

Town of Lovettsville

Town Council Minutes of the June 16, 2016 Regular Meeting

Call to Order/Pledge of Allegiance

Mayor Zoldos called the Regular Meeting of the Lovettsville Town Council to order at 7:30 p.m. on June 16, 2016 at the Town Office, 6 E Pennsylvania Ave, Lovettsville, VA.

Council Members Present

- Mayor Robert Zoldos II
- Vice Mayor Michael Senate
- Council Member Kimberly Allar
- Council Member Tiffany Carder
- Council Member Rodney Gray
- Council Member Jennifer Jones
- Council Member James McIntyre (arrived at 8:04pm)

Staff Present

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

Mayor Zoldos recognized Planning Commission Chairman Frank McDonough who was in the audience.

Closed Session

Mayor Zoldos said the Council would meet in closed session to discuss legal matters.

Pledge of Allegiance

Mayor Zoldos led those assembled in the Pledge of Allegiance.

Presentations

There were none.

Comments from the Public

Mayor Zoldos called for comments from the public.

James Neilson said he is starting a local lyceum at the library and it will include a computer programming class.

Community Presentations

A. Lovettsville Library

Councilwoman Carder said today was her first day working at the library. She gave updates on the summer reading program, the Meet Your Community series, and plans to have a presence at Wild on the Green.

Town Commission and Committee

A. Lovettsville Planning Commission

Chairman McDonough gave an update on the comprehensive plan review process and applicants for the Planning Commission vacancy.

B. Parks Committee

Vice Mayor Senate gave an update on voting on the clock faces and an idea brought up by Parks Committee Member Buck Smith to form a fundraising subcommittee for the clock tower.

C. We're In Committee

Councilwoman Carder reported on the upcoming Concerts on the Green.

D. MayFest Committee

Councilwoman Carder provided the following report:

- There were 14 sponsors and 110 vendors.
- The overall profit was \$9,218, which is a 30% increase over the previous year.
- There will be a slightly different configuration in 2017 since they won't have use of the four lots on the Town Green.

E. Movies on the Green

Mayor Zoldos gave an update on the movies and the new screen.

Additions/Deletions/Modifications to the Agenda

The agenda was modified as follows:

- Remove the Resolution regarding the AT&T Facility.
- Add a closed session between item A and B.
- Remove Item F, Reappointment of Planning Commission Members.

Minutes

There were no minutes.

Quarterly Financial Report

There was no report.

Staff Reports

A. Report from the Town Engineer

There was no report.

B. Report from the Zoning Administrator

There was no report.

C. Report from the Utility Director

There was no report.

D. Report from the Town Manager

Town Manager Palko presented several proposed dates in July for the Town Square ribbon cutting. Following discussion, the Council asked the Town Manager to follow up with NVRetail about scheduling the ribbon cutting before the Movies on the Green.

Action/Discussion Items

A. Wellhead Protection Plan Review

Town Engineer Karin Fellers presented this item. The Council is being asked to review and accept the Wellhead Protection Plan (WHPP) and provide direction to staff for next steps. She explained that this is a planning document with a long list of recommendations; however, the Town does not have to implement all of them. She highlighted the following recommendations:

- Form an advisory committee to prioritize the recommendations.
- Limit certain activities or require different controls.
- Consider abandonment of certain wells not being used.

Following discussion about the Town's current committee structure, the Council took the following action:

Motion: I move that Town Council accept the Wellhead Protection Plan Town of Lovettsville Revised May 2016 by Tetrattech.
By: Council Member Jones
Second: Council Member Allar
Aye: Council Members Allar, Carder, Gray, Jones, and Senate
Nay: None
Abstain: None
Absent: Council Member McIntyre

Closed Session

Mayor Zoldos announced the Council would be going into closed session.

Motion: I move that the Lovettsville Town Council convene in closed session pursuant to Virginia Code Section 2.2-3711A7 for consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in an open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel, with regards to performance of N. Church Street improvements by R. J. Crowley, Inc., and potential conditions of approval for a conditional use permit application by 7-Eleven, Inc. Case No. LVCU 2016-0001; and thereafter reconvene in open session for action as appropriate.
By: Vice Mayor Senate
Second: Council Member Allar

Mayor Zoldos noted for the record that Councilman McIntyre arrived at 8:04 p.m.

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

The Council went into closed session at 8:04 p.m. and reconvened in open session at 8:25 p.m.

Certification of Closed Session

Mayor Zoldos asked the Council Members to certify that to the best of their knowledge (1) only public business matters lawfully exempt from open meeting requirements under this chapter and (2) 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. Council Members McIntyre, Gray, Senate, Carder, Allar, and Jones certified to the above.

Mayor Zoldos asked if there was anything to come before the Council.

Motion: I move that the Town Council approve the Town Manager's negotiating strategy with R. J. Crowley and the Town Manager return the language of the agreement to the Town Council for final approval.
By: Council Member McIntyre
Second: Council Member Jones
Aye: Council Members McIntyre, Gray, Senate, Carder, Allar, and Jones
Nay: None
Abstain: None
Absent: None

B. 7-Eleven Conditional Use Permit Decision

Zoning Administrator Bateman presented this item. He referenced the three draft motions in the staff memo and reviewed the changes to the final conditions of approval.

Town Manager Palko presented his analysis based on economic growth, which was identified as a top priority at the Town Council retreat. He noted that the design of the proposed new 7-Eleven matches that of Lovettsville Square, adds economic momentum to the Town Square, and provides other improvements, such as the bike station and sidewalk. He said the choice is between the current building and the new building. He noted that rejecting business investment such as this sends the wrong signal to the business community. The Town will receive approximately \$300,000 in additional revenue over the next 30 years through increased commercial real estate tax, meals tax, and business license tax.

Kimberlee Welsh Hise, land use planner with Walsh Colucci, spoke on behalf of the Applicant. She noted the benefits the new store would bring to the Town and reviewed safety measures, traffic projections, contributions to improvements to N. Church Street, and site circulation.

Jon Gerken, representing the 7-Eleven, compared the safety features of the proposed gas pumps with those of a 10-year old facility. He noted that the new facility will have double-walled tanks, lines, and spill buckets, which were not common practice 10 years ago. He said 7-Eleven has not experienced any leaks into the ground with this system. He further noted the enhanced safety features of dispensers and vent systems, and explained the new inspection and testing process is much more rigorous than it was 10 years ago. He also discussed outside and inside emergency stop systems and oil/water separators in new stores, and noted that store personnel now have to go through rigorous training on how to respond to spills.

A discussion ensued regarding the monument sign, lighting, dumpster enclosure, canopy, screening, and deliveries. Manager Palko confirmed that the Town has not received any noise complaints about deliveries at night. Following further discussion, the Council took the following action.

Motion: I move to adopt Ordinance Number 2016-06-001 approving the application for a conditional use permit (LVCU 2016-0001) for a convenience store with fuel sales at 1 East Broad Way subject to the conditions listed in the Final Conditions of Approval, dated June 16, 2016, which are deemed necessary for the protection of the general welfare and to ensure compliance with the intent and objectives of the zoning ordinance, including the following amendment: The phrase "at a maximum" shall be deleted from Condition No. 6. [Attachment 1]

By: Council Member Carder

Second: Council Member Gray

Each of the Council Members and the Mayor discussed their stance on the application. Following the discussion, Mayor Zoldos called for the vote.

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

Nay: Council Member Jones

Abstain: None

Absent: None

The Mayor called for a brief recess at 9:18 p.m. The meeting resumed at 9:22 p.m.

C. Zoning Ordinance Review Timeline

Zoning Administrator Joshua Bateman presented this item. The Council is being asked to review and accept the zoning and subdivision ordinances amendments list developed by staff for 2016-17.

Mr. Bateman reviewed the proposed schedule.

Motion: I move to accept the Zoning Administrator's proposed zoning amendments time-table list for 2016-2017 as presented.
By: Vice Mayor Senate
Second: Council Member Allar
Aye: Council Members McIntyre, Gray, Senate, Carder, Allar, and Jones
Nay: None
Abstain: None
Absent: None

D. FY 2017 Town of Lovettsville Budget Vote

Town Manager Laszlo Palko presented this item. The Council is being asked to authorize the FY 2017 Budget by voting on the proposed budget and fees ordinances. Following discussion regarding the proper sequencing of the numbers for the Ordinances, the Council took the following action:

Motion: I move that the Town authorize the Fiscal Year 2017 Budget and approve its associated budget and water and sewer rate ordinances to be numbered Ordinance 2016-06-002 and Ordinance 2016-06-003. [Attachments 2, 3, and 4]
By: Council Member Gray
Second: Council Member

Manager Palko responded to questions from the Council regarding the hours and budget for marketing and tourism activities.

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

E. FY 2017 Calendar Review

Staff and the Council discussed several changes and agreed to have the Town Manager bring the revised calendar back in July for approval.

Information Items

There were none.

Comments from the Mayor and Town Council

Councilwoman Jones noted that the silt fence along the bike path is finally down and that the light posts at the retail center look great.

Vice Mayor Senate discussed scheduling the next Parks Committee meeting.

Councilman McIntyre gave updates on the first Movie on the Green, the new movie screen, Visit Loudoun's support for Oktoberfest, and developing a policy for loaning out Town equipment to local nonprofits. He noted the Western Loudoun Arts Studio Tour (WLAST) is this weekend.

Mayor Zoldos reported on the following:

- The Council discussion and process for considering the 7-Eleven application worked the way it's supposed to.
- Delegate LaRock is looking into ways to control engine breaks in Town.
- The kindergarten tours were very successful.
- He attended Principal Forcino's retirement party and presented her with the proclamation.
- He congratulated all of the high school graduates.
- He will be meeting with the Fire Chief for Loudoun County Fire and Rescue.
- He was asked to attend a meeting with the Lovettsville Volunteer Fire and Rescue Company about the possible boundary line adjustment of their property and bringing it into the Town. Town staff will also be meeting with the Volunteer Fire Department and Loudoun County on June 24.

The Mayor also gave updates on Concerts on the Green, the withdrawal of the AT&T application, WLAST, the Game Club Carnival, Movies on the Green, the Poker Run, and the July 3rd Parade.

Adjournment

There being no further business before the Council, the Mayor adjourned the meeting at 10:08 p.m.

Respectfully submitted,



Harriet West, Town Clerk

Date Approved: April 7, 2017

Attachments:

1. Ordinance Number 2016-06-001
2. Adopted Operating & Capital Budget for Fiscal Year 2017
3. Ordinance 2016-06-002
4. Ordinance 2016-06-003

Town of Lovettsville

ORDINANCE NO. 2016-06-001: APPROVING A CONDITIONAL USE PERMIT FOR THE ESTABLISHMENT OF A CONVENIENCE STORE WITH FUEL SALES IN THE C-2 DISTRICT

MOTION: Carder

SECOND: Gray

WHEREAS, 7-Eleven, Inc. has filed an application for a conditional use permit to allow for the establishment of a convenience store with fuel sales on their property at 1 East Broad Way located within the C-2 Mixed Use Business District (PARID 369109147000); and

WHEREAS, the Planning Commission on March 16, 2016 conducted a public hearing on the application pursuant to notice as required by Va. Code Section 15.2-2204, and forwarded its recommendations for approving said application on April 20, 2016, subject to certain conditions; and

WHEREAS, the Town Council conducted a public hearing on said application on May 12, 2016, 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 public health, safety and welfare of the Town of Lovettsville and with good zoning practices generally.

NOW, THEREFORE, BE IT ORDAINED by the Lovettsville Town Council that LVCU 2016-0001 requesting the establishment of a convenience store with fuel sales at 1 East Broad Way be approved in accordance with Section 42-33 of the Zoning Ordinance of the Town of Lovettsville, subject to the attached conditions dated June 16, 2016; and

THEREFORE, BE IT FURTHER ORDAINED that the Town Staff forward a copy of the attached conditions to the applicant.

VOTE:

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

Nays: Jones

Abstentions: None

Absent for Vote: None

APPROVED: June 16, 2016


ROBERT ZOLBOS II, MAYOR

ATTEST:


HARRIET WEST, TOWN CLERK

The German Settlement

FINAL CONDITIONS OF APPROVAL

June 16, 2016

I move to adopt Ordinance Number 2016-06-001 approving Case No. LVCU 2016-0001, subject to the following conditions, which are deemed necessary for the protection of the general welfare and to ensure compliance with the intent and objectives of the zoning ordinance:

1. The installation of fuel (gasoline, kerosene, diesel) storage and dispensing facilities will be permitted so long as: (1) no part of the underground storage tank, piping, and dispensing system is located within 1,000 feet of any Town water supply well (excluding Town Well No. 4, the final status of which will be determined at a later date); (2) all requirements of the Revised Underground Storage Tank Regulations (published on July 15, 2015 in the Federal Register and described in the U.S. Environmental Protection Agency document titled *Musts For USTs Updated 2015*), including requirements scheduled to go into effect beginning on October 13, 2018, will be implemented on or before the date the convenience store re-opens for business; and (3) the owner, its successors and assigns (the "Applicant"), will notify the Town manager of any and all suspected petroleum leaks and releases at the facility within the same 24-hour time period that such releases are required to be reported to the Commonwealth of Virginia;
2. All buildings and structures constructed on the subject parcel (PARID Number 369109147000) shall be developed in substantial conformance with the character, massing, scale, materials and colors on the exhibit titled "Review Board Elevations, Proposed 7-Eleven #28400", dated April 15, 2016, prepared by Perry M. Petrillo Associates, PC, which is attached as Exhibit D of the Statement of Justification. Final architectural elevations for all buildings and structures shall be submitted to the Town at the time of site plan submittal in order for the Zoning Administrator to determine compliance with this requirement;
3. The Applicant agrees to contribute the following with respect to North Church Street:
 - a. Prior to opening the new convenience store to the public, the Applicant agrees to undertake and complete, at its expense, improvements identified as items 12, 13, 14 and 15 on the punch list entitled "N. Church Street VDOT Street Acceptance Courtesy Walk Through" dated April 22, 2016, which is attached hereto. Additionally, the Applicant agrees to complete, at its expense, survey work and to issue a corner monuments letter for North Church Street right-of-way as required by VDOT for the street acceptance package prior to opening the new convenience store to the public; and
 - b. Pursuant to Section 30-156(d) of the Town Code, in lieu of undertaking such reasonable and necessary improvements to North Church Street located outside the limits of the subject property, the Applicant agrees to pay the Town \$12,000.00 to defray the Town's expenses associated with obtaining VDOT acceptance of the street into the state system of secondary highways for

maintenance purposes. Such payment shall be made to the Town at the time of application for a final site plan for the development, and shall relieve the Applicant of the need to undertake any further repairs, improvements, or modifications or make any other contributions to North Church Street, except those identified in Condition 3.a. above and any which may be required by VDOT for approval of the Applicant's commercial entrance thereto;

4. The requested modification to the required width of the Type C Buffer Area located on the subject parcel adjacent to Parcel Identification (PARID) Number 333251081000 owned by the New Town Meadows Homeowners Association (HOA), shall be approved, provided the Applicant obtains the necessary written authorization from the HOA to install up to two (2) canopy trees and four (4) understory trees as otherwise required for the full Type C Buffer Area, on the HOA parcel. Failure of the HOA to grant such written authorization by September 15, 2016 shall relieve the Applicant of the requirement to install any additional trees on the HOA property;
5. No modifications to the requirements of the zoning ordinance pertaining to monument, canopy or wall signage shall be authorized by issuance of this permit;
6. Prior to opening the new convenience store to the public, the Applicant shall install bicycle and pedestrian improvements on Parcel Identification (PARID) Number 333251081000 or VDOT right-of-way adjacent to North Berlin Pike as necessitated by the proposed use and agreed upon by the Town and Applicant, subject to the Town acquiring the necessary land or easement from the owner or Land Use Permit or other such equivalent authorization from VDOT, as applicable, no later than September 15, 2016, thereby making the property available to the Applicant for construction and installation of the following improvements for which the Town shall assume responsibility for maintenance:
 - a. Picnic table, shelter and concrete pad;
 - b. Bicycle rack and concrete pad;
 - c. Bicycle repair station and concrete pad;
 - d. Concrete pad for installation of a trash receptacle to be provided by the Town;
and
 - e. Sidewalk or walkway connecting the sidewalk(s) on the Applicant's parcel to the picnic area;
7. Streetlights shall be installed along E. Broad Way to match the materials, style and appearance of the pendant-style streetlights to be installed on the Town Square by the owner/applicant of Lovettsville Square project. The number and placement of streetlights shall be determined by a photometric study submitted as part of the site plan for the project;

8. All fuel canopy lighting shall be flush or recessed in relation to the canopy ceiling in order to minimize glare;
9. In the event the Town is unable to acquire land or permit pursuant to Condition No. 6 by the deadline prescribed therein, the Applicant shall install on the subject parcel at least two (2) picnic tables and one (1) trash receptacle located on one or more concrete pads to match the materials, style and appearance of the picnic tables and trash receptacles located on the Town Green, as well as two (2) bicycle racks in order to meet the needs of bicyclists utilizing the new convenience store; and
10. The Applicant shall execute an agreement, in a form acceptable to the Town Attorney, ensuring perpetual maintenance of any stormwater facilities intended to treat or control the quantity and quality of runoff generated from the site. Such maintenance agreement shall, at a minimum:
 - a. Ensure that responsibility for maintenance of the stormwater facilities shall remain with the property owner and shall legally pass to any successor or subsequent owner;
 - b. Identify the person(s) or party responsible for conducting regular inspections and maintenance of such facilities in accordance with a schedule provided for in the manufacturer's instructions, recommendations and procedures for maintenance of the facilities, including but not limited to replacement of filter cartridges. Copies of inspection and maintenance reports and photographs shall be delivered to the Zoning Administrator for recordkeeping purposes within thirty (30) days of the date maintenance was undertaken by the responsibly person(s) or party; and
 - c. Provide for a reasonable fee to be charged by the Town to the Applicant to recover the Town's costs for conducting inspections of the facilities, using either Town staff or a third-party inspector operating on behalf of the Town, in the event the Applicant fails to do so as required by the maintenance agreement.

TOWN OF LOVETTSVILLE
ADOPTED OPERATING & CAPITAL BUDGET FOR FISCAL YEAR 2017

GENERAL FUND – OPERATING BUDGET					
REVENUE	FY 17	FY 16	EXPENDITURES	FY 17	FY 16
RESIDENTIAL PROPERTY TAX REVENUE	\$502,982	\$502,587	ADMINISTRATION PROGRAM	\$344,802	\$345,780
ECONOMIC DEVELOPMENT TAX REVENUE	\$184,417	\$170,319	CAPITAL & ENGINEERING PROGRAM	\$300,243	\$251,910
RESERVE CONTRIBUTION	\$261,270	\$197,121	PUBLIC WORKS PROGRAM	\$236,073	\$301,248
SALES & OTHER TAX REVENUE	\$291,700	\$276,900	PLANNING & ZONING PROGRAM	\$133,641	\$131,078
PERMITS, FEES, & LICENSE REVENUE	\$12,000	\$15,175	EVENTS & TOURISM PROGRAM	\$97,397	\$84,872
REIMBURSEMENT REVENUE	\$163,696	\$154,400	ECONOMIC DEVELOPMENT PROGRAM	\$63,780	\$61,019
			PUBLIC SAFETY PROGRAM	\$17,259	\$17,848
			RESERVE CONTRIBUTIONS & MISCELLANEOUS	\$222,871	\$122,745
TOTAL REVENUE	\$1,416,065	\$1,316,501	TOTAL EXPENDITURES	\$1,416,065	\$1,316,501

UTILITY FUND – OPERATING BUDGET					
REVENUES	FY 17	FY 16	EXPENDITURES	FY 17	FY 16
USAGE FEE REVENUE	\$931,982	\$839,648	GENERAL FUND OVERHEAD	\$133,746	\$123,850
CONNECTION & AVAILABILITY FEE REVENUE	\$344,000	\$340,800	GENERAL SERVICES	\$97,450	\$95,149
RESERVE CONTRIBUTION	\$447,458	\$366,259	UTILITY SUPPLIES & EQUIPMENT	\$48,000	\$45,050
OTHER REVENUE	\$77,486	\$151,584	CONTRACT SUPPORT SERVICES	\$56,000	\$65,500
REIMBURSEMENT REVENUE	\$12,000	\$15,175	CAPITAL & DEBT MANAGEMENT SERVICES	\$693,458	\$689,059
			UTILITY OPS/REPAIR/MAINTENANCE SERVICES	\$582,098	\$572,850
			RESERVE CONTRIBUTIONS & MISCELLANEOUS	\$196,175	\$121,833
TOTAL REVENUES	\$1,806,926	\$1,713,292	TOTAL EXPENDITURES	\$1,806,926	\$1,713,292

GENERAL FUND – FY 17 CAPITAL BUDGET			
REVENUE	FY 17	EXPENDITURES	FY 17
NEW CAPITAL FUND*	\$50,000	ECONOMIC DEVELOPMENT PLANNING	\$10,000
3RM**	\$28,500	TOWN SQUARE MASTER PLAN	\$10,000
		CLOCKTOWER	\$25,000
		SHARED USE PATH PHASE 1	\$2,000
		NORTHSIDE BIKE STATION	\$5,000
		INTERIM TOWN HALL SUPPORT	\$15,000
		QB PARK- FENCE	\$8,000
		QB PARK- YARD HYDRANT FOR GARDEN	\$3,500
TOTAL REVENUE	\$78,500	TOTAL EXPENDITURE	\$78,500

*New Capital Fund- allocated from existing reserve cash and annual contributions for building a new capital fund (financing new capital projects for the town).

**3RM (Repair, Renew, Replace, and Maintain) Fund- allocated from existing reserve cash and annual contributions for building a 3RM fund (financing repair, renewal, replacement, and maintenance of the existing capital of the town).

UTILITY FUND – FY 17 CAPITAL BUDGET			
REVENUE	FY 17	EXPENDITURES	FY 17
NEW CAPITAL FUND*	\$17,000	WWTP DEFICIENCY CORRECTIONS	\$20,000
3RM**	\$23,000	MISS UTILITY EQUIPMENT	\$5,000
		DEVELOP ASSET MANAGEMENT PLAN	\$15,000
TOTAL REVENUE	\$40,000	TOTAL EXPENDITURE	\$40,000

*New Capital Fund- allocated from existing reserve cash and annual contributions from availability fees for building a new capital fund (financing new capital projects for the town).

**3RM (Repair, Renew, Replace, and Maintain) Fund- allocated from existing reserve cash and annual contributions for building a 3RM fund (financing repair, renewal, replacement, and maintenance of the existing capital of the town).

06/16/16

UTILITY FUND:

All rates reflect quarterly charges

Minimum Water and Sewer Bill: \$135.18 for up to 6,000 gallons per quarter (\$120.70 for FY 2016 – increase of 12%)

Water User Rate: \$8.70 per thousand gallons (\$7.77 in FY 2016 – increase of 12%)

Sewer User Rate: \$13.82 per thousand gallons (\$12.34 in FY 2016 – increase of 12%)

Sewer Only Customers (In Town): Fixed rate of \$115.15 (\$102.81 in FY 2016 – increase of 12%)

Town of Lovettsville

Ordinance 2016-06-003: APPROVE BUDGET AND CIP, ADOPT TAX RATES AND MAKE APPROPRIATIONS FOR FISCAL YEAR ENDING JUNE 30, 2017

MOTION: Gray
SECOND: McIntyre

WHEREAS, the budget, capital improvement plan (CIP), and tax rates for the fiscal year ending June 30, 2017, have been prepared and reviewed by the Town Council; and

WHEREAS, a brief synopsis of the proposed budget and CIP and notice of a public hearing to be held in the Town office on May 19, 2016 at 7:30p.m. were published in the public notices section of the Purcellville Gazette on May 5 and May 12, 2016; and

WHEREAS, a public hearing was in fact held at the time and place advertised at which citizens had the right to attend and state their views on the budget and tax rates.

IT IS ACCORDINGLY ORDAINED by the Town Council of the Town of Lovettsville as follows:

1. The proposed budget and CIP are approved as presented.
2. Appropriations are hereby made for the fiscal year ending June 30, 2017, in the amounts shown to the categories and accounts therein for the general and utility funds and Frye Court Service District fund.
3. All outstanding operating encumbrances at June 30, 2016 are hereby reappropriated for the 2017 fiscal year to the same department and account for which they are encumbered in the previous year.
4. At the close of the fiscal year, all unencumbered appropriations lapse for budget items other than any capital projects and grants.
5. The tax rates and license fees for FY 2017 are hereby fixed at the levels shown in the attached schedule.
6. Water and Sewer rates shall be set as provided in the Town's Schedule of Fees, as amended by ordinance approved immediately prior hereto.
7. The tax rate for FY 2017 shall remain fixed at \$0.21 per one hundred dollars (\$100.00) of assessed value for taxable real estate.
8. The tax rate for FY 2017 for the Frye Court Service District shall remain fixed at \$0.275 per one hundred dollars (\$100.00) of assessed value for taxable real estate (exclusive of improvements).
9. Land use charges imposed as provided in the schedule of fees hereto attached, adopted by ordinance.

VOTE:

AYES: Allar, Carder, Gray, Jones, McIntyre, and Senate

NAYS: None

ABSTENTIONS: None

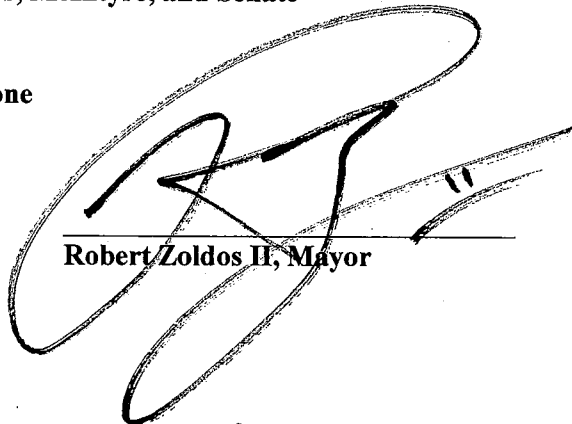
ABSENT FOR VOTE: None

APPROVED: June 16, 2016

CERTIFIED:



Harriet West, Town Clerk


Robert Zoldos II, Mayor

The German Settlement

Town of Lovettsville

SCHEDULE OF FEES – FY 2017 BUDGET

ADOPTED JUNE 16, 2016

GENERAL FUND

Real Estate Tax: \$0.21 / \$100 assessment

Elderly/Disabled Real Estate Tax discount is 100% for qualifying residents

Meals Tax: 3.0% on gross receipts

Cigarette Tax: \$0.40 per pack

Transient Occupancy Tax: 5% of gross receipts

Vehicle License Tax: \$25.00 per car/truck 16.00 per motorcycle (no change)

Business License: \$0.17/\$100 gross receipts, minimum fee: \$34.00

Out-of-town contractors: No charge for work valued under \$25,000.00 annually

Application Fees:	<i>Type:</i>	<i>Fee:</i>
	Zoning Permit – Minor	\$75
	Zoning Permit – Major	\$150
	Pool (fence included)	\$100
	Zoning Determination Letter	\$75
	Demolition Permit	\$50
	Rezoning/Zoning Map Amend.	\$750* for first acre + \$250* for each additional acre
	Proffer Amendment	\$500
	Ordinance Amendment	\$150*
	Home Occupation Permit	\$50
	Zoning Certificate (conversion of use)	\$75
	Sign Permit – Permanent	\$75 (up to three signs)
	Sign Permit – Temporary	\$25 (per sign)
	Preliminary Plat	\$300 + \$15 per lot
	Preliminary Plat Amendment	\$250
	Final Plat	\$500 + \$25 per lot
	Final Plat Amendment	\$250
	Boundary Line Adjustment	\$250
	Minor Subdivision	\$300 + \$15 per lot
	Preliminary Site Plan	\$1,000 + \$50 per acre
	Final Site Plan	\$1,000 for first acre + \$50 for each additional acre
	Preliminary/Final Site Plan	\$1,000 for first acre + \$50 for each additional acre
	Construction Plan	\$1,000 for first acre + \$25 for each additional acre
	Conditional Use Permit	\$350*
	Variation /Waiver	\$100* per section varied
	Occupancy Permit	\$75
	Bond Reduction	\$100 per reduction
	Bond Release	\$150
	Street Acceptance (VDOT Maintenance)	\$150
	BZA Variance/Appeal	\$100*

Adopted June 16, 2016

Town of Lovettsville

*: additional charges for advertising and/or adjacent property owner notification will be billed to the applicant
Applicants are responsible for all base fees as well as any engineering or Town Attorney Review Costs

All civic, charitable, and religious organizations having non-profit status are exempt from application fees.

Taxes are authorized by VA Code 58.1. Fees are authorized by Code of Virginia Sections 15.2-2241 and 15.2-2286.

UTILITY FUND:

All rates reflect quarterly charges

Minimum Water/Sewer Bill: \$135.18 for up to 6,000 gallons

Water User Rate: \$8.70 per thousand gallons

Sewer User Rate: \$13.82 per thousand gallons

Sewer Only Customers: Fixed Rate of \$115.15

Out of Town Water/ Sewer Customers charged 250% the in-town rate.

Penalty for Late Payment: 10%

Virginia Department of Health Waterworks Technical Assistance Fund: Set by VDH

Water Cutoff Charge: \$30

Fire Sprinkler Fee of \$20 per quarter for facilities with a fire sprinkler system connected to Town Water

Availability Tap refund processing charge: \$50.00

Deposit for new water and sewer accounts:

Type of Connection	Water	Sewer
Residential (within Town limits)	\$50.00	\$50.00
Residential (outside Town limits)	\$100.00	\$100.00
Non-Residential	\$100.00	\$100.00

Water Connection: \$1,000

Sewer Connection: \$1,000

Availability Fees, Maximum Allowable Usage and Meter Fee:

Meter Size	Maximum Allowable Usage (GPD)	Water Availability Fee*	Wastewater Availability Fee*	Meter Fee
5/8"	500	\$8,100	\$11,900	\$0
3/4"	750	\$12,150	\$17,850	\$0
1"	1,250	\$20,250	\$29,750	Cost of meter + \$20
1 1/2"	2,500	\$40,500	\$59,500	Cost of meter + \$20
2"	4,000	\$64,800	\$95,200	Cost of meter + \$20
3"	8,000	\$129,600	\$190,400	Cost of meter + \$20
4"	12,500	\$202,500	\$297,500	Cost of meter + \$20

*Upgrades from a smaller meter size will equal the difference between the new availability fee and the current availability worth of the existing meter size.

Excess Use Surcharge for Water: Two times the water rate for all usage above the Maximum Allowable Usage for a billing period.

Excess Use Surcharge for Sewer: Two times the sewer rate for all usage above the Maximum Allowable Usage for a billing period.

Failure to Upgrade Meter Fine – First Offense: \$100.00

Failure to Upgrade Meter Fine – Second Offense: \$200.00

Adopted June 16, 2016

Town of Lovettsville

Failure to Upgrade Meter Fine – Third Offense: \$300.00

Water Theft Fines:

First Offense Fine	\$500.00
Second Offense Fine	\$1,000.00
Third or Subsequent Offense Fine	\$2,000.00

Reward for Successful Notification and Capture of Water Theft in Progress:

Town Water and Sewer Account Holders	\$50.00 Credit
Non-account Holders	\$50.00 Check

Fine for Failure to Follow Water Emergency Rules and Regulations: \$500.00 each offense

Frye Court Service District Tax (per VA Code Section 15.2-2400 et seq.): \$0.275 per one hundred dollars (\$100.00) of assessed value for taxable real estate (exclusive of improvements).

These actions are authorized by the Code of Virginia Section 15.2-2111, 15.2-2143 (Water) and Sections 15.2-2111, 15.2-2119 (Sewer)

Charge for all returned checks: \$25.00 plus \$5.00 bank charge