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

PRESENT:    Robert Lazaro, Jr., Mayor
            Tom Priscilla, Jr., Council member
            Keith Melton, Council member
            James Wiley, Vice Mayor
            Greg Wagner, Council member
            C.J. Walker, III, Council member

ABSENT:     Joan Lehr, Council member

STAFF:      Robert W. Lohr, Jr., Town Manager
            Patrick Childs, Assistant Town Manager
            Elizabeth Krens, Director of Finance
            Patrick Sullivan, Director of Community Development
            Alex Vanegas, Deputy Director of Public Works
            Lt. Jim Rust, Police Department
            Maureen Gilmore, Town Attorney
            Jennifer Helbert, Town Clerk

CALL TO ORDER OF REGULAR MEETING:
Mayor Lazaro called the regular meeting to order at 7:00 PM

INVOCATION:
Reverend Mike Legg with King of Kings Worship came forward to give the Invocation.
The Invocation was followed by the Pledge of Allegiance and a moment of silence for the remembrance of the passing of Former Mayor Bill Druhan.

AGENDA AMENDMENTS:
Council member Wagner asked that Item 12(b) disclosure of real properties be sent back to Ways and Means Committee for additional discussion at the Committee level.
PROCLAMATIONS/ANNOUNCEMENTS:

a) Purcellville Volunteer Fire Department 2011 Graduates and PVFD Foundation Scholarship Recipients

b) National Payroll Week Proclamation

c) Childhood Cancer Proclamation

PUBLIC HEARINGS:

a) Town Code Amendment – Amending Chapter 50. Peddlers and Solicitors by adding Article II. Street Solicitations, Sections 50-36 thru 50-39 of the Purcellville Town Code, to narrow regulations generally prohibiting solicitation of contributions, the distribution of hand bills, and sale of merchandise or services on public streets by pedestrians to occupants of motor vehicles so that these regulations only apply to individuals standing in the motor vehicular travel way of the street, and to make other conforming changes.

There being no comment for this public hearing the hearing was closed

b) Proposed Ordinance Amendment to Chapter 74, Taxation by Creating Article VIII, Fireman’s Field Service Tax District, Section 74-230 through 74-233 – The amendment proposes the creation of an ordinance for Fireman’s Field Service Tax District. The authority to create service districts by ordinance is contained in Virginia Code. § 15.202400 et seq.

Kelli Grim of 812 Devonshire Circle came forward to speak. Ms. Grim stated that she owns a business on Main Street and she is here to speak about the new tax district that is being proposed. She stated that Chief Justice Marshal said “the power to tax is the power to destroy”, at this time with everything going on in the Country, she does not believe that new taxes are a good thing and she does not believe that the citizens or businesses in the Town should bear the burden of excessive spending and poor planning on the part of the Council. Ms. Grim asked that the Council reconsider that maybe at another time they move forward with this or this resembles to her raising the debt ceiling and she would like the Council to think about cutting spending because it seems to her that at every turn and at every meeting there are checks being written as the check register shows. She would like to note that she does not favor and does not think that they will find in a public hearing that the citizens will find this appropriate.
Ben Belrose of 624 Elliot Drive came forward to speak. Mr. Belrose stated that this is not an attack on anyone personally they are his concerns. He stated that his concerns about the tax district are that he does not understand what it gets the Town because it doesn’t change the cost of anything but what it does increase is the complexity of the book keeping because for example now the Town has to ramp parking spots from the park for the Town Hall and they already have a million dollars in inter-government transfer so this doesn’t get you anything. He stated that it also limits the flexibility that the Town has, he stated that the County tried this for a fire district and it didn’t get them anything and they dropped it after a year or two. He stated that he listened to the tape of the Ways and Means Meeting and he heard Council member Lehr say that she was for it but wanted to know what it costs. Mr. Belrose stated that he checked and exactly the same elements of the year before got transferred into the fund for this current year so he stated that you have the same granularity regardless of how it rolls up so it doesn’t make sense to him. Mr. Belrose stated that the only thing that it will do is to go into all of their loans and pull out anything having to do with the parks and split them up which the Town could do without rolling them into anything. He stated that his biggest concern is that it will be used to mask a task increase because he has looked at how much debt is associated with the park somewhere between $7 and $8 million so the debt service of that would be somewhere in the $400,000 to $500,000 range which with our tax base you are talking about a .04 raise just to cover the debt service and of course eventually there will be more staffing and so this is what the real cost of a park is but you don’t need a separate tax district and he would highly recommend against this tax district.

There being no comment for this public hearing the hearing was closed.

STANDING COMMITTEE/COMMISSION/BOARD REPORTS:

a) Planning Commission
b) Tree and Beautification Committee
c) Board of Architectural Review
d) Purcellville Train Station Steering & Oversight Committee
e) Parks and Recreation Advisory Board
f) EDAC
g) COLT
h) Centennial Committee
i) PUGAMP
CITIZEN/BUSINESS COMMENTS:

**Kelli Grim** of 812 Devonshire Circle came forward to speak. Ms. Grim stated that she sees that the Real Parties of Interest has been taken off of the agenda and she will provide the information that she has for that at a later date. Ms. Grim stated that she would like to read on behalf of Steven Mackey a letter presented to the Town Council.

Mayor Lazaro stated that he has heard about the letter but it has never been given or mailed to anyone.

Ms. Grim stated that it was emailed.

Mayor Lazaro stated that as of 7PM tonight it had not been sent to the Council.

Ms. Grim read the following statement in into the record “Steven Mackey, Co-Founder, CEO and President of Notaviva Vineyards, LLC has sent a letter. Mayor Lazaro, Purcellville Town Council members. I’m writing to inform you with our alliance with Sam and Uta Brown owners of Crooked Run Orchard and their efforts to preserve their farm. For some time now we have followed with mounting disappointment and ire the news reports of their ongoing battle with the Town of Purcellville perhaps like many others in the community we held high hopes the issue would somehow sort itself out and that the Browns would prevail in their campaign and perhaps like many others in the community we also held high hopes that their rights as citizens, rural business owners and land owners would be preserved. We reacted with shock as we learned of the Town’s aggressive tactics to remove the injunction preventing the seizure of the Brown’s property and your subsequent acquisition of their land. In our opinion you have violated a sacred American right and we find it unconscionable that the Town of Purcellville has engaged in such actions. Your quick take was our tipping point and we have committed ourselves to assisting the Brown’s in any way possible. In the short time we have known Sam and Uta we have found them to be intelligent, passionate, honest and wise stewards of the land with agricultural knowledge far surpassing our own. Such wisdom should be treasured, nurtured and preserved for Loudoun’s future generations not abused like some inconsequential aggravation. It is a grave sign of Purcellville’s societal and political priorities that this situation has deteriorated to this point. Through business collaboration, awareness campaign, social media and professional networking we shall bring every resource at our disposal to their aid, to that end we have established a Virginia ABC Remote License at Crooked Run Orchard and have begun conducting tasting of Notaviva Wines on their property each weekend, our license allows visitors the right to enjoy open bottles and glasses of wine as they sit under the trees enjoying the rural vistas though inevitably the question arises “what are those stakes over there”, we have very much enjoyed the passionate response from customers as we advise them of the situation, the Town’s actions and the many ways in which they can help. This collaboration has brought Crooked Run into DC’s Wine Country family and we have begun advertising Crooked Run as a remote Notaviva Vineyards Wine Tasting Facility. In addition to our remote tasting operation we will be producing our first fruit wine this month with fresh produce harvested from Crooked Run, we find it hypocritical that the same Town who created the Loudoun Grown Expo is now...
endangering not one but two rural small businesses, our ability to source high quality local produce is paramount to our winery production capabilities and our continued success. Loudoun winery’s depend on a reliable network of dedicated suppliers as our industry growth has far outpaced our ability to quickly establish or own crops to meet demand not only will Notaviva Vineyards Products be available at Crooked Run but we will begin offering many of their Loudoun Grown products such as fresh produce and Christmas Wreaths in our tasting room. These interdependencies between rural enterprises are critical to the sustainable goals of our Western Loudoun economy as well as the preservation of our open spaces. As a long time dedicated servant of community and small business interests, I was recently elected to the Board of the Virginia Wine Council a Richmond based organization tasked with furthering the rights of the wine industry, I’m President of the Loudoun Winery’s Association and through the LWA we have a direct and open dialogue with both Loudoun Department of Economic Development and Visit Loudoun, I also serve on the Loudoun Economic Development Commission and the Rural Economic Development Council, the EDC Marketing and Retention Committee and we are members of the Loudoun Chamber of Commerce. Though this correspondence does not endeavor to speak on behalf of any of these organizations nor imply their involvement in any way I have copied each of them so that they may be advised of our intentions and commitment to these matters. I implore you to seize your malicious activities and your intent to destroy the Brown’s rights, crops and business, it is my understanding that the SCR is not fully funded, not engineered and mired in lawsuits, therefore any destruction of the Brown’s property under the mantle of quick-take, eminent domain may be construed as nothing more than a thinly veiled prodevelopment land growth, how could it be perceived otherwise, these activities are a scar of the history of Purcellville of Loudoun and of Virginia. It is my understanding that you intend to construct a fence, which you have done, to bar the Brown’s from this property, should you commence with this initiative we will organize a benefit concert to raise funds for the Brown’s legal defense, this will be held adjacent to Town property at Crooked Run and will engage a comprehensive social networking media strategy. As you have read the letter, Sunday, July 17th at 10AM, you have all been invited to respond to the Brown’s, Mr. Mackey and all others that are in attendance as to why this is happening like this.

**Abigail Grim** of 812 Devonshire Circle came forward to speak. Ms. Grim stated that she thinks the Council thinks it is fun to put a road through the Brown’s Crooked Run Orchard Farm but really what is happening is they feel devastated for losing their land and when they feel bad it makes her upset. Ms. Grim stated that the worst part of the terrible thing is that she will no longer be able to play and pick fruit on the side of the farm because it will be dangerous. She stated that when she goes to the farm she likes to see the beautiful trees and gardens. It is also going to be dangerous for the cats if they were to cross the busy road that will be so close to their home. She stated that it will be even more busy because of all of the shopping centers that are being put all around the farm. She stated that she hopes the Council understands that the little kids that love to pick fruit and play on the farm will be sad too just like her. We like our little Town just like it is, please leave Crooked Run Orchard alone.

**George Vatikiotis** of 860 East Main Street came forward to speak. Mr. Vatikiotis asked that the Mayor not stop him when he reads the letter. He stated that he came here this evening to protect
his rights and he wants to use the method that everyone is allowed to use which is Freedom of Speech. Mr. Vatikiotis stated that he spent $50,000 in lawyer’s fees because the Town told him he had to go to court and he believes the Town is playing a game with him because he cannot afford the fees. He stated that the Council doesn’t pay anything from their pockets, he stated that other people pay and suffer and for that reason that makes the Council murder’s because the Council took a nice and good family that is working very hard to make it and the Council makes them unacceptably and illegally think because the Town has people on their side but they do not know the truth about what is going on with the people in the Town. Mr. Vatikiotis stated that everything is planned to put people in the dark so that they do not know what the Council is doing. He stated that the Town of Purcellville newspapers do not do their jobs like they are supposed to and the reason is because they do not write what is going on with the Town so everyone is in the dark. He stated that a real journalist of the Town should give us the real news and write effectively for the problems that people have with the Town or County that do not ever come here because they are connected with the Council. Mr. Vatikiotis stated that he would like to say a few words to Mr. Lohr he stated that he helped him keep his job and the thanks that he got was for Mr. Lohr to tell him illegally that he cannot use his property as the other people that have used it before him because everything destroyed him for no reason. Mr. Vatikiotis stated that because his is a foreigner and that is the problem. He stated that he found out from other people that that is the reason that he put him in that position. He stated that it is a shame that there are people working hard who want to live here and be better and you have the technicality to destroy them because it is the courts and because you don’t have to pay anything from your pocket you will do anything to destroy them. Mr. Vatikiotis stated that Congressman Wolf sent the Town documents to answer him and it has taken two months to answer and the answer is that Mr. Vatikiotis has many factual errors and he sent to the Town by certified mail two months ago where he asked for the errors to be answered and there was no answer so he sent out another letter and still the Town did not answer and to his knowledge because of that the Town is a murderer. Mr. Vatikiotis stated that he challenges the Town to prove to him that they are not.

**MAYOR AND COUNCIL COMMENTS:**

**Vice Mayor Wiley** had no comments.

**Council member Melton** had no comments.

**Council member Walker** had no comments.

**Council member Wagner** stated that the 9th Annual Tag Sale will be in October, it will be the same weekend as the Waterford Fair. Registration opens August 1st and you can go online to do that and the venues will be announced.

**Council member Priscilla** had no comments.
Mayor Lazaro stated that he would like to congratulate Elizabeth Krens and her staff on our third consecutive GFOA Excellence in Financial Reporting Award and also wanted to thank Patrick Childs and Rob Lohr on the Management Award that the Town received from ICMA. Mayor Lazaro also thanked VDOT, we received an award of $2.8 million to complete the SCR, $375,000 for the Town’s section of Hirst Road and Main Street has a tremendous amount of work going on. VDOT will also be putting a right turn lane on Rt. 287 onto Hirst Road, the trail sidewalk has started and the Town has received a $400,000 grant to help complete our downtown project which is an outstanding job.

CONSENT ACTION ITEMS:

a) None Scheduled

ACTION ITEMS:

a) Proposed Ordinance Amendment to Chapter 74, Taxation by creating Article VIII. Fireman’s Field Service Tax District, Section 74-230 through 74-233

Council member Wagner made a motion that the Town Council adopt Chapter 74, Taxation Article VIII. Fireman’s Field Service Tax District.

Motion: Council member Wagner  
Carried: 6-0-1 with Lehr absent

b) Availability for Purcellville Gateway

Vice Mayor Wiley made a motion that the Town Council approve the following:

<table>
<thead>
<tr>
<th>Building #</th>
<th>GPM</th>
<th>Water Meter Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>1A</td>
<td>35</td>
<td>1 - inch</td>
</tr>
<tr>
<td>1B</td>
<td>26</td>
<td>3/4 – inch</td>
</tr>
<tr>
<td>2</td>
<td>43.5</td>
<td>1 – inch</td>
</tr>
</tbody>
</table>

For the buildings at Purcellville Gateway once all necessary land approval have been secured with the following stipulations:

1. This availability must be purchased prior to the zoning permit being issued for the development of the property and must be purchased at the going availability rates at the time of purchase.
2. The approval of this availability is with the understanding that if the number of fixtures or water use exceeds the allowable amount for the meter size, the current owner will be required to upgrade the availability as necessary with all appropriate approvals, or the use will not be permitted.

Motion: Vice Mayor Wiley
Carried: 6-0-1 with Lehr absent

c) Change Order for Water Line Replacement – Downtown Enhancement Program

Vice Mayor Wiley made a motion that the Town Council approve the proposed change order in the amount of $293,723 to E.E. Lyons Construction Company with an additional allowable 10% contingency in the amount of $29,372.30 for any unknown or unforeseen items due to unreliable or lack of historical records to install the proposed water main replacement and authorize the Town Manager to execute the change order.

Motion: Vice Mayor Wiley
Carried: 6-0-1 with Lehr absent

d) Contract Award for Furniture Proposal for New Town Hall

Vice Mayor Wiley made a motion that the Town Council award a contract to provide and install furniture components related to the new Town Hall to American Office in an amount not to exceed $121,689 as per the proposal dated June 15, 2011 and authorize the Town Manager to execute the resulting agreement.

Motion: Vice Mayor Wiley
Carried: 6-0-1 with Lehr absent

e) Contract Award for Construction Management Services

Vice Mayor Wiley made a motion that the Town Council award project construction management services to the following firms and authorize the Town Manager to execute the resulting agreements.

1. ATCS
2. Rummel, Klepper & Kahl
3. McDonough Bolyard Peck
f) Utility Consumption Support for the Purcellville Public Safety Center

Vice Mayor Wiley made a motion that the Town Council approve the Town of Purcellville making an annual contribution of paying the water and sewer bill for the Purcellville Public Safety Center up to the amount of $7,700 for the entire Fiscal Year 2011/2012. After the annual threshold of $7,700 is reached the obligation to pay for their water and sewer bill will remain with the Purcellville Public Safety Center.

Motion: Vice Mayor Wiley  
Carried: 6-0-1 with Lehr absent

g) Proposed Water and Sewer Usage Rate Changes for the Town of Purcellville

Vice Mayor Wiley made a motion that the Town Council approve the water rates identified in Alternative C and a sewer rate of $11.84 per 1,000 gallons which is below or at the amounts that were advertised in the Public Hearing Ad for the Town Council meeting on Tuesday, June 14, 2011 and as shown in the utility fee schedule chart of the enclosed Ordinance.

Motion: Vice Mayor Wiley  
Carried: 5-1-1 with Lehr absent and Wagner voting Nay

NEW BUSINESS:

a) Award of Contract for Real Estate Brokerage Service for the Town Hall Property

Council member Wagner made a motion that the Town staff finalize an agreement by and between the Town and Renault Consulting for the provision of real estate brokerage services for the current Purcellville Town Hall property with the contract to be signed and executed by the Town Manager.

Motion: Vice Mayor Wiley  
Carried: 6-0-1 with Lehr absent

DISCUSSION/INFORMATIONAL ITEMS:

a) Delinquent Tax Summary
CLOSED SESSION:

Vice Mayor Wiley made a motion that pursuant to Section 2.2-3711(A)(1) and Section 2.2-3711(A)(7) of the Code of Virginia as amended that the Purcellville Town Council convene in a Closed Meeting. The purpose of the Closed Meeting is as follows:

a) Discussion and consideration of matters related to assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees, or employees of any public body. This would specifically deal with the annual performance evaluation of the Town Manager and a personnel item for Town Council.

b) Consultation with legal counsel retained by the Town regarding specific legal matters requiring the provision of legal advice by counsel, incomplete public improvement construction and discussion of pending or potential litigation in the Loudoun County Circuit Court, Brown v. Town, Case Nos: 59700, 60224, 65478, and BOS v. Town Case No: 59426.

The following individuals are requested to attend the Closed Meeting:

a) All Town Council members
b) Robert W. Lohr, Jr., Town Manager
c) Patrick Childs, Assistant Town Manager
d) Maureen Gilmore, Town Attorney
e) Alex Vanegas, Deputy Director of Public Works
f) Jeff Huber, Walton and Arms
g) Spotts Fain PC, Attorney (via conference call)
h) Joe Sullivan, Attorney

Motion: Vice Mayor Wiley
Carried: 6-0-1 with Lehr absent

Vice Mayor Wiley made a motion that the Closed Meeting be adjourned and that the Purcellville Town Council reconvene in a public meeting and that the minutes of the public meeting reflect that no formal action was taken in closed session.

Motion: Vice Mayor Wiley
Carried: 6-0-1 with Lehr absent

Vice Mayor Wiley made a motion that the Town Council adopt Resolution 11-07-03 certifying the public closed meeting of July 12, 2011.

Motion: Vice Mayor Wiley
Carried: 6-0-1 with Lehr absent
APPROVAL OF MINUTES

Council member Wagner made a motion to adopt the minutes of June 1, 2011, June 6, 2011 and June 14, 2011 as submitted.

Motion: Council member Wagner
Carried: 5-0-1-1 with Lehr absent and Walker abstaining

ADJOURNMENT:

They're being no further business the meeting adjourned at 8:39 PM.

__________________________  ______________________________
Robert W. Lazaro, Jr., Mayor  Jennifer L. Helbert, Clerk of Council