

MINUTES
PURCELLVILLE TOWN COUNCIL MEETING
NOVEMBER 8, 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
Doug McCollum, Council member
Ryan Cool, Council member

ABSENT: Chris Bledsoe, Council member

STAFF: Robert W. Lohr, Jr., Town Manager
Danny Davis, Assistant Town Manager
Sally Hankins, Town Attorney
Alex Vanegas, Director of Public Works
Patrick Sullivan, Director of Community Development
Daniel Galindo, Senior Planner
Chief Cynthia McAlister, Police Dept.
Melanie Scoggins, Division Manager – Parks and Recreation
Diana Hays, Town Clerk/Project Manager

CALL TO ORDER OF REGULAR MEETING:

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

AGENDA AMENDMENTS/APPROVAL:

Council member Grim requested that Consent Action Item 13d 32nd & Main Street Traffic Signal Installation Revenue Sharing Application and Resolution be moved to Discussion Items. Danny Davis suggested the item be moved to Action Items so that Council may take action and staff can make the application. Council member Grim restated she would like Consent Action Item 13d moved to 14k. Council member Ogelman added that Council would like the opportunity to be able to discuss these items before taking action. Mayor Fraser approved the request.

Danny Davis stated that Action Items 14a and 14b have been removed from the agenda since the Planning Commission has not taken action and that the items will come back for another public hearing in December.

PROCLAMATIONS/RECOGNITIONS:

None

PUBLIC HEARINGS:

None

PRESENTATIONS:

None

STANDING COMMITTEE/COMMISSION/BOARD REPORTS:

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

Council member Grim stated that joint public hearings were held on Nov. 3rd with Town Council on SUP's 16-03 Mary's House of Hope, 16-04 Makersmiths and OA16-02 for the text amendment for the Real Parties in Interest Disclosure. Council member Grim added the Planning Commission took action on 16-03 and 16-04 to defer those to their next meeting in November, and that the Planning Commission did vote for OA16-02 and recommends that Town Council approve the item. Council member Grim added that the work session consisted of discussing the last public work sessions and the most recent and final public input sessions for the comprehensive plan.

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

Council member Ogelman noted the BAR did not meet last month as there were no items of consideration and will also not meet in November.

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

Council member Cool stated the sports grant applications will be going out soon as well as information about the trolley tours. Council member Cool added that the wall at the comprehensive plan work sessions was full of good ideas and one comment was that citizens do not receive advertisements of meetings for committees.

Danny Davis stated the PRAB has expressed interest in giving their members the ability to call in remotely for their meetings and would like to move forward with a policy if there are no objections from Council.

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

Danny Davis stated that EDAC is working on a business survey and is awaiting feedback from the committee members before forwarding to Town Council and asked Council to let EDAC know of any concerns. Mr. Davis added EDAC discussed commercial vacancies and working with landlords.

e. Purcellville Arts Council (Liz Jarvis, Chairman/R. Cool, Council Liaison)

Liz Jarvis, Chair of the PAC, stated their next meeting is on November 14th. Ms. Jarvis added that the holiday ornaments that are being coordinated through Michael Oaks at Re-Love It are almost finished. Several submissions have been received for the art banners which will be printed and on display on 21st Street throughout the winter. Chair Jarvis stated the artist reception was well attended and Franklin Park is coordinating a W&OD traveling historic exhibit which is now at the Franklin Park Arts Center with a reception this Friday. Ms. Jarvis added the Train Station will be used in December to exhibit historical memorabilia and art depicting the train line, and the Arts Council participated in Hail to the Trail this past weekend.

CITIZEN AND BUSINESS COMMENTS:

Mayor Fraser granted speakers three minutes to speak.

Tim Murphy, 110 Willie Palmer Way, asked Council to not take action on the amendment to initiate the review of the comprehensive plan and requested that Council get public input and not assume silent majority wants this. Mr. Murphy stated he feels that proposing a change and voting within two weeks is not why Council was elected and that the citizens have provided a lot of input into the process and want to know how much is going to be discarded. Mr. Murphy submitted an email between the Town Council and himself to submit into the minutes.

William Hicks, 144 Upper Heyford Place, came forward and stated he is a resident of Mayfair and talked about how some use Mayfair as an example of what should not be allowed to happen in Purcellville and that there are other perspectives besides those that a small percentage of vocal residents and individual Council members. Mr. Hicks talked about the debt incurred by the wastewater plant and that the amount owed by the Town has not decreased which allowed previous and current Council to keep water and sewer rates at an artificially low rate. Mr. Hicks added that the Town Council is using the availabilities from Mayfair to keep the rates lower than they should be and that the use of the funds in this manner is irresponsible. Mr. Hicks stated the current Town Council refuses to consider annexation of any additional land in the surrounding area based on information that residents don't want the small town character of Purcellville to change. Mr. Hicks stated he feels that if most residents knew the reality of the current finances in Purcellville that many would choose to look for solutions that were not simply no more growth. Mr. Hicks added that the reality is that homes need to be built and hopes the current Council can look beyond its own personal agenda to start looking at what is best for Purcellville- reasonable development that can be called home by everyone.

Patricia DiPalma-Kipfer, 38038 West Colonial Highway, came forward and stated she emailed her comments to Council on November 4th and is providing an update to those comments and a copy for the record. Ms. DiPalma-Kipfer stated this would also serve notice to the Town

Council that she will follow procedure by presenting the comments and justification to the Planning Commission for their review on Thursday, Nov. 17. Ms. DiPalma-Kipfer added that the previous Town Council annexed her three acre residential property which included Catoctin Corner to the west and Patrick Henry College to the north and east of her property line, and the town-initiated annexation became effective Dec. 31, 2008. Ms. DiPalma-Kipfer stated that over the past nine years has repeatedly advised governing members that her property surrounded by incompatible commercial development and that she is a residential property owner and not a developer, and stated her property has been in zoning limbo with a transition-x designation. Ms. DiPalma-Kipfer stated that in 2011, the Town Council initiated and approved an amendment CPA11-01 to the Town's comprehensive plan 2025 to designate her land use as mixed use commercial and that the amendment was to coincide with the amended land use and rezone of the Catoctin Corner development, and stated that to date has not been able to locate the resolution number that should have been assigned and recorded with CPA11-01. Ms. DiPalma-Kipfer stated the resolution is key to change the comprehensive plan ultimate land use map showing the amended land use designation, and added that in 2013, PUGAMP the working document between the Town and County since 1995 and in-part allowed the Town's initiated annexation in the first place was repealed. Ms. DiPalma-Kipfer requested that CPA11-01 and a confirmed resolution number be included in the final content of the updated comprehensive plan. Ms. DiPalma-Kipfer stated she provided input at the Nov. 5th Planning Commission Work Session for the draft of the comprehensive plan and feels the time is appropriate to make the following request for consideration and approval after presented to the Planning Commission with their recommendations to Council. Ms. DiPalma-Kipfer respectfully requested that Town Council initiate an amendment to the comprehensive plan changing her property zoning from transition-x to a dual rezone of residential mixed commercial and that Council approval would allow several important key points to materialize and allow her to continue to live on her property and have the option to market the property as commercial without becoming a developer. Ms. Kipfer submitted her comments for the record and stated it is difficult to make a point in three minutes and that her issue has been going on for nine years.

Lydia Clark, 38111 Highland Farm Place, came forward and stated the Kline Annexation Application should be denied because it has never been met with any support from residents except for one who is a parcel owner of the land, which wasn't disclosed at that public forum. Ms. Clark added that one of the applicants works for Loudoun County government and used their Loudoun.gov email address on the application and works in the County's Building and Development Office. Ms. Clark talked further about transparency and the Real Parties of Interest Disclosure being vital to the integrity of the town, and that there have been many emails and petitions in opposition to this project. As the Town has been moving through the comprehensive plan review, stated that by expanding the borders by annexation is not favored. Ms. Clark added that Purcellville Crossroads is not in keeping with the surrounding area and completely contradicts western Loudoun, and talked further about the impact on Mayfair has yet to be felt. Ms. Clark stated she feels that the application fee should not be refunded since the applicant took a chance on submitting the application knowing it did not fit with the surrounding community and was not within town limits, and that the town should keep the fee for the time and effort put forth in reviewing the application. Ms. Clarke stated again that the application should be denied and to leave it as JLMA-3.

Owen Brown, 37636 Wright Farm Drive, came forward and requested that Council deny the Kline annexation request and future requests unless they involve those submitted by a local government body or for reasons concerning public health, safety and welfare. Mr. Brown spoke in favor of the SWOT analysis conducted and for the recognition given to opposition from residents. Mr. Brown stated there is strong opposition from both in and out of town residents. Mr. Brown talked about a survey that was conducted of ninety-eight Wright Farm residents and ninety-three percent strongly oppose annexation by the Town. Mr. Brown added that a design charrette for the property was held in March which suffered many flawed stakeholder preference elicitation techniques and added that a post-charrette survey that was collected from thirty people with all opposing annexation of the property. Mr. Brown added that an online petition still on file electronically states “we the undersigned urge the Loudoun County Board of Supervisors and the Purcellville Mayor and Town Council to seize all future consideration of annexation of properties north of Route 7 into the Town of Purcellville” and contains more than 500 signatures.

Lydia Clark submitted a second request to speak form. Rob Lohr confirmed that it’s not typical for a resident to submit two forms during citizen comments as is permitted on different public hearings on the same evening and added it is Council’s preference how to move forward. As to not set a precedence, Mayor Fraser denied the second request to speak form however Ms. Clark did submit her written comments.

Written comments were submitted by many residents and are on file in the Town Clerk’s office.

MAYOR AND COUNCIL COMMENTS:

Council member Cool stated he attended the morning comprehensive plan session Saturday and feels it was well attended and the comments were valuable. Dan Galindo confirmed the comments from the work sessions would be posted to the website. Council member Cool stated a resident talked to him today about what the town does with the sludge at the waste water treatment plant and thanked Alex Vanegas for assisting with the response. Council member Cool thanked Rob Lohr, Danny Davis and Alex Vanegas for their meetings with him on various topics.

Council member Ogelman thanked the citizens who came out to speak this evening. Council member Ogelman talked about “silent majority” and feels it’s a term used when there is no evidence or information to back what positions are. Council member Ogelman stated he is looking forward to bringing back the two resolutions that were discussed two weeks ago and feels people are expressing their views on these issues and feels Council should act upon them and talked about the number of emails received about the Kline Annexation item.

Council member McCollum stated he attended the work shop over the weekend and felt discussions went well. Council member McCollum reminded everyone that Friday is Veteran’s Day and extended an invitation for all to attend the ceremony at the George C. Marshall House. Council member McCollum stated in regards to Mary’s House of Hope and Makersmiths

Public Hearings, does not feel that the interest and needs of Mary's House of Hope have not been give full consideration and priority deserved. Council member McCollum talked further about the longevity and services provided by Mary's House of Hope.

Council member Grim talked about the twirling signs in town for the development and added there is no documentation that allows for that in town, and that Council will be addressing it. Council member Grim stated there is a clear plan for the JLMA and stated staff at the County level has said it in the memo they sent in March 2013 when the PUGAMP was superseded and that the Purcellville JLMA is no longer planned as a town growth area but will protect the existing residential development pattern and serve as a County transition area between the town and rural policy area. Council member Grim stated that further, the CPAM that was passed retains existing planned policies which recognize the JLMA as a district planned land use area and maintains the current county zoning designations for the area. Council member Grim added that the Board voted 8-0-1 with York absent to forward the application to the next business meeting, and they took action. Council member Grim added that when PUGAMP was rescinded it wasn't the citizens fault that the Town Council or Board of Supervisors did not make accommodations for anything different and followed through without the Town Council objecting. Council member Grim quoted that it was also stated that in 2012 recognizing the Town did not desire any increased density and growth outside the current incorporated Town boundaries into the JLMA, the Purcellville Joint Policy's Review Committee and the Town Council called for the repeal of PUGAMP. Council member Grim added that the County has revised and superseded policies in regards to the PUGAMP and the Town of Purcellville (CPAM 2012-0002) to include retaining the Purcellville JLMA as a planning area that will develop in accord with the underlying County zoning designations prescribed to the area which is one house per three acres. Council member Grim stated she feels this is what previous Council decided to do and what hasn't been changed or revised and so the growth area of the JLMA does not exist unless Council decides to bring it up. Council member Grim added she feels the Town's Annexation Policy needs amended to come in line with what the County's revised general plan clearly states that when PUGAMP was rescinded there was something put in place because the Town said they didn't intend to go outside its boundaries. Council member Grim added that the law needs followed as written according to the County.

Vice Mayor Jimmerson thanked Michael Oaks and the Town for the Halloween block party. On Friday, Vice Mayor Jimmerson stated she attended a traffic study with Rob Lohr and Supervisor Buffington and his staff with members of VDOT where they observed the southbound traffic on Rt. 287 through the Rt. 7/287 interchange. Vice Mayor Jimmerson added that VDOT is going to try to do some stop gap measures in the interim. Vice Mayor Jimmerson attended the pardoning of the turkey on Saturday and Hail to the Trail on Sunday. Vice Mayor Jimmerson stated she participated on a call with Graybar regarding infrastructure for internet fiber and is waiting on a response about what other communities do.

Mayor Fraser stated on Friday he will be attending the fundraiser at Monk's BBQ for the Walking Wounded. Mayor Fraser stated Hail to the Trail was a great event, and talked about linking all of the trails in Purcellville. Mayor Fraser talked about controlling annexation and what the town wants to do as the town has seen annexations take over 20 years for

development. Mayor Fraser talked about Mary's House of Hope and Makersmiths and feels there are ways for them to benefit each other.

DISCUSSION/INFORMATIONAL ITEMS:

a. 2016 Wine and Food Festival Summary

Danny Davis introduced the item and stated that the accounting has been finalized for the past festival and planning has begun for the next festival. Mr. Davis talked about the success of the new events company and the ticket tier structure which is estimated to be the same for next year. Mr. Davis added that one change to next year will be that there will just be one entrance into the festival.

Council member Grim asked if the consultant fee is included in the total expenses and Danny Davis stated that it is. Danny Davis added that a breakdown of detailed expenses was provided from 2012 to current, and is looking into additional opportunities for VIP tickets.

b. Carver Center Bus Stop Update

Council member Grim stated she received a response from Loudoun County Transportation after consulting with VRT and that she has been in touch with the Carver Center Alumni Board and Advisory Board and they are polling their members. Council member Grim asked for a letter of support from the Town to the County.

Vice Mayor Jimmerson stated she was asked about a number of issues at the Carver Center including a bus stop and spoke in favor of the stop.

CONSENT ACTION ITEMS:

a. Town Council's 2017 Legislative Agenda

Sally Hankins, Town Attorney, stated that over the course of a couple of meetings the Town Council approved its legislative agenda which is included with the staff report as a resolution.

Council member Ogelman mentioned a previous discussion about prioritizing the legislative items and stated it does not appear that they are prioritized. Ms. Hankins stated the resolution was drafted from the approved motion which did not seem to prioritize the items but rather what to include which were items one through eight from Council member McCollum's email and items two and three from her email to Council and all of the remaining items from the document that Council member Grim distributed when the item was initiated. Ms. Hankins added that this is the order they appear on the resolution.

b. RFP #PW-2016-02 Nursery Avenue Roadway and Drainage Improvements, Design and Engineering Services

Council had no comments.

c. 12th Street Drainage & Pedestrian Improvements Revenue Sharing Application and Resolution

Council member Grim stated that in the near future had asked about the water issues related to the adjacent newer construction subdivision regarding storm water issues and since the town has doubled in size feels there are issues that need looked at and have actions been taken that have caused consequences to the adjacent streets. Council member Grim spoke in favor of the 12th Street repairs.

d. 32nd & Main Street Traffic Signal Installation Revenue Sharing Application and Resolution

This item was moved to action item 14k.

e. Crosswalk (various locations) Revenue Sharing Application and Resolution

Council had no comments.

Mayor Fraser requested direction on how to move forward with the Consent Action Items. Danny Davis referenced the motion provided and to reference all of the items except item d).

Council member Ogelman made a motion that Town Council adopt the motions for the following Consent Action Items:

- a) Town Council's 2017 Legislative Agenda
- b) RFP #PW-2016-02 Nursery Avenue Roadway Drainage Improvements, Design and Engineering Services
- c) 12th Street Drainage & Pedestrian Improvements Revenue sharing Application and Resolution
- e) Crosswalk (various locations) Revenue Sharing Application and Resolution

The motion was seconded by Council member Cool.

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

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

Mayor
Kwasi A. Fraser

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



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

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

RESOLUTION NO. 16-11-04

PRESENTED: NOVEMBER 8, 2016

ADOPTED: NOVEMBER 8, 2016

**A RESOLUTION: ESTABLISHING THE TOWN'S LEGISLATIVE
PRIORITIES FOR THE 2017 GENERAL ASSEMBLY**

BE IT RESOLVED that the Town Council hereby requests the following legislative amendments from the 2017 General Assembly, and adopts the following position statements:

Amendment to Va. Code § 15.2-2286(B)

Amend Va. Code § 15.2-2286(B) to authorize a Town to require payment of taxes and other charges constituting a lien on the property, whether such taxes or charges are owed to the Town or to the County within which the Town is located.

Amendment to Va. Code § 15.2-2119.2

Amend Va. Code § 15.2-2119.2, to authorize the Town of Purcellville (or all Towns) to provide discounted water and sewer fees and charges for low-income, elderly, or disabled customers.

Phase II Watershed Implementation Plan/State funding for agricultural BMP and other cost-sharing programs

Purcellville supports efforts to increase state appropriations for cost-sharing programs, including but not limited to the Virginia Natural Resources Commitment Fund (VNRCF). The VNRCF supports Virginia Agricultural Cost-Share programs including installation of cost-effective best management practices that are necessary to meet Phase II Watershed Implementation Plan local pollution reduction goals.

Conditional Zoning (Cash and In-Kind Proffers)

Purcellville supports actions to suspend or revise dramatically the new Proffer Law: SB549. Purcellville supports local authority to accept cash and in-kind proffers from developers to assist localities in financing the capital facilities and infrastructure on site and off site that is needed to serve new development. Purcellville opposes legislation to eliminate or restrict that authority.

Community Maintenance

Purcellville opposes any diminution of community maintenance authority including: any loss of authority to regulate telecommunication facilities; any limitation on local land use authority through the statewide building code; any weakening of authority related to inoperative motor vehicles, residential overcrowding, weeds, grass, spot blight, noise, or signage.

Connection Fees

Purcellville supports the existing authority of localities or locally created authorities to impose connection fees and rates adequate to support the full cost of water, wastewater and storm water utility systems, and opposes any legislation that would limit that authority.

Erosion and Sediment Control/Storm water Management

Purcellville opposes legislation that reduces or eliminates local authority in the areas of erosion and sediment control, and storm water management.

Line of Duty Benefits for Public Safety Personnel

Purcellville supports efforts to shift responsibility for Line of Duty benefits back to the state. Should localities continue to be required to pay these benefits, they should at the very least be authorized to establish the level of benefits, instead of the state mandating benefits.

Worker's Compensation

Purcellville supports the current Virginia Worker's Compensation Act and opposes any expansion of the heart/lung/cancer presumption statute.

Adopt state schedule for Worker's Compensation medical services

Purcellville supports legislation to implement a schedule for medical services provided under a worker's compensation claim that reduces such costs for the county and provides more uniformity and predictability in the rates.

Expanded Benefits

Purcellville opposes any legislation mandating new and/or expanded benefits on local governments that are not fully funded in perpetuity by the State, and oppose new or expanded employment benefits for public employees and/or volunteers unless a local option is provided.

Collective Bargaining

Purcellville opposes any attempt by the state government to impose collective bargaining or to stipulate grievance procedures for state and local employees.

Election Districts

Purcellville supports technical corrections to the state legislative election districts in the County as a part of the omnibus election district "clean-up" legislation. This will avoid unnecessary local costs resulting from election precincts with very small numbers of voters, and will help limit the inconvenience to some voters that resulted from the recent decennial redistricting.

Retention of Election Ballots

Purcellville supports legislation to authorize Circuit Court Clerks to retain digital images of election ballots instead of the actual paper ballots for the required (2 year) time period.

No-Excuse Absentee Voting

Purcellville supports no-excuse absentee voting in the interest of increasing voter turn-out, promoting efficient and effective election administration, and as a way of avoiding long lines for voters.

Northern VA Road priority

Purcellville supports the completion of the Route 7/690 interchange.

Revenue Sharing Program

Purcellville supports continued use of this program as an effective way to leverage local/state funds and oppose decreasing the recent funding allocations for this program.

Virginia Department of Transportation Staffing Levels

Purcellville supports state funding for providing additional staffing of VDOT personnel designated for and preferably located in Loudoun County for the purposes of greater efficiency.

Dulles Greenway

Purcellville supports measures and legislation that address toll rate concerns including but not limited to potential state acquisition of the Dulles Greenway and distance-based and time-based

A RESOLUTION:

**ESTABLISHING THE TOWN'S LEGISLATIVE PRIORITIES FOR THE 2017
GENERAL ASSEMBLY**

tolling structures to reduce the costs for Greenway users and to reduce toll-induced traffic congestion on alternative routes.

New State Mandates & Shifting Responsibility to Localities

Purcellville opposes any new state mandates that are not fully funded by the Commonwealth, and opposes the shifting of fiscal responsibility from the state to localities for existing programs.

State Corporation Commission Public Hearings

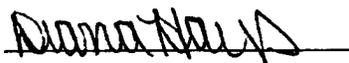
Purcellville supports a requirement that the State Corporation Commission conduct a local public hearing for projects that significantly impact Loudoun County.

BE IT FURTHER RESOLVED that the Town shall promptly transmit these requested legislative changes and position statements to the Senator representing Senate District 13 and the Delegate representing House of Delegates District 33.

PASSED THIS 8TH DAY OF NOVEMBER, 2016.


Kwasi A. Fraser, Mayor
Town of Purcellville

ATTEST:


Diana Hays, Town Clerk

Mayor
Kwasi A. Fraser

Council
Chris Bledsoe
Ryan J. Cool
Kelli Grim
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**TOWN OF PURCELLVILLE
IN
LOUDOUN COUNTY, VIRGINIA**

RESOLUTION NO. 16-11-02

PRESENTED: NOVEMBER 8, 2016

ADOPTED: NOVEMBER 8, 2016

A RESOLUTION: SUPPORTING A REVENUE SHARING APPLICATION TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION FOR 12th STREET DRAINAGE & ROAD IMPROVEMENTS AND AUTHORIZING THE TOWN MANAGER TO APPLY FOR AND EXECUTE AGREEMENTS RELATING TO SUCH FUNDS

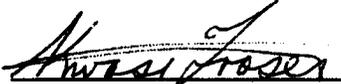
WHEREAS, the Council of the Town of Purcellville desires to submit an application requesting funds of up to \$ 1,000,000 from the Virginia Department of Transportation Fiscal Year 2018, Revenue Sharing Program; and,

WHEREAS, these funds are requested to fund the 12th Street Drainage & Road Improvements, so as to address drainage issues, safety concerns and pedestrian accessibility along 12th Street.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Town of Purcellville hereby supports and directs the submission of an application requesting \$1,000,000 from the Virginia Department of Transportation Revenue Sharing Program.

BE IT FURTHER RESOLVED that the Council of the Town of Purcellville hereby authorizes the Town Manager to execute said application for funds, and to execute all project administration agreements for any approved revenue sharing projects.

ADOPTED this 8TH day of November, 2016.


Kwasi A. Fraser, Mayor
Town of Purcellville

ATTEST:


Diana Hays, Clerk of Council

Mayor
Kwasi A. Fraser

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



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

RESOLUTION NO. 16-11-01

**PRESENTED: NOVEMBER 8, 2016
ADOPTED: NOVEMBER 8, 2016**

A RESOLUTION: SUPPORTING A REVENUE SHARING APPLICATION TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION FOR CROSSWALK IMPROVEMENTS AT VARIOUS LOCATIONS AND AUTHORIZING THE TOWN MANAGER TO APPLY FOR AND EXECUTE AGREEMENTS RELATING TO SUCH FUNDS

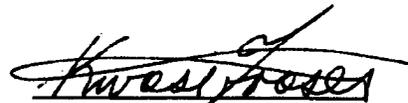
WHEREAS, the Council of the Town of Purcellville desires to submit an application requesting \$20,000.00 from the Virginia Department of Transportation Fiscal Year 2018, Revenue Sharing Program; and,

WHEREAS, these funds are requested to fund Crosswalk Improvements in various locations within the Town.

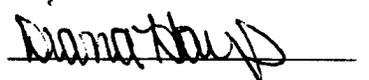
NOW, THEREFORE, BE IT RESOLVED that the Council of the Town of Purcellville hereby supports and directs the submission of an application requesting \$20,000.00 from the Virginia Department of Transportation Revenue Sharing Program.

BE IT FURTHER RESOLVED that the Council of the Town of Purcellville hereby authorizes the Town Manager to execute said application for funds, and to execute all project administration agreements for any approved revenue sharing projects.

ADOPTED this 8th day of November, 2016.


Kwasi A. Fraser, Mayor
Town of Purcellville

ATTEST:


Diana Hays, Clerk of Council

ACTION ITEMS:

- a. Removed from agenda via amendment.
- b. Removed from agenda via amendment.
- c. **Zoning Ordinance Text Amendment OA16-02 Disclosure of Real Parties in Interest**

Sally Hankins stated that the item has been before Council previously most recently at the November 3rd joint public hearing between the Town Council and Planning Commission where the Planning Commission took a vote to recommend approval of Ordinance 16-09-01.

Council member Grim made a motion that Town Council adopt Ordinance 16-09-01, amending the Zoning Ordinance to require that land development applicants 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.

Motion: Council member Grim
Second: Vice Mayor Jimmerson
Carried: 6-0-1 Absent

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

- d. **Proposed Amendment to Resolution 15-01-02 to Initiate a Complete Review of the Town's Comprehensive Plan**

Sally Hankins introduced the staff report as issued with the supplemental agenda and added that this item was initiated by Council member Ogelman.

Council member Ogelman stated his reason for bringing the item back is that the original resolution has an assumption that reads "Whereas the Town has been asked by landowners in Loudoun County to consider further expansion to the Town's jurisdictional limits", and clarified that one of the reasons this was being done is because landowners in the County asked the Town to consider annexing. Council member Ogelman added that there is no similar language about the Town citizens which he feels is inconsistent with the Town's representative government. Council member Ogelman added that there is nothing that says how far out you would go since the JLMA is written with the removal of PUGAMP. For those reasons, Council member Ogelman stated he feels it would be proper to not stop the comprehensive plan process but to take into consideration the citizens input when considering expansion of the Town's jurisdictional limits.

Council member McCollum stated when he reviewed the language proposed to be struck concluded that the components of the substitute language are against any mention of either annexation or use of land outside of the Town and does not think this is wise and feels it is inconsistent with the purposes of the comprehensive plan review and revision the Code of Virginia, and is opposed to the proposed amendments. Council member McCollum added that it is unrealistic to believe the Town can survive economically without at least discussion of this land use. Council member McCollum talked about the recent requests for annexation. Council member McCollum added that during Council's Strategic Planning Session, Mr. Chandler's response to a complaint about annexation was that it is a necessary element of the comprehensive plan review.

Council member Grim stated she highly supports that the wording was flawed when it addressed that the Town will do something to the comprehensive plan based on landowners rather than citizens. Council member Grim read from chapter 9 of the revised general plan of the County, and added that the Town does not have an area plan with the County as other jurisdictions do. Council member Grim added the Town has grown poorly in the last ten years. Council member Grim stated she is in support of this change.

Vice Mayor Jimmerson stated she agrees with Council member Grim and that if growth paid the bills the Town would have an excess of money. Vice Mayor Jimmerson talked about the newer developments and those not helping with debt, taxes or water bills, and is in support of a resolution that includes residents.

Council member Cool stated the resolution does not say that the Town would never consider annexation in the future and feels that to never consider growth is not smart, and is in support of the resolution.

Mayor Fraser stated he agrees with Council member Cool and would not want to say no to annexation and that the proposed language agrees with that. Mayor Fraser added that at the workshops this past weekend the residents were willing to consider annexation based on conditions and feels the language reflects what the current Council believes and is in support of it.

Council member Ogelman made a motion that Town Council adopt Resolution 16-11-05.

Danny Davis requested direction from Council how they would like for staff to take the direction into the next steps of developing the plan so it carries out the intent of Council. Mayor Fraser stated he feels Council is saying to change the language to make it a more representative narrative of the current Council and to not stop the work on the comprehensive plan, and the data received from citizens so far should be a reference in the document and to be shared at the County level as they move forward with their comprehensive plan.

Mr. Davis asked for clarification if Council wants to move forward within the current boundaries of the Town. Mayor Fraser confirmed and added that the previous comments from citizens can be added as an appendix or a potential scenario.

Mayor
Kwasi A. Fraser

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



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

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TOWN OF PURCELLVILLE

IN

LOUDOUN COUNTY, VIRGINIA

ORDINANCE NO. 16-09-01

PRESENTED:

September 13, 2016

ADOPTED:

November 8, 2016

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, and periodically affirm such disclosure; and

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

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

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

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, maintain, and modify as needed 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 by the applicant. Any form that is altered or modified in any way will not be accepted.

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

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 the Code of Virginia 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, at a minimum, take action to address the conflict as required under the Virginia Conflict of Interest Act. The affected member may voluntarily go beyond what is required under the Virginia Conflict of Interest Act and refrain from all participation in the matter.

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 its 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.

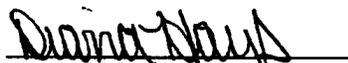
Cross References

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

PASSED THIS 8th DAY OF NOVEMBER, 2016.


Kwasi A. Fraser, Mayor
Town of Purcellville

ATTEST:


Diana Hays, Town Clerk

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Mayor
Kwasi A. Fraser

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



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

IN

LOUDOUN COUNTY, VIRGINIA

RESOLUTION NO. 16-11-05

PRESENTED: NOVEMBER 8, 2016
ADOPTED: NOVEMBER 8, 2016

**A RESOLUTION: AMENDING RESOLUTION 15-01-02, WHICH INITIATED
REVIEW OF THE TOWN'S COMPREHENSIVE PLAN**

WHEREAS, Virginia Code § 15.2-2223 requires that the Town Planning Commission prepare a Comprehensive Plan for the physical development of the territory within the corporate limits of the Town of Purcellville; and

WHEREAS, Virginia Code § 15.2-2231 allows, but does not require, a Town's Comprehensive Plan to include the planning of adjacent unincorporated territory; and

WHEREAS, Virginia Code § 15.2-2230 requires that the Planning Commission review the Comprehensive Plan at least once every five years to determine whether it is advisable to amend the plan; and

WHEREAS, on January 27, 2015, by Resolution 15-01-02, the 53rd Purcellville Town Council directed that the Planning Commission conduct a complete review of the Comprehensive Plan, and said they desire that such review include a plan for the physical development of lands located outside the Town's corporate limits, but within the area identified by Loudoun County as Joint Land Management Area ("JLMA"); and

WHEREAS, the Town Council recognizes that while citizens of Purcellville may initiate a plan for the physical territory outside the Town of Purcellville as part of the ongoing Comprehensive Plan process, an initiative to mandate a plan for the physical territory outside the Town limits does not currently reflect the will of the citizens; and

WHEREAS, the will of the Town citizens is paramount to the Town Council.

A RESOLUTION: AMENDING RESOLUTION 15-01-02, WHICH INITIATED REVIEW OF THE TOWN'S COMPREHENSIVE PLAN

NOW THEREFORE, the Town Council hereby amends Resolution 15-01-02 to add the underlined text, delete the strikethrough text, and affirm the unamended text as follows:

WHEREAS, the Town's Comprehensive Plan was last adopted on December 19, 2006; and

WHEREAS, since 2006, the Town has undergone significant changes, including the incorporation of new land into the Town's jurisdictional limits, the termination of the Town of Purcellville/County of Loudoun Annexation Agreement, and significant commercial development; and

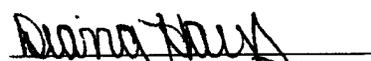
WHEREAS, to ensure that the Town Plan remains a relevant and cohesive set of policies that guides decisions about future land stewardship, infrastructure investments, public services, cultural events and recreation, the Town Council desires to consider and adopt amendments to the Town's Comprehensive Plan no later than March, 2017, which would include, but not be limited to, (i) an update of the Town's history and census information, (ii) an update of the Town's plan for the physical development and maintenance of the territory within its jurisdiction, including lands that have been incorporated into the Town's jurisdictional limits since 2006; (iii) amendments necessitated by the termination of the Town of Purcellville/County of Loudoun Annexation Agreement; and (iv) a transportation plan that identifies the transportation infrastructure needed to support the territory covered by the plan.

NOW THEREFORE, the Council hereby directs the Town of Purcellville Planning Commission to conduct a complete review of the Town's Comprehensive Plan and to recommend all resulting amendments to the Town Council no later than December, 2016.

RESOLUTION NO. 16-11-05 IS PASSED THIS 8TH DAY OF NOVEMBER, 2016.


Kwasi A. Fraser, Mayor
Town of Purcellville

ATTEST:


Diana Hays, Town Clerk

Council member Grim stated that the resolution is clear and the information gathered should all be included, and that the proposed language corrects the original resolution.

Dan Galindo stated he is not sure how to implement the proposed language and asked Council for the appropriate way to utilize the gathered data. Mayor Fraser stated he sees this having its own section about what if the town were to consider annexation. Council member Ogelman agreed with Mayor Fraser about the data and added that the comprehensive plan itself focuses on what the citizens in the town want and focuses on development and planning within the boundaries of the Town.

The motion was seconded by Council member Grim.

Motion: Council member Ogelman
Second: Council member Grim
Carried: 5-1-1 Absent

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

e. Procedures for Using Polco Online Polling System

Danny Davis reviewed the policy and pointed out the 24 hour response time on draft questions provided to Council and asked for guidance on how to proceed when Council may disagree on questions.

Council member Grim stated she would like to see 48 hours turnaround time and feels that Council should develop a series of questions or subject matter to use. Danny Davis added that one of the goals is to be responsive to items that may come up randomly and agreed with Council member Grim that it would be helpful to set a framework for questions that can be planned out for the near future and have flexibility to add additional questions if issues come before Council. Council member Grim agreed.

Council member McCollum agreed with the 48 hour turnaround and liked the idea of working through staff. Council member McCollum added that he feels if one Council member has an issue with a question that it either be dropped or brought to a meeting for further discussion.

Council member Ogelman stated he disagrees with the idea that a single Council member could have veto power over a question, and that part of the benefit of the tool is that real time insight into issues can be gathered to make quick decisions and sacrificing the timeliness completely for consensus could be damaging to what can be achieved with this kind of tool. Council member Ogelman also agrees with 48 hours and as representatives of the citizens,

would want to hear from the citizens and that the idea of one Council member could veto a question until the next Town Council meeting, could be too late for getting opinions on a significant question. Council member Ogelman added he would prefer that four members of the Town Council need to take a question off. Council member Ogelman stated he feels the procedures are good but the real challenge is getting the citizens to use the tool and to apply it.

Council member McCollum clarified his comment that he meant to say that it would include a reason why would could allow for modification, further consideration or withdrawal and added he could not think of an issue that has come up that has required immediate attention that couldn't wait for a meeting for the question to be discussed in a public forum.

Vice Mayor Jimmerson stated she feels this is a good start and changes can be made. Vice Mayor Jimmerson added she agrees with Council member McCollum that voting and discussing via email is not ok and that it is important to bring the item forward for further discussion in public.

Council member Cool stated he feels this is a great tool and feels that disagreement amongst Council with one question should not be discussed at a meeting as it is not really business of the Town. Council member Cool added the questions should be simple and generic and Council should be considerate of citizens and their own time.

Mayor Fraser stated he heard 48 hours is the time frame and asked how Council gains consensus on the questions. Council member Grim talked about following FOIA guidelines and that questions and comments should be directed strictly to Danny Davis and not between Council members.

Danny Davis added that Council email him suggestions on what they want to hear about from the public to develop the next 60-90 days-worth of questions, and that Council has the ability to talk to each other to discuss the items.

Council member Cool made a motion that the Town Council approve the proposed Procedures for Using Polco Online Polling System (dated November 8, 2016) and further move that staff return to Council in six months to report on the progress of Polco and the success to-date of implementing the procedures and with the amendment of 48 hours of return for comments.

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

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

f. Process for Handling Complaints Against Public Officials

Sally Hankins talked about the two options available to Council that are based on comments given by several Council members, and that a policy and/or a letter is ready for adoption.

Council member Ogelman stated he had talked to Sally Hankins about the legal and financial implications of a legislative body like the Town adopting judicial functions and sees the system is not designed for this and that he supports the form letter but the idea as the legislative body would assume the judicial responsibility does not make sense.

Council member Cool stated does not believe the Town is a body that can judicate these items and that he is in support of the second motion included with the staff report.

Council member McCollum stated when a citizen takes the time to submit a complaint against a public office that the Town should have a procedure how to handle it and supports the letter format.

Council member Grim stated over the past ten years she has brought forward complaints and sympathizes with citizens that have had issues with Council members and supports the letter but believes the complaint and letter of response should be public record.

Council member McCollum made a motion that Town Council adopt a policy of sending a letter upon receipt of a complaint that is substantially similar to the letter included as Attachment II in this November 8, 2016 Staff Report, which sets forth the options a citizen has for handling a complaint against an elected or appointed public official. The motion was seconded by Council member Cool.

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

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

g. Committees, Commissions and Board: Amending the Town Code to add the Purcellville Arts Council as a Standing Committee of the Town Council

Sally Hankins stated that this item would direct staff to advertise a public hearing before Council on December 13th or as soon thereafter as possible in case of an unforeseen reason why it cannot be held December 13th. Ms. Hankins added that during the public hearing the

Town would receive public comment on the draft included with the staff report and Council could act at the public hearing by suspending the rules or vote at the subsequent meeting.

Council member McCollum requested that Council be prepared to vote as the Arts Council has been looking forward to moving this item forward.

Council member McCollum made a motion that that Town Council direct staff to advertise a Town Council public hearing to be held on December 13, 2016, or as soon thereafter as possible, to receive public comment on an amendment to the Town Code that would create a Purcellville Arts Council to perform the duties enumerated in the November 8, 2016 Staff Report. The motion was seconded by Vice Mayor Jimmerson.

Motion: Council member
Second: Vice Mayor Jimmerson
Carried: 6-0-1 Absent

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

h. Committees, Commissions and Boards: Amending the Town Code Provisions Governing the Tree and Beautification Commission, to add an Environmental Sustainability Component

Sally Hankins noted that Council has indicated an interest in adding an environmental component to the Tree and Beautification Commission, which already exists and is in the Town Code. The amendment modifies the duties and obligations of the Commission.

Vice Mayor Jimmerson made a motion that Town Council direct staff to advertise a Town Council public hearing to be held on December 13, 2016, or as soon thereafter as possible, to consider amendments to Town Code Sections 26-38 and 26-39 that would expand the role of the Tree and Beautification Commission to include all aspects of Environmental Sustainability. The motion was seconded by Council member McCollum.

Motion: Vice Mayor Jimmerson
Second: Council member McCollum
Carried: 6-0-1 Absent

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

Grim - Aye
Jimmerson - Aye
Mayor - Aye

i. **Kline/Purcellville Crossroads Annexation Request**

Rob Lohr summarized the items provided in the staff report including the most recent application and reviewed the motions which provide various options. Mr. Lohr added that application fees, by law, must reflect costs incurred.

Council member McCollum asked if the application can be denied because the applicant has not shown interest. Sally Hankins stated that her initial is that she does not feel that is reasonable since the adopted process has the ball in the Town's then County's court. Ms. Hankins added that based on a Town Council decision, the Town transmitted the application to Loudoun County, and that the next steps are to negotiate with the County. If the County would choose to not negotiate with the Town, the Town could then deny the application since no agreement would be in place or the Town could try to create an agreement and present it to the County. Ms. Hankins added silence may not be interpreted because the process is being followed by the applicant and it is up to the Town to communicate.

Council member Grim stated that the previous Town Council voted to proceed and at no time, even during the annexation process, did she see any communication from the County and referenced the Purcellville Crossroads Annexation Report memo of June clearly stating the items that have been submitted and talks about what happens when the Town considers annexation. Council member Grim stated she supports denying the application and supports 75% of the fee being returned.

Mayor Fraser stated the Council developed a process for this to move forward to the County where it currently sits. Mayor Fraser added that he spoke with Supervisor Buffington about taking it back because the environment does not allow for this and asked if by short-circuiting the process leaves the Town exposed to legal challenge. Ms. Hankins stated she does not feel the Town is short-circuiting the process and that staff cannot speak for the County and there is no County response and silence cannot be determined as a lack of interest. Ms. Hankins noted there may be other reason Council may choose to deny the application.

Rob Lohr read item 7 on page 137 and talked about the options available to Council as well as the length of time this application has been out and that there is no timeline for when the application has to be processed. Rob Lohr suggested that Council will want to look at the annexation process moving forward and suggested revisiting the policy in the near future.

Council member Cool asked if the previous Council did not take action on this item and moved it to a future Council or later date. Mayor Fraser noted that they moved it to the next stage in the process. Sally Hankins stated she feels that Rob Lohr's suggestion to rescind the previous vote to move it forward and include the reasons why. Council member Cool asked about the refund of the 75% and the basis for it. Sally Hankins stated local governments are permitted to charge fees for services equal to the services received per state law.

Vice Mayor Jimmerson asked about item 7 on page 137 and added that the previous Council voted to send it to the County and the County has not responded and sees a flaw in the process because the Town did not account for that in the policy. Vice Mayor Jimmerson added she feels it would be best to move this item to the next meeting and take action if necessary.

Council member Ogelman asked if the town would be in any legal jeopardy by voting immediately. Sally Hankins stated she does not believe so as annexations are legislative decisions. Council member Ogelman added he saw one email in support of the first motion out of all of the emails that have been submitted by citizens.

Council member Grim stated she is in support of the second or third motion and feels it would be wise to move the item to the next meeting to give citizens the opportunity to provide input.

Council member Cool asked if Council should be in fear of legal action and if not should take action. Sally Hankins stated she feels the Town would risk legal action if they do not refund the fee. Ms. Hankins added there is no legal obligation to notify the applicant but it would be a courtesy and that Council could adopt any of the resolutions but recommended that the item be deferred until December and come up with reasons why Council would rescind the previous decision and deny the application.

Council member Cool made a motion that Town Council deny the Purcellville Crossroads Annexation Application because the proposed development is not in keeping with the Town's existing scale, culture, sense of community, and there has been no response from the County. I further move that the Town Council direct staff to refund the Purcellville Crossroads applicant 75% of the application fee. The motion was seconded by Council member Ogelman.

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

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

j. Town Code and Zoning Ordinance Amendment Policy

Rob Lohr summarized the item and added he worked with the Town Attorney to put together a policy for Council that they may want to adopt. Mr. Lohr added that this would allow some level of feedback, review and approval by Council when there is going to be a major change involving a public hearing for zoning ordinance, subdivision ordinance, comprehensive plan or town code and it exempts out some mandatory items such a public hearing on the budget.

Council member McCollum stated that the Board of Zoning Appeals and the Planning Commission are the only two committees that have authority to initiate a public hearing and asked why a policy is needed if the committees report monthly. Rob Lohr stated that it wasn't given to Council the last time for whatever reason and if a policy isn't what Council wants there will need to be better communication with committees, commissions and boards.

Council member Grim stated she met with staff at the County about the policy and their staff stated that no actions for public hearings or changes are initiated by the Planning Commission but are applicant or Supervisor driven. Council member Grim added that she feels having a policy is better than nothing and that the Community Development Dept. should be involved for better oversight of items going forward.

Council member Grim made motion that Council adopt the attached administrative policy dealing with public hearings for Town Code and Zoning Ordinance amendments. The motion was seconded by Council member Ogelman.

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

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

**k. 32nd and Main Street Traffic Signal Installation Revenue Sharing
Application and Resolution**

Alex Vanegas summarized the item and stated that this item is from last year when Council requested a study from an independent consultant and the criteria was met, and that this item was brought back to Council and Council made this item a priority.

Council member Ogelman asked about the process of getting the funds and the next steps, and added if the Town receives the funds they can be used to do impact studies and if the impact turns out to exceed the benefit that the funds could be transferred to a different project. Alex Vanegas agreed with the steps that Council member Ogelman described.

Council member Cool made a motion that Town Council approve the attached Resolution Number 16-11-03 requesting Revenue Sharing grant funding for the 32nd and Main Street Traffic Signal Installation. The motion was seconded by Council member Grim.

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

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

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

None

APPROVAL OF MINUTES

- a. **October 17, 2016 Town Council Special Meeting**
- b. **October 25, 2016 Town Council Regular Meeting**

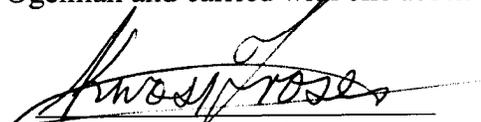
Vice Mayor Jimmerson made motion to approve the minutes of the Oct. 17, 2016 Special Meeting and Oct. 25, 2016 Regular Meeting and waive reading.

Council member Ogelman requested a change to the October 17th minutes and after where Rob Lohr talked about using availability fees to hope fund future growth, stated he made a comment to the consultants about the complexity of utilities and unit price and availability fees which the consultants agreed to and would like that comment included in the minutes.

The motion was seconded by Council member Cool and carried 6-0-1 absent.

ADJOURNMENT:

With no further business, Vice Mayor Jimmerson made a motion to adjourn the meeting at 9:36 PM. The motion was seconded by Council member Ogelman and carried with one absent.


Kwasi A. Fraser, Mayor


Diana Hays, Clerk of Council

Mayor
Kwasi A. Fraser

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



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

RESOLUTION NO. 16-11-03

**PRESENTED: NOVEMBER 8, 2016
ADOPTED: NOVEMBER 8, 2016**

A RESOLUTION: SUPPORTING A REVENUE SHARING APPLICATION TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION FOR THE INSTALLATION OF A TRAFFIC SIGNAL AT THE INTERSECTION OF 32ND & MAIN STREET AND AUTHORIZING THE TOWN MANAGER TO APPLY FOR AND EXECUTE AGREEMENTS RELATING TO SUCH FUNDS

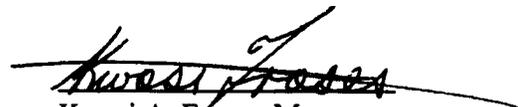
WHEREAS, the Council of the Town of Purcellville desires to submit an application requesting funds of up to \$ 450,000.00 from the Virginia Department of Transportation Fiscal Year 2018, Revenue Sharing Program; and,

WHEREAS, these funds are requested to fund the Installation of a Traffic Signal at the Intersection of 32nd & Main Street to improve vehicular traffic flows and pedestrian accessibility.

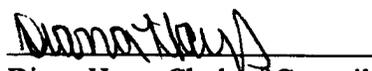
NOW, THEREFORE, BE IT RESOLVED that the Council of the Town of Purcellville hereby supports and directs the submission of an application requesting \$450,000.00 from the Virginia Department of Transportation Revenue Sharing Program.

BE IT FURTHER RESOLVED that the Council of the Town of Purcellville hereby authorizes the Town Manager to execute said application for funds, and to execute all project administration agreements for any approved revenue sharing projects.

ADOPTED this 8TH day of November, 2016.


Kwasi A. Fraser, Mayor
Town of Purcellville

ATTEST:


Diana Hays, Clerk of Council