



AGENDA
PURCELLVILLE TOWN COUNCIL MEETING
SEPTEMBER 13 2016, 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. Proclamation – Constitution Week
 - b. Proclamation – Blood Cancer Awareness Month & Lymphoma Awareness Day
 - c. Recognition – Tracy Robinson
 - d. Recognition – New Firefighters and EMT’s
- 7. PUBLIC HEARINGS**
 - a. None
- 8. PRESENTATIONS**
 - a. Comprehensive Plan Update (D. Galindo)
 - b. OpenGov Transparency Software (D. Davis)
- 9. STANDING COMMITTEE/COMMISSION/BOARD REPORTS**
 - a. Planning Commission (T. Stein, Chairman/K. Grim, Council Liaison)
 - b. Board of Architectural Review (Pat Giglio, Chairman/N. Ogelman, Council Liaison)
 - c. Parks and Recreation Advisory Board (Eamon Coy, Chairman/R. Cool, Council Liaison)

- d. Economic Development Advisory Committee (Daniel Abramson, Chairman/C. Bledsoe, Council Liaison)
- e. Purcellville Arts Council (Liz Jarvis, Chair/R. Cool, 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. Proposed Operational/Efficiency Audit (R. Lohr) (pgs. 5-16)
- b. Disclosure of Real Parties in Interest (S. Hankins/R. Lohr) (pgs. 17-36)
- c. Website Functionality and Capabilities (D. Davis) (pgs. 37-39)

13. ACTION ITEMS

- a. New Appointment of Council member to Purcellville Arts Council* (R. Lohr) (pg. 41) (Motion pg. 41)
- b. OpenGov Financial Transparency Software* (D. Davis) (pgs. 43-52) (Motion pg. 46)
- c. Citizen Engagement Opportunities* (D. Davis) (pgs. 53-58) (Motion pg. 58)
- d. Settlement Agreement Between the Town and United States Surety Company* (S. Hankins) (pgs. 59-64) (Motion pg. 61)
- e. Council Participation on Collaborative Sessions with Committees, Commissions and Boards* (S. Hankins) (pgs. 65-67)

14. DISCUSSION OF ITEMS PROPOSED FOR FUTURE PRESENTATIONS / RECOGNITION

- a. Recognition Request – Blue Ridge Middle School Lion King Production (Purcellville Arts Council) (pg. 69-70)
- b. Proclamation Request – PHC International Moot Court Championship (Mayor Fraser) (pgs. 69-76)

15. APPROVAL OF MINUTES (pgs. 77-91)

- a. July 26, 2016 Town Council Special Meeting (pg. 78)
- b. July 26, 2016 Town Council Regular Meeting (pgs. 79-91)

16. CLOSED MEETING* (pgs. 93-95)

The purpose of the closed meeting is to discuss applicants for appointments to committees, commissions and boards.

17. APPOINTMENTS TO COMMITTEES, COMMISSIONS AND BOARDS* (pgs. 97-98)
(Motion pg. 98)

18. 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.

This page intentionally left blank



STAFF REPORT

Item # 12a

SUBJECT: Proposed Operational/Efficiency Audit

DATE OF MEETING: September 13, 2016

STAFF CONTACTS: Robert W. Lohr, Jr., Town Manager

SUMMARY and RECOMMENDATIONS:

In an ongoing discussion that has occurred with Town Council over the last two years, the staff has been asked to look at recommendations and potential processes that could be implemented by the Town in order to conduct an operational or efficiency audit. If Town Council chooses to proceed with this type of audit, staff has provided several options and will be glad to work with Town Council to implement the process based on parameters determined by the Town Council.

BACKGROUND:

After the new Council was seated in July 2014, Mayor Fraser recommended that the Town proceed with an initial forensic audit to look at operations and efficiencies throughout the community. He introduced a company to the Town that indicated a willingness to potentially complete a pro-bono audit for the Town but the Town Council chose not to proceed based on the following issues:

- 1) Identification of departments and priorities to be reviewed had not been determined.
- 2) Compliance with procurement requirements and giving all firms an opportunity to participate or bid.
- 3) Ethical and legal considerations if the company would generate or solicit additional work after completing a pro-bono project for the Town that did not involve procurement.
- 4) Making sure that the firm selected by the Town is the best qualified to review the operations and programs offered by the Town with understanding of the unique legal and operational limitations of Virginia law in a Dillon Rule state.

After discussing this issue in the Strategic Planning Session in 2014, the Town Council directed the Town Manager and staff to solicit feedback on operations and performance improvement from all staff and departments. Staff completed this request for individual and team feedback and the documentation was shared with Town Council which took many of these suggestions and incorporated them into “Fund the Future” and other strategic initiatives.

Further discussions of operational/efficiency audits occurred at the October 2014 Council meeting and a staff report that was prepared by the Town Manager based on specific requests and questions from Council and given to Town Council in the agenda is included under *Attachment I*. After reviewing the memorandum, the Town Council took no action on the item.

The item was further discussed in the Strategic Planning Session in September 2015. At this meeting, the Town Council identified it as an action agenda under “Practice Good Governance” and included a recommendation to conduct an efficiency and effectiveness audit of Town services and programs. The priorities of departments and process would be determined by Council at a later date.

The item was brought back to Town Council at the February 2, 2016 meeting and staff submitted a report dated January 12, 2016 asking for additional guidance and feedback along with providing some suggestions. A copy of this staff report is included under *Attachment II*. It was the majority consensus of Council, led by Mayor Fraser, Vice Mayor McConville and Council member Nave that more discussion was needed and that it is still an important component of the Town Council’s Strategic Plan but that the Council needs to define what entities or departments should be audited.

ISSUES:

Based on the current Town Council’s request to look into this issue as discussed in the August 2016 meeting, staff reached out to other jurisdictions and managers that have worked in multiple locations throughout the East Coast. Few of the smaller communities under 50,000 have ever completed such evaluations with the exception of periods where a specific department was going through significant operational or performance related issues. Based on the feedback from the communities and different managers, the general consensus focused on three distinct processes or programs that have been successfully used in other jurisdictions. These processes include the following:

- 1) **Employee Based Assessments** – Several managers mentioned that they had much better luck with internal employee based assessments rather than bringing in an outside consultant. Their experience had been very good in this type of engagement and you normally get a very good product when you empower your staff to move forward. By making sure they apply best practices, you not only get what a consultant would provide but you get specific application and knowledge of your operation so it seems to be very successful. One of the managers clearly stated that it has to be supported from the top down with a clear message and expectation from not only Council but also the Management Team that changing and challenging the status quo is okay or you will get restricted feedback. The Town potentially began the first phase of this back in 2014 and received a significant amount of successful input that Town Council applied. Potentially taking this to another level is an option or alternative that Town Council can choose to work with the Management Team to implement regardless of any other process that you put in place. I truly feel that based on some of the feedback we received that the staff did not feel that Town Council and the Management Team was serious about taking this feedback and making substantial change so many of our potential discussions may have been somewhat limited. After going through the first process and staff seeing many of their suggestions reviewed and implemented, there is a good chance that the second go around will open up an even more productive discussion.

<u>Implementation/Completion Time</u>	<u>Impact to Town Government Operations</u>	<u>Cost to Implement and Collect Data</u>
60-90 days	Minimal and can be done on downtime or during breaks	\$500

- 2) **Government Reform Commissions** – Two managers specifically mentioned their success with government reform commissions and one specifically, Tim Hemstreet, referenced the initiative that Loudoun County put in place. Putting together a quality local panel can sometimes pay enormous dividends because you not only identify what is important to the citizens and businesses but also how to improve the delivery of government services on a daily basis. One of the potential challenges is that many times the people come from a private sector environment where they are not always familiar with the potential limitations and some restrictions that governments,

particularly under Dillon Rule, have to operate under so this type of process is really good at identifying overall efficiencies in operations along with challenges in deficiencies in the services being delivered but does not always capture the most current and best practices in public government. One of the positive things is that it clearly empowers your community to get involved and helps the Council and staff understand what is important to the residents and businesses.

<u>Implementation/Completion Time</u>	<u>Impact to Town Government Operations</u>	<u>Cost to Implement and Collect Data</u>
90 - 180 days	Moderate – involves coordinating and scheduling meetings along with staff time to keep minutes and summaries. Also includes staff and departments going before the government reform commission to discuss operations and answer questions.	\$5,000 - \$8,000

3) **Operational or Efficiency Audit** – This is more in line with what Town Council originally discussed implementing in 2014 and continued discussions through our meetings in July prior to our August 2016 break. There are larger firms that offer this for private and public sector operations and they are very specialized government firms that are more regionally located along the East Coast that work in Virginia and other neighboring states that provide this type of operational review. Looking at several of these firms. They will come in and look at a departmental specific or general government overview. Normally it is comprised of the following tasks or scope depending on what is captured by the Town Council and staff:

- Review of general policies and practices
- Application of best practices to government operations
- Analysis of staffing levels both based on local priorities, regional obligations and state and national comparisons based on population and services
- Scope of services delivered and general cost parameters per capita
- General overview of services offered and basic service delivery models

<u>Implementation/Completion Time</u>	<u>Impact to Town Government Operations</u>	<u>Cost to Implement and Collect Data</u>
90 - 100 days	Moderate to Heavy - depending on length of audit, request for information and meetings needed to deliver background.	\$30,000 - \$50,000

Staff welcomes the opportunity to work with Council to complete the level of review that you determine is needed and that would be beneficial to the overall operations in the Town of Purcellville. As it has been discussed in the past, Town Council will have to determine the cost versus benefits to completing any additional operational or efficiency audit above and beyond the normal review and financial audits conducted by local government. The Town currently conducts intensive financial audits each year that is dictated by federal, state and industry guidelines. These audits last for months and review all levels of financial and operational components. We are also subject to intensive inspections of our field operations by regulatory agencies such as DEQ, EPA, VDOH and VDOT. The Town also completed a significant credit rating review several years ago followed up by another review last year by Fitch. These reviews look at not only our financial position but the operations of our government at all levels. In addition, the Police Department is subject to annual inspections by the state and we voluntarily submit our department for state accreditation which involves an intensive review by peers on hundreds of operational standards.

The concern at this point is not whether we do this and staff is more than willing to work with Council to complete any level of internal or external operational efficiency review requested but more the timing of this potential action. It is important that we not disrupt or impact our ability to perform not only daily projects but also emergency projects that can come at any time. We are currently undertaking some enormous upgrades to our operations, particularly in the Finance Department with a multi-year project and in the next 3 - 4 months we will be having to focus on getting the new tax module up and operating before we bill for the first time in tax year 2017. In addition, the Town has been notified that Fitch is re-evaluating all of their government clients based on a new model that they have developed and that will take considerable time over the next two months to prepare and complete. Given the fact that several of the options do include additional funding projects, staff would recommend that if the Town Council wishes to proceed with a formal operational and efficiency audit, that we factor that into FY17/18 budget with an implementation date of summer of 2017. This will allow the Town time to procure a

consultant during the spring period and will leave a summer window that is outside of our normal heavy tax billing and budget preparation/adoption period which occurs during late winter and early spring. It will also allow for the potential money to be properly budgeted rather than requiring an amendment. Depending on how we develop the scope, there is a good chance that the cost for the project will be between \$25,000 and \$30,000 and not the higher end identified. If we make a very broad and expansive scope, the higher end dollar amount will be relevant.

In another option, the Town may choose to implement multiple components which possibly could involve having the internal staff review occur over the fall and into early winter and then that information would also be available for Town Council and management staff to work with and it would provide additional information when we complete the final operational or efficiency audit.

BUDGET IMPACT:

This will be determined by the potential options selected by the Town Council. When factoring in direct and indirect costs, the Town can expect to see a potential budget impact ranging from \$2,000 to \$50,000 based on the level of detail that is reviewed based on the options presented. There is not specific funding in the current budget but depending on the timing and desire of Council to move forward either a budget amendment or future budget allocation in out years will be needed to cover the cost.

MOTION(S):

To be determined by Council's discussions.

ATTACHMENT(S):

1. Staff Report – October 8, 2014
2. Staff Report – January 12, 2016

STAFF REPORT

TO: Mayor and Town Council
FROM: Robert W. Lohr, Jr., Town Manager
RE: Request for Management or Efficiency Audits
DATE: October 8, 2014

BACKGROUND:

After meeting with the Mayor and individual Council members, there have been discussions on the value or merits of looking at management review and efficiency audits within our Town operations. This reoccurring theme was discussed during the September Strategic Planning Session by several Council members and I have been asked to provide some background on this process.

Over the years, the Town of Purcellville has consistently upgraded our staffing and engaged outside auditors, operational professionals and subjected ourselves to numerous independent evaluations such as the credit rating review that occurred over a six month period last year. All of these changes have resulted in positive improvements to all of our operations across the board and the Town government and community have seen positive dividends. With this said, the Town staff welcomes any additional efficiency or management review in addition to any potential opportunity to find new ways to run a more efficient operation for our residents and businesses.

BUDGET IMPACT:

The Town does not have any funds currently set aside to complete this type of independent audit in the FY14/15 budget. Based on inquires by the Mayor, there are firms that would potentially volunteer to provide these services potentially on a pro bono basis. Staff could solicit proposals or request for information/assistance that would outline the correct legal parameters and opportunities for such a process.

In the interim, the staff will proceed with recommendations that were discussed in the Strategic Planning Session that would allow for some input and internal reviews which are part of our daily operational process and would not result in any additional funding request.

STAFF RECOMMENDATION:

As a result of some requests made at the Strategic Planning Session and ongoing annual operational review and feedback sessions, I recommend that we move forward with the following steps and processes:

- 1) Departmental managers will take several hours over the next several months to meet with all of their staff in order to solicit recommendations on how the Town can more efficiently operate not only within their department but within the Town as a whole. Departmental staff will be given an opportunity to discuss these options in open sessions and also submit confidential recommendations to a task force that will be headed by Patrick Childs, Alex Vanegas and Hooper McCann. A summary of this internal review will be shared with all staff and the Town Council. This review will also be made available to the public.
- 2) Each department will be asked to identify the three most important projects, resources or support that they need in order to do their job effectively based on the challenges that they will face in the immediate and near future. This feedback will be shared with Council so that Council can use it as you are aligning your action work items to your four Strategic Initiatives that you established as priorities in the Strategic Planning Session in September.
- 3) Each Department Head will meet with their management team and review the action items that you identified in the Strategic Planning Session and rank them as a matter of priority so that you can use this feedback as you requested in your final ranking process over the next thirty days. Staff has met in our semi-monthly Management Team meeting to discuss the Council's draft work product from the Strategic Planning Session and per your request, we will provide this additional feedback.
- 4) Based on the final priorities and work product that was created as a result of our Strategic Planning Session, the Town Council will establish a priority list of departments which will allow the Town to engage pro bono or procured contracted cost services to complete a management and efficiency audit of one department each year based on a priority list developed by Town Council and management staff. Over the next ninety days, the Town Council in their worksessions will identify the departments that they would like to have independently audited for operational and organizational efficiencies. The Town would then proceed to conduct audits, one audit per year, on the identified priorities until all of the departments are reviewed. This process would be adequately reflected in the budget, if needed. In the spring of 2015, the Town

would procure these services through competitive negotiations and proceed with the first audit during the summer of 2015.



STAFF REPORT
DISCUSSION ITEM

Item # 12e

SUBJECT: Operational Audit Discussion

DATE OF MEETING: January 12, 2016

STAFF CONTACTS: Robert W. Lohr, Jr., Town Manager

SUMMARY and RECOMMENDATIONS:

At the request of Mayor Fraser, the Town began looking at options to conduct an operational audit of the Town's services and programs. Council developed Strategic Initiatives at the first strategic planning session and identified this as one of the items they would like to pursue but did not go into specific details. Staff has recommended that a series of questions or priorities be established prior to the Town beginning this process since it is not fiscally or operationally prudent to try to do intensive audits of all departments in one year. As a result, staff has recommended that the Council identify one department or group each year to complete an additional audit and select a firm that has experience in those type of specialized departments to conduct the audit annually.

BACKGROUND:

Over the last year, discussions have continued as to the costs versus benefits to completing an additional operational audit above and beyond normal review and financial audits conducted by local governments. The Town currently conducts intensive financial audits each year that is dictated by federal, state and industry guidelines. These audits last for months and review all levels of financial and operational components. We are also subject to intensive inspections of our field operations by regulatory agencies such as DEQ, EPA, VDOH and VDOT. The Town also completed a significant credit rating review several years ago and a follow-up review last year by Fitch. These reviews looked at not only our financial position but the operations of our government at all levels. In addition, the Police Department is subject to annual inspections by the state and we voluntarily submitted our Department for state accreditation which involves an intensive review by peers on hundreds of operational standards.

Staff has recommended that if Town Council wants to move forward with this process that

we have Town Council address the following questions and priorities:

- 1) Town Council needs to identify the department or group to review each year. This is critical because trying to do more than one department or group per year would cause significant interruption to our operations. As leaders, it has been suggested that Town Council volunteer to be the first group evaluated for efficiency and operational processes. So much in leadership, management and organizational success begins at the top and it would only make sense. Especially in a small town like our community, the Mayor and Town Council have so much more of a role that clearly crosses over into operations and processes. Having our house in order at the top is usually the best starting point and it also sets a great example. I would then recommend in the next fiscal year (2017), we follow-up with Administration. This would set the positive tone that as leaders and policy makers we are willing to have our levels evaluated first. I also believe that by looking at the leadership first it will produce some significant suggestions for improvements at all levels.
- 2) Depending on which departments we are evaluating, different firms may provide better expertise. The operational expert in the water/wastewater treatment plant area may not be the most versed in police or finance operations. I have talked around the state and few communities go to this level but all agreed that one firm would not be able to do a thorough job that we would expect and hope for under this type of review.
- 3) The firm should not be brought in by the Mayor, a Town Council member or the Town Manager because that gives the perception of bias or favoritism. The firm should be procured by a team of staff and Town Council which can then select the best candidate for the chosen department. If the work is conducted for free or pro bono and procurement is not used, the firm should not be able to bid on future work that could be generated by their volunteer assessments. This is an ethical issue that sometimes is permitted in the private sector and federal government but is frowned upon and can be illegal in local government procurement. There has been too many times here in the last two decades where individual members of Town Council or a group of Town Council have accepted free or volunteer offers from individuals or companies to undertake tasks on items such as plant operations, websites and building operation evaluations only to have significant challenges or problems later when work or the impartiality of the group was challenged.

ISSUES:

The Council needs to determine the process and priorities of how we will proceed.

BUDGET IMPACT:

This will be determined by the potential cost of the audit and whether the firm(s) will be willing to complete the work pro bono or charge a reduced or regular market rate. Given the cost for previous audits and operational reviews, the Town can expect to see a budget ranging from \$0 to \$25,000 a year based on the level of detail and review that is applied to each organization/department. The money is not in the current budget so it will need to be added by a budget amendment.

MOTION(S):

To be determined by Council's discussion.

ATTACHMENTS:

None



STAFF REPORT
INFORMATION ITEM & ACTION ITEM

Item # 12b

SUBJECT: Disclosure of Real Parties in Interest

DATE OF MEETING: September 13, 2016

STAFF CONTACTS: Sally Hankins, Town Attorney
Robert W. Lohr, Jr., Town Manager

RECOMMENDATIONS:

1. If Town Council desires to require a Disclosure of Real Parties in Interest in land development applications, then I recommend that Town Council adopt Resolution 16-09-02, initiating an amendment to Article 11 of the Zoning Ordinance requiring such disclosure and affirmation of disclosure.
2. If such text amendment is initiated, I further recommend that Town Council review the following draft documents and provide comments to the Town Attorney before the documents return to Town Council for public hearing: (i) Ordinance 16-09-01, amending Article 11 of the Zoning Ordinance to require Disclosures and Affirmations of Disclosure, (ii) *Affidavit of Disclosure of Real Parties in Interest* form and instructions, and (iii) *Affirmation of Affidavit of Disclosure of Real Parties in Interest* form and instructions.
3. If Town Council desires to amend the Zoning Ordinance Article 11, Section 18 (governing Conflicts of Interest) in the manner suggested below in this Staff Report, then I recommend that Council adopt Resolution 16-09-03, which initiates such an amendment. The Resolution makes such amendment subject to the Town Attorney's determination that the amendment is allowed under the Doctrine of Preemption, as discussed in more detail below. A text amendment that is initiated by Town Council does not have to be adopted.

SUMMARY:

At the last Town Council meeting, held on July 26, 2016, the Town Council directed staff to prepare a draft Ordinance requiring all land development applicants to complete a

disclosure identifying persons who have an interest in the property that is the subject of the land development application (“**real parties in interest**”), and to create a form for such disclosure. The Town Council’s stated desire was that the disclosure form be short, not exceeding two pages.

The Ordinance, if adopted, will amend the text of the Town’s Zoning Ordinance. Because the Ordinance will amend the Zoning Ordinance, the Town Council is required under Va. Code Section 15.2-2286(A)(7) to initiate the amendment by adopting a Resolution, which is attached to this Staff Report. Also attached to this Staff Report are the following draft documents: (i) Ordinance amending Article 11 of the Zoning Ordinance, (ii) Affidavit of Disclosure of Real Parties in Interest form and instructions, and (iii) the Affirmation of the Disclosure of Real Parties in Interest form and instructions.

BACKGROUND:

Virginia Code Section 15.2-2289 authorizes a locality’s Planning Commission, Town Council, or Board of Zoning Appeals to require the complete disclosure of the equitable ownership interests in real property that is the subject of one of the following types of application: Special Exception, Special Use Permit, Zoning Ordinance Map Amendment, Zoning Ordinance Text Amendment, and Variance. The statute provides that, in the case of corporate ownership, such ordinance may require disclosure of the stockholders, officers, and directors, provided that such disclosure shall not be required when the corporation is traded on a national or local stock exchange and has more than 500 shareholders. The statute also exempts those who own fewer than 10% of the units within a condominium building.

ISSUES:

As drafted, Section 19.8 of the proposed Ordinance requires that each member of the Planning Commission, Town Council and Board of Zoning Appeals review the submitted Disclosure form prior to attending any meeting about the subject application for which the Disclosure was required, and determine whether that member or his immediate family has a relationship with any of the entities or individuals disclosed as having an ownership interest. If such relationship exists, the member must seek an opinion from the Town Attorney or other authorized person as to whether a conflict exists under the Virginia Conflict of Interest Act. And, if such conflict is determined to exist, the affected member must act in accordance with the stricter of the Virginia Conflict of Interest Act, or the Town Ordinances.

It should be noted that Zoning Ordinance Article 11, Section 18 addresses Conflicts of Interests in zoning matters, and appears to be intended to restrict participation by public officers who have a conflict of interest by placing restrictions on participation that go beyond what is required under the Virginia Conflict of Interest Act. Provided that this provision is allowed under the legal *Doctrine of Preemption* (ie; localities cannot regulate behavior in a manner that in conflict with state law, nor can it regulate behavior that is regulated by the state if the state has “occupied that particular subject-matter field.”), I recommend that this Zoning Ordinance section be clarified to state,

If it is determined that a member of the Town Council, Planning Commission, or Board of Zoning Appeals has a conflict of interest under the Virginia Conflict of Interest Act, then such member shall not participate or vote on the matter for which such conflict exists.

My recommendation is intended to remove the ambiguous term “financial interest” and to instead rely on the complexities of the Virginia Conflict of Interest Act to determine whether a Conflict exists. Once it is determined *whether* a conflict exists, then the Town can regulate how such conflicts are handled, provided our regulation is not pre-empted by state law.

The *Doctrine of Preemption* issue must be resolved prior to Town Council adopting the revision recommended above. If, after researching the issue, it is my conclusion that the Town is not authorized to adopt an ordinance requiring the recusal of a public officer who has a conflict, when the state law does not require such recusal but instead leaves such recusal to the discretion of the affected public officer, then it will be my recommendation that the Town Council delete the provision from the Zoning Ordinance altogether.

BUDGET IMPACT:

There will be additional staff time needed to review the Disclosure of Real Parties in Interest for completeness and to review the required Affirmations. There will be additional time required for each public officer to review the documents to determine whether a relationship exists. Further, there will likely be additional requests to the Town Attorney for determinations of conflict under the Virginia Conflict of Interest Act.

MOTION(S):

1. “I move that Town Council adopt Resolution 16-09-02, initiating an amendment to Article 11 of the Town Zoning Ordinance to add a provision requiring land

development applicants to submit an affidavit of disclosure of real parties in interest, and to periodically affirm such affidavit.”

2. I move that Town Council adopt Resolution 16-09-03, initiating an amendment to Section 18 of Article 11 of the Zoning Ordinance, by clarifying the existing language to require that public officers who have a conflict of interest under the Virginia Conflict of Interest Act must refrain from all participation in the matter for which such conflict exists. This text amendment, although initiated, will not be adopted if the Town Attorney determines the suggested provision is preempted by state law.

ATTACHMENT(S):

1. Resolution Number 16-09-02, initiating an amendment to Article 11 of the Town Zoning Ordinance, adding a provision requiring land development applicants to submit an affidavit of disclosure of real parties in interest, and to periodically affirm such affidavit
2. Draft Ordinance Number 16-09-01, amending the Zoning Ordinance to require land development applicants to submit an Affidavit of Disclosure of Real Parties in Interest, and to periodically affirm such Affidavit.
3. Draft form and instructions for the *Affidavit of Disclosure of Real Parties in Interest*
4. Draft form and instructions for the *Affirmation of Disclosure of Real Parties in Interest*
5. Resolution Number 16-09-03, initiating an amendment to Section 18 of Article 11 of the Zoning Ordinance, by clarifying the existing language to require that public officers who have a conflict of interest under the Virginia Conflict of Interest Act must refrain from all participation in the matter for which such conflict exists.

TOWN OF PURCELLVILLE
IN
LOUDOUN COUNTY, VIRGINIA

RESOLUTION NO. 16-09-02

PRESENTED: September 13, 2016
ADOPTED:

A RESOLUTION: INITIATING AN AMENDMENT TO ARTICLE 11 OF THE TOWN OF PURCELLVILLE ZONING ORDINANCE TO ADD A REQUIREMENT THAT ALL APPLICANTS FOR SPECIAL USE PERMIT, SPECIAL EXCEPTION, ZONING MAP AMENDMENT, ZONING CONCEPT PLAN AMENDMENT, PROFFER AMENDMENT, ZONING TEXT AMENDMENT, ZONING ORDINANCE MODIFICATION, AND VARIANCE SUBMIT AN AFFIDAVIT OF DISCLOSURE OF REAL PARTIES IN INTEREST AND PERIODICALLY AFFIRM SUCH DISCLOSURE

WHEREAS, the Town Council desires that applicants for Special Use Permit, Special Exception, Zoning Map Amendment, Zoning Concept Plan Amendment, Proffer Amendment, Zoning Text Amendment, Zoning Ordinance Modification, and Variance make a full public disclosure of the legal and equitable ownership interests in the real property that is the subject of such application, and periodically affirm such disclosure; and

WHEREAS, the Town Council finds that such disclosures will enhance transparency, avoid conflicts of interest, and serve the public necessity, convenience, and general welfare.

NOW THEREFORE BE IT RESOLVED, that the Council of the Town of Purcellville, Virginia hereby initiates a text amendment to Article 11 of the Zoning Ordinance, adding a provision requiring land development applicants to submit an affidavit of disclosure of real parties in interest, and to periodically affirm such affidavit.

BE IT FURTHER RESOLVED, that the Council of the Town of Purcellville, Virginia hereby directs staff to prepare such amendment, present the amendment to the Planning Commission for review, public hearing, and recommendation, and then return the proposed amendment to Town Council for review, public hearing, and action.

PASSED THIS ___ DAY OF _____, 2016.

Kwasi A. Fraser, Mayor
Town of Purcellville

ATTEST:

Diana Hays, Town Clerk

TOWN OF PURCELLVILLE
IN
LOUDOUN COUNTY, VIRGINIA

ORDINANCE NO. 16-09-01

PRESENTED: September 13, 2016
ADOPTED:

AN ORDINANCE: AMENDING ARTICLE 11 OF THE TOWN OF PURCELLVILLE ZONING ORDINANCE TO ADD SECTION 19, REQUIRING ALL APPLICANTS FOR SPECIAL USE PERMIT, SPECIAL EXCEPTION, ZONING MAP AMENDMENT, ZONING CONCEPT PLAN AMENDMENT, PROFFER AMENDMENT, ZONING TEXT AMENDMENT, ZONING ORDINANCE MODIFICATION, AND VARIANCE TO COMPLETE AN AFFIDAVIT OF DISCLOSURE OF REAL PARTIES IN INTEREST AND TO AFFIRM SUCH DISCLOSURE

WHEREAS, the Town Council desires that applicants for Special Use Permit, Special Exception, Zoning Map Amendment, Zoning Concept Plan Amendment, Proffer Amendment, Zoning Text Amendment, Zoning Ordinance Modification, and Variance make a full public disclosure of the legal and equitable ownership interests in the real property that is the subject of such application.

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

Section 1. That Zoning Ordinance Article 11 (“Administration and Enforcement”) is hereby amended to add Section 19 as follows:

Section 19. Disclosures of Real Parties in Interest

19.1 An applicant for Special Use Permit, Special Exception, Zoning Map Amendment, Zoning Concept Plan Amendment, Proffer Amendment, Zoning Text Amendment, Zoning Ordinance Modification, and Variance shall include as part of the minimum application submission requirements a completed *Affidavit of Disclosure of Real Parties in Interest* form, disclosing the legal and equitable ownership interests in the real property that is the subject of such application.

19.2 In accordance with Virginia Code 15.2-2289, such disclosure shall not be required of a corporation having more than 500 shareholders whose stock is traded on a national

or local stock exchange, nor shall it be required from a condominium owner, contract purchaser, or lessee who owns less than 10% of the units in the condominium.

19.3 A “real party in interest” shall include all parties who have a legal, equitable or beneficial interest in the subject property, including applicants, title owners, contract purchasers, lessees, trustees, beneficiaries (including beneficiaries under a trust, an easement, or a restrictive covenant), and executors.

19.4 Any real party in interest that is a PARTNERSHIP, CORPORATION, LIMITED LIABILITY COMPANY, or TRUST shall name its owners, partners (general and limited), shareholders, and beneficiaries, each of whom must be broken down successively until: (a) only individual persons are listed or (b) the listing is a business entity having more than 100 owners (eg; partners, shareholders, or members), in which case only those individual persons who own 10% or more of the business entity must be listed. Limited liability companies, sole proprietorships, and real estate investment trusts and their equivalents shall be treated as corporations, with members and managing members deemed the equivalent of shareholders.

19.5 Prior to each and every hearing for a Special Use Permit, Special Exception, Zoning Map Amendment, Zoning Concept Plan Amendment, Proffer Amendment, Zoning Text Amendment, Zoning Ordinance Modification, or Variance, and again prior to action by the Planning Commission, Town Council, or Board of Zoning Appeals, the applicant shall complete and submit to the Town an *Affirmation of Disclosure* form, affirming that the Disclosure remains complete, or providing any changed or supplemental information. If there are no changes or supplemental information to provide, the applicant shall nonetheless complete the *Affirmation of Disclosure* confirming so.

19.6 The Town Council authorizes and directs Town Staff to prepare and maintain an *Affidavit of Disclosure of Real Parties in Interest* form and an *Affirmation of Disclosure* form.

19.7 The "Disclosure" and the "Affirmation of Disclosure" forms shall not be altered or modified in any way. Any form that is altered or modified in any way will not be accepted.

19.8 Each member of the Planning Commission, Town Council, and Board of Zoning Appeals shall, prior to participating in a meeting concerning an application for which a Disclosure is required, examine the Disclosure and all Affirmations of Disclosure to determine whether he, or a member of his immediate family, has a relationship with any Disclosed parties in interest. If such a relationship exists, the affected member of the public body shall seek a determination from the Town Attorney, or other person authorized under Virginia Code to render a Conflict of Interest Opinion, concluding

whether a conflict exists under the Virginia Conflict of Interest Act. If such a conflict is determined to exist, the affected member shall in all cases handle the conflict so as to satisfy the Virginia Conflict of Interest Act and, in addition, shall handle the conflict so as to satisfy Town ordinance requirements governing conflicts, to the extent such ordinances are permitted by law.

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

Section 3. That this ordinance shall be effective upon its adoption and shall apply to applications commenced after the effective date.

Section 4. That if any section, paragraph, subdivision, clause, phrase, or provision of this ordinance shall be adjudged invalid by the courts, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so decided to be invalid.

Cross References

Va. Code § 15.2-2289 (“Localities may provide by ordinance for disclosure of real parties in interest”)

PASSED THIS ___ DAY OF _____, 2016.

Kwasi A. Fraser, Mayor
Town of Purcellville

ATTEST:

Diana Hays, Town Clerk

This page intentionally left blank

TOWN OF PURCELLVILLE
AFFIDAVIT OF DISCLOSURE: REAL PARTIES
IN INTEREST IN LAND USE PROCEEDINGS

A. INTRODUCTION

Under authority of Va. Code Ann. § 15.2-2289 and Zoning Ordinance Article 11, Section 19, the Town requires each applicant for Special Use Permit, Special Exception, Zoning Map Amendment, Zoning Concept Plan Amendment, Proffer Amendment, Zoning Text Amendment, Zoning Ordinance Modification, and Variance to submit with its initial application a completed *Disclosure of Real Parties in Interest* form, and to update and affirm such disclosure prior to each public hearing and, again, prior to action by the Planning Commission, Town Council, or Board of Zoning Appeals.

The Town Council has directed Town Staff to prepare and maintain forms for the *Disclosure of Real Parties in Interest* and the *Affirmation* of such disclosures. **The "Disclosure" and "Affirmation of Disclosure" forms shall not be altered or modified in any way. Any form that is altered or modified in any way will not be accepted.**

B. INSTRUCTIONS

1. An applicant for Special Use Permit, Special Exception, Zoning Map Amendment, Zoning Concept Plan Amendment, Proffer Amendment, Zoning Text Amendment, Zoning Ordinance Modification, and Variance shall include as part of the minimum application submission requirements a completed *Disclosure of Real Parties in Interest* form, disclosing the legal and equitable ownership interests in the real property that is the subject of such application.
2. In accordance with Virginia Code 15.2-2289, such disclosure shall not be required of a corporation having more than 500 shareholders whose stock is traded on a national or local stock exchange, nor shall it be required from a condominium owner, contract purchaser, or lessee who owns less than 10% of the units in the condominium.
3. A “real party in interest” shall include all individual persons and business entities who have a legal, equitable or beneficial interest in the property that is the subject of an application, including applicants, title owners, contract purchasers, lessees, trustees, beneficiaries (including beneficiaries under a trust, an easement, or a restrictive covenant), and executors.
4. Any real party in interest that is a PARTNERSHIP, CORPORATION, LIMITED LIABILITY COMPANY, or TRUST shall name its owners, partners (general and limited), shareholders, and beneficiaries, each of whom must be broken down successively until: (a) only individual persons are listed or (b) the listing is a business entity having more than 100 owners (eg; partners, shareholders, or members), in which case only those individual persons who own 10% or more of the business entity must be listed. Limited Liability Companies, sole proprietorships, and Real Estate Investment Trusts and their equivalents shall be treated as corporations, with members and managing members deemed the equivalent of shareholders.

5. In addition to real parties in interest, the agent of any real party in interest must also be disclosed in the same manner as a real party in interest.
6. Prior to each and every public hearing for a Special Use Permit, Special Exception, Zoning Map Amendment, Zoning Concept Plan Amendment, Proffer Amendment, Zoning Text Amendment, Zoning Ordinance Modification, or Variance, and again prior to action by the Planning Commission, Town Council, or Board of Zoning Appeals, the applicant shall complete and submit to the Town an *Affirmation of Disclosure* form, affirming that the Disclosure remains complete, or providing any changed or supplemental information.
7. The "Disclosure" and the "Affirmation of Disclosure" forms shall not be altered or modified in any way. Any form that is altered or modified in any way will not be accepted.

**C. AFFIDAVIT OF DISCLOSURE: REAL PARTIES IN INTEREST
IN LAND USE PROCEEDINGS**

I, _____, do hereby state that I am an:

___ Applicant

___ Applicant’s Authorized Agent

in Application Number(s): _____ (“Application”)

and that to the best of my knowledge and belief, the following information is true:

C.1. REAL PARTIES IN INTEREST

That the following constitutes a listing of the names and addresses of all parties who have a legal, equitable or beneficial interest in the land described in the Application, including the applicants, title owners, contract purchasers, lessees, trustees, beneficiaries (including beneficiaries under a trust, an easement, or a restrictive covenant), and executors. In addition, the following includes the names and addresses of all agents authorized to act on behalf of any real party in interest.

For a multiple parcel application, list the Parcel Identification Number (“PIN”) of each parcel for each owner(s).

<i>PIN</i>	<i>NAME (First, M.I., Last)</i>	<i>ADDRESS (Street, City, State, Zip Code)</i>	<i>RELATIONSHIP</i>

Check if applicable:

_____ There is/are _____ more additional “Real Parties in Interest” sheet(s) attached.

C.2. CORPORATION INFORMATION (see Instructions, Paragraph B.4 above)

That the following constitutes a listing of all the corporations and shareholders required to be disclosed under Instruction B.4. This “Corporation Information” sheet has been completed for each such corporation.

Name and Address of Corporation: (complete name, street address, city, state, zip code)

Description of Corporation:

_____ *There are 100 or fewer shareholders and all shareholders are listed below.*

_____ *There are more than 100 shareholders, and all shareholders owning 10% or more of any class of stock issued by said corporation are listed below.*

_____ *There are more than 100 shareholders but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.*

_____ *There are more than 500 shareholders and stock is traded on a national or local stock exchange, so no shareholders are listed below.*

Names of Shareholders:

<i>SHAREHOLDER NAME (First, M.I., Last)</i>	<i>SHAREHOLDER NAME (First, M.I., Last)</i>

Check if applicable:

_____ There is/are _____ more additional “Corporation Information” sheet(s) attached.

C.4. COMPLETENESS

That the information contained in this Affidavit of Disclosure is complete and fully complies with the requirements set forth in the Instructions.

That prior to each public hearing on this Application and, again, prior to action on this Application by the Planning Commission, Town Council, or Board of Zoning Appeals, I will submit an Affirmation of Disclosure that either affirms this Disclosure remains complete and in full compliance with the Instructions, or provides any changed or supplemental information.

WITNESS the following signature:

_____ check one: [] Applicant or [] Applicant's Authorized Agent

_____ (Type or print first name, middle initial and last name and title of signee)

Subscribed and sworn before me this _____ day of _____ 20 ____, in the State/Commonwealth of _____, in the County/City of _____.

Notary Public

My Commission Expires: _____

Notary Registration Number: _____

TOWN OF PURCELLVILLE

***AFFIRMATION OF THE
AFFIDAVIT OF DISCLOSURE OF REAL PARTIES IN INTEREST***

Instructions:

1. On or before the close of business **twenty-two (22) business days prior to each public hearing** before the Planning Commission, the Town Council, and the Board of Zoning Appeals, the Applicant or the Applicant's Authorized Agent, which agent must be listed in Section C of the Applicant's *Affidavit of Disclosure*, shall submit a completed *Affirmation of Affidavit of Disclosure* that either:
 - a. Affirms that the Affidavit of Disclosure submitted with the application is complete and accurate; or
 - b. Attests that the *Affidavit of Disclosure* is no longer complete and accurate, identifying the Sections in the *Affidavit of Disclosure* that require revisions or supplemental information. In such case, the Applicant shall submit, also prior to the close of business 22 days before to the public hearing, a complete and accurate *Affidavit of Disclosure*.
2. If, subsequent to the timely submission of the *Affirmation of Disclosure* or new *Affidavit of Disclosure* as described above, the Applicant's *Affidavit of Disclosure* becomes inaccurate or incomplete at any time prior to the commencement of a scheduled public hearing, the Applicant must submit a complete and accurate *Affidavit of Disclosure* on the Town's form. Failure to submit such *Affidavit of Disclosure* prior to 5:00 p.m. seven (7) business days before the scheduled public hearing shall constitute cause for the Town to reschedule the application to a subsequent public hearing date that accommodates all notice and readvertising requirements. If the hearing for the application is deferred by the Town, the Applicant shall be responsible for all required notice to property owners and readvertising.
3. If the Applicant's hearing before the Planning Commission, Town Council, or Board of Zoning Appeals is deferred to a date that is more than twenty-two business days after the previously scheduled hearing date, the affirmation procedure described above shall be repeated.
4. At each and every hearing on the Application before the Planning Commission, Town Council and Board of Zoning Appeals, the Applicant or the Applicant's Authorized Agent, who must be listed in Section C of the Applicant's Affidavit, shall be required to make an oral statement that the affirmed affidavit or the new affidavit is accurate and complete as of the date of the hearing.

AFFIRMATION OF AFFIDAVIT OF DISCLOSURE FORM

In reference to the *Affidavit of Disclosure* dated _____

For the Application _____
[Application name(s)]

Identified as Application Number(s) _____
[Application number(s)]

I, _____, do hereby state that I am the

check one: _____ Applicant (must be listed in Paragraph C of the above-described affidavit)

_____ Applicant's Authorized Agent (must be listed in Paragraph C of the above-described Affidavit)

in the above-referenced Application and to the best of my knowledge and belief, the following information is true:

check one:

_____ I have reviewed the above-described *Affidavit of Disclosure*, and certify that the information contained therein is true and complete as of _____, or;
(date)

_____ I have reviewed the above-described *Affidavit of Disclosure*, and I am submitting a new complete and accurate *Affidavit of Disclosure* that includes changes, deletions or supplemental information to the following paragraphs of the above-described Affidavit:

- _____ Paragraph C
- _____ Paragraph C-1
- _____ Paragraph C-2
- _____ Paragraph C-3
- _____ Paragraph C-4

WITNESS the following signature:

_____ check one [] Applicant or [] Applicant's Authorized Agent

_____ (Type or print first name, middle initial and last name and title of signee)

Subscribed and sworn before me this _____ day of _____, 20_____, in the State/Commonwealth of _____, in the County/City of _____.

Notary Public

My Commission Expires: _____

Notary Registration Number: _____

TOWN OF PURCELLVILLE
IN
LOUDOUN COUNTY, VIRGINIA

RESOLUTION NO. 16-09-03

PRESENTED: September 13, 2016
ADOPTED:

A RESOLUTION: INITIATING AN AMENDMENT TO ARTICLE 11 OF THE TOWN OF PURCELLVILLE ZONING ORDINANCE, CLARIFYING SECTION 18 GOVERNING CONFLICTS OF INTEREST

WHEREAS, the Town Council recognizes that the Virginia Conflict of Interest Act allows, in certain cases, participation by public officials who have a conflict of interest under the Virginia Conflict of Interest Act; and

WHEREAS, the Town Council would like to impose a stricter requirement than that imposed under state law, by prohibiting members of the Town Council, Planning Commission and Board of Zoning Appeals who have a conflict of interest from any and all participation in the matter for which such conflict exists, provided that such stricter regulation is allowed under the legal Doctrine of Preemption; and

WHEREAS, provided such regulation is allowed under the Doctrine of Preemption, the Town Council finds that the existing language of Zoning Ordinance Article 11, Section 18 is ambiguous and should be amended to clarify that the determination of whether a conflict exists shall be made under the terms of the Virginia Conflict of Interest Act and, should a conflict exist, the affected member shall refrain from all participation in the matter for which such conflict exists; and

WHEREAS, Town Council finds that such clarification will remove the ambiguity present in Section 18 concerning what constitutes a “financial interest,” and will serve the public necessity, convenience, and general welfare.

NOW THEREFORE BE IT RESOLVED, that the Council of the Town of Purcellville, Virginia hereby directs the Town Attorney to determine whether the Town is authorized to adopt an ordinance requiring the recusal of a public officer who has a conflict of interest, when the state law does not require such recusal but instead leaves such recusal to the discretion of the affected public officer, and to provide such legal opinion to the Town Council.

BE IT FURTHER RESOLVED, that the Council of the Town of Purcellville, Virginia hereby initiates a text amendment to Article 11 of the Zoning Ordinance clarifying the existing language

to require that public officers who have a conflict of interest under the Virginia Conflict of Interest Act must refrain from all participation in the matter for which such conflict exists.

BE IT FURTHER RESOLVED, that the Council of the Town of Purcellville, Virginia hereby directs staff to prepare such amendment, present the amendment to the Planning Commission for review, public hearing, and recommendation, and then return the proposed amendment to Town Council for review, public hearing, and action.

PASSED THIS ___ DAY OF _____, 2016.

Kwasi A. Fraser, Mayor
Town of Purcellville

ATTEST:

Diana Hays, Town Clerk



STAFF REPORT
INFORMATION ITEM

Item # 12.c

SUBJECT: Website Functionality and Capabilities

DATE OF MEETING: September 13, 2016

STAFF CONTACTS: Daniel C. Davis, Assistant Town Manager

SUMMARY and RECOMMENDATIONS:

With the recent redesign of the Town’s website, there are certain functions and capabilities that can be used to enhance community involvement and awareness. Staff would like Council’s general consent to continue using these capabilities.

BACKGROUND:

The Town completed the redesign of the Town’s website and officially went “live” on Wednesday, June 22nd. The new website is much more user-friendly and provides greater functionality through the website provider’s modules.

Certain functions were planned and programmed during the website development stage but have not been fully implemented. Staff believes these additional capabilities will benefit the public and wants to ensure that Council concurs with the manner in which these will be used.

COMMUNITY EVENTS CALENDAR:

One of the EDAC’s identified goals in a new website was to allow for a greater coordination of events happening in the community. The Town has historically advertised and promoted its own events, but outside (3rd-party) events are not usually shown on the website.

The website’s calendar currently has three different sections:

- Town Meetings: official FOIA calendar for meetings that need public notice
- Town Events: Official Town-sponsored events, such as signature events and holiday activities
- Community Events Calendar: Not currently in use

These calendars can be viewed independently or concurrently, depending on the user's preference, and can provide an overall view of activities happening in Town.

For the Community Events Calendar, staff suggests that local activities and events may be placed on this particular calendar. Examples include:

- Ribbon-Cutting of new businesses
- Community Events (such as Halloween Block Party, HeroHomes Cruise-In, 5K races, sporting events, etc)
- Musical, Theatrical, or other Community-type cultural activities (at the schools, churches, etc)
- Festivals or Gatherings of a large scale, such as by a community group or HOA

Examples of items that the Town would not include on the Community Events Calendar would be: specific business activities or sales, individual resident events (yard sale or activity), promotion of specific commercial activity, or political events.

COMMUNITY JOBS PORTAL:

For about five years, the Town hosted a "Purcellville Jobs" website through a local web developer that allowed local businesses to post job notices and recruit for employees. It showed a partnership between the Town and business community.

The Town's new "Jobs" module allows the Town to post Town employment opportunities as well as "Community Jobs" employment opportunities. These are clearly distinct pages on the website but allow for a synergy when people may be looking for a job.

The Town has not yet promoted or marketed this capability, but staff does think it could be a positive benefit to the business community. Unless there is objection by Council, staff will begin promoting the "Community Jobs" function on the website and allow businesses to post jobs.

In terms of process, a business owner will have to create a profile on the website and then post all the relevant information about the job opening. There are no workflow capabilities, so the posting will go live as soon as it created by the business owner. However, staff will monitor all new job postings and will have the Administrative capability to remove a posting if it is inappropriate or not a local business.

LINK TO WEBSITES IN BUSINESS DIRECTORY:

When planning out the new Business Directory, staff failed to get website links for each of the businesses. Staff intends to reach out to each of the businesses and request they provide a link which can be added in their listing. While this does mean that the Town will link to private, commercial websites, there is a pop-up disclosure notice that lets visitors know that

they are leaving the Town's website and that the Town does not support or endorse anything that may be on the external site.

This process will take a little bit of staff time but can be accomplished fairly easily.

CONCLUSION:

No action is needed by Council at this time. However, any input or direction from Council on these topics is appreciated.

This page intentionally left blank



STAFF REPORT
ACTION ITEM

Item # 13a

SUBJECT: New Appointment of Council member to Purcellville Arts Council

DATE OF MEETING: September 13, 2016

STAFF CONTACTS: Rob Lohr, Town Manager

BACKGROUND:

At the July 12, 2016 Town Council Meeting, Council members were appointed as Council liaisons to the Town's committees, commissions and boards. Council member Cool was appointed as Council liaison to the Purcellville Arts Council and to the Parks and Recreation Advisory Board. Since that meeting, discussions have taken place and Council member McCollum would like to be appointed as liaison to the Purcellville Arts Council.

MOTION(S):

"I move that the Town Council appoint Doug McCollum to serve on the Purcellville Arts Council as a non-voting liaison for the term of September 13, 2016 to June 30, 2018."

ATTACHMENT(S)

None

This page intentionally left blank



STAFF REPORT
ACTION ITEM

Item # 13.b

SUBJECT: OpenGov Financial Transparency Software

DATE OF MEETING: September 13, 2016

STAFF CONTACTS: Daniel C. Davis, Assistant Town Manager

SUMMARY and RECOMMENDATIONS:

The Town Council has discussed options to make the Town’s financial statements, revenues, and expenditures more available for the public to review and analyze. This item brings forth options for the Council to move forward with the OpenGov Financial Transparency Software (“OpenGov”), and staff defers to the Council’s preference in moving forward.

BACKGROUND:

Transparency in operations and management of the public’s funds is a core component of any governmental body. Transparency may take many forms, from the budget process to monthly financial statements to interactive software solutions.

Currently, the Town provides multiple avenues of transparency. First and foremost, the budget process is an open process, where all documents are provided online for the public, all budget meetings are open to the public, and there are multiple opportunities for public input (both formal and informal). Second, the Town produces an annual “Comprehensive Annual Financial Report” (CAFR) that provides an accounting for the revenues and expenditures in any given fiscal year. Third, at the request of prior Councils, the Town produces a monthly revenue and expenditure report, which includes a copy of the check register for that month. Details on specific expenditures or line items can be obtained by request.

OPTIONS:

As internet continues to serve as a means for gathering and analyzing data, software companies have developed tools that allow governments to upload financial data into a cloud-based system. This system then gives citizens the opportunity to review data, analyze trends, and create charts and reports based on defined criteria. One of the most refined and

popular solutions to-date, based on demos by Council members and staff, is OpenGov. Their solution is used by many jurisdictions and they are continuing to add additional capabilities, including management reports, measurement of performance data, and tracking of information other than budgets. The Mayor has invited OpenGov to provide a brief demo during the Council meeting of its products and capabilities. The cost for OpenGov is about \$8,100 annually, with a \$2,565 set-up fee. For a three-year period, the total contract cost is nearly \$27,000.

A second option to consider is the Transparency Portal that comes with the Tyler/MUNIS financial system that is currently being implemented. This portal is a public-facing side of our new financial system that provides reports, charts, and trends similar to the OpenGov solution. Currently, the Town has included this Transparency Portal as part of the MUNIS project, and it is scheduled to go-live in mid-2018. While this product provides a great degree of direct integration with our new financial system, its interface may not be as fully-developed as OpenGov. However, it is apparent that Tyler is continually updating the product and adding in additional capabilities. The cost for the Transparency Portal is \$5,000 per year and was planned as part of the overall financial software project. Tyler has requested an opportunity to demo their functionalities, should Council wish to get more information about the product and future enhancements.

A third option is to continue our current practice of providing revenue and expenditure reports and the monthly check register. This practice takes time for staff but there is no additional cost to the Town, as the reports are emailed and placed online. Trends can be found by reviewing the annual budget and CAFR, although these do not provide interactive tools nor do they have built-in chart features.

ISSUES FOR CONSIDERATION:

If Council is interested in moving forward with a financial transparency solution, the most direct impact will be the staff time needed to produce this information.

- 1) **Implementation:** The most difficult part of any system is the initial set-up and implementation. OpenGov has offered to import the Town's data as an example of how it can be viewed in their system, and they may provide an overview of this information during the Council meeting. There may be some additional time required to test and refine the options, but it appears the implementation is fairly simple and requires minimal time from staff. According to both OpenGov and staff from Leesburg, monthly updates to the system take 30-60 minutes, which is a very minimal impact on staff time and resources.

MUNIS would also require little time, as most of the implementation is planned in the project and would be built out with the financial system. The Transparency Module is

shown to require 6-7 months of implementation, but this can likely be a shorter timeframe. In addition, if the Financial/General Ledger system is implemented earlier than currently planned, the Transparency Portal may be able to go-live more quickly than currently expected. If Council chooses to move forward with a different option, staff will reach out to Tyler/MUNIS to cancel this portion of the project.

- 2) **Information Online:** The remaining question for Council is what specific information Council wishes to see online and how detailed that information should be. Staff recommends that the information be broken down by: Fund, Department, and Division. Further, the funds can be divided by Personnel (includes salary, benefits, overtime, and other pay information) and Operations/Maintenance (regular expenses for operations and day-to-day activities).
- 3) **Procurement Options:** In order to facilitate the Council's options, staff has been working with the OpenGov team to identify a cooperative procurement method to obtain these services. OpenGov has a GSA contract through a third-party (EC America/ImmixGroup), and it appears that the Town can use this mechanism to procure OpenGov. The GSA contract price represents a 5% reduction in cost over the original quote provided by OpenGov. The Town Attorney and Procurement Specialist are working on final details for the procurement of OpenGov, should Council wish to choose that option.

BUDGET IMPACT:

The impact to the budget depends on the option chosen by Council. There are no funds currently budgeted for this project. It is possible that funds may be found through other savings in the budget, as the Town always looks to be circumspect in its expenditures. However, approval of this project could possibly impact other initiatives of the Council.

OpenGov will cost approximately \$10,687 in Fiscal Year 2017 (current fiscal year), which includes a one-time implementation cost of \$2,565. For FY 2018 and 2019, it will cost \$8,122.50 per year for ongoing services.

Tyler/MUNIS Transparency Portal will cost \$5,000 per year beginning in FY 2018 and is programmed as part of the Tyler/MUNIS project. There are no additional implementation fees for this project.

To continue our current process requires no direct funding and only requires the time need to produce the monthly reports.

DRAFT MOTIONS:

1. I move that the Town Council approve moving forward with the OpenGov Financial Transparency Software at a cost not to exceed \$26,932.50 for a three-year period and authorize the Town Manager to enter into a license agreement with OpenGov and/or a 3rd-party partner in order to implement the software product.

OR

2. I move that the Town Council take no action at this time and continue with the Tyler/MUNIS Transparency Portal as part of the MUNIS Implementation Project and continue providing monthly financial updates on the website.

ATTACHMENT:

Quote from EC America/immixGroup for GSA Contract for OpenGOV

Danny Davis
 VIRGINIA, COMMONWEALTH OF
 PH: 703-932-9606
 ddavis@purcellvilleva.gov

Contract No.: GS-35F-0511T

CAGE Code: 1QTH6
DUNS No.: 01-757-3259
TAX ID#: 52-2085893
Terms: Net 30
FOB: Destination

Quote Number: QUO-700355-V7F6M9
Quote Date: 8/18/2016
Expiration Date: 9/17/2016

Order/Payment Address:
 EC America
 8444 Westpark Drive, Suite 200
 McLean, VA 22102
 PH: 703-752-0610 FX: 703-752-0611
 EFT: BB&T
 Routing No. 054001547

EC America Contact: Metz, Rachel
 571.405.5417 Rachel_Metz@immixgroup.com

Manufacturer Quote #: OG-000002302
Manufacturer Ref #:

Manufacturer Contact: DiProspero, Eric
 484-798-9882 ediprosperso@opengov.com

Item	Part Number	Contract	Trans Type	Product Description	Qty	Price	Extended Price
1	OG-TRINCM-U50-RR-3Y	GS-35F-0511T	ECOMM	OpenGov Transparency, Intelligence, and Comparisons - Under \$50 Million Software-as-a-Service (i.e. SaaS, SAAS) Bundled OpenGov Transparency, OpenGov Intelligence, and OpenGov Comparisons package. Engage citizens and tell your story with OpenG** TRUSTED PRODUCT **	3	\$8,122.5000	\$24,367.50
2	OG-IMIRT1-ALL-NR-0Y	GS-35F-0511T	ECOMM	OpenGov Intelligence Deployment for Tier 1 Accounting Systems Software-as-a-Service (i.e. SaaS, SAAS) OpenGov Intelligence™ deployment support for Tier 1 Accounting Systems, as defined by OpenGov team of data experts. ** TRUSTED PRODUCT **	1	\$2,565.0000	\$2,565.00
E-COMMERCE							\$26,932.50
Grand Total							\$26,932.50

Subject to the Terms and Conditions of GSA MAS Contract Number GS-35F-0511T; See: <http://www.immixgroup.com/contract-vehicles/gsa/it-70/0511T/>

Taxes: Sales tax shall be added at the time of an invoice, unless a copy of a valid tax exemption or resale certificate is provided.

All Purchase Orders must include: End User Name, Phone Number, Email Address, Purchase Order Number, Government Contract Number or Our Quote Number, Bill-To and Ship-To Address (Cannot ship to a PO Box), Period of Performance (if applicable), and a Signature of a duly Authorized Representative.

The identified line items are Trusted Products under the immixGroup Trusted Supplier Program. immixGroup Trusted Supplier Program Policies, Commitments and Guarantees/Warranties can be obtained at: http://www.immixgroup.com/uploadedFiles/Trusted-Supplier-Program_Guarantee-and-Warranty.pdf

Terms and Conditions

Appendix A

OpenGov Terms and Conditions

1. SOFTWARE SERVICES

1.1 Subject to the terms and conditions of these OpenGov Terms and Conditions (the "Agreement"), OpenGov will use commercially reasonable efforts to perform the software services (the "Software Services") identified in the applicable Software Agreement entered into by OpenGov and Customer ("Software Agreement").

1.2 Customer understands that OpenGov's performance depends on Customer timely providing OpenGov with a copy of the Customer's chart of accounts in .csv or .xls format. In addition, Customer agrees to provide OpenGov with five or more years of general ledger data, also in .csv or .xls format, including budget data for the current year and actual expense and revenue data for past years. Any dates or time periods relevant to OpenGov's performance will be extended appropriately and equitably to reflect any delays caused by Customer's failure to timely deliver any such materials. OpenGov shall not be liable for any delays in performance under this Agreement resulting from Customer's failure to meet these obligations.

2. RESTRICTIONS AND RESPONSIBILITIES

2.1 This is a contract for access to the Software Services and Customer agrees not to, directly or indirectly: reverse engineer, decompile, disassemble, or otherwise attempt to discover the source code, object code, or underlying structure, ideas, or algorithms of the Software Services, documentation or data related to the Software Services, except to the extent such a restriction is limited by applicable law; modify, translate, or create derivative works based on the Software Services; or copy, rent, lease, distribute, assign, sell, or otherwise commercially exploit, transfer, or encumber rights to the Software Services; or remove any proprietary notices.

2.2 Customer will use the Software Services only in compliance with all applicable laws and regulations (including, but not limited to, any export restrictions).

2.3 Customer shall be responsible for obtaining and maintaining any equipment and other services needed to connect to, access or otherwise use the Software Services and Customer shall also be responsible for (a) ensuring that such equipment is compatible with the Software Services, (b) maintaining the security of such equipment, user accounts, passwords and files, and (c) for all uses of Customer user accounts with or without Customer's knowledge or consent.

3. **OWNERSHIP.** OpenGov retains all right, title, and interest in the Software Services and all intellectual property rights (including all past, present, and future rights associated with works of authorship, including exclusive exploitation rights, copyrights, and moral rights, trademark and trade name rights and similar rights, trade secret rights, patent rights, and any other proprietary rights in intellectual property of every kind and nature) therein.

4. **CONFIDENTIALITY.** Each party (the "Receiving Party") agrees not to disclose (except as permitted herein) any Confidential Information of the other party (the "Disclosing Party") without the Disclosing Party's prior written consent. "Confidential Information" means all confidential business, technical, and financial information of the disclosing party that is marked as "Confidential" or an equivalent designation or that should reasonably be understood to be confidential given the nature of the information and/or the circumstances surrounding the disclosure (including the terms of the applicable Software Agreement). OpenGov's Confidential Information includes, without limitation, the software underlying the Software Services and all documentation relating to the Software Services. "Confidential Information" does not include "Public Data," which is data that the Customer has previously released or would be required to release according to applicable federal, state, or local public records laws. The Receiving Party agrees: (i) to use and disclose the Confidential Information only in connection with this Agreement; and (ii) to protect such Confidential Information using the measures that Receiving Party employs with respect to its own Confidential Information of a similar nature, but in no event with less than reasonable care. Notwithstanding the foregoing, Confidential Information does not include information that: (i) has become publicly known through no breach by the receiving party; (ii) was rightfully received by the receiving party from a third party without restriction on use or

disclosure; or (iii) is independently developed by the Receiving Party without access to such Confidential Information. Notwithstanding the above, the Receiving Party may disclose Confidential Information to the extent required by law or court order, provided that prior written notice of such required disclosure and an opportunity to oppose or limit disclosure is given to the Disclosing Party.

5. DATA LICENSE. Customer grants OpenGov a non-exclusive, transferable, perpetual, worldwide, and royalty-free license to use any data or information submitted by Customer to OpenGov for the development of new software or the provision of the Software Services.

6. PAYMENT OF FEES. The fees for the Software Services (“Fees”) are set forth in the applicable Software Agreement. Customer shall pay all Fees within thirty (30) days after the date of OpenGov’s invoice, which shall be billed as of the effective date.

7. TERM & TERMINATION

7.1 Subject to compliance with all terms and conditions, the term of this Agreement shall be from the Effective Date and shall continue until the End date specified on page one (1) of the Agreement. The Customer will be billed according to the Billing Frequency as specified above. Unless either party declines to renew in writing no less than thirty (30) days before the applicable term, this Agreement shall renew for two (2) additional (1) year periods. The customer will be billed on an annual basis for each twelve (12) month term. If either party materially breaches any term of this Agreement and fails to cure such breach within thirty (30) days after notice by the non-breaching party (ten (10) days in the case of non-payment), the non-breaching party may terminate this Agreement immediately upon notice.

7.2 Upon termination, Customer will pay in full for all Software Services performed up to and including the effective date of termination. Upon any termination of this Agreement: (a) all Software Services provided to Customer hereunder shall immediately terminate; and (b) each party shall return to the other party or, at the other party’s option, destroy all Confidential Information of the other party in its possession.

7.3 All sections of this Agreement which by their nature should survive termination will survive termination, including, without limitation, accrued rights to payment, confidentiality obligations, warranty disclaimers, and limitations of liability.

8. WARRANTY AND DISCLAIMER

8.1 OpenGov represents and warrants that: (i) it has all right and authority necessary to enter into and perform this Agreement; and (ii) the Software Services shall be performed in a professional and workmanlike manner in accordance with generally prevailing industry standards.

8.2 Customer represents and warrants that (i) it has all right and authority necessary to enter into and perform this Agreement; (ii) it owns all right, title, and interest in and to all data provided to OpenGov for use in and in connection with this Agreement, or possesses the necessary authorization thereto; and (iii) OpenGov’s use of such materials in connection with the Software Services will not violate the rights of any third party.

8.3 OPENGOV DOES NOT WARRANT THAT THE SOFTWARE SERVICES WILL BE UNINTERRUPTED OR ERROR FREE; NOR DOES IT MAKE ANY WARRANTY AS TO THE RESULTS THAT MAY BE OBTAINED FROM USE OF THE SOFTWARE SERVICES. EXCEPT AS SET FORTH IN THIS SECTION 8, THE SOFTWARE SERVICES ARE PROVIDED “AS IS” AND OPENGOV DISCLAIMS ALL WARRANTIES, EXPRESS OR IMPLIED, INCLUDING, BUT NOT LIMITED TO, IMPLIED WARRANTIES OF MERCHANTABILITY, TITLE, FITNESS FOR A PARTICULAR PURPOSE, AND NON-INFRINGEMENT.

9. LIMITATION OF LIABILITY. NEITHER PARTY, NOR ITS SUPPLIERS, OFFICERS, AFFILIATES, REPRESENTATIVES, CONTRACTORS AND EMPLOYEES, SHALL BE RESPONSIBLE OR LIABLE WITH RESPECT TO ANY SUBJECT MATTER OF THIS AGREEMENT OR RELATED TERMS AND CONDITIONS UNDER ANY CONTRACT, NEGLIGENCE, STRICT LIABILITY, OR OTHER THEORY: (A) FOR ERROR OR INTERRUPTION OF USE OR FOR LOSS OR INACCURACY OF DATA OR COST OF PROCUREMENT OF SUBSTITUTE GOODS OR SERVICES OR LOSS OF BUSINESS; (B) FOR ANY INDIRECT, EXEMPLARY, PUNITIVE, INCIDENTAL, SPECIAL, OR CONSEQUENTIAL DAMAGES; OR (C) FOR ANY MATTER BEYOND

SUCH PARTY'S REASONABLE CONTROL, EVEN IF SUCH PARTY HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH LOSS OR DAMAGE. IN NO EVENT SHALL EITHER PARTY'S AGGREGATE, CUMULATIVE LIABILITY FOR ANY CLAIMS ARISING OUT OF OR IN ANY WAY RELATED TO THIS AGREEMENT EXCEED THE FEES PAID BY CUSTOMER TO OPENGOV (OR, IN THE CASE OF CUSTOMER, PAYABLE) FOR THE SOFTWARE SERVICES UNDER THIS AGREEMENT IN THE 12 MONTHS PRIOR TO THE ACT THAT GAVE RISE TO THE LIABILITY.

10. MISCELLANEOUS. Capitalized terms not otherwise defined in these Terms and Conditions have the meaning set forth in the applicable Software Agreement. Neither party shall be held responsible or liable for any losses arising out of any delay or failure in performance of any part of this Agreement, other than payment obligations, due to any act of god, act of governmental authority, or due to war, riot, labor difficulty, failure of performance by any third party service, utilities, or equipment provider, or any other cause beyond the reasonable control of the party delayed or prevented from performing. OpenGov shall have the right to use and display Customer's logos and trade names for marketing and promotional purposes in connection with OpenGov's website and marketing materials, subject to Customer's trademark usage guidelines (as provided to OpenGov). If any provision of this Agreement is found to be unenforceable or invalid, that provision will be limited or eliminated to the minimum extent necessary so that this Agreement will otherwise remain in full force and effect and enforceable. This Agreement is not assignable or transferable by either party without the other party's prior written consent, provided however that either party may assign this Agreement to a successor to all or substantially all of its business or assets. This Agreement (including the Software Agreement) is the complete and exclusive statement of the mutual understanding of the parties and supersedes and cancels all previous written and oral agreements, communications, and other understandings relating to the subject matter of this Agreement, and that all waivers and modifications must be in a writing signed by both parties. No agency, partnership, joint venture, or employment is created as a result of this Agreement and neither party has any authority of any kind to bind the other party in any respect. In any action or proceeding to enforce rights under this Agreement, the prevailing party will be entitled to recover costs and attorneys' fees. All notices under this Agreement will be in writing and will be deemed to have been duly given when received, if personally delivered; when receipt is electronically confirmed, if transmitted by facsimile or e-mail; the day after it is sent, if sent for next day delivery by recognized overnight delivery service; and upon receipt, if sent by certified or registered mail, return receipt requested. This Agreement shall be governed by the laws of the State of California without regard to its conflict of laws provisions

Appendix B
OpenGov Service Level Metrics

1. SCHEDULED DOWNTIME. When needed, OpenGov will schedule downtime for routine maintenance or system upgrades (“**Scheduled Downtime**”) for its Services. OpenGov shall exercise commercially reasonable efforts to schedule Scheduled Downtime outside of peak traffic periods. OpenGov will notify Customer’s designated contact at least twenty-four (24) hours prior to the occurrence of Scheduled Downtime.

2. SYSTEMS ACCESSABILITY WARRANTY.

A. The Services will be accessible 99.9% of the time, 7 days of the week, and 24 hours per day, as calculated over a calendar month (“**Systems Accessibility Warranty**”). Such System Accessibility Warranty shall not apply to, and OpenGov will not be responsible for, any inaccessibility which: 1) results from Scheduled Downtime, including a maintenance period every Tuesday from 6:00pm Pacific Time to 11:00pm Pacific Time ; 2) results from a failure of equipment, software or services not under the direct control of OpenGov; 3) results from the failure of communication or telephone access service or other outside service or equipment not the fault of OpenGov; 4) is caused by a third party not under OpenGov’ control; or 5) is a result of causes beyond the reasonable control of OpenGov, including any force majeure event. To the extent solely under OpenGov’ control, OpenGov shall be responsible for monitoring and maintaining adequate controls over Customer Data transmissions and storage. OpenGov shall be solely responsible for setting applicable data processing and transmission parameters.

B. If the Services experience Downtime, then as Customer’s sole and exclusive remedy, and OpenGov’ sole and exclusive financial liability and obligation, Customer is entitled to a Service Level Credit equal as follows:

Monthly Uptime Percentage	Percentage of monthly bill for Services to be credited to future monthly bills of Customer
99.00% - < 99.9%	10%
95.00% - < 99.00%	25%
< 95.00%	50%

- “**Downtime**” means that for a valid request by our external verification service, made on no less than a minutely basis, results in a server error (HTTP status 5XX or the server response takes 3 or more minutes).
- “**Downtime Period**” means a period of fifteen consecutive minutes of Downtime. Intermittent Downtime for a period of less than fifteen minutes will not be counted towards any Downtime Periods.
- “**Monthly Uptime Percentage**” means total number of minutes in a month, minus the number of minutes of Downtime suffered from all Downtime Periods in a month, divided by the total number of minutes in a month.

C. To receive a Service Level Credit, Customer must submit a written request for Service Level Credits to Customer’s designated account manager or the OpenGov support team. To be eligible, the request must (i) include the dates and times of each incident of Downtime experienced by Customer in the preceding month; and (ii) be received by OpenGov within thirty days after the end of the current monthly period in which the Downtime occurred.

D. Upon receipt of a Service Level Credit request in compliance with the above requirements, OpenGov shall have 30 days to review the request and to validate the information provided. If OpenGov determines in good faith that the Services failed to meet the Systems Accessibility Warranty as alleged in such a request, then OpenGov will apply such Service Level Credits to Customer’s next billing period. Customer’s failure to comply with the provisions of Section 2.C. above will disqualify it from receiving a Service Level Credit.

E. Customers whose accounts are past due, delinquent, and/or not in good standing at any time during the service month of a given service outage are not eligible for a credit.

APPENDIX C
OpenGov Support Services

1. **Support.** Customer support is available via email 12 hours per day, Monday through Friday, excluding OpenGov' corporate designated holidays. See below for a list of holidays observed by OpenGov. Problems may be reported any time, however, OpenGov will not be obligated to assign work after business hours (9 a.m. to 5 p.m. Pacific Time).
2. **Liaisons.** On or before the Activation Date, Customer and OpenGov shall each designate a liaison as a respective point of contact for technical issues. Each party may change such liaison upon written notice from time to time at reasonable intervals. OpenGov will not be obligated to provide support to any person other than the Customer's designated liaison.
3. **Holidays.** OpenGov observes the following holidays: New Year's Day, Presidents Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Day after Thanksgiving Day, Christmas Eve Day, Christmas Day, and New Year's Eve.



STAFF REPORT
ACTION ITEM

Item # 13.c

SUBJECT: Citizen Engagement Opportunities

DATE OF MEETING: September 13, 2016

STAFF CONTACTS: Daniel C. Davis, Assistant Town Manager

SUMMARY and RECOMMENDATIONS:

At its July 12, 2016 Meeting, the Town Council discussed options to engage citizens through various technological solutions. This item brings forth options for the Council, and staff defers to the Council's preference as to any of the desired options.

BACKGROUND:

Citizen engagement is a critical component of an effective and responsive government. Engagement is a two-fold process. First, it requires providing information to the public that is easy to find, easy to understand, and accurate. Second, engagement means creating avenues for the public to provide feedback.

To-date, the Town has continued to enhance opportunities for engagement on both fronts. The Town's website is more user-friendly than in the past and allows citizens to easily find agendas, minutes, and recordings. At the request of Council, the minutes are now searchable so that a global web search or a search on our website can find results on specific topics. The Town continues to work on making the Council audio recordings easy to listen to within a browser (pro tip: the Firefox and IE browsers work best for in-browser listening; alternatively, download the audio file to your computer and listen in your favorite MP3 application).

In addition, the Town has implemented multiple avenues for citizen feedback and input – from email addresses to citizen forms to interactive mapping activities (such as part of the Comprehensive Plan Update process).

Regardless of the solutions and ideas implemented to-date, there remain additional opportunities to enhance engagement on both fronts. Staff has worked over the past few

weeks to investigate these various options and welcomes feedback from Council on preferred options moving forward.

LIVE AND ARCHIVED VIDEO OF COUNCIL MEETINGS:

One opportunity to make it easier for citizens to understand the activities of their government is by making Council meetings available for live and archive video streaming. Citizens may find it challenging to attend Council meetings, and currently there is no avenue to post live video of these meetings. The Town installed a video camera and cabling in the Council Chambers, although it has never been used for streaming or recording video. It appears the infrastructure is in place, but a service is needed to make the video accessible by the public.

There are various vendors that provide video streaming services – from small, video-only services to larger, multiple-product companies. Many jurisdictions have used the services of Granicus, one of the country’s leading providers of live webcast products. The Granicus platform allows for a broad integration of meeting documents, meeting video, citizen feedback, and agenda management software (those services will be described in more detail in separate sections). The webcast function is used by Loudoun County, Leesburg, and other jurisdictions in our area.

A second option is provided by Accela. The Town of Haymarket and the City of Winchester use the IQM2 platform, which was recently acquired by Accela. Similar to Granicus, these products provide webcasting, agenda management, and other capabilities. Accela has a very robust system that provides fully integrated agenda repository, live streaming, minute creation, and full search capabilities. Accela also provides citizen input options and management of board/commissions, if desired.

A third option is TownHallStreams.com. This company focuses only on live and archived video of public bodies. They do not provide agenda management or other capabilities. However, this results in a less expensive solution and a dedicated focus on video streaming of Council meetings.

All of these options can be easily integrated into the Town’s website and would be easy for citizens to find through a quick link.

AGENDA MANAGEMENT AND ARCHIVING:

Easy, customer-friendly access to Council agendas, packets, and summaries is a key component of citizen awareness and engagement. Currently, the Town is using the Agenda Center module provided through our website host, CivicPlus. This Agenda Center gives quick access to the agenda, minutes, and audio recordings for all Council and CCB meetings. The

module is organized by meeting body and by date and is much easier to use than the previous Archive Center.

There are various opportunities to expand upon our agenda management and archiving database. We can continue to use the free services through CivicPlus and build upon the functionalities in their system. A second option is to leverage our Laserfiche document management system to host these files online. Laserfiche is used by Loudoun County and provides a fast, robust, and searchable repository for many documents. The Town has had preliminary discussions with the County about porting their platform to the Town so that we can take advantage of some of those capabilities. This may result in some additional license fees but would be using a system we already have in place. The Town is also looking to use Laserfiche more deliberately for our records management efforts.

Additional options include looking at one of the vendors described above – Granicus or Accela – for their agenda hosting/management capabilities, which are coordinated with their streaming video services.

CITIZEN ENGAGEMENT AND FEEDBACK:

The ability to “hear” from citizens through multiple avenues will help facilitate continued conversations with the community. Again, there are various ways to solicit feedback from the community.

As part of the Town’s website, CivicPlus provides a “Community Voice” solution in which the Town can create various “initiatives” for the community to generate ideas, provide input, and help shape the implementation of these activities. This module can require a “log-in” to help restrict anonymous postings. This module is used by many communities who have CivicPlus websites and wish to hear from residents on various topics.

Another community input solution is called Peak Democracy. This is an interactive tool that allows the Town to create survey type questions and easily see the results. The product requires an address for account creation, which can help the Town filter out in-town vs. out-of-town responses. This tool was used by Leesburg recently and their staff spoke highly of the product for their recent citizen outreach efforts.

A third option is Grancius’ “SpeakUp” suite. This solution is similar to the other two and gives the Town the ability to attach files, presentations, and other information to discussion areas. Each discussion area can include various topics, which then allow citizens to provide input, responses, and other ideas.

Similarly, Accela provides a “Civic Voice” platform for ideas, voting on topics, and creating petitions.

POLLING ON SPECIFIC POLICY QUESTIONS:

A fourth opportunity to hear from citizens is to formally “poll” them on questions in front of Council. This takes a more specific approach to the citizen input ideas discussed above. In this format, the Town would actually create specific questions on a portal and citizens can vote “yes” or “no” (or even “neutral”) on these topics.

One solution is a company called POLCO. They are unique in that they take a specific database (typically the voter roll for a jurisdiction) and create a verification process. This ensures that only verified addresses are used and that users do not create multiple accounts for voting multiple times. POLCO can allow votes to simply be “yes/no” so that there is no back and forth between citizens, or discussions can be opened up for further dialogue among the community. They specifically market the “real-time” nature of the polling and input from citizens.

Granicus also provides a polling type solution called eComment. What is unique about eComment is that it ties directly to agenda items on the Council’s agenda. When this module is activated, citizens can view the agenda and click on their position on the matter. If Council members are using the iLegislate app or web portal, they can see the results of the citizen votes immediately next to each agenda item in a streamlined fashion.

ISSUES FOR CONSIDERATION:

If Council is interested in moving forward with citizen engagement tools, a number of questions need to be considered:

- 1) **What Tools are Most Important?** As described above, there are many tools available to the Council. The Town can approach this step-by-step and slowly work into this effort, or the Town can jump into all four areas at once. The challenge will be time and funding (more below).
- 2) **Integrated or Segregated Tools:** The challenge with introducing new software solutions is ensuring that residents take the time to learn the new product. Some of the products (Granicus and Accela) are highly integrated with all of the functions Council may wish to consider. Alternatively, Council may wish to use one vendor for video streaming and another vendor for community input/polling.
- 3) **Procurement Options:** Based on the options desired by Council, staff will ensure that proper procurement is achieved and will return at a future meeting with a mechanism for approval.

BUDGET IMPACT:

The impact to the budget depends on the options chosen by Council. There are no funds currently budgeted for this project. It is possible that funds may be found through other savings in the budget, as the Town always looks to be circumspect in its expenditures. However, approval of this project could possibly impact other initiatives of the Council. In addition, these prices are based on initial software demonstrations and informal pricing quotes. More specific quotes would be obtained through the procurement process depending on Council's desire to move forward.

- Video Streaming:
 - Granicus: \$300/month (\$3,500 up front for video encoder)
 - Accela: awaiting pricing proposal
 - TownHallStreams.Com: \$250/month (no up front cost)
- Agenda Repository:
 - Granicus: included in quote above
 - Separate cost for agenda workflow (creates efficiency in agenda preparation and streamlining processes)
 - Accela: included in price for video streaming
 - Separate cost for agenda workflow (creates efficiency in agenda preparation and streamlining processes)
 - Laserfiche: still investigating
 - CivicPlus (website): no additional cost
- Civic Engagement/Feedback:
 - Granicus: \$150-175/month
 - Accela: awaiting pricing proposal
 - Peak Democracy: no formal demo at this time, but likely \$300-\$600/month
 - CivicPlus (website): no additional cost
- Polling:
 - POLCO: \$100/month (introductory price, normally \$250/month)
 - Granicus: included in Civic Engagement price above

Total cost could be \$3,000 to \$10,000 per year, depending on the options chosen. If Council is interested in moving forward with the OpenGov solution discussed in a separate item, staff recommends Council take a low-cost approach for these items so as not to over-extend the current year budget. Future initiatives and solutions can be built into the FY 2018 budget at Council's request.

DRAFT MOTIONS:

1. I move that the Town Council direct staff to further investigate the following solutions and report back to Council with final pricing options and next steps:
 - a. _____
 - b. _____
 - c. _____



STAFF REPORT
ACTION ITEM

Item # 13d

SUBJECT: Settlement Agreement between the Town and The United States Surety Company

DATE OF MEETING: September 13, 2016

STAFF CONTACTS: Sally Hankins, Town Attorney

RECOMMENDATION:

I recommend that the Town Council accept on behalf of the Town of Purcellville a settlement offer from The United States Surety Company (“USSC”) in the amount of \$130,000, in settlement of the Town’s claims for breach of contract, warranty, and bond concerning the Town’s heating and cooling systems.

BACKGROUND:

The Town entered into a contract with Roy C. Kline Contractors, LLC (“RCK”) on January 12, 2011 to construct improvements to the Purcellville Town Hall. Soon thereafter, the Town became aware of issues with the heating and cooling system, among other issues, experiencing frequent disruptions in HVAC operations. The Town withheld final payment to RCK, alleging failure to perform the contract requirements, and gave notice of its claim to RCK’s surety company, USSC. The Town’s claims against RCK and USSC were settled by agreement on February 27, 2014 (“**2014 Settlement Agreement**”).

In the summer of 2015, the Town noticed defects in the heating and cooling system, which had been warranted under the 2014 Settlement Agreement. The Town filed a warranty claim against RCK and USSC, which USSC denied, also notifying the Town that RCK is a defunct company. The Town then filed a lawsuit against USSC and RCK, alleging claims for breach of contract, warranty and bond. The lawsuit was filed in October of 2015 (Loudoun County Circuit Court Case #97193), and was served on USSC in December of 2015. The essence of the Town’s claims were that all piping for the Town’s high-pressure air conditioning units were defectively installed, causing operational break-downs. The cost to replace all the pipes was estimated by Seasonair, Inc. to cost approximately \$137,000

(\$115,000 for the 34 stand-alone Mitsubishi units, \$15,620 for the 3 York systems, \$6,380 for the 2 separate Mitsubishi systems). In addition, approximately \$36,000 was spent on repairs that were necessitated by the defective pipe installation, bringing the Town total claim for damages to approximately \$173,000.

The Town proceeded to have the pipes replaced to the 34 stand-alone Mitsubishi units, on an emergency basis as approved by Town Council on March 8, 2016. The urgency was due to the loss of large volumes of refrigerant that caused a potential health risk to the occupants of Town Hall. That pipe replacement work was completed in early May of 2016.

USSC attempted to get the Town's case dismissed, but failed. The Loudoun County Circuit Court ruled on June 8, 2016 that the Town's case could move forward.

The last offer from USSC presented to Town Council was for \$100,000. Town Council authorized the Town Attorney to counter offer at \$140,000. The Town countered at \$140,000 and USSC responded with an offer of \$120,000, and then agreed to split the difference, resulting in a final settlement offer of \$130,000.

ISSUES:

By accepting this settlement offer, the Town is waiving all claims it has, or will have against USSC stemming from RCK's work on Town Hall.

The Town is agreeing to withdraw its pending lawsuit against USSC and RCK, but is reserving its right to re-file claims it has or may in the future have against RCK. If the Town wants to pursue its pending claims against RCK after withdrawing the lawsuit, it may do so by re-initiating the same lawsuit within 6 months.

Since RCK is a defunct company and since the Town is waiving its rights against USSC, by entering into this Settlement Agreement the Town will, in all likelihood, be fully responsible for any future building failures. While such a waiver of the Town's rights to pursue USSC for yet unknown building defects seems significant, its significance is mitigated by the fact that the Statute of Limitations on contract claims is 5 years from the date of the breach (ie; 5 years from the date of the defective construction/installation). Because the Town accepted the Town Hall as "substantially complete" and occupied the Town Hall nearly 5 years ago, the ability of the Town to successfully pursue another breach of contract claim stemming from RCK's work on the Town Hall is, in all likelihood, small.

BUDGET IMPACT:

The Town would receive \$130,000 from USSC.

MOTION:

“I move that Town Council authorize the Town Manager to execute the Settlement Agreement attached to this Staff Report between the Town of Purcellville and the United States Surety Company, and further authorize the Town Manager to execute any similar Settlement Agreement by which the Town waives all claims it has or will have against USSC for work done by RCK on Town Hall, and USSC pays the Town \$130,000 or more.”

ATTACHMENT:

1. Proposed Settlement Agreement between the Town and The United States Surety Company

SETTLEMENT AGREEMENT

This Settlement Agreement is entered into this ___ day of September, 2016 between the Town of Purcellville, Virginia (“Town”) and United States Surety Company (“USSC”), (collectively, the “Parties”).

RECITALS

WHEREAS, the Town and Roy C. Kline Contractors, LLC (“RCK”) are parties to that certain agreement related to construction of improvements for a project known as the Purcellville Town Hall (the “Project”), dated January 12, 2011, (the “Contract”); and

WHEREAS, in connection with the Project, USSC issued performance and payment bonds (each Designated as No. 1000878861) in connection with the Contract and the Project (the “Bonds”); and

WHEREAS, also in connection with the Project, USSC entered into a Settlement Agreement with the Town dated February 27, 2014 (“Settlement Agreement”); and

WHEREAS, the Town contends that RCK and/or USSC breached their obligations related to the Contract, the Project, the Bonds, and/or the Settlement Agreement; and

WHEREAS, USSC denies that it breached its obligations related to the Contract, the Project, the Bonds, and/or the Settlement Agreement; and

WHEREAS, on or about October 30, 2015, the Town filed suit against USSC in the Circuit Court of Loudoun County, Case No. 97193 alleging breach of Contract and breach of warranty against RCK and USSC, and alleging breach of the Bonds against USSC (the “Litigation”); and

WHEREAS, the Parties mutually desire to resolve the disputes between them and avoid any further expense and/or costs associated with prosecuting and defending the Litigation.

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein, the sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. Recitals: The Recitals set forth above are fully incorporated into this Settlement Agreement.

2. Settlement Amount: USSC agrees to pay the Town the sum of One Hundred Thirty Thousand Dollars (\$130,000) (the “Settlement Amount”). Payment to the Town shall be made on the business day immediately following USSC’s receipt of a copy of this Agreement executed by the Town.

3. Release of USSC: In consideration of this Agreement and receipt of the Settlement Amount, the Town agrees to and does release and discharge USSC from any and all claims, causes of action, and demands of any kind, whether known or unknown, which the Town has, ever has had, or ever in the future may have related to the Project, the Contract, the Bonds, and/or Litigation.

4. **Dismissal of the Litigation:** In consideration of this Agreement and upon its execution of this Agreement, the Town agrees to dismiss, with prejudice, its claims in the Litigation against USSC. The Town further agrees to dismiss and/or non-suit its claims, without prejudice, in the Litigation against RCK.

5. **Reservation of Rights against Mitsubishi:** The Town reserves all rights it has, may have had, or may in the future have, against Mitsubishi Electric US, Inc., its predecessors, successors, parents, affiliates, or other related companies, directors, officers, and/or employees (“Mitsubishi”), which arise out of or relate to manufacturer’s warranties issued by Mitsubishi related to the Project.

6. **Reservation of Rights against RCK:** The Town reserves all rights it has, may have had, or may in the future have, against RCK, its predecessors, successors, parents, affiliates, or other related companies, directors, officers, employees, subcontractors and/or suppliers, which arise out of or relate to the Contract, including, but not limited to, any warranties. Provided, however, the Town's reservation of rights against RCK does not affect or modify the Town's release and discharge of USSC under this Settlement Agreement.

7. **No Admission of Liability:** This Settlement Agreement shall not be construed or otherwise deemed as an admission of liability, fault, or wrong doing on the party of any party to this agreement.

8. **Entire Agreement:** This Settlement Agreement constitutes the entire agreement and understanding between the Parties. No other representations, inducements, or agreements between the Parties, oral or otherwise, which are not expressly set forth herein shall be of any force or effect. This Settlement Agreement may not be modified, changed, terminated, or waived, in whole or in part, orally or in any other manner, except through an agreement in writing duly executed by authorized representatives of the Parties.

9. **Binding Effect:** This Settlement Agreement, including the releases contained herein, shall be binding upon and inure to the benefit of the Parties hereto and their respective legal representatives, predecessors, heirs, successors, transferees, assigns, agents, and attorneys.

10. **Counterparts:** This Settlement Agreement may be signed in counterparts all of which, when taken together, shall constitute the entire agreement and any of which shall be deemed to be an original.

11. **Duplicate Original(s):** This Settlement Agreement may be signed in duplicate so that there will exist an Original executed Settlement Agreement as well as Duplicate Original Settlement Agreement(s), as requested by the any of the parties herein.

12. **Severability:** If any provision or any part of any provision of this Settlement Agreement shall for any reason be held invalid, illegal or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision of this Settlement Agreement, and this Settlement Agreement shall be construed as if such invalid, illegal, or unenforceable provision or part thereof had never been contained herein, but only to the extent of its invalidity, illegality, or unenforceability. The Settlement Agreement shall not be construed

against the party preparing it, but shall be construed as if the Parties jointly prepared it and any uncertainty or ambiguity shall not be interpreted against any party.

13. Paragraph Headings: The paragraph and other headings contained in this Settlement Agreement are for reference purposes only and shall not affect the meaning or interpretation of this Settlement Agreement.

14. Governing Law: This Settlement Agreement shall be governed by the laws of the Commonwealth of Virginia.

15. Waiver of Enforceability of Agreement: No failure or delay in exercising any right, power, or privilege hereunder shall operate as a waiver thereof, nor shall any single or partial exercise thereof preclude any other or further exercise thereof or the exercise of any other right, power, or privilege hereunder.

16. Understanding and Authorization: Each party acknowledges that it has consulted with legal counsel concerning the Settlement Agreement, that it fully understands the provisions of the Settlement Agreement and that they are signing the Settlement Agreement voluntarily and free from duress. Each Party represents and warrants that it is fully authorized to enter into the terms and conditions of, and to execute and be bound by, the Settlement Agreement. The Parties agree to use their best efforts promptly to execute and to effectuate the terms provided for herein. In addition, each person whose signature appears hereon warrants and guarantees that he/she has been duly authorized and has full authority to execute this Agreement.

17. IN WITNESS WHEREOF, the parties hereto have executed this Settlement Agreement effective on the date set forth above:

THE TOWN OF PURCELLVILLE, VIRGINIA _____ Name: Title: Subscribed and sworn to before me this ___ day of September, 2016: _____ Notary Public My Commission Expires:	UNITED STATES SURETY COMPANY _____ Name: Title: Subscribed and sworn to before me this ___ day of September, 2016: _____ Notary Public My Commission Expires:
--	--

TOWN OF PURCELLVILLE
IN
LOUDOUN COUNTY, VIRGINIA

RESOLUTION NO. 16-09-04

PRESENTED: September 13, 2016

ADOPTED: _____

A RESOLUTION: TO SCHEDULE A SERIES OF SPECIAL MEETINGS OF THE TOWN COUNCIL IN ORDER TO ALLOW COUNCIL MEMBERS TO FULLY PARTICIPATE IN THE PLANNING COMMISSION'S COMPREHENSIVE PLAN PROCESS

WHEREAS, Virginia Code Section 15.2-1418 allows a Special Meeting of the Town Council to be called by the Mayor or requested by any two members of Town Council, by directing such call or request to the Town Clerk and by specifying in such call or request the subject matter to be considered at the special meeting; and

WHEREAS, the Town Council desires that its members be able to fully participate in the Planning Commission's Comprehensive Plan process; and

WHEREAS, the Virginia Freedom of Information Act does not allow three or more members of Town Council to discuss public business that is likely to come before Town Council unless such discussion is occurring within a lawful meeting of the Town Council.

NOW THEREFORE BE IT RESOLVED, that the Town Council hereby calls a series of special Town Council meetings and gives notice to the Town Clerk of the same.

BE IT FURTHER RESOLVED, that such special meetings are to be held concurrently with each Planning Commission meeting at which the Town's Comprehensive Plan is to be discussed, which meetings are currently scheduled for the following dates, times, and locations, with tentative dates, times, and locations shown in red italicized font:

Date	Time	Location
9/15/16	7pm	Town Hall
9/22/16	7pm	Town Hall
9/24/16	10am-12pm	Carver Center
9/24/16	2pm-4pm	Carver Center
9/29/16	7pm-9pm	Town Hall
10/6/16	7pm	Town Hall
<i>10/13/16</i>	<i>7pm</i>	<i>Town Hall</i>
10/20/16	7pm	Town Hall
<i>10/27/16</i>	<i>7pm</i>	<i>Town Hall</i>
<i>11/5/16</i>	<i>10am-12pm</i>	<i>Town Hall (TBD)</i>
<i>11/5/16</i>	<i>2pm-4pm</i>	<i>Town Hall (TBD)</i>

BE IT FURTHER RESOLVED, that the special meetings called in this Resolution are for the sole purpose of discussing and considering, but taking no action on, the Town’s Comprehensive Plan.

BE IT FURTHER RESOLVED, that all special meetings of the Town Council shall be noticed as required under the Virginia Freedom of Information Act Section 2.2-3707(C) and Virginia Code Section 15.2-1418, and, should the Planning Commission add, delete, or amend such meeting dates, times, or locations, the Town Clerk will revise all required Special Meeting notices accordingly and within the requirements of the Virginia Code and Town Ordinances.

BE IT FURTHER RESOLVED, that the Town Clerk will treat all of the meetings set forth in the table above as meetings of the Town Council, for which minutes must be produced in accordance with the Virginia Freedom of Information Act, including (i) the date, time, and location of the meeting; (ii) the members of the Town Council recorded as present and absent; and (iii) a summary of the discussion on matters proposed, deliberated or decided, and (iv) a record of any votes taken by the Town Council.

BE IT FURTHER RESOLVED, that all materials furnished to members of the Planning Commission as part of the agenda packet shall be available to each member of Town Council only upon specific request to the Town Clerk.

PASSED THIS ___ DAY OF SEPTEMBER, 2016.

Kwasi A. Fraser, Mayor
Town of Purcellville

ATTEST:

Diana Hays, Town Clerk

This page intentionally left blank



STAFF REPORT
ACTION ITEM

Item #14a & 14b

SUBJECT: Proclamation/Recognition Requests
DATE OF MEETING: September 13, 2016
STAFF CONTACTS: Diana Hays, Town Clerk/Project Manager

SUMMARY and RECOMMENDATIONS:

Attached are recognition requests for the following:

1. Blue Ridge Middle School Lion King Production (Liz Jarvis, PAC)
2. Patrick Henry College International Moot Court Championship (Mayor Fraser)

ATTACHMENT(S):

1. Requests and Background Information

Hays, Diana

Subject: RE: request recognition from Mayor - BRMS Lion King

Hi Diana and Melanie,

There would be about ten individual award recipients but one of the awards was for "Outstanding Ensemble" - that is when the nearly 50 cast members took to the stage! The Mayor was at the event (see cover of Purcellville Gazette today) so perhaps he might have an idea of how this could be done?

Melanie - we are moving slow this morning...I should be up to Town Hall at 11:00.

Thank you!

Liz

From: Scoggins, Melanie
Sent: Friday, August 12, 2016 10:22 AM
To: Hays, Diana
Cc: Liz Jarvis - Personal
Subject: request recognition from Mayor

Hi Diana,

Is there a form that I need to fill out to request recognition form TC for a specific group?

The PAC is requesting the Mayor and TC recognize Blue Ridge Middle School for the 11 awards and 8 nominations from National Youth Arts for their performance of The Lion King last spring.

Thank you!

Melanie Scoggins, CPRP
Event Specialist
Town of Purcellville
540-751-2350
540-209-3449



FOR IMMEDIATE RELEASE

PATRICK HENRY COLLEGE VICTORIOUS IN WORLD MOOT COURT COMPETITION

Purcellville, VA, JULY 21, 2016 – [Patrick Henry College](#) won the 8th Annual [Nelson Mandela World Human Rights Moot Court Competition](#) on July 20, 2016 in Geneva, Switzerland—a leading human rights educational event. The final round of the competition, sponsored by the Centre for Human Rights, of the University of Pretoria, South Africa, was held in the UN Human Rights Council Chambers.

[Michael Farris](#), Chancellor of Patrick Henry College, coached the team of rising juniors, William Bock and Helaina Hirsch, to victory. PHC has won multiple national championships in undergraduate moot court competition, but this tournament was unique for the school in that it was a world tournament and all other universities and colleges were represented by law students. The only other American university to qualify for the tournament was Yale Law School.

Continuing the long line of Moot Court success, William Bock (hometown: Indianapolis, IN) and Helaina Hirsch (hometown: Lafayette, CA) competed against 24 other law school teams. Only five schools can come from each region. PHC is a part of the region that includes all of North America, Australia, and Western Europe.

In the finals, PHC’s undergrads beat a team of law students from Moi University in Kenya. William also was awarded the first place oralist in the tournament and Helaina was named the second place oralist. William and Helaina have won a scholarship to return to Switzerland next year to attend a global human rights academy to study international human rights law.

Patrick Henry College’s only prior international competition was in 2005 in a successful one-on-one competition with Baliol College of Oxford University.

Since 2004, PHC has won 9 of the last 12 [American Moot Court Assn. National Championships](#), cementing the smaller college as a legal debate powerhouse regularly facing leading universities like the University of Virginia, Duke, Holy Cross, and many other well-recognized schools.

The [8th Nelson Mandela World Human Rights Moot Court Competition was judged by a group of eminent international jurists](#). This competition is presented by the [Centre for Human Rights](#). Students are required to submit extensive briefs based on a hypothetical case involving international law and human rights issues. After the brief writing competition, the best 25 teams from around the world are invited to participate in the oral argument competition.

[Patrick Henry College \(VIDEO\)](#) is one of only six U.S. institutions of higher education that does not accept any federal funding and has not since opening its doors to students back in September 2000. Patrick Henry College is an institution of higher education committed to robust classical liberal arts training as a Christian mission with a biblical worldview.

###

For more information or for comment from Michael Farris, contact:
Patrick Henry College
Primary Contact: Stephen Allen, Director of Admissions and Communications

Patrick Henry College | 10 Patrick Henry Circle, Purcellville, VA 20132 | phc.edu

Phone: (540) 441-8110 | Email: scallen@phc.edu

Hays, Diana

From: Fraser, Kwasi
Sent: Friday, August 19, 2016 1:59 PM
To: Davis, Daniel; Hays, Diana
Subject: Fwd: PHC Wins International Moot Court Championship!
Attachments: PHC_IntlMootCtChampionsPRelease_MS Word.docx; ATT00001.htm

Hi Diana;

Please place the below on the agenda to discuss and confirm agreement to do a proclamation.

Thanks,
Kwasi Fraser
Mayor - Purcellville, Virginia
571 970-7205
Sent from my iPhone
Please consider the environment before printing this email.

Begin forwarded message:

From: "Jack W. Haye" <jwhaye@phc.edu>
To: "Fraser, Kwasi" <kfraser@purcellvilleva.gov>
Cc: "Hays, Diana" <dhays@purcellvilleva.gov>, "Mary S. Haynes" <mshaynes@phc.edu>
Subject: Re: PHC Wins International Moot Court Championship!

Good Morning, Mr. Mayor -

I have attached a press release that contains the relevant information. Please let me know if you need anything else. Again, we appreciate your kind gesture on behalf of Purcellville.

Jack

Jack W. Haye

President

540-441-8031

[\[http://campus.phc.edu/email/ShieldAndText.jpg\]](http://campus.phc.edu/email/ShieldAndText.jpg)<<http://www.phc.edu/>>

For Christ and for Liberty!

[\[http://static.hubspot.com/final/img/common/icons/social/facebook-24x24.png\]](http://static.hubspot.com/final/img/common/icons/social/facebook-24x24.png)<<https://www.facebook.com/patrick.henry.college/?fref=ts>>

[\http://static.hubspot.com/final/img/common/icons/social/linkedin-

[24x24.png\]<https://www.linkedin.com/company/235881?trk=tyah&trkInfo=clickedVertical%3Acompany%2CclickedEntityId%3A235881%2Cidx%3A2-1-6%2CtarId%3A1458139029888%2Ctas%3APatrick%20Henr>](https://www.linkedin.com/company/235881?trk=tyah&trkInfo=clickedVertical%3Acompany%2CclickedEntityId%3A235881%2Cidx%3A2-1-6%2CtarId%3A1458139029888%2Ctas%3APatrick%20Henr)

[<https://twitter.com/patrickhenrycol>](http://static.hubspot.com/final/img/common/icons/social/twitter-24x24.png)

[<https://plus.google.com/+PhcEdu/posts>](http://static.hubspot.com/final/img/common/icons/social/googleplus-24x24.png?)

[<https://www.pinterest.com/patrickhenrycol>](http://static.hubspot.com/final/img/common/icons/social/pinterest-24x24.png)

From: "Fraser, Kwasi" <kfraser@purcellvilleva.gov<<mailto:kfraser@purcellvilleva.gov>>>
Date: Sunday, July 24, 2016 at 9:03 AM
To: Jack Haye <jwhaye@phc.edu<<mailto:jwhaye@phc.edu>>>
Cc: "Hays, Diana" <dhays@purcellvilleva.gov<<mailto:dhays@purcellvilleva.gov>>>
Subject: Fwd: PHC Wins International Moot Court Championship!

Good morning President Haye;
On behalf of the Town Council of Purcellville I congratulate Patrick Henry College on winning the International Moot Court Championship. This is a proud moment for all of Purcellville as we share in your success. As such, I would like to formally recognize the team with a proclamation during our September 27, 2016 Town Council meeting. If this is acceptable, please provide us with key points on the team, coaches, and the Championship.

Thanks,
Kwasi Fraser
Mayor - Purcellville, Virginia
571 970-7205
Sent from my iPhone
Please consider the environment before printing this email.

Begin forwarded message:

From: Michael Farris <development@phc.edu<<mailto:development@phc.edu>>>
Date: July 22, 2016 at 2:56:18 PM EDT
To: "Fraser, Kwasi" <kfraser@purcellvilleva.gov<<mailto:kfraser@purcellvilleva.gov>>>
Subject: PHC Wins International Moot Court Championship!
Reply-To: Michael Farris <development@phc.edu<<mailto:development@phc.edu>>>

PHC Wins International Moot Court Tournament in Geneva
View this email in your browser<<http://us9.campaign-archive1.com/?u=3fcf8d46ff12acdfd4193887a&id=1d6db96fb3&e=49dc525b41>>

CHAMPIONS OF THE WORLD!
PHC Wins International Moot Court Tournament in Geneva

This week Patrick Henry College took on some of the best law schools in the world and emerged victorious. On Tuesday I took two PHC students, William Bock (Indianapolis, IN) and Helaina Hirsch (Lafayette, CA), to the Nelson Mandela World Human Rights Moot Court Competition at the United Nations Headquarters in Geneva, Switzerland. On Thursday William and Helaina won the championship round to claim PHC's first international win since beating Oxford in a one-on-one Moot Court competition in 2005.

On the basis of written submission, Patrick Henry College beat out many prestigious institutions to be one of just five schools representing all of North America, Western Europe and Australia.

All 24 other teams who qualified in regional competitions to get to the International Finals in Switzerland were from law schools around the world. The only other American team to be selected was Yale Law School. In the final round William and Helaina beat a team of law students from Kenya to become international moot court champions.

[<https://gallery.mailchimp.com/3fcf8d46ff12acdfd4193887a/images/d7c64574-5ad1-4bca-aa3b-928abe02d4ff.jpg>]

William and Helaina before presenting final round oral arguments in the Human Rights and Alliance of Civilizations Room of the UN Headquarters in Geneva.

The judges were a group of eminent international jurists and scholars including a Judge of the South African Constitutional Court, a Judge of the European Court of Human Rights, a Judge of the International Criminal Court, the Senior Legal Adviser of the Office of UN Human Rights and a Swiss Law professor.

In addition to winning the tournament, William was awarded first place oralist in the tournament and Helaina was named the second place oralist! William and Helaina have won a scholarship to return to Switzerland next year to attend a global human rights academy to study international human rights law.

Moot court is the forensic activity of choice for law schools since it simulates appellate proceedings. It didn't take long for Patrick Henry College to dominate this activity. As a five year old College we beat Oxford both in Virginia and in England using English common law! And of course we continue to dominate on the undergraduate level --we brought home our 9th national championship trophy in 12 years this past season. Geneva represents PHC's first international tournament victory --and against law schools at that!

[<https://gallery.mailchimp.com/3fcf8d46ff12acdfd4193887a/images/1bfd88b5-f9c9-4720-bab4-19528f637ba4.jpg>]

The 8th Nelson Mandela World Human Rights Moot Court Competition World Champions, Patrick Henry College's William Bock and Helaina Hirsch.

For Patrick Henry College to win this tournament is evidence that excellence is its own apologetic. At PHC we put in maximum effort in everything we do and we leave the output to God. God blessed our efforts and placed our students before some very influential people. Any person at that international tournament who looks up Patrick Henry College to see what we're all about will discover our mission: Influencing the World for Christ. <<http://phc.us9.list-manage.com/track/click?u=3fcf8d46ff12acdfd4193887a&id=12c5acd5ff&e=49dc525b41>> That's our goal. And we thank God for this opportunity to do just that.

Before God could use our students, He used you. None of this would be possible without your faithful support of Patrick Henry College. We accept zero government money because, although we strive to influence the authorities of this nation and the world, we have no interest in allowing governments near or far to tell us what we can or cannot teach. Your support enables us to hold fast to our faith and our principles. Your support allows us to train up men and women like William and Helaina to pursue excellence, and "stand before kings," all for the Glory of God.

I couldn't be prouder of William and Helaina. And I couldn't be more grateful for your continued support. Please join me as valued members of the Patrick Henry College community in congratulating the team and celebrating God's goodness! Click here to read the full story on our website.<<http://phc.us9.list-manage2.com/track/click?u=3fcf8d46ff12acdfd4193887a&id=fd8f8b7d80&e=49dc525b41>>

For Christ and for Liberty,

Michael Farris

Romans 8:37 "In all these things we are more than conquerors through him that loved us."

Support PHC<<http://phc.us9.list-manage1.com/track/click?u=3fcf8d46ff12acdfd4193887a&id=04bdd54fb7&e=49dc525b41>>

[<https://gallery.mailchimp.com/3fcf8d46ff12acdfd4193887a/images/70c90824-e3a8-4a3a-8a65-e974926945fd.jpg>]

After the final round. Four outstanding young people.

[<https://gallery.mailchimp.com/3fcf8d46ff12acdfd4193887a/images/806b253f-44cd-47d3-9df3-8e9839863669.jpg>]

Also after the final round. One happy coach.

This email was sent to kfraser@purcellvilleva.gov<<mailto:kfraser@purcellvilleva.gov>> why did I get this?<<http://phc.us9.list-manage1.com/about?u=3fcf8d46ff12acdfd4193887a&id=118eae2b38&e=49dc525b41&c=1d6db96fb3>> unsubscribe from this list<<http://phc.us9.list-manage.com/unsubscribe?u=3fcf8d46ff12acdfd4193887a&id=118eae2b38&e=49dc525b41&c=1d6db96fb3>> update subscription preferences<<http://phc.us9.list-manage.com/profile?u=3fcf8d46ff12acdfd4193887a&id=118eae2b38&e=49dc525b41>>



STAFF REPORT
ACTION ITEM

Item #15

SUBJECT: Approval of Meeting Minutes

DATE OF MEETING: September 13, 2016

STAFF CONTACTS: Diana Hays, Town Clerk/Project Manager

SUMMARY and RECOMMENDATIONS:

Attached are the meeting minutes from the July 26, 2016 Town Council Special Meeting and the July 26, 2016 Town Council Regular Meeting for review and approval by Town Council.

MOTION(S):

I move that we approve the minutes of the July 26, 2016 Town Council Special Meeting and the July 26, 2016 Town Council Regular Meeting and waive reading.

ATTACHMENT(S):

1. July 26, 2016 Town Council Special Meeting Minutes
2. July 26, 2016 Town Council Regular Meeting Minutes

**MINUTES
PURCELLVILLE TOWN COUNCIL SPECIAL MEETING
JULY 26, 2016, 6:00 PM
TOWN HALL HERITAGE ROOM**

The special meeting of the Purcellville Town Council convened at 6:00 PM in the Heritage Room with the following in attendance:

PRESENT: Kwasi Fraser, Mayor
Karen Jimmerson, Vice Mayor
Kelli Grim, Council member
Nedim Ogelman, Council member

ABSENT: Doug McCollum, Council member
Chris Bledsoe, Council member
Ryan Cool, Council member

STAFF: Diana Hays, Town Clerk

CALL TO ORDER OF SPECIAL MEETING:

Mayor Fraser called the special meeting to order at 6:00 PM.

INTERVIEWS FOR APPOINTMENTS TO THE PLANNING COMMISSION:

Council interviewed the following applicants for expiring terms/vacancies on the Planning Commission:

6:00 PM – Patrick McConville

Kelly Merritt and David Dehler were included on the agenda but had to cancel due to last minute scheduling issues.

ADJOURNMENT

With no further business, Vice Mayor Jimmerson made a motion to adjourn the meeting at 6:19 PM. The motion was seconded by Council member Grim and approved unanimously.

Kwasi A. Fraser, Mayor

Diana Hays, Clerk of Council

**MINUTES
PURCELLVILLE TOWN COUNCIL MEETING
JULY 26, 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
Kelli Grim, Council member
Nedim Ogelman, Council member
Chris Bledsoe, Council member

ABSENT: Doug McCollum, Council member
Ryan Cool, Council member

STAFF: Robert Lohr, Jr., Town Manager
Sally Hankins, Town Attorney
Alex Vanegas, Director of Public Works
Liz Krens, Director of Finance
Patrick Sullivan, Director of Community Development
Hooper McCann, Director of Administration
Dan Galindo, AICP, Senior Planner
Chief Cynthia McAlister, Police Dept.
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:

Rob Lohr stated that one item had been added as a supplemental agenda. Council approved the addition.

PROCLAMATIONS/RECOGNITIONS:

None

PUBLIC HEARINGS:

None

PRESENTATIONS:

None

CITIZEN AND BUSINESS COMMENTS:

Chip Paciulli, 105 N. 28th Street, stated he was not speaking officially for the Planning Commission but about planning commission business. Mr. Paciulli stated that the Planning Commission had worked on a couple of zoning ordinance issues that he had brought forward to them for their review and staff's review and eventually to Council. Mr. Paciulli added that one item was due to be advertised for public hearing and asked about a letter written to Town Council and waiting feedback from Council before they can move forward.

Rob Lohr stated that over the years committees would engage staff or public hearings/legal action without Council being aware. Mr. Lohr added that before advertising for a public hearing, Council is generally given the opportunity to decide if there are any other considerations.

MAYOR AND COUNCIL COMMENTS:

Council member Grim stated that as liaison to the Planning Commission, the item that Mr. Paciulli and Rob Lohr talked about is in need of being addressed so that Council is aware of items.

Council member Grim noted that in regards to the Wine and Food Festival hopes that it can be looked at in the same transition as the Loudoun Grown Expo. Council member Grim talked further about concerns of alcohol at events.

Vice Mayor Jimmerson stated the Wine and Food Festival went well despite the rain. Vice Mayor Jimmerson talked about the Cannons having their first playoff game as well as the high attendance at games. Vice Mayor Jimmerson stated she was supposed to meet with Lebco to hear about future wireless projects in the County however they did not show. Vice Mayor Jimmerson stated she met with Jason Brownell about projects he would like to bring to Council.

Council member Bledsoe stated he attended the VML Institute for Local Officials. Council member Bledsoe added he also met with Jason Brownell to talk about his initiatives and desire to work with Council. Council member Bledsoe stated he met with the President and Vice President of Legislative Affairs for the Purcellville Business Association about how they can work together with EDAC for promotion of businesses and improving the economic environment for businesses in town. Council member Bledsoe stated he met with the a group about a previous presented proposal about the establishment of a religion city, and has spoken with legal counsel and will see where it goes. Council member Bledsoe stated the Wine and Food Festival went well and that he has heard from Visit Loudoun regarding the possibility of establishing a hostel in town.

Council member Ogelman stated he attended his first Board of Architectural Review Meeting as Council liaison and that they approved a design on a canopy over the fuel pumps at the seven eleven along with the addition of two pumps. Also conditionally approved is a building to be built on Browning Court with a few questions on the design which the architect will report back on. Council member Ogelman added he also attended the VML Institute for Local

Officials. Council member Ogelman talked about getting information out to residents as well as being able to poll them.

Mayor Fraser thanked Melanie Scoggins and her team on the success of the Wine and Food Festival as well as the management of the Bush Tabernacle for providing shelter during the storm. Mayor Fraser stated he and Alex Vanegas took a tour of Fireman's Field, Aberdeen property and the watershed property to have a portfolio view of the Town's recreational and park assets and to see if there are ways to monetize them. Mayor Fraser reminded residents of the August recess of Town Council.

Council member Ogelman stated he met with Jason Brownell in an informal setting where he talked about the projects that he wants to do.

Council member Grim stated she also met with Mr. Brownell however shortened the conversation when he talked about building projects.

DISCUSSION/INFORMATIONAL ITEMS:

a. Public Safety Reports

i. Purcellville Volunteer Rescue Squad

Aaron Kahn stated they found the Food and Wine Festival to be successful. Mr. Kahn summarized calls and duty hours for the month. Mr. Kahn talked about the independence of the rescue squad and future communications as well as the bids for a new ambulance, car seat checks/installation and added that Purcellville will be the only facility in the County open to the public for car seat checks and installation. Mr. Kahn stated they have received all approvals to be able to teach CPR courses and hopes to start that in the next ninety days or so.

ii. Purcellville Police Department

Chief McAlister summarized the report. Council member Grim asked if all of the identified calls answered by the Purcellville police. Chief McAlister stated they are Purcellville police calls.

iii. Purcellville Volunteer Fire Company

No report available.

iv. Purcellville Police Citizens Support Team

Mr. Taylor introduced the report. Council had no comments.

b. Public Works Monthly Operations Report

Alex Vanegas summarized the report. Vice Mayor Jimmerson asked about calls regarding the discoloration and/or odor in the water and Alex Vanegas stated the Town received a few calls which were handled on an individual basis.

c. Personnel Update

Rob Lohr summarized the report. Council had no comments.

d. Economic Development Monthly Report

Patrick Sullivan noted that two applications have gone through the process and thanked Public Works and staff for their help. Vice Mayor Jimmerson asked about the O'Toole submission and asked at what point Council would receive an overview of the project. Patrick Sullivan stated that it will go to the Planning Commission first since the request is for a rezoning and comprehensive plan update. Council member Ogelman talked about the citizens sensitivity to growth issues and asked that when a developer comes to staff or Council and is lobbying for a rezoning if that information can be made public. Patrick Sullivan noted that the information is relayed to Council. Rob Lohr added it would take a lot of effort to make things available when there is no further interest or application submitted. Mayor Fraser added that further discussion can take place at the strategic planning session. Council member Grim stated she feels there needs to be a better mechanism to be connected when an application is submitted. Vice Mayor Jimmerson asked that Council be made aware when an application is submitted so that they can prepare to answer questions by the public. Dan Galindo added that staff tries to post everything online before the public hearing notice goes out.

Mayor Fraser suggested adding this item to the agenda for the strategic planning session for further discussion.

e. Process for Handling Complaints Against Public Officials

Sally Hankins summarized this item by providing background information and added the item was tabled until the new Council was seated and able to understand the item. Ms. Hankins added that a draft policy and new material were emailed to Council for consideration as to what items to keep and remove.

Mayor Fraser added the action items for Council are to decide which document will be the baseline document and what components to add to that document.

Council member Grim stated she feels the process needs to be identified and in the strategic session would like to review the code of ethics to implement this.

Mayor Fraser stated he would like to have this item finalized by the second meeting in September and requested a combination of the two documents and to include the selection process criteria that determines whether the issue is valid or invalid. Council member Grim

added she hasn't fully vetted to make sure the conflict of interest and ethics and ordinances need to be incorporated either in whole or in part and will present something to Sally Hankins. Sally Hankins added discussion with Council should take place on what needs added or removed. Council member Ogelman talked about a valid complaint and how a valid complaint is determined and the committee that would establish that. Mayor Fraser stated further discussion on the draft can take place at the strategic planning session and the final decision made at the following Council meeting.

f. Proffer Legislation Effective July 1, 2016

Sally Hankins shared a presentation on proffers. Ms. Hankins answered questions from Council in regards to rezoning's and fees to include legal fees. Mayor Fraser asked about the value of having a policy and the recoupment of fees. Ms. Hankins noted that more information can be provided and discussed at the upcoming strategic planning session.

g. Pedestrian Safety Improvements at Main Street and 21st Street

Alex Vanegas stated residents have complained about the crosswalk at the intersection of Main and 21st Street and vehicles not yielding. Mr. Vanegas stated several meetings have been held to talk about options which are summarized in the staff report, and added that a section of the crosswalk is non-ADA compliant which will be addressed. A second issue is caused by parking spaces on the north side of the street which are critical to the businesses and a third issue is the marking of the crosswalk which is not apparent with just the two white lines. Mr. Vanegas also talked about educational outreach and the yielding of traffic as well as the options to include prohibiting the hours of parking during peak hours, add a thermoplastic crosswalk and/or use decorative stamped asphalt as a crosswalk. Mr. Vanegas stated staff's recommendation is the stamped asphalt with additional signage.

Further discussion took place on the temporary weekend signage, pavement markings and solar lighting. Alex Vanegas stated that whatever Council decides on would need VDOT approval before moving forward and added he would like to reach out to the businesses in the area and let them know about the work.

Mayor Fraser summarized that the choice of Council would be to add the thermoplastic crosswalk. Mr. Vanegas stated he will work with the police department to provide community reach to educate the public.

Council member Grim proposed that in conversations with VDOT talking about other areas in Town that could benefit with crosswalks.

ACTION ITEMS:

a. Chapman Easement – 31st Street

Rob Lohr noted that the Town received an offer to move forward with a property owner who has an interest in working with the Town to potentially provide an easement on a piece of

property he currently lives in and may sell in the near future. The easement would provide for a future sidewalk, sidewalk and potential stop light at the intersection of 32nd/31st and Main Street. Mr. Lohr added this intersection has been asked about by Council previously and further talked about the issues with the intersection, and is seeking direction from Council on moving forward.

Council member Ogelman noted he feels this is an important safety issue to do research on by pulsing citizens.

Council member Grim agrees there are issues at this location and feels that by accepting one easement will not solve issues and added she would like to know what VDOT has to say before considering any legal steps and only supports exploration at this time.

Rob Lohr confirmed via a question from Council member Bledsoe that the purpose of this item is to just obtain the easement and not to install a cross walk or traffic light. Council member Bledsoe added he understands some of the concerns however the goal of the Town has been to make it as walkable as possible and does not see the hesitation in working with a property owner that is willing to give the property to the Town given the future property owner may not do the same.

Council member Grim further clarified she has no problem moving forward with the exploration but not taking legal steps until Council has been made fully aware of what VDOT is advising if taking action and requested to be part of the meeting(s) with VDOT.

Council member Bledsoe added he authorizes staff to move forward in negotiations with the property owner with the information from VDOT.

Rob Lohr added that by accepting the easement the Town is not obligated to spend any money however will be closer to having the ability in the future to add a sidewalk, light, etc.

Mayor Fraser stated he feels there is an opportunity to take a gift for future vision to talk to VDOT to build something for the future.

Council member Bledsoe made a motion that Council direct staff to move forward with the exploration and legal steps necessary to acquire an easement on the property located at 601 W. Main Street that has been offered to the Town from CaseCo., LLC for no compensation. The motion was seconded by Vice Mayor Jimmerson.

Council member Grim made a friendly amendment that it is for the exploration necessary to acquire and gather the information but not take all the legal steps for making the final decision until the Town Council has been updated on what VDOT has provided.

Council member Bledsoe stated he does not see the difference since Mr. Lohr clarified that any acceptance of the easement formally has to be done by a vote of Council. Council member Grim stated she objects to that and feels that what is being agreed to is spending up to \$3,500 then brought back to Council as a take it or leave it.

Rob Lohr added that staff is ready to do whatever Council wishes however feels time is of the essence and would like to have materials to bring back for Council review in September.

Council member Bledsoe stated he has concerns with limiting staff's ability if the legal steps were removed so that staff could provide Council with a recommendation to take action on.

Council member Bledsoe stated he is against the friendly amendment. Council member Grim withdrew her friendly amendment and added she holds staff accountable for following through on incremental steps that need done for the citizens.

Motion: Council member Bledsoe
Second: Vice Mayor Jimmerson
Carried: 5-0-2 Absent

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

b. Options for Studying Future Police Dept. Facility

Rob Lohr stated that the purpose of this item is to develop a methodology or process for looking at options for a future facility.

Council member Grim stated she feels this item should be delayed until the strategic meeting so that all of Council can come together with their vision and then implement something along with citizen participation.

Council member Jimmerson added she feels money spent on this item would be a good idea and to have an expert from outside of Town assist with this.

Council member Ogelman stated he would like to table the item until after the strategic meeting.

Mayor Fraser stated he feels citizen input in this decision is important and would not spend the money on an outside firm before getting citizen input and would also like to add this item as a strategic discussion.

Rob Lohr clarified that recommendations have been made in the last ten years to consolidate.

c. Water Conservation Plan Rebate Program

Alex Vanegas summarized the program and its implementation and noted that since the implementation, most appliances are now water efficient.

Council member Grim stated she researched to see if other municipalities had a similar program and did not find many in Virginia and feels this is a good time to suspend the program until a committee can look into it further.

Council member Bledsoe added he is in favor of suspending the program.

Council member Grim made a motion that Town Council direct staff to suspend the Water Conservation Plan Rebate Program until such time as the Town Council re-initiates the program. The motion was seconded by Council member Bledsoe.

Motion: Council member Grim
Second: Council member Bledsoe
Carried: 5-0-2 Absent

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

d. Real Parties in Interest Disclosure

Council member Grim stated this item would impact transparency of land use processes, campaign contributions and the conflicts of interest. Council member Grim talked about staff's difficulty in enforcing it and disagrees and that the document is not different from what committee members sign off on. Council member Grim added the document would require an amendment to the zoning code that it is part of the submission requirements and could be easily put into place.

Council member Ogelman made a motion that Town Council directs staff to move forward with using the Real Parties of Interest Disclosure document from Loudoun and/or Leesburg and begin a similar draft document for the Town not to exceed two pages. This item will be brought back to Council at the first meeting in September for final approval and immediate implementation. The motion was seconded by Council member Grim.

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

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

e. Bulk Water Rates

Alex Vanegas stated that with the approval of bulk water sales in June 2016, Council adopted an ordinance that included a bulk water rate and an administrative fee to capture service costs of staff. Because the operational cost is already captured, Mr. Vanegas proposed that the fee be suspended.

Discussion took place about the bulk water rate, payments for service, the administrative fee as well as fees for bulk water that other jurisdictions charge.

Vice Mayor Jimmerson made a motion that the Town Council adopt resolution 16-07-04 suspending the \$50 per day administrative fee until such time as the Town can reconsider its adopted rates and fees for bulk water. The motion was seconded by Council member Grim.

Motion: Vice Mayor Jimmerson
Second: Council member Grim
Carried: 5-0-2 Absent

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

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

a. Presentation Request – Comprehensive Plan Update

Dan Galindo asked Council if they would like to receive an update on the past six months of the comprehensive plan or update of if Council would prefer to be involved in the other community presentations to be scheduled.

Council member Grim stated she would like for Council to receive the presentation and to also get the information out to the public so that they can also attend.

Council agreed on scheduling the presentation specifically to Town Council.

APPROVAL OF MINUTES

- a. July 12, 2016 Town Council Special Meeting**
- b. July 12, 2016 Town Council Regular Meeting**

Vice Mayor Jimmerson made a motion to approve the minutes of the July 12, 2016 Town Council Special Meeting and the July 12, 2016 Town Council Regular Meeting and waive reading. The motion was seconded by Council member Ogelman and approved unanimously.

MOTION TO RECESS THE REGULAR MEETING AND CONVENE A CLOSED MEETING

Council member Grim made a motion as authorized under Section 2.2-3711(A)(1) of the Code of Virginia that the Purcellville Town Council convene in a closed meeting to discuss and consider

prospective candidates for appointment to the Planning Commission. The presence of the following individuals will reasonably aid the public body in its consideration of these appointments, and they are therefore requested to attend the closed meeting:

- 1) All Town Council members

The motion was seconded by Council member Bledsoe.

Motion: Council member Grim
Second: Council member Bledsoe
Carried: 5-0-2 Absent

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

MOTION BY TOWN COUNCL TO ADJOURN THE CLOSED MEETING AND RECONVENE THE OPEN MEETING

Council member Grim made a motion that 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 Bledsoe.

Motion: Council member Grim
Second: Council member Bledsoe
Carried: 5-0-2 Absent

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

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

Council member Grim made a motion that the Purcellville Town Council adopt Resolution 16-07-03 certifying the closed meeting of July 26, 2016. The motion was seconded by Vice Mayor Jimmerson.

Mayor Fraser stated Council would have preferred to have made the decision with the full Council present however due to the urgency of the Planning Commission's schedule feels it is priority to make the appointments now.

Motion: Council member Grim
Second: Vice Mayor Jimmerson
Carried: 5-0-2

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

APPOINTMENTS TO THE PLANNING COMMISSION:

Vice Mayor Jimmerson made a motion that the Town Council approve the following appointment/reappointment to fill an expired term on the Planning Commission:

<u>Name</u>	<u>Committee, Commission or Board</u>	<u>Term</u>
Theresa Stein	Planning Commission	Sept. 1, 2016 to Aug. 31, 2020

The motion was seconded by Council member Bledsoe.

Motion: Vice Mayor Jimmerson
Second: Council member Bledsoe
Carried: 5-0-2 Absent

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

Vice Mayor Jimmerson made a motion that the Town Council approve the following appointment/reappointment to fill an expired term on the Planning Commission:

<u>Name</u>	<u>Committee, Commission or Board</u>	<u>Term</u>
Tip Stinnette	Planning Commission	Sept. 1, 2016 to Aug. 31, 2020

The motion was seconded by Council member Ogelman.

Motion: Vice Mayor Jimmerson
Second: Council member Ogelman
Carried: 5-0-2 Absent

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

Vice Mayor Jimmerson made a motion that Town Council approve the following appointment to fill a vacancy/expired term on the Planning Commission:

<u>Name</u>	<u>Committee, Commission or Board</u>	<u>Term</u>
Brittany Adkins	Planning Commission	Sept. 1, 2016 to Aug. 31, 2020

The motion was seconded by Council member Bledsoe.

Motion: Vice Mayor Jimmerson
Second: Council member Bledsoe
Carried: 5-0-2 Absent

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

Vice Mayor Jimmerson made a motion that Town Council approve the following appointment to fill a vacancy on the Planning Commission:

<u>Name</u>	<u>Committee, Commission or Board</u>	<u>Term</u>
David Estey	Planning Commission	July 26, 2016 to Sept. 30, 2018

The motion was seconded by Council member Grim.

Motion: Vice Mayor Jimmerson
Second: Council member Grim
Carried: 5-0-2 Absent

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

ADJOURNMENT

With no further business, Council member Bledsoe made a motion to adjourn the meeting at 10:48 PM. The motion was seconded by Council member Ogelman and approved unanimously.

Kwasi A. Fraser, Mayor

Diana Hays, Clerk of Council

This page intentionally left blank



STAFF REPORT
ACTION

Item #16

SUBJECT: Closed Meeting

DATE OF MEETING: September 13, 2016

STAFF CONTACTS: Diana Hays, Town Clerk/Project Manager

SUMMARY and RECOMMENDATIONS:

Attached are the motions and resolution pertaining to the closed meeting.

ATTACHMENT(S):

1. Closed Meeting Motions
2. Resolution 16-09-01

MOTION TO RECESS THE REGULAR MEETING AND CONVENE A CLOSED MEETING

“As authorized under Section 2.2-3711(A)(1) of the Code of Virginia, I move that the Purcellville Town Council convene in a closed meeting to discuss and consider prospective candidates for appointments to committees, commissions and boards. The presence of the following individuals will reasonably aid the public body in its consideration of these appointments, and they are therefore requested to attend the closed meeting:

- 1) All Town Council members

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

“I move that the Town Council reconvene in an open meeting and that the minutes reflect no formal action was taken in the closed meeting.”

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

“I move that the Purcellville Town Council adopt Resolution 16-09-01 certifying the closed meeting of September 13, 2016.”

Attachment 2

Mayor

Kwasi A. Fraser

Council

Chris Bledsoe

Ryan J. Cool

Kelli Grim

Karen Jimmerson

Douglass J. McCollum

Nedim Ogelman



Town Manager

Robert W. Lohr, Jr.

Assistant Town Manager

Daniel C. Davis

221 S. Nursery Avenue

Purcellville, VA 20132

(540) 338-7421

Fax: (540) 338-6205

www.purcellvilleva.gov

TOWN OF PURCELLVILLE
IN
LOUDOUN COUNTY, VIRGINIA

RESOLUTION NO. 16-09-01 PRESENTED: SEPTEMBER 13, 2016
ADOPTED: SEPTEMBER 13, 2016

A RESOLUTION: CERTIFYING THE CLOSED MEETING ON
SEPTEMBER 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 _____ DAY OF _____ 2016.

Kwasi A. Fraser, Mayor
Town of Purcellville

ATTEST:

Diana Hays, Town Clerk

This page intentionally left blank



STAFF REPORT
ACTION ITEM

Item #17

SUBJECT: Appointments to Committees, Commissions and Boards

DATE OF MEETING: September 13, 2016

STAFF CONTACTS: Robert W. Lohr, Jr., Town Manager

BACKGROUND:

Each year the Town has vacancies to fill due to resignations and term expirations on various committees, commissions and boards. The Town advertises these vacancies, and members of Council recruit in the community to fill the vacant positions, specifically on the Board of Zoning Appeals and Board of Architectural Review.

The current terms of the Board of Zoning Appeals are as follows:

<u>MEMBER</u>	<u>APPOINTED DATE</u>	<u>APPOINTMENT START DATE</u>	<u>APPOINTMENT END DATE</u>	<u>TOWN RESIDENT</u>
VACANCY		September 2013	August 31, 2018	Yes
Betsy Self, Chairperson	October 14, 2014	September 2014	September 30, 2019	Yes
Orlo (Chip) Paciulli	October 13, 2015	October 2015	October 31, 2020	Yes
Eric Zimmerman	October 13, 2015	October 2015	October 31, 2020	Yes
Bill Lynch	October 13, 2015	October 2015	October 31, 2020	Yes

The current terms of the Board of Architectural Review are as follows:

<u>MEMBER</u>	<u>APPOINTED DATE</u>	<u>APPOINTMENT START DATE</u>	<u>APPOINTMENT END DATE</u>	<u>TOWN RESIDENT</u>
Pat Giglio, Chairman	September 25, 2012	August 2012	August 31, 2016	Yes
Jim Gloeckner	September 25, 2012	August 2012	August 31, 2016	Yes
Dan Piper	October 14, 2014	August 2014	July 31, 2018	No
Mark Ippoliti	October 14, 2014	August 2014	July 31, 2018	Yes
Nedim Ogelman, Council Liaison (non-voting)	July 12, 2016	July 12, 2016	June 30, 2018	Yes
VACANCY		August 2015	August 2019	Yes

Green indicates interest in reappointment. Red indicates a vacancy or not interested in reappointment as noted.

MOTION(S):

“I move that we approve the following appointment to fill a vacancy on the Board of Zoning Appeals:

<u>Name</u>	<u>Committee, Commission or Board</u>	<u>Term</u>
	Board of Zoning Appeals	September 2013 through August 31, 2018

And;

I move that we approve the following appointments/reappointments to fill expired terms on the Board of Architectural Review:

<u>Name</u>	<u>Committee, Commission or Board</u>	<u>Term</u>
	Board of Architectural Review	September 1, 2016 through Aug. 31, 2020
	Board of Architectural Review	September 1, 2016 through August 31, 2020

And;

I move that we approve the following appointment to fill a vacancy on the Board of Architectural Review:

<u>Name</u>	<u>Committee, Commission or Board</u>	<u>Term</u>
	Board of Architectural Review	August 2015 through July 31, 2019”