_\_\_\_\_ to fund new art programs in addition to our current funding to the Purcellville Arts Council.”

or

“I direct staff to include continued funding under our FY15/16 budget for the Purcellville Arts Council but not include any outside funding for the Local Government Challenge Grant for 2105-2016 or new art programs.”

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**15. APPROVAL OF MINUTES**

- a) February 10, 2015 - Town Council Regular Meeting (pgs. 63-79)**

**MOTION:**

“I move that the Town Council approve the minutes of the February 10, 2015 Regular Meeting as submitted wave reading.”



## **INFORMATIONAL**

**DATE:** February 24, 2015

**TO:** Town Council

**FROM:** Connie LeMarr, Asst. Director of Finance  
Stacy Werner, Utility Billing Technician

**RE:** 2014 Annual Red Flag Rule Report

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### **Background**

In compliance with Part 681 of Title 16 of the code of Federal Regulations implementing Sections 114 of the Fair and Accurate Credit Transactions Act ("FACTA") of 2003, the Town established an Identity Theft Protection Program in May 2009. The program is designed to detect, prevent and mitigate identity theft in connection with the opening of a covered account or an existing account and to provide for continued administration of the Program. Oversight of this program is administered by the Town Manager and Treasurer. The program requires staff to prepare an annual report.

### **2014 Annual Analysis of Verification Measure**

New Account Applications:	246
Existing Account Service Requests:	1872
Feedback of Policy:	Negative feedback on the inconvenience of having to present themselves to establish service.
Suspicious Account Activity:	None

### **Recommendation**

No action is required.

TOWN OF PURCELLVILLE  
Personnel Update - February 2015

Total Budgeted Positions: 81  
 Total Filled Positions: 78  
  
 Total Current Full-time EEs: 67  
 Total Current Part-time EEs: 11  
 Total Current Employees: 78  
  
 Total Leave of Absence: 0  
 Total Promotions: 0  
 Total Transfers: 0  
 Total Resign/Retire/Invol: 0  
 Total Open Positions: 1

**OPEN POSITIONS**

ADMINISTRATION

No openings

FINANCE

No openings

COMMUNITY DEVELOPMENT

No openings

POLICE DEPARTMENT

Position Title	Budget	Filled/Vacant	Status
Police Chief	Replace	Vacant	In recruitment

INFORMATION TECHNOLOGY

No openings

PARKS AND RECREATION

No openings

PUBLIC WORKS/ADMINISTRATION

No openings

PUBLIC WORKS/ENGINEERING

No openings

PUBLIC WORKS/MAINTENANCE

Position Title	Budget	Filled/Vacant	Status
Part-time Maint Worker	Replace	Vacant	On hold

PUBLIC WORKS/WATER

No openings

PUBLIC WORKS/WASTE WATER

No openings

Meeting Date: February 24, 2015

## **STAFF REPORT**

**TO:** Mayor and Town Council  
**FROM:** Sally G. Hankins, Town Attorney  
**RE:** Events Ordinance  
**DATE:** February 18, 2015

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### **Update**

At its meeting on January 27, 2015, Town Council considered the Draft Events Ordinance and a matrix of comments, questions and responses that Staff prepared, which set forth all comments and questions posed by individual Council members and Staff. Since that meeting, Staff received additional questions from Philip Message, the concessionaire of the Bush Tabernacle, which have been incorporated into the matrix.

### **Background**

At the Town Council meeting on August 26, 2014, Town Council voted to adopt Resolution 14-08-02 which directed Staff to (i) prepare for review and action by Town Council an Events Ordinance that defines and regulates Events and (ii) prepare for review and action by Town Council amendments to the Town Code and Town Zoning Ordinance, as needed, for consistency with the Events Ordinance.

Staff from all Town departments met during September and October of 2014 to draft the Events Ordinance, and the draft Ordinance was provided to Town Council for its meeting on November 25, 2014. At the November meeting, Council did not discuss the draft ordinance, but agreed to review it, and send comments and questions to Staff. Staff incorporated those comments and questions into a matrix, which was provided to Town Council as part of the Staff Report for the Council meeting on January 27, 2015.

At this stage, Staff has not prepared the amendments to the Town Code or Town Zoning Ordinance, since those amendments will depend, in part, on the final version of the Events Ordinance.

## **Overview**

The Draft Events Ordinance requires that all Events obtain a permit. The Draft Ordinance defines “Event” so that it includes all public gatherings that occur on public property, and also includes most public gatherings that occur outside an enclosed structure on private property. The Draft Ordinance does not regulate events that occur wholly within the structure of a private business, or an event that occurs on the private outdoor patio of a business. The Draft Ordinance allows retailers to sell, or host the sale of, retail goods and crafts outside their brick-and-mortar buildings once per month. The Draft Ordinance allows restaurants in Town to host events outside once per month.

The tax issues associated with the itinerant merchants who participate in Events has been addressed by exempting them from obtaining a BPOL license and paying the BPOL tax, and by exempting them from paying meals tax.

## **Recommended Action**

Staff recommends that Town Council review and discuss the Draft Events Ordinance attached to this Staff Report, and provide any changes to Staff. Staff expects that Town Council may need multiple meetings to complete its review. Council may want to consider forming a sub-committee to work on the Events Ordinance outside regularly-scheduled Council meetings, which would return its findings to the Council as a whole for consideration.

## **Attachments to Staff Report**

1. Draft Events Ordinance
2. Matrix of Comments, Questions, and Responses (sized to print on 11”x17” paper)

## **Motion**

“I move that Town Council continue discussion of this item at its meeting on March 24, 2015.”

## **DRAFT EVENTS ORDINANCE**

**For Discussion by Town Council at its meeting on February 24, 2015**  
**(there have been no changes to this Draft since its presentation to Council on January 27, 2015)**

### **I. Definitions**

“Event” means any of the identified activities set forth below that occur on (1) property owned by the Town of Purcellville, (2) property owned by another governmental jurisdiction that is located within the Town of Purcellville’s jurisdictional limits (including public streets, public rights-of-way, and other public property), or (3) private property, when any part of the identified activity is conducted outside an enclosed structure, or when the identified activity is conducted inside an enclosed structure and more than 250 people are anticipated to attend.

The identified activities include: (i) festival, (ii) concert, (iii) parade, (iv) performance, (v) athletic tournament, (vi) race on public streets, (vii) neighborhood block party, (viii) demonstration, (ix) announced public gathering, or (x) sale of retail goods or crafts. The following are not Events under this Ordinance: a funeral procession supervised by a licensed mortuary; a Farm and Community Market governed under Ordinance 10-12-02; performances on private patios; the existence of a food truck on private property when no other activity outside the normal course of business is associated with the food truck; yard sales conducted on residentially-occupied property.

“Event Permit” is a permit issued by the Town to the organizer of an Event that allows a particular Event to occur and without which the particular Event may not lawfully occur.

“Event Organizer” is the person or entity that applies for an Event Permit and who is responsible for the Event. An Event Permit, if granted, is issued to the Event Organizer.

### **II. Purpose**

Recognizing that Events enhance the quality of life for residents and visitors alike, and provide substantial economic benefits related to additional tourism, the Town seeks to encourage Events. Because Events place increased demands on public services (increasing traffic congestion, reducing parking availability, increasing trash collection needs, increasing police patrols and

calls, and increasing emergency medical calls), it is the purpose of this Ordinance to (a) establish a structured process for evaluating the impact of Events on the public, (b) coordinate Town services provided to Events, (c) assess and collect fees to offset the cost to the Town of Events, (d) ensure the health and safety of Event patrons, and (e) protect the rights and interests granted the holder of an Event Permit.

### **III. Event Permit**

A. Permit Required. No person may hold an Event unless an Event Permit is first obtained from the Town. An Event held without an Event Permit is unlawful activity.

B. Event Organizer. Each Event must have a designated Event Organizer, to whom the Event Permit is issued.

C. Permit Application Required. An Event Permit may be sought by completing the Event Permit application form and meeting all the Permit Application Submission Requirements.

#### **D. Permit Application Submission Requirements**

(1) Town Permit Application Form. The Event Organizer must submit a completed Application for Event Permit (“Application”) to the Town. The Event Organizer is responsible for providing a specific and accurate representation of the proposed Event so that the Town may identify the required level of Town services. The Town’s Event Specialist, or equivalent position, will review the Application for completeness and, once complete, will distribute a copy of the Application to each Town Department affected by the proposed Event for their review. Each Town Department affected by the proposed Event will review the Application against the regulations set forth herein, will provide comment regarding the impact of the Event on Town services, and will make suggestions for approval or denial. The Application will be reviewed from the following perspectives: Emergency Medical Services, Police, Risk Management, Traffic Operations, Sanitation Services, Zoning, Fire and Rescue, and Taxation.

- (2) Permit Application Fee. The Event Organizer shall submit with the Application for Event Permit a non-refundable fee as set forth on the Town's Master Fee Schedule, payable to the Town of Purcellville.
- (3) Permit Application Deadline. The completed application should be submitted as early as possible, but no earlier than 12 months prior to the Event and no later than 120 days prior to the Event. Each Application for Event Permit will be processed in the order it is received. If multiple applications are received simultaneously, then the applicants will be selected by random drawing. Applications submitted later than 120 days prior to the Event may be subject to a fee for expedited review. The Town reserves the right to deny an Application for Event Permit if it is submitted fewer than 15 days prior to the proposed Event.
- (4) Site Plan or Route Plan. A site plan or route map must be submitted with the Application that shows:
- i. The event venue, including streets and areas that are part of the venue. If the event is a moving event (e.g. race, parade, etc), label the direction of the route.
  - ii. All proposed street closures. No street closure shall be granted by the Town unless the Town first determines that:
    - (a) such street closing is necessary because the Event will so impede vehicular or pedestrian travel on the street so as to make such travel unsafe or impracticable; and
    - (b) such street closing would not be unduly injurious to public safety and convenience; and
    - (c) VDOT consent has been granted if VDOT consent is required; and
    - (d) adequate provision can be made to detour through-traffic during the Event; and
    - (e) the Event Organizer will furnish a public liability and property damage insurance contract, meeting all the requirements of the Code of Virginia § 15.2-2013, as amended.
  - iii. A description of the general area needed for parking spaces, trailers, vendors, performers, equipment, amusement rides, animals, stages,

bleachers, tents, toilets, trash barrels, and other information that will assist the Town in reviewing the proposed Event.

- iv. Emergency Access (at least 20 feet wide) into the Event area.
- v. The location of electrical generators
- vi. Enter and Exit locations for enclosed or fenced-in Events.
- vii. All ADA-Compliant access points to the Event
- viii. If applicable, a shuttle plan

- (5) Event Schedule. The Application must include an Event Schedule that provides a detailed timeline of the Event, including set-up, tear-down, and clean-up.
- (6) Security Plan. The Application must include a description of the size, type, activities, time of day, and location of the Event so that security needs may be assessed.
- (7) Anticipated Attendance. The Application must include the anticipated attendance at the Event.
- (8) Loudoun County Event Information Form. The Application must include a completed Loudoun County Event Information Form.
- (9) Signage. The Application must include a Sign Plan. All signage must conform to the sign regulations set forth in the Town of Purcellville Zoning Ordinance.

E. Criteria for Event Permit Approval.

- (1) Venue is available. If the Event is proposed to be held on public property, the Town must confirm that the property is available for the requested date and time.
- (2) Time of Day. Events must conclude no later than 11:00 pm on Friday and Saturday nights, and on the night before a federal holiday. Events must conclude no later than 9:00 pm on all other nights. Events may commence no earlier than 7:00 am on Saturdays, Sundays, and federal holidays. Events may commence no earlier than 9:00 am on all other days.
- (3) Duration. Events must have a specific start date and time and a specific end date and time.

- (4) Limitation on the number of Events. On private property, Events will be limited in number to one per month. If an Event is not conducted in a given month, the opportunity to have an Event is lost for that month and may not be carried over into a different month. There is no limit to the number of Events that may occur on public property.
- (5) Location. Events will be allowed to occur on all public property and on any private property with a non-residential zoning district designation.
- (6) Event Organizer is in Good Standing. If the Event Organizer is not in good standing with the Town with regard to fees, taxes or other obligations, including but not limited to parking tickets and personal or real property taxes, the Town reserves the right to deny the Application for Event Permit.
- (7) Certificate of Insurance. Prior to issuance of an Event Permit, the Event Organizer shall submit to the Town (i) a Certificate of Insurance demonstrating current comprehensive general liability insurance of at least \$1,000,000 per occurrence for bodily injury and property damage and (ii) an Endorsement to the general liability policy naming the Town of Purcellville as an additional insured. The Certificate of Insurance and Endorsement are required to ensure that the Town of Purcellville is not held financially responsible for any incidents or lawsuits that are indirectly or directly related to the Event. The insurer must be licensed to conduct business in the Commonwealth of Virginia and must have an A. M. Best rating of A- or better.
- (8) Public Property Accepted in As-Is Condition. The Event Organizer must accept the public property as-is; the Town does not warrant that any public area is suitable for the activities to be conducted as part of the Event. The Event Organizer is solely responsible for any damages or injuries resulting to any person or property arising from the Event. The Town expressly reserves all sovereign and governmental immunity to which it, and its officers, officials, and employees may be entitled to under the laws of the Commonwealth of Virginia.
- (9) Event Services Fees. Each Event will be evaluated by the Town for its impact on Town property and services. The Town will identify the cost to the Town to service the Event and will assess and collect those costs against the Event Organizer as a condition to issuing an Event Permit. Fees will be assessed in accordance with the

Event Services Fee Schedule set forth in the Town's Master Fee Schedule. The costs to be recouped include, but are not limited to: personnel, equipment and supplies, sanitation (litter, debris and human wastes), wastewater, utilities, property maintenance, restoration, and monitoring.

- (10) Mitigation of Issues. All issues identified by the Town in its review of the application are mitigated by the Event Organizer, including but not limited to litter prevention, portable restrooms, traffic control, parking, public safety, and clean-up.
- (11) Requirements Met. All requirements set forth within these regulations have been met.

F. Permit Denial.

A permit may be **denied in writing** by the Town upon the following grounds:

- (1) Receipt of Multiple Requests. A fully executed and complete application was previously received by the Town for the same time and place and the area requested for the Event will not reasonably accommodate multiple Events.
- (2) Dangerous Activity or Location. It reasonably appears that the proposed activity will present a danger to the public safety or health, or would be unlawful. Examples of unlawful activity include, without limitation, instances in which a permit or license is required by the Virginia Department of Health or the Virginia Department of Alcohol Beverage Control, and has not been obtained.
- (3) Incompatible Use. The proposed Event is of such a nature or duration that it cannot reasonably be accommodated in the particular area applied for, or would be inconsistent or incompatible with either the area sought to be reserved or with other uses taking place in the area sought to be reserved.
- (4) No Responsible Person or Entity. There is no person or entity authorized to sign an application on behalf of a group applying for a permit and/or there is no person or legal entity willing to accept responsibility for the group's adherence to the limitations set forth within these regulations.
- (5) Size of Event. The proposed Event cannot reasonably be accommodated with existing Town infrastructure, considering the anticipated participation of the general public.

- (6) Failure to Meet Conditions. The application proposes activities contrary to the limitations and conditions specified within these regulations.

G. Road Races.

A maximum of six road races will be allowed each calendar year, with no more than one road race to occur in a given month. All road races must be held on Sundays. Applications will be considered in the order they are received; if multiple applications are received simultaneously, then the applicants will be selected by random drawing. All other regulations governing Events continue to apply to road races.

H. Permit Revocation.

- (1) An Event Permit may be revoked by the Town prior to the Event upon a finding by the Town that there is a violation of a rule, ordinance, law, regulation, or a violation of a condition of the Event Permit. Immediately upon such a revocation, the Town shall send a written notice to the Event Organizer, specifying the reason for the revocation.
- (2) An Event Permit may be revoked during an Event on the following grounds: (i) continuation of the Event presents a danger to the public health or safety, including inclement weather, or (ii) violation of an applicable law or regulation at the Event cannot reasonably be mitigated other than by terminating the Event.
- (3) When an Event Permit has been granted, or is deemed to have been granted pursuant to these regulations, the Town may revoke that Event Permit for any reason for which it could have been denied originally.

I. Street Closures

- (1) No public street may be closed for any Event, unless done pursuant to an Event Permit expressly authorizing such street closure. No street closure shall be granted by the Town unless the Town first determines that:

- a) such street closing is necessary because the Event will so impede vehicular or pedestrian travel on the street so as to make such travel unsafe or impracticable; and
- b) such street closing would not be unduly injurious to public safety and convenience; and
- c) VDOT consent has been granted if VDOT consent is required; and
- d) adequate provision can be made to detour through-traffic during the Event; and
- e) the Event Organizer will furnish a public liability and property damage insurance contract, meeting all the requirements of the Code of Virginia § 15.2-2013, as amended.

(2) no advertisement of any business shall be displayed in or on the public rights-of-way in connection with a street closure; and

(3) no street may be closed for an Event except on a temporary basis, not to exceed 48 hours in duration; and

(4) if the circumstances of a proposed Event are such that a street closing is necessitated because the Event will likely impede vehicular or pedestrian travel then the Town will require a street closing in connection with the Event, even if such closure is not requested by the Event Organizer. If all conditions for street closure cannot be met when street closure is necessitated by the Event, then the Event Permit will be denied.

J. Solicitation and Distribution of Written Materials at Events. Persons or organizations at an Event who are engaged in the display or distribution of written or printed materials, or are engaged in the solicitation of donations, shall not obstruct or impede pedestrians or vehicles, harass Event attendees, or misrepresent the purpose or affiliations of those engaged in Event activity.

**IV. Priority of Use**

Events that are entirely or largely sponsored by the Town shall have priority use of public property.

**V. Vendors at Events**

- A. Health and Licensing Requirements. The Virginia Department of Health (“VDH”) requires that all food or beverage operations hold a permit issued by VDH when a sale price is associated with the exchange of food or beverages, or when food or beverages are free to the general public. The Event Organizer is responsible for ensuring that all food and beverage vendors have obtained such permit from VDH prior to the Event. A list of all food and beverage vendors must be submitted to the Town no fewer than thirty (30) days prior to the Event.
- B. Business Professional and Occupational License (“BPOL”); Taxes. All Itinerant Merchants at an Event, including the Event Organizer, are exempt from obtaining a BPOL License and paying BPOL tax for that Event. The term "itinerant merchant" shall be defined as the term is defined under Title 58.1 of the Code of Virginia, as amended.
- C. Meals Tax. All Itinerant Merchants at an Event, including the Event Organizer, are exempt from collecting and transmitting to the Town the Meals Tax for that Event.

**VI. Alcohol**

Alcohol is not permitted on public property during any Event unless the Event Permit specifically allows for it and all alcohol-related Event Permit Conditions are met, including a requirement that the Event Organizer provide proof of Liquor Liability Insurance in the minimum amount of one million dollars on an "occurrence" basis, naming the Town of Purcellville as Certificate Holder. A copy of the Certificate must be provided to Town at least thirty (30) days prior to the Event.

If alcohol service is allowed under the Event Permit, the Event Organizer is responsible for checking the identification of all persons being served alcohol, as well as for ensuring that all persons acting as servers are age 21 or older. Event

Organizers should also ensure that people with disabilities are able to take alcoholic beverages to the accessible viewing area. It is the servers' responsibility to make sure that intoxicated persons are not served.

If the Event is sponsored or assisted financially by the Town, or if the Event is held on Town property, then a list of names of the volunteer alcohol servers must be submitted to the Town with the Event Permit Application and prior to issuance of an Event Permit.

If alcohol is permitted at the Event, the Event Organizer must contact the Virginia Department of Alcohol Beverage Control at least 21 days prior to the Event to determine if a license is needed. If an ABC license is required for an Event that is held on public property or sponsored financially by the Town, then a copy of the ABC license must be provided to the Town no later than 7 days prior to the Event.

#### **VII. Public Assembly**

Nothing in this Ordinance shall be construed to prevent members of the public from assembling in the public parks or public streets for the purpose of demonstrating, making any speech, or conveying any message to the public or to the government, provided that they have complied with all other ordinances and provided they are peaceable and not in violation of any laws concerning the public order.

Persons assembling without an Event Permit will not be entitled to the benefits provided by these regulations, including, but not limited to, the right to (a) erect stages, barricades, utility poles, booths, tents, or other temporary structures, (b) the assistance of Town personnel in carrying out their Event, or (c) exclusive or reserved use of the facility unless otherwise authorized by some other ordinance or law.

#### **VIII. Town Sponsorship of Events**

The Town may elect to designate funds in its annual budget for contributions to Events. Applications for Town contributions may be made to the Town and will be

evaluated and acted upon in the order in which they were received. The Town evaluates requests for contributions against certain criteria, which are as follows:

- (1) The Town may contribute money only to charitable organizations. Proof of the Event Organizer's not-for-profit status must be provided as part of the application.
- (2) The Event is considered by the Town to draw tourists or to provide economic development opportunities to the Town.
- (3) The Event is considered by the Town to provide a cultural opportunity that would benefit the public.

**IX. Fee Schedule; Refunds**

Events that require the following services, as determined by the Town, will not obtain an Event Permit unless the services have been secured. The Event Organizer may obtain the required services from the Town in accordance with the following fee schedule, or may contract the services privately and provide evidence to the Town of the same.

- A. Event Permit Application Fee. This fee covers the Town's administrative cost to process the Event Permit Application.
- B. Street Closure Fee.
- C. Public Space Rental Fee.
- D. Town *Events Specialist* Services
- E. Clean-up Deposit / Fee
- F. Police Services
- G. "No Parking Signs"
- H. Public Works Services

If the Event is canceled, fees will be refunded on a pro-rated basis in order to pay for services rendered prior to notification of cancellation.

**X. Marketing**

Acceptance by the Town of an Event Permit Application does not constitute approval of the Event. The Event Organizer should ensure that an Event is approved before it is promoted or marketed.

**XI. Penalties**

Conducting an Event without an Event Permit is subject to a civil penalty of up to \$1,000 per violation. (Va. Code § 15.2-1102) Other violations of these regulations may be subject to a civil penalty of up to \$500 per violation.

## Draft Events Ordinance – Comments, Questions and Responses

Maker of Comment	Comment/Question	Draft Language at Issue	Response	Recommended Amendment to Draft Ordinance	Final Action By Council
1. Community Development	Clarify the highlighted language.	<p>Section I, Definitions:</p> <p>“The following are not Events under this Ordinance: a funeral procession supervised by a licensed mortuary; a Farm and Community Market governed under Ordinance 10-12-02; performances on private patios; the existence of a food truck on private property when no other activity outside the normal course of business is associated with the food truck; yard sales conducted on residentially-occupied property.”</p>	<p>I agree this language could use clarification.</p> <p>This language is included because Food Trucks constitute a use that is not allowed under the Zoning Ordinance. If the Events Ordinance is adopted, Food Trucks will be allowed under the Zoning Ordinance, but only when part of an Event. The Town wants to avoid having places of business bring in a food truck and call the food truck an “Event” as a way of getting around the fact that Food Trucks are otherwise not permitted uses.</p>	<p>“a food truck on private property, even if the food truck is publicly announced in advance, when no event activity other than the food truck is occurring on said property.”</p>	
2. Community Development	As long as it is a permitted use in the district it will be held in.	<p>Section III.E.5. <u>Criteria for Event Permit Approval</u></p> <p>“Location. Events will be allowed to occur on all public property and on any private property with a non-residential zoning district designation.”</p>	<p>Staff’s proposal is to amend the Zoning Ordinance to allow “Event” as a principal use in each non-residential zoning district and also on public property.</p> <p>One issue that results is that “neighborhood block parties” are defined to be “Events” under the Draft Ordinance. Some neighborhoods have private streets and are zoned residential. In such case, the block party would not be allowed to occur unless it were relocated to a publicly owned property.</p>	<p>The Town Council may wish to consider removing “neighborhood block party” from the definition of “Event.”</p> <p>Alternatively, Town Council could amend the Zoning Ordinance to allow “Event – Neighborhood Block Party Only” in each residential district.</p>	
3. Community Development	Please add (12) Conformance to Zoning Regulations – Events must conform to regulations set forth in the Town Of Purcellville Zoning Ordinance	<p>Section III.E.11. <u>Criteria for Event Permit Approval</u></p> <p>Requirements Met. All requirements set forth within these regulations have been met.</p>	<p>The goal is to have all Event criteria located in the Event Ordinance. Is there an example of something in the Zoning Ordinance that would apply to Events? Perhaps, the suggestion is to refuse Event permits to those who own properties with existing Zoning Violations?</p>	<p>Amend Section III.E.11. to state, “Requirements Met. All requirements set forth within these regulations and the Town of Purcellville Zoning Ordinance have been met.”</p>	
4. Community Development	This may need to be removed. In the example of a block party, all of the vendors and food trucks will be advertising with banners or signage.	<p>Section III.I.2. <u>Street Closures</u></p> <p>“no advertisement of any business shall be displayed in or on the public rights-of-way in connection with a street closure.”</p>	<p>True. Road Races also result in street closures.</p>	<p>Town Council may wish to remove this provision from the Draft Ordinance, or distinguish between advertisement that is attached to a vendor, versus advertisement that is displayed off-site of a vendor’s stand/food truck.</p>	

## Draft Events Ordinance – Comments, Questions and Responses

Maker of Comment	Comment/Question	Draft Language at Issue	Response	Recommended Amendment to Draft Ordinance	Final Action By Council
5. Finance	The ordinance does not incorporate INSIDE a "host business" retail vendor sales. Examples: (1) Carver Center holiday bazaar; (2) Dragon Yong-In has an event to showcase Tae Kwon Do that includes vendors selling equipment; (3) vendor table/booth sales inside any other business. The vendors that set-up at these events are itinerant merchants who are subject to taxation unless exempted under this Events Ordinance.	I. Definition	You are correct, under the current Definition, these examples are not "Events" unless they occur outside, or are anticipated to have more than 250 people attend.	The Definition could be amended to define "Event" to include  "any business, church, or organization ("Entity") that allows others to sell goods, food, or beverage within the Entity's place of business and who does not report the revenues from those sales as part of the Entity's revenues.	
6. Finance	Event Service fees: Are these going to be required to be PAID up front (not just assessed) because collection after an event is nearly impossible. It's not clear payment is due in advance	Section III.E.9. <u>Criteria for Event Permit Approval</u>  Event Services Fees. Each Event will be evaluated by the Town for its impact on Town property and services. The Town will identify the cost to the Town to service the Event and will assess and collect those costs against the Event Organizer as a condition to issuing an Event Permit. Fees will be assessed in accordance with the Event Services Fee Schedule set forth in the Town's Master Fee Schedule. The costs to be recouped include, but are not limited to: personnel, equipment and supplies, sanitation (litter, debris and human wastes), wastewater, utilities, property maintenance, restoration, and monitoring.	It is intended that payment be made prior to issuance of an Event Permit.	After receiving your comment, I revised the text to read (and it now reads),  "The Town will identify the cost to the Town to service the Event and will assess and collect those costs against the Event Organizer as a condition to issuing an Event Permit."  No further amendment should be needed.	
7. Finance	Add NSF checks as additional reason to revoke permit.	Section III.H. Permit Revocation.	As the Ordinance is currently worded, the Event Permit can be revoked for a violation of a condition of the Event Permit, which includes payment of the fee. Nonetheless, I do not mind calling it in Section III.H.1.	"An Event Permit may be revoked by the Town prior to the Event upon a finding by the Town that (i) there is a violation of a rule, ordinance, law, regulation, (ii) non-payment of the Event Services Fee, or (iii) there is a violation of a condition of the Event Permit.	

## Draft Events Ordinance – Comments, Questions and Responses

Maker of Comment	Comment/Question	Draft Language at Issue	Response	Recommended Amendment to Draft Ordinance	Final Action By Council
<p>8. Finance</p>	<p>How does a Town sponsorship impact the permitting process for Events? It isn't clear why this section exists beyond informing people that the Town can indeed sponsor events with other groups.</p>	<p><b>VIII. Town Sponsorship of Events</b>            The Town may elect to designate funds in its annual budget for contributions to Events. Applications for Town contributions may be made to the Town and will be evaluated and acted upon in the order in which they were received. The Town evaluates requests for contributions against certain criteria, which are as follows:            (1) The Town may contribute money only to charitable organizations. Proof of the Event Organizer's not-for-profit status must be provided as part of the application.            (2) The Event is considered by the Town to draw tourists or to provide economic development opportunities to the Town.            (3) The Event is considered by the Town to provide a cultural opportunity that would benefit the public.</p>	<p>The purpose of this section is to inform Event Organizers that they can apply to the Town for sponsorship of their event, and to notify the public of the criteria by which the Town will review such applications.             In some cases, the Town may be the Event Organizer. The Town must comply with its own Event Ordinance when it is the Event Organizer.</p>	<p>No change recommended.</p>	
<p>9. Council Member Packard  25</p>	<p>Section V, sub B, reads "All Itinerant Merchants at an Event, including the Event Organizer, are exempt from obtaining BPOL License and paying BPOL tax for that event." I think that makes clear they don't need to deal with BPOL fees, but they would still have to pay the "Itinerant Merchant Business License Tax", which I assume is not BPOL.  That said, section 6 of the staff report suggests the concept was to have only the event organizer pay the Itinerant fee, but I don't think the section clearly states that. I would add something to make clear only one fee is to be paid.</p>	<p>"Business Professional and Occupational License ("BPOL"), Taxes. All Itinerant Merchants at an Event, including the Event Organizer, are exempt from obtaining a BPOL License and paying BPOL tax for that Event. The term "itinerant merchant" shall be defined as the term is defined under Title 58.1 of the Code of Virginia, as amended."</p>	<p>"Itinerant Merchant" is a business classification within the Business License Tax, and is a BPOL Tax. Under the existing language, no Itinerant Merchant who sells at an Event would be assessed the BPOL Tax (ie; the Itinerant Merchant tax).  The idea under this Ordinance is to have the Event Organizer pay the Event Services Fee, but pay no tax. The Event Services Fee is set forth in Section III.E.9. of the Draft Ordinance.</p>	<p>No amendment recommended to address these comments.  However, in re-reading the text, we should perhaps clarify whether the Event Organizer, if not an Itinerant Merchant, is exempt from BPOL taxation on the revenues produced by the Event.</p>	

## Draft Events Ordinance – Comments, Questions and Responses

Maker of Comment	Comment/Question	Draft Language at Issue	Response	Recommended Amendment to Draft Ordinance	Final Action By Council
10. Council Member Packard	The other thought is related to the skating rink and town property around it. Mr. Message asked about the ability of the property manager to hold events under the umbrella of their non-profit. My assumption is many of the organizations are not nonprofit and we would be requiring the \$500 fee per event, which he is asking to have changed.	"Business Professional and Occupational License ("BPOL"), Taxes. All Itinerant Merchants at an Event, including the Event Organizer, are exempt from obtaining a BPOL License and paying BPOL tax for that Event. The term "itinerant merchant" shall be defined as the term is defined under Title 58.1 of the Code of Virginia, as amended."	Events at the Bush Tabernaacle would be exempt from BPOL tax under this Draft Events Ordinance. However, the Event Organizer would have to pay a fee for any Town services (including the application processing fee) that are needed to support the Event (see: Event Services Fee set forth at Section III.E.9. of the Draft Ordinance).	No amendment recommended to address these comments.	
11. Council Member Packard	Does the definition of Event include sporting games at Fireman's field or the baseball fields around it?	The current definition of Event includes "athletic tournament"	The intent was not to include every single sporting game, which would capture every football game at Valley, but to include tournaments that involve a series of games. For example, Staff intended to include the Babe Ruth Series.	Add a definition for "Athletic Tournament."  One possible definition is:  "A series of contests between a number of competitors, who compete for an overall prize."	
12. Council Member Packard	What difference is there between an exhibition game versus an upper Loudoun football game?		I am not sure. This would warrant discussion by the Council as a whole.		
13. Council Member McConville  26	Why must application be submitted 120 days in advance of the Event date? Can we shorten to say 60 days? I would think 2 month notification would be enough.	Section III.D.3.  Permit Application Deadline. The completed application should be submitted as early as possible, but no earlier than 12 months prior to the Event and no later than 120 days prior to the Event.	The Town's Event Specialist has indicated that this is the amount of time needed to evaluate and prepare for an event. It is possible that small events would not need this much time. We can discuss this more at Council worksession.	None at this time.	
14. Council Member McConville	I do not like the random drawing; in my opinion this should be a first come first serve item.	Section III.D.3.  Permit Application Deadline. If multiple applications are received simultaneously, then the applicants will be selected by random drawing.	The intent of the Ordinance is to accept applications on a first come, first served basis. Applications will be accepted at the front desk of Town Hall and will be date and time stamped. It is unlikely that two applications will be exactly simultaneous, but if that were to occur, then there would need to be a way to pick which application should receive priority.	None at this time.	

## Draft Events Ordinance – Comments, Questions and Responses

<p>15. Council Member McConville</p>	<p>Why are we asking the applicant to fill out a Loudoun County Form for an event in the Town on a Town property? Can we create our own form to use?</p>	<p>III.D.8. The Application must include a completed Loudoun County Event Information Form</p>	<p>The purpose of this provision is to make Loudoun County aware of the proposed Event in Purcellville, in case they need to have emergency responders available, and also so Loudoun County can inform Town Staff if there is some issue that could affect the Event. For example, Loudoun County could inform the Town if a major County roadway were to be closed, or if there were a large event in Loudoun County that would cause their Sheriff's Department to be unavailable for assistance. The purpose of the form is to achieve communication between the two jurisdictions.</p>	<p>None at this time.</p>
<p>16. Council Member McCollum</p>	<p>Under (a)(iii) - Definition of Events. In order to qualify as an "event" the "event" has to fall under 1 of the 3 event descriptions, correct? I am uncertain about ¶ 1(vii) "neighborhood block party" -- in my HOA, we own our streets, is this an "event"?</p>		<p>Yes, you are correct. You raise a good point, because under the current Draft Ordinance a neighborhood block party on private streets that are zoned "residential" would not be allowed.</p>	<p>We should address this. The Town Council may wish to consider removing "neighborhood block party" from the definition of "Event."  Alternatively, Town Council could amend the Zoning Ordinance to allow "Event - Neighborhood Block Party Only" in each residential district.</p>
<p>17. Council Member McCollum</p>	<p>I don't understand the exception for "food trucks": (¶ 1) for example, the brewery at Hatcher &amp; Hirst. Is this parking lot considered private property? Is the food truck there covered?</p>	<p>Section I, Definitions:  "The following are not Events under this Ordinance: a funeral procession supervised by a licensed mortuary; a Farm and Community Market governed under Ordinance 10-12-02; performances on private patios; the existence of a food truck on private property when no other activity outside the normal course of business is associated with the food truck; yard sales conducted on residentially-occupied property."</p>	<p>I agree this language could use clarification.  This language is included because Food Trucks constitute a use that is not allowed under the Zoning Ordinance. If the Events Ordinance is adopted, Food Trucks will be allowed under the Zoning Ordinance, but only when part of an Event. The Town wants to avoid having places of business bring in a food truck and call the food truck an "Event" as a way of getting around the fact that Food Trucks are otherwise not permitted uses.</p>	<p>Amend to exclude from "Event":  "a food truck on private property, even if the food truck is publicly announced in advance, when no event activity other than the food truck is occurring on said property."</p>
<p>18. Council Member McCollum</p>	<p>Who is the person authorized to apply for the Event Permit?</p>		<p>Anyone may apply for an Event Permit – Anyone who so applies is deemed to be the Event Organizer.</p>	
<p>19. Council Member McCollum</p>	<p>It appears the Event Organizer may be liable for conduct that does not adhere to regulations. Is this correct" (see ¶ F. Permit Denial).</p>		<p>Yes, it is correct that the Event Organizer is responsible for the Event and for ensuring that the regulations are adhered to. The Organizer must provide insurance for the Event, for example.</p>	

## Draft Events Ordinance – Comments, Questions and Responses

20. Council Member McCollum	Could you explain ¶ H, § 3?	Section III.H. Permit Revocation  (3) When an Event Permit has been granted, or is deemed to have been granted pursuant to these regulations, the Town may revoke that Event Permit for any reason for which it could have been denied originally.	In re-reading this, I think you raise a good point. I don't think "3" is needed because it is really encompassed in Subsections 1 and 2 of the same Section.	Delete Subsection 3 of Section III.H.
21. Council Member McCollum	I have a questions about the legality of ¶ J. Solicitation & Distribution of Written Materials at Events. There are 1st Amendment issues involved. The term "harass" is vague in my opinion. Especially in light of ¶ VII Public Assembly, which I believes still requires a permit, doesn't it?	Section III.J. -- Solicitation and Distribution of Written Materials at Events. Persons or organizations at an Event who are engaged in the display or distribution of written or printed materials, or are engaged in the solicitation of donations, shall not obstruct or impede pedestrians or vehicles, harass Event attendees, or misrepresent the purpose or affiliations of those engaged in Event activity.	I see your point. I am not sure how much value Section III.J. adds. I think it was borrowed from another jurisdiction. We could remove it. If we discover we have a problem of this nature as Events occur, we can address the specific problems we are encountering through an Ordinance amendment at a future date.	Delete Section III.J.
22. Council Member McCollum	Priority of Use: would this apply if a permit has been issued to a private party and then the Town wants to hold an event?	IV. Priority of Use Events that are entirely or largely sponsored by the Town shall have priority use of public property.	I think this warrants further discussion between Staff and Council at a worksession.	None at this time.
23. Council Member McCollum	Finally, based on our experiences with collection issues, have you reviewed your analysis in the Staff Report?		I may need clarification of the question. As written, the Draft Events Ordinance would not supersede the Town's Farm and Community Markets Ordinance. However, there is a possibility we could combine the ordinances, since there are similarities. As currently drafted, though, the Events Ordinance allows each private property owner to have an Event no more than once per month.	None at this time.
24. Parks and Recreation	We should be aware that Staff has developed Road Race Guidelines, and the Events Ordinance and Road Race Guidelines will need to be compatible.	Section III.G.	The Road Race Guidelines were provided to Town Council in the Agenda for the meeting on 1/27/15. They should be considered when working through the Events Ordinance.	None at this time.
25. Philip Message	It [the Ordinance] applies to events on private property with attendance over 200 people. Fair enough, but it applies to all events on Town property, regardless of the size of the event. Why the distinction? Request that events at the Tabernacle are excluded if planned attendance is less than 200.			

Draft Events Ordinance – Comments, Questions and Responses

<p>26. Philip Message</p>	<p>What is the time period for counting attendance? We have very few events that have a peak attendance of 200 people at any given time (although over the course of an entire day, we typically have attendance of 300-400 people)</p>				
<p>27. Philip Message</p>	<p>The 120 day lead time is way too long. Couldn't this be closed within 30 days?</p>				
<p>28. Philip Message</p>	<p>Correct me if I'm wrong, but aren't all of the regularly scheduled games at Fireman's Field granted an exemption? If so, why?</p>				
<p>29. Philip Message</p>	<p>As an aside, the antique show is considering moving their winter show to sometime in the Fall. If so, this will almost certainly coincide with the ULYFL games at Fireman's Field. When these games are held, literally every single parking space is occupied from 8am to 9pm. What is the procedure to ensure that there's not a conflict with the antique show and ULYFL?</p>				

**TO:** Town Council  
**FROM:** Darryl C. Smith, Sr.  
**SUBJECT:** Police Department Crime Report & Calls for Service  
**DATE:** February 5, 2015  
**FILE:** Monthly Report

The Police Department activity report for the month of January 2015 for your review is as follows:

<b>TOTAL MONTHLY CALLS FOR SERVICE</b>		<b>1,277</b>			
<b>Criminal Offenses</b>	<b># of Offenses</b>	<b>Closed By Arrest</b>	<b>Other Closure</b>	<b>Active</b>	<b>Inactive</b>
Simple Assault	1	1			
Intimidation	1				1
All Other Larceny	1				1
Wire Fraud	3				3
Embezzlement	1			1	
Destruction/Damage/Vandalism of Property	2			1	1
Drug/Narcotic Violations	2	1		1	
Drug Equipment Violations	2		1	1	
Driving Under the Influence	1	1			
Family Offenses, Nonviolent	2		2		
Runaway	2			2	
Trespass of Real Property	1				1
<b>TOTAL</b>	<b>19</b>	<b>3</b>	<b>3</b>	<b>6</b>	<b>7</b>
<b>**All Other Offenses</b>	<b>41</b>				

\*\*\*All Other Offenses could include injured deer put down. Animal complaint & civil disputes, etc...

<b><i>Traffic Violations Charged or Issued</i></b>		<b>#</b>
Driving Under Influence	1	
Defective/Unsafe Equipment	1	
Fail To Carry Regular/Operators License	3	
Sign On Windshield	1	
Defective Speedometer	1	
Expired Rejection Sticker	2	
Driving W/O Operators License	3	
No Operators License	2	
Expired Registration	15	
Tags-Improper Display Of	1	
Altered/Forged License Plate	1	
Following Too Closely	2	
Fail To Obey Stop/Yield Sign	3	
Highway Sign-Fail To Obey	29	
Evasion of Traffic Control Device	1	
Turn-Unsafe/Improper	1	
Fail To Turn After Signal	1	
Reckless Driving-General	1	
Reckless-20 MPH Over Limit	1	
Speeding	9	
Speeding – 25 MPH Zone	9	
Speeding – 35 MPH Zone	1	
Stopping On Highway	1	
<b>TOTAL TRAFFIC SUMMONS/ENFORCEMENT</b>	<b>90</b>	

<b><u>Specific Traffic Summons</u>(included in total traffic summons/enforcement )</b>		<b>#</b>
PURCELLVILLE RESIDENT SUMMONS	23	
NON-RESIDENT SUMMONS	67	
SUMMONS ISSUED BY LC SHERIFFS OFFICE	2	

**Non-Traffic Related Summons**

#

Possession of Marijuana	1
Refusal of Tests; Penalties; Procedures	1
Assault & Battery-Family Member 3 <sup>rd</sup> Offense	1
Sell Unapproved Equipment	1

**TOTAL NON-TRAFFIC RELATED SUMMONS 4**

***Destruction/Damage/Vandalism of Property:***

***1/20 - 500 block Wordsworth Circle – Vehicle keyed several areas.***

***1/18 – 600 block Grey Sands – Rear door frame of home damaged.***

**TRAINING**

***Officer Aydelotte attended Terrorist Planning Cycle which was held @ NVCJA.***

## **STAFF REPORT**

### **PURCELLVILLE VOLUNTEER RESCUE SQUAD**

From January 1-February 15th, the members of Purcellville Volunteer Rescue Squad (PVRS) have run 151 calls. The members of our organization have put in 4,739 duty hours. These hours do not include training or admin duties, these are just the hours spent on an ambulance crew.

All of our EMTs and Drivers have recently completed PRIDE training, an annual required training to update their skills. Mandatory Prevention of Sexual Harassment (POSH) training will take place between February 21 and March 20.

Finally, we have 9 students in the county's current EMT training course! Almost 25% of the class is made up of students from Purcellville Rescue!

PURCELLVILLE CITIZENS SUPPORT TEAM, INC.

(PCST)

REPORT FOR FEBRUARY 24, 2015 COUNCIL MEETING

The Purcellville Citizens Support Team or PCST was formed in February, 2000. The purpose and mission of the team is to aid and support the Police Department in the prevention of crime and the promotion of safety. We are an extra set of eyes and ears for the Police Department. Currently, we have 6 active members. Last year, our volunteers logged a total of 772 volunteer hours assisting the Police Department in various activities.

During the month of February, we assisted with parking and crowd control for the Loudoun Home Grown Expo held on February 14<sup>th</sup>. Four members volunteered with this activity.

Upcoming events include preparing a Thursday meal for the Tree of Life.

President – James Taylor

Vice-President-Dawn Mabe



## **STAFF REPORT**

**DATE:** February 10, 2015

**TO:** Mayor & Town Council

**FROM:** Alex Vanegas, CPM, Director of Public Works

**RE:** Public Works Operations Report

Attached for your review are the Monthly Operations Reports for the Water Production, Water Reclamation and Maintenance divisions of the Public Works Department. The enclosed reports are for the month of January 2015. Should you have any questions or desire any further clarification please let us know.

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

<b>WATER</b>	<b>MONTH</b>	<b>UNITS</b>	<b>AVG./DAY</b>	<b>UNITS</b>
ALUMINUM SULFATE	1,133.4	lbs.	36.6	lbs.
POLYMER				
METAPHOSPHATE	254.4	lbs.	8.2	lbs.
SODA ASH	1,265.4	lbs.	40.8	lbs.
FLUORIDE (WTP & WELLS)	204.0	lbs.	6.6	lbs.
POTASSIUM PERMANGANATE	19.8	lbs.	0.6	lbs.
CHLORINE (HYPOCHLORITE @ WTP)	147.3	lbs.	4.8	lbs.
CHLORINE RESIDUAL (TANK)			1.7	mg/L
AVERAGE PH (FINISHED)			7.5	SU
INLINE METER, COOPER SPRINGS	3,846,952	gals.	124,095	gals.
JEFFERIES WELL		gals.		gals.
WATER PLANT GALLONS	6,167,100	gals.	198,939	gals.
MARSH WELL	1,788,700	gals.	57,700	gals.
MOUNTAIN VIEW WELL	557,600	gals.	17,987	gals.
MAIN STREET VILLAGES WELLS (MS-1 & VC)	3,878,800	gals.	125,123	gals.
CORNWELL #2 WELL	1,686,458	gals.	54,402	gals.
FORBES WELL	1,060,058	gals.	34,195	gals.
HIRST #2 WELL	1,127,600	gals.	36,374	gals.
<b>TOTAL WATER FLOW</b>	<b>20,113,268</b>	<b>gals.</b>	<b>648,815</b>	<b>gals.</b>

<b>RESERVOIR LEVELS:</b>	<b>1-Jan-2015</b>	<b>31-Jan-2015</b>
FRONT LAKE:	5.5'	5.6'
BACK LAKE	5.21'	5.08'
 RAINFALL:	 2.31"	

**WATER RECLAMATION FACILITY  
MONTHLY OPERATIONS REPORT  
FOR THE MONTH OF: JANUARY 2015  
PREPARED: FEBRUARY 2015**

<b>MEASURE</b>	<b>MONTH</b>	<b>AVG./DAY</b>
INFLUENT FLOW	20,305,700 GAL	655,000 GAL
EFFLUENT FLOW	17,344,400 GAL	559,500 GAL
MAXIMUM DAY INFLUENT	1,013,800 GAL	
FERRIC CHLORIDE	1,320 GAL	43 GAL
CITRIC ACID	- GAL	- GAL
SODIUM HYPOCHLORITE	141 GAL	18 GAL
METHENOL	856 GAL	28 GAL
 RAIN	 3.75 IN.	 0.12 IN.

**MONTHLY TOTAL NUTRIENT DISCHARGE**

TOTAL NITROGEN	187	LBS.
TOTAL NITROGEN YTD	187	LBS.
AVG. DAILY NITROGEN	1.35	MG/L
VPDES NITROGEN LIMIT	4.0	MG/L
TOTAL PHOSPHORUS	29	LBS.
TOTAL PHOSPHORUS YTD	29	LBS.
AVG. PHOSPHORUS DAILY	0.21	MG/L
VPDES PHOSPHORUS LIMIT	0.3	MG/L

**MAINTENANCE DEPARTMENT  
MONTHLY OPERATIONS REPORT  
FOR THE MONTH OF: JANUARY 2015  
PREPARED: FEBRUARY 2015**

MEASURE	MONTH	UNITS	FY YTD	UNITS
WORK ORDERS (W.O.) PROCESSED	111	#	976	#
STAFF HOURS REQUIRED FOR W.O.	246.38	HRS.	3018.13	HRS.
NON-CORE DUTIES HOURS	0	HRS.	25.25	HRS.
CD. MAN HOURS REQUIRED FOR WO	246.38	HRS.	2987.13	HRS.
PM FIRE HYDRANTS	0	#	160	#
EMERGENCY FIRE HYDRANT REPAIR	0	#	0	#
PM VALVE EXERCISED	0	#	0	#
CCTV SEWER LINE	0	L. FT.	9693	L. FT.
# OF WATER BREAKS	1	#	3	#
# OF SEWER BACKUPS	1	#	3	#
# OF CLEANOUTS INSTALLED	1	#	1	#
# OF MIS UTILITY TICKETS	42	#	571	#
# OF METERS READ	12	#	158	#
# OF METERS SHUT OFF	15	#	52	#
# OF METERS TURNED ON	9	#	33	#
# OF REPLACED METERS	0	#	6	#
# OF REPLACED REGISTERS	13	#	61	#
# OF NEW ACC. METER INSTALLS	7	#	18	#
# OF LEAK CHECKS	4	#	49	#
# OF REPLACED MIUs (Radios)	1	#	96	#
CUSTOMER COMPLAINTS	0	#	21	#
WATER COMPLAINTS REC'D	0	#	0	#
WATER COMPLAINTS RESOLVED	0	%	0	%
WASTEWATER COMPLAINTS REC'D	0	#	0	#
WASTEWATER COMPLAINTS RES'D	0	%	0	%

## STAFF REPORT

**DATE:** February 10, 2015  
**TO:** Mayor & Town Council  
**FROM:** Alex Vanegas, Director of Public Works  
**RE:** 21<sup>st</sup> and 23<sup>rd</sup> Streetscape Improvements: Phase II  
Construction Contract Award

---

### Background:

Virginia Department of Transportation (VDOT) has provided the Town with federal funding to install streetscape improvements, storm water drainage improvements, pedestrian accessibility improvements, and street infrastructure improvements along North 21<sup>st</sup> Street from Main Street to north of East O Street. These improvements will enhance the attractiveness, compliance, and safety of the downtown area for pedestrians and motorists alike. Design for this project was done by Kimley-Horn and Associates, Inc. and completed in 2014. The project was advertised for bid in February 2014, and bids were opened and publicly read aloud on March 14, 2014. However, upon review, the bids received were deemed excessive due to being much higher than the engineer's estimate. Therefore, in accordance with VDOT and FHWA requirements and with concurrence from VDOT, the Town rejected all bids. Subsequently, Town staff and Kimley-Horn modified the project plans and revised the construction estimate. The project was re-advertised in October 2014, and bids were open and publicly read aloud on December 11, 2014.

### Analysis:

Four bids were received for construction of the project and the as-read bid tabulation is attached. The bids received, arranged low to high, were:

Jefferson Asphalt - \$1,154,444.10 (apparent low bidder)  
Lantz Construction - \$1,170,000.00  
Jeffrey Stack, Inc. - \$1,426,160.00  
Perry Engineering Company - \$1,477,193.22

Town staff, project management consultant MBP, and Kimley-Horn have reviewed all bids and documentation and have determined the lowest responsive and responsible bidder to be Jefferson Asphalt, with a base bid of \$1,154,444.10. Kimley-Horn's review is attached. The required federal documents submitted by Jefferson Asphalt were also reviewed for completeness, including the determination if the Disadvantaged Business Enterprise (DBE) participation goal of 13.0%, set by the VDOT Civil Rights Division, was met. Jefferson Asphalt has demonstrated a total of 20.17% DBE participation on this project, thereby meeting the required DBE participation

goal. Town staff has called the references provided with the Bid; all references were very positive. Additionally, VDOT has authorized the Town and issued concurrence to allow the award of the project contract to Jefferson Asphalt.

**Budget Impact:**

Funding is budgeted and available in the Capital Improvement Plan (CIP) for the construction of the 21<sup>st</sup> and 23<sup>rd</sup> Streetscape Improvements: Phase II project utilizing federal funds and the required local match. The current budgeted amount allows for the award of the contract for the base bid amount and requested contingency.

**Recommendation:**

Town staff recommends the award of the construction contract for the 21<sup>st</sup> and 23<sup>rd</sup> Streetscape Improvements: Phase II to Jefferson Asphalt, for the base bid amount of \$1,154,444.10. Town staff also recommends a 25% contingency of \$288,611.03 for use on the project.

**Motion:**

“I move that the Town Council approve of and authorize the Town Manager to execute a Contract with Jefferson Asphalt Products Company, Inc. for the 21<sup>st</sup> and 23<sup>rd</sup> Streetscape Improvements: Phase II project for the Base Bid amount of \$1,154,444.10 and also approve a 25% contingency of \$288,611.03 for use on the project.”

TOWN OF PURCELLVILLE  
 BID OPENING \*AS-READ\*  
 21ST AND 23RD STREETSCAPE IMPROVEMENTS: PHASE 2  
 IFB # PW-2014-06  
 THURSDAY, DECEMBER 11, 2014 - 2:00PM

BIDDER NAME	BASE BID	BID BOND?	C-104?	C-105?	C-111?	DBE %
Perry Engineering Company	\$ 1,477,193.22	Y	Y	Y	Y	21.0%
Jefferson Asphalt	\$ 1,154,444.10	Y	Y	Y	Y	14.3%
Lantz Construction	\$ 1,170,000.00	Y	Y	Y	Y	19.0%
Jeffrey Stack Inc.	\$ 1,426,160.00	Y	Y	Y	Y	13.0%

\*PLEASE NOTE: THIS IS FOR INFORMATIONAL PURPOSES ONLY TO SHOW THE RESULTS OF THE PUBLIC BID OPENING. THIS DOES NOT CONSTITUTE OR GUARANTEE PROJECT AWARD. ALL BIDS ARE THOROUGHLY REVIEWED FOR COMPLETENESS AND RESPONSIVENESS FOLLOWING THE BID OPENING.\*

# Kimley»»Horn

December 22, 2014

Dale Lehnig, PE, CFM  
Capital Projects and Engineering Manager  
Town of Purcellville  
221 South Nursery Ave.  
Purcellville VA, 20132

**RE: 21<sup>st</sup> & 23<sup>rd</sup> Streetscape Improvements Phase 2 – Bid Review**

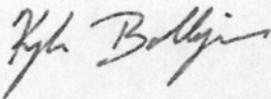
Kimley-Horn has reviewed the four bid packages received by the Town of Purcellville for the 21<sup>st</sup> and 23<sup>rd</sup> Streetscape Improvements and this memo is a summary of the findings. The packages we received from Perry Engineering Company, Jefferson Asphalt Products Company, Lantz Construction Winchester, and JSI Paving and Construction all appeared to be complete. We note that Lantz Construction Winchester and JSI Paving and Construction both submitted Exhibit B - Schedule of Unit Prices and Rates with mathematical errors that could affect their total base bid prices.

Bidder Name	Base Bid Price as Reported
Perry Engineering Company	\$ 1,477,193.22
Jefferson Asphalt Products Company	\$ 1,154,444.10
Lantz Construction Winchester	\$ 1,170,000.00
JSI Paving and Construction	\$ 1,426,160.00

Given the information provided in the bid packages as the base bid, it appears that the lowest qualified bidder is Jefferson Asphalt Products Company.

Please let us know if you have any questions or would like to discuss further.

Sincerely,



Kyle Bollinger, P.E.  
Project Manager

## STAFF REPORT

**DATE:** February 10, 2015  
**TO:** Mayor & Town Council  
**FROM:** Alex Vanegas, Director of Public Works  
**RE:** 21<sup>st</sup> and 23<sup>rd</sup> Streetscape Improvements: Phase II  
Geotechnical and Quality Control Testing Task Order Award

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### **Background:**

Pending the approval of the construction contract, the Town will be constructing the 21<sup>st</sup> and 23<sup>rd</sup> Streetscape Improvements: Phase II project. During the construction of the project, testing is a requirement to ensure quality control of installed materials. Geotechnical and quality control testing is also required due to the federal funding through the Virginia Department of Transportation (VDOT) for the construction of the project.

### **Analysis:**

GeoConcepts Engineering, Inc. is under a basic ordering agreement (RFP #PW-2012-02) to the Town to provide Geotechnical Consulting, Testing and Inspection Services.

### **Budget Impact:**

Funding is budgeted and available in the Capital Improvement Plan (CIP) for the construction of the 21<sup>st</sup> and 23<sup>rd</sup> Streetscape Improvements: Phase II project, including geotechnical and quality control testing services, utilizing federal funds and the required local match.

### **Recommendation:**

Town staff recommends the approval of the Geotechnical Testing and Quality Control Services task order to execute the purchase order, related to the construction of the 21<sup>st</sup> and 23<sup>rd</sup> Streetscape Improvements: Phase II project, to GeoConcepts Engineering, Inc., in the amount of \$105,605.00, as per their proposal dated January 13, 2015.

### **Motion:**

“I move that the Town Council approve of the Geotechnical Testing and Quality Control Services task order and authorize the Town Manager to execute the purchase order, related to the construction of the 21<sup>st</sup> and 23<sup>rd</sup> Streetscape Improvements: Phase II project, to GeoConcepts Engineering, Inc., in the amount of \$105,605.00, as per their proposal dated January 13, 2015.”



January 13, 2015

Ms. Dale Lehnig  
Town of Purcellville  
221 South Nursery Ave.  
Purcellville, VA 20132

**Subject: Revised Proposal for Geotechnical and Materials Testing Services during Construction, 21<sup>st</sup> and 23<sup>rd</sup> Street Phase 2, Purcellville, Virginia (Our PR14100)**

Dear Ms. Lehnig:

GeoConcepts Engineering, Inc. ("GeoConcepts") is pleased to have the opportunity to submit this revised work order to you (the "Client") for professional geotechnical and materials testing services during construction of the above referenced project.

## Scope of Services

We propose to furnish the following services in connection with this project:

### Earthwork

- Observe fill and utility subgrades to verify that subgrades are suitable to receive compacted fill.
- Observe placement of compacted fill to verify compliance with project requirements. Perform in-place density tests as required by project specifications, to verify that fill lifts are properly placed and compacted.
- Provide recommendations to the client if unsuitable soil conditions are encountered.
- Perform appropriate laboratory testing on materials proposed for use as compacted fill and backfill in accordance with project specifications. Testing may include:
  - Grain Size Distribution, ASTM D-422
  - Liquid and Plastic (Atterberg) Limits, ASTM D-4318
  - Proctor Moisture-Density Relationships, ASTM D-698
  - Additional testing as specified

### Cast-in-Place Concrete

- Observe placement of reinforcing steel to verify proper size, grade, spacing, cover, cleanliness, location and length of splices, and general compliance with plans and specifications.
- Monitor and verify concrete procedures with regard to placement, vibration and curing in accordance with plans and specifications.
- Cast concrete cylinders at the frequency stated in the plans and specifications and perform the following tests and functions:
  - Verify mix design
  - Slump
  - Air Content
  - Unit Weight
  - Temperature
  - Batch-to-placement time

- Cure and test concrete cylinders in the field and laboratory at the frequency stated in the plans and specifications.
- Document whether the contractor has provided proper storage and curing facilities for the first 24 hours after casting of cylinders.

### Bituminous Paving

- Observe proofrolling of pavement soil subgrades, and provide recommendations regarding corrective action for soft areas prior to placement of subbase crushed stone.
- Observe placement of subbase crushed stone, perform in-place density tests and observe proofrolling of compacted subbase crushed stone, prior to asphalt placement as required by plans and specifications.
- Verify proper thickness of subbase course.
- Observe placement, rolling operations, and temperature of paving mixture at time of placement.
- Using VDOT recommended procedures, conduct roller pattern field density testing at the start of asphalt installation in order to provide the contractor the recommended number of passes with compaction equipment required to obtain the specified asphalt compaction.
- Obtain asphalt cores at the frequency stated in the project specifications.

### Reporting Services

- Field reports will be prepared electronically and generally e-mailed on a daily basis to the Client and other required parties, and may include digital photographs as needed.
- Summary transmittal reports will be prepared every two weeks. The transmittal will include a brief summary of the services provided during that reporting period, copies of field reports, and fill compaction and concrete break results. Each transmittal is reviewed and approved by GeoConcepts prior to submittal.
- When deficiencies are identified, they will be reported to the owner and the contractor's representative at the time of the visit.

### Excluded Services

- Consultation on problems encountered during construction which do not pertain to our scope of services.
- Surveying for line and grade.
- Quantity or cost estimates.
- Review of geotechnical related design as shown in plans and specifications.
- Any other service not specifically included.

### Project Fees

Our fees will be billed in accordance with the fee schedule in your Owner-Consultant Agreement dated June 17, 2013. Services will be billed for actual hours expended times the applicable hourly rate. Time for engineering services will include both field and office time, and travel between the site and the originating office. Where applicable, travel mileage will be billed at a rate of \$0.505 per mile. Items obtained on the Client's behalf will be invoiced at cost plus 15 percent.

We estimate the following fees for our services:

<u>Service</u>	<u>Fee</u>
Field personnel for observations and testing of subgrades, concrete placement, reinforcing steel and compacted fill placement (VDOT certified technician OT rate, estimate 1,020 man-hours)	\$76,500
Soil laboratory testing (estimate 3 samples - proctor, sieve, PI and moisture)	\$975
Compression testing of concrete cylinders (estimate 135 cylinders)	\$1,080
Concrete cylinder pick-ups (estimate 15 pick-ups)	\$750
Asphalt coring and patch (estimate 5 mobilizations, 15 cores and patch)	\$2,150
Trip Charges (estimate 150 trips)	\$4,500
Engineering services for preparation of field reports, supervision of our field personnel, planning and coordination	\$18,075
Clerical (45 hours)	\$1,575
<b>Total Estimated Fee</b>	<b>\$105,605</b>

This estimated fee is based upon the anticipated construction schedule of 150 days for substantial completion as indicated by the Town of Purcellville. The actual fee to complete the services detailed herein will be determined by the actual rate of progress of the contractor, weather delays, unexpected conditions, and other reasons beyond our control. Regardless of the estimated fee presented herein, the final fee will be based on actual hours expended times the applicable hourly rate, and may vary from the estimated fee presented herein. GeoConcepts shall not be liable for any delays due to any cause beyond its control.

## General

Concrete compressive strength reports will be submitted with each transmittal report. However, when deficient concrete compressive strength test results are obtained, GeoConcepts will report these deficiencies as soon as reasonably possible. One hard copy of each transmittal will be prepared and submitted to the Client or their designated representative. An electronic version of each transmittal will be submitted to all parties requested. Additional hard copies will be provided at an additional fee of \$25 per transmittal.

Final summary or certification letters will be prepared in accordance with Client requests or regulatory requirements. However, in order to provide final certification and letters, all outstanding issues or deficiencies must be addressed and corrected prior to its issuance. Also, GeoConcepts has the right to withhold final summary or certification letters until all invoice balances have been paid in full.

The presence of our field representative at the site is solely to provide the Client with a continuing source of professional advice, opinions and recommendations based upon GeoConcepts' observations and test results. We are not responsible for job safety except for our own personnel. Work site safety remains the sole and exclusive responsibility of the Client and contractor(s). Safe access to all areas requiring observations or tests shall be provided by the Client or contractor(s) at no cost to GeoConcepts.

In the event we find that concrete on-site does not comply with plans and specifications, we will report the discrepancy to the Client as soon as reasonably possible. In the event the contractor elects to place concrete that does not meet the plans and specifications, we will make test cylinders, record the location of the concrete placement, and report the information to the Client. We will not accept or reject the on-site concrete or direct the contractor's workers. It is also not GeoConcepts responsibility to determine what adjustments should be made to the concrete mix used by the contractor.

The Client shall provide us with the approved concrete mix design(s) prior to the start of our on-site services. Concrete cylinders will not be held in excess of 28 days in the laboratory unless otherwise specified or requested by the Client in writing. Suitable on-site storage and field curing accommodations are to be furnished by the contractor at no cost to GeoConcepts. In the event suitable storage and curing accommodations are not provided, concrete test results may be negatively impacted.

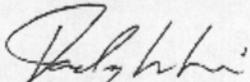
We request at least 48 hours notice to schedule our personnel at the beginning of the project or after a substantial discontinuity of on-site services. When our field representative is on-site on a full-time basis, they will discuss scheduling and testing needs on a daily basis and confirm the schedule. However, when our field representative is on-site on a part-time or periodic basis, the contractor should contact the GeoConcepts Construction Services Administrator to schedule the visit no later than 3 pm the day prior to the requested visit.

A 70-pound sample of each proposed fill material must be provided to us at least five work days prior to use in order to perform the necessary laboratory testing. Any field density test results reported prior to completion of the laboratory testing will be estimates only. The Client shall notify the contractor that if he proceeds based on estimated test results he does so at his own risk.

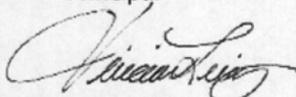
The contractor is responsible for obtaining the specified compaction of earthwork. Spot testing of backfill included in this Agreement is intended only to assist the contractor in verifying that his work is in compliance with compaction criteria at the time and location of the test. Testing on a spot check basis will be performed only when requested by the Client or its authorized representative. Spot testing on a periodic basis is not intended to provide data to verify full compliance with earthwork compaction requirements and we cannot attest to the overall compaction of the fill if it is tested on a spot check basis.

We appreciate the opportunity to submit this work order and look forward to working with you on this project. Please contact the undersigned if you have any questions regarding this proposal.

Sincerely,  
**GEOCONCEPTS ENGINEERING, INC.**



Tadeusz W. Lewis, PE  
Principal



Vivian H. Lewis  
President

ACCEPTED: TOWN OF PURCELLVILLE

SIGNATURE: \_\_\_\_\_

PRINTED NAME: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

**Town Manager**  
Robert W. Lohr, Jr

**Assistant Town Manager**  
J. Patrick Childs

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Purcellville, VA 20132  
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Patrick Sullivan, Community Development  
Hooper McCann, Administration

## **STAFF REPORT**

**TO:** Mayor and Town Council

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

**RE:** Travel and Training Expense Reimbursement Policy for Elected/Appointed Officials

**DATE:** February 17, 2015

### **BACKGROUND:**

The Town's elected and appointed officials are often expected to represent the Town at functions and meetings. They are also encouraged to seek further training whenever possible. It is the intention of the Town to adequately compensate and reimburse the elected/appointed officials for travel and training expenses incurred at these functions and trainings.

The Town's Employee Manual includes a Travel and Training Expense Reimbursement Policy for staff. While the intent of the policy can be construed to include members of the Town Council as well as committee, commission and board members, there truly is no indication that it is intended for elected and appointed officials. At the request of the Mayor, staff created a draft policy to provide guidelines specifically for the Town's elected and appointed officials.

### **BUDGET IMPACT:**

There is no direct budget impact associated with the adoption of this policy. Any travel and training reimbursements would be covered by the budgeted general expense accounts for the Town Council and each committee, commission and board.

### **STAFF RECOMMENDATION:**

Staff recommends the adoption of the attached policy either as presented or with changes provided by the Town Council.

**MOTIONS:**

“I move that Town Council adopt the Travel and Training Reimbursement Policy for Elected/Appointed Officials as presented.”

or

“I move that Town Council adopt the Travel and Training Reimbursement Policy for Elected/Appointed Officials with the following changes: \_\_\_\_\_.”

or

“I move that Town Council not adopt the Travel and Training Reimbursement Policy for Elected/Appointed Officials.”

**TOWN POLICY**

**TRAVEL AND TRAINING EXPENSE REIMBURSEMENT  
FOR ELECTED/APPOINTED OFFICIALS**

The Town of Purcellville is committed to providing our elected/appointed officials the opportunity to seek further training which is beneficial to the Town. In addition, the elected/appointed officials are often expected to represent the Town at functions and meetings. It is the intention of the Town to adequately compensate and reimburse the elected/appointed officials for travel and training expenses based on the following policies.

**1) TRAVEL AND TRAINING APPROVAL PROCESS**

- a) The elected/appointed official shall complete a Travel and Training Request Form (attached) prior to attending the program. This form should be submitted to the Town Manager/Assistant Town Manager for approval as soon as the conference/training opportunity/function is announced. In no case should the form be submitted later than 10 days before the departure date.
- b) All seminars, courses, meetings, etc. should be directly related to the performance of the traveler's assigned duties. The monies requested must be approved in the adopted budget prior to attending the program. Failure to obtain prior approval when traveling could result in the elected/appointed official not being reimbursed for travel expenses.
- c) All hotel reservations, conference registrations and other items should be paid in advance by the Town. This payment will be made by check and will be completed prior to your arrival. The elected/appointed official has the option of obtaining reimbursement once they return from approved Town travel/program.

**2) MEALS AND INCIDENTAL EXPENSES**

- a) The funds for meals and incidental expenses (meals tax, tips and other related items) while traveling are provided through a per diem (per day) allowance. The amount of per diem depends on the time of travel.

**WHOLE DAYS OF TRAVEL** – For full days of travel, the per diem rate is \$40.00/day.

**PARTIAL DAYS OF TRAVEL** – For partial days of travel, per diem rates are:

<b>Morning</b> (from 6 AM to 10 AM)	\$ 8.00
<b>Mid-Day</b> (generally, from 11 AM – 2 PM)	\$12.00
<b>Evening</b> (generally from 5 PM – 9 PM)	\$20.00

- b) Upon return from travel, the elected/appointed official shall submit receipts for all meals not covered under per diem allowance.
- c) In the event that meals are provided as part of the registration or conference program, the elected/appointed officials are not eligible for a full per diem. In this specific case, officials are eligible for \$10.00 per day for any incidental expenses that may occur.

- d) Business meetings where elected/appointed officials are actually conducting Town business during mealtime are allowable. The meals of guests or other individuals may be paid for, if business related.

### 3) **TRANSPORTATION TO CONFERENCES**

- a) The Town of Purcellville maintains a reliable fleet of vehicles that can be used by elected/appointed officials to travel to training and educational activities. Use of Town vehicles can save a considerable sum of money as the Town buys gasoline in bulk. Officials are expected to use a Town vehicle for all approved conferences, meetings or training unless other arrangements have been made with the Town Manager/Assistant Town Manager.
- b) In order to use a vehicle, the elected/appointed official must receive permission from the Town Manager/Assistant Town Manager, in advance. If a vehicle is not available due to repairs, emergency schedules or previous use, officials are to contact the Town Manager/Assistant Town Manager for other arrangements.
- c) When travel is authorized and performed in a privately owned vehicle, round trip mileage is calculated to and from the Town Hall at a gas allowance rate established by the IRS for that period. Road tolls and parking fees are also included as a reimbursable item.

### 4) **AIR TRAVEL**

- a) When Town business requires elected/appointed officials to travel outside of the State for business, air transportation can be approved by the Town Manager/Assistant Town Manager. It is important to note that the Town encourages vehicle transportation to any location within 300 miles of the Town Office. In addition, the Town encourages elected/appointed officials to take advantage of the numerous training and conference opportunities that exist within the State rather than travel outside of the State for opportunities. If air travel is required and approved, this travel is at the coach rate only. If first class travel is arranged, the elected/appointed official will pay in advance the difference between the coach rate and first class travel. Airfare for the official's spouse or guest must be paid by the elected/appointed official. When possible, air travel arrangements should be made at least 21 days in advance in order to take advantage of the lowest fares.
- b) Expenses to and from airports, such as airport limousine, rental car, taxi cab or bus transportation are qualified expenses.

### 5) **HOTEL ROOMS**

- a) The Town pays only for the single room rate. If a double room is required, the elected/appointed official will pay the difference between the single and double room rate. If two officials share a double room, the double room rate is allowable.

- b) Under certain circumstances when the Town is a host to other jurisdictions or when special facilities are required, the cost of a suite is an allowable expense. Full justification is required in order to qualify for such reimbursement.
- c) No overnight reimbursements will be paid if the meeting is for the duration of one day and at a location that doesn't exceed 125 miles one way from Purcellville. However, if there are circumstances of an unusual nature, the Town Manager can approve in advance the overnight reimbursement.

6) **TELEPHONE CALLS**

- a) Business related telephone calls are an allowable reimbursement. Personal telephone calls should be made with a cell phone or be paid by the elected/appointed official.
- b) Elected/appointed officials are asked to make long distance calls on their personal cell phone, collect or on a credit card so they do not appear on any bills submitted to the Town.

7) **EXPENSES FOR SPOUSE, FAMILY OR GUEST**

- a) All expenses incurred by a traveling spouse, family member or guest will be paid for by the elected/appointed official in advance.

8) **LAUNDRY EXPENSES**

- a) When business travel lasts more than 4 days, the Town will pay to have your clothes cleaned.

# TRAVEL & TRAINING REQUEST FORM

## TOWN OF PURCELLVILLE

Date: \_\_\_\_\_

Requesting Individual(s):  	Purpose of Training:  
-----------------------------------	------------------------------

Type of Training:  	Date/Location:  	Budget Code:  
---------------------------	------------------------	----------------------

<p><b>Estimated Costs</b></p> <p>Travel Per Diem:</p> <p>1. Full/local (\$12 x ___ days) _____</p> <p>2. Full/overnight (\$40 x ___ days) _____</p> <p>3. Morning (\$8 x ___ days) _____</p> <p>4. Mid-day (\$12 x ___ days) _____</p> <p>5. Evening (\$20 x ___ days) _____</p> <p>6. Special (\$10 x ___ days) _____</p> <p style="padding-left: 20px;">Total Per Diem _____</p> <p>Other Costs:</p> <p>7. Lodging _____</p> <p>8. Registration Fees _____</p> <p>9. Transportation _____</p> <p>10. Miscellaneous _____</p> <p style="padding-left: 20px;">Total Other Costs _____</p> <p>Total Estimated Travel Costs _____</p>	<p><b>Travel Guidelines</b></p> <ol style="list-style-type: none"> <li>1. See Town Policy 00-8-1 for details.</li> <li>2. Complete "Travel &amp; Training Request Form" at least 10 days prior to your scheduled departure date. Include requests for advance payments on this form.</li> <li>3. Following training, submit any expenses on the "Expense Reimbursement Form".</li> <li>4. The following per diem amounts are allowed by the Town:             <ol style="list-style-type: none"> <li>a) Full day (local) - \$12.00</li> <li>b) Full day (overnight) - \$40.00</li> <li>c) Morning (6am - 10am) - \$8.00</li> <li>d) Mid-day (11am - 2pm) - \$12.00</li> <li>e) Evening (5pm - 9pm) - \$20.00</li> <li>f) Special- room &amp; board provided - \$10.00</li> </ol> </li> </ol>
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Advance payments requested (per diem, hotel, registration, etc.):

<p>Check #1:</p> <p>To: _____</p> <p>Amount: _____</p> <p>Address: _____</p> <p>_____</p> <p>_____</p> <p>Conf.#: _____</p>	<p>Check #2:</p> <p>To: _____</p> <p>Amount: _____</p> <p>Address: _____</p> <p>_____</p> <p>_____</p> <p>Conf.#: _____</p>	<p>Check #3:</p> <p>To: _____</p> <p>Amount: _____</p> <p>Address: _____</p> <p>_____</p> <p>_____</p> <p>Conf.#: _____</p>
Ck#: _____ Date: _____	Ck#: _____ Date: _____	Ck#: _____ Date: _____

Superintendent Approval:

Dept. Head Approval:

Instructions: After making necessary travel and accommodation arrangements, please complete this form and obtain proper authorizations.  
 Copies: White and Yellow to Treasurer, Pink to originating department. The original will be returned to department after the check is issued.

**Town Manager**  
Robert W. Lohr, Jr.

**Assistant Town Manager**  
J. Patrick Childs

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Patrick Sullivan, Community Development  
Hooper McCann, Administration

## STAFF REPORT

**TO:** Mayor and Town Council  
**FROM:** Robert W. Lohr, Jr., Town Manager  
**RE:** Local Government Challenge Grant 2015-2016  
**DATE:** February 18, 2015

### BACKGROUND:

The Virginia Commission for the Arts offers funding to towns, cities and county governments in Virginia under the Local Government Challenge Grant which encourages local governments to match the State's support for the arts. Under these programs, the Commission will match up to \$5,000 in tax monies given by independent town, city and county governments to art organizations. In the past, the Town had participated in this program for a period of approximately five years. During this period, the Town forwarded these funds to the Bluemont Concert Series for the multiple programs that this organization was doing in our community.

Several important components of the program:

- The government cannot legislate or mandate how the money will be spent.
- The money cannot be used by any government agency or committee of the government which includes our Purcellville Arts Council.
- The Town has the right to review the proposed use of the funds prior to submitting the grant application to determine if the Town wants to submit a matching share and grant application.
- Once the funds are awarded, the Town has no more jurisdiction or control over how the Town's funds or the grant funds are spent.
- The grant application has to be submitted by April 1, 2015 to be considered.
- The grant will be awarded in FY16 and the Town would have to make sure that the FY15/16 budget has funding for the Town's matching share.
- The Town can pick any number that they choose to match up to \$5,000 and if the grant is awarded, the Virginia Commission on the Arts would match that amount.

It is important to note that previous Town Councils had discontinued doing the grant for a brief period of time because they felt that they wanted to have more control in how the Town's

taxpayer's funds were leveraged. It was determined by staff and Town Council that we did not want to create any type of controversy or problem with the grant so the Town stopped applying and chose to budget our share accordingly. The problem is that it eliminated any type of leverage or doubling the funding that the Town could put towards these types of grant endeavors and we left money on the table as a result. Included for your review is a summary of the program and application process so that you can be familiar with the particular components of this program.

**BUDGET IMPACT:**

The cost to apply for the grant, administer the program and complete the reporting documents are minimal and usually take less than three hours a year. The true fiscal impact of this program is the need for the Town to budget the money that would be leveraged or matched by the Virginia Commission for the Arts. The Town will need to decide how much, up to \$5,000, you would like to ask for under this grant and make sure that it is part of the budget and approved effective July 1, 2015.

**STAFF RECOMMENDATION:**

The Purcellville Arts Council and the staff recommend applying for this grant at a funding level that Town Council would find suitable under our proposed FY15/16 budget. Staff would also recommend that Town Council have an opportunity to review the group and proposed projects that would be submitted under the grant application before the application is submitted April 1, 2015. Since the Town will be matching taxpayer funds, it at least gives the Town Council an opportunity that they want to be a partner with a specific group and project prior to taking the time to complete the application and following it with the Virginia Commission for the Arts.

**MOTION:**

"I move that we direct staff to work with the Purcellville Arts Council to begin preparing the Local Government Challenge Grant for 2015-2016. Prior to March 10, 2015, the Purcellville Arts Council should provide the Town with the identified group and projects that would be funded with available allocations under the FY15/16 budget. I further recommend staff prepare the Challenge Grant with the Town matching \$ \_\_\_\_\_."

or

"I direct staff not to file for the Virginia Commission for the Arts grant but recommend setting aside \$ \_\_\_\_\_ to fund new art programs in addition to our current funding to the Purcellville Arts Council."

or

"I direct staff to include continued funding under our FY15/16 budget for the Purcellville Arts Council but not include any outside funding for the Local Government Challenge Grant for 2015-2016 or new art programs."

### Purpose

To encourage local governments to support the arts.

### Description

The Commission will match, up to \$5,000, subject to funds available, the tax monies given by independent town, city, and county governments to arts organizations. The money, which does not include school arts budgets or arts programming by parks and recreation departments, may be granted either by a local arts commission/council or directly by the governing board.

### Eligible Applicants

Independent city, town, or county governments in Virginia.

### Eligible Activities

Grants to independent arts organizations for arts activities in the locality. The Commission does not match payments paid to performers for specific performances. Local governments seeking such funding should apply in the Performing Arts Touring Assistance Program.

### Deadline

**April 1, 2015 by 5:00 PM, for local government grants awarded in FY16 (July 1, 2015 – June 30, 2016)**

NOTE: A local government that has not approved its budget by the grant deadline may apply conditionally and confirm the application as soon as possible.

### Amount of Assistance

Up to \$5,000, subject to funds available. The local government match must be from local government funds; federal funds may not be included.

### Criteria for Evaluating Applications

- Artistic quality of the organizations supported by the city/county/town
- Clearly defined policies and procedures for awarding local funds to arts organizations
- Degree of involvement of artists and arts organizations in the local process of awarding grants
- Responsiveness to community needs
- Evidence of local government support of the arts

### Application/Review/Payment Procedures

1. Local governments submit complete application forms by the deadline (not a postmark deadline). The Commission does not accept application materials via fax or other electronic means (e.g. e-mail).
2. The Commission staff reviews each application for completeness and eligibility.
3. The Commission staff makes recommendations on levels of funding for each application.
4. The Commission board reviews the staff recommendations and takes final action on the applications in June.
5. After confirmation of the grant award, each local government will confirm in writing to the Commission that its governing board has appropriated the matching funds and the funds from the Commission. This confirmation must take the form of the appropriate page of the local government's approved 2015-2016 budget or a copy of the check (s) to the sub grantee (s). The Commission will pay the grant in full after receiving this confirmation no later than February 1, 2016.

Applicants should read the [2015-2016 Online Guidelines for Funding](#) and Grant Conditions to ensure compliance with all conditions. **The grant application deadline is April 1, 2015.** *This is not a postmark date.*

**Mail Completed Application to:**  
 Virginia Commission for the Arts  
 1001 East Broad Street, Suite 330  
 Richmond, VA 23219  
 804.225.3132 (Voice/TDD)  
[www.arts.virginia.gov](http://www.arts.virginia.gov)

## INSTRUCTIONS

The Local Government Challenge Grant Application is an interactive, fillable form that has fields in which you must enter text. The boxes for the fields are highlighted. You must fill in every field in order for this application to be considered complete and ready for review. Once you complete the application, print and submit one hard copy with an original signature to the Commission office by 5:00 pm, April 1, 2015. **(This is not a postmark date)**. Save a copy for your files. There is no option to submit an electronic version of this form. For all questions, please contact the Commission staff at (804) 225-3132.

## GRANTEE INFORMATION

1. Applicant Local Government Name:		Website:	
2. Mailing Address:			
3. Physical Address if different:			
3. City:	4. County:	5. State:	6. Zip:
7. Application Contact:		8. Contact Title:	
9. Contact Email:		10. Telephone/Extension:	
11. Federal Employer ID #:		*12. DUNS Number:	
**13. VA House #:	14. VA Senate #:	15. US Congressional District #:	

**\* All applicants must include their 9-digit DUNS number when applying for a grant.** This requirement is for the local government applicant only. Sub-grantee DUNS numbers are not required. For more information click here: <http://www.dnb.com/get-a-duns-number.html>

**\*\* Give the number of the Virginia House, Senate and the U.S. Congressional district in which the local government is located.** The specific street address of your organization determines these numbers. If you do not know the numbers of the State or U.S. Congressional district in which your organization is located, contact your County Election Commission office or visit: <http://whosmy.virginiageneralassembly.gov>

\*Do not list more than one (1) House, Senate or Congressional district in each space.

## **GRANT AMOUNT REQUEST**

Applicant governments must match the amount requested from the Commission on at least a dollar-for-dollar basis with local government funds up to \$5,000; federal funds may not be included. A local government that has not approved its budget by the grant deadline may apply conditionally. After the grant has been approved, any change in the allocation of funds sub-granted to local arts organizations must be approved by the Commission.

16. Amount of Virginia Commission for the Arts assistance requested for FY2016: \$
17. Proposed local government arts appropriation for FY2016: \$

## **GRANT INFORMATION**

18. What is the process for awarding the above grants?
19. Who is involved in making these decisions?
20. What criteria are sought in evaluating applicants?
21. List of current board/council members, if a board/council is involved in making funding decisions:
22. Give a brief description of the arts organization(s) proposed to receive Commission assistance through the Local Government Challenge Grant in 2015-2016.

## SUBGRANTEE (S) INFORMATION

23. Please list which local independent arts organizations will receive the Commission grant money sub-grant. After the Commission grant has been approved, any changes in the allocation of sub-grants to local arts organizations must be approved by the Commission. **Note:** Sub-grants (grants made by the local government) of any Commission funds, not to exceed \$5,000, from the Local Government Challenge grant program may only go to independent Virginia arts organizations for arts activities in the locality. Virginia arts organizations are defined as those organizations whose primary purpose is the arts (production, presentation or support of dance, literary arts, media arts, music, theater, or visual or related arts), that are incorporated in Virginia, and have their headquarters and home seasons, or activities equivalent to a home season, in the state. Units of government and educational institutions cannot be considered arts organizations.

Name of Organization Physical Mailing Address	Sub Grantee Contact Name & Title	Sub Grantee Email Address	Proposed VCA \$ Grant Share
1.			
2.			
3.			
4.			
5.			
6.			

**Note:** Attach additional local independent arts organizations on a separate piece of paper if necessary.

## POPULATIONS BENEFITED

24. Select any categories that, by your best estimate, will make up 25% or more of the population that directly benefited from the award during the period of support. These responses should refer to populations reached directly, rather than through broadcasts or online programming.

### Populations Benefited By Race

- N: American Indian/Alaska Native
- A: Asian
- B: Black/African American
- H: Hispanic/Latino
- P: Native Hawaiian/Other Pacific Islander
- W: White
- G: No single race/ethnic group listed above made up more than 25% of the population directly benefited.

### Populations Benefited By Distinct Groups

- D: Individuals with Disabilities
- I: Individuals in Institutions (include people living in hospitals, hospices, nursing homes, assisted care facilities, correctional facilities, and homeless shelters)
- P: Individuals below the Poverty Line
- E: Individuals with Limited English Proficiency
- M: Military Veterans/Active Duty Personnel
- Y: Youth at Risk
- G: No single distinct group made up more than 25% of the population directly benefit

### Populations Benefited By Age

- 1. Children/Youth (0-18 years)
- 2. Young Adults ((19-24 years)
- 3. Adults (25-64 years)
- 4. Older Adults (65+ years)
- 5. No single age group made up more than 25% of the population directly benefited

### Arts Education

*Choose the one item which best describes the funded activities.*

- 50% or more of the funded activities are arts education directed to K through 12 students, higher education students, pre-kindergarten children, and/or adult learners (including teachers and artists).
- Less than 50% of the funded activities are arts education directed to K through 12 students, higher education students, pre-kindergarten children, and/or adult learners (including teachers and artists).
- None of the funded activities involve arts education

## Certification of Assurances & Grant Conditions for Local Government Grantees

Virginia Commission for the Arts grantees are required to be non-profit Virginia organizations and exempt from federal income tax under Section 501(a), which includes the 501(c)3 designation of the Internal Revenue code, or are units of government, educational institutions, or local chapters of tax exempt national organizations.

No part of any Commission grant shall be used for any activity intended or designed to influence a member of Congress or the General Assembly to favor or oppose any legislation.

Each Commission grantee will:

- provide accurate, current and complete financial records of each grant;
- maintain accounting records which are supported by source documentation;
- maintain effective control over and accountability for all funds, property, and other assets ensuring that assets are used solely for authorized purposes;
- maintain procedures ensuring timely disbursement of funds;
- provide the Commission, or its authorized representatives, access to the grant-related financial records.

The grantee will expend any and all grant funds only for purposes described in the application form and attachments. The grantee must request permission in writing to make changes to the proposed sub grantees, budget, schedule, program and or personnel. The requested changes must be approved in advance by the Commission.

Each Commission grantee will comply with these federal statutes and regulations:

- Title VI, Section 601, of the Civil Rights Act of 1964, which provides that no person, on the ground of race, color or national origin, shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.
- Title IX, Section 1681, of the Education Amendments of 1972, which provides that, with certain exceptions, no person, on the basis of sex or age, shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.
- Americans With Disabilities Act and Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination against persons with physical or mental disabilities in federally assisted programs. Compliance with this Act includes the following: notifying employees and beneficiaries of the organization that it does not discriminate on the basis of handicap and operation of programs and activities which, when viewed in their entirety, are accessible to persons with disabilities. Compliance also includes maintenance of an evaluation plan developed with the assistance of persons with disabilities or organizations representing disabled persons which contains: policies and practices for making programs and activities accessible; plans for making any structural modifications to facilities necessary for accessibility; a list of the persons with disabilities and/or organizations consulted; and the name and signature of the person responsible for the organization's compliance efforts. ("ADA Coordinator")

No final report is required for the Local Government Challenge Grant. Each local government will confirm in writing to the Commission that its governing board has appropriated the matching funds. Confirmation of the match must include either a copy of the appropriate page from the city's/jurisdiction's approved FY2016 budget or a copy of the check (s) to the sub-grantee (s).

The Commission will pay the grant in full after receiving this confirmation. **The deadline for this confirmation is February 1, 2016.**

In all published material (printed programs, news releases, web news, email alerts, advertisements, flyers, etc.) and announcements regarding the particular activity or activities supported, acknowledgment of the Commission must be made. A suggested phrase is "(organization or activity) is partially supported by funding from the Virginia Commission for the Arts and the National Endowment for the Arts."

This application must be signed by an individual duly authorized by the governing body of the locality to act on its behalf and submitted with every grant application made to the Commission. The signature of the individual indicates the locality's compliance with all of the grant conditions listed above.

***The undersigned certifies to the best of his/her knowledge that:***

- the information in this application and its attachments is true and correct;
- the filing of this application has been duly authorized by the governing body of the applicant organization;
- the applicant organization agrees to comply with all grant conditions cited above.

***The undersigned further certifies that he or she has the legal authority to obligate the applicant locality.***

Name of Local Government:

Name of Authorizing Official:

Title:

Signature of Authorizing Official: \_\_\_\_\_ Date:

Email of Authorizing Official:

**NOTE: Only documents with original signatures will be accepted. Do not send copies or email/fax this application.**

**MINUTES  
PURCELLVILLE TOWN COUNCIL  
REGULAR MEETING  
FEBRUARY 10, 2015, 7:00 PM  
TOWN HALL COUNCIL CHAMBERS**

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

**PRESENT:** Kwasi Fraser, Mayor  
John Nave, Vice Mayor  
Joan Lehr, Council member  
Karen Jimmerson, Council member  
Patrick McConville, Council member  
Doug McCollum, Council member  
Ben Packard, Council member

**ABSENT:** None

**STAFF:** Robert W. Lohr, Jr., Town Manager  
Patrick Childs, Assistant Town Manager  
Alex Vanegas, CPM, Director of Public Works  
Sally Hankins, Town Attorney  
Lt. Joe Schroeck, Police Dept.  
Patrick Sullivan, Director of Community Development  
Daniel Galindo, Senior Planner  
Diana Hays, Town Clerk

**CALL TO ORDER OF REGULAR MEETING:**

Mayor Fraser called the regular meeting to order at 7:00 PM

**AGENDA AMENDMENTS:**

Council member Lehr requested moving item 12)b) to a Discussion Item to allow Council to determine where to put this as a priority and get additional information from staff. The Mayor approved the request.

**PROCLAMATIONS/ANNOUNCEMENTS/PRESENTATIONS:**

- a) Presentation – Loudoun Brewery Industry – Brian Jenkins, Director of Research and Business Strategy, Visit Loudoun

Mr. Jenkins gave an overview of the brewery industry and spoke about the breweries from an economic stand point to the County, Towns, etc.

**PUBLIC HEARINGS:**

- a) Budget Amendment – FY2015 Consolidated Mid-Year Budget Amendment supporting the FY2015 Operating and Capital Improvement Program Budgets

Mayor Fraser opened the public hearing at 7:26 p.m.

Kelli Grim of 812 Devonshire Circle came forward and stated she went to Town Hall and obtained the draft documents pertaining to this issue and suggested that the revenue and expense amounts on an issue are noted so that residents know how much money is affecting them. Ms. Grim noted that she relies heavily on expanded agendas to avoid FOIA requests and appreciates having all of the background information for items and fully executed documents.

As there were no further comments, Mayor Fraser closed the public hearing at 7:29 p.m.

- b) Zoning Ordinance Amendment – Article 4, Section 10. CM-1 Local Service Industrial District

A request from Valley Energy Company of Purcellville, VA to amend the Purcellville Zoning Ordinance, Article 4, Section 10 (“CM-1 Local Service Industrial District”) to add “The above ground and below ground storage, distribution, but not refining, of petroleum and other flammable liquids, including propane and the fueling of propane fueled vehicles.” to the list of uses permitted in the CM-1 Local Service Industrial District as set forth in Section 10.2 Permitted Uses.

Mayor Fraser opened the public hearing at 7:30 p.m.

Mark Nelis of 196 N. 21<sup>st</sup> Street came forward representing Valley Energy and Hirst Road LLC owned by Bill Murphy. Mr. Nelis stated that Valley Energy provides a number of services to the residents of the Town – propane distribution, fuel, gas and diesel sales. Mr. Nelis noted it is set forth in the statement supporting the zoning text amendment, the business has grown expeditiously, including new homes and the growth of businesses as well as homes converting from fuel to propane. Mr. Nelis stated that Mr. Murphy first became aware that propane distribution was no longer a permitted use in July 2014 and noted that Valley Energy has been operating at its present location since 2000 with no complaints or notice of any violations. Mr. Nelis noted that Valley Energy is an asset to the community providing 24 hour fueling for commercial vehicles, including emergency vehicles. Mr. Nelis stated that the proposal complies with the comprehensive plan in the purpose of the CM-1 zoning district. Mr. Nelis stated that by not making change does not support a local business that has 18 employees and prevents any growth of the business. In conclusion, Mr. Nelis requested that the matter be moved forward tonight and noted that the use is compatible, and at the Planning Commission level if there is a desire from Town Council to propose a limitation of 90,000 on the propane that would fit within Mr. Murphy’s plan.

Mr. Bill Murphy of Valley Energy of 115 E. Main Street came forward and stated he has been running his business in Town since 1997. Mr. Murphy noted he also has three parcels in the Loudoun Valley Industrial Park with 25-30 employees. Mr. Murphy stated that the issue is to

be able to expand his business. The facility was constructed in 2001 and since then has operated under the same footprint. Mr. Murphy stated that Valley Energy currently fuels over 3,500 vehicles per month at the Hirst Road facility. If he were not able to service these vehicles they would need to go to Main Street. The access of off Hirst Road keeps the traffic out of the Town and provides a safe way to fuel equipment under a controlled environment. Without Valley Energy for fueling, the companies serviced by Valley Energy may consider putting in their own fuel pumps. Mr. Murphy spoke about safety and the amount of equipment he has put in and the training his employees have gone through to keep the facility safe. To the best of his knowledge over the 13 years they have never had a traffic ticket, a vehicle put out of service, an incident causing the fire department to respond to a fire, gas leak or oil spill. Mr. Murphy stated he runs a good business and are stewards of the community providing a necessary product for the businesses and residents of Purcellville. In closing, Mr. Murphy stated he needs to continue to grow the business – the demand is there and they are at full capacity. Valley Energy wants to stay in Purcellville, and he requested that the Town allow them to continue to grow the business safely.

Vern Conaway of 426 E. Loudoun Valley Drive came forward and stated that when he moved into his home in 2004 the propane service provider was located in Alexandria, which to him was not a very good situation. He noted that once he learned of Valley Energy in Purcellville, he switched providers and has zero regrets about that decision. He is very happy to have Valley Energy nearby and in case of an emergency, they can get to the home quickly. Mr. Conaway noted that now that he knows a few of the employees, his confidence level in Valley Energy is very high. They deliver a prompt and professional service. Mr. Conaway stated he is not an expert of the rules regarding safety at the Valley Energy Storage Facility but his presumption is that they maintain a professional operation and that it is an operation in full compliance with all local, state and federal regulations. He stated that given the potential to expand their business in Purcellville and surrounding areas, he fully supports them adding additional storage tanks to meet the needs of the greater Purcellville community.

Tony Jasinski of TJT Corporation, 404 Browning Court came forward stating that Valley fuel is a very important part of his business and has been a customer for as long as they have been in Town. Mr. Jasinski stated that Mr. Murphy has poured his heart and soul into the company and built it to what it is today and can't imagine a government trying to stop the growth. Mr. Jasinski stated to not go along with what Mr. Murphy is asking will be a substantial hardship that is unfair and thinks it should be passed.

Brent Mercke of Loudoun Stairs, 341 N. Maple Avenue came forward stating he is a customer of Valley Energy and depends on them for his off-site servicing for fuel on a daily basis, and it is very important to have them where they are. Mr. Mercke stated that for as long as he has known Mr. Murphy they have been an excellent company and a great asset to the Town of Purcellville, wants them to stay and have their zoning by right. Mr. Mercke stated he is sure that the Town would not want companies putting tanks on their sites when they could do it safely the way it is now.

Mark McGregor from Virginia Regional Transit at 109 N. Bailey Lane came forward and stated that when VRT located their facility in Purcellville in 2000, one of the deciding factors was the proximity of Valley Energy and not having to put fuel tanks into the ground and

administer their own fuel or have to take buses in the middle of downtown to fill several times a day every day. Mr. McGregor stated he does not want the additional burden or cost because they have to find another place or put tanks into the ground to support bus operations. Mr. McGregor stated he believes Valley Energy is an essential component and one of the reasons VRT moved to Purcellville. Mr. McGregor stated that they used to be zoned to be allowed to have a park and ride at their facility and just recently found out they are no longer permitted. VRT has a secure parking lot with lighting and restrooms and instead a new facility will be developed because the zoning changed or wasn't included and he was not aware of that. Mr. McGregor stated that a business that has been here and doing well that is safe and secure is something Council should support.

Kelli Grim of 812 Devonshire Circle came forward and disclosed she met recently with Mr. Murphy. Ms. Grim asked if everyone has read the first page of the zoning ordinance that was passed and noted that this is about the entire district along Hirst Road to Maple. She stated that Planning Commissioners did not have the luxury of the document that she obtained from staff. Ms. Grim stated that if someone doesn't like what was done, the policy is all you have to do is write a letter and asked that it be changed for the property. Ms. Grim noted that in her review of minutes from 2008, the PBA had their own meeting to talk about the input of how they felt about the changes to be done. This was charged by the Council to implement the 2006 suggestions and amendments to the Comprehensive Plan and it was determined that Hirst Road was not a place in the future where there should be a gas station. Ms. Grim stated that if Council votes yes they might as well put a sign up for a gas station on Hirst Road and Maple because that is what by right will be allowed. Ms. Grim stated for the record that on June 5, 2008 Pat Giglio wrote a letter presented to the Planning Commission addressing the Comprehensive Plan and other issues going forward for Hirst Road and what would or wouldn't be viable changes. She noted that there are a lot of impacts to putting another 90,000 gallons of fuel there including traffic and trucks.

Scott Harris of Catoctin Creek Distillery, 120 W. Main Street, came forward and stated he uses Valley Energy at Catoctin Creek Distillery and at his home and his church. Mr. Harris stated Valley Energy has done an outstanding job for him since he has been in Town. He uses their commercial fueling station for commercial vehicles. Mr. Harris referred back to the presentation earlier in the evening on breweries and stated that none of the beer can be made without propane. Mr. Harris stated he lives a half mile from the location and is not worried about the growth and noted it is a perfect spot to have propane tanks and anywhere else in Town is inappropriate.

Lydia Clark of 38111 Highland Farm Place came forward and stated her concerns about the possibility that propane storage and distribution would be considered as a use in the CM-1 district. She stated the Town should not be changing, adding, amending or deleting any zoning uses until the Comprehensive Plan review is complete. Ms. Clark stated that propane use and storage should not be adjacent or across from any residential housing – the risk is too great. She stated it should be only in an industrial area and since Valley Energy is already in existence, a special exception should be considered for their expansion – not a change in the zoning use in order for them to be in compliance with the uses. Ms. Clark noted she is a Valley Energy customer. Ms. Clark stated that as a real estate agent no one will want to live near this type of business. She stated it is said that these areas are safe but perception is reality.

With no further speakers, Mayor Fraser closed the public hearing at 7:59 p.m.

**STANDING COMMITTEE/COMMISSIONS/BOARD REPORTS:**

a) Planning Commission, Council member McCollum

- i) Council member McCollum noted that the Planning Commission met on February 5, 2015 and reviewed the uses and special uses for the AC, C-4 and MC districts and noted if anyone has a doubt about the Commissioners approach to the assignment, the prior Council tasked the Commission. The Commission first asked why the use fits within the purpose of a district and if it fits should it be permitted or special use.
- ii) At the next meeting of the Planning Commission, they will review the uses for district M-1, CM-1 and C-2.
- iii) Two Commissioners have asked whether in light of the Council's resolution passed at the last meeting directing the Planning Commission to conduct a complete review of the Comprehensive Plan and to recommend all resulting amendments to the Council no later than October 2016, the long standing review by the Planning Commission of the uses be suspended. No other member of the Planning Commission supported this view.

b) Board of Architectural Review, Council member Packard

- i) Council member Packard stated that there were no applications submitted to the BAR during January, therefore the BAR did not meet.

c) Parks and Recreation Advisory Board, Council member McConville

- i) Council member McConville stated that the PRAB is working on things for the Music and Arts Festival and asked that the Arts Committee work with Mary Litton on pulling together the arts piece for the event.

d) Economic Development Advisory Committee, Vice Mayor Nave

- i) The EDAC met February 3 and concentrated on the next steps of the tourism plan.

e) Purcellville Arts Council, Dr. Jim Wiley

- i) Dr. Wiley pointed out the paintings in Council Chambers and noted that the Purcellville Arts Council's first artist is local artist, Dana Thompson, who was in attendance at the meeting. Her art will be on display in the hallways and lobby at Town Hall for the next 90 days.
- ii) The Arts Council has recruited 16 businesses in Town and 3 nearby wineries interested in joining Arts in the Offices program and expects to have art on exhibit and for sale throughout the business community in the next few months.

- iii) The first event, Looking Blackward, a black history exhibit is the largest and most comprehensive celebration in the County. The exhibit is hosted and sponsored by the Purcellville Arts Council and features an extensive range of authentic African American historical artifacts as well as a buffalo soldier reinactor and art from native Purcellvillian, Reggie Simms. This display takes place at the Train Station Feb. 13-14 and again Feb. 20-22.
- iv) The Arts Council will sponsor an art exhibition and sales at the Loudoun Grown Expo on Feb. 14.
- v) The Arts Council is working with Mary Litton Thornton and the 501c3 nonprofit, Arts in the Valley. Together they sponsored three weekend art shows at the Train Station in October of 2014. In 2015 the Arts Council hopes to host Arts in the Valley to manage art shows every weekend from May through October.
- vi) Dr. Wiley stated that they have funded permanent improvements in lighting and hanging systems in both the Train Station and Town Hall.
- vii) To find and develop space for an arts center has not been successful primarily due to the high cost. In the near term, the search will continue. For the longer term, the Arts Council will call your attention to the most recent submission of the concept plan for the Purcellville Crossroads Boundary Line Adjustment Annexation request. Note the existing barn “is scheduled to be renovated as a public arts center”.
- viii) Dr. Wiley stated that the Arts Council and the Economic Development Committee will be working together this spring to find wall space for the painting and production of one or more appropriate murals.
- ix) The Virginia Commission for the Arts each year offers a matching grant of up to \$5,000 to any city, Town or County government in the state. The Arts Council believes the Town has fully complied with the grant criteria “to improve local resource flexibility to foster local arts coalitions and provide opportunities for local government to partner with private enterprise”. The Arts Council requests that Council authorize staff to apply for said grant. As there are March and April deadlines to meet, Doc Wiley requested action as soon as possible.
- x) Dr. Wiley stated that the Arts Council is blessed to have an extremely competent, knowledgeable, innovative and dedicated professional as their staff liaison, and noted that Melanie Scoggins is the Town’s part time events coordinator working 28 hours per week. The Arts Council unanimously recommends that in order for Melanie to handle the increased burden of working with the Arts Council that she be raised to full time status as soon as possible.

**CITIZEN/BUSINESS COMMENTS:**

Kelli Grim of 812 Devonshire Circle stated that one thing missing from the public hearing was that the property owners along Hirst Road did not comment one way or another and would like to think that anyone that has a contract relationship with any parcel owners that this would affect that they would recuse themselves in light of that.

Ms. Grim stated she is waiting on VDOT to provide some FOIA and stated previously at a meeting that there were twelve parcels noted along the 21<sup>st</sup> Street plan to narrow the road and

all of the major changes. She stated that the comments and concerns noted in the minutes from 2012, 2013 and 2014 still stand. Ms. Grim noted that two parcels belong to the Nichols, two belong to Mr. Chapman and the other parcel property owners right of ways are needed and all of a sudden nothing can be found in the records and asks how it is that the property owners have not been contacted about right of ways that are needed for the project going forward. Ms. Grim noted that it is likely that in the upcoming open session there will be a number of homeowners and business owners that will come forward with their concerns that seem to be ignored.

Ms. Grim noted that the conservation easement that is not being voted on, if you go back to June 2014, the final meeting of the previous council was a long meeting where a lot of people came forward. The residents along Glendale were very disturbed because they had never been notified. Ms. Grim stated that residents had never been presented with what would the use long term going forward for the property that was donated. She stated some of the concerns are traffic going through the community, a proposed road and parking area, buildings and a portajon. Ms. Grim suggested that the Parks and Recreation, Tree and Beautification and the Environment Committees come together with open input sessions with residents. Ms. Grim noted that the property is in the County and the County will need to provide input about it being placed in a conservation easement which has not been done.

Donna Adelman of 101 N. 28<sup>th</sup> Street came forward to speak on behalf of Mary Ellen Stover who could not attend the meeting. Ms. Adelman noted that Mary Ellen is the owner of Mary Ellen Stover Antiques at 120 N. 21<sup>st</sup> Street and relays her strong opposition to the widening of sidewalks on 21<sup>st</sup> Street because she believes this serves no reasonable purpose. Creating a narrow street will hamper busy traffic flow and will not enhance the charm of the historic business area. It will also create a hardship for existing businesses and create an additional financial burden for the citizens of Purcellville. Ms. Adelman stated that over the years the sidewalks as they are have proven more than adequate for all types of pedestrian traffic.

Matthew Gallelli of 21103 Unison Road and member of the Carver Senior Center came forward and provided the history of the Carver Center dating back to the days it was an African American school. The school was eventually shut down then reopened as a combined senior center/community center and one wing as an adult day care center. The center is used seven days a week bringing in hundreds of people age 55 and over but not exclusively as it is open to the entire community. Mr. Gallelli stated a concern that the seniors have been discussing is access via 15<sup>th</sup> Street. He noted that originally when the school was built, 15<sup>th</sup> Street was the way you got there. There was a special road made during the redevelopment of the center which is now called Willie Palmer Way, which is a small winding street that goes up the hill. Mr. Gallelli noted that the access to that is sometimes limited especially when there could be an emergency when larger emergency vehicles need access to the center. The 15<sup>th</sup> Street access was closed off and gated at the request of the landowners within the Town because they feared that there would be too much traffic, which is clearly not so. Mr. Gallelli stated that there is a safety issue in that a locked gate does not allow the emergency vehicles in if needed or emergency vehicles that need to take people away in an emergency. Mr. Gallelli stated they are making efforts to work with the County and with the Town to open up the gate due to safety concerns.

**MAYOR AND COUNCIL COMMENTS:**

**Council member McCollum** stated that on Friday, Feb. 6 he visited the black history exhibit at the Train Station and found the displays to be very impressive.

Last Wednesday, Council member McCollum attended the Board of Zoning Appeals meeting which was their first meeting since 2010. The officers were elected: Betsy Self, Chair, John Cooper as Vice Chair and Tucker Keller as Clerk.

In reference to the upcoming Citizen and Business Feedback Session, Council member McCollum asked if Council would be following the rules of order that Council adopted at its last working session, and if not Council should have an opportunity to discuss how the meeting will be conducted, including whether there will be interaction between citizens and businesses and staff or Council and whether the interaction will be recorded and transcribed.

**Council member McConville** stated his appreciation for the art at Town Hall.

Council member McConville reminded everyone that the Loudoun Grown Expo takes place Saturday from 1:00-5:00 p.m. at the Bush Tabernacle.

**Council member Jimmerson** talked about the art at Town Hall as well as the display at the Train Station for black history month.

Council member Jimmerson stated that she lives in Old Dominion Valley and her property borders Hirst Road. Council member Jimmerson supports the business and stated her concern is changing the entire district instead of one property, and has asked how one property can be accommodated without changing all of the uses. Council member Jimmerson noted that during the August 7, 2008 meeting, Mr. Nelis gave many recommendations for zoning use changes and was very active in his contributions to the changes in the Town and by not knowing that this change had occurred seemed very far-fetched. Council member Jimmerson stated that we have a Comprehensive Plan and to do due diligence to look at it and discuss it, and she has looked at plans from Loudoun and Fairfax and it seems all propane uses seem to be located in heavy industrial areas. Council member Jimmerson stated she feels the operation is safe however does not feel it belongs next to people's homes and by allowing it in the CM-1 district allows that. Council member Jimmerson is in support of finding a way to add it back in because it makes sense due to where the business is located however cannot support moving it east of Hatcher because it does not make sense according to the Comprehensive Plan and the residents that she has heard from in and around that area.

**Council member Packard** disclosed that on Feb. 4 he met with the Mayor, Mr. Chapman, Mr. Nelis and a number of staff to discuss Vineyard Square and what the vision is.

Council member Packard stated that in conversations he has had with residents they seem more concerned with the look and feel of Town and not necessarily the uses. Council member Packard noted that a lot of this may be controlled by better Board of Architectural Review guidelines that would focus on areas rather than generic over the town.

In regards to the Comprehensive Plan, Council member Packard stated that his biggest concern is the overlay area north of Town and suggested that with the number of presentations we are seeing discussing out of Town area perhaps discussion with Planning Commission that be one of the first items to move forward.

Council member Packard stated he would email to Council members the graph of action items for the community. Council member Packard noted that his concern with Town messages is that the newsletters recently referenced different deadlines for the Comprehensive Plan and that a Town message would need to be unified.

In regards to the open house on Feb. 18, Council member Packard stated he has spoken with the Town Manager and noted there will likely be staff present to answer questions.

Council member Packard stated he talked briefly with the BAR chairman and discussed looking at guidelines for different areas of Town. This would cost around \$30,000 - \$50,000 for a consultant. It is different from the Comprehensive Plan because it just affects businesses and relates to the current existing architecture. Citizen input would come in at the end.

Council member Packard noted that the appreciation dinner for committees, commissions and boards is scheduled for March 18 at 6:00 p.m.

**Council member Lehr** stated that today's PBA luncheon speaker was from the FBI and he spoke about cyber security which was very useful.

Council member Lehr stated that she spoke in front of the Planning Commission at their Public Hearing recently because she appears to be the only person who was either on Council or the Planning Commission at the time of the 2008 planning vote and the 2008 Council vote. Council member Lehr noted that Ms. Grim was correct in saying that somewhere along the line some things happened that were incorrect. Council member Lehr stated she spoke with two other Council members who were unaware that this use had been dropped. Council member Lehr noted that Mr. Nelis was at almost every meeting and for him to not have seen it does not make sense. She stated that somewhere things may have gotten taken out inadvertently. During the rezoning and the remapping those people had to be notified per the law, which took months. When they got to the text amendments, Council member Lehr stated she was under the impression that they were notifying everyone within the district where the text amendment was or where someone was going into nonconforming, which was not a legal requirement and did not happen.

Council member Lehr noted that this does meet the Comprehensive Plan and the definition of that district but safety-wise questioned how close it should be to a residential community or to a school. Council member Lehr stated that either the zoning needs changed for the entire district or find a methodology that it can be used safely.

Council member Lehr disclosed she had a conversation with Mr. Murphy today because she received a phone call from a business owner that had some concerns because of propane odor. Council member Lehr asked the business owner if they had reported the odor to the police, fire, Mr. Murphy, etc. Mr. Murphy has not received a complaint and the business owner stated they

had not filed a complaint. Council member Lehr suggested that Council find a methodology to allow something that does not belong anywhere else in Town.

Council member Lehr noted that if Council is going to have a public meeting such as one on Feb. 18, the process is that Council set it as a group rather than it just being set and asked for confirmation that it was properly advertised or treat it more like the State of the Town address. Council member Lehr suggested adding this to tonight's agenda under New Business so it can be discussed as a group.

In terms of the Comprehensive Plan, Council member Lehr stated that legally the Comprehensive Plan review does not need to start until 2016 since the last one happened in 2011 and it is a five year process. Council member Lehr noted they have been in touch with Mike Chandler and Mike has been asked to put together a proposal to do a work session with the current Planning Commission and anyone on Council that wishes to attend so that there can be a better understanding of what the process is to get through the Comprehensive Plan review and ensure everyone on the Planning Commission knows what their role needs to be.

**Vice Mayor Nave** stated that he and Council member McConville are working on their strategic initiative, Fund the Future, and are looking at the fiscal policy that the Town has. A meeting is scheduled for next week with Town staff about any ideas they may have had in the past that either didn't get surfaced or timing was off for ideas for additional revenue streams and ways to cut expenses.

Vice Mayor Nave stated time was spent making changes to the surveys based on suggestions from the last Town Council Meeting and hopes to have it distributed by Monday for review.

Vice Mayor Nave noted he has continued meeting with HOA's.

Vice Mayor Nave stated he has met with the PBA to be sure that both groups are in synch.

Vice Mayor Nave attended the Fireman's Banquet this past Saturday and noted he was impressed with the people that volunteer their time to keep the Town safe. Vice Mayor Nave recommended that Council look at ways to assist with funding the fire dept. in the future. Vice Mayor Nave thanked the staff for their work and noted their responsiveness and accuracy is important as the formulate ideas, thoughts and questions.

**Mayor Fraser** stated he attended the Volunteer Fire Dept. banquet and noted the emphasis was on sacrifice and service.

Mayor Fraser stated he has been hearing a lot of back and forth about 21<sup>st</sup> Street. Over the past week he and staff met with five 21<sup>st</sup> Street businesses individually to understand their concerns with the development. The meetings will continue over the next two weeks to ensure every 21<sup>st</sup> Street business owner is met with. Mayor Fraser stated that no time during the meetings that he has attended has he stated that this is a done deal, and has made it clear that the Council still needs to vote on the contract. The purpose of the meetings is to acquire insight from those that will be directly impacted by this effort to make sure Council makes an informed decision.

Mayor Fraser stated that the goal of the open meeting on Feb. 18 is to hear the collective concerns of the efforts on 21<sup>st</sup> Street and other major items.

Mayor Fraser stated that he attended the 83<sup>rd</sup> Certified Planning Commission Program so that in the light of the Comprehensive Plan review and zone uses, wants to be educated on the process so he can provide insight and guidance. Mayor Fraser stated that he has learned from the programs classroom and independent study materials that a fundamental flaw exists in our current approach to the zone use changes in the absence of a revised Comprehensive Plan. The course instructors clearly articulated the need to first have an updated Comprehensive Plan reflective of all citizens vision for the Town and its impacted environs, to serve as a guide to any zoning decision. Mayor Fraser stated that our Planning Commission's current approach contradicts the Planning Commission programs dictates and must be stopped now if we are to meet the needs of the citizens. Mayor Fraser stated the current approach has failed to actively involve our citizens, which is a necessary step in the process advised by the course materials and instruction. After multiple requests to illustrate how each of the proposed changes are aligned with the Comprehensive Plan and future impacts shows lack of a plan and strategy around the proposed changes. Mayor Fraser quoted Peter Drucker "the act of planning is conscientiously recognizing the futurity of present decisions". Presented to attendees the first day of the CPC program, Mayor Fraser stated that this quote captures the essence of effective planning. Mayor Fraser stated that the seriousness of this matter is fully supported by an excerpt from Donald Elliott's 2008 book, page 212, *A Better Way to Zone*, which was presented in the course: "Zoning was invented to protect citizen's quality of life in their neighborhoods and their property values. Anyone who attempts to craft a zoning solution without good public discussion deserves to have their motives questioned. The most dysfunctional zoning reform efforts I have watched are those where the city sets out to negotiate with a hand-picked interest group about a technical solution to a specialized problem and intended to inform the public about the outcome when those discussions were over. The best reform efforts have had citizens at the table – the same table with other stakeholders – throughout the process. Involving citizens has a leveling impact on technical discussions preventing them from becoming narrow, polarized discussions where defensive thinking becomes the norm. Incidentally it turns out the citizens regularly have good ideas about possible solutions, even on technical topics. Not only is it growing them unethical but it wastes one of your good problem solving resources". One additional fact – Albert Sonit's book, *The Job of the Planning Commissioner*, states on page 5: "Thus the Oregon Supreme Court found in *Baker vs. City of Milwaukee* 1975 that since the city had adopted a plan it was required to zone in accordance with that plan so that the plan would not be frustrated. The court ruled that the plan as the constitutional document for land use planning is superior to zoning regulations".

Mayor Fraser stated that after listening to the audio of the last Planning Commission meeting, he feels that clarification to the Planning Commission is clearly needed. Mayor Fraser stated that this Town Council has never voted to direct the Planning Commission to continue with the two year effort regarding the zoning use changes, and what should be occurring is directing all of our resources to complete the Comprehensive Plan review. Then to approach the zone use changes in an assessed and managed fashion with full citizen engagement and participation. Mayor Fraser stated he views the current path as directionless and urges fellow Council members to apply the brakes to zoning use changes and to accelerate the Planning Commission on the Comprehensive Plan.

**CONSENT ACTION ITEMS:**

None

**ACTION ITEMS:**

- a) Extension of Fireman's Field Lease

Rob Lohr noted that included with the staff report is the requested extension from the County allowing the Town and County to continue discussions on the most advantageous lease. This is the first opportunity to negotiate the lease in 29 years since the Town purchased the property and inherited the lease from the Fire Department.

Council member McCollum clarified that the date of the lease extension is July 31, 2015. Rob Lohr confirmed.

Vice Mayor Nave asked that if needed, could another lease extension be granted. Rob Lohr confirmed that it could be however does not believe it will be needed.

Council member Lehr made a motion that Town Council adopt the attached lease extension with Loudoun County which extends the current Fireman's Field lease through July 31, 2015.

Motion: Council member Lehr  
Second: Council member Packard  
Carried: 7-0-0

Lehr - Aye  
Packard - Aye  
Nave - Aye  
Jimmerson - Aye  
McConville - Aye  
McCollum - Aye  
Mayor - Aye

**DISCUSSION/INFORMATIONAL ITEM:**

- a) Deed of Conservation Easement on Land Donated to the Town by Beverly MacDonald Chiasson

By a request from Council member Lehr, Sally Hankins handed out an updated map that shows adjoining property owners around the Town's property. Sally stated that directive was given in June from the outgoing Council to meet with property owners in the area to discuss the terms of the conservation easement that the Town would put on the 15 acres. Given the priorities that were established by new Council, this was not done, however staff is now looking for that direction to be ratified or that this project be deferred. Sally updated the report stating that there are two roadways that the map shows. The lots outlined in yellow are the properties that have

been donated to the Town with the exception of lots 36, 39, 42 and 45 which are all fronting on what used to be the right of way access easement. Last October, the two roads that have the potential to access the Town's property, were sold from the Moorcones family to a new entity who had discussions with Rob before the purchase to talk about some issues they would like to clear up. Sally stated that she would like to add to the recommendation that regardless of whether the Town pushes through the conservation easement or not at this time that the title and access issues are resolved.

Council member Lehr stated she is not concerned with getting into conservation easement but thinks Council needs to decide what to do with the property, and noted that it was given to the Town under the name of Bowman Park and is to be more of a nature park. Council member Lehr stated concerns about the lack of access to the property and suggested meeting with Nature Generation and see if they have recommendations for the property.

Council member McConville noted that the access does need clarified and stated that the side road was intended for the purpose of serving the lots that were given to the Town, and the easement gives the Town access to all of it. Council member McConville invited citizens to provide their ideas on what to do with the property.

Vice Mayor Nave noted that one of the residents in the subdivision was a former County employee whose profession was this and offered to help the Town navigate through this and recommended that the Town reach out to them. Sally confirmed that no outreach has been done since the meeting in June of 2014.

Council member Packard stated he does not feel the Town is ready to establish the easement but is in support of handling the title issues as long as it does not interfere with other existing projects. Sally stated that it would make sense to postpone it until after the events ordinance is finalized however may want start outreach. Council agreed that Sally should proceed with clearing the title issues and will provide a report to Council at the March 24 work session.

### **OLD BUSINESS:**

- a) None Scheduled

### **NEW BUSINESS:**

- a) Citizen and Business Feedback Session

Mayor Fraser stated that the goal of the meeting on February 18 is an opportunity to open Town Hall to the residents so they can come in and ask questions outside of public hearings and citizen comments portion of meetings.

Council member Packard stated that the idea is to have the meeting informal with maybe two Council members in attendance and to not necessarily intend for the meeting to be recorded or an official Town meeting but more of an open house.

Rob Lohr noted that in comparison with other communities, a lot of times the meetings are run by staff and that there are no reporting or recording requirements. The staff's thought was to make it an informal meeting where Council sits at the dais with no structured environment and everyone is given the opportunity to speak and that all Council attend because of the division of task work. Rob recommended that the meeting be recorded so that the Town has a document in case Council wants to go back and listen to any questions.

Mayor Fraser stated that one of the key outcomes he would like to see from the meeting is citizen engagement and noted that he has seen this done before that the leader(s) of the meeting would be in the front of the room and responding to each question that was written in advance and then take questions from the audience.

Council member Lehr noted that each Council member may have a different answer to a question and should figure out a methodology to provide those different answers.

### **DISCUSSION/INFORMATIONAL ITEMS**

- a) Community Development Monthly Report

Council had no questions or comments about the report.

Council member Jimmerson announced the ribbon cutting for Starbucks is scheduled for February 21.

### **APPROVAL OF MINUTES:**

Council member Packard made a motion to approve minutes of the January 27, 2015 Town Council Work Session as submitted wave reading.

Motion: Council member Packard

Second: Council member Lehr

Carried: 7-0-0

### **CLOSED SESSION**

Council member Packard made a motion that pursuant to § 2.2-3711(A)(7) of the Code of Virginia, as amended, the Purcellville Town Council go into closed session to consult with the Town Attorney regarding a specific legal matter requiring the provision of legal advice, specifically, legal advice related to the development rights attached to the Vineyard Square project.

The following individuals are requested to attend the closed meeting:

- 1) All Town Council
- 2) Robert W. Lohr, Jr., Town Manager
- 3) Patrick Childs, Assistant Town Manager

- 4) Pat Giglio, Chairman, Board of Architectural Review
- 5) Patrick Sullivan, Director of Community Development
- 6) Daniel Galindo, Senior Planner
- 7) Sally Hankins, Town Attorney

Motion: Council member Packard  
Second: Council member Jimmerson  
Carried: 7-0-0

Lehr - Aye  
Packard - Aye  
Nave - Aye  
Jimmerson - Aye  
McConville - Aye  
McCollum - Aye  
Mayor - Aye

Council member Packard made a motion that the closed meeting be adjourned and that the Purcellville Town Council reconvene in a public meeting and that the minutes of the public meeting reflect that no formal action was taken in closed session.”

Motion: Council member Packard  
Second: Council member McConville  
Carried: 7-0-0

Lehr - Aye  
Packard - Aye  
Nave - Aye  
Jimmerson - Aye  
McConville - Aye  
McCollum - Aye  
Mayor - Aye

Council member Packard made a motion that the Purcellville Town Council adopt Resolution 15-02-01 certifying the closed meeting of February 10, 2015.

Motion: Council member Packard  
Second: Lehr  
Carried: 7-0-0

Lehr - Aye  
Packard - Aye  
Nave - Aye  
Jimmerson - Aye  
McConville - Aye  
McCollum - Aye  
Mayor - Aye

Mayor  
Kwasi A. Fraser

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



Town Manager  
Robert W. Lohr, Jr.

Assistant Town Manager  
J. Patrick Childs

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**TOWN OF PURCELLVILLE  
TOWN COUNCIL**

**RESOLUTION NO. 15-02-01**

**PRESENTED: FEBRUARY 10, 2015  
ADOPTED: FEBRUARY 10, 2015**

**A RESOLUTION: CERTIFYING THE CLOSED SESSION ON  
FEBRUARY 10, 2015**

**WHEREAS,** the Purcellville Town Council of the Town of Purcellville, Virginia, has this day convened a closed session in accordance with an affirmative-recorded vote of the Purcellville Town Council and in accordance with the provisions of the Virginia Freedom of Information Act.

**NOW, THEREFORE, BE IT RESOLVED** that the Purcellville Town Council does hereby certify that to the best of each member's knowledge, 1) only public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act were discussed in the closed session to which this certification applies; and 2) only such public business matters as were identified in the Motion by which the said closed session was convened were heard, discussed or considered by the Purcellville Town Council.

**PASSED THIS 10<sup>TH</sup> DAY OF FEBRUARY, 2015.**

  
Kwasi A. Fraser, Mayor  
Town of Purcellville

**ATTEST:**

  
Diana Hays, Town Clerk

**ADJOURNMENT:**

There being no further business, Council member Packard made a motion to adjourn the meeting at 9:58 PM.

Motion: Council member Packard  
Second: Council member Lehr  
Carried: 7-0-0

\_\_\_\_\_  
Kwasi A. Fraser, Mayor

\_\_\_\_\_  
Diana Hays, Clerk of Council