

**MINUTES
PURCELLVILLE TOWN COUNCIL MEETING
TUESDAY, NOVEMBER 12, 2019, 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: Tip Stinnette, Vice Mayor
Ted Greenly, Council member
Joel Grewe, Council member
Nedim Ogelman, Council member (arrived 7:11 PM)
Chris Bledsoe, Council member
Ryan Cool, Council member

ABSENT: Kwasi Fraser, Mayor

STAFF: David Mekarski, Town Manager
Sally Hankins, Town Attorney
Sharon Rauch, Director of Human Resources
Shannon Bohince, Director of IT
Amie Ware, Department Manager – Parks and Recreation
Cynthia McAlister, Chief of Police
Dave Dailey, Deputy Chief
Patrick Sullivan, Director of Community Development
Buster Nicholson, Director of Public Works
Jason Didawick, Assistant Director of Public Works
Dale Lehnig, Capital Projects and Engineering Manager
Diana Hays, Town Clerk
Kimberly Bandy, Deputy Clerk

CALL TO ORDER OF MEETING:

Vice Mayor Stinnette called the regular meeting to order at 7:00 PM. The Pledge of Allegiance followed. He announced this meeting will be livestreamed.

AGENDA AMENDMENTS/APPROVAL:

Vice Mayor Stinnette added 8b under Presentations for item on Update of Alleged Data Breach given by David Mekarski.

CONSENT AGENDA:

- a. Deeds of Easement for Capital Projects - BBH Holdings, LLC; Shirley Pearson; Frances S. Nichols Trust; Kenneth E. Nichols; Capital Wealth Investments, for Nursery Avenue project
- b. Approval of Meeting Minutes - September 10, 2019
- c. Deeds of Well Lot Dedication for Capital Projects

Council member Grewe moved that the Purcellville Town Council approve the Consent Agenda, items 5a-c., as presented in the November 12, 2019 Town Council meeting packet. Council member Bledsoe seconded the motion.

Motion:	Council member Grewe
Second:	Council member Bledsoe
Carried:	5-0-2

Grewe:	Aye
Stinnette:	Aye
Greenly:	Aye
Cool:	Aye
Bledsoe:	Aye
Ogelman:	Absent
Mayor:	Absent

Council member Ogelman arrived at the meeting after this vote was completed.

RECOGNITIONS/PROCLAMATIONS:

Vice Mayor Stinnette read the Proclamation for Small Business Saturday, November 30th, 2019 into the record.

PUBLIC HEARING(S):

a. Boundary Line Agreement with Loudoun County

Vice Mayor Stinnette opened the public hearing at 7:08 PM and stated the reason for the hearing. There were no citizens signed up to speak.

David Mekarski, Town Manager, gave the staff presentation and covered the following points: Loudoun County seeks to make adjustments to the corporate boundaries of the Town and County in the area near Woodgrove High School and Fields Farm. The County plans to build a roadway in this area that would provide a second point of ingress and egress for both Woodgrove High School and the Mayfair subdivision, create a connection between Hillsboro Road and

Purcellville Road, allowing traffic on Purcellville Road to better access the future interchange at Route 7 and Route 690, and provide direct access to a planned sports complex and commuter parking lot, both of which are planned to be constructed by Loudoun County on land located between Woodgrove High School and Route 7. To the extent the road provides a second access point for Woodgrove High School and the Mayfair subdivision, it enhances public safety.

Sally Hankins, Town Attorney, commented that Mr. Mekarski did a good job going over the proposal and continued that this has been a planned road for several years and is located on land that is now owned, and that will continue to be owned, by Loudoun County. However, a portion of the planned road is located in the jurisdiction of Loudoun County and a portion of the planned road is located in the jurisdiction of the Town. Ms. Hankins introduced Greg Barnes, Loudoun County Representative, who was in attendance to present a power point on the plan with maps and to answer any questions. *(This presentation is on file with the Clerk's office)*

David Mekarski shared that any future specific plans for the commuter lot and sports recreation plan would be submitted to the Town for approval. Sally Hankins further commented on the draft boundary line adjustment and the motion document that requests to go forward with making decisions on what was submitted with the agenda packet.

Vice Mayor Stinnette opened the floor to Council comments.

Council member Bledsoe began with questions pertaining to the anticipated final completion date of phase 5 and is the timing of the 690 Interchange being considered. Greg Barnes replied that the phase 5 would be completed in 2022 and there is awareness of the interchange project plan.

Council member Ogelman clarified the purpose of the town to annex with this property has to do with a second egress and ingress from Woodgrove and Mayfair.

Vice Mayor Stinnette further clarified the purpose of public hearing, stated there will be no vote this evening, and closed the public hearing at 7:22 PM.

PRESENTATIONS:

a. Purcellville Innovation Hub - Makersmiths Facility and Program Update

Mr. Tom Hill, Co-Founder and Manager of the Purcellville location, presents a power point presentation of updates with their program. *(The presentation is on file with the Clerks's office.)* Mr. Hill goes over a short history of Makersmiths in the Purcellville area along with a timeline, showed photos of the building space, and their future plans. Several council members commented on their gratitude to Makersmith and made the point that the program adds great value to the community.

b. Town Manager's Update Regarding the Alleged Data Breach

Vice Mayor Stinnette stated wanting to cover the following talking points on this topic; 1) a personal apology how this issue was communicated to the community, 2) taking this subject very seriously, and 3) commitment to answering all questions regarding the subject matter.

Vice Mayor Stinnette commented that this data breach consisted of a thumb drive with 9.1 gigs of data that was lost in October 2017 timeframe, identified this April 2018 timeframe, insurance made aware in May 2018 and a contact was made with a security consultant in June 2018 that completed a data analysis and then sent letters to the affected 1800 individuals. There is a process in place to obtain the specifics of that analysis and through an emergency meeting held over the weekend collectively Council asked the town manager for a releasable report on the process of the investigation and its' findings. Staff was asked to post the questions that were asked at the emergency meeting and find answers.

David Mekarski, Town Manager, began with a personal and professional apology on how the information on the Town effort to prevent any potential damage from the potential data breach was released to the public. The management team spent considerable amount of time with the contractor, McDonald Hopkins, and have preliminary findings. He also noted to clear any confusion of statements he made to Council and the change to the press release that was sent on Sunday. To date the town nor contractor are aware of any information being used from this thumb drive for identity fraud or any misuse at this time and it will continue to be monitored for future infringement by a stated call-in number printed on the letters that were disbursed by the consultant. Only 44 callers out of the 1800 names have called in. As time moves on that statement of possible "misuse" may change when findings are reported. Mr. Mekarski continued to share additional findings on this matter of only 25 of the 1800 identified persons are from the zip code of Purcellville and 1740 hits were attributable to a single entity. Before the name of the entity is shared further due diligence is being conducted. The contractor will be able to give us the counts on data by category on what was released such as social security number, credit card numbers, driver's license, and or bank records with other personal types of data.

Vice Mayor Stinnette opened the floor to Council for any discussion.

Council member Ogelman commented that the Town's response to potential damage from the data breach was out of an abundance of caution to make sure that the Town and its partners are protecting any individuals who could possibly be harmed by such a data breach to the fullest extent possible.

Council member Cool suggested to release as few as possible press releases to avoid confusion and also allow Council to preview the release beforehand.

Council member Bledsoe reiterated that the confusion is of our own making which could have been avoided if events were handled in a more proactive manner.

Council member Greenly commented that he would like to see any releasable reports and confirmed that the 25 individuals letters were sent to a Purcellville address, but possibly have moved and he confirmed wanting to see a future press release on this topic.

Council member Grewe stated that his thoughts have been shared through other Council comments and thanks Shannon Bohince for his efforts to assist in fixing this situation. He continued to be pleased with Mr. Mekarski's update and he is concerned with the situation and would like the thumb drive pursued to be returned.

Vice Mayor Stinnette gave directive to the Town Manager to do the following: 1) update the press release, 2) obtain a releasable summary report, and 3) capture questions/answers on the public website.

Sally Hankins, Town Attorney, advised that through this process, anything coming from the Town should come from the cyber security consultants hired by the Town to handle and cover this topic.

STANDING COMMITTEE, COMMISSION AND BOARD REPORTS:

a. Planning Commission

Chairman Stinnette stated that the Planning Commission would be holding a public hearing on November 21st for Comprehensive Plan version 6.0 and vote on the disposition of that plan December 5, 2019.

b. Purcellville Arts Council

Council member Bledsoe stated that the art exhibit by Alex Carr is at Town Hall through the end of December and there is an artist reception tomorrow night. Arts Council had a table at Hail to the Trail with activities and was very crowded. On October 27 at the Chapman DeMary Trail Luke Greer talked about taking pictures of nature and this was co-hosted with the Parks and Recreation Advisory Board with Patrick Henry College participating. The Second Purcellville Artisan Tour was bigger and better this year participating in a two day tour with surveys distributed. The Annual Cabin Fever Film Festival will take place at the end of January with a press release for calling of artist and filmmaker submittals in December. A ride and hook display has been purchased for artwork displayed at multiple events simultaneously such as Train station, Town Hall, and events like Wine and Food Festival and Music and Arts Festival.

c. Board of Architectural Review

Council member Grewe stated at the last meeting there was an approval of modifications of the Southern States property. Upcoming meeting on November 19th with two items to cover, an adjustment of the old ABC Store and change in the roof line of the Jack's Run Brewery building.

d. Parks and Recreation Advisory Board

Council member Cool stated that the next Nature Walk is scheduled for November 24 and the Holiday Lights Tour is December 14th-15th.

e. Economic Development Advisory Committee

Council member Ogelman stated that Sarah Stratton had provided the following four points:

- 1) Interviewed and in the process of appointing two non-voting junior members from Loudoun Valley High School. This is with great excitement to get the young people involved in the community and economy of the town.
- 2) Assigned two members of the committee to evaluate opportunities to sell the reclaimed water. The Town had received permission from the state DEQ to use up to 100,000 gallons that has been processed by the plant.
- 3) In collaboration with Parks and Recreation Advisory Board, EDAC is planning on judging the Christmas Parade Floats and to seeking awards money for that competition.
- 4) Working on The Second Saturday Event to start in 2020 and also quarterly Meet and Greets with businesses.

f. Tree and Environment Sustainability Committee

Council member Greenly stated that the Hail to the Trail Event was held on October 20th with much success. The Scouts were helpful in building a bridge over a small stream of water that had developed and also four trees were planted and during the event a representative from the Virginia Department of Forestry presented the Town of Purcellville with our 12th Annual Tree City USA Designation and 9th Annual Tree USA Growth Award. Right now the TESC is co-hosting sponsoring with Purcellville Arts Council on a Wonder of Tree Poster contest. We are looking into becoming a Bee City USA City and looking for pollinators for the trees. We are sharing energy tips of saving water and gas on the webpage and Town Facebook page along with a recycling campaign. The next meeting is on November 19 and encourage folks to join.

g. Train Station Advisory Board

None.

CITIZEN/BUSINESS COMMENTS:

Andrew Sanderson, nonresident of Purcellville, who was listed in the data breach stated that he had some questions. He stated that most of the questions cannot be answered from the discussion heard this evening nor be answered by the consultants involved, and it will probably take some time to develop these answers, but he did still propose two questions: 1) Would any documents produced by the consultants be owned by the town? and 2) Is there a criminal investigation underway on the missing stick?

Vice Mayor Stinnette confirmed the town would own the consultant reports and he stated that he did not know of a criminal investigation as of yet.

David Mekarski commented that there has been attempts to reach the interest of the Federal and State governments pertaining to this. Mr. Sanderson refers to a Virginia Code of Identity Theft Penalty that should fall under this violation and should be pursued.

Council member Greenly questioned Mr. Sanderson what his thoughts were when he received the letter from the Town of Purcellville. Mr. Sanderson was caught off guard because he does not reside in Purcellville and he thought it was odd that there was no signature on the letter.

Council member Greenly confirmed with Mr. Sanderson that the data breach letter be resent with a more authentic presentation.

Sally Hankins, Town Attorney, stated that she did not want to leave the impression that nothing has been pursued as far as a criminal prosecution and she confirmed that the town is unable to prosecute federal and state laws, but we have gone to those authorities with same line of reasoning and request.

David Mekarski commented that the Federal Bureau of Investigation, State Police and State Attorney's office have been contacted.

Mr. Sanderson has requested that these conversations and meetings with these entities should be documented with details.

MAYOR AND COUNCIL COMMENTS:

Council member Grewe stated for the case of the data breach that Council's priority should be to ensure the safety of the town residents, businesses, visitors, and employees. Being servants of the town, their well-being comes before any liability concerns, but justice should be pursued. He also shared that in his social media feed there was a music video, "Shivver", with Purcellville Bush Tabernacle featured as a back drop.

Council member Greenly thanked Vice Mayor Stinnette for his service and recognizes other veterans along with mentioning a Veteran's Day event he attended. He has received phone calls regarding the rumble strips on A St. which will be updated in the Spring and also regarding the data breach.

Council member Bledsoe commended staff on the recent water main break and identifying potential weak spots in the system.

Council member Cool stated that he has residents calling him that their water is still brown and thanks staff for quickly addressing the situation.

Council member Ogelman thanked Sally Hankins and staff on reacting with the diligence done on the potential data breach to make things right. He also thanked Diana Hays, Town

Clerk/Executive Assistant, for her efforts in live streaming Council meetings which was one of his job card initiatives.

Vice Mayor Stinnette would like staff to respond on a regular basis regarding the data breach. He also shared research he had personally done on the pros and cons with commenting on pending litigation and cited examples.

DISCUSSION/INFORMATIONAL ITEMS:

a. Read Out of Patrick Henry College Management Team's Top 10 Initiatives
(The presentation is on file at the Clerk's office)

David Mekarski does a read out of the Patrick Henry Management Team's Top 10 Initiatives noting that there were two Council members that were present at this meeting and added inspiration and direction to this process. This was an operation to follow up with Council's 2018 Strategic Plan of goals, initiatives, and action items with four primary initiatives being 1) Promoting Community and Economic Well Being, 2) Practice Good Governance, 3) Strengthening Community Partnerships, and 4) Fund the Future. For each of those initiatives there was Tier One and Tier Two action items in which the management team compared with their ongoing projects within departments and formed an alignment with Council initiatives. Mr. Mekarski continued with details on his presentation and his plans to go forward with operational priorities, and keeping in mind that during this process identifying what was a project and what was a task. The top 10 initiatives identified were Utility Rate Study, Development of Short/Long Term Plan for Police Facilities, Hamilton/Purcellville Water/Sewer Interconnect, Reservoir Intake Risk Management Program, Comprehensive Economic Development Plan, Asset ID Management System, New Compensation and Classification System, Comprehensive Parks and Recreation Plan, Transportation Master Plan, and Comprehensive Town-wide Plan. Mr. Mekarski commented that without unity of thought amongst staff and Council these initiatives cannot be accomplished.

Vice Mayor Stinnette referenced the television show The Highlander and with it making a statement of "There can only be one." He began comments on chart 15 wanting to see a different approach and to first keep in mind the Town Strategic Plan as a Council, and then the team project that supports that plan. Tier One activities should be focused on.

Council member Grewe echoed Vice Mayor Stinnette comments and questioned the prioritization of the staff's top 10 project list. David Mekarski confirmed that they are not in any prioritized order.

Council member Greenly commented that he attended the Patrick Henry session and was impressed that the entire staff was in agreement of the list.

Council member Ogelman agreed with Vice Mayor Stinnette on the comment that “There can only be one.”, authoritative source of strategic direction for the town, not only from a presentation standpoint, but also from a culture and accountability standpoint meaning that Council, as elected officials, designed those strategic initiatives from what the citizens they represent wanted done. Staff prioritization and understanding of what needs to be done must be aligned to what the citizens want through that set of strategies the Town Council agreed on.

Council member Bledsoe appreciated the work that was done by David Mekarski and shows a lot of good work as well as appreciating Council comments so far. He questioned when are these initiatives deliverable, keeping in mind the capacity of staff. David Mekarski commented that some can be delivered this fiscal year and some into the next fiscal year.

Council member Cool agreed with Vice Mayor Stinnette and also wanted more detail on what is funded and unfunded to better prioritize these initiatives for a realistic expectation of delivery.

Vice Mayor Stinnette summarized that David Mekarski has a “do out” of his presentation from this discussion to do some rework and provide this at a future council meeting before posting this on the web and Mr. Mekarski agreed.

ACTION ITEMS:

None

CLOSED MEETING

Council member Grewe made a motion that as authorized under Section 2.2-3711(A)(7) of the Code of Virginia, he moved that the Purcellville Town Council convene in a closed meeting to consult with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation in an open meeting would adversely affect the negotiating or litigating posture of the public body, Specifically, such consultation will pertain to the settlement of employment disputes of certain employees. The following individuals are requested to attend the closed meeting:

- 1) All Town Council members
- 2) David Mekarski, Town Manager
- 3) Sally Hankins, Town Attorney
- 4) Attorneys from Wilson Elser

Council member Bledsoe second the motion.

Motion:	Council member Grewe
Second:	Council member Bledsoe
Carried:	6-0-1

Grewe:	Aye
Stinnette:	Aye
Greenly:	Aye
Cool:	Aye
Bledsoe:	Aye
Ogelman:	Aye
Mayor:	Absent

Council member Bledsoe made a motion that the Town Council reconvene in an open meeting and that the minutes reflect no formal action was taken in the closed meeting. The motion was seconded by Council member Greenly.

Motion:	Council member Bledsoe
Second:	Council member Greenly
Carried:	6-0-1

Grewe:	Aye
Stinnette:	Aye
Greenly:	Aye
Cool:	Aye
Bledsoe:	Aye
Ogelman:	Aye
Mayor:	Absent


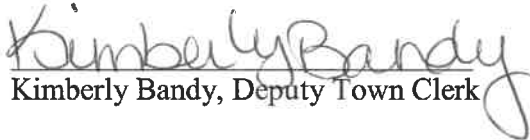
Council member Bledsoe made a motion that the Purcellville Town Council adopt Resolution 19-11-01 certifying the closed meeting of November 12, 2019. Council member Cool seconded the motion.

Motion:	Council member Bledsoe
Second:	Council member Cool
Carried:	6-0-1

Grewe:	Aye
Stinnette:	Aye
Greenly:	Aye
Cool:	Aye
Bledsoe:	Aye
Ogelman:	Aye
Mayor:	Absent

ADJOURNMENT

With no further business, Council member Bledsoe made a motion to adjourn the meeting at 10:21 PM. The motion was seconded by Council member Cool and carried 6-0-1.


Murrell "Tip" Stinnette, Vice Mayor
Kimberly Bandy, Deputy Town Clerk

Mayor
Kwasi A. Fraser



Town Manager
David A. Mekarski

Council
Chris Bledsoe
Ryan J. Cool
Theodore Greenly
Joel D. Grewe
Nedim Ogelman
Tip Stinnette

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TOWN OF PURCELLVILLE
IN
LOUDOUN COUNTY, VIRGINIA

RESOLUTION NO. 19-11-01

PRESENTED:
ADOPTED:

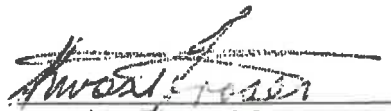
NOVEMBER 12, 2019
NOVEMBER 12, 2019

A RESOLUTION: CERTIFYING THE CLOSED MEETING ON NOVEMBER 12, 2019


WHEREAS, the Town Council of the Town of Purcellville, Virginia, has this day convened a closed meeting in accordance with an affirmative recorded vote of the Purcellville Town Council and in accordance with the Virginia Freedom of Information Act.

NOW, THEREFORE, BE IT RESOLVED that the Purcellville Town Council does hereby certify that to the best of each member's knowledge, i.) only public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act were discussed in the closed meeting to which this certification applies; and ii.) only such public business matters as were identified in the motion by which the said closed meeting was convened were heard, discussed or considered by the Purcellville Town Council.

PASSED THIS 12th DAY OF NOVEMBER, 2019.


Kwasi A. Fraser, Mayor
Town of Purcellville

ATTEST:


Diana Hays, Town Clerk