



**AGENDA
PURCELLVILLE TOWN COUNCIL MEETING
JANUARY 10, 2017, 7:00 PM
TOWN HALL COUNCIL CHAMBERS**

- 1. CALL TO ORDER OF REGULAR MEETING** (Mayor Fraser)
- 2. PLEDGE OF ALLEGIANCE**
- 3. INVOCATION** (Mayor Fraser)
- 4. SUMMARY OF MOTIONS** (*provided separately*)
- 5. AGENDA AMENDMENTS/APPROVAL** (Town Council and Staff)
- 6. PROCLAMATIONS/RECOGNITIONS**
 - a. Recognition – Dr. James Wiley and Mrs. Betty Wiley
 - b. Recognition – LVHS Boys Cross Country State Champions
 - c. Proclamation – National School Choice Week (Mayor)
 - d. GFOA FY17 Budget Award (T. Angus)
- 7. PUBLIC HEARINGS**
 - a. RZ16-01 – Remapping the Floodplain (Overlay) District
 - b. OA16-03 – Zoning Ordinance Text Amendment to Revise the Floodplain (Overlay) District

(*Information forthcoming in a supplemental agenda*)
- 8. PRESENTATIONS**
 - a. None
- 9. STANDING COMMITTEE/COMMISSION/BOARD REPORTS**
 - a. Planning Commission (T. Stein, Chairman/K. Grim, Council Liaison)
 - b. Purcellville Arts Council (Liz Jarvis, Chair/D. McCollum, Council Liaison)
 - c. Board of Architectural Review (Pat Giglio, Chairman/N. Ogelman, Council Liaison)
 - d. Parks and Recreation Advisory Board (Eamon Coy, Chairman/R. Cool, Council Liaison)
 - e. Economic Development Advisory Committee (Daniel Abramson, Chairman/C. Bledsoe, Council Liaison)

10. CITIZEN/BUSINESS COMMENTS

(All citizens who wish to speak will be given an opportunity. Limits will be imposed on all speakers. All speakers should sign up prior to speaking. Town residents will be given the first opportunity to speak.)

11. MAYOR AND COUNCIL COMMENTS

12. DISCUSSION/INFORMATION ITEMS

- a. Personnel Update and Budgeted Vacancies (D. Davis/S. Rauch) (pgs. 3-8)
- b. Sewer Backup Policy Program (A. Vanegas) (pgs. 9-24)
- c. Paper of Record and Legal Advertising for the Town of Purcellville (R. Lohr) (pgs. 25-28)

13. ACTION ITEMS

- a. Allder School Road Watermain Replacement* (A. Vanegas) (pgs. 29-31) (Motion pg. 31)
- b. Ordinance 16-12-03 – Amending Town Code to Create a Barment Program* (C. McAlister/J. Schroeck) (pgs. 33-37) (Motion pg. 34)

14. DISCUSSION OF ITEMS PROPOSED FOR FUTURE PRESENTATIONS / RECOGNITION

- a. None

15. APPROVAL OF MINUTES

- a. December 13, 2016 Town Council Meeting (pgs. 39-78) (Motion pg. 39)

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.



STAFF REPORT
INFORMATION ITEM

Item # 12.a

SUBJECT: Personnel Update and Budgeted Vacancies

DATE OF MEETING: January 10, 2017

STAFF CONTACTS: Daniel C. Davis, Assistant Town Manager
Sharon Rauch, HR Manager

SUMMARY and RECOMMENDATIONS:

In the Fiscal Year 2017 (FY17) budget, the Town Council approved enhancements of 4.20 FTEs (Full-Time Equivalents) in 5 separate positions. As of this time, two of the positions have been filled, two have been advertised but are unfilled, and one is being prepared for advertising the vacancy. This report provides an overview of those positions and other vacancies within the Town government.

BACKGROUND:

With the adoption of the FY17 budget, the total approved FTEs for the Town government, across all funds, is 79.30. For reference, while full-time employees are calculated as a 1.00 FTE (40 hours/week), part-time employees work generally 10-28 hours per week (0.25-0.70 FTE). The total number of budgeted and approved positions is currently 87, with 9 vacancies. The Personnel Update for January 2017 is attached.

In the FY17 budget, 5 positions were approved – 3 full-time and 2 part-time. A detailed description of each of these enhancements is provided below. Those positions are:

- Police Department – Business Manager (Full-Time, filled August 2016)
- Public Works – Maintenance Worker (Full-Time, filled November 2016)
- Public Works – Assistant Director (Full-Time, vacant and preparing recruitment)
- Administration – Paralegal (Part-Time, recruitment active but pending)
- Parks/Recreation – Events Specialist (Part-Time, recruitment active but pending)

In addition to these vacancies, the remaining 6 vacancies include:

- Administration – Special Asst. to Town Manager (Part-Time, vacated July 2016)
- Administration – Office Associate/Receptionist (Part-Time, up to two positions)

- Police Department – Police Officers (Full-Time, one vacancy and one pending retirement)
- Public Works – Administrative Associate (Full-Time, vacated January 2017)
- Water Treatment Plant Trainee (Full-Time)

A full list of recruitment activities over the past six months is also provided below.

ENHANCEMENT POSITIONS:

These enhancements were approved in the FY17 budget. The descriptions provided below were included in the proposed and adopted budget, with additional information provided as necessary.

Police Department – Business Manager (Full-Time, filled August 2016)

This enhancement is for a full time Office/Business Manager, which would manage the administrative portion of the day to day operations and serve as the accreditation manager for the Police Department. This would allow greater continuity and oversight in the Department. This position would be responsible for office function duties, recruitment of personnel (including background investigations of recruits), overseeing records management, point of contact for IT related issues, and supervision of civilian staff. This will allow sworn officers and Command staff to spend more time for patrol work, community engagement, policy development, and department management.

Public Works – Maintenance Worker (Full-Time, filled November 2016)

This enhancement is for a full time position to handle the ongoing day to day maintenance duties required to maintain properties. Considerable time is spent at Town Hall due to its unique characteristics, and ongoing maintenance of all facilities is necessary to protect the long-term investment of our physical infrastructure.

Public Works – Assistant Director (Full-Time, recruitment pending)

This enhancement is for a full time position needed to improve the responsiveness to the community and expectations associated with the existing workload. Time required to respond to citizens, Town Manager, and Town Council as well as requests from other departments for data will continue to increase based on new deliverables, special projects, researching information and new regulatory and reimbursement requirements.

Administration – Paralegal (Part-Time, recruitment pending)

This enhancement is for a part-time position (24 hrs./week) to assist the Town Attorney with heavy workload. The paralegal will handle routine items (such as contract and lease issues) and support daily operations of all departments. The position establishes a much needed document tracking process for record tracking/retention. Items not logged or tracked create a liability for the Town and can result in possible litigation. In addition, there are some important code updates that are legally necessary to keep the Town in compliance. We are currently operating on many outdated codes which creates another liability to the Town. The Office of the Town Attorney has also had a recent addition to the already heavy workload due to the retirement the Special Assistant to the Town Manager. This position was described in more detail at the December 8, 2016 Council Meeting.

Parks and Recreation – Events Specialist (Part-Time, recruitment pending)

Originally proposed as converting an existing part-time staff member to full-time, it was determined that the Town would be better served by two part-time staff members, allowing for a better division of duties. Not having to provide benefits for a full-time staff member results in savings that allows the Town to fill this new position with a part-time person. This position will help with the administration of event activities, including managing requests for Special Events (required under the Events Ordinance), coordinating logistics for Town events, and supporting Council Advisory Groups as necessary. Based on current workload of the Parks and Recreation Division, the additional staff person will allow the Division Manager to work more closely on Council requests and projects, Advisory Group projects and activities, overall planning, and development of additional amenities.

RECRUITMENT ACTIVITY:

- **Special Assistant to the Town Manager to replace Marty Kloeden (retirement):**
 - Not currently recruiting
- **Payroll Specialist to replace Jenny Austin (retirement):**
 - Hired Debbie Leuck
- **Water Treatment Plant Trainee to replace Tyler Jobe:**
 - Currently recruiting
- **Assistant Superintendent-WTP to replace William Shifflett**
 - Promoted Bernie Snyder
- **WTP Operator (2 positions) to replace Carpenter and backfill for Snyder promotion**
 - Hired Frank Spitzer and James Kelly

- **Budget Specialist to replace Debbie Capitan:**
 - Hired Tom Angus
- **Administrative Assistant-PD to replace Kitty Dugay (retirement)**
 - Hired Christa Kermode
- **Police Officer to replace Jessica Aydelotte**
 - Hired Eric Bridge
- **Police Sergeant (2) to replace Kelly and Dinkins**
 - Promoted Ryan Vasconi and Clark McDaniel
- **Police Officer (3*) to backfill Promotions to Sergeant**
 - Hired Jeremy Boyd – start date 1/5/17
 - Hiring New Recruit – expected start date within two weeks
 - *Actively recruiting to replace Rick Costello due to April retirement
- **Public Works Operations Coordinator to replace Jennifer Noel**
 - Promoted Sheryl Hood
- **Paralegal**
 - Advertisements placed and applications received; recruitment on hold pending further direction from Council
- **P/T Events Specialist**
 - Advertisements placed and applications received; recruitment on hold pending further direction from Council
- **P/T Receptionist to replace Christa Kermode**
 - Ad placed 1/4/17; position has been a rotation of 4 persons to provide maximum flexibility. Recently been filled with only 3 persons due to resignation in August of Ann Wilson but would prefer to fill with 4 persons.
- **Public Works Administrative Associate to replace Sheryl Hood**
 - Internal recruitment

CONCLUSION:

Staff feels that the enhancements as proposed and approved by the prior Council are very important to a successful and effective government operation. Staff requests guidance from Council on next steps for filling vacancies of the newly approved positions.

TOWN OF PURCELLVILLE
Personnel Update - As of January 5, 2017

	Headcount	Full-time Equivalent (FTE)
Total Budgeted Positions:	87	79.3
Total Filled Positions:	78	
Total Current Full-time EEs:	68	
Total Current Part-time EEs:	10	
Total Current Employees:	78	
Total Open Full-Time Positions:	4	
Total Open Part-Time Positions:	5	
New Hires	0	

OPEN POSITIONS

ADMINISTRATION

Position Title	Budget	Filled/Vacant	Status
Paralegal	New	Vacant	Pending
Office Associate/Receptionist (2)	Replace	Partially Filled	Recruiting
Special Asst. to Town Mgr.	Replace	Vacant	Pending

FINANCE

No openings

COMMUNITY DEVELOPMENT

No openings

POLICE DEPARTMENT

Position Title	Budget	Filled/Vacant	Status
Police Officer (2)*	Replace	Pending	Recruiting

**Proactively recruiting for 1 vacancy and pending retirement of Cpl. Costello*

INFORMATION TECHNOLOGY

No openings

PARKS AND RECREATION

Position Title	Budget	Filled/Vacant	Status
P/T P&R Assistant	New	Vacant	Pending

PUBLIC WORKS/ADMINISTRATION

Position Title	Budget	Filled/Vacant	Status
Asst. Director-Public Works	New	Vacant	Developing Recruitment
Administrative Associate	Replace	Vacant	Internal Recruitment

PUBLIC WORKS/ENGINEERING

No openings

PUBLIC WORKS/MAINTENANCE

No openings

PUBLIC WORKS/WATER

Position Title	Budget	Filled/Vacant	Status
Water Operator-Trainee	Replace	Vacant	Recruiting

PUBLIC WORKS/WASTE WATER

No Openings



STAFF REPORT
DISCUSSION ITEM

Item #12b

SUBJECT: Sewer Backup Policy Program

DATE OF MEETING: January 10, 2017

STAFF CONTACT: Alex Vanegas, Director, Public Works

SUMMARY and RECOMMENDATIONS:

The purpose of this report is to provide guidance:

- To establish a policy that is fair and objective.
- To resolve when the Town should pay for costs associated with sewer backups.
- To develop a Sewer Prevention Backup Program.
- To identify the changes, if any, needed to existing Town policies and ordinances.

To be consistent with industry standards and neighboring jurisdictions, staff is recommending that policy be modified to contain the Town's responsibility of any sewer backups to the sewer main only.

BACKGROUND:

In the following paragraphs we will identify the existing Town of Purcellville policy and the way other local municipalities handle sewer backups. We also asked other local municipalities if they have maintenance responsibility for the sewer main only or maintenance responsibility for the sewer main and the section of sewer lateral between the property line/cleanout (CO) and the main. In addition, we contacted other local municipalities to determine when they paid for damages associated with a sewer backup and if they had a program in place to help minimize the number of sewer backups and the costs associated with a backup.

Current TOP sewer lateral maintenance policy:

- The current revision of the Town of Purcellville's Water and Sewer Lateral Maintenance Policy was adopted on March 10, 2009. It states that the Town is responsible for the sewer lateral from the property line to the main provided that the sewer main is located in the public right-of-way and no further than 50 feet from the property line. In the event that the line is an older line that travels across private property or is further than 50 feet in the public right-of-way, the following items must occur before the Town will accept responsibility:
 - The Town has documentation from internal files or the property owner's records that the line was formally dedicated and accepted by the Town of Purcellville for maintenance.
 - All easements are recorded allowing the line to cross public right-of-ways and private property.
 - Verification that this line is not a privately maintained line and is the responsibility of the property owner for maintenance.
- Property owners are responsible for the sewer lateral from the property line to the connection in the home or business. If it is demonstrated that a blockage is on the property owner's portion of the sewer lateral, the property owner is responsible for the repair of the lateral and for cleanup. In addition, property owners are responsible for any blockages or breakages that occur on the Town's maintained section of the lateral if the homeowner's or occupant's negligence including inappropriate disposal of solids or non-water soluble items through the sewer system, or inappropriate activities by the homeowner or occupant occur near the lateral which has compromised the performance of the lateral. If the town has already completed repair work, the town can require reimbursement from the homeowner.
- The Town's Water and Sewer Lateral Maintenance policy was first written and accepted on 3/11/1997. The policy was revised 4/8/2003 but the wording for section #2 of the current policy did not change. When the policy was revised again

3/10/2009, the current revision used today, the wording for section #2 did not change once again.

- What this means is that the Town has been responsible for the maintenance of the portion of sewer lateral from the property line/cleanout (CO) to the main since at least 1997 when the Water and Sewer Lateral Maintenance Policy was first written and accepted by the Town. I did not research any further back to determine if this practice was in place prior to 1997. I only investigated the formation of the Water and Sewer Lateral Maintenance Policy.
- The policy has also resulted in the Town obtaining easements around the clean outs and on the section of lateral between the main and clean out if the clean out is not located in the public right-of-way or public easement.
- Most municipalities that were contacted take responsibility for the **sewer main only** and not for any portion of the sewer lateral or CO. Staff has listed the municipalities that were contacted and the portion of the sewer lateral they are responsible for:
 - Purcellville-Responsible for the section of the lateral between the property line/CO and the sewer main, see policy above
 - Round Hill-Responsible for sewer main only
 - Leesburg-Responsible for sewer main only
 - Loudoun Water-Responsible for sewer main only
 - Berryville-Responsible for sewer main only
 - Fairfax County-Responsible for sewer main only
 - Fauquier County-Responsible for sewer main only
 - Stafford County-Responsible for sewer main only
 - Prince William County-Responsible for the section of the lateral between the property line/CO and the sewer main, same as Purcellville.

VML Insurance:

- In determining if and when the Town should pay for costs associated with a sewer backup and in identify what changes if any need to be made to the Town's current Water and Sewer Lateral Maintenance Policy we contacted our representative with the Virginia Municipal League (VML) Insurance Program. We did this to determine what VML's policy includes when the Town makes an insurance claim due to a sewer backup. We were referred to Mr. Chuck Finley, the Director of Property Claims, and he explained the limits of our policy. VML also sent us a sample sewer backup prevention program packet that the Town could use/reference when developing or making changes to our policy. Currently the Town has a Water and Sewer Lateral Maintenance Policy and an Emergency Sewer Blockage/Leak Response SOP but not a Sewer Backup Prevention Program. Additional information Mr. Finley provided in our conversations includes:
 - The government insurance coverage started around 2000.
 - Mr. Finley has been with them since November 2001.
 - Initially they offered "General Liability" coverage only.
 - In July 2001 they started offering "No Fault" coverage.
 - During the period of time Mr. Finley has worked for VML they have only covered sewer backup incidents if they occurred in the sewer main. They do not cover any type of incident in a lateral. They view the lateral as private property, even if it is in the public right-of-way, see attachment 2.
- VML offers General Liability Coverage which the Town's policy includes:
 - The Town has \$1,000,000 coverage per occurrence
 - The incident has to have happened in the main (they do not cover any type of incident in any portion of the lateral).
 - 95% of the time the Town is NOT covered under "General Liability," the town has to be legally liable for the incident to be covered.

- An example of when we would be covered under “General Liability” is if the Town knew about a situation/problem in our sewer system and did nothing about it to correct the problem.
- The Town should keep a good record when documenting their maintenance program to help with this determination. If the Town had been maintaining the line on a regular basis the claim would not be reimbursed under this category but under “No Fault” see below.
- VML offers No Fault Coverage which the Town’s policy includes:
 - The town has \$10,000 coverage per occurrence/incident, NOT per resident.
 - Designed for a sewer backup when the Town is NOT liable.
 - The incident has to have happened in the main (they do not cover any type of incident in any portion of the lateral).
 - An example of an incident covered under “No Fault” is fats, oil and grease (FOG), roots and Infiltration and Inflow (I&I).
 - The claim reimbursement would come from this category even if the town has been regularly maintaining the line. But once again the clog needs to be in the main and not the lateral for a reimbursement to occur.
 - Most reimbursements fall into this category for costs associated with the cleanup and damages of a sewer backup on their property.

How Other Municipalities Pay for Sewer Backups:

- The *Town of Leesburg* submits claims to VML for the cleanup and damages caused by sewer backups. They have received monies from both the “General Liability” and the “No Fault” category from VML in the past. They take responsibility for the **sewer main only** so they are only requesting for reimbursement when the backup is caused by an issue in the sewer main.
- *Loudoun Water* very rarely pays for the cost of the cleanup and damage after a sewer backup because they consider themselves **not liable**, see insurance

description above. They used to submit more claims in the past and would receive insurance payments from the “No Fault” category. They have stopped this practice and only submit a claim if they feel it falls into the “General Liability” category, which is only 5% of the time.

- *Fairfax County* said in the past they have always paid for cleanup and damages to the resident or business if the sewer backup was caused by a problem in the sewer main. It is **not** their policy to pay for any cleanup or damages if the backup is due to an issue in any part of the lateral because they are not responsible for the maintenance of any part of the sewer lateral. However, they are starting to take a closer look if the sewer main is routinely maintained and the blockage in the sewer main is caused by FOG or roots. This is because if they are routinely maintaining their lines, these are not conditions that would make them liable to pay for cleanup and damages caused by a sewer backup and therefore VML would not reimburse the municipality under the “General Liability” category. The claim would have to be paid under the “No Fault” category and the municipality is submitting fewer claims that would fall under the “No Fault” category.

ISSUES:

As mentioned above VML sent a sample Sewer Back-up Prevention Program packet. Staff has taken these documents we received from VML and changed them to be used by the Town of Purcellville as our Sewer Backup Prevention Program, see attachment 3. This sample program is written under the assumption that the Town’s responsibility is only for the sewer main and the property owner is responsible for the entire sewer lateral from the main to the connection in the home or business. This is because VML does not pay for cleanup costs and damages associated with a sewer backup in a sewer lateral. However, the way this new Sewer Backup Prevention Program is written is NOT in accordance with our current Town of Purcellville Sewer Lateral Maintenance Policy. Therefore if we incorporated these documents as part of our Town policy and program we will need to change the existing sewer lateral policy.

BUDGET IMPACT:

The out of pocket expense of sewer back-ups paid by the Town over the past decade was approximately \$114,788.74. If the Town had revised the Sewer Back-up Policy to cover only the sewer main as the portion of the Town's responsibility then the cost would have been only \$14,811.00. This would have resulted in a cost savings of \$99,977.40 over the past decade. See Attachment #2.

MOTION:

"I move that the Purcellville Town Council adopt Sewer Back-up Prevention Program dated January 3, 2017 and direct staff to modify the Town of Purcellville Sewer Lateral Maintenance Policy to change the Town's responsibility from (the section of the lateral's clean out to the main) to (the sewer main only)."

ATTACHMENT:

1. Sewer Back-up Prevention Program (dated January 3, 2017)
2. Sewer Back-up Costs 2006-2016
3. TOP Back-up Investigation Report
4. What to do if you have a Sewer Back-up
5. Non-Waiver of Defense Agreement
6. Property Owner Instructions



Sewer Back-up Prevention Program

January 3, 2017

DRAFT

I. Purpose

This program has been developed in an effort to reduce the number of sewer back-ups and minimize both the resource of time and expense associated with sewer back-ups. These efforts should lead us towards meeting compliance with applicable regulatory guidelines and reducing the number and severity of sewer back-ups.

II. Policy Statement

The Town of Purcellville believes that a prompt, effective response to sewer back-ups is an essential element of its overall objective to provide efficient and effective services to the community. To this end, management will provide the leadership, commitment, support, and resources necessary to implement and maintain the Sewer Back-up Prevention Program. Regardless of where and why backs up occurs, we will advise the parties involved as to their responsibilities and provide suggestions as to whom to contact and how they should handle needed repairs and cleanup. *If it is determined that the blockage originated in the main lines, the Town of Purcellville will respond in accordance with all applicable laws, policies and practices.* All sewer back-ups that occur in sewer laterals serving a property will be the responsibility of the property owner.

III. Introduction

Sewer back-ups create a stressful and emotional situation to all affected parties. Potentially, it may cause health and safety exposures as well as significant property loss. Proper responses to sewer back-ups can minimize losses from negative health effects and property damages, as well as help protect the assets and reputation of the entity. Each situation will be unique and may require slightly different responses. However, there are universal principles that may be applied to all situations.

The best risk management practice for sewer back-ups is to **prevent them from occurring**. Even in the best-run system, back-ups will occur – the goal then becomes **containment**. Therefore, good risk management control encompasses two primary goals:

Prevention - establishes **pro-active** policies and procedures designed to reduce the frequency of occurrences.

Containment - accomplished by establishing policies and procedures to minimize cost, conserve assets and protect the reputation of the Town of Purcellville.

IV. Prevention

The Town of Purcellville has a duty to use reasonable care in maintaining its sewers. Even in well-managed organizations, back-ups may occur because of improper actions of users, vandalism, and infiltration of sand/silt, root growth or unforeseeable sewer line problems.

Program coordinator will explain program requirements and responsibilities to all management and supervisory personnel determine status of implementation, provide input and assistance wherever needed.

Evaluation and Identification of Exposures

1. Frequency of sewer line maintenance will be determined, based on actual experience. Chronic problem areas where grease, debris, roots, etc. have caused back-ups should be identified. These areas will be cleaned twice a year for the first year and if there are no further problems, it will be cleaned once the second year and return to the normal schedule the third year. Management and field supervisors should meet periodically to develop action plans to prevent recurring back-up problems.
2. Based on manpower, size of system and capability of equipment, establish an overall goal of cleaning the entire system within a certain time frame, such as, every 3, 4, or 5 years. A combination of mapping, color-coding, videotape, and documentation of complaints will be utilized to prioritize needs for preventative maintenance and future upgrades.
3. As with cleaning schedule, an inspection schedule should also be developed to insure that all parts of the system are inspected within an appropriate time frame.
4. The Town of Purcellville will maintain the lift stations annually using specific maintenance that is reasonable and recommended. A qualified electrician will inspect and maintain the electrical components of the lift stations. The flow meters at the lift stations will be checked on a daily basis to ensure that they are working properly and to detect any problems in the system.

Preparing to Respond

1. Develop appropriate forms for documentation, such as, telephone complaint log, field response report, and permission to inspect form and other documentation as required by the situation.
2. Designate specific personnel to receive and handle sewer back-up calls. This person or persons should be selected based on prior experience with customer complaints, relative training and/or education. Have someone “on call” at all times (24 hours/7 days). All complaints will be documented on the complaint log indicating date time, name of caller, location, specific complaint, recommended action, and to whom referred.
3. Designate a specific “response team” to physically respond to sewer back-up calls. Train these employees on proper procedures, such as, what to say and not to say. This response team should have ready access to appropriate equipment for determining the problem and completing repairs as needed.
4. Designate one or more crews to pro-actively provide (1) routine inspections in accordance with established inspection schedule and (2) provide jetting, rodding and repairs, also in accordance with established schedule. Make sure that these crews have proper equipment and training with regard to their specific tasks. Smaller organizations may have only one crew, composed of individuals who are cross-trained in several job descriptions.
5. Develop list of local plumbing companies and service contractors. To avoid showing favoritism, most companies listed in the phone book should be included. Avoid recommending specific companies or indicating “the best company”.

Reducing Exposures

1. An on going “public information and awareness campaign” should be implemented. Information should be distributed by means of placing pamphlets in literature racks, bill stuffers, public service announcements, etc. This campaign should educate citizens as to the causes of sewer back-ups and appropriate preventative action.
2. Periodically inform users that no matter how diligent the Town of Purcellville is a risk of back-flow always exists and that a check valve will reduce the likelihood of damage. Also, periodically inform sewer users of the appropriate steps needed to keep their check valves operating properly.

V. Containment

Receiving the Call

1. Gather all available facts/determine the following: location, name of caller, phone number, time, date, nature of problem, what has been done so far, what people or property is at risk,

etc. Show sympathy but remain calm and professional. Have someone on call “twenty-four – seven”.

Field Response

1. All actions by the response team must be documented, showing the date, time and specific action taken during the initial response and subsequent follow-up visits.
2. The initial response will vary greatly depending on the equipment available and the facts of the situation. Meet the caller/user and tell them what you will be inspecting (always be calm and professional). Show respect for the home and sympathy for the people. Inspect the back-up area and take steps to protect people and property that may be at immediate risk.
3. Take all necessary steps as required to determine the cause of the problem. Take photos or video to document the actual situation – nature, extent, location and possible source/cause of the back-up-again, steps will vary for each situation. Check the flow in manholes above and below the back-up location and document findings. If necessary, televise the lines to find the problem. Record on videotape, if possible.
4. If the source of the problem is in the customer’s lateral line, clearly explain what they need to do to repair the problem. Confirm to the users that **THEY** need to arrange for initial clean up and clearing of lateral lines out to the street. Provide your list or suggest they look in the phone book for local clean up service company choices.
5. If it is determined that the sewer main is blocked, quickly arrange for the repair and/or correction of the problem. If possible, provide assistance and advice to the user with regard to clearing the lateral lines. Do not accept responsibility for the back-up or property damage. Explain that your insurance provider will make final determination regarding responsibility for cost of repairs/clean-up.
6. Inform users that no matter how diligent the Town of Purcellville is, a risk of back-ups always exists and that a check valve will reduce the likelihood of damage. Also, periodically inform sewer users of the appropriate steps needed to keep their check valves operating properly. (This information should also be included in your public awareness efforts.)
7. Record pertinent information on the TOP Investigation Report and be sure to document, document, and document.

Sewer Back Up Costs (2006-2016)									
Date of Incident	Incident Address	Cost of Cleanup	Lateral Repair Cost	Total	VML No Fault Policy	VML General Liability Policy	Town of Purcellville Cost	Remarks	
September 2006	410 E. Loudoun Valley Drive		10,982.59	10,982.59			10,982.59	Replaced lateral after sewer back up	
December 2006	241 E. Loudoun Valley Drive		12,306.06	12,306.06			12,306.06	Replaced lateral after sewer back up	
March 2007	521 & 531 S. Nursery Ave	48,621.47	31,974.60	80,596.07	10,000.00		70,596.07	MH backing up due to I&I. Because of the location of where the lateral connected to the MH it caused a backup into the two homes	
February 2007	204, 206, 208, 210, 212 Heaton Ct	33,346.30		33,346.30		25,819.70	7,526.60	Builder left bucket in invert of MH. Town was able to use builder bond \$ to recover their cost.	
March 2008	201 S. 29th Street		531.00	531.00			531.00	Foreign object in lateral between CO and main, reimbursement for plumber costs	
March 2008	505 Skyline Drive	1,616.49		1,616.49			1,616.49	CO cap fell into lateral and caused backup	
April 2008	130 S. 26th Street	325.00		325.00			325.00	Roots in Lateral between CO and main	
November 2008	151 N. 18th Street	595.61		595.61			595.61	Roots in Lateral between CO and main	
February 2009	Main Street	11,353.98		11,353.98	10,000.00		1,353.98	Roots at "y" connection in lateral	
January 2009	12 Street Main (SSG55A3) Blockage	363.01		363.01			363.01	Blockage on main cause back up at 504 Stonemason Place (Courtland Square)	
October 2009	410 S. Nursery Avenue	2,147.70		2,147.70		2,147.70	0.00	Roots in mini main serving property	
March 2010	530 E. Main Street	5,174.39		5,174.39	4,824.39		350.00	Foreign object in lateral	
April 2010	205 Ken Culbert Lane	6,127.62		6,127.62			6,127.62	Roots in Main	
April 2010	420 W. J Street	300.67		300.67			300.67	Roots in Main	
July 2012	204, 206, 208, 210 Heaton Ct	6,487.81		6,487.81		5,994.71	493.10	Sticks put in clean out at 111 Frazier Drive got into the main and grease build up caused back up	
December 2012	320S. 32nd Street	6,161.19		6,161.19		6,161.19	0.00	Backup in Main	
May 2013	911 West Main Street	0.00		0.00		0.00	0.00	Backup in Main	
August 2013	220 N. 33rd Street	1,700.00		1,700.00	1,700.00		0.00	Lateral backup	
January 2015	530E. Main Street	3,434.11		3,434.11	2,749.11		685.00	Lateral backup at connection with 8' section of Orangeburg pipe. Staff repaired.	
August 2015	405 N. Mowhawk Ct.	9,595.65		9,595.65	8,959.71		635.94	Lateral backup with tree root ball at/near cleanout	
November 2016	800 W. Holly Lane	1,573.82		1,573.82	1,573.82		0.00	Lateral back up due to lip at junction with main	
TOTALS		\$ 138,924.82	\$ 55,794.25	\$ 194,719.07	\$ 39,807.03	\$ 40,123.30	\$ 114,788.74		
COST IF POLICY WERE MAIN ONLY RESPONSIBILITY				\$ 54,934.30			\$ 14,811.00		
SAVINGS IF POLICY WERE MAIN ONLY RESPONSIBILITY				\$ 139,784.77			\$ 99,977.74		

***Shaded area shows the sewer backup was due to an issue in the sewer main.



**INVESTIGATION REPORT
WASTEWATER COLLECTION SYSTEM
DRAFT**

Location of problem or complaint _____

Date _____ Time (Received Call) _____

Party reporting problem (Name) _____ Phone _____

No. _____

Name of owner or occupant _____ Phone No. _____

Was contact made? YES _____ NO _____

If no, was notification left at residence? YES _____ NO _____

Was sanitary sewer main plugged? YES _____ NO _____

If Yes, was Post Sewer Overflow Report (Section 5) delivered to occupant? YES _____ NO _____

Were pictures taken of damage? YES _____ NO _____

Field Investigation:

Action taken: _____

Approximate location of problem: _____

Upstream manhole _____ Downstream manhole _____

Personnel used _____ Hours _____

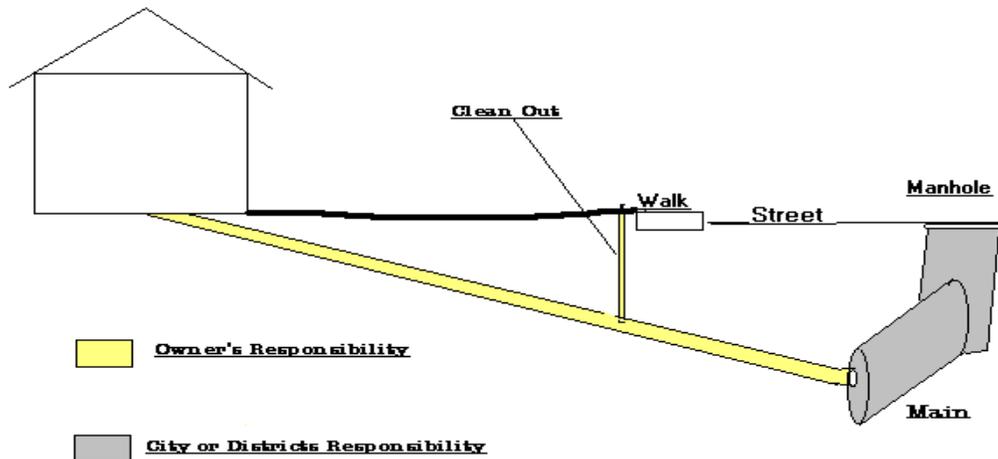
Equipment used _____ Hours _____

Job completed (date & time) _____ Date last cleaned _____

Signed: _____ Date: _____

WHAT TO DO IF YOU HAVE A SEWER BACKUP

The most common sewer problem facing a homeowner is a backup in the sewer line.



If a Backup Occurs

First take action to protect people and valuable property. You may call the city or special service district at [redacted] and as a service we'll check the main sewer. Any blockages found in the main lines will be promptly cleared. If the main line is not blocked, we recommend that you call a plumbing or sewer contractor to check your lateral line. Maintenance and repair of the lateral serving the home is the owner's responsibility. Regardless of the location of the blockage, clean up of the home should be done as soon as possible to minimize damage and possible negative health effects. There are qualified local businesses that specialize in this type of clean up.

Backup Prevention

Taking notice of what is flushed down toilets and sinks can prevent most backups. DO NOT flush the following materials (or similar items) down toilets/drains. These items can plug the main and cause damage to you and other property owners connected to the main.

- Large quantities of toilet paper
- Paper towels
- Feminine napkins
- Disposable diapers
- Clothing – socks, underwear
- Plastic, metal, wood etc.
- Large quantities of cereals or grains (they can swell with water)
- Live seeds, beans, and peas (they may sprout)
- Grease, fats, oils
- Sand
- Fibrous materials (cotton balls, hair, rags, cigarette butts)
- Sponges, scouring pads

Insurance

Many homeowners' policies exclude sewer backups but this coverage often can be added. You should contact your insurance agent for details.

**PERMISSION TO ENTER PREMISES
AND
NON-WAIVER OF DEFENSES AGREEMENT**

Town Name, Address Logo, etc.

NAME OF PERSON REQUESTING TOWN SERVICES _____
NATURE OF PROBLEM _____
PROPERTY LOCATION _____
REQUESTING PARTY'S INTEREST IN PROPERTY (OWNER, TENANT) OTHER: _____

I HEREBY ACKNOWLEDGE AND AGREE TO THE FOLLOWING:

1. I have requested the assistance of the **Town** of _____ (**Town**) in correcting a problem with _____ at the address listed above.
2. Any assistance provided by the **Town** is voluntary and shall not constitute an admission of responsibility for the problem or waiver of any defenses by the **Town** to any claims whatsoever.
3. Any assistance by the **Town** shall not obligate the **Town** to continue any assistance.
4. The **Town** expressly reserves any and all defenses to any and all claims of whatsoever nature.
5. I have read this agreement, understand its terms fully, and understand that it is binding on me.
6. I have received a copy of this agreement.

READ CAREFULLY BEFORE SIGNING!

Signature

Date

PROPERTY OWNER INSTRUCTIONS – CONTRACTOR LIST

This information is provided to you by (Town of Purcellville) to help you deal with the recent sewer back-up which has affected your property. (Town of Purcellville) is investigating the cause of this sewer back-up and will promptly report to you where they find the problem.

If the blockage is located in your lateral line that is located on your private property, you will need to arrange to have it cleaned out.

If the blockage is in the main sewer line, the (Town of Purcellville) will quickly clean out the line and make efforts to prevent future similar problems.

Meanwhile, prompt cleanup of affected property can help minimize the inconvenience and damage. *You should immediately arrange for the cleanup of your property.* There are several companies that specialize in this kind of cleanup. Most are listed in the **Yellow Pages®** under the heading of “**Water Damage Restoration**”. If you have any questions, please call **Name**, **Telephone #**. For your convenience, some of the local cleanup and/or repair companies are listed below:

Name:
Address:
Phone #:



STAFF REPORT
DISCUSSION ITEM

Item #12c

SUBJECT: Paper of Record and Legal Advertising for the
Town of Purcellville

DATE OF MEETING: January 10, 2017

STAFF CONTACTS: Robert W. Lohr, Jr., Town Manager
Diana Hays, Town Clerk/Project Manager

SUMMARY and RECOMMENDATIONS:

For years, the Town has followed the state guidelines in procuring a newspaper to serve as our paper of record for legal notices and publications. The two most recent procurements occurred in 2008 and 2012. Members of the Town Council have asked questions on how the Town handles our legal ads and general advertisements. After outlining the process that the Town uses, the item was placed on the Town Council agenda for further discussion and policy direction.

BACKGROUND:

The Town of Purcellville has four general types of ads and notices that we place in the papers. They include the following:

- 1) **LEGAL ADS** – Legal ads require a specific notice as outlined by the Town Code and/or Code of Virginia. These ads are critical notices that must be placed in a legal paper of record that is identified by the Town. Examples of these type of ads include zoning actions, budget notifications, tax notifications, ordinances, resolutions and other legal documents.

As required by § 8.01-324 of the Code of Virginia, these legal notices and publications, as required by law, must be published in a newspaper that meets the following qualifications:

- Have a bona fide list of paying subscribers;

- Have been published and circulated at least once a week for twenty-four consecutive weeks without interruption for the dissemination of news of a general or legal character;
 - Have a general circulation in the area in which the notice is required to be published;
 - Be printed in the English language; and
 - Have a second-class mailing permit issued by the United States Postal Service. (However, a newspaper which does not have a second-class mailing permit may petition the circuit court for the jurisdiction in which the paper is located for authority to publish ordinances, resolutions, notices or advertisements.)
- 2) **GENERAL PUBLIC NOTICES** – These notices are business or informational items that are not required by law to be published in a paper of record but are informational. These can be notices of grants, program changes and helpful reminders such as due dates. These ads are usually informational and can be published in any type of media including electronic.
- 3) **EVENT ADS** – Event ads are special notices that we place in the paper related to special events and programs that occur throughout the Town. These may include items such as the Wine and Food Festival, Loudoun Grown Expo, Music and Arts Festival, parades and other types of social or community events that occur within our community. These ads are usually driven by a marketing plan and based on target markets for those attending the event. For instance, the goal for the Wine Festival is to bring in attendees from outside of the County and as a result much effort is made to place digital and print ads in media that reach a broad audience. These type of event ads sometimes go outside of the more traditional newspaper media and are placed in magazines that are distributed throughout the state and web ads are placed on wine event specific websites. We have seen a significant increase in social media campaigns for these types of special events since we can target a specific audience that are likely to participate. With these types of special events, there is a significant trend towards utilizing more social media and digital campaigns rather than utilizing print media.
- 4) **EMPLOYMENT ADS** – The fourth major use of print and electronic ads involves the recruitment of employees and staff whenever there is a vacancy within the Town. While the Town still tries to use some of our local papers, there has been a bigger push to take advantage of electronic media and websites for career specific

jobs that we may be recruiting. For example, the Town uses Virginia Municipal League which has a free employment website hosted by VML and is viewed by government employees throughout the State of Virginia. In addition, we will use specific groups such ICMA, VLGMA, International Association of Chiefs of Police (IACP), and other professional trade organizations that provide websites and job listing categories. Depending on the specific position, we have found that we are far more successful advertising in Winchester and the Shenandoah Valley area when recruiting specific positions than attempting to advertise in the Washington Metropolitan area. Regardless, the strategy for each position is discussed with HR and the department before ads are placed and we normally always have at least one ad in a local paper and then try to push out to all of Loudoun and other target areas in addition to any electronic website postings.

For our legal ads, the Town of Purcellville has completed procurement approximately every five years with the last two procurements occurring in 2008 and 2012. Normally, the Town will procure for one year and then have four additional one year renewal periods based on mutual consent by both parties. This helps save the Town cost and time of having to complete annual procurements which can have a negative impact on the cost of doing business and the taxpayer. The Town is currently in their second contract renewal period with Master Media Group Inc. which is known as the Purcellville Gazette. The Town is in the last year of optional renewal periods and the contract is a simplified \$.19/word contained in the advertisement. In addition, as is similar in most of our contracts, the Town may terminate the contract without cause at any time by giving the contractor no fewer than ten days' notice in advance of the termination date and paying all outstanding bills owed to the contractor. During my tenure with the Town, we have procured contracts with Loudoun Times Mirror, Leesburg Today and Purcellville Gazette. During the last contract renewal period in 2012, three companies bid for the legal advertising contract.

ISSUES:

Our Council has addressed questions as to how we allocate advertising and it would be helpful if the Town Council can discuss some general policy questions and provide direction to staff which will be helpful as we move forward in the future. Some of these questions were addressed earlier in emails and include the following:

- 1) Do you want to choose one vendor after the procurement process to be our paper of record and provide all legal ads?
- 2) Do you want to procure one paper to do all legal ads, events and public notices? That would mean we would use only one paper and they must meet all our requirements.

It would also mean that we would be using the most attractive price which would be a savings to our taxpayers.

- 3) Do you want to do two separate procurements (one for legal ads and one for general notices/event ads)?
- 4) Do you want to do a procurement for legal ads and then rotate the general ads between local papers that meet specific guidelines established by the Town?
- 5) Do you want to use multiple papers that are procured and rotate them?
- 6) Do you want to procure a paper to process all legal ads and then put all of the general ads in all of the local papers, every time?
- 7) What requirements/performance standards do you want to include in any RFP?
 - a. Required daily, weekly, bimonthly or monthly publication
 - b. Circulation requirements in Purcellville, Western Loudoun or Loudoun
 - c. Method of delivery such as mail, paper box, front yard, public paper box or step
 - d. Whether the paper charges for distribution or circulation
 - e. Location of ads
 - f. Turnaround times for publication once the Town delivers the notice

Once we address any concerns or priorities the Town Council has on the above questions, it will allow staff to move forward to make sure that our advertising program reflects the expectations and policy priorities of the Town Council.

BUDGET IMPACT:

By continuing to procure the legal ads, it ensures continuity and cost savings along with a level of performance needed to ensure that the Town's legal ads are properly advertised. By competitively procuring these ads, there can be a significant savings to the taxpayers and residents. If the Town wants to broaden our advertising and print media where for example, every non-legal ad is put in a designated group of papers, this will increase the advertising exposure but also substantially increase the potential budget impact. Based on direction from Town Council, we can provide more concrete numbers on the potential impact based on the direction chosen by Council.

MOTION(S):

Since this is a discussion item, staff has not included any recommended motions and we will wait for further input by Town Council before changing our current process.

ATTACHMENT(S):

1. None



STAFF REPORT
ACTION ITEM

Item #13a

SUBJECT: Allder School Road Water Main Replacement

DATE OF MEETING: January 10, 2017

STAFF CONTACTS: Alex Vanegas, Director of Public Works

SUMMARY and RECOMMENDATIONS:

The Allder School Water Main Replacement project is currently shown in the Capital Improvement Plan for design in FY2018, and construction in FY2019. Because of increased complaints regarding low water pressure, the potential for leaks on the main due to the age of the main, and an upcoming Loudoun County project that could increase costs for the replacement, staff is requesting consideration by the Town Council to approve of funding for Town Staff to install the replacement water main in Spring 2017.

BACKGROUND:

The Town supplies water to the nine (9) residences on Allder School Road (west of the roundabout at Hillsboro Road). These residences are in the County, and the waterline extension and connections were approved in 1954/55. The Town has received complaints from customers served by this line that the water pressure is very low.

The existing water line is a 2-inch galvanized line. Over time, the line has deteriorated, and there have been multiple leaks. In addition, tuberculation (the development of mounds of corrosion products) in the line has made the pipes rough inside, reduced the diameter and thus the capacity of the line, causing low water pressure.

The replacement of the Allder School water line was recommended in the "Water Distribution System Capital Improvements Plan", October 2010, prepared for the Town by AH Environmental Consultants. This water main improvement was recommended to occur in the years 2010 – 2014, due to the age of the pipe, the costs of water main breaks, and to maintain sufficient water service to the customers.

The Allder School water main replacement is currently in the Town's Capital Improvements Plan for design in FY2018, and construction in FY2019. The estimated cost is \$375,000

(design, bid, and build by a contractor). Town Staff has suggested that this project be moved forward to FY2017 for the following reasons:

- The existing customers have become more vocal regarding the poor water pressure.
- The age and condition of the line make it likely that more leaks will occur.
- The Loudoun County Alder School Road project affects the westernmost 200 feet of the water line. Due to a conflict with proposed driveway culverts, the County plans include the replacement of approximately 200 feet of the line with a 2-inch copper line. The rebuild of a portion of Alder School Road will occur during the County project. It is sensible to replace the water line in advance of the completion of this project. The County project is projected to be bid in January 2017, and to be under construction in Spring 2017.
- Town staff believes that the installation of a new 4-inch diameter main can be completed by the Town maintenance staff in Spring 2017. With Town Staff performing the water main installation, the estimated cost of the project is \$150,000, less than half of the estimated price tag associated with the cost of design, followed by procuring and paying a contractor to do the work.

ISSUES:

If the Town Council should decide that the Alder School water line replacement should not be advanced, then the customers on that line will continue to experience low water pressure until it is replaced. Until its replacement, the likelihood of a leak will continue due to the age and condition of the main.

The Loudoun County Alder School Road project will replace the last 200 feet of the water main with a 2-inch copper line. It may be possible to request the County to increase the size of the replacement to 4-inch ductile iron. The Town would need to pay the cost of the increased size (a “betterment”). The cost would be determined through a change order request to their contractor. The remainder of the water main, approximately 1,000 feet, would still need to be installed by the Town.

Currently, inquiries to VDOT about the potential paving of that section of Alder School Road from the roundabout to the start of the Loudoun County project have suggested that VDOT has no plans to pave that section of Alder School Road in the near future. If this should change and the road is repaved, and the full water main replacement project occurs after repaving, then the Town would be faced with installation of the main in a newly paved road (and potentially increased costs).

BUDGET IMPACT:

In order for the Alder School Water Main Replacement project to be advanced to Spring 2017, the Town Council would need to authorize the transfer of funds from Cash Reserves to the Water Fund for the project. The estimated cost is \$150,000, with the use of Town Maintenance Staff to install the water main.

MOTION(S):

“I move that the Town Council approve of and authorize the transfer of Cash Reserves in the amount of \$150,000 to the Water Fund for the replacement of the existing water main with a new 4-inch ductile iron water main; water main installation to be completed using Town Maintenance Staff labor & equipment.”

OR

“I move that the Alder School Water Main Replacement project remain in a future Capital Improvement Plan; water main installation to be completed through design, bid, build process.”

ATTACHMENT(S):

1. None

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#13b

STAFF REPORT
ACTION ITEM

SUBJECT: Ordinance 16-12-03, Amending Town Code Section 46-31 to create a Barment Program, allowing Town Police to be designated as lawfully in charge of private property for the purpose of enforcing trespass violations

DATE OF MEETING: January 10, 2017

STAFF CONTACTS: Chief Cynthia McAlister/Lt. Joe Schroeck

SUMMARY & RECOMMENDATION:

Town Council was briefed on this item at its October 11, 2016 meeting, and adopted a motion directing staff to proceed with drafting an ordinance and advertising a public hearing. The ordinance was advertised in the November 25th and December 2nd issues of the Purcellville Gazette. The Public Hearing was held on December 13, 2016. Proposed Ordinance 16-12-03 is attached to this Staff Report as Attachment 1. Staff recommends adoption of Ordinance 16-12-03.

BACKGROUND:

All jurisdictions face the challenge of helping local businesses address chronic issues of loitering, vandalism, drug sales, intoxication, or other “suspicious activity.” Private property owners have the ability to ban individuals from their private property, but the challenge is how the Purcellville Police Department (PPD) can provide assistance in keeping unwanted guests off private property.

A “Barment Program” is one in which the PPD has the ability to use their authority to enforce a private property owner’s trespass notice. Through a Limited Power of Attorney, Town of Purcellville Police Officers will be given the authority to bar/trespass individuals who have no legal authority or are committing a crime on the property of a business owner. With this, officers will be able to maintain order, protect property and reduce crime to keep the town residents safe.

Most trespassing issues are appropriately handled between private parties, with or without law enforcement involvement. However, where a location has pervasive quality-of-life issues such as loitering, vandalism, drug sales, intoxication, or other “suspicious activity,” this program gives the Purcellville Police Department a formidable tool to wield against

these offenders. Once granted authority, officers can decide unilaterally that a person is no longer welcome on a property and if (eventually) ignored, can make an arrest(s) until the problem is ameliorated. This program is a great example of community partnership with law enforcement – working with business and property owners, together we can make life more tolerable in those specific areas.

The process begins with the identification of a problem area candidate. Indicators such as high number of calls for service, repeat offenders, multiple citizen complaints, deteriorating conditions, or requests by exasperated owners will help identify locations that might be an appropriate use of this program. Once identified, the owner signs, before a Notary Public, a Limited Power of Attorney (POA) that gives the Purcellville Police Department the authority to act on their behalf with regard to trespassing issues. The signed Power of Attorney is kept on file at PPD and also with the Town of Purcellville.

The Chief of Police will assign the administrative and management function of this program to one individual within the PPD. This assignment will consist of collecting notices, updating the computer database and disseminating information to other officers.

As time advances, any PPD officer may complete and present a Trespass Notification form to a person on a property enrolled in this program. If a violation occurs later, any PPD officer may charge trespass, whether by summons or custodial arrest.

At the December 13, 2016 Public Hearing, one local business owner spoke, indicating her support of the proposed Ordinance, which she stated would greatly improve the feel of the shopping center.

BUDGET IMPACT:

There is no budget impact with this item.

MOTIONS:

“I move that Town Council adopt Ordinance 16-12-03, amending Town Code Section 46-31 to allow the Town police to be designated, in writing, as persons lawfully in charge of property for the purpose of enforcing trespass violations, and to authorize the Chief of Police to prescribe the authorization forms necessary to effectuate this direction.”

ATTACHMENT:

1. Ordinance 16-12-03

TOWN OF PURCELLVILLE
IN
LOUDOUN COUNTY, VIRGINIA

ORDINANCE NO. 16-12-03

PRESENTED: October 11, 2016
ADOPTED: _____

AN ORDINANCE: TO AMEND AND REORDAIN TOWN CODE CHAPTER 46 (“OFFENSES AND MISCELLANEOUS PROVISIONS”), ARTICLE I (“IN GENERAL”), SECTION 46-31, FOR THE PURPOSE OF ALLOWING TOWN POLICE TO ENFORCE TRESPASS VIOLATIONS

WHEREAS, Section 15.2-1717.1 of the Code of Virginia authorizes Town police officers to be designated as “persons lawfully in charge” of real property for the purpose of forbidding a person from entering or remaining on the property; and

WHEREAS, the Town desires to afford property owners and those lawfully in charge of real property the ability to designate the Town police as “persons lawfully in charge” of designated real property for the purposes authorized under statute, and, at its meeting on October 11, 2016, the Purcellville Town Council directed staff to prepare and advertise such an ordinance for public hearing; and

WHEREAS, an advertisement for Ordinance 16-12-03 was published in a qualified newspaper on November 25, 2016 and December 2, 2016, for the Town Council public hearing on December 13, 2016.

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

Section 1. That Town Code Section 46-31 is hereby amended to read in-full as follows, with new text shown in underline format and deleted text shown in strikethrough format:

Sec. 46-31. – Trespass~~–after having been forbidden to do so~~; Designation of Police to Enforce Trespass Violations; Penalties.

(a) If any person without authority of law goes upon or remains upon the lands, buildings or premises of another, or any portion or area thereof, after having been forbidden to do so, either

AN ORDINANCE:

TO AMEND AND REORDAIN TOWN CODE CHAPTER 46 (“OFFENSES AND MISCELLANEOUS PROVISIONS”), ARTICLE I (“IN GENERAL”), SECTION 46-31, FOR THE PURPOSE OF ALLOWING TOWN POLICE TO ENFORCE TRESPASS VIOLATIONS

orally or in writing, by the owner, lessee, custodian or other person lawfully in charge thereof, or after having been forbidden to do so by signs posted by such persons or by the holder of any easement or other right-of-way authorized by the instrument creating such interest to post such signs on such lands, structures, premises or portion or area thereof at places where it or they may be reasonably seen, or if any person, whether he is the owner, tenant or otherwise entitled to the use of such land, building or premises, goes upon, or remains upon such land, building or premises after having been prohibited from doing so by a court of competent jurisdiction by an order issued pursuant to Code of Virginia, §§ 16.1-253, 16.1-253.1, 16.1-278.2 through 16.1-278.6, 16.1-278.8, 16.1-278.14, 16.1-278.15, or 16.1-279.1, or an ex parte order issued pursuant to Code of Virginia, § 20-103, and after having been served with such order, he shall be guilty of a class 1 misdemeanor. This section shall not be construed to affect in any way the provisions of Code of Virginia, §§ 18.2-132—18.2-136.

(Code 1977, § 12-29)

State Law reference— Similar provisions, Code of Virginia, § 18.2-119.

(b) Any owner, lessee, custodian, or the agent of such person, or other person lawfully in charge of real property may, in writing on a form or forms prescribed by the chief of police, designate the police department as a "person lawfully in charge thereof," as those terms are used in subsection (a) of this section, for the purpose of forbidding another to go or remain upon the lands, buildings or premises of such owner, lessee, custodian, or the agent of such person, or other person lawfully in charge. Such designation:

- (1) Shall include a description of the land, building or premises to which it applies;
- (2) Shall reference the period of time during which it is in effect; and
- (3) Shall be kept on file in the office of the chief of police or in such other location within the police department as the chief of police deems appropriate.

Section 2. That all prior ordinances in conflict herewith are hereby repealed.

Section 3. Severability. If a court of competent jurisdiction declares any provision of this ordinance invalid, the decision shall not affect the validity of the ordinance as a whole or any remaining provisions of the Purcellville Town Code.

Section 3. That this ordinance shall be effective upon its adoption.

AN ORDINANCE:

TO AMEND AND REORDAIN TOWN CODE CHAPTER 46 (“OFFENSES AND MISCELLANEOUS PROVISIONS”), ARTICLE I (“IN GENERAL”), SECTION 46-31, FOR THE PURPOSE OF ALLOWING TOWN POLICE TO ENFORCE TRESPASS VIOLATIONS

State Law Reference

Va. Code § 15.2-1717.1, Designation of police to enforce trespass violations

PASSED THIS ___ DAY OF _____, 2016.

Kwasi A. Fraser, Mayor
Town of Purcellville

ATTEST:

Diana Hays, Town Clerk

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STAFF REPORT
ACTION ITEM

Item #15

SUBJECT: Approval of Meeting Minutes

DATE OF MEETING: January 10, 2017

STAFF CONTACTS: Diana Hays, Town Clerk/Project Manager

SUMMARY and RECOMMENDATIONS:

Attached are the meeting minutes from the December 13, 2016 Town Council Meeting for review and approval by Town Council.

MOTION(S):

“I move that we approve the minutes of the December 13, 2016 Town Council Meeting and waive reading.”

ATTACHMENT(S):

1. December 13, 2016 Town Council Meeting Minutes

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

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

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

ABSENT: None

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

CALL TO ORDER OF REGULAR MEETING:

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

AGENDA AMENDMENTS/APPROVAL:

None

PROCLAMATIONS/RECOGNITIONS:

None

PUBLIC HEARINGS:

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

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

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

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

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

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

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

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

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

There was no one signed up to speak.

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

There were no written materials provided for the record.

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

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

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

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

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

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

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

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

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

There was no one signed up to speak.

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

There were no written materials submitted for the record.

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

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

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

Mayor Fraser requested on behalf of Council that language be added to state that the majority of the members are from the Town. Sally Hankins suggested it say that preference will be

given to Town residents and Council agreed. Sally Hankins stated she would amend the ordinance accordingly.

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

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

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

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

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

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

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

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

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

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

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

f. Participation in Virginia Investment Pool Trust Fund

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

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

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

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

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

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

PRESENTATIONS:

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

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

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

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

STANDING COMMITTEE/COMMISSION/BOARD REPORTS:

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

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

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

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

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

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

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

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

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

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

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

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

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

CITIZEN AND BUSINESS COMMENTS:

Mayor Fraser granted speakers 5 minutes to speak.

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

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

MAYOR AND COUNCIL COMMENTS:

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

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

Council member Ogelman stated he has been reaching out to businesses and listening to their concerns and added that what they have in common is they like the small town feel. Council member Ogelman stated he met with the Brown's Farm HOA and that they are trying to eliminate the joint land management area because they feel it has created zoning ideas that do not make sense given it is built out. Council member Ogelman added that the HOA is interested in seeing if the Town is interested in lobbying the County for that and he would like to discuss this further in a future meeting. Council member Ogelman added that someone there talked about the Town's public conduct policy and concerns with some of language talking about a disruptive person coming back to a future meeting and could be barred from attending. Council member Ogelman stated this person has spoken with civil liberties and attorneys and thinks this is a problem, and would like to revisit this item at a future meeting. Council member Ogelman stated he visited the police station and the focus was on community policing. Council member Ogelman stated he attended the tree lighting which was very well attended.

Council member Ogelman added that he also attended the Envision Loudoun County comprehensive plan session and that the theme at his table was to preserve the phase by which western Loudoun remains rural and that there is a distinct transitional area between the more urban eastern Loudoun and more rural western Loudoun. Council member Ogelman stated he met with the Mayor at the college about how to further engage students. Council member Ogelman stated that he and Vice Mayor Jimmerson have been talking with companies on how to bring broadband to the Town.

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

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

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

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

ACTION ITEMS:

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

Sally Hankins stated that there is an applicant from Valley Self Storage who would like to make use of a lot in the Valley Industrial Park and talked about the risk associated to the Town which is higher than normally accepted by staff. Ms. Hankins added the risks come from the lot that was reserved in 1989 for storm water management to capture runoff from approximately six other lots. Ms. Hankins added that a Town street also drains to that lot and because the lot is currently vacant there has not been issues. Ms. Hankins added that the issue with the proposed development was that in order to have it approved, the applicant would have to continue to capture the run off from the other lots pursuant to the reservation previously put

into place. Ms. Hankins added that typically the Town would not assume 100% but something less and estimates there is approximately 85% coverage on the lots. Ms. Hankins stated that Mr. Leone and his engineers have stated that 100% is too stringent an assumption, and reviewed the risks as outline in the staff report.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Vice Mayor Jimmerson made a motion that for the reasons stated in the staff report dated December 13, 2016 and as recommended by the Planning Commission on November 17, 2016,

that the Purcellville Town Council approve Resolution 16-12-02 which approves SP16-03 allowing transitional housing at 781 South 20th Street, subject to the conditions stated therein, The motion was seconded by Council member Bledsoe.

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

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

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

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

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

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

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

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

Council member Ogelman made a motion that for the reasons stated in the staff report dated December 13, 2016 and as recommended by the Planning Commission on November 17, 2016, I move that the Purcellville Town Council approve Resolution 16-12-03 which approves

SUP16-04 allowing a makerspace as a public or government building, facility, or use not otherwise defined at 785 and 87 South 20th Street, subject to the conditions stated therein. The motion was seconded by Vice Mayor Jimmerson.

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

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

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

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

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

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

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

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

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

Mayor
Kwasi A. Fraser

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



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

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TOWN OF PURCELLVILLE

IN

LOUDOUN COUNTY, VIRGINIA

RESOLUTION NO. 16-12-03

PRESENTED:

DECEMBER 13, 2016

ADOPTED:

DECEMBER 13, 2016

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

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

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

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

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

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

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

A RESOLUTION:

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

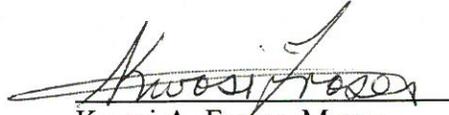
THEREFORE BE IT RESOLVED that the Purcellville Town Council hereby approves SUP16-04, a special use permit for a makerspace as a public or government building, facility, or use not otherwise defined to be located at 785 and 787 South 20th Street on a parcel that is further identified in Loudoun County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

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

A RESOLUTION:

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

PASSED THIS 13TH DAY OF DECEMBER, 2016.


Kwasi A. Fraser, Mayor
Town of Purcellville

ATTEST:


Diana Hays, Town Clerk

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

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

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

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

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

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

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

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

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

e. Non-Potable Connections

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Council member Ogelman made a motion that Town Council task staff to align the names of the committees, commissions and boards with values that they reflect, including having the Tree and Beautification Commission incorporate the environment and sustainability into the

Mayor
Kwasi A. Fraser

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



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

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Fax: (540) 338-6205
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TOWN OF PURCELLVILLE
IN
LOUDOUN COUNTY, VIRGINIA

ORDINANCE NO. 16-12-01

PRESENTED:

NOVEMBER 8, 2016

ADOPTED:

DECEMBER 13, 2016

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

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

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

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

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

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

TOWN CODE ARTICLE V. – TREE AND BEAUTIFICATION COMMISSION

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

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

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

Sec. 26-39. - Duties.

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

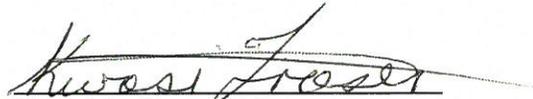
- (1) The tree and beautification commission shall recommend tree preservation and enhancement ordinances that promote environmental sustainability.
- (2) The tree and beautification commission shall disseminate technical information for professional groups and developers, and shall strive to inform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

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

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

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

PASSED THIS 13TH DAY OF DECEMBER, 2016.


Kwasi A. Fraser, Mayor
Town of Purcellville

ATTEST:


Diana Hays, Town Clerk

Commission's title and to look at the powers and duties that have been adopted by Ordinance. The motion was seconded by Council member Bledsoe.

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

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

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

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

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

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

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

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

Mayor
Kwasi A. Fraser

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



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

IN

LOUDOUN COUNTY, VIRGINIA

ORDINANCE NO. 16-12-02

PRESENTED:

NOVEMBER 8, 2016

ADOPTED:

DECEMBER 13, 2016

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

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

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

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

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

ARTICLE VIII. – PURCELLVILLE ARTS COUNCIL

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

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

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

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

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

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

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

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

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

Sec. 26-45. - Bylaws

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

Sec. 26-46. - Powers and duties.

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

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

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

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

PASSED THIS 13TH DAY OF DECEMBER, 2016.



Kwasi A. Fraser, Mayor
Town of Purcellville

ATTEST:



Diana Hays, Town Clerk

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

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

h. Participation in Virginia Investment Pool Trust Fund

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

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

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

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

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

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

amend the Town’s Investment Policy to add the Virginia Investment Pool (VIP) as an approved investment. The motion was seconded by Council member McCollum.

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

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

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

i. FY2018 Budget Development Calendar

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

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

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

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

j. Recreation Facility – Bike Park

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

Mayor
Kwasi A. Fraser

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



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TOWN OF PURCELLVILLE
IN
LOUDOUN COUNTY, VIRGINIA

ORDINANCE NO. 16-12-04

PRESENTED: DECEMBER 13, 2016
ADOPTED: DECEMBER 13, 2016

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

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

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

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

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

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

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

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

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

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

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

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

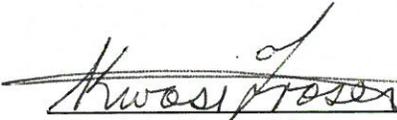
AN ORDINANCE:

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

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

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

PASSED THIS 13TH DAY OF DECEMBER, 2016.


Kwasi A. Fraser, Mayor
Town of Purcellville

ATTEST:

Diana Hays, Town Clerk

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

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

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

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

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

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

k. Parks and Recreation Advisory Board Ordinance Amendment

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

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

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

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

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

(Council member Ogelman had left Council Chambers momentarily.)

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

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

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

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

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

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

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

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

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

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

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

n. Paralegal Staffing for Town Attorney's Office

Sally Hankins stated that this item was approved by Council previously and that funds have been appropriated for FY17. Ms. Hankins added that the position has been advertised and stated that the Town Attorney supports all of the Town's departments to include personnel, police, finance, parks and recreation and planning and zoning. Sally Hankins stated she would like to see a standing committee in place that reviews all ordinances and the Town code. Ms. Hankins talked about the priority list and requested Council assistance prioritizing the list.

Council member Grim referenced check registers for 2015 and 2016 for outside counsel and asked about chargebacks for legal work that Marty may have done. Rob Lohr stated that Marty provided support and assistance and the Town does not keep track of billable hours.

Council member Ogelman asked about his request for trending five years. Rob Lohr stated staff included as much information as they had however is happy to discuss further if questions were not answered. Council member Ogelman talked about other jurisdictions the Town's size not having paralegals. Rob Lohr talked about administrative/clerical support in those jurisdictions that may help out as well as the comparison of work amongst Town Attorneys.

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

Sally Hankins added that it is difficult to compare staffing because of not knowing what functions are being absorbed by other departments in other jurisdictions.

Council member Cool asked if the Town has had a former Paralegal and asked about prior funding to support legal debt. Council member Cool asked about the need to have the position whether it be Council requests, growth, etc. Rob Lohr talked about the need for legal services in various areas to include ordinance, agendas and committees.

Council member Grim talked about the new Council and them not having approved this item and talked about outside legal expenses being the same with an in-house attorney as they were with an independent contractor. Council member Grim requested review of the work being created or being assumed that needs to be created and to look at Council's priorities.

Mayor Fraser stated he is hearing that Council may need to lessen the work load on the Town Attorney. Council member McCollum talked about having the more administrative work done by the Paralegal to allow the Town Attorney to focus on larger items. Ms. Hankins talked about the time associated with creating ordinances and staff reports. Mayor Fraser stated concerns for hiring a Paralegal to take on busy work. Sally Hankins stated the main point in the Paralegal is cost effectiveness.

Council member Bledsoe stated he is in favor of moving forward and is aware of the requests that have been made that require legal review and position and feels the budget for this item is worth the expense.

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

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

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

Mayor Fraser added he needed more information to make a decision.

Rob Lohr stated he has asked Human Resources to provide a list of all potential positions that have been funded so Council can discuss those at the January meeting.

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

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

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

a. Public Safety Reports (information reports as provided)

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

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

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

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

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

b. Economic Development Update (information report as provided)

Council had no comments.

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

Council had no comments.

d. Classification and Compensation Study

Danny Davis stated this item has been brought up by Council and talked about the classification system that has not been updated in over ten years. Mr. Davis added that the Town has had funds in the budget for the past few years and has not been able to get the item due to workload and the procurement process. Mr. Davis stated that the County just issued a contract to a company that the Town may be able to ride as their services are what the Town would be looking for in a compensation study. Danny Davis added that at the request of Council member Grim, staff has sent information to localities in VA and has received feedback and that the town is signed up for a compensation survey that is administered through the state. Mr. Davis stated staff is looking for Council's approval to move forward with the study.

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

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

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

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

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

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

Council approved the request.

- b. Recognition – The Wiley's

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

- c. Proclamation – National School Choice Week

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

APPROVAL OF MINUTES:

- a. November 3, 2016 Town Council Special Meeting
- b. November 8, 2016 Town Council Meeting
- c. November 16, 2016 Town Council Special Meeting

Council member Bledsoe made a motion to approve the minutes as noted above and waive reading. The motion was seconded by Council member Ogelman and passed with one absent.

CLOSED MEETING:

MOTION TO RECESS THE REGULAR MEETING AND CONVENE A CLOSED MEETING:

Council member Bledsoe made a motion that as authorized under Section 2.2-3711(A)(7) of the Code of Virginia, that the Purcellville Town Council convene in a closed meeting to consult with legal counsel employed or retained by the public body concerning the following specific legal matter that requires legal advice:

- a) The Town's 1,272 acre water supply reservoir property, which is subject to a Deed of Easement dated March 27, 2009 benefiting the Virginia Outdoors Foundation.

The following individuals are requested to attend the closed meeting:

- 1) All Town Council members
- 2) Robert W. Lohr, Jr., Town Manager
- 3) Danny Davis, Assistant Town Manager
- 4) Alex Vanegas, Director of Public Works
- 5) Sally Hankins, Town Attorney

The motion was seconded by Council member Ogelman.

Motion: Council member Bledsoe
Second: Council member Ogelman
Carried: 6-0-1 Absent

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

MOTION BY TOWN COUNCIL TO ADJOURN THE CLOSED MEETING AND RECONVENE THE OPEN MEETING:

Council member Bledsoe made a motion that the Town Council reconvene in an open meeting and that the minutes reflect no formal action was taken in the closed meeting. The motion was seconded by Council member Ogelman.

Motion: Council member Bledsoe
Second: Council member Ogelman
Carried: 6-0-1 Absent

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

MOTION THAT THE RESOLUTION CERTIFYING THE CLOSED MEETING BE ADOPTED AND REFLECTED IN THE MINUTES OF THE PUBLIC MEETING:

Council member Bledsoe made a motion that the Purcellville Town Council adopt Resolution 16-12-01 certifying the closed meeting of December 13, 2016. The motion was seconded by Council member Ogelman.

Motion: Council member Bledsoe
Second: Council member Ogelman
Carried: 6-0-1 Absent

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

ADJOURNMENT:

With no further business, Council member Bledsoe made a motion to adjourn the meeting at 12:11 AM. The motion was seconded by Council member Ogelman and passed with one absent.

Kwasi A. Fraser, Mayor

Diana Hays, Clerk of Council

Mayor
Kwasi A. Fraser

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



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

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

RESOLUTION NO. 16-12-01

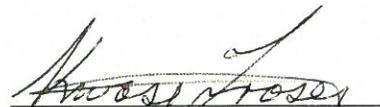
**PRESENTED: DECEMBER 13, 2016
ADOPTED: DECEMBER 13, 2016**

**A RESOLUTION: CERTIFYING THE CLOSED MEETING ON
DECEMBER 13, 2016**

WHEREAS, the Town Council of the Town of Purcellville, Virginia, has this day convened a closed meeting in accordance with an affirmative recorded vote of the Purcellville Town Council and in accordance with 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, i.) only public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act were discussed in the closed meeting to which this certification applies; and ii.) only such public business matters as were identified in the motion by which the said closed meeting was convened were heard, discussed or considered by the Purcellville Town Council.

PASSED THIS 13TH DAY OF DECEMBER, 2016.


Kwasi A. Fraser, Mayor
Town of Purcellville

ATTEST:


Diana Hays, Town Clerk