

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

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

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

ABSENT: None

STAFF: Robert W. Lohr, Jr. Town Manager
Danny Davis, Assistant Town Manager
Sally Hankins, Town Attorney
Alex Vanegas, Director of Public Works
Hooper McCann, Director of Administration
Patrick Sullivan, Director of Community Development
Chief Cindy McAlister, Police Dept.
Daniel Galindo, Senior Planner
Sharon Rauch, Human Resources Specialist
Tom Angus, Budget Specialist
Diana Hays, Town Clerk/Project Manager

CALL TO ORDER OF REGULAR MEETING:

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

AGENDA AMENDMENTS/APPROVAL

Council member Grim requested the addition of a discussion item to talk about the process of the Town Manager's review process. The request was approved.

PROCLAMATIONS/RECOGNITIONS:

- a. Recognition – Dr. James Wiley and Mrs. Betty Wiley

Mayor Fraser read through the history of Jim Wiley and Betty Wiley's contributions to the Town of Purcellville and presented them with a key to the Town.

b. Recognition – LVHS Boys Cross Country

Mayor and Council recognized the LVHS Boys Cross Country State Champs.

c. Proclamation – National School Choice Week

Mayor Fraser read the proclamation. No one was in attendance to accept the proclamation.

d. GFOA FY17 Budget Award

Mayor Fraser introduced Tom Angus who talked about the award.

PUBLIC HEARINGS:

a. **RZ16-01 – Remapping the Floodplain (Overlay) District**

b. **OA16-03 – Zoning Ordinance Text Amendment to Revise the Floodplain (Overlay) District**

Mayor Fraser opened the public hearings at 7:26 PM and stated the purpose of the hearings. Mayor Fraser granted speakers three minutes. Dan Galindo gave the staff presentation. There was no one signed up to speak. Council had no comments. Mayor Fraser closed the hearings at 7:30 PM.

PRESENTATIONS:

None

STANDING COMMITTEE/COMMISSION/BOARD REPORTS:

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

Council member Grim stated at the last meeting the public hearing was held and voted on. Council member Grim added that the comprehensive plan review is moving forward, and the Planning Commissioners are focused on a number of text amendments including the stream and creek buffer, reduction of height limits in downtown C-4 district, civil penalties and tree preservation regulations. Council member Grim added the Planning Commission is looking forward to the Tree Committee partnering with the Planning Commission.

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

Chair Liz Jarvis thanked the Wiley's for all they have done for art in the Town. Chair Jarvis stated the Arts Council met last night and discussed a number of items. The art banners have been hung downtown and the images for those were submitted by local artists. Chair Jarvis added there will be a call for artwork for the spring/summer art banner theme and for future art exhibits in Town Hall as well as the Music and Arts Festival. Chair Jarvis stated they are

between shows at Town Hall and expect to have the next artists work up in a week which will run through March. Chair Jarvis stated the Arts Council encouraged local artists to exhibit their work at the pop up gallery at the Artisan Gallery on 21st Street and added that the project was by the non-profit, Discover Purcellville. Chair Jarvis stated that based on feedback from the public, there is a need for permanent gallery space in Town. Chair Jarvis added that there will be a black history month in the Train Station in February and in March the artwork from both area high schools will be featured.

Chair Jarvis stated that there has been a lot of discussion amongst local business owners, artists and interested parties regarding murals in Town. Chair Jarvis added that Town staff met to discuss the process with which to effectively reach the goal. Chair Jarvis added that the Arts Council will be coming up with mural guidelines and an application template which will ideally be submitted to Town Council at the February 14th meeting for review. Chair Jarvis stated that ultimately the Board of Architectural Review will be looking at applications for any murals in Town.

Chair Jarvis stated that the Loudoun County Artisan Trail has official launched and a lunch and learn event is scheduled for January 17th at 11:30 AM at Franklin Park Arts Center for anyone interested in becoming part of the trail or getting more information. Chair Jarvis encouraged Council to attend as the head of artisan centers will be there to give an overview and answer questions.

Chair Jarvis stated the PAC is looking for new members with applications being accepted through the close of business on Friday, January 13th.

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

Council member Ogelman stated the BAR will meet next Tuesday, January 17th at 7:30 PM and citizens are encouraged to attend, participate and contribute.

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

Council member Cool stated the sports grants deadline expired yesterday. Council member Cool added they are looking for performers and musicians for the Music and Arts Festival.

Council member Cool stated the PRAB has explored options to maintain the green space at Aberdeen while trying to think of ways to make it revenue positive and will discuss that further at next Tuesday's meeting.

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

Council member Bledsoe stated the EDAC meets the first Tuesday of every month. Council member Bledsoe announced there is a new tenant, Dragon Hops Brewery, moving into the old Town Hall/Purcellville Marketplace location.

Council member Bledsoe stated they met with Mark Fontaine, a local property manager who has a party interested in the Blockbuster space.

Council member Bledsoe added that EDAC is working with Danny Davis and staff to communicate news to try to gain more traction. EDAC is also working with Loudoun Economic Development group to facilitate as well.

Council member Bledsoe stated the business survey has gone out and EDAC will be working to promote it to the Town businesses for input. POLCO has also been launched which includes a vote for the Purcellville brand bumper sticker. Council member Bledsoe added that CGI videos will go online this week.

Council member Bledsoe added that an MOU has been signed by the Purcellville Historical Society for the Train Station and they will work to revise the covenants and conditions however in the meantime have authorized the EDAC to move forward with light commercial use, such as a visitor center and pop-up sales.

Council member Bledsoe added that in speaking with Mr. Fontaine, the EDAC is looking at ways to better analyze the current state in terms of a few vacant properties including an analysis to include percentage of available space.

CITIZEN AND BUSINESS COMMENTS:

There was no one signed up to speak.

MAYOR AND COUNCIL COMMENTS:

Council member Cool had no comments.

Council member Bledsoe thanked Jim and Betty Wiley for their contributions to the community and the value that they bring to the community.

Council member Ogelman stated he enjoyed Mrs. Wiley's comments about why they came to Purcellville and hopes to be able to preserve those things for generations to come. Council member Ogelman stated he was excited to see the community engagement tools now available for citizens to share ideas and solutions. Council member Ogelman talked about getting citizens to use the engagement tools and added that without input these tools will not be as effective as they could be. Council member Ogelman added he would like to hear ideas about how best to reach the community.

Council member McCollum wished the staff and Council a happy new year and stated that there is a lot to accomplish this year. Council member McCollum talked about the recognition

and thanked Mr. and Mrs. Wiley for their artistic skills. Council member McCollum thanked the Mayor for his State of the Town presentations on January 4th to the citizens and January 10th to the Purcellville Business Association. Council member McCollum recognized the Mayor's efforts as well as Senator Black and Delegate LaRock in getting the DMV office reopened. Council member McCollum noted that Catoctin Creek Distillery announced they have received a significant minority capital investment which will enable them to expand their operation on Main Street.

Council member Grim disclosed she had a conversation with Patricia DiPalma-Kipfer who owns the property next to Catoctin Corner who said she was notified that there is possible dynamiting coming to the property next to hers which includes having to video and take photographs of her property to note any current cracks or conditions as well as having her well tested because it is less than 500 feet from where there might be motion and movement. Council member Grim added that she shared this information with Council. Council member Grim stated she was unable to attend the ribbon cutting for DMV but that there will be full services available once a month.

Vice Mayor Jimmerson thanked the Wiley's for their passion of art and for their contributions to the Town. Vice Mayor Jimmerson stated she attended the staff's holiday luncheon last month and the retirement ceremony for Kitty Dugay. Vice Mayor Jimmerson added that on December 23rd she participated in holiday caroling with the Purcellville Women's Club with the Purcellville Police Dept. as escorts. Vice Mayor Jimmerson stated she attended the DMV opening and that the second Wednesday of every month the DMV2Go bus will be there from 9:00 AM – 4:00 PM offering full DMV services. Vice Mayor Jimmerson stated she is happy to see OpenGov and Polco being implemented for the residents. Vice Mayor Jimmerson added that the last Council was against spending \$5,000 per year on OpenGov and talked about an agenda item with the potential to save the Town approximately \$100,000 over the span of a decade. Vice Mayor Jimmerson talked about moving forward with the Tree and Beautification Committee with interviews being scheduled for January 24th, and wished everyone a happy new year.

Mayor Fraser thanked the Wiley's for their service to the community. Mayor Fraser stated that he, Sally Hankins and Council member Ogelman met on December 16th with Linda Erbs and a developer who has interests in the Stupar property which is on the corner of Maple and Hirst. Mayor Fraser added they are interested in possibly developing a senior citizen campus similar to a college for seniors to live, work and play within the facility. Mayor Fraser stated the group encouraged the developer to engage the community to support the initiative. Mayor Fraser added he spoke with one of the owners of Dragon Hops who has the processing capability to make hops and is willing to work with local farmers to process the hops and sell the end product. Mayor Fraser stated he met with EMFC who is a state of the art wastewater treatment modular solution company. Mayor Fraser added there are no intentions of replacing the plant but that they provide a way to augment capabilities at the pump level to process raw sewage before it gets to the plant. Mayor Fraser stated this is a potential way to increase operational efficiencies. Mayor Fraser stated it was a pleasure to present the State of the Town Address to both the citizens and to the business community.

DISCUSSION/INFORMATIONAL ITEMS:

a. Personnel Update and Budgeted Vacancies

Danny Davis summarized the item which came as a result from the Paralegal discussion at the December 13th Town Council Meeting. Mr. Davis added that the list of current vacancies is broken down into two categories – new positions approved in the FY17 budget and other vacancies that are part of ongoing operations. Mr. Davis added that in the FY17 budget, there were five enhancement positions approved by Council – three full time and two part time – with two of the full time positions being filled (Business Manager and Maintenance Worker). Mr. Davis added the others were to be advertised for but have been put on hold pending the current discussion and further direction from Town Council. Mr. Davis added that the positions include the Assistant Director of Public Works to provide support to Alex Vanegas, the Paralegal and the part-time Events Specialist. Danny Davis added that Melanie Scoggins currently supports two of the Council's advisory boards and possibly a third one along with managing events, the events ordinance and other activities initiated by the committees. Mr. Davis added that the Town currently has seven vacancies in positions that were not new as of the budget year and reviewed those positions.

Council member McCollum stated that in the 2017 budget review, Council did not adopt any of the unfunded enhancements for personnel. Council member McCollum added that the hiring of the full time/part time personnel was designed by the prior Council to keep the workloads manageable. Council member McCollum stated that the position of Assistant Director of Public Works position has been vacant since Mr. Vanegas was promoted to replace the Director who had resigned. Council member McCollum added that in his view, a failure to fill the open position leaves the Town vulnerable in the event Mr. Vanegas should be recruited by another jurisdiction and feels it would be short sided for Council to direct that this active recruiting be curtailed until further notice due to the risk associated with it. Council member McCollum stated that Council has repeatedly expressed views to look for opportunities to generate additional revenue from parks and recreation efforts and arts council. Council member McCollum added that the current part time staff is stretched to the max and needs relief to fulfill the Council's and committees expectations for revenue generation and responding to the many Council requests. Council member McCollum stated that based on his tenure with the Planning Commission and Town Council, feels there is a demonstrated need for the Paralegal part time position which could be terminated if there is no longer a demonstrated need. After reviewing the task list, Council member McCollum stated he feels that in order to fulfill the items that are important to Council, the position needs to be filled.

Council member Grim stated that she is in support of the Assistant Director of Public Works position as feels it is the most important and carries the largest portion of detailed activity and that the citizens deserve and need the highest quality of staffing for their public health. Council member Grim added she is ok with replacing positions. Council member Grim added that when a police dept. is high ranking/top heavy, there are not a lot of officers on the street. Council member Grim noted Cpl. Costello plans to retire in April and that he is not currently on the street but in the office and he also has an assistant to help with accreditation. Council member Grim added she feels the police department should be fully staffed but first by those

that patrol the streets. Council member Grim stated that her view of parks and recreation is looking closely at administrative functions of what is done with time, and added that here is a company that handles the largest event. Council member Grim added she has not seen documentation that breaks down how two part time people would manage and handle responsibilities. Council member Grim stated she does not feel priorities have been set as to what a Paralegal would do as compared to Council priorities.

Vice Mayor Jimmerson stated she was part of the Council that approved the positions and feels she needs to stand by her vote and agrees with Council member McCollum. Vice Mayor Jimmerson talked further about the Paralegal position and if it would free up some time for Sally Hankins to do some of the legal work that goes out. Vice Mayor Jimmerson added there is a potential for this person to relieve some of the administrative work from the Town Attorney.

Council member Ogelman stated this is a Town based on the election, is not looking to grow, residents do not want taxes to increase and a Town that is trying to manage debt. As a new Council, Council member Ogelman stated he does not want strategic decisions to be dictated by previous budget decisions even if they are smart ones. Council member Ogelman added he feels it should be a discussion. Council member Ogelman noted he looks to comparison and trends to figure out what happens. Council member Ogelman stated he has looked at other Towns in Virginia and was able to find data that broke down the Town's staff by general functions for Warrenton and found that the size of the staff from 2006-2015 has fluctuated very little and is slightly smaller than in 2006. Council member Ogelman added he also noticed that the staff is very public works, water and sewer intensive with 56% focused on those functions. They also had a significant public safety group and the rest were comprised of about 20% of the staff which remained consistent over time. Council member Ogelman added that if Public Works and water and sewer have needs in the past that they should be replenished. Council member Ogelman added he would like to see over time some justification given the Town does not want to grow, does not want to increase taxes, and wants to manage the debt, how it can be justified and would like to see something that shows that efficiency will be added and costs reduced ultimately. Council member Ogelman stated he would like to continue the discussion not straying from debt management, not to grow and to not increase taxes.

Mayor Fraser stated he looks at it from an efficiency perspective and looks at things from an operational and process perspective. Mayor Fraser added that when he sees a request for an Assistant Director of Public Works, would like to know if someone can be promoted within and if not would like to know why someone has not been trained to replace the Director if the need should occur instead of spending resources to advertise and bring someone in who may not be adaptable. Mayor Fraser stated he did not vote in favor of the budget because he wanted certain items as the Operational Audit to understand where the needs are within the Town. Mayor Fraser stated he trusts staffs judgement, but that when the taxpayer's money is being used, needs more than trust to drive the decision. Mayor Fraser stated that is has been noted in a previous meeting that there are no descriptions of what functions are for several positions which raises a red flag for him, and talked about getting those in order to understand where the needs are and determine if positions need filled, and added as of now is not convinced there is a need.

Mayor Fraser asked staff for guidance on the next steps for this item.

Danny Davis stated that staff can take Council's comments and address the questions and approaches and bring them back to the next meeting. Mr. Davis summarized by stating that Council is talking about three specific positions that were recently approved in the budget and that other regular vacancies that were previously in budgets for prior years, staff would continue with recruitment of those positions unless Council is directing a freeze. Mr. Davis stated that additional information would be provided on the three positions at the next meeting.

Council member Ogelman asked what the three positions are. Danny Davis stated that those are the Assistant Director of Public Works, the Paralegal and the part time Events Specialist. Council member Ogelman stated he thought Council voted at the last meeting on the Paralegal position. Mr. Davis stated the vote was a tie with the motion to authorize staff to continue with the recruitment of that position which failed (3-3 vote) and leaves the position in the budget as an authorized position, however staff would not move forward based on the disagreement amongst Council. Mr. Davis added that there was no vote to remove the decision from the budget or to have staff stop the recruitment process. Council member Ogelman stated that he read in the minutes to say that the Town Council failed to affirm the appropriation of funds to hire a part-time Paralegal in FY2017. Danny Davis stated it may have been a misstatement in the minutes or of conversation and that the funds are appropriated and that the discussion on the table was authorization to fill the position and that voted failed. Council member Ogelman stated the minutes need to be adjust to reflect that accurately.

Council member Grim stated she sent something from November to Council that may need to be considered if this is to move to action or another vote that there is a budget amendment that can be made if any position is going to be removed from the budget. Council member Grim encouraged Council to be very specific on their position for each position. Council member Grim requested information on how long each of the positions has been vacant.

Rob Lohr stated staff would review the exact motion and that staff is not going to fill a position just because the budget and appropriation motion was approved by the previous Council and talked further about the budget amendment processes. Mr. Lohr added that with the disagreement amongst Council on this item felt that Council left this item open for future discussions. Mr. Lohr stated that staff will address Council's concerns and bring the item back to the next meeting focusing on the three positions.

Mayor Fraser summarized that staff will provide feedback and information based on Council's input.

b. Sewer Backup Policy Program

Alex Vanegas summarized the report which summarized the sewer backup policy and asked for Council's guidance. Mr. Vanegas stated that in most municipalities they are only responsible for backups that occur in the main, and anything that occurs between the house to the main is the responsibility of the property owner. Alex Vanegas added that over the years the Town has changed the policy to install a cleanout which helps with backups to push

blockages to the sewer main. Mr. Vanegas added that the Town is one of two municipalities that take responsibility of the section of the lateral to the main as others only take responsibility for any backup that occurs in the collection system, which is the main and stated the Town would like to revise their policy to only be accountable for issues that occur within the sewer main. Mr. Vanegas added that if the Town were to revise the policy to where the Town is only responsible for issues that occur in the main, the expenditures would have been reduced by \$100,000, and added that the Town has received compensation for some of the claims from VML as part of insurance claims. Alex Vanegas asked for Council's comments on migrating the policy to be consistent with VML's recommendation and with what other municipalities in the region do.

Council member McCollum asked about the no-fault provision and if any of the prior claims fell under that category. Alex Vanegas stated that seven of the claims totaling \$39,000 that the Town received fell into the no-fault provision. Council member McCollum stated that it sounded like the Town was voluntarily taking responsibility for sections that other jurisdictions have not done. Alex Vanegas confirmed. Council member McCollum asked how the Town got in the position of taking responsibility for things that were not the Town's fault. Alex Vanegas stated that in the past the Town wanted to help out the customer and installed clean outs. Once clean outs were installed that gave access to that portion of the lateral which is where all the waste from the property goes through and technically the landowner should be responsible for it however there have been instances where tree roots grow into the lateral and the Town felt obligated to help the property owner. Alex Vanegas confirmed that cleanouts were installed on several properties at the property line and sometimes onto the property and added that the Town does have some tree easements which would make the Town liable if the roots got into that section of the lateral. Mr. Vanegas stated that VML has said that the Town would not be responsible for anything in the lateral which is consistent with other municipalities. Council member McCollum asked if the premium is higher because the Town assumes that responsibility. Alex Vanegas stated the Town does not pay a higher premium. Rob Lohr added that potential the Town does have a higher claim history which could potentially have an impact. Council member McCollum asked the cost of the deductible. Hooper McCann stated it is per incident and the primary item, regardless of the deductible, VML's primary concern along with fault no fault is that all claims be handled by the insurance companies. Ms. McCann added that VML works on behalf of the Town and with the citizen's insurance company to handle all aspects of at fault or no fault, and added that VML wants the municipality to pull away from making any type of decision associated with the actual fault. Ms. McCann stated that she believes that the deductible, if any, may be \$1,000 as it would depend on whether it is considered no fault or general liability and stated she would look it this further.

Rob Lohr added that the Town is very customer friendly and has provided a high level of customer service in urgent situations and stated that most of the older neighborhoods did not have cleanouts.

Council member Ogelman stated that the responsibility issue is the issue and feels this is a management of expectations and if there is an emergency there is a difference in having the Town come in to help resolve the emergency quickly and then being ultimately liable for the cost of it. Council member Ogelman added that in looking at the list, the majority of the costs

are from three incidents involving four houses. Council member Ogelman stated he feels it makes sense that if the state and our advisors in the state are saying the good policy is to stop at the main and the insurance is saying they are not going to pay the bill if it goes past the main, feels that helping people out in an emergency could still happen and it would be a matter of who would be liable for that cost. Council member Ogelman added he feels it is different than the part where people are distressed however does not feel that it makes sense that the Town automatically accepts the liability cost-wise.

Vice Mayor Jimmerson stated she supports this action and moving it forward and gave some examples of neighbors having to have clean-outs due to food, roots, dips in pipes, etc. Vice Mayor Jimmerson added that she feels the Tree Commission may be able to help with tree placement as related to pipes and developing a policy for any new development that comes in to avoid these incidents.

Council member Bledsoe asked about damages to laterals caused by either public activity or Town activity in the right of way. Alex Vanegas stated that when there is construction work in the right of way, they have to file for a Town permit or if it is on a VDOT road they have to go through VDOT and post a bond for it. Council member Bledsoe added that it was mentioned there are some areas where there are trees and the roots could grow into a lateral and cause a backup but it and the tree are in the right of way so it is no fault to the owner and asked if the Town would continue to be responsible in these types of events or if it will be up to the homeowner. Alex Vanegas added that the insurance covers most homeowners for these types of activities and added there is inexpensive supplemental insurance available to the homeowner. Alex Vanegas added that generally the Town would want to take the liability away from the Town so that if it is not in the main then it is the homeowner's responsibility. Alex Vanegas added that if there is concern, staff can look into adding items for case by case so that the liability is taken away from the Town so that if it is not in the main becomes the responsibility of the homeowner. Council member Bledsoe stated as they are considering to make the change which he supports asked if there is there an obligation to notify the public that the change is being made. Alex Vanegas stated from a policy standpoint that a public hearing is not required. Rob Lohr added that he does not feel from a legal requirement but from a communications standpoint it would be worth it to do news releases and other informational items so that before Council votes the community would understand and have the opportunity to provide feedback. Sally Hankins added that if Council is talking about helping out in an emergency then seeking reimbursement, she feels an ordinance is needed which would require a public hearing, since the reimbursement would come through by being able to place a lien on the home for the service provided. Council member Bledsoe stated that in the draft for the backup prevention program (paragraph 4 on page 4), asked if the word "street" should be "main" and not the street. Alex Vanegas added that the plumber would have to push out to the main and then the Town would handle it from there.

Council member Grim stated she would strongly support it but does also support between Dominion VA Power and insurance companies as it is a small amount of money for the insurance. Council member Grim stated she has talked to several homeowners about having the addendum to their homeowner's insurance policy and that it will take some education (water bill) about what to do when there is an issue and feels that over the past ten years feels that

fifty percent should have been handled through their insurer. Council member Grim added she feels the Town needs to do an education process to the citizens who would need to call their insurance company and plumber to determine fault with the Town being the third contact.

Mayor Fraser stated he feels there is support for this item.

Council member McCollum asked if the policy in place as one that few jurisdictions that does this, if the insurance premium would reflect the Town voluntarily taking on this responsibility. Hooper McCann stated she does not believe it does and that it is a pool. Ms. McCann added that she believes if the Town continued on this path against the recommendation of VML, it would not be favorable. Council member McCollum stated that with his experience with insurance suspects that it would reflect in the premium that is paid. Hooper McCann stated that any claims that the Town has are evaluated annually as part of the renewal process and that any time that the Town can provide assurance that they are doing everything in their power to uphold their policies and expectations, the outcome would be favorable.

Mayor Fraser asked that if by Council adopting the Council, would it be considered as taking something that was expected from the citizens, and would they have a legal case against the Town for it. Sally Hankins stated she would look into this and confirmed that essentially the Mayor was asking that have they acquired a property right or property interest in this that the Town would be depriving them of. Ms. Hankins added that the Constitution does allow us to deprive people of their property but not without due process and compensation. Ms. Hankins added that her guess would be no and that she would look into it further. Rob Lohr stated that as the Town Attorney is looking into this, the Town is allowed to adopt policies such as the Leak Adjustment Policy and added that this is the sewer equivalent of the Leak Adjustment Policy which is one of the more restrictive in the top five percent in Virginia. Mr. Lohr added that Council has the right to change policies as they move forward.

Mayor Fraser recommended to Alex Vanegas to move forward but to bring it for a decision however needs to include an outreach to the citizens and preferably identify some insurance carriers that will provide that added benefit to the citizens. Mayor Fraser added that he would like to make sure that the education and outreach components are considered. Alex Vanegas confirmed and added he will redefine the policy and bring it back to Council and once Council approves it will educate the community and issue News Releases and provide the names of the institutions that provide supplemental insurance to existing homeowners insurance.

Discussion took place on whether or not a motion was needed. Alex Vanegas stated that since Council has provided direction, no motion was needed at this time.

Danny Davis asked if Council would like to use Polco to reach out to citizens about this item. Vice Mayor Jimmerson stated she feels the residents would automatically say that they do not want responsibility.

c. Paper of Record and Legal Advertising for the Town of Purcellville

Rob Lohr stated the staff report contains information on the Town's process for legal ads, event ads, general public notices, and employment ads. Mr. Lohr added that questions were raised by Council how the Town does their process and ads, what is procured, issues and qualifications, etc. Mr. Lohr added that questions have also been provided for Council as they look at the direction they would like to go so that staff can meet the desires of Council and properly procure the correct items.

Council member Ogelman stated that in going through the questions referenced question two where a question was asked with comments included. Council member Ogelman asked if "most attractive price" meant "the lowest price". Rob Lohr confirmed and clarified to see that Council understood that always getting the lowest price in a small community may not be the most advisable. Mr. Lohr added that in the past, only legal ads have been procured and allowed employment ads, public notices and other ads to be shopped and choose by whoever is handling that project to try to get the most for the money. Council member Ogelman added he is hearing that "most attractive price" is not necessarily the lowest price and that there may be values that reflect the community. Rob Lohr confirmed and stated that some of the items may be procured while others are not and talked about the various options. Rob Lohr added that legal ads have specific requirements by law however there is flexible with the other ads.

Council member Grim talked about the time to procure legal ads coming up soon and talked about the contracts received in 2012 and the large differences in prices and the distribution area in reference to public notices only/legal advertising. Council member Grim suggested keeping all other ads separate and talked about what events are advertised in. Council member Grim added that she feels most events should not be advertised in town because they should attract out-of-town residents. Council member Grim stated she would like to see that the Town is going out for procurement and in referencing the last trash procurement, once the bids are narrowed down to then ask for best and final offers. Council member Grim stated that more than price should be looked at because a good distribution is needed and that on the other items, newspapers can provide a set price that could benefit the Town. Council member Grim added she feels there is a lot being spent on advertising that could be spent in other ways.

Vice Mayor Jimmerson stated she agrees that it is always worthy to go out and revisit everything. Vice Mayor Jimmerson referenced the requirements for legal notices and asked if the Town has a publication that citizens pay for. Rob Lohr stated he does not feel there is a paying paper that covers the Town that covers meetings and is involved in the Town. Mr. Lohr added that there is a legal process that allows the paper to go to the circuit court and petition if you do not have paying subscribers. Mr. Lohr added that most of the papers the Town has used has had to go through that process.

Mayor Fraser asked if this item would be brought back for a decision. Rob Lohr clarified a typo on the \$.19 per word and should be \$.019 per word. Mr. Lohr summarized that what he is hearing from Council is that staff can develop an RFP that includes per-word costs for all ads. Mr. Lohr added that employments ads are advertised in a number of free ads to include Virginia Municipal League, International Association of Chiefs of Police, ICMA and others.

Mr. Lohr added that staff will look into coming up with a procurement process that allows the Town to lock in the most competitive price so when a paper is chosen that the Town gets the best price possible but will reserve that right by Council and staff to be able to use any paper. Mr. Lohr added that this would save time by staff not having to negotiate every ad.

d. Town Manager's Performance Evaluation Process

Council member Grim stated that in December she and Council member Cool met with Rob Lohr. Council member Grim added that the contract/agreement does stipulate an annual review and discussed with Mr. Lohr what the process had been in the past and obtained documents that have been provided to Council which include the Town Manager Evaluation Form. Council member Grim added that this was not sought to change anything that has been in place however noticed there was not anything written other than Mr. Lohr stating how it has been done in the past. Council member Grim talked about the process in that Town Council members filled out, some not completely, the form and provide it to the Town Manager who would meet one-on-one with each Council member and then meet as a whole. Council member Grim asked for clarification from Rob Lohr. Mr. Lohr stated that he always requested a meeting as a whole but it seldom happened. Council member Grim stated that in reviewing what is also in the packet is the current employment agreement that stipulates issues that primarily the Town Manager is employed by the Town Council as a whole as noted in section 1.02. Council member Grim stated that what is being proposed is to use the same form and to get more technical, for the Town Manager's benefit, that he is able to provide his own evaluation and list of accomplishments. Each Council member would then review those and be able to do their own evaluation form then meet as a whole officially and make it a proper evaluation. Council member Grim stated she also included for background the accomplishments of the Town Council is included for FY13-16 because the last review was in 2013. Council member Grim stated that Rob Lohr sent out through VA Tech and requested details that have come in from different municipalities. Council member Grim added she included sample evaluation forms and employment agreements/contracts. Council member Grim stated that she and Council member Cool tried to put together a purpose and process with the only change missing in the process is that there is not a Council to Manager one-on-one portion to it but just Council as a whole. Council member Grim added the suggested proposed dates for the meeting was very broad and within a range whether it be in a closed session after an existing meeting or at a special meeting. Council member Grim added that this would get the process back on an annual review for the Town Manager and Town Council's benefit.

Council member Ogelman asked Council member Grim that in doing research and looking at other Town's how many had one-on-one meetings and how many did this as a body. Council member Grim added that in tracking down other managers and Council members tried to look at their process and in their process 90% were as a whole legislative body.

Council member McCollum asked if Council would agree on the areas to evaluate the Town Manager on. Council member Grim stated those are in the document. Council member McCollum stated that Council has not agreed to them and asked if Council should discuss those. Council member Grim stated that in speaking with the Town Manager feels that there are areas for observations and by providing samples from other municipalities evaluation

forms, if there are additional areas that they commented on that one of the key areas was to be sure to provide clear examples of why a rating has been chosen. Council member Grim stated that she felt Rob Lohr was fairly comfortable with the document as it is however feels it would help everyone to add things to it however it can be amended as agreed on.

Mayor Fraser stated he would like to see a proposal from Council member Grim and Council member Cool as to whether or not the existing process will be used and alternatives from each Council member if they have them. Then Council could make a decision on which one to use.

Council member Grim stated that their proposal was provided. Mayor Fraser confirmed.

Council member McCollum stated that over the years has found that one of the more effective ways to start was to ask the employee being appraised to fill out the form first and provide it to Council. Council member Grim stated that is in the proposed policy. Council member Grim stated he has not seen the document before. Mayor Fraser stated he has not read all of the documents. Mayor Fraser asked Council to communicate that through Rob Lohr and the two committee members so that a decision can be made at the next meeting as to what the process is. Mayor Fraser stated a step-by-step flow chart of the processes would be helpful to see.

Council member Ogelman stated it is his understanding of the document that the process is proposed as it exists with the one exception being that instead of one-on-one meetings with individual Council members, the Council members evaluate, the Town Manager provides the document and then the Council members meet as a body with the Town Manager. Council member Cool noted the Town Manager completes the form and submits to Council, Council fills it out then meets as a whole, not individually.

Mayor Fraser stated that the direction is clear and at the next meeting motions will be provided to move forward.

Council member Grim stated that if there are any questions, concerns or deviations to submit them to her and Council member Cool so the appropriate notes can be made for the next meeting.

ACTION ITEMS:

a. Alder School Road Water Main Replacement

Alex Vanegas suggested that this item be further discussed at the CIP meeting then action taken at the next Council meeting. Mr. Vanegas stated there are currently nine residents connected to the water by means of an agreement which was approved in 1955. Mr. Vanegas added that staff has received many complaints and would like to replace the line in-house with reserves funding.

Danny Davis added that the County and VDOT are in a project and will be repaving the road and the goal would be to do the work ahead of the paving project to avoid additional costs. Mr.

Davis added that he believes the project has been delayed in terms of design and that there is time to work through the item and to have additional discussion at the CIP meeting next week.

Council member Ogelman referenced the report stating that “currently inquiries to VDOT about potential paving of that section of Allder School Road from the roundabout to the start of the Loudoun County project have suggested that VDOT has no plans to pave that section in the near future”. Alex Vanegas confirmed that VDOT does not intend to pave that section however with the Town project, the Town will have a small section within that area to pave.

Council member Ogelman asked the nature of the Town’s agreement with those homes in the County and if there is a contract to provide that service in perpetuity or related to them paying the rates. Alex Vanegas stated it is his understanding that in looking back through Council minutes that an agreement was made with the Town and the Town agreed to take responsibility however the agreement could not be located.

Council member Grim asked the rate those homeowners are paying and stated she understood there is no agreement for providing water to those outside the Town limits except for the three properties recently discussed that have wells on their property. Mr. Lohr stated it is his understanding that they pay out of Town rates which are double the in town rates. Alex Vanegas added he would double check that information. Council member Grim requested the addresses of the nine properties for a drive-by reference. Alex Vanegas stated that if you take the exit toward Short Hill road out of the roundabout it is the houses on the left.

Council member Bledsoe referenced the bullet that suggests the project move forward for the following reasons and that it notes it conflicts with the driveway culverts which means the County will plan to replace 200 ft. of the current line. Alex Vanegas confirmed. Council member Bledsoe asked if the same circumstances would apply if the Town replaced the 4” line. Alex Vanegas stated they would have to replace their section as the Town has requested this to be done as part of the comments to their project. Council member Bledsoe asked if it there can be some coordination of the contracting efforts between their replacing the lines and the culvert work and digging and the Town replacing the line at the same time so there are no disruptions to service. Alex Vanegas stated that makes sense and can also ask them to bid out the entire waterline as part of the project with the Town reimbursing the County for the Town’s portion of the project. Council member Bledsoe referenced the next to the last paragraph on page 30 where it notes that the “town would need to pay the cost of the increased size” and asked if this is the cost difference between the 2” which the County already accounts for the 4”, and Alex Vanegas confirmed.

Mayor Fraser stated Council will email Mr. Vanegas any questions or comments in preparation of the CIP meeting. Based on the suggestion from Alex Vanegas, Council did not vote on this item.

b. Ordinance 16-12-03 – Amending Town Code to Create a Barment Program

Chief McAlister stated this item was first presented on October 11, 2016 followed by a public hearing on December 13, 2016. Chief McAlister added that the purpose is to give the officers some leverage when it comes to loitering and trespassing on property that the Town is not

owners of. Chief McAlister added that the property owner would provide the Town a limited power of attorney so the officers could take action upon trespassers in hopes to improve the quality of life in some of the shopping center areas around Town.

Vice Mayor Jimmerson made a motion that the Town Council adopt Ordinance 16-12-03 amending the Town Code Section 46-31 to allow the Town police to be designated, in writing, as persons lawfully in charge of property for the purpose of enforcing trespass violations, and to authorize the Chief of Police to prescribe the authorization forms necessary to effectuate this direction. The motion was seconded by Council member Cool.

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

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

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

None

APPROVAL OF MINUTES:

a. December 13, 2016 Town Council Meeting

Vice Mayor Jimmerson noted the spelling of Council member Cool's last name was not capitalized on page 57.

Council member Bledsoe stated he noticed a discrepancy in the minutes which he had brought to the Town Clerk's attention. Council member Bledsoe added that it was in regards to Action Item A regarding his comments about his vote pertaining to Valley Self Storage that he asked be placed into the formal minutes for approval.

Council member Bledsoe made a motion that with those changes, Town Council approve the minutes of the December 13, 2016 Town Council Meeting and waive reading. The motion was seconded by Council member Cool.

Council member Ogelman noted that most of his comments had to do with the Paralegal discussion and how they are represented in the minutes. Council member Ogelman stated that in regards to the argument made for how he voted, noted he presented a considerable amount

Mayor
Kwasi A. Fraser

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



Town Manager
Robert W. Lohr, Jr.

Assistant Town Manager
Daniel C. Davis

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

ORDINANCE NO. 16-12-03

PRESENTED:

OCTOBER 11, 2016

ADOPTED:

JANUARY 10, 2017

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

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

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

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

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

AN ORDINANCE:

TO AMEND AND REORDAIN TOWN CODE CHAPTER 46 ("OFFENSES AND MISCELLANEOUS PROVISIONS"), ARTICLE 1 ("IN GENERAL"), SECTION 46-31, FOR THE PURPOSE OF ALLOWING TOWN POLICE TO ENFORCE TRESPASS VIOLATIONS

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

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

(a) If any person without authority of law goes upon or remains upon the lands, buildings or premises of another, or any portion or area thereof, after having been forbidden to do so, either orally or in writing, by the owner, lessee, custodian or other person lawfully in charge thereof, or after having been forbidden to do so by signs posted by such persons or by the holder of any easement or other right-of-way authorized by the instrument creating such interest to post such signs on such lands, structures, premises or portion or area thereof at places where it or they may be reasonably seen, or if any person, whether he is the owner, tenant or otherwise entitled to the use of such land, building or premises, goes upon, or remains upon such land, building or premises after having been prohibited from doing so by a court of competent jurisdiction by an order issued pursuant to Code of Virginia, §§ 16.1-253, 16.1-253.1, 16.1-278.2 through 16.1-278.6, 16.1-278.8, 16.1-278.14, 16.1-278.15, or 16.1-279.1, or an ex parte order issued pursuant to Code of Virginia, § 20-103, and after having been served with such order, he shall be guilty of a class 1 misdemeanor. This section shall not be construed to affect in any way the provisions of Code of Virginia, §§ 18.2-132—18.2-136.

(Code 1977, § 12-29)

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

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

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

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

AN ORDINANCE:

TO AMEND AND REORDAIN TOWN CODE CHAPTER 46 ("OFFENSES AND MISCELLANEOUS PROVISIONS"), ARTICLE 1 ("IN GENERAL"), SECTION 46-31, FOR THE PURPOSE OF ALLOWING TOWN POLICE TO ENFORCE TRESPASS VIOLATIONS

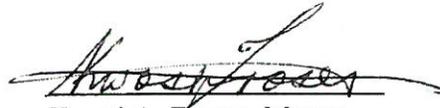
Section 3. Severability. If a court of competent jurisdiction declares any provision of this ordinance invalid, the decision shall not affect the validity of the ordinance as a whole or any remaining provisions of the Purcellville Town Code.

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

State Law Reference

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

PASSED THIS 10TH DAY OF JANUARY, 2017.



Kwasi A. Fraser, Mayor
Town of Purcellville

ATTEST:


Diana Hays, Town Clerk

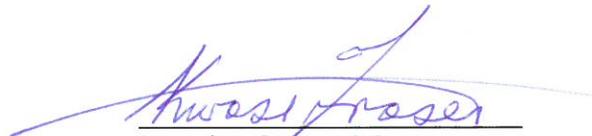
of data and information for why he wanted to vote the way that he did and would like that represented in the minutes. Council member Ogelman added that the way the motion reads "Council member Cool made the motion that the Town Council affirm the appropriation of funds to hire a part-time Paralegal in FY2017" added that was the motion that failed according to the minutes. Council member Ogelman stated he would like to make sure that it accurate because it will make a difference why Council voted and whether it is something that will come up in perpetuity regardless of the votes. Council member Ogelman added that the way the minutes read, recalls that Mayor Fraser made statement that he was not satisfied with the amount of information that he had and that was one of the reasons for which he was going to vote "nay" and that the way the minutes read shows the Mayor votes no with a final statement. Council member Ogelman added he does not feel that is an accurate reflection of what happened in that vote.

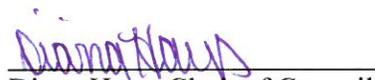
Mayor Fraser asked for confirmation and to make any necessary changes.

Council member Grim stated that on page 51 of the agenda packet that she spoke with the Town Clerk and asked if she were able to dissect what that information was as Ms. Kipfer provided information that is not made clear and also in regards to the staff report dated August 10, 2010 about the Browning Equipment 9th Street Rezoning. Diana Hays, Town Clerk, noted that she had updated the minutes to reflect that the document was dated August 10, 2010 and that she spoke with Ms. Kipfer and will be receiving a copy from her and has also received a copy from Dan Galindo and will make sure that is noted in the minutes that a handout was provided by Ms. Kipfer. Council member Grim stated that in her years of reading minutes noted that it is important to capture information that is submitted for the record and note that it is in the meeting file so the document is accounted for. Council member Grim asked if Council would approve the minutes with the proposed revisions to be inserted. Mayor Fraser stated that Council accepted the motion with the changes and asked Ms. Hankins if that was the right procedure. Diana Hays, Town Clerk, noted that can be done or the minutes could be brought back with the revisions to the next meeting for review and approval, which was the preference of the Clerk. Mayor Fraser withdrew the motion to approve the minutes.

ADJOURNMENT:

With no further business, Council member Ogelman made a motion to adjourn the meeting at 9:40 PM. The motion was seconded by Council member Bledsoe and passed unanimously.


Kwasi A. Fraser, Mayor


Diana Hays, Clerk of Council