

# Town of Lovettsville

## Town Council Minutes of the March 27, 2014 Regular Meeting

### Call to Order/Pledge of Allegiance

Mayor Robert Zoldos II called the Regular Meeting of the Lovettsville Town Council to order at 7:31 p.m. on March 27, 2014 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 Jack Burden
- Council Member Tiffany Carder
- Council Member Rodney Gray
- Council Member James McIntyre

### Staff Present

- Town Manager Keith Markel
- Project Manager Karin Fellers (arrived at 7:34 p.m.)
- Treasurer Lance Gladstone (arrived at 7:40 p.m.)
- Town Clerk Harriet West

### Pledge of Allegiance

Mayor Zoldos led those assembled in the Pledge of Allegiance.

Mayor Zoldos stated there would be a closed session regarding the English Construction update and Town Office location.

### Presentations

There were none.

### 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. There were no questions from the Mayor or Council.

There were no other community presentations.

### Town Commission and Committee Reports

#### A. Lovettsville Planning Commission

There was no report.

#### B. Parks Committee

There was no report.

#### C. MayFest Committee

Councilwoman Carder gave an update on sponsors and vendors. New activities this year include a rock wall and dunk tank, which will be used as a fundraiser for local organizations. They are working with the Lions Club on a "Stuff the Truck" food drive for the local food pantry.

#### D. We're In Committee

Councilwoman Carder said the MayFest Committee will be meeting next week.

E. Oktoberfest Committee

Councilman McIntyre said the Oktoberfest Committee will be meeting next Monday night.

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

There were none.

**Minutes**

No minutes were presented.

**Staff Reports**

A. Report from the Project Manager

Project Manager Fellers said the Walker Pavilion won another award. The nomination was submitted by the builder, Fuog/Interbuild.

B. Report from the Zoning Administrator

There was no report.

C. Report from the Town Attorney

The Town Attorney was not present. There was no report.

D. Report from the Town Manager

Manager Markel discussed scheduling the County's presentation on the proposed Community Center elevations at the Special Meeting on April 3, 2014. The meeting will begin at 7:30 p.m. at the Community Center, and then reconvene at Town Hall for the budget discussion.

**Action/Discussion Items**

A. Ruritan Spring Eggstravaganza on the Town Green Request

Christy Adams presented this item on behalf of the Ruritan Club. Her organization has been working with Town Staff on ideas for a community event that would be held on Saturday, April 19 from 1:00-3:00 p.m. on the Town Green. The event does not conflict with the Community Center's Easter egg hunt or MayFest. They would like to partner with the Town on this event, which would include a petting zoo, egg hunt, egg roll, and cake walk.

Mayor Zoldos called for questions from the Council. Hearing none he called for a motion.

**Motion:** I move that the Town Council direct staff to accept the partnership with the Ruritans and to work with the Ruritans to offer them the items they have requested.

**By:** Council Member Carder

**Second:** Vice Mayor Senate

Manager Markel brought up the costs associated with the event and noted that historically when the Town has been a co-sponsor for an event, there has been no charge for entry. Following further discussion about charging fees for specific activities and/or accepting donations, it was agreed that Vice Mayor Senate would serve as the Town's liaison to work out the specifics.

Councilman McIntyre said this is what he envisioned – the Pavilion being used by community groups. Ms. Adams said her organization wanted to do something fun for the Town and the community.

Councilman Gray said he was glad to see groups using the Town Green and Pavilion for things that are beneficial to the community. He is glad the Town is being less restrictive about the usage and fees, and opening this up for groups to use.

Hearing no further discussion, Mayor Zoldos called for the vote.

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

**Nay:** None

**Abstain:** None

**Absent:** None

**B. Scope of Work for WWTP Design Modifications**

Project Manager Fellers presented this item. Council is being asked to hire CHA to identify and evaluate options for improving the performance at the Waste Water Treatment Plant to ensure compliance with the Department of Environmental Quality regulations. Following her presentation, Project Manager Fellers responded to questions from the Council regarding the scope of services and schedule for Phase A.

**Motion:** I move that Town Council approve the Scope of Services titled Town of Lovettsville WWTP Evaluation and Compliance Services; Task Order No. 5 dated March 21, 2014 and authorize the Mayor or Town Manager to sign the Task Order and authorize CHA to complete Phase A of the Task Order work.

**By:** Council Member Gray

**Second:** Council Member Burden

Mayor Zoldos called for discussion. Councilman Burden said the most important thing the Town government does is to provide water and sewage treatment and taking this action is probably the number one thing the Council can do to improve the performance of the plant.

Councilman McIntyre asked if there is money to actually do the work after the study is done. Project Manager Fellers said this has been added to the CIP budget but the actual funding mechanism will have to be determined.

Vice Mayor Senate agreed with Councilman Burden. This is something the Town has to do as soon as they know what will be required.

Hearing no further discussion, Mayor Zoldos called for the vote.

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

**Nay:** None

**Abstain:** None

**Absent:** None

**Report from the Treasurer**

Treasurer Lance Gladstone presented the January 2014 Financial Report.

Councilmember Gray asked when the charges for the water main breaks will hit. Manager Markel said those bills, estimated at \$12,000-\$15,000, will be coming through for payment in February and March.

**Motion:** I move to accept the Treasurer's Report, dated March 27, 2014, for January 2014.

**By:** Vice Mayor Senate

**Second:** Council Member McIntyre

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

**Nay:** None

**Abstain:** None

**Absent:** None

**C. Presentation of Town Manager's Recommended FY 2015 Budget and CIP**

Manager Markel reviewed the budget process and highlights of the recommended budget for the general fund and utility fund. The recommended FY2015 budget is \$820,025 for the general operating fund and \$866,630 for the utility operating fund.

Manager Markel said he is proposing to keep the real estate tax at the current rate of \$0.21 per \$100 of assessed value. There are no proposed changes to the Town's meals tax and cigarette tax (earmarked for East Broad Way Streetscape improvements), or other rates and fees.

Proposed general fund expenditure include new equipment for the park, a new phone system for the office, an additional vehicle for staff use, an increase in personnel services, and modifications to the employees' benefits package. Proposed utility fund expenditures include contractual services and additional projects, additional preventative maintenance, and debt service for capital projects.

The FY 15 general fund capital budget includes funding for the following projects: Phase 1 of the East Broad Way Streetscapes project, the Quarter Branch Park/Facility, Town Green development, and storm ditch improvements on North Berlin Pike. Funding for Phase 1 of the bicycle/pedestrian path was not included in the FY 15 budget since the Town has already paid VDOT the matching funds. This project will now be paid for and administered by VDOT.

The FY 15 utility fund capital budget includes the water tower mixer and driveway improvements, water line replacement on East Broad Way, and waste water treatment plant improvements.

Manager Markel reviewed the Capital Improvement Plan for FY2015-2019 and noted that the budget meetings begin on April 3, 2014.

There were no questions from the Mayor and Council.

#### D. Review and Possible Adoption of Employee Policy Manual

Manager Markel presented the updated draft of the employee policy manual which includes recommendations from the Human Resources Specialist at the Virginia Municipal League. He asked the Council Members to review the document and send him any comments. The final document will be brought back to the Town Council for adoption next month.

#### Information Items

There were none.

#### Comments from the Mayor and Town Council

Councilwoman Carder gave additional updates about MayFest.

Councilman McIntyre provided information about upcoming Library events, including the peeps diorama contest and submissions for National Library Week. He invited the Mayor and Council Members to submit a "Lives change @ your library" quote and photo.

Mayor Zoldos reported on the following:

- The Lovettsville Illumination Team met recently and identified a list of priorities which include pedestrian safety, vehicular safety, cost effectiveness, proper fit and look, and night sky protection. The next step is for the team to meet with several lighting vendors.
- He will be attending PTO Bingo next week.
- He attended the Lovettsville Watch meeting last Saturday. The Town has been approved for the Neighborhood Watch signage. The next meeting will be held in early summer.
- The Volunteer Fest Planning Meeting was well attended. Volunteer Fest will be held on April 27.
- He attended the Planning Commission meeting on March 19. The Planning Commission approved the community center zoning text amendment.

Vice Mayor Senate said he will be attending The Journey Through Hallowed Ground meeting on March 28, 2014.

#### Closed Session

Vice Mayor Senate made a motion for the Lovettsville Town Council to convene in closed session to discuss the possible acquisition of property for Town Hall sites and the wastewater treatment plant contract (Attachment 1).

**Motion By:** Vice Mayor Senate  
**Second:** Council Member Burden  
**Aye:** Council Members Allar, Burden, Carder, Gray, McIntyre, and Senate

**Nay:** None  
**Abstain:** None  
**Absent:** None

The Mayor and Council went into closed session at 8:45 p.m. and reconvened in open session at 9:45 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 Town Council, the meeting was adjourned at 9:45 p.m.

Respectfully submitted,



Harriet West, Town Clerk

Date Approved: April 24, 2014

Attachments:

1. Closed Session Motion

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## VIRGINIA FREEDOM OF INFORMATION ACT Resolution: AUTHORIZE CLOSED SESSION

Date: 03/27/14

Time: 20:45

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,

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,

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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]~~ Town Hall Series + WWTP Contract,

And thereafter reconvene in open session for action as appropriate.

SECOND: Bands

VOTE:

Ayes: Allen, Bands, Candisa, Gray, McIntyre, Senate

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:"

March 27, 2014 at 9:45 PM

Certified:

