

**MINUTES  
PURCELLVILLE TOWN COUNCIL MEETING  
TUESDAY, MARCH 14, 2023, 6:00 PM  
TOWN HALL COUNCIL CHAMBERS**

Meeting video can be found at the following link: <https://purcellvilleva.new.swagit.com/videos/222004>

**COUNCIL MEMBERS PRESENT:** Mayor Stanley Milan, Mary Jane Williams, Carol Luke, Ron Rise, Vice Mayor Christopher Bertaut, Boo Bennett, Erin Rayner

**STAFF PRESENT:** Interim Town Manager John Anzivino, Director of Administration Hooper McCann, Director of Engineering, Planning & Economic Development Dale Lehnig, Director of Public Works Jason Didawick, Director of Finance Connie LeMarr, Director of Human Resources Sharon Rauch, Police Department Chief Cynthia McAlister, Deputy Town Clerk Kimberly Bandy

**OTHERS PRESENT:** John Cafferky, Blankingship & Keith PC

**CALL TO ORDER:**

Mayor Milan called the meeting to order at 6:00 PM. The Pledge of Allegiance followed.

**AGENDA AMENDMENTS/APPROVAL**

Vice Mayor Bertaut added a discussion item “Consideration of Policy Statement on Implementing the Will of the Majority” and an additional action item “To Reconsider the Town Council February 28th vote on the following applications: RZ 2020-01, SUP 2020-02, and CP 2020-01”. Mayor Milan moved the action item “Special Election Order and Nonsuit of Related Mandamus Action” to be discussed in Closed Session with no objections.

**CONSENT AGENDA**

**a. Approval of Meeting Minutes – February 28, 2023 Town Council Meeting**

Council member Council member Williams moved that the Town Council approve the consent agenda item 5a. as presented in the March 14, 2023 Town Council Meeting agenda packet. (Carried: 7-0, Rayner: Aye, Bennett: Aye, Bertaut: Aye, Rise: Aye, Luke: Aye, Williams: Aye; Milan: Aye)

**RECOGNITION**

Mayor Milan presented the Jim “Doc” Wiley Leadership in the Arts Award presented to Alice Power.

**PUBLIC HEARING:**

**a. 2023 Real Estate Property Tax Rates – Equalized**

Mayor Milan opened the public hearing at 6:12PM. Connie LeMarr, Assistant Director of Finance, gave the report. There was one citizen comment, Casey Chapman, 205 Hirst Road, showed favor of the increase to stay in line with assessments. Council members shared gratitude for staff and their preparation of the staff report for the public hearing and will be reviewing in more detail.

Mayor Milan closed the public hearing at 18:23PM. (6:23PM)

**CITIZEN COMMENTS:**

Amy Ulland, Round Hill as Coordinator of Wildlife Conservancy Stream Monitoring Program, shared comments in favour of the protection of mature forests, wetlands, and riparian buffer at the proposed expansion of the 7/690 Interchange.

Casey Chapman, 205 Hirst Road, shared a congratulations to Alice Powers, showed support for staff receiving good benefits, and showed concern for the amended discussion item on the County permits.

Christine Green, 229 Upper Heyford Place, shared comments to not be in favour of the County permits for the Park Ride, concerned for secondary round for Woodgrove Highschool and cross country trail for athletes.

Harry Lloyd Harting, 845 Pencoast Drive, shared comments on resubmission of the permit from the County for Park and Ride and concern for the construction of access secondary road for Woodgrove High school.

Jason Dengler, 411 S 32<sup>nd</sup> Street, shared support on the revote of the Park and Ride permit.

**MAYOR AND COUNCIL COMMENTS:**

Council Member Williams shared the scheduling of the Art Show for March 27 at Town Hall, shared gratitude for staff in preparation of the proposed budget, and shared a congratulations to Alice Powers.

Council member Luke had no comment.

Council member Rise shared comment on the EDAC meeting and joint collaboration with PRAB on RFP discussion, and looking forward to budget discussions.

Council member Rayner wished a Happy 115 Anniversary of Purcellville and shared gratitude toward staff and looking forward to budget discussions.

Council member Bennett had no comment.

Vice Mayor Bertaut noted the budget presentation on March 15<sup>th</sup> and many future budget meetings being scheduled. He made comment on the Real Estate Property Tax Rate vote is for setting the maximum rate and this needed to be advertised well in advance and he clarified the difference between Real Estate Property Tax Rate and the Personal Property Tax Rate. There is an active process and search for a new Town Manager. The amendment to add an action item to reconsider a vote on a previous motion is a common place item done by the County and there was more information presented at the last minute on the 28<sup>th</sup> in need of further consideration. Vice Mayor Bertaut noted the discussion regarding the interest earned on the ARPA funds to be applied to different projects outside of the budget.

Mayor Milan thanked the budget team for their work and preparation of the budget and asked Chief McAlister if she had a chance to speak with the County Attorney regarding the item of prosecution offenses that do not require jail time which was discussed at a COLT meeting. He also mentioned waiting on a list of Town Assets from staff and had toured the Aberdeen Property and Nutrient Credits being used to address this property. He mentioned the Zero Line Budget discussions and the intensity ahead for Council on this topic. He was given access to the grant link and in need of a code. Mayor Milan attended the Local Cut Event and Purcellville Volunteer Fire Department will be celebrating it's 100<sup>th</sup> year in 2024 and he has requested the Parks and Recreation plan to acknowledge this.

**ACTION:**

**a. Draft Town Manager Recruiting Profile for Review and Approval by Council**

John Anzivino, Interim Town Manager gave the report.

Vice Mayor Bertaut moved that the Town Council approve the Town Manager Recruitment Profile as presented in the March 14, 2023 Town Council agenda packet.

(Carried: 7-0, Rayner: Aye, Bennett: Aye, Bertaut: Aye, Rise: Aye, Luke: Aye, Williams: Aye; Milan: Aye)

**b. Local Choice Network Health Insurance Renewal**

Sharon Rauch, Director of Human Resources, gave the report.

Council member Rayner moved that the Town Council endorse the Town of Purcellville's continued participation in the Key Advantage 250 Plan offered by The Local Choice Health Benefits Program. I further move that Town Council continue the current cost-share of 85% paid by the Town and 15% paid by the employee.

(Carried: 7-0, Rayner: Aye, Bennett: Aye, Bertaut: Aye, Rise: Aye, Luke: Aye, Williams: Aye; Milan: Aye)

**c. Adoption of 2022 Northern Virginia Regional Hazardous Mitigation Plan Annex**

Hooper McCann, Director of Administration, gave the report.

Council member Rise moved that the Town Council approve Resolution No. 23-03-01 approving and adopting the 2022 Northern Virginia Regional Hazardous Mitigation Plan, and the Town of Purcellville Annex, as the official plan.

(Carried: 7-0, Rayner: Aye, Bennett: Aye, Bertaut: Aye, Rise: Aye, Luke: Aye, Williams: Aye; Milan: Aye)

**d. Reconsideration of the February 28 vote on the motion to approve the following applications: RZ 2020-01, SUP 2020-02, and CP 2020-01. *(Added during amendments)***

Mayor Milan announced the item. John Anzivino, Interim Town Manager, made reference to this having a proper procedure for reconsidering a motion in which John Cafferky, Attorney in Absence, supplied guidance on reconsidering versus rescinding a motion.

Mayor Milan requested the motion be read.

Council member Williams had no comment.

Vice Mayor Bertaut moved that the Town Council rescind the February 28th vote on the motion to approve the following applications: RZ 2020-01, SUP 2020-02, and CP 2020-01.

Council member Rise seconded the motion.

There was Council discussion as follows:

*"Council member Luke: I guess I would like to entertain this and think about it because in all of the excitement, when I voted the last time, I really was confused about the road when, whether or not it would go through and I'm not happy about that. And I'm also not very pleased with the lack of transparency by the County and their inability to communicate.*

*Council member Rise: Yeah, um, yeah, the last council meeting, we received this information that, you know, the packets very thick. And so you're trying to digest the information, you're trying to understand it, and make the best decision possible. Um, Within that packet, there were thirteen questions answered by the staff, answered by the Planning Commission, and those two recommendations could not have been further apart. Um, You know, one saying one thing, one saying completely the other. So, as a Council member, trying to make a decision and base the information on that, you know, make a decision based on that information is very, very difficult. Um, then there was the road and the water tank that was new information for me. And trying to digest that on the fly and understand basically that there, you know, town projects that to my understanding, were essentially dead in the water without the road, it was pretty important because to me, you know, town, projects and town budget debt is very important. So I didn't want to essentially kill town projects, you know, at the same time, so it was, it was apart of my decision making process. So I would like to have more discussion if that's, if there's time and that's my thoughts.*

*Council member Rayner: My train of thought hasn't changed. Um, I believe that the County, what I thought, was transparent with us because I understood everything that's happened, I know that they've come back and they said they would keep, that they would work with us for the track for the Woodgrove Cross-country running team they would work with them, making sure that would stay, they mentioned that and work with the high school to make sure that they still had a good place to run. The Park and Ride was actually a relocation from the VRT. So, Virginia Regional Transport, non-profit busses own that property, where the parking lot is, and they rent that to the County for the Park and Ride. So, when we sold that building, I say we, because I sit on the board that, um, non-profit, like didn't, I just came on that board when they sold it, sold it to LCPS, and said we can't have parking right there anymore because we need it for busses. So this was a relocation of that, said use. Um, So, I think we still need the Park and Ride. Um, The County said, they're going to do a buffer between Mayfair and the road to Woodgrove and the first thing I asked them and I also asked our Town Manager to make sure that Mayfair Crown does not go through. I mean, I personally still want the road to go with barriers as a second egress but I don't want it to be open. Um, So, I still think that my vote is still for yes, to the project, based on the County going through with what they say they're going to do with the buffer, not really not doing the road, fully open and we need that road for our plot of land that I hopefully one day we'll have a police station and then the road to our water tower, um, So, That's my position.*

*Council member Bennett: Well, I would just add this comment. Um. I would like to see when there's a staff report, and there's been decisions on the same information by the Planning Commission that, just as we get the presentation by the staff, we have the opportunity to hear from the Planning Commission, because there. That was the first time I have to say, that I saw a staff report that had side-by-side information. So that was good, but there is a lot of it. And so, just to be fair, it would be good to hear the staff and then also hear the Planning Commission. That's all.*

*Vice Mayor Bertaut: Yeah, I'd like to note that the, the full packet that went out and actually included the necessary details for us to digest and making a decision didn't go out until approximately 12:33 PM on the 28<sup>th</sup>, the same day as the vote. Um, I've heard, motions to rescind, and or reconsider, described as highly unusual. Well, then the County has, um, their elected officials have taken that step twice within the last year. Um, There was some other arguments that were forwarded that don't seem to be working out under closer examination. One is the, the actual need for the Park and Ride lot proper. Regular surveys, informal surveys of the Hamilton Park and ride lot, show fewer than 10 cars, early afternoon most weekdays, which means that that lot can clearly handle quite a few more cars than are currently parking there. And we've also had raised environmental issues. It's within the stream shed for the South Fork Catoctin, which is a current concern, both for this project and for*

*the 7/690 interchange. Um, And there were arguments put forth about needing a construction road and trash removal by the County from a property that they were going to turn it over to us. All, all of that was presented to us the very same day. So I think that this needs further discussion.*

*Mayor Milan: Thank you, Vice Mayor. But my position has not changed. I spent a lot of time explaining what the County had proposed and what we had discussed from the Planning Commission side and the Town Council side. And at the last minute, the Council, pardon me, the County, changed the script and went back to the original plan after months and months of discussion and negotiation on how, what we were planning to do. At that meeting, I was ready to say the approval until I found out they had switched the game plan, and went back to the original one, which showed me, and not a fateful operation, and discussion that we had had for the last five or six months. So, my decision stands as I voted previously, that it was not a good faith effort on the County. They did not explain the full extent of what they were trying to accomplish with the Park and Ride, the Park and Ride and also the athletic fields. We were already, I was already to say, thumbs up until they pulled a switcheroo on me. That made my decision more important because, they let me down the primrose, I drank the Kool-Aid, and then they changed the flavor on me and, and I was not happy. It was a good faith effort that the Planning Commission made and the Town Council were moving ahead. We had made some concessions. They promised they would do this. They promised they would do that. And then the last minute they pull the switch on us, so that told me what they told me in the previously, may not happen if we continue on in a positive way, and say yes, what other changes would they do? So, with that ends my comments."*

John Anzivino, Interim Town Manager, confirmed with the Mayor before there was a vote that there was a full understanding that rescinding the original motion starts the process all over again as opposed to having further discussion with the County. He then reiterated this would necessitate new applications, new review by the Planning Commission, and new review by the staff. Mr. Anzivino also shared the impact on the relationship between the Town and the County having a vote, and then rescinding that vote, when the County anticipates spending those funds in accordance with our programs. He wanted Council to consider those factors because, he believed, may have a very strong reaction from the County.

There was further discussion amongst Council and Council member Williams requested the motion be re-read and the motion was re-read.

Vice Mayor Bertaut moved to rescind the February 28th vote on the motion to approve the following applications: RZ 2020-01, SUP 2020-02, and CP 2020-01. With a second from Council member Rise.

The Mayor made it clear what the motion would do.

(Carried: 5-2, Rayner: Nay, Bennett: Aye, Bertaut: Aye, Rise: Aye, Luke: Aye, Williams: Nay; Milan: Aye)

#### **DISCUSSION/INFORMATIONAL ITEM(S):**

**a. List of Projects to Determine Where to Use the Interest Being Earned From the ARPA Funds**

Hooper McCann, Director of Administration, gave the report. She corrected the staff report to read the funds to be \$190,974.35 and shared the list of one-time list of projects/expenses as follows:

- Demolition of the Pullen House-\$75,000
- Water Treatment Plant Study\$100,000
- Aberdeen House-Debris and Animal Waste Remediation-\$25,000
- Emergency Preparedness/Response Plan-\$60,000
- New Batteries for Handie Radios-\$2,500

There was a brief discussion on town properties and their fair market values. Council further discussed each project/expense listed and this would later be taken to a vote.

**b. Update on Locust Grove and Hirst Farm Trees**

Jason Didawick, Director of Public Works, gave the report. Council had questions on regrowth of trees, impact on budget, HOA involvement, and concern for cutting down trees.

**c. Ethical Advocate Discussion on Expanding to Committee, Commission and Board members (CCBs)**

Sharon Rauch gave the report. This item was deferred from the February 14 Town Council Meeting. Council member Bennett questioned if there was truly a need for this extension to CCBs. Mayor showed concern that staff could use this, and why not it be offered to CCBs to assist CCB members. Council Rayner had thoughts to have any complaints of/for members to be brought directly to Town Council from the Town Manager. Mr. Anzivino suggested this remains to be offered to staff to and about staff and to begin relying on the future Town Manager for an issue with a CCB member. Vice Mayor Bertaut suggested a policy be put in place and followed.

**d. Future Town Council Meetings and Agenda Items**

John Anzivino gave the report and complimented staff/Council in having a list to long term plan agenda layouts. He shared wanting to plan for upcoming special meeting budget work sessions and be strategizing when to place them on the calendar. Council member Williams shared that March 27 there would be the Arts Show. Vice Mayor Bertaut shared that each line item does not need to be discussed, but mandatory line items should. Council member Rayner shared a concern of the costs to the town to have several meetings.

**e. Consideration of Policy Statement on Implementing the Will of the Majority (*Added during Amendments*)**

Vice Mayor Bertaut gave the report. He referenced from the February 28<sup>th</sup> Town Council Meeting that a policy handbook from Williamsburg, Virginia was shared in a staff report in regards to consider implementing the “will of the majority” with Purcellville staff.

### **CLOSED SESSION**

As authorized under Sections 2.2-3711(A)(1) and 2.2-3711(A)(7) of the Code of Virginia, Council member Williams moved that the Purcellville Town Council convene in a closed meeting for consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body. Specifically, the Council will receive a briefing regarding specific legal matters pertaining to the employment of an employee of the Town Council. The following are requested to attend the closed meeting:

- 1) All Town Council members
- 2) John Anzivino, Interim Town Manager
- 3) John Cafferky, Blankingship & Keith/VRSA Attorney

(Carried: 7-0, Rayner: Aye, Bennett: Aye, Bertaut: Aye, Rise: Aye, Luke: Aye, Williams: Aye; Milan: Aye)

### **MOTION TO CERTIFY THE CLOSED MEETING**

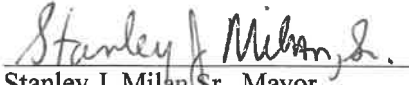
In accordance with Section §2.2-3712 of the Code of Virginia, Council member Rise moved that Town Council certify to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements under Virginia Freedom of Information Act; and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the public body.

(Carried: 7-0, Rayner: Aye, Bennett: Aye, Bertaut: Aye, Rise: Aye, Luke: Aye, Williams: Aye; Milan: Aye)

### **ADJOURNMENT:**

With no further business, Vice Mayor Bertaut made a motion to adjourn the meeting at 9:45 PM and carried (7-0).

  
Kimberly Bandy, Deputy Town Clerk

  
Stanley J. Milan Sr., Mayor

**Mayor**  
Stanley J. Milan, Sr.

**Interim Town Manager**  
John Anzivino

**Council**  
Mary F. "Boo" Bennett  
Christopher Bertaut  
Carol Luke  
Erin Rayner  
Ronald B. Rise Jr.  
Mary Jane Williams



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

**RESOLUTION NO. 23-03-01**

**PRESENTED: MARCH 14, 2023  
ADOPTED: MARCH 14, 2023**

**A RESOLUTION: ADOPTING THE 2022 NORTHERN VIRGINIA REGIONAL  
HAZARDOUS MITIGATION PLAN AND TOWN OF PURCELLVILLE  
ANNEX**

**WHEREAS**, the Town of Purcellville recognizes the threat that natural hazards pose to people and property within our community; and

**WHEREAS**, undertaking hazard mitigation actions will reduce the potential for harm to people and property from future hazard occurrences; and

**WHEREAS**, an adopted Local Hazard Mitigation Plan ("Plan") is required as a condition of future funding for mitigation projects under multiple FEMA pre- and post-disaster mitigation grant programs; and

**WHEREAS**, the Town of Purcellville resides within the Planning Area, and fully participated in the mitigation planning process to prepare this Local Hazard Mitigation Plan; and

**WHEREAS**, the Virginia Department of Emergency Management and Federal Emergency Management Agency, Region 3, officials have reviewed the Northern Virginia Hazard Mitigation Plan and approved it contingent upon this official adoption of the Town of Purcellville; and

**NOW, THEREFORE, BE IT RESOLVED**, the Purcellville Town Council hereby approves and adopts the 2022 Northern Virginia Hazard Mitigation Plan and the Town of Purcellville Annex as the official plan; and




**A RESOLUTION:**

**ADOPTING THE 2022 NORTHERN VIRGINIA REGIONAL HAZARDOUS MITIGATION PLAN AND TOWN  
OF PURCELLVILLE ANNEX**

**BE IT FURTHER RESOLVED**, the Town of Purcellville will submit this Adoption Resolution to the Virginia Department of Emergency Management and the Federal Emergency Management Agency, Region 3, officials to enable the Plan's final approval.

**PASSED THIS 14<sup>th</sup> DAY OF MARCH, 2023**

  
Stanley J. Milan, Sr., Mayor  
Town of Purcellville

**ATTEST:**

  
Diana Hays, Town Clerk

