

# Town of Lovettsville

## Town Council Minutes of the February 26, 2015 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 7:30 p.m. on February 26, 2015 at the Lovettsville Town Hall, 6 East Pennsylvania Avenue, Lovettsville, VA.

### Council Members Present

- Mayor Robert Zoldos II
- Vice Mayor Michael Senate
- Council Member Kimberly Allar
- Council Member Tiffany Carder
- Council Member Jennifer Jones
- Council Member Rodney Gray
- Council Member James McIntyre

### Staff Present

- Town Manager Laszlo Palko
- Town Attorney Elizabeth Whiting
- Project Manager Karin Fellers
- Zoning Administrator Joshua Bateman
- Town Clerk Harriet West

Mayor Zoldos announced the Council will meet in closed session to discuss the wastewater treatment plant.

### Pledge of Allegiance

Mayor Zoldos led those assembled in the Pledge of Allegiance.

### Comments from the Public

Mayor Zoldos called for comments from the public. There were none.

### Community Presentations

#### A. Loudoun County Sheriff's Office

Deputy LoPreto said he had nothing to report.

#### B. Lovettsville Volunteer Fire and Rescue Company

Councilwoman Jones said the new ambulance has been received and they are in talks with the County about the new building.

#### C. Lovettsville Library

Councilman McIntyre gave an update on the library's upcoming birthday celebration.

### Town Commission and Committee Reports

#### A. Lovettsville Planning Commission

Vice Chair Gentile gave an update on the Comprehensive Plan review process.

#### B. Parks Committee

Vice Mayor Senate gave updates on the Town Information Sign and Community Gardens.

#### C. We're In Committee

Councilwoman Carder gave updates on the website workshop, the next committee meeting, and the business expo in March.

D. Volunteer Fest Committee

Councilwoman Jones gave an update on the event which will be held on April 19 at the Game Club.

D. MayFest Committee

Councilwoman Carder gave an update on vendors, sponsors, and entertainment.

E. Oktoberfest Committee

Councilman McIntyre had nothing to report.

**Additions/Deletions/Modifications to the Agenda**

Town Manager Palko asked to add an Action Item to discuss SCADA funding.

**Minutes**

A. Town Council & Planning Commission Joint Work Session - September 2, 2014

**Motion:** I move to accept the minutes of the September 2, 2014 meeting.

**By:** Council Member McIntyre

**Second:** Vice Mayor Senate

**Aye:** Council Members Allar, Carder, Gray, Jones, McIntyre, and Senate

**Nay:** None

**Abstain:** None

**Absent:** None

**Report from the Treasurer**

There was no report from the Treasurer.

**Staff Reports**

A. Report from the Project Manager

There were no questions about the Project Manger's report.

B. Report from the Zoning Administrator

There was no report.

C. Report from the Town Attorney

There was no report.

D. Report from the Town Manager

Manager Palko report that health care cost are going up 9%. He is working with staff on input for the budget and will be soliciting additional guidance from the Town Council as he begins preparing the draft budget.

**Action Items**

A. License Agreement for Storm Pond

Project Manager Fellers presented this item. The Council is being asked to approve the License Agreement with Loudoun County to share the future storm pond built for the new Community Center and allow the Town to install a temporary storm discharge until the pond is built.

Project Manager Fellers responded to questions from the Council regarding the budget, time frame, and technical aspects of the agreement. She noted the "Pardon our Dust" meeting for the East Broadway Project will be held on March 18 from 7:00-8:30 p.m. at the Community Center. Town staff and the contractors will meet with residents to explain the process and what they will see. The Town Council will be receiving detailed reports from the inspection team on a regular basis.

**Motion:** I move that Town Council authorize the Mayor to sign the License Agreement detailing the terms and conditions to permit the Town to share the County owned Lovettsville Community Center future storm pond and permit the Town to install a temporary storm water discharge line on the edge of the ball field as soon as possible.

**By:** Vice Mayor Senate

**Second:** Council Member McIntyre  
**Aye:** Council Members Allar, Carder, Gray, Jones, McIntyre, and Senate  
**Nay:** None  
**Abstain:** None  
**Absent:** None

B. LVCU 2015-0001 Conditional Use Permit for Veterinary Clinic at 2 E. Pennsylvania Avenue  
Mayor Zoldos opened the public hearing for LVCU 2015-0001 at 7:53 p.m.

Zoning Administrator Bateman presented this item. The Council is being asked to consider a Conditional Use Permit for a veterinary clinic at 2 E. Pennsylvania Ave. He noted the draft Ordinance that had been prepared for the Council's consideration and said he recommended modifying the timeframe for Condition 2 from six months to two years based on further research he had done. Mr. Bateman further noted where the Planning Commission's recommendations deviated from staff recommendations including the number of dogs that could be kept overnight for observation, the size of other animals that can be treated on the site, and clarification regarding expansion of the facilities. He said there are additional provisions in the Zoning Ordinance that could address any potential noise issues.

In response to questions from the Council, Dr. Knode stated:

- She does not intend to see horses at the clinic; however, imposing a pound restriction limits the type of animals she can see, such as sheep and goats.
- The Town Manager can contact her directly if there is a noise problem.
- She cannot have a restriction on the number of animals that need to be hospitalized and still do business. In 20 years as a veterinarian, she has never seen limitations on the number of patients a clinic can see or hospitalize other than the limits imposed by the actual size of the facility. She is not kenneling or boarding animals, this is only for the hospitalization of sick animals.
- She cannot limit the amount of time an animal can be kept at the clinic; it depends on the animal's medical needs.
- She is regulated by the Virginia Board of Veterinary Medicine and she will provide a copy of this as required by the Conditional Use Permit.

Mayor Zoldos called for comments from the public. The applicant, Ann George, 13620 S. Berlin Pike, said this is a wonderful thing for the Town. It brings a service that many residents need and it brings people and jobs to the Town.

Hearing no further public comment, Mayor Zoldos closed the public hearing at 8:10 p.m. and called for a motion.

**Motion:** I move to adopt Ordinance No. 2015-02-0001 to approve the request from property owners Fred L. George III and Anne D. George for a Conditional Use Permit (CUP) to establish a veterinary hospital on their property at 2 East Pennsylvania Avenue, subject to the conditions recommended by the Planning Commission on February 4, 2015, which the Council deems necessary for the protection of the general welfare and individual property rights, and to ensure compliance with the intent and objectives of the zoning ordinance.

**By:** Council Member McIntyre  
**Second:** Council Member Gray  
**Aye:** Council Members Allar, Carder, Gray, Jones, McIntyre, and Senate  
**Nay:** None  
**Abstain:** None  
**Absent:** None

C. Comprehensive Plan Review – Work Plan

Zoning Administrator Bateman gave an update on the work plan developed by the Planning Commission to guide the review of the 2011 Comprehensive Plan, including a list of priorities (economic development and non-residential land use, housing and residential land use, transportation, and public facilities and

utilities), committee structure, and public input. The kickoff meeting will be held in March and the anticipated timeframe for completion is six to nine months. He invited the Council Members to participate in the process or to provide input.

**D. Adoption of Official Zoning Map**

Zoning Administrator Bateman presented this item. Mr. Bateman said he has found no record that the Council has ever adopted an Official Zoning Map of the Town. He is asking the Council to officially refer this to the Planning Commission to conduct a public hearing and take action on the Draft Zoning District Map (Attachment 1).

**Motion:** I move that the Town Council refer the attached zoning map to the Planning Commission for its recommendation on adopting the map as the Official Zoning Map of the Town of Lovettsville (Article 14 of Chapter 42 of the Town Code).  
**By:** Council Member Jones  
**Second:** Council Member McIntyre  
**Aye:** Council Members Allar, Carder, Gray, Jones, McIntyre, and Senate  
**Nay:** None  
**Abstain:** None  
**Absent:** None

**E. Emergency Management Standard Operating Procedure**

Manager Palko presented this item. The Council is being asked to approve the new Emergency Management Standard Operating Procedures (SOP). Manager Palko said he made additional revisions to the SOP based on input from the Mayor and Council and the Town Attorney.

**Motion:** I move to approve and authorize the Mayor and Town Manager to sign the attached Emergency Management SOP titled "Lovettsville Standard Operating Procedures Emergency Management."  
**By:** Council Member Gray  
**Second:** Council Member Senate

The motion was amended as follows: I further move to authorize the Town Manager to make needed changes to this document and report the same to the Town Council at the next meeting of the Town Council. The friendly amendment was accepted by Council Member Gray and Vice Mayor Senate.

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

**F. SCADA Funding**

Manager Palko said he is requesting a budget line item transfer to fully fund the development and implementation of the Supervisory Control and Data Acquisition (SCADA) system for the Town's water facilities. On February 27, 2014 the Council approved the motion to fund the SCADA implementation in FY 2014. He noted that \$100,000 had been budgeted for that program, but \$22,000 was used for the design phase. The funding request had been approved in the text version of the budget, but it was left out of the actual budget line item. To move forward with the implementation phase, Manager Palko is requesting that the Council transfer \$100,000 from the water line replacement budget line item across FY 2015 and FY 2016.

**Motion:** I move to approve and authorize the Town Manager to transfer \$100,000 from the Water Line Replacement Project to fully fund the implementation of the SCADA System. In the FY 16 Budget, the Town Manager will budget the required remaining amount for the Water Line Replacement Project associated with the East Broadway Sidewalks Phase 1 Project.  
**By:** Vice Mayor Senate  
**Second:** Council Member Carder

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

Information Items

There were none.

Comments from the Mayor and Town Council

Councilwoman Allar said she has started planning for the Memorial Day Ceremony. Mayor Zoldos said he has a contact for the Martinsburg National Guard who may be able assist with a flyover.

Councilwoman Carder said she attended the Brunswick Business-to-Business Mixer and that they are promoting Lovettsville and Lovettsville businesses.

Councilman McIntyre invited everyone to attend the Lovettsville Library birthday celebration on Saturday.

Mayor Zoldos reported on the following:

- He thanked staff for their work.
- He thanked the Planning Commission for moving forward quickly on the Comprehensive Plan review.
- He contacted Supervisor Geary Higgins to get an update on Community Center and Community Park.
- The Town's Charter amendment passed the Virginia General Assembly.
- Staff has been busy with water leaks the past several weeks.

Closed Session

Pursuant to Virginia Code Section 2.2-3711A7, the Lovettsville Town Council went into closed session at 8:45 p.m. to discuss performance by English Construction Company of a contract to expand the waste water treatment plant.

**Motion By:** Vice Mayor Senate  
**Second:** Council Member McIntyre  
**Aye:** Council Member Allar, Carder, Gray, Jones, McIntyre, and Senate  
**Nay:** None  
**Abstain:** None  
**Absent:** None

The Mayor and Council reconvened in open session at 9:32 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 and that 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.

Adjournment

There being no further business before the Council, the meeting was adjourned at 9:34 p.m.

Respectfully submitted,



Harriet West, Town Clerk

Date Approved: November 12, 2015

Attachments:

1. Draft Zoning District Map



### Legend

TOWN LIMITS

STREETS

PARCELS

### PROFFERED REZONING

YES

### ZONING

CR-1 Countryside Residential

R-1 Residential

R-2 Residential

R-3 Residential

R-C Retirement Community

Planned Infill Development District

T-C Town Center

C-1 Community Commercial

C-2 Mixed Use Business

I-1 Light Industrial

