

Town of Lovettsville

Town Council Minutes of the May 8, 2014 Regular Meeting and Public Hearing

Call to Order/Pledge of Allegiance

Mayor Robert Zoldos II called the Regular Meeting of the Lovettsville Town Council to order at 7:33 p.m. on May 8, 2014 at the Lovettsville Community Center, 57 East Broad Way, Lovettsville, VA.

Council Members Present

- Mayor Robert Zoldos II
- Vice Mayor Michael Senate
- Council Member Kimberly Allar
- Council Member Jack Burden
- Council Member Tiffaney Carder
- Council Member Rodney Gray
- Council Member James McIntyre

Staff Present

- Town Manager Keith Markel
- Town Attorney Elizabeth Whiting
- Zoning Administrator Melissa Hynes
- Town Clerk Harriet West

Mayor Zoldos announced the Council may meet in closed session later this evening to discuss the Town Office location.

Pledge of Allegiance

Mayor Zoldos led those assembled in the Pledge of Allegiance.

Without objection from the Council, the Mayor moved to Action/Discussion Item A on the agenda, 57 East Broad Way Conditional Use Permit Public Hearing.

Action/Discussion Items

A. LVCU 2014-0001 Lovettsville Community Center Conditional Use Permit Public Hearing

Mayor Zoldos recessed the regular meeting at 7:34 p.m. and opened the public hearing for the 57 East Broad Way Conditional Use Permit.

Zoning Administrator Hynes gave a presentation on this item (Attachment 1). The Council is being asked to consider a request by Loudoun County for a Conditional Use Permit to Section 3-3 (c)(xii) of the Lovettsville Zoning Ordinance to allow the operation of a community center as a conditionally permitted use. The parcel is located at 57 East Broad Way. The questions before the Town Council are:

- Is the proposed use as a community center an appropriate use for 57 East Broad Way?
- Is the proposed use consistent with the public health, convenience, safety, and public welfare of the community?
- Does the proposed use meet the intent of the Zoning Ordinance and the Comprehensive Plan?

The Zoning Administrator reviewed the purpose of this request, background on the County's project, triggers for a Conditional Use Permit, history of the building, and the difference in the architectural features over time. She noted that the main building was determined to be "non-contributing" to the Town's historic district because much of the original structure has been lost with new additions and alterations. The only contributing structure is the building which originally housed the woodworking shop for the Lovettsville School. She then discussed the current uses for the Lovettsville Community Center, site facts, adjacent properties, and the County's site plan for the proposed new building. She noted that

the only complaints the Town has received about the community center have been about the lighting creating a nuisance. She then discussed the 18 conditions tied to the Conditional Use Permit recommended by Town staff and reviewed with County staff on May 7, 2014.

She noted that the Planning Commission conducted a public hearing on April 23, 2014 regarding the Community Center Conditional Use Permit. The purpose of the hearing was to allow the public to comment if a community center is an appropriate use of 57 East Broad Way. Twenty seven people spoke at the public hearing. Comments ranged from strong support for keeping the existing building to strong support for construction of a new building; however, there were no comments against the operation of a community center at 57 East Broad Way. The Commissioners reviewed the list of draft conditions, made several minor revisions, and created a separate list of recommendations. The Planning Commission voted 6 to 1 to recommend approval of the Conditional Use Permit to the Town Council with the revisions to the Conditions and the separate list of recommendations. The recommendations, which are suggestions for the Town Council or County to consider, include providing additional funding for more senior programming and a fitness center, renovating or rebuilding the pool house, creating a walking path around the property, providing an alternative path along the western portion of the site, and working with the historic society or alumni association to preserve and highlight the historic significance of the Lovettsville School wooden frame classroom building.

Mayor Zoldos called for questions from the Town Council on the presentation. There were none. Mayor Zoldos asked the applicant if they wished to speak. They did not.

Vice Mayor Senate read the Rules and Procedures for public comment. Mayor Zoldos called upon each person who had signed up to speak (Attachment 2).

Janice Pittleman, 39580 Lovettsville Road, said she lives directly behind the community center in the log cabin. She is not for or against, but she is here as a neighbor. She loves the community center. She taught for 32 years in the County. She has a few concerns and questions about the construction and the noise, truck traffic, and dust that it will create. She and the other neighbors really do not know how long the construction will take. On a positive note, she is glad that something will be changed at the corner (of Lovettsville Road and Milltown Road) because it is incredibly dangerous. Because her house was built in the 1800s and has chinking, she is concerned about loud booms that may crack some of the chinking. She said the lighting has been addressed but it is a concern because it comes on at crazy times for no specific reason and shines directly into her home. She did not hear anything about the trash. She picks up a lot of trash from behind the pool. She hopes trash receptacles will be placed around and emptied. She mentioned the letter from Katherine Paterson, who taught at the community center and is an author of children's books. She said it will be a tad bit sad because Ms. Paterson, who wrote *Bridge to Terabithia*, actually taught here in this community. This is a small piece of history that they will lose.

When asked by Mayor Zoldos if she approves of community center on this site, Ms. Pittleman said yes she does. She said it is sad they have not done anything with the park – that's where the community center needs to be.

Edward Spannaus, 32 E. Broad Way, spoke on behalf of the Lovettsville Historical Society. The Lovettsville Historical Society was asked to back the Lovettsville Alumni Association to support their fight to prevent the demolition of the classroom portions of the building. To correct what the Zoning Administrator said, the Lovettsville Historical Society has not asked for bricks and the maintenance building is not a primary concern either. Their concern has to do with the classrooms in this building which mean so much to the people who went to school here, not the bricks from the exterior. There has been a lot of discussion about what is contributing and what's not contributing to the historic district. When the historic district survey was done, following federal guidelines, the only thing that was looked at was the exterior of the building. They did not look at the interior of the buildings, which would have cost a lot more. It's a red herring to say that the classrooms aren't contributing because that was never considered. The classrooms are the heart of this building and are what have meaning to the people who went to school here, not the exterior bricks. One Council Member said to him today that they were not going to hear anything new tonight, they had heard it all before. He said he hopes that's not the attitude the Council Members have going into this tonight. He said some of the things he will have to say are new

and should be taken into account and should have been taken into account all along, particularly as it involves the Comprehensive Plans for Loudoun County and the Town of Lovettsville. He served with Council Member Gray on the CPAC (Comprehensive Plan Advisory Committee). Others in this room were on that committee and they labored long and hard on the plan and it wasn't something that was intended to be put on the shelf and gather dust. The first chapter of the plan deals with historic preservation. Comprehensive Plans are mandated by the Commonwealth of Virginia and they are to serve as guidelines for development projects. Lawyers can argue as to how binding they are, but there is no question that local officials, town officials, and county officials are obligated to take this into account. On the County level, that was not done whatsoever; on the Town level, not very much, if at all, either. The goal of the Town Comprehensive Plan is stated to preserve as much of the Town's historic character and as many of the significant historic structures and resources as possible. The policies of the Town's Comprehensive Plan include promoting preservation or adaptive reuse of existing buildings. The County plan is more comprehensive because it deals with the entire County. Incorporated into it is the County's Historic Preservation Plan. Likewise, that plan calls for preservation of existing historic structures in their historic setting or, if that is not possible, adaptive reuse; but not demolition of historic structures. The important thing about this is that on the County's side, as far as he can tell from the public record, nowhere does it show that the County gave one moment of thought to the historic nature of the building. The County's Planning Department, which does know about the historic district and was involved with the Town's CPAC, was never consulted about this and didn't find out about it until they read about it in the newspaper. The first time they were involved was at the April 9, 2014 Town Council meeting. That shows there is something fatally flawed in this process. Mr. Spannaus said he believed that had the Planning Department been involved and had the comprehensive plans been taken into account, this whole process would have unfolded in a very different way. They would have had consultation from the beginning, real community input at the first meeting, and genuine outreach. The Council is here to represent the interests of the entire community. The Lovettsville Historical Society wants a plan that serves the entire community, gives adequate daycare services and adequate services for everybody, and preserves the classrooms. He is sure the architects and engineers could come up with that if they were asked to.

Mayor Zoldos called for questions from the Council. Councilman McIntyre said the Comprehensive Plan does mention a number of historic buildings in Town but it does not mention the community center as being one of them. Mr. Spannaus said the Comprehensive Plan does mention the historic nature of the classroom section of the building.

Councilman Gray said that Councilman Burden was also part of the CPAC. Councilman Gray said they never looked at the interior of any of the other buildings in Town. The apartment building that had been recovered was not able to be labeled historic because of all the work that had been done on the outside. Mr. Spannaus said that's true but the community center is a landmark for the community because of the classrooms. The interior is the heart of the building and that goes to the heart of the community and the alumni, because that's where they went to school and that's what should be taken into account.

Mayor Zoldos thanked Mr. Spannaus for speaking and asked him if he approved of this site for a community center. Mr. Spannaus said yes, either this site or across the street in the park would even be better. They could preserve this building and build the new one across the street. It would be much safer. There has been talk about continuity of services. If they build on the site this will be a construction zone with heavy equipment, trucks, materials, a staging area, and debris. There is only one entrance so children will be coming to daycare through the same entrance used for construction and going through a hard hat zone. Most construction zones are fenced off or have a covered walkway. Is this really where you want your children coming for a year or two – going to daycare in a construction zone? He does not think this was ever considered but is something that ought to be taken up.

Natalie Metzler, 13223 Greenstaff Lane, said she spoke at the last meeting and has written in that she supports building a new community center and that she prefers Option 2. She said the community center is used for a lot more than daycare.

Councilman McIntyre asked Ms. Metzler to elaborate on how she uses the community center. She said they use it for the pre-school, pool, playground, and the family events. She said they would use it more if there were more parking.

Mayor Zoldos asked Ms. Metzler if she approved of a community center on this site. Ms. Metzler said that she did.

Shannon Krise, 51 E. Broad Way, said she lives three houses down and is a close neighbor of the community center. They have loved having it here the whole 16 years that they have lived here. They use the community center frequently and she supports the construction of the new center largely for the continuity of services. She will bring her daughter here for pre-school and it obviously would be much more difficult if this building were the construction site. She supports the Conditional Use Permit to continue to use this property as a community Center. There were no questions from the Council.

A member of the audience asked if it was possible to ask questions if some of the comments were going to be so short. Mayor Zoldos said that the purpose of the public hearing is for the Council to hear what the public thinks.

Mayor Zoldos said the next person signed up to speak is Margaret Morton. The Mayor asked Ms. Morton if she just meant to sign in. Ms. Morton said that was a mistake, she did not intend to speak.

Elaine Walker, 40 S. Berlin Pike, said the Council has a copy of her remarks (Attachment 3) but that she would vary from her remarks tonight. She resides at 40 S. Berlin Pike with her husband Cliff. They have lived there for 55 years and yes, she was born in this Town 76 years ago today on S. Church Street. She urged the Mayor and Town Council to read Mr. Spannaus' document. She was privileged to get a copy and it seems to tell all of the facts and timeline and so forth. Mr. Spannaus is to be commended for the research he has done. She is very proud of the public facilities in Lovettsville. They have a wonderful elementary school, a library, and this community center. This community center should be for people of all ages from daycare, childcare, children activities, youth, adult activities, and senior citizen activities. She would like to make sure that the new facility will be for all ages, equally. She is kind of disappointed with the review process. She does not think the County department in charge of getting this building designed and presenting the plans to the Town shared with other departments in the County as Mr. Spannaus has pointed out. The Department of Historic Resources came out to one of the meetings and they had just learned about this the week before. She said that Rodi, the gentleman who worked with the Town on the Comprehensive Plan for well over a year and who is in the audience tonight, was not consulted either. When the Town acquired the park land they spent countless hours and days here on Saturdays getting input from the people as to what they wanted to see in the park. She said the same process should have come about with the design of this building. She wished that had happened. She does not know if it is too late for it to happen, but certainly they do need some input from the citizens of the Town as to what they would like to see here. She knows that Supervisor Higgins was successful in getting the \$6 million plus. There will be a lot of change orders and change orders cost a lot of money. She hopes he will be successful in raising or finding another \$5 million to put the addition on right now. In closing, she would like to share something a teacher taught her in elementary school right here in this building. Her name was Ms. Lindsey, from a well-known family in the community. Her motto was always, "Good, better, best, never let them rest, until the good is better, and the better best." So let us have a best community center in Loudoun County right here in Lovettsville.

Mayor Zoldos asked if there were any questions from the Council. Hearing none, he asked Mrs. Walker if she approved of a community center on this site. She said she would like to have the community center in the park as she had asked for it the night that the plan was presented here in the Town. They have a 92-acre park. The front of the building could face Broad Way rather than the back of the building. She is truly concerned about the construction site in such close proximity to the community center and for the safety of everybody.

Dan Parrish said he represents the Parrish family at 53 East Broad Way. He said they fully support the construction of the new community center. If it's true that services would be lost during the interim, if there were to be renovation, he would find that tragically ironic. He knows the building is important, but what goes on inside the building continues the legacy of the town. It is the sweat of the teachers and their effort. That would be a tragic irony if that was shut down to keep the shell up in the meantime.

Mayor Zoldos asked if there were any questions from the Council. Councilman McIntyre asked Mr. Parrish how his family uses the building. Mr. Parrish said they are here all of the time for pre-school and the swimming pool.

Mayor Zoldos asked Mr. Parrish if he supports a community center here on this site. Mr. Parrish said he supports a new community center here on this site.

Dana Carmichael, 13171 Forest Green Lane, said she moved here in June 2005. At the time she had a 15-month old child. When her husband said they were going to move to Lovettsville she said okay. Her sister lived in Jefferson and she took her around. Ms. Carmichael said she did not care that there was no Starbucks, fast food, or grocery store. What she did care about was that there was a library, a local school, and a community center. The fact that it had a pool and a great big playground were total bonuses. Those were the things that mattered to her and her family. Those are the things that make the community. It would be sad to lose the service of the building if it was renovated. Her daughter has gone here. They have embraced the community and they love it. She also uses the facility for yoga. There are a couple of things that she disagrees with. One, she is not sure this building should be equally used for all groups of people because not everyone has equal needs. She loves coming here for events such as Luau night and Cinco de Mayo. They need a pre-school, there are not a lot of options here. Seniors do come here. We act like we don't do anything for the seniors but they have monthly luncheons, tai chi classes, water aerobics, and other functions. To her that is more of a programming question. She said the staff here are very responsive to their needs and if we said we need more senior programs or teen programs she thinks they would be open to that. She also said let's have some suggestions, let's have some ideas, but that is more of a programming issue and not necessarily to do with the building. She went to a beautiful elementary school in Spotsylvania County, established in 1939. It had great big windows just like the school here did. She loved that school and has wonderful memories of the school. But if Spotsylvania County decides that building did not meet the needs of the community, who is she to say that she has memories there. They should do what is best for the community. She agrees with this being a continued use as a community center and asks that that the County build a new building.

Mayor Zoldos asked if there were any questions from the Council. Hearing none, he asked Ms. Carmichael if she supported a community center on this site. Ms. Carmichael said she fully supports a community center on this site.

Joyce Sparbanie, 1 Oakfield Drive, said she is an active and informed member of this Town. Additionally, she is the mother of five children. She is the Catoclin District representative for the Commission on Aging. For the past several years, she has been coming to this community center at least five days a week. She has small children that attend pre-school, teenagers who volunteer with programming, and her father-in-law has participated in the senior activities. The community center is the heart of this Town. As it stands now, people of all ages are being denied opportunities others can easily participate in because of the lack of access in this building. How many more people would be able to come to this building if it were handicapped accessible? Merely renovating this building, most of the programming would stop, people would lose their jobs, and people in this Town would stop spending the needed time together to keep our Town unified. She realizes there is great history in parts of this building; however, if you have spent any time here, you would see we now have leaky classrooms, hazardous materials, and an inaccessible building. She is all for traditions and history; however, this isn't the school or building it once was. It has been suggested that a memorial of some kind should be created to honor the past. She urged those people to write down their memories so that we can teach our children and new residents our Town's history. We are growing and changing and approving the Conditional Use Permit to build a new community center is a step in the right direction. A new center would not only be a safe and accessible building, it would generate new programming, which would encourage increased participation for everyone – children, teenagers, adults, and seniors of this community.

Mayor Zoldos called for questions from the Council. Hearing none, he asked Mrs. Sparbanie if she approved of a community center on this site. Mrs. Sparbanie indicated she did.

Robert Gentile, 9 Black Forest Lane, said he is on the Planning Commission and he did vote "yes" on the Conditional Use Permit for a community center on this site. The Planning Commission heard a lot of

arguments both "pro" and "against" for a new community center. Most of the "pro" arguments were because it would benefit the Town. Most of the "against" arguments were based on feelings for this building right here. He said what we need is something that benefits the Town as a whole and that is a new building. This building is an old building that has outlived its use. Mr. Gentile said he assesses buildings for a living. If he assessed this building, he would give the assessment that the building is beyond its useful life expectancy and recommend that it be replaced. To be used as a community center is not an efficient use of this building. Having two buildings running at the same time, one at this location and a new facility across the street, is not an efficient use of taxpayer funds. To keep this building in place while you build a new one is the best use of this property and taxpayer funding. There will be some disruption during construction but that is what staging and scheduling are for. You can schedule deliveries and construction so that you can still make use of the building while new construction is going on. If they build it across the street, you will still have the same issues. Mayor Zoldos asked Mr. Gentile to sum up because he exceeded his three minutes. Mr. Gentile said he approves of the conditional use.

Brenda Stanley, 28 Stocks Street, said she fully supports the construction of new building. She spoke at the Planning Commission meeting and most of the same people are here tonight. She is appalled at the lack of ADA (American Disabilities Act) requirements that are met in this current building. Any children, seniors, or people her age who have any kind of disability cannot maneuver around this building without having to go outside in the rain, sleet, or snow to move from the top level to the bottom. To her, that is completely unacceptable.

Mayor Zoldos called for questions from the Council. Councilman McIntyre asked Mrs. Stanley to elaborate on how her family uses the community center. Mrs. Stanley said that, as part of one of her businesses, she brings children to and from pre-school; her children are also on the Dolphins Swim Team so they use the pool; and she comes to meetings like this.

Hearing no other questions, Mayor Zoldos asked Mrs. Stanley if she approves of the community center on this site. Ms. Stanley indicated that she does.

Dean Settle, 40250 Quarter Branch Road, said he has been in the County wrestling with one issue or the other for the past 12 years. He's championed some and opposed a few more. He's an activist for proper procedure and he has had some initiatives turned back for improper execution over those years. The County is absolutely on point in this discussion, they have performed their progression, they have dotted the i's and crossed the t's. He toured the Lincoln school twice and has been through more documentation than he ever wants to see again regarding County staff and the architectural firm and found everything was in order there. It's with this Council that he found the process discrepancies. Six Council Members signed on the list of 18, that's 33% of the people that actually signed. He said he does not think it is the Council Members' place as elected officials to lead the process; rather, they should sit back and watch what the people want. Once the Council Members know where that's going then they champion that cause for the people.

He could not find the process where the Planning Commission selected the school and gave the Town Council a recommendation that they could accept or reject. Both of these incidences could turn into a possible lawsuit. He does not know what the Town Attorney was advising them, but this could set them back months if somebody wants to file a suit. The Town Council is lucky no one has done so yet. He said that going back to process, he likes process and he will never find error with the full process. He listened to Ed Spannaus and he has to kind of side with him. He would like to see the community center in the park.

Mayor Zoldos called for questions from the Council. Councilman McIntyre asked Mr. Settle to elaborate on his family's use of the community center. Mr. Settle said his wife comes here for Jazzercise or whatever she is doing, and he comes here for elections.

Hearing no other questions from the Council, Mayor Zoldos asked Mr. Settle to explain the list he was talking about. Mr. Settle said he was referring to the 18 people who signed in favor of the new Community center (referring to the County's feedback forms) and six were Town Council Members. He said that's 33% of the names on the list and that is wrong. In his opinion that is ethically, and perhaps

legally, borderline. He said the Town Council steered things in the direction of building a new community center rather than renovating the existing facility. Mayor Zoldos clarified for the audience that the meeting Mr. Settle is referring to is when the County came here to ask the opinion of the community. Mr. Settle said the County then took that recommendation and acted on it. Mayor Zoldos said he wanted to make sure that people understood that this was not a Town meeting and that the Council Members are members of the community and of the County and they have every right to speak at a County hearing. Mayor Zoldos asked Mr. Settle if he approved of a community center on this site. Mr. Settle said he does not approve of it on this site, he would prefer to see it across the street.

Sam Kroiz, 11861 Georges Mill Road, said he would be speaking on behalf of the Lovettsville Alumni Association and as a citizen. Mayor Zoldos clarified that Mr. Kroiz would have five minutes to speak on behalf of the Alumni Association and three minutes as a citizen. Mr. Kroiz said he would speak on behalf of the Alumni Association first since Fred George, President of the Lovettsville Alumni Association, had to work. Mr. Kroiz said he signed up today to be an alumni because he did go to pre-school at the community center. In spirit, he is also representing his great, great aunt, who was in the first graduating class of the community center, and a lot of other relatives. He said there are a couple of important things to understand. Because this is a zoning issue, the Mayor and Council have to keep asking if this is a good place for the community center. It is a good place because it already is the community center, but if we are going to build a new building, then it's about the worst place you could possibly put it. It doesn't make sense now with all of the traffic issues being this close to the intersection and having to tear down a historic building makes it a pretty bad place. So for a new community center, this is about the worst place you could possibly do it. Anybody that has already answered that question, maybe you can change your opinion on it based on that. The other question is, how much do you use it now? That's another red herring right there. Mr. Kroiz said he went to pre-school here and he came to pancake suppers that his grandfather use to serve right here and all kinds of other things growing up. At this stage of his life, he uses it mainly for voting. In the future, when he has kids, he will be here a whole lot and he would like it to still be the same historical building that it has been and that his great, great aunt went to. He would be happy if they went across the street, at least they could still come here and see the building. Just because you use it now, doesn't give you the right to decide that we're going to tear down this historic building, or really what we're going to do in terms of the new building or old building. It doesn't give you the right to decide that, just because you use it now. This is a decision for the whole community to make, which leads into his next point. The alumni voted on this back in 2007 to be a renovation. All of the alumni are very excited about this because, ever since the fire when they put this ugly facade on and set up this whole thing with the stairs, this was going to be their chance to fix that whole thing and maybe make this whole place historical. Some people seem to be confused – it is not just the wall but a substantial part of the building. Mr. Kroiz referenced a newspaper article he brought with him that was in the *Times Mirror*. He does not know who the reporter talked to, but the article states the old school is gone. There are not as many alumni to speak here as there were the last time, but there are plenty here to tell you it is not gone. He got a nice letter from multiple Newbery-winning author Katherine Paterson who taught sixth grade in one of the community center classrooms. Ms. Paterson wrote a book called *The Bridge to Terabithia* that won the Newbery Award and was made into a movie. Other than Fred George, she is probably the most famous person who has been to Lovettsville. Ms. Paterson taught right here and there are about a dozen people who were in her class who are still around. He said that some of these people have written to the Town Council.

Mayor Zoldos asked Mr. Kroiz to wrap up his comments as his time was up. Mr. Kroiz said the alumni were so excited to have this renovation but this whole process has turned into a new building. So now that we have a new building, why are we still tied to this site? We are only at this site because it was only supposed to be a renovation in the first place. We have the money to do a new building. This is the worst place to put a new building. Let's put it in the park, or at least let's hear an explanation for why it cannot be in the park from some County people.

Sam Kroiz then spoke for himself. He said that as Dean (Settle) noted, many people are probably familiar with the meeting back in 2012 where 18 people filled out feedback forms. Elaine Walker was at that meeting. Mrs. Walker said she did not fill out a feedback form, but she did recommend that the community center be built in the park. The County said that is not what this project is all about. That might have been the case at that time but, the Town Council with its zoning powers, could deny the

permit until the County explores this other option. The alumni and everyone else that loves this building deserves that. They can't twist the process around and go from restoring and renovating this old building to tearing it down and not even come up with an option that everyone agrees would be better. He doesn't want to interrupt the services. Nobody wants to interrupt the services. We're going to keep the services going. At the last meeting, he submitted something from the churches that was right after the fire. A couple of weeks after the fire, they were going to continue services at the Game Club and elementary school and they started a fund to continue services. They had a better plan to continue services two weeks after the fire than the County had after five years to think about it. Saying that the County is not going to continue services is ridiculous. He is sad that everybody just took that as a fact that this is the only possible way the County can continue services is to tear down this building. The whole Council, excluding one whose wife was there, makes seven of 18. That was a mistake to not call them out on that at that time, especially because they had months of advanced warning and did not bother telling anybody about it. He does read the paper and the paper did not say a single word about demolition. People were saying why are you accusing people of nefarious things? This is his opinion and it is a heck of a lot of other people's opinions. Fred George didn't know about this. Elaine Walker didn't know about this, even though the whole thing was submitted to the County a month before her term as Mayor ended. If Fred and Elaine don't know about something this big in the Town of Lovettsville, somebody is keeping it from them. That is good enough for a heck of a lot of people and its good enough for him, and Geary was in on it too. He doesn't feel bad saying that because he is not here.

Mayor Zoldos thanked Mr. Kroiz for his comments and called for questions from the Council. Hearing none, Mayor Zoldos asked Mr. Kroiz if the Lovettsville Alumni Association supports a community center on this site. Mr. Kroiz said the Alumni Association thinks this is a good place for a senior center and a teen center and not a community center due to its location with the intersection. Mayor Zoldos asked Mr. Kroiz if the Lovettsville Alumni Association does not support a community center on this site. Mr. Kroiz said the Alumni Association didn't authorize him to speak on that. Mr. Kroiz said that the Alumni Association supports a community center in the park and for this building to be repurposed. When asked by Mayor Zoldos to confirm that the Alumni Association does not support a community center on this site, Mr. Kroiz asked if there were any alumni in the audience. Mayor Zoldos said Mr. Kroiz submitted a letter saying he represents the Alumni Association. Mr. Kroiz said in that case he'd better not say yes or no.

Mayor Zoldos then asked Mr. Kroiz if he personally supports a community center on this site. Mr. Kroiz said that he does not. This should not be a Community center. If there are dangers of asbestos and lead and the kids who are disabled cannot move around the building because of the stairs, then they should get out of this building immediately and move into trailers or something like that. If this place is as unsafe as everybody says it is for the kids, then they do not belong here for the next three years.

Jennifer Keller Bergel, 10901 Georges Mill Road, referenced the headline from an article in the November 15, 2012 issue of *Leesburg Today* which read, "Lovettsville Community Center: Renovate or Rebuild?". Ms. Bergel said that as Katherine Paterson mentioned in her letter, Ms. Paterson went to the new school that is now Lovettsville Elementary School and admired what students had access to, including shelves of new books. And like the words Ms. Paterson wrote in Ms. Bergel's book, "Sometimes it's time to move out." To Ms. Bergel, Ms. Paterson's letter acknowledges "move on" more than "hold on." Ms. Bergel said that when she looks at and hears about the memories of others, some of them ignore the fact that Loudoun County High School was build. This building stopped serving as a high school around the graduation of one of her aunts. Her other aunts and uncles went to County and Valley. Until the pre-school prom, which was held at the Community center earlier this year, no prom has been held in this building in more than a half a century. She supports the historical acknowledgement of this building, but understands it is not like the Douglass School in Leesburg, a school that educated students because segregation kept them from accessing public schools. She said the Douglass School was razed and then memorialized in the much-needed new school which now educates some of Loudoun's and Leesburg's children. She said that the unfair conditions at the Lovettsville Community Center need to be acknowledged. They have a staff that loves the community and its children who are working with walkie talkies each day in order to meet modern regulations. Pre-school children cannot walk alone to the restroom anymore. They have a kitchen that lost space to ADA compliance, yet if you are wheelchair bound you only have access to the main space on the lower level of the building. If you enter above you are stuck. These community members deserve better. The current senior room can only be easily

accessed by some and even her high school students find the room is cold and are surprised it is the community's senior room. She is frustrated that the community center that she uses regularly cannot meet the community's needs. She wants the new facility which will allow better access, greater use, and better work conditions for the staff. Notice was given, meetings held, and she was giving input as were others who were part of the process. She volunteered with the Park Committee so that they could get park space. She has run for the park and volunteered to clean it up. Tom Bullock, her neighbor, helped make sure the historical preservation was there. She was not asked her opinion as an alumni, but she supports the new building. What a shame that now the threat of a lawsuit hangs in the community like once before when they tried to get services.

Mayor Zoldos called for questions from the Council. Councilman McIntyre said Ms. Bergel had already addressed how she uses the building. Mayor Zoldos asked Ms. Bergel if she supports the community center on this site. Ms. Bergel said that yes, she absolutely supports a new community center on this site.

Mayor Zoldos said there was no one else signed up to speak but called for additional comments from the public.

Tim Sparbanie, Oakfield Drive, said his wife spoke earlier. He had not intended to talk but wanted to add his two cents. As his wife mentioned, they have five children, two of whom have gone through pre-school at the community center and one more child at home who will also go through the program. They spend a lot of family time here and come to a lot of community events here. The kids love it. They try to attend some of the dinners. His mother is retired now and she spends half of the year with him and his family. When she is here, she attends the luncheons and some of the other senior events. She has difficulty walking so she does not attend all of the events that she could because she has difficulty going up and down stairs. They try to encourage her to get out and be part of the community while she is here, but that is not always possible. He wanted to share his perspective. The new community center will allow for greater access for more people in our Town for more programs that will bring more of our Town together in a spirit that only resonates in small towns like this. Neighbors look out for neighbors and people get involved in their lives and encourage participation and activities, whether it's here or somewhere else. Mr. Sparbanie said he understands and completely respects Ed Spannaus and his position on this. He has great esteem for Mr. Spannaus and the Historical Society. But it is his opinion that the community as a whole would be most benefitted by a new community center on this site. This is the site where it exists currently. This is the focal point as you enter the Town. It is the place to be, it fits right here. With regard to Dean Settle's comments about the six names out of the 18, Mr. Sparbanie said that is called leadership. That is setting an example for your community members. The Mayor and Council were elected to represent people's views and if they weren't leading on that issue, it would be a travesty. Keep that in mind when people are up here saying 33% is influence. On this issue that is leadership and he appreciates the Council Members service.

Mayor Zoldos called for questions from the Council. Hearing none, he asked Mr. Sparbanie if he approves of the community center on this site. Mr. Sparbanie responded absolutely and wholeheartedly.

Mo Thomas, from Taylorstown, said her family uses the community center. All of her kids have gone through here. She supports the new community center and using the old building in the meantime.

She respects that some people are really attached to the old building and see the historic properties. While she empathizes with that point of view, she does not feel that the building, as a whole, is a historical structure, just certain rooms. She does not see how it is feasible to save it, unfortunately. She agrees with the use of plaques and memorabilia to memorialize the old building as a way to move forward but still remember the past. She wanted to point out that several people have been saying that they want to put a new community center in the park. Mr. Kroiz said it is just a matter of zoning and the Council could deal with that. Ms. Thomas said she has been trying to get a middle school or high school in the park, which would benefit the community more than a new community center there and an old community center here. She said this building is not a good building for seniors. She worked as a designer for years and is amazed that this building is how it is without ADA. Having a senior area here just wouldn't work at all. As far as doing something with the park, it's a lot harder than zoning and having the Council do it.

The Board of Supervisors will tell you that the property is owned by the Town and the County and there is a special exception on it. Even though many people support putting the school there, there is a lot of red tape. You're not going to get a community center there and keep an old one here. The County will not even put a school in the park when that is what the community really needs. If you want a community to grow, then you need to provide for families. When you look at towns that were actually planned with a town planner, they had certain things – schools, churches, and places for people to come together. That's what we are really missing in Lovettsville. People will leave without those things.

Mayor Zoldos called for questions from the Council. Hearing none, he asked Ms. Thomas if she supports a community center on this site. Ms. Thomas' response was yes.

Louis Kroiz, Georges Mill, said his kids went to the community center and they attended all kinds of things here. A lot of people like this building. He thought there was money to renovate this building then all of a sudden it went somewhere else. If they have 92 acres across the street, why not build over there because this lot is way too small. The building being proposed is smaller than this building, but has more useful space. Why not move across the road? There is plenty of room for schools, fields, and a new community center that we could expand on.

Mayor Zoldos called for questions from the Council. Councilman McIntyre asked Mr. Kroiz to elaborate on how his family uses the building. Mr. Kroiz said his kids came to pre-school here and they attended other events here. Mr. Kroiz said the Town does need a community center and clearly they need it for the whole community, not just for pre-school. Teenagers and seniors need a place to go. This place does need work. He thought there was money for that and now there is \$6 million for a new building. They could save part of the old building with the renovation and have a bigger place across the way. There is not enough room to expand. Like Sam (Kroiz) said, if you're going to be building and having kids go here, that is a really dangerous situation, and you're much closer to the road.

Mayor Zoldos asked Mr. Kroiz if he approved of a community center at this site. Mr. Kroiz said it's already here but he would rather see it across the road. He added that the Council is giving the County permission to tear the building down. Mayor Zoldos explained to the audience that the Conditional Use Permit is required whether the County refurbishes the building or they build a new one. The Mayor added that what is before the Council tonight is to decide if they want to see a community center on this site. Mr. Kroiz said no. He added that they are pitting the people that work here and saying that they will lose their jobs if we don't build a new community center. If it's that bad then they should move out and do something else.

Mayor Zoldos called for comments from anyone who had not spoken.

Elizabeth Barbee, Heritage Highlands, said the building is used a lot for senior luncheons. She said a few things were brought up tonight that she would like to address. Someone said something about the safety issues of the children if the County were to build around the existing building. She worked at the Lucketts Community Center when it was being renovated. There was no problem whatsoever, it was efficient and safe. She also said she didn't understand some of Mr. Spannaus' comments, to which Mayor Zoldos explained it was not practical for members of the audience to quiz one another. Ms. Barbee added that she wants the community center here.

Stephanie Bickmore, Broad Way, said she wanted to talk about the old Douglass Elementary School. She had the incredible privilege last year of opening up the brand new Frederick Douglass Elementary School. The County took a building and razed it. It was historical and it meant a lot to the students who went there. When they had the dedication, the former students came and thanked them for making a new building because the building just sat and nobody really remembered the historical purpose of the building or cared about it. When they opened the new school, they made the history of that school their center and their focus. That school won an award for an incredible memorial wall. Numerous former students spoke at the dedication. Ms. Bickmore said she attended that November 12 meeting and thank goodness her name hasn't been splashed everywhere because of it. She said people were talking about a memorial and memorial gardens. At that point she had lived in Lovettsville for 11 years and had never heard anybody talk about the history of this building or the history of that garden. If they were to make the new building, it would bring incredible light to what this building really meant to people. If they

repurpose and reuse portions of the building, they could have an incredible memorial instead of having a debacle and a split in the community.

Mayor Zoldos called for questions from the Council. Councilman McIntyre asked Ms. Bickmore how her family uses the building and the grounds. Ms. Bickmore said when her children were younger they went through the pre-school program. She has school-age children now and they come here frequently for recreational activities, dinners, and events.

Mayor Zoldos asked Ms. Bickmore if she approves of a community center on this site. Ms. Bickmore said that she does.

Jennifer Reed, Park Place, said her daughter will be attending pre-school here in the fall and that she has gone to some of the classes and activities at the community center. Ms. Reed said she is a fairly new resident as she, her husband, and daughter moved here a year ago. That said, she has a really deeply seated history here. Her family had the farm across the street from the community center that will become the community park. It was a working dairy farm that provided milk and other goods to the people here in Lovettsville and the surrounding areas. Her grandfather was educated in this building when it was a high school and her father, aunt, and uncle attended when it was an elementary school. Her dad and uncle played on the ball field that was named for the late Jasper Rickard. When she was growing up they would have family reunions in the room where this meeting was being held. She keeps hearing over and over again how the whole building was engulfed by fire in 1976 and that left nothing of historic value other than the shed out back and a sycamore tree. She gets fairly upset every time she hears that because it's just not true. The classrooms that were in the front were destroyed but other rooms remained intact. The Loudoun Historic Planning staff didn't go inside the building because the historic district and historically contributing designation is mostly, if not entirely, based on what you can see from the outside. That is a problem with the way things are officially designated historical. They did however note that historical parts are visible but fault the ugly façade with ruining the architectural integrity of the building. If the façade were changed or removed, the entire building could be considered as historically contributing. Ms. Reed said that what some need to understand is that it doesn't need to be officially designated historical to be historical. She does not understand how anyone can walk into those classrooms and look at the built-in closets, chalk boards, and wood floors and believe that they hold no historic value. She was never fortunate enough to attend classes in rooms that had so much character, hard work, and love put into them. She is requesting that the Town Council seriously consider holding off on passing this Conditional Use Permit for a new community center. The community needs to work together to figure out a plan that will unite them all once again. It may take time but it is worth the time and effort to come up with something far better than what has been offered. Let's do it for our children. Let's do it for protecting a building that means so much, to so many. Lovettsville deserves more than only second or third best. Her family came here as one of the first families to arrive from Germany. They created this Town, along with others, that new and old could come to love and cherish. They obviously did something right. Let's follow in their footsteps, come together, and not make a mistake to destroy something that tells a story where we came from. It may not be much too some, but in time this building and the park across the street will mean a great deal to her child and they will mean a great deal to many descendants from families much like hers. Let's give future generations the option to have something to look on with pride, not something they will just have to live with based on poor planning. Mayor Zoldos called for questions from the Council. Hearing none, Mayor Zoldos asked Ms. Reed if she supports a community center on this site. Ms. Reed responded yes.

Catherine Keller said she attended school at the community center through seventh grade and her children attended the school. She first felt the same way, that the building was historical because she had gone here and she thought it should remain. But, for the people who work here the conditions are not that good. Seniors can't go to the office. She thinks they could have a better building for the community and she approves of building on this site.

Mayor Zoldos called for additional comments from the public. Hearing none, the Mayor said that Ed Spannaus spoke earlier for the Lovettsville Historical Society and would now have the opportunity to speak for three minutes as a member of the public.

Ed Spannaus said the Douglass School was not demolished; the annex is what was demolished. The original Douglass School is the present (Douglass) community center. He watched the new one being built. He is happy that it's there and he's happy that the old one was saved. That's the type of solution we should be looking for here. Secondly, there has been a lot of talk about ADA compliance. If anyone looked at the three options that were presented by the architectural design firm, the two renovation options made the building ADA compliant and addressed all of the issues that have been raised with this building. Renovation was estimated to be \$500,000 cheaper than the new construction. Then all of a sudden the cost of temporary facilities went from \$168,000 to \$500,000 by the time of the public input meeting. There would be funds to build something new and to renovate this building or renovate the building and expand it. He is confident that the architects and engineers, if they were tasked to do the right thing, could come up with a plan that would meet the needs of the entire community. They weren't. If this process had been handled from the beginning in a way to address the future needs and protect historic preservation, they could come up with it. That is the same firm that designed the park with passive uses. All of these things would be solvable had it been handled right in the first place. His recommendation is to send it back to the County and tell them to start over and do it right this time. Lovettsville should not be last on the list. There is a fear that if we put up too much of a fuss on this thing, the County will just walk away. We should stand up for Lovettsville and say we don't have to be last on the list. This goes back to the Civil War at least when Lovettsville was the lowest priority for the County. That's what should change, not that we accept the second best or third best, which is what this plan is.

Mayor Zoldos called for questions from the Council. There were none. For clarification, Mayor Zoldos asked Mr. Spannaus to state if the Lovettsville Historical Society supports a community center on this site. Mr. Spannaus said they support a renovated community center on this site, or save this building and build a new community center building across the street. Mayor Zoldos asked Mr. Spannaus if his personal position was the same. Mr. Spannaus responded yes.

Mayor Zoldos called for any final comments from the public before he closed the public hearing. Hearing none, the Mayor closed the public hearing at 9:21 p.m. Mayor Zoldos said the Council would take action on considering the Conditional Use Permit for 57 East Broad Way, then recess the meeting and move to the Town Office to complete the rest of tonight's business. Mayor Zoldos called for a motion.

A member of the audience (Jennifer Bergel) asked to speak about the Frederick Douglass School as a representative of the Loudoun County School Board. Mayor Zoldos asked Jennifer Bergel to come forward to speak. Ms. Bergel gave a website reference for the information source she used to mention the razing of the Frederick Douglass Elementary School and what the school board and Loudoun County community did regarding a controversial topic.

Mayor Zoldos called for a motion. Sam Kroiz objected to Mayor Zoldos allowing Ms. Bergel to speak without having written permission. Mayor Zoldos said they conducted the public hearing, everyone had the opportunity to speak, and it was time to move on with the action before them. Following further discussion, Mayor Zoldos called for a motion on the Conditional Use Permit.

Motion: I move that the Board move on Ordinance 2014-05-0001: Approving Conditional Use Permit for LVCU 2014-0001, with the attached list of conditions as were read tonight (Attachment 5).

By: Vice Mayor Senate

Second: Council Member McIntyre

Mayor Zoldos called for discussion.

Councilman McIntyre said history has shown this is a good place for a community center. The comments tonight show that the community overwhelmingly thinks this is a good place for a community center. That is what is before the Town Council tonight.

Councilman Gray said he agrees that this is the best place for a community center. It makes him

wonder how people feel who supported the community park to now hear a big push to have people wanting a community center in the park. When he voted for the park, he voted for the park, he didn't vote for a community center in the park. He said he thinks this is the best place for a community center and he supports the CUP.

Councilman Burden read a statement regarding the three options he sees for the community center (Attachment 5).

Vice Mayor Senate said he has been very quiet on this but has taken everything in because this is a full community effort. He has seen people pro and people con. If he can say one thing, this is democracy at work. The Council has to understand what the impact is on the full community and whether or not this building is safe or not; and, whether it should be replaced because it is not ADA compliant. The Town Council has to think about all of those things but they have to look at their friends that work for the County and say you need to work with us and give us an opportunity to maybe make up for what we didn't do the first time. He sees a devoted team who can do a lot of things. His view is that he wants a community center here. The Council has no other option than to go along with the Conditional Use Permit. The Council is not making a decision on whether history is lost or history is gained, they are making a decision whether or not the people that own this property and own this building can do what they need to do with it. They need to have more input, but tonight the Council's only option is to vote for what the question is. There is only one answer for that and he believes the answer is yes.

Mayor Zoldos called for further discussion from the Council. Hearing none, the Mayor explained to the audience that the Town Council conducts public hearings to gain the feel of the community. The reason they try to hold everyone to the time limit is so they can give everyone the opportunity to speak. The Council has never allowed people to speak twice, that he is aware of. Tonight, they allowed two members of the community to speak for their group and for themselves. He wanted to speak to the comment about allowing Jennifer (Bergel) to come back up. The whole idea is to find out what people think and feel and to do the best thing for the community. If the Town's school board member says there are some concerns and she can correct them because she was actually part of that process, then he would like to hear from her. The Mayor said he is sorry if that offended people, but as the Chair, he can make those decisions. Secondly, he noted that the Town advertised the County's (2012) public input meeting on its website and through the Friday email for three weeks prior to the meeting. When the Council Members speak up for the rights of the people of Lovettsville, as citizens, that's something we should applaud. The Mayor said Mr. Settle brings some great things to the community, but we should not hold the Council Members at any lower level than a normal citizen, especially when speaking before the County.

The Mayor called for any further questions, comments, or concerns from the Council. Hearing none, he referenced the Planning Commission's recommendations to the Town Council and offered several substitutes for a version from the Town Council to Loudoun County (Attachment 6). There were no objections to these changes. Mayor Zoldos noted that the Conditional Use Permit is legally binding; whereas, the recommendations are not. Hearing no further comments or questions, Mayor Zoldos called for the vote.

Aye: Council Members Allar, Burden, Carder, Gray, McIntyre, and Senate
Nay: None
Abstain: None
Absent: None

Following the vote, the meeting was recessed at 9:34 p.m. and reconvened at Town Hall.

Call to Order

Mayor Robert Zoldos II called the Regular Meeting of the Lovettsville Town Council to order at 10:06 p.m. on May 8, 2014 at the Lovettsville Town Hall, 6 East Pennsylvania Avenue.

Council Members Present

- Mayor Robert Zoldos II

- Vice Mayor Michael Senate
- Council Member Kimberly Allar
- Council Member Jack Burden
- Council Member Tiffany Carder
- Council Member Rodney Gray
- Council Member James McIntyre

Staff Present

- Town Manager Keith Markel
- Town Attorney Elizabeth Whiting
- Town Clerk Harriet West

Mayor Zoldos suggested suspending community presentations, taking committee reports from MayFest and Oktoberfest only, suspending staff reports unless there was something requiring action, moving into the VDOT Resolution agenda item, and suspending Information Items and Comments from the Mayor and Town Council. He added that the Council will need to go into a brief closed session at the end of the meeting.

Town Commission and Committee Reports

A. MayFest Committee

Councilwoman Carder gave updates on vendors and sponsors and entertainment. She said the dunk tank will be used to raise money for local good causes.

B. Oktoberfest Committee

Councilman McIntyre said the Oktoberfest Committee voted unanimously to contribute \$500 to the Lion's Club for the Rob Jones fund raising event T-shirts. He added that Donegal Express, a semi-local band, will perform at Oktoberfest on Saturday night.

Action/Discussion Items

A. VDOT Resolution for Town Work in the Public Right of Way

Manager Markel presented this item. The Council is being asked to consider approving a Virginia Department of Transportation Resolution to serve in place of individual bonds for Town street improvements. In response to questions from the Council, Manager Markel explained that this only applies to planned Town work. Hearing no further questions, Mayor Zoldos called for the vote.

Motion: I move that the Lovettsville Town Council approve Resolution 2014-05-0001as attached (Attachment 7).

By: Council Member McIntyre

Second: Vice Mayor Senate

Aye: Council Members Allar, Burden, Carder, Gray, McIntyre, and Senate

Nay: None

Abstain: None

Absent: None

Closed Session

The Mayor and Council went into closed session at 10:17 p.m. to discuss the possible acquisition of real property for siting of the Lovettsville Town Office (Attachment 8). The Mayor and Council came out of closed session at 10:35 p.m. All Council Members certified that only public business matters lawfully exempt from the open meeting requirements under the Virginia Freedom of Information Act were discussed.

Comments from the Mayor and Town Council

Mayor Zoldos said there were a couple of proposed changes to the budget. He will provide that information to the Town Council before the meeting next week. He added that he will not be available to set up for the Movie on the Green and asked for assistance from the Council Members.

Councilman Burden said he was proud of the candidates during the recent election. There were no negative comments by any of the candidates and everyone was civil. Mayor Zoldos said during his door-to-door visits there were some questions but no negative comments. He said two people asked about water rates and a few asked about trails, parks, and sidewalks. Others asked about the process for the new community center and when it will be open. He said that overall, the Town is very happy with what they are doing.

Councilman McIntyre said he read all of the comments regarding the community center and plotted them out based on support for the new building versus the old building, and where they live. He summarized the results as follows:

- Live in Town – 31 comments for the new building and 2 comments for keep the old building.
- Live in the 20180 zip code, but outside of Town – 33 for a new building, 4 for keep the old building.
- Live outside of 20180 – zero for a new building, 7 for keep the old building, and five unknown.

Councilman McIntyre said there are a few people who are upset but it is time to move on.

The Mayor and Council discussed options for increasing communication with the public, including providing funding for a Town sign.

Councilwoman Carder said she is happy that she gets to serve the Town for another four years.

Adjournment

There being no further business before the Council, the meeting was adjourned at 10:47 p.m.

Respectfully submitted,



Harriet West, Town Clerk

Date Approved: August 21, 2014

Attachments:

1. Town Council Public Hearing LVCU 2014-0001 PowerPoint Presentation
2. Speaker Sign Up Sheet
3. Written Comments from Elaine Walker
4. Ordinance No. 2014-05-0001: Approving Conditional Use Permit for LVCU 2014-0001
5. Written Statement from Councilman Burden
6. Town Council Recommendations to Loudoun County Regarding the Lovettsville Community Center
7. Resolution 2014-05-0001: VDOT Resolution in Lieu of Bond
8. Closed Session Motion

Town Council Public Hearing

LVCU-2014-0001

Community Center
57 East Broad Way
Conditional Use Permit

LVCU-2014-0001

- Request by Loudoun County for a Conditional Use Permit to allow the operation of a Community Center as a conditionally permitted use.
- *Consider these questions:*
 - Is the proposed use an appropriate use for 57 East Broad Way?
 - Is the proposed use consistent with the public health, convenience, safety, & public welfare of the community?
 - Does the proposed use meet the intent of the Zoning Ordinance & the Comprehensive Plan?

Purpose

- Loudoun County is moving forward with plans to construct a new building for the Lovettsville Community Center
- The existing Community Center is a legal non-conforming use in the R-1 District
- Before Loudoun County can move forward with submitting a site plan, the Community Center use needs to conform with the Zoning Ordinance

Conditional Use Permit

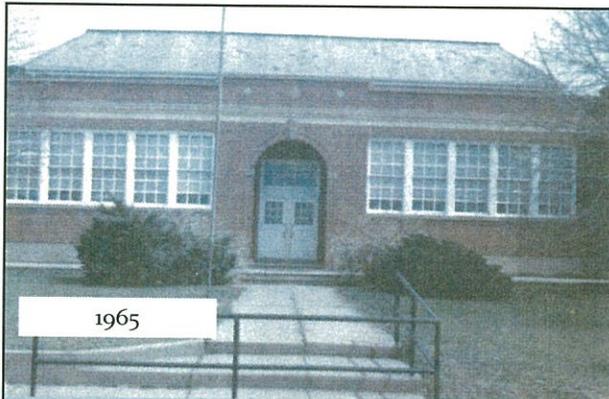
- Is a Community Center an appropriate use for 57 East Broad Way?
 - If the Town Council finds that it is NOT an appropriate use, than the Council should deny the Permit
 - If the Town Council finds that it is an appropriate use, than the Council should approve the Permit

County Project

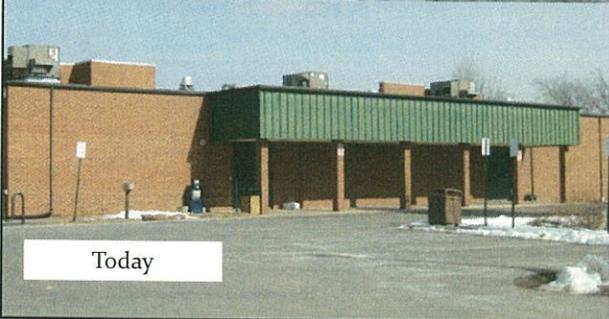
- This is a County Project on County owned land. The decision to rebuild was a decision made by the County
- The Town does not have the authority to conduct architecture review for buildings in the Historic District
- A Conditional Use Permit is needed for the following situations:
 - For any new additions to be built onto the Community Center
 - For a new Community Center to be built
 - If more than 50% of the value of the Community Center was renovated or rebuilt

History of the Building

- Original portion of the building constructed in 1927
- Served as the K thru 12 school from 1927 to 1954. After 1954, served as the elementary school for the community
- Current Lovettsville Elementary School opened in Sept 1973
- Community Center opened in October of 1974
- Community Center caught on fire on November 17, 1976



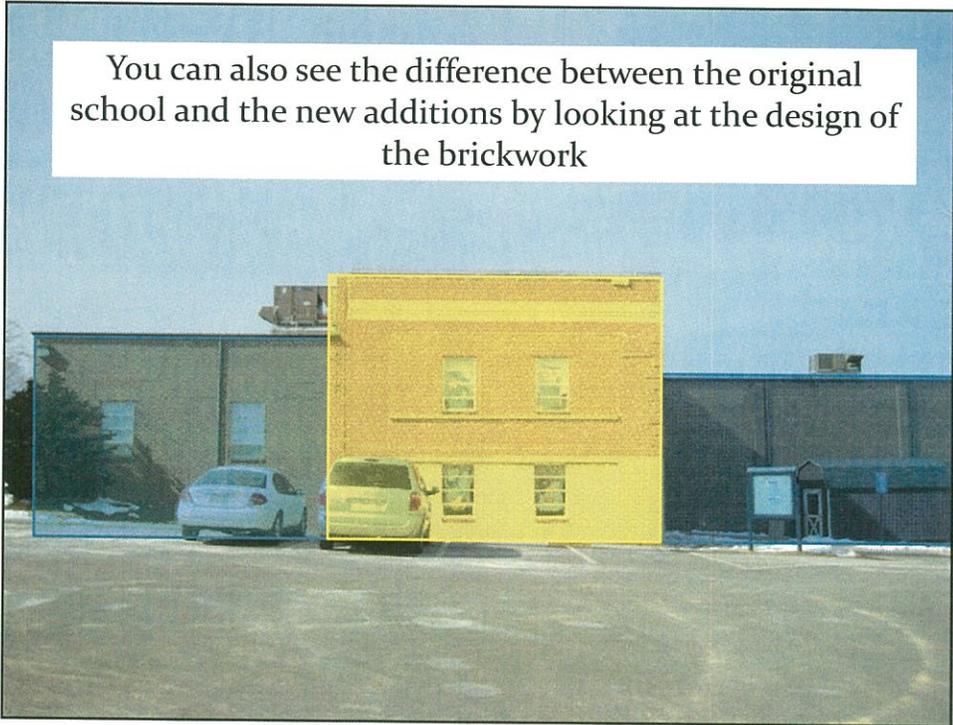
1965



Today

- The front of the current Center has a completely different design from the original 1927 school

You can also see the difference between the original school and the new additions by looking at the design of the brickwork





National Register Historic District



- The main building is a “non-contributing” building because much of the original structure has been lost, with new additions & alterations
- Only contributing structure is the building which originally housed the woodworking shop for the Lovettsville School

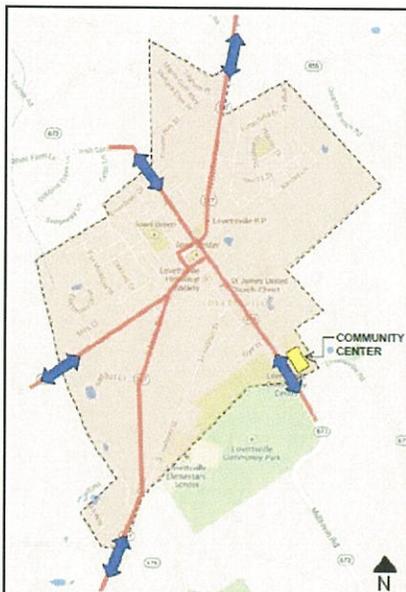
Current Use

Use of Building

- Serves nearly 200 families each day. Provides a variety of classes & special activities for all ages
- The Center has a state-licensed preschool program serving children aged 3 to 5 years
- Building is also used by community groups for meeting space & special events. The Town also uses the space throughout the year for large meetings & special events
- Typical hours of operation are 7:00 am to 9:30 pm Mon to Thurs & Fri 7:00 am to 6:30 pm.

Site Facts

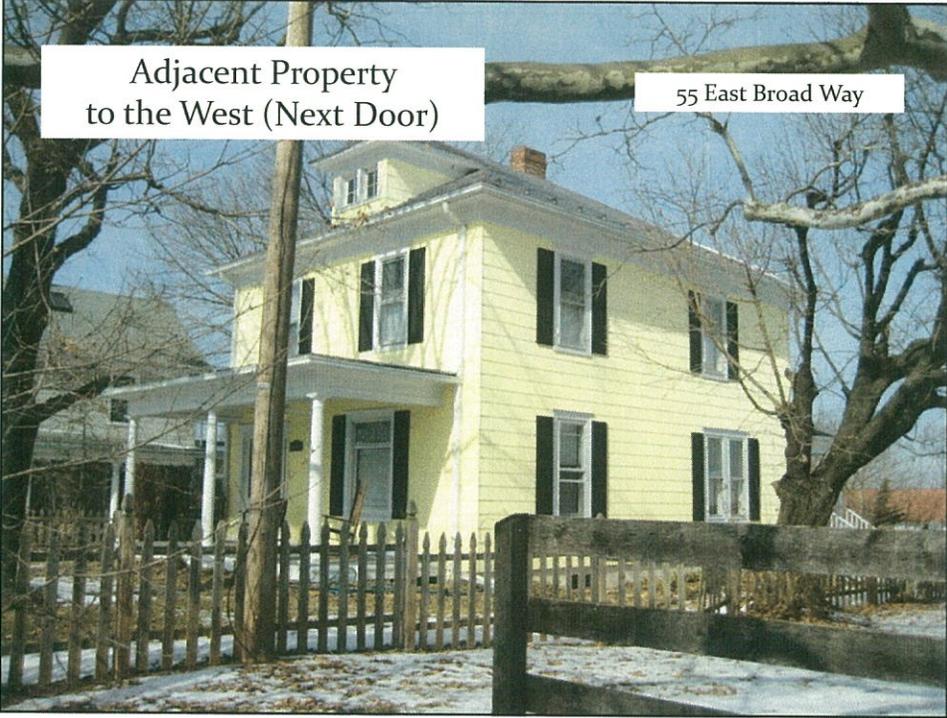
- 57 East Broad Way
- Zoned R-1 Residential
- 6.08 acres
- Building Size:
 - 14,989 sq ft
- Access to the parcel currently comes from a single entrance accessed from East Broad Way.



TOWN OF LOVETTSVILLE
MAJOR ROADS & ENTRY POINTS

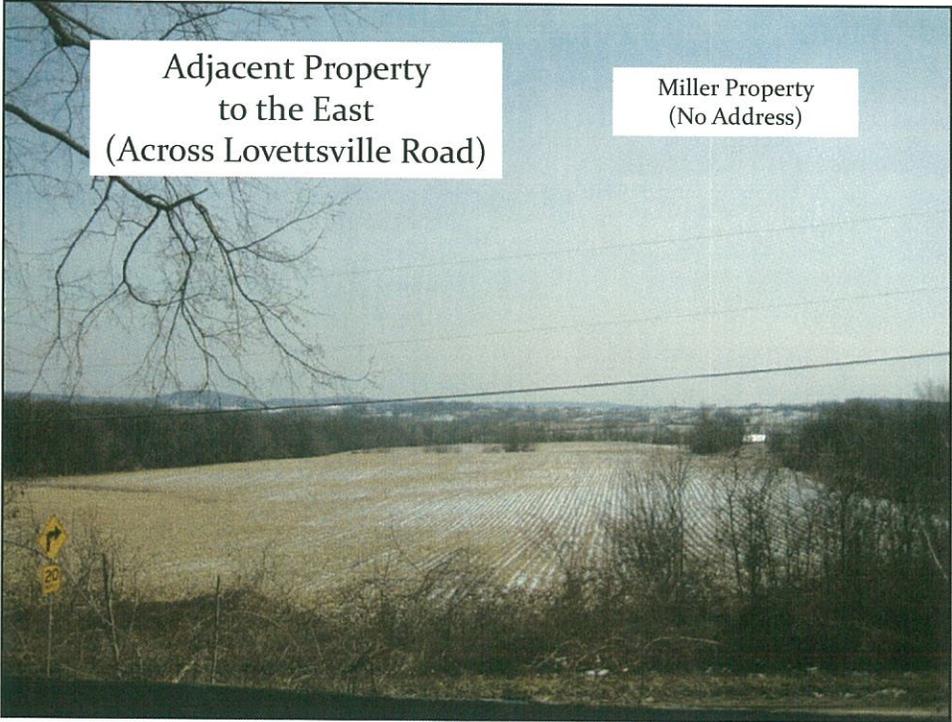


EXISTING COMMUNITY CENTER – AERIAL VIEW



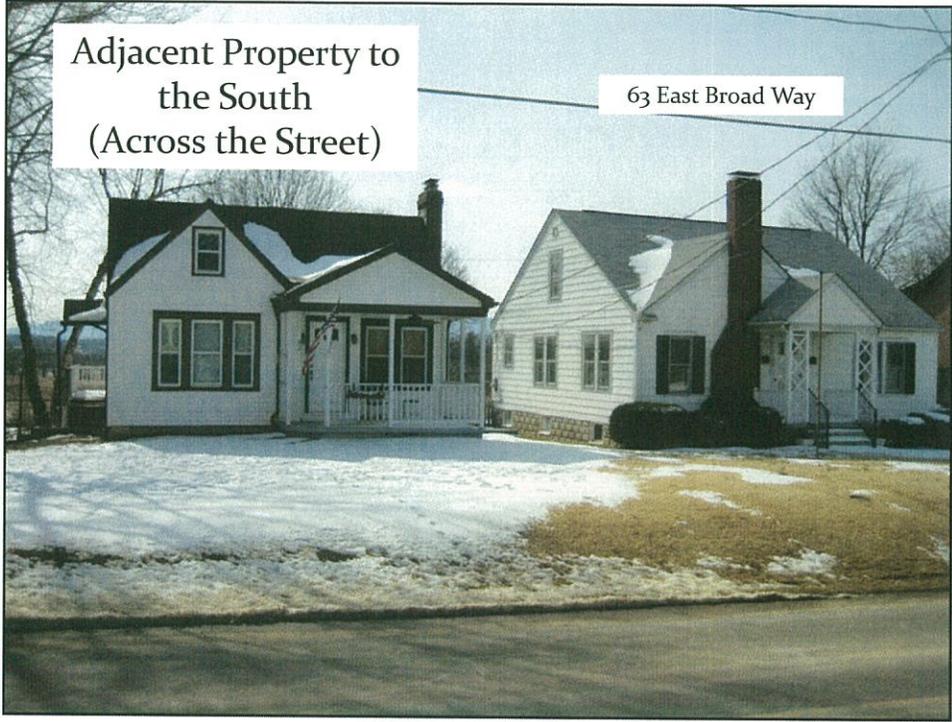
Adjacent Property
to the West (Next Door)

55 East Broad Way



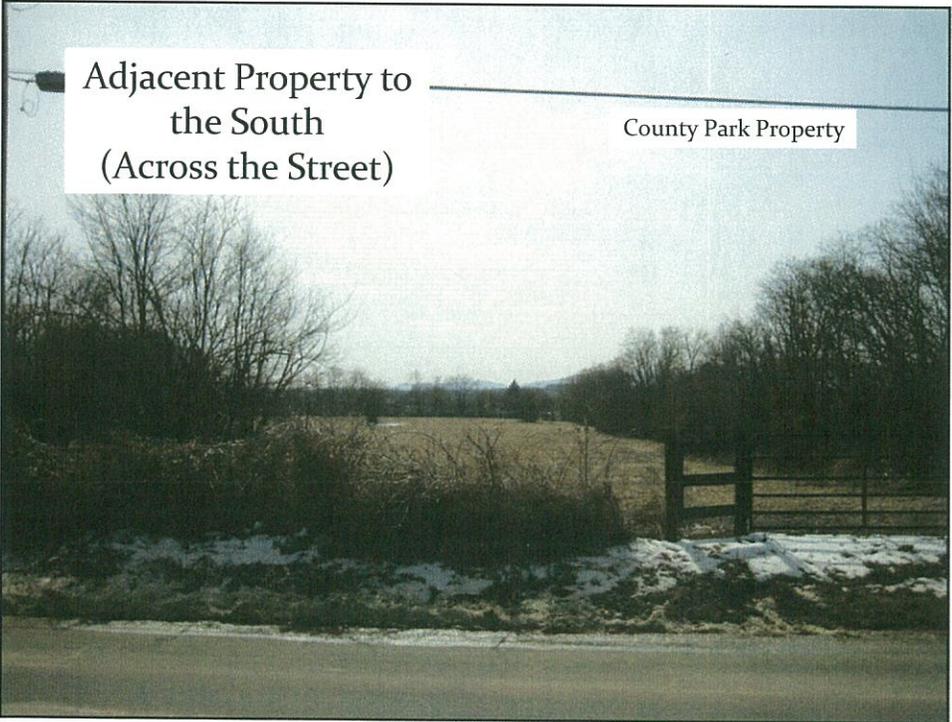
Adjacent Property
to the East
(Across Lovettsville Road)

Miller Property
(No Address)



Adjacent Property to
the South
(Across the Street)

63 East Broad Way

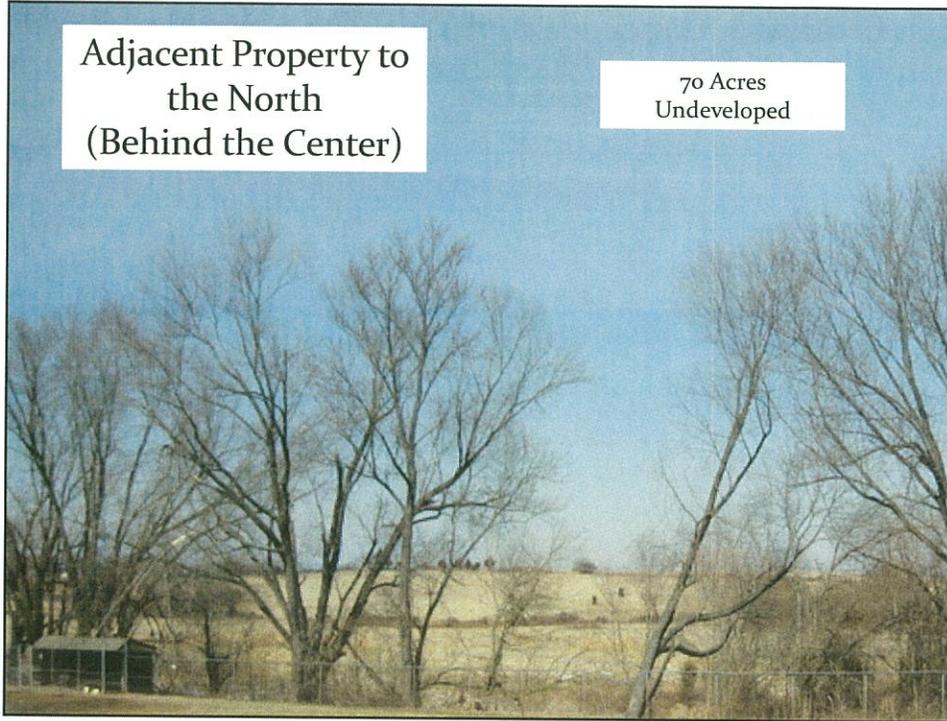


Adjacent Property to
the South
(Across the Street)

County Park Property

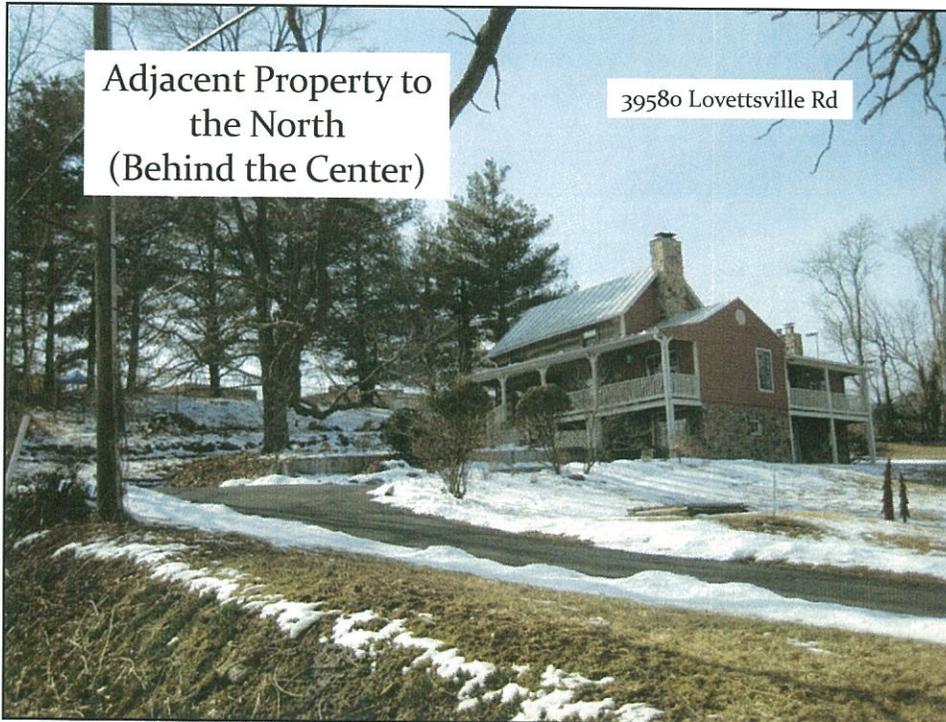
Adjacent Property to
the North
(Behind the Center)

70 Acres
Undeveloped



Adjacent Property to
the North
(Behind the Center)

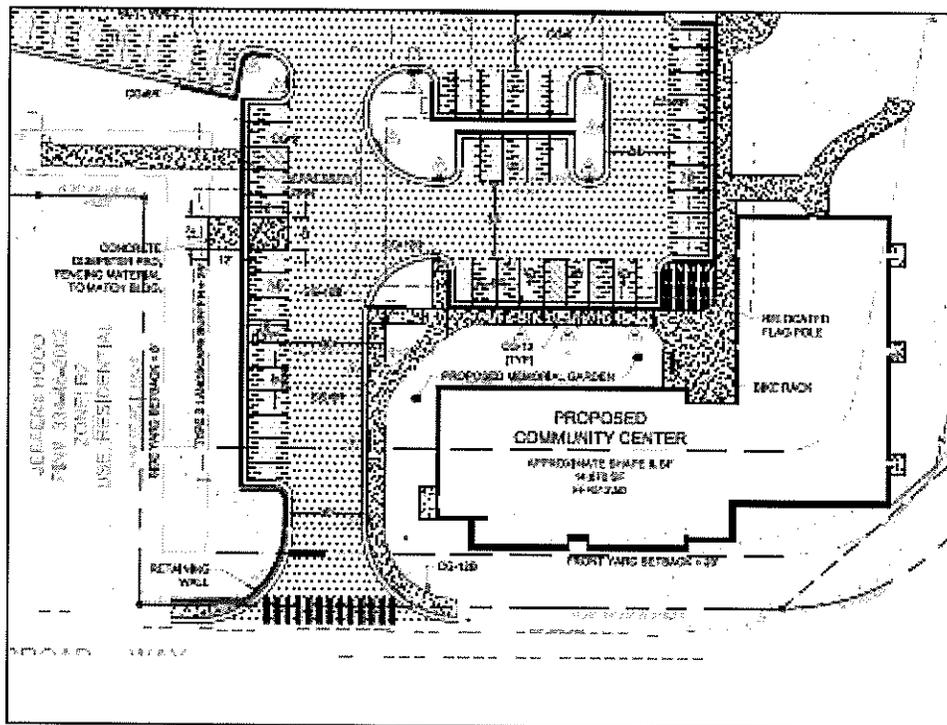
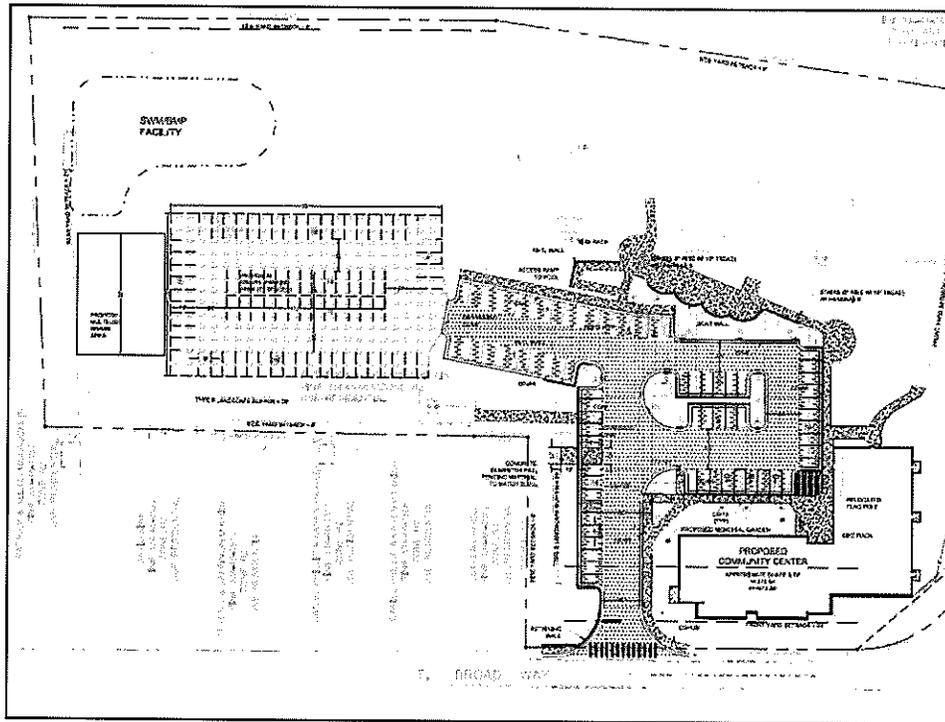
39580 Lovettsville Rd

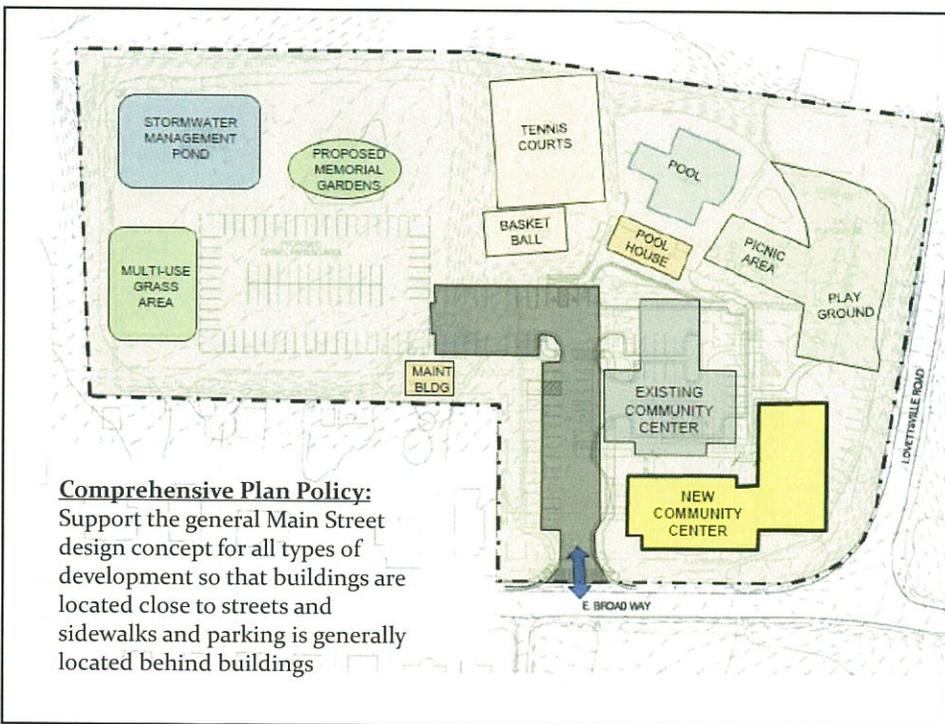
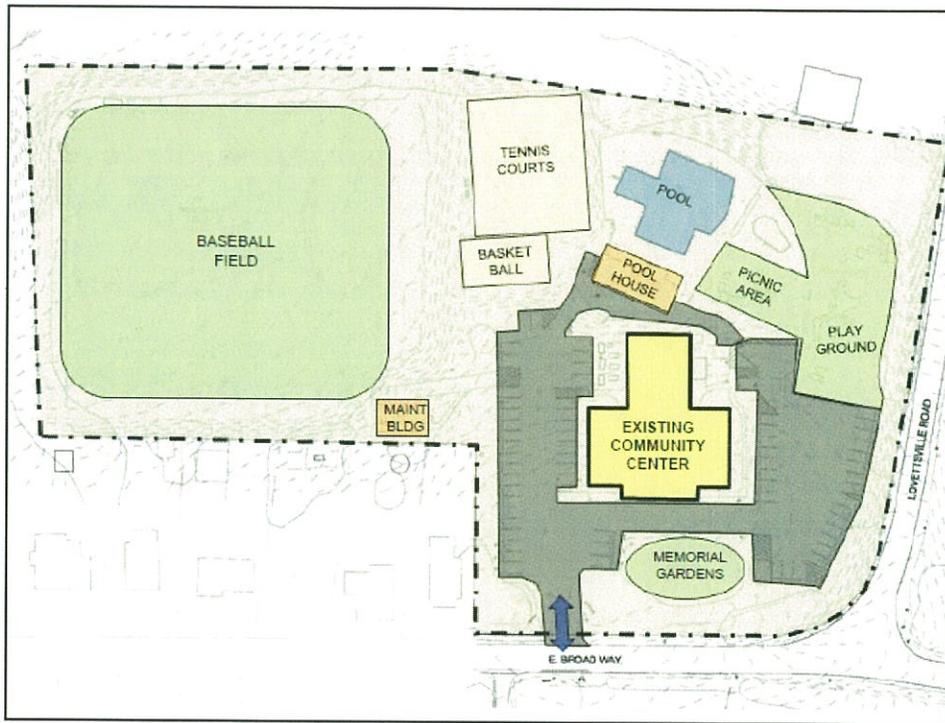


Neighborhood Perspective

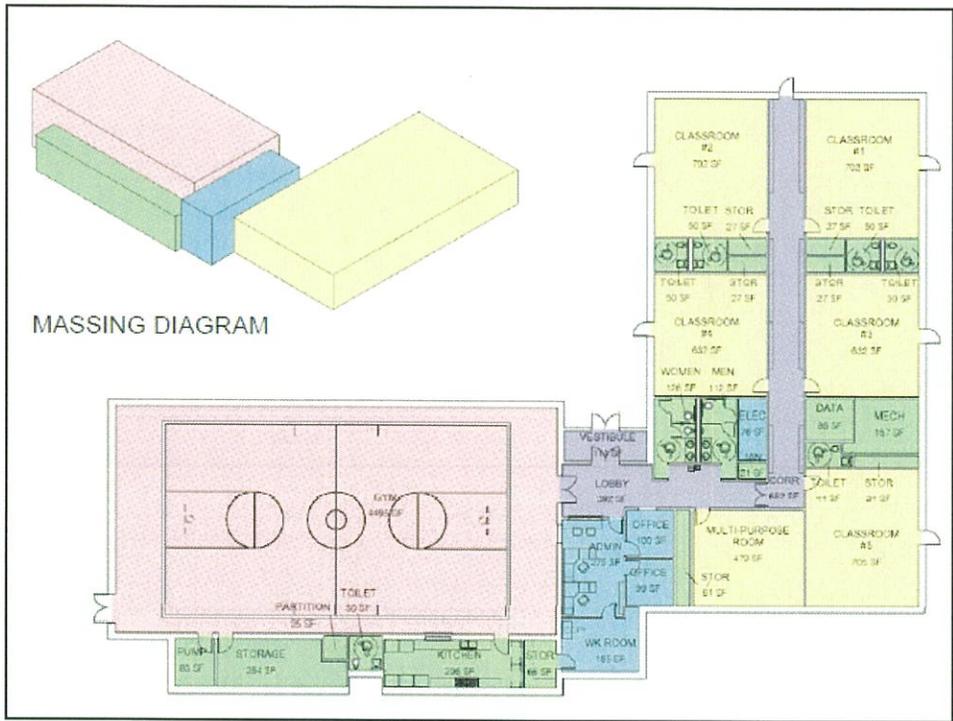
- The only complaints the Town has received from some neighbors are about the lighting of the tennis courts creating a nuisance
- The Town has not received any other complaints from the adjacent property owners about the use of the Community Center
- The Center is in a good location because it is surrounded by several undeveloped properties, at an entrance to Town. This is a beneficial set-up for high traffic events

Proposed New Building





Comprehensive Plan Policy:
 Support the general Main Street design concept for all types of development so that buildings are located close to streets and sidewalks and parking is generally located behind buildings



Draft Conditions
Recommended by Staff

Revised Conditions

- On May 7, 2014 - the Town Manager and the Zoning Administrator met with the County Director of Capital Projects & Transportation, the Assistant Director of Parks, the Design Manager of the Project and some other key County Staff involved in the Project
- The Purpose of this Meeting was to outline “how” the County would meet the Conditions. Language was added to the Conditions to clarify or explain the criteria, parameters and requirements

Conditions

- 1) Continue arrangement to reserve 3 parking spaces set aside for 55 East Broad Way
- 2) Space shall be made available at the corner of East Broad Way and Lovettsville Road for a ‘Welcome to Lovettsville’ sign that will be constructed at the Town’s expense.
- 3) The historic “contributing” maintenance building (former classroom building) shall remain at its current location
- 4) Rickard Ballfield memorial plaque shall be relocated to the new Park, and the new Ballfield shall be named after W. Jasper Rickard

Conditions (Continued)

- 5) Loudoun County shall plant a new tree on site to replace the 2005 Arbor Day tree that will be removed during the construction of the new Community Center
- 6) All new site lighting shall be designed and constructed to minimize the light impact on adjacent properties while providing sufficient light for safety and security of employees and people accessing the Community Center.
- 7) Project sidewalks shall tie into the Town of Lovettsville East Broad Way pedestrian plan sidewalks.

Conditions (Continued)

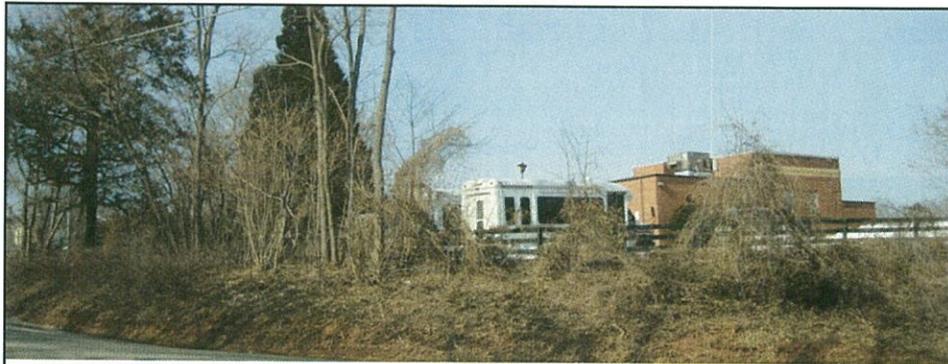
- 8) There shall be at least two bike racks located on site.
- 9) Space for an educational garden shall be provided on site.
- 10) Buses shall have a defined drop off and pick up zone near the main building entrance. This zone shall be depicted with pavement markings.
- 12) The Memorial Garden plaque shall be relocated to a new Memorial Garden

Design

Condition #11:

The new proposed condition for the design highlights the use of the aesthetic features, color and materials of Design #2





VIEW FROM EAST BROAD WAY & LOVETTSVILLE RD



VIEW FROM PARKING LOT

Conditions (Continued)

- 13) County shall salvage some bricks from the original portion of the 1927 building and turn over the bricks to the LHS and the LAA.
- 14) County shall conduct an assessment of the current Community Center to identify historical items from the original classrooms that could be reused in new Center.
- 15) Space shall be made available in the lobby of the new Community Center for the LHS and the LAA to display pictures from the original school building and to display short narratives on the history of the site.

Conditions (Continued)

- 16) Dumpster enclosure shall match the design of the new Community Center
- 17) Any new future construction on site shall be in substantial conformance with the design and materials of the new Community Center
- 18) Loudoun County shall partner with the Town of Lovettsville to allow stormwater runoff from East Broad Way Streetscape improvement to flow to the Community Center's proposed stormwater pond (if the project meets the set of conditions)

Planning Commission

- Planning Commission Public Hearing on April 23, 2014
- Purpose of the Hearing was to allow the public to comment if a Community Center is an appropriate use of 57 East Broad Way
- There were 27 people who spoke at the Hearing, ranging from strong support in keeping the existing building to strong support of construction of the new building
- There were no comments against the operation of a Community Center at 57 East Broad Way

PC Public Hearing

- Commissioners reviewed the list of Draft Conditions and made several minor revisions to the Conditions or suggestions for a separate list of recommendations
- They voted to recommend approval of the Permit to Town Council with the revisions to the Conditions and with separate list of recommendations. The final vote was 6 to 1.
- The list of recommendations are separate from the conditions, and are only suggestions for items for the Council or County to consider.

PC Recommendation

- The Planning Commission recommends that the Town Council consider requesting:
 - The County plan and fund an addition the new Community Center for more senior programming and for a fitness center in the future.
 - The County plan and fund the renovation or rebuild of the Pool House at the Community Center in the future.

PC Recommendation

- The Planning Commission recommends that the County Parks, Recreation & Community Services Department (PRCS) design and construct a walking path loop on the Community Center property as part of the overall construction project.
- The Planning Commission recommends that the County consider installing a sidewalk or mulched trail along the western portion of the parking lot to allow direct access from East Broad Way to the basketball court and tennis courts.

PC Recommendation

- The Planning Commission recommends that the Historic Society (LHS) and the Alumni Association (LAA) work with the County to develop a plan to preserve the Lovettsville School wooden frame classroom building and to highlight its historic significance.
 - For example, the LHS and the LAA could purchase a historic marker.

Final Recommendation

- Staff and the Planning Commission recommend that the Town Council vote to approve this Conditional Use Permit with the list of Draft Conditions dated May 8, 2014.

Town of Lovettsville

Speaker Sign - Up Sheet

Town Council Public Hearing & Regular Meeting - Thursday, May 8, 2014

Please Print.

Name and Association	Address	Topic	Email Address (Optional) ²
Jance Pittman	39580 Lovettsville Rd		Sugarshack15@gmail.com
Edward Spangus	32 E. Broad Way	Lovettsville Historical Society	
Natalie Metzler	13223 Greenstaff Ln	Community Center	
Shannon Kish	51 E Broad way	Community Center	
M. J. MARTON			mmeston@leesburgva.gov
Elaine Walker	40 S. Berlin Pike	Comm. Center	
Dan Bault	53 E Broadway	Comm Center	danbault@comcast.net
Dana Campbell	1371 Forest St	Comm Center	dbcampbell@gmail.com
Joyce Sparbarie	1 Oakfield Dr.	CC	

Each speaker will be limited to no more than three (3) minutes at the beginning of the meeting, or no more than five (5) minutes at the end of the meeting.

² If you provide your email address, you will be added to the Town Council & Planning Commission Meetings Notification List.

Town of Lovettsville

Speaker Sign - Up Sheet

Town Council Public Hearing & Regular Meeting - Thursday, May 8, 2014

Please Print.

Name and Association	Address	Topic	Email Address (Optional) ¹
Dean Settle	40250 Quarter Branch Rd	CC	settlehome@comcast.net
Sam Kroiz	11861 Georges Mill Rd Lville	LCC - I'm against it	
Jennifer Keller Bergel	10901 Georges Mill Rd	For new Center	
Mo Thomas	Gaylstown		
Louis Kroiz			
Elizabeth Barber			
Stephanie Bickmon			
Jennifer Reed			
Catherine Ksler	Georges Mill Rd		

Each speaker will be limited to no more than three (3) minutes at the beginning of the meeting, or no more than five (5) minutes at the end of the meeting.

¹ If you provide your email address, you will be added to the Town Council & Planning Commission Meetings Notification List.

Town of Loydsville

Speaker Sign - Up Sheet

Town Council Public Hearing & Regular Meeting - Thursday, May 8, 2014

Please Print.

Name and Association	Address	Topic	Email Address (Optional) ¹
Robert Gentle	9 BEAR FOREST	CC	
BRENDA STANLEY			

Each speaker will be limited to no more than three (3) minutes at the beginning of the meeting, or
no more than five (5) minutes at the end of the meeting.

¹ If you provide your email address, you will be added to the Town Council & Planning Commission Meetings Notification List.

Town Clerk

From: Elaine Walker [ewalker40@comcast.net]
Sent: Friday, August 15, 2014 12:19 PM
To: Harriet West
Subject: Lovettsville Town Council

Lovettsville Town Council
Public Hearing for Community Center Conditional Use Permit
May 8, 2014

Mayor Zoldos and Members of the Town Council

I am Elaine Walker. I was born in Lovettsville 76 years ago today, and have lived here all of my life. For the last 55 years, I have lived at 40 South Berlin Pike with my husband Cliff.

How did we get from Renovation to a Brand New Building without the voters from 2007 understanding what happened? That is a road that has not been traveled. However, I would like to go down a different road tonight.

I am so very proud of our Town, and appreciate all of the public facilities we have here, some of which have been provided by the Town and others by the County. The Community Center is provided by the County. It is a facility that should accommodate citizens of all ages equally, for education as well as recreation..

When I learned of the possibility of a new building, rather than the renovation of the present facility in November of 2012, I immediately asked about locating it across the street in the 92 acre park that was purchased in 2004 through approval of a Bond Referendum. By going to the Park, the back of the building would not have to face the street. I was immediately told that the project would be delayed two years. I am disappointed that my suggestion was dismissed so quickly without any thought of what the fall-out would be when the public learned the present building would not be renovated which is what we voted for, but rather demolished. I believe the time and money that have been spent since the unveiling of the plans for the new building could have been better used to hear the concerns and desires of our citizens, and also get input from other County departments, especially those liaisons who are designated to work with the towns. They should have been consulted from the very beginning.

I hope the County will consider the suggestions the Mayor and Staff have made, but in reading a letter from the County, it sounds as though the funding is not there for the additional space for our senior citizens, and even the choice of the elevation that was requested may not be accepted. Mr. Higgins, you found six million plus dollars for this brand new building, so please find another half million for the additional space to accommodate senior activities and a fitness room.

In closing I have a nice quote from one of my teachers, Mrs. Lindsey, who taught in this building, who was very well known in our community, and who also taught hundreds of students from her home in order that they could receive their GED. Her quote was "Good, Better, Best, Never Let Them Rest; 'Till the Good is Better, and the Better is Best". Let's have the BEST Community Center possible in Lovettsville

Town of Lovettsville

ORDINANCE NO. 2014-05-0001: APPROVING CONDITIONAL USE PERMIT FOR LVCU 2014-0001

MOTION: Senate
SECOND: McIntyre

WHEREAS, Loudoun County filed an application for a conditional use permit to allow for the operation of a community center at 57 East Broad Way; and

WHEREAS, following a public hearing on said application by the Planning Commission on April 23, 2014, pursuant to notice as required by Va. Code Section 15.2-2204, the Planning Commission forwarded its recommendations for approving said application, subject to certain conditions; and

WHEREAS, following a public hearing on said application by the Town Council on May 8, 2014, pursuant to notice as required by Va. Code Section 15.2-2204; and

WHEREAS, the Town Council has concluded that approval of a Conditional Use Permit in accordance with the conditions set forth below is consistent with the health, safety and welfare of the citizens of the Town and comports with good zoning practice.

NOW, THEREFORE, BE IT ORDAINED by the Lovettsville Town Council that the Conditional Use Permit No. LVCU 2014-0001, for the operation of a community center at 57 East Broad Way (property identification 334-46-3908), be approved in accordance with Sections 10-7 and 10-8 of the Lovettsville Zoning Ordinance, and subject to the attached conditions dated May 8, 2014; and

THEREFORE, BE IT FURTHER ORDAINED by the Lovettsville Town Council direct the Town Staff to forward the attached recommendations to Loudoun County dated May 8, 2014.

VOTE:

Ayes: Allar, Burden, Carder, Gray, McIntyre, and Senate

Nays: None

Abstentions: None

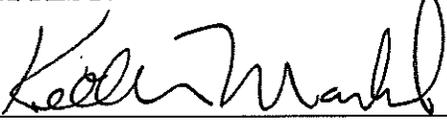
Absent for vote: None

APPROVED: May 8, 2014



ROBERT ZOEDOS II, MAYOR

ATTEST:



KEITH MARKEL, TOWN MANAGER

The German Settlement

Town of Lovettsville

CONDITIONAL USE PERMIT LVCU 2014-0001

ORDINANCE NO.2014-05-0001

APPROVED CONDITIONS

Adopted May 8, 2014

Conditional Use Permit No. LVCU 2014-0001, for the operation of a Community Center at 57 East Broad Way shall be approved in accordance with Sections 10-7 and 10-8 of the Lovettsville Zoning Ordinance, subject to the following conditions:

- 1) The parking lot for the Center shall have three reserved spaces set aside for the owner of 55 East Broad Way. The owner shall have pedestrian access to these spaces through an existing gate in the existing fence. The Owner of 55 East Broad Way shall submit to the Town a Shared Parking Agreement between the owner of 55 East Broad Way and the County.
- 2) Space shall be made available at the corner of East Broad Way and Lovettsville Road for a 'Welcome to Lovettsville' sign that will be constructed at the Town's expense. No conduit or power will be provided by the County. The Town shall enter into a Memorandum of Understanding (MOU) with the County prior to construction of the sign, stipulating that the Town is responsible for permitting, installation and perpetual maintenance of the sign, along with any landscaping near the sign this may be installed by the Town.
- 3) The historic "contributing" maintenance building shall remain as shown on the Conditional Use Permit and Zoning Modification Plat (the Plat).
- 4) The Rickard Ballfield memorial plaque shall be preserved and placed in storage until PCRS decides where to relocate it at the new Community Park. County staff shall initiate the process to have one of the new ball fields in the future Lovettsville Community Park dedicated and named after W. Jasper Rickard.
- 5) Loudoun County shall plant a new tree on site to replace the 2005 Arbor Day tree that will be removed during the construction of the new Community Center. This new tree shall be planted for Arbor Day within two years of project completion.
- 6) All new site lighting shall be designed and constructed to minimize the light impact on adjacent properties while providing sufficient light for safety and security of employees and people accessing the Community Center. Site lighting shall use full cut-off outdoor lighting fixtures as defined by the Illuminating Engineering Society of North America (IESNA) and be aimed downward and inward toward the interior of the property. Site lighting shall minimize the amount of overall illumination while providing a minimum of 0.6 foot-candles at grade for the asphalt parking areas. The average illumination at grade

The German Settlement

for the asphalt parking area shall not exceed 3 foot-candles. Site lighting shall not cause illumination in excess of 0.25 foot candles above background light levels measured at the property boundary.

- 7) Project sidewalks shall tie into the Town of Lovettsville East Broad Way pedestrian plan sidewalks.
- 8) There shall be at least two bike racks located on site.
- 9) Space for an educational garden shall be provided on site.
- 10) Buses shall have a defined drop off and pick up zone near the main building entrance. This zone shall be depicted with pavement markings.
- 11) The new Community Center shall be built in substantial conformance with the aesthetic features, colors and materials of the design option titled "Elevation Rendering Option 2" by LSY Architects dated April 3, 2014. The County will submit revised concept elevations reflecting the new design for the Town's file within 90 days of issuance of the Conditional Use Permit LVCU 2014-0001.
- 12) The existing Memorial Garden plaque shall be relocated to the new Memorial Garden. Attempts shall be made to move some of the plants from the existing Memorial Garden.
- 13) At the request of the Lovettsville Historic Society (LHS) and/or the Lovettsville Alumni Association (LAA), the County shall salvage some bricks from the original portion of the 1927 building and turn over the bricks to the LHS and/or the LAA. The LHS and/or the LAA have 120 days from the issuance of Conditional Use Permit LVCU 2014-0001 to notify the County in writing how many bricks from the original portion of the 1927 building shall be salvaged (maximum of 500 bricks) and an address where the bricks shall be delivered (within a 5 mile radius of 57 East Broad Way). The final display or use of the bricks shall be funded by the LHS and/or the LAA. County cannot guarantee quality of salvaged bricks, nor will the bricks be cleaned or separated if joined by mortar.
- 14) County shall conduct an assessment of the current Community Center to identify historical items from the original classrooms that could be reused in the new Community Center. Any items of historic value, where and if practical and feasible, should be reused in the new structure.
- 15) Space shall be made available in the lobby of the new Community Center for the Lovettsville Historic Society (LHS) and/or the Lovettsville Alumni Association (LAA) to display pictures from the original school building and to display short narratives on the history of the site. The LHS and/or LAA shall work with the County to agree on the final display. This display shall be funded by the LHS and/or the LAA. The County shall provide standard wood blocking in the lobby walls of the new Community Center to allow for the hanging of pictures or other display materials on the walls. No other construction will be required by the County for this display.

- 16) The dumpster enclosure shall be constructed of durable masonry materials. The design of the enclosure shall be in the same style and character of the new community center building. The dumpster shall not be located in a parking space. The dumpster shall not be located in an area that would block line of sight for pedestrians and vehicles moving through the parking lot.
- 17) Any new future construction on site shall be in substantial conformance with the design and materials of the new Community Center.
- 18) Loudoun County shall partner with the Town of Lovettsville to allow stormwater runoff from the Town's East Broad Way Streetscape improvement to flow to the Community Center's proposed stormwater pond, so long as the following conditions are met:
 - a. The Town will provide the financial contribution necessary to increase the storage capacity of the County's pond beyond what is required for the subject parcel's stormwater needs.
 - b. It is determined that the proposed pond can physically be enlarged to handle the additional flow.
 - c. The pond can be designed as a dry pond.
 - d. The Board of Supervisors and the Lovettsville Town Council endorse and approve the partnership and signs a MOU to memorialize this arrangement.
 - e. The design must be coordinated with the Loudon County designer and the Town of Lovettsville's designer.
 - f. Design must be in compliance with Virginia Storm Water Regulations.

Community Center – May 8, 2014

I see we had three options on this issue:

Option 1 – Renovate existing building

For all the reasons already discussed this is probably not an option. One additional thought is it most likely would involve gutting the entire inside in order to make a real difference in making the building more efficient and useful. But of course then it would no longer be the same school anyone attended.

Option 2 – Build a New Building and keep the current building

Regardless of whether the new building is in the Park across East Broad Way or next to the current building, this building would have to be maintained and staffed to be useful. I sincerely doubt the County would fund that in addition to a new Community Center.

The Town doesn't have the funds to do that.

The Alumni probably can't fund that.

The Historical Society surely does not have the funds to do it.

I believe it would, sooner than later, become unsafe and be boarded up.

Option 3 – Build a new building to replace the current building

This appears to me to be the only viable option.

The funds are in place, the plans are being finalized, and the conditions attached to the Conditional Use Permit are reasonable and include approaches to keep the memories alive.

In Summary

My fear and expectation is that unless we continue on the path we are on, we will have neither a renovated building nor a new Community Center.

TOWN COUNCIL RECOMMENDATIONS TO LOUDOUN COUNTY

Adopted May 8, 2014

The following items are recommendations from the Lovettsville Town Council to Loudoun County, in reference to the Lovettsville Community Center. These recommendations are non-binding and non-enforceable. These recommendations were developed by the Planning Commission at their Public Hearing held on April 23, 2014 and were endorsed by the Town Council at their May 8, 2014 Public Hearing. The Town of Lovettsville requests the following:

- 1) Loudoun County plan and fund the addition to the new Lovettsville Community Center (as shown on the January 2014 Conditional Use Permit and Zoning Modification Plat for the Loudoun Community Center Renovation) to provide for a possible dedicated senior room and a fitness center during the upcoming construction.
- 2) Loudoun County plan and fund the renovation or rebuild of the Pool House at the Lovettsville Community Center during the upcoming construction.
- 3) Loudoun County Parks, Recreation & Community Services Department (PRCS) design and construct a walking path loop on the Lovettsville Community Center property as part of the overall construction project.
- 4) The Lovettsville Historic Society (LHS) and the Lovettsville Alumni Association (LAA) work with the County to develop a plan to preserve the Lovettsville School wooden frame classroom building (now called the Maintenance Building) and to highlight its historic significance. For example, the LHS and the LAA could purchase a historic marker.
- 5) Loudoun County install a sidewalk or mulched trail along the western portion of the parking lot to allow direct access from East Broad Way to the basketball court and tennis courts.

Town of Lovettsville

RESOLUTION NO. 2014-05-0001: VDOT RESOLUTION IN LIEU OF BOND

MOTION: McIntyre

SECOND: Senate

WHEREAS, it becomes necessary from time to time for the Town of Lovettsville to obtain land use permits from the Virginia Department of Transportation to install, construct, maintain and operate certain public works and public utilities projects along, across over and upon highway systems of the Commonwealth of Virginia; and,

WHEREAS, expense, damage or injury may be sustained by the Commonwealth of Virginia growing out of the Virginia Department of Transportation's granting of said permits for the work aforesaid;

NOW, THEREFORE, BE IT RESOLVED by the Lovettsville Town Council:

Section 1: That pursuant to the provisions of Section 24 VAC 30-151-700 of the Land Use Permit Regulations of the Virginia Department of Transportation, the Town of Lovettsville does hereby grant assurances to the Virginia Department of Transportation (VDOT) that it shall in all respects comply with all of the conditions of the permit or permits that have been, or will be, granted to the Town of Lovettsville and that said jurisdiction does hereby certify that it will carry liability insurance for personal injury and property damage that may arise from the work performed under permit and/or from the operation of the permitted activity as follows: up to one-million dollars (\$1,000,000) each occurrence to protect the Commonwealth Transportation Board members and the Virginia Department of Transportation's agents or employees; seventy-five thousand dollars (\$75,000) each occurrence to protect the Commonwealth Transportation Board, the Virginia Department of Transportation or the Commonwealth of Virginia in the event of suit.

Section 2: That Town Mayor, or his designee, be, and hereby is authorized to execute on behalf of the Town of Lovettsville all land use permits and related documents of the Virginia Department of Transportation.

Section 3: That this resolution shall be a continuing resolution and shall not be revoked unless and until sixty (60) days written notice of any proposed revocation be submitted to the Virginia Department of Transportation.

Section 4: That the Town of Lovettsville shall, if requested by the Virginia Department of Transportation, provide a letter that commits to using the surety provided by its contractor or to have the contractor execute a dual obligation rider that adds the Virginia Department of Transportation as an additional obligee to the surety bond provided to the locality, with either of these options guaranteeing the work performed within state maintained right-of-way under the terms of the land use permit for that purpose.

The German Settlement

BE IT STILL FURTHER RESOLVED that the Town Mayor, or his designee, be, and hereby is authorized and directed to procure insurance required by Section 1 herein.

VOTE:

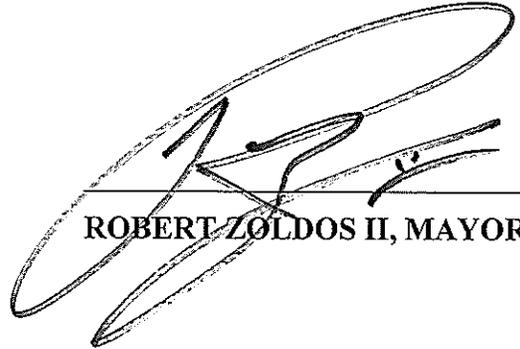
Ayes: Allar, Burden, Carder, Gray, McIntyre, and Senate

Nays: None

Abstentions: None

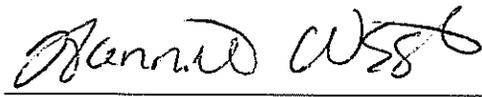
Absent for vote: None

APPROVED: May 8, 2014



ROBERT ZOLDOS II, MAYOR

ATTEST:



HARRIET WEST, TOWN CLERK

Town of Lovettsville

VIRGINIA FREEDOM OF INFORMATION ACT Resolution: AUTHORIZE CLOSED SESSION

Date: 05/08/2014

Time: 10:17

MOTION BY: Mike Senate

I move that the Lovettsville Town Council convene in closed session pursuant to Va. Code section 2.2-3711 A

1. Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; and evaluation of performance of departments or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals,

3. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, _____ over →

4. The protection of the privacy of individuals in personal matters not related to public business,

5. Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community,

6. Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected,

7. 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; or consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel [For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter],

19. Discussion of plans to protect public safety as it relates to terrorist activity and briefings by staff members, legal counsel, or law-enforcement or emergency service officials concerning actions taken to respond to such activity or a related threat to public safety; or discussion of reports or plans related to the security of any governmental facility, building or structure, or the safety of persons using such facility, building or structure,

Town of Lovettsville

29. Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body,

33. Discussion or consideration of confidential proprietary records and trade secrets excluded from this chapter pursuant to subdivision 18 of § 2.2-3705.6,

40. Discussion or consideration of records excluded from this chapter pursuant to subdivision 3 of § 2.2-3705.6 [Confidential proprietary records, voluntarily provided by private business pursuant to a promise of confidentiality from a public body, used by the public body for business, trade and tourism development or retention; and memoranda, working papers or other records related to businesses that are considering locating or expanding in Virginia, prepared by a public body, where competition or bargaining is involved and where, if such records are made public, the financial interest of the public body would be adversely affected],

→ with regard to ~~[person, issue or property subject of discussion]~~ *siting the Lovettsville Town Office*

And thereafter reconvene in open session for action as appropriate.

SECOND: *T. CARDELL*

VOTE:

Ayes: *MCINTYRE, GRAY, SENATE, CARDELL, ALLAN, BURDEN*

Nays: *NONE*

Abstentions: *NONE*

Absent for vote: *NONE*

Roll-call poll by presiding official:

"Do you certify to the best of your knowledge that (i) only public business matters lawfully exempted from open meeting requirements under this chapter 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 Lovettsville Town Council?"

When polled as to whether (i) only public business matters lawfully exempted from open meeting requirements under the 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 closed meeting, the following members stated "Aye:"

MAY 8, 2014 at *10:35* PM

Certified:

