

Town of Lovettsville

Town Council Minutes of the July 11, 2013 Regular Meeting

Call to Order/Pledge of Allegiance

Mayor Robert Zoldos II called the Regular Meeting of the Lovettsville Town Council to order at 7:32 p.m. on Thursday, June 27, 2013 at the Lovettsville Town Hall, 6 East Pennsylvania Avenue, Lovettsville, VA.

Town Council Members Present

- Mayor Robert Zoldos II
- Council Member Kimberly Allar
- Council Member Jack Burden
- Council Member Tiffany Carder
- Council Member Rodney Gray
- Council Member James McIntyre

Council Members Absent

- Vice Mayor Senate

Staff Present

- Town Manager Keith Markel
- Town Clerk Harriet West

Pledge of Allegiance

Mayor Zoldos led those assembled in the Pledge of Allegiance.

Closed Session

Mayor Zoldos said there would be no Closed Session.

Presentations

There were no presentations.

Comments from the Public

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

Community Presentations

A. Loudoun County Sheriff's Office

Deputy Sheriff Lopreto gave an update on recent incidents in Town including a robbery at the 7-Eleven Convenience Store. Someone broke in and stole a small amount of cigarettes after the store had closed. He said that Deputy Spurlock will conduct the next Neighborhood Watch meeting on July 30 at the Lovettsville Fire House and that National Night Out will be held on August 6 at the Community Center.

There were no other community presentations.

Town Commission and Committee Reports

A. Lovettsville Planning Commission

Manager Markel said the Planning Commission will conduct two public hearings next week regarding the AT&T cellular equipment on the tank and the 7-Eleven hours of operation.

B. Parks Committee

Manager Markel gave updates on the recent Parks Committee meeting and construction at the Quarter Branch Park Facility.

C. "We're In" Committee

Mayor Zoldos gave an update on recent "We're In" activities. Patricia Rostkowski organized and led "We're In's" participation in the July 3rd Independence Day parade. He noted that "We're In" will be taking over two Town events, Light Up Lovettsville and Berserkle on the Squirkle, and that there may be an opportunity for the committee to hold a low-impact event on the Town Green for future July 3rd celebrations.

D. Oktoberfest Committee

Councilman McIntyre reported that the Oktoberfest float won first place in the July 3rd Independence Day parade. He gave updates on the logistics for placement of the main tent, the website, and opportunities for regional publicity.

Additions/Deletions/Modifications to the Agenda

The Virginia Retirement System (VRS) Contribution and Town Council Meet & Greet on the Town Green were added as Action/Discussion Items, and Healthy Eating Active Living was added as an Information Item. The Action/Discussion item regarding the Town Council Compensation was deferred since not all Council Members were present.

Minutes

A. Town Council Regular Meeting and Special Budget Meeting – April 25, 2013

Motion: I move to approve the minutes of the April 25, 2013 Regular Meeting and Special Budget Meeting as amended.

By: Council Member Carder

Second: Council Member Allar

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

Nay: None

Abstain: None

Absent: Vice Mayor Senate

B. Town Council Regular Meeting – May 9, 2013

Motion: I move to approve the minutes of the May 9, 2013 Town Council Regular Meeting.

By: Council Member Carder

Second: Council Member Allar

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

Nay: None

Abstain: Council Member McIntyre

Absent: Vice Mayor Senate

Report from the Treasurer

There was no report from the Treasurer.

Staff Reports

A. Report from the Project Manager

There was no report from the Project Manager.

B. Report from the Zoning Administrator

There was no report from the Zoning Administrator.

C. Report from the Town Attorney

The Town Attorney was not present at the meeting. There was no report.

D. Report from the Town Manager

Manager Markel gave updates on the site work for the Quarter Branch Park Facility, the recent sewer backup on Frye Court, the next phase of the East Broadway Streetscapes Project, and upcoming events including Movies on the Green and the Walker Pavilion dedication. He added that the Lovettsville Garden Club will be taking over the flower pots at the post office. This will be their first project in Town.

Action/Discussion Items

A. Adoption of MFSC Rate Study Report

Manager Markel presented this item. The Council is being asked to approve the Water and Sewer Rate Study Final Report, dated June 2013, and to adopt the recommended five-year rate structure. Staff has reviewed the report and recommends that the Council approve the final report.

Motion: I move that the Town Council accept the Town of Lovettsville Water and Sewer Rate Study Final Report dated June, 2013 and endorse the recommended Rate Design for the next five years.

By: Council Member Burden

Second: Council Member McIntyre

Mayor Zoldos called for discussion.

Councilman Burden said he is very impressed with the work done by the consultant and that Staff did a great job with providing information used for the study.

Councilman McIntyre said the report is a great guide for those who are not experts in this area. He has been able to point to the study in discussions with residents who are concerned about the increase in rates.

Mayor Zoldos said the study provides the Town with good data and allows the Council to make the right decision for the Town.

Mayor Zoldos called for further discussion. Hearing none, he called for the vote.

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

Nay: None

Abstain: None

Absent: Vice Mayor Senate

B. Review of Town Council Rules and Procedures

Manager Markel presented this item. The Council is being asked to review the adoption policy for Ordinances in the Rules and Procedures for Meetings of the Mayor and Town Council.

At the Town Council meeting of June 28, the Town Attorney reminded the Council that the adopted Rules and Procedures for Town Council meeting requires that no ordinance be adopted the same night that it is introduced, unless the rules are suspended. Staff feels this provision creates an unnecessary delay for action on items. The Council never has to act the same night, but on many occasions, it is most efficient to approve ordinances the same night, especially if there is no known opposition or if the ordinance is not complicated. All required public hearing notice would still be followed. Staff recommends that the Mayor and Town Council modify their Rules and Procedures as shown below to remove the provision requiring a delay in acting on an ordinance approval.

R. Ordinances and Policies

~~"4. Adoption: The Town Council shall not adopt an ordinance or ordinance change at the same meeting at which the ordinance is introduced unless it is declared an emergency ordinance. Ordinances shall become effective immediately following Town Council approval unless the Town Council declares otherwise."~~

Motion: I move that the Lovettsville Town Council modify the current Rules and Procedures for Meetings of the Mayor and Town Council, most recently readopted on September 8, 2012, as shown in the recommendation above, to allow the Council to act on ordinances the night they are introduced to the Council.

By: Council Member McIntyre

Second: Council Member Burden

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

Nay: None
Abstain: None
Absent: Vice Mayor Senate

C. Town Council Compensation for FY 2014

This item was tabled because not all Council Members were present.

D. VRS Resolution

Manager Markel presented this item. The Council is being asked to approve a resolution for the Virginia Retirement System to define member contributions for FY 2014.

Motion: I move to adopt Resolution 2013-07-001: Member Contributions by Salary Reduction for Counties, Cities, Towns, and Other Political Subdivisions (Attachment 1).
By: Council Member Allar
Second: Council Member Gray
Aye: Council Members Allar, Burden, Carder, Gray, and McIntyre
Nay: None
Abstain: None
Absent: Vice Mayor Senate

E. Town Council Meet & Greet on the Town Green

Councilwoman Allar suggested that the Town Council hold a meet and greet on the Town Green. She suggested the dates of August 25 or September 8 and the timeframe of 4:00-7:00 p.m. Following further discussion, the Mayor, Town Manager, and Councilwoman Allar agreed to work together on this. It was suggested the event could be named in honor of the late Mike Wild, former Planning Commissioner, who used to conduct a similar event.

Information Items

A. Healthy Eating Active Living

Manager Markel gave an overview of the Health Eating Active Living (HEAL) program and distributed a draft resolution for the Council to review and act on at the Town Council meeting on August 8, 2013 (Attachment 2). Mayor Zoldos said the Town may be able obtain assistance through the HEAL program's farm market consultant and that it may be an excellent opportunity to pursue grants for sidewalks through the Safe Routes to School program.

Councilman Burden said he had concerns about the amount of staff time this would take. Mayor Zoldos said the Town is already doing many of the things proposed in the draft resolution.

Comments from the Mayor and Town Council

Councilwoman Allar said she enjoyed participating in the July 3rd Independence Day parade and riding in the fire truck with her sons.

Councilwoman Carder said she and her children also enjoyed participating in the July 3rd parade and that it was great seeing everyone enjoying the fireworks on the Town Green. She said she is starting a new part-time job which will take time away from her availability to attend meetings during the day.

Councilman Gray said he had a great time watching the parade and fireworks.

Councilman McIntyre said he is working with the winner of Oktoberfest poster contest on a merit badge for public service. He shared a "live local" experience - while preparing dinner for his family recently he realized everything he used for the meal came from within five miles of home.

Mayor Zoldos reported on the following:

- He received one complaint about the Town's Independence Day celebration being on July 3, rather than July 4. He noted this practice has been in place for many years and that it is based on the ability to get volunteer support and a more cost effective fireworks display. He thanked everyone who participated.

- The next Neighborhood Watch meeting will be on July 30 at 7:00 p.m. at the Lovettsville Fire House. Deputy Spurlock will conduct the first actual training session on how to be a good witness.
- He attended the Town Association of Northern Virginia (TANV) meeting today in Purcellville. The main focus was on transportation projects. Lovettsville will host the January 2014 TANV meeting.
- He attended the first two meets of the Dolphin Swim Team. He estimated there were more than 200 people from the home team and 150 from the away team at each meet. There is a great opportunity to encourage these visitors to stay in Town after the swim meets.
- The "We're In" Committee is starting to take shape. The committee members understand their roles and they are beginning to move forward with several initiatives.
- He recently attended the New Town Meadows Home Owners Association meeting.
- Upper Loudoun Youth Football will be coming to Lovettsville in the fall. Flag football and D League will be offered at the Lovettsville Game Club. This is a great opportunity for local kids who are not able to get to Purcellville.
- The next Movie on the Green, *The Princess Bride*, will be shown on Friday, July 12.

Closed Session

There was no Closed Session.

Adjournment

There being no further business before the Council, the meeting was adjourned at 8:50 p.m.

Respectfully submitted,



Harriet West, Town Clerk

Date Approved: August 22, 2013

Attachments:

1. Resolution 2013-07-001: Member Contributions by Salary Reduction for Counties, Cities, Towns, and Other Political Subdivisions
2. Resolution 2013-08-000_: Setting Forth Lovettsville's Commitment to Promoting a Healthy Community (DRAFT)

Town of Lovettsville

Resolution 2013-07-001 MEMBER CONTRIBUTIONS BY SALARY REDUCTION FOR COUNTIES, CITIES, TOWNS, AND OTHER POLITICAL SUBDIVISIONS

(In accordance with Chapter 822 of the 2012 Acts of Assembly (SB497))

MOTION: Allar

SECOND: Gray

WHEREAS, the Town of Lovettsville (#55261) employees who are Virginia Retirement System members who commence or recommence employment on or after July 1, 2012, shall be required to contribute five percent of their creditable compensation by salary reduction pursuant to Internal Revenue Code § 414(h) on a pre-tax basis upon commencing or recommencing employment; and

WHEREAS, the Town of Lovettsville employees who are Virginia Retirement System members and in service on June 30, 2012, shall be required to contribute five percent of their creditable compensation by salary reduction pursuant to Internal Revenue Code § 414(h) on a pre-tax basis no later than July 1, 2016; and

WHEREAS, such employees in service on June 30, 2012, shall contribute a minimum of an additional one percent of their creditable compensation beginning on each July 1 of 2012, 2013, 2014, 2015, and 2016, or until the employees' contributions equal five percent of creditable compensation; and

WHEREAS, the Town of Lovettsville may elect to require such employees in service on June 30, 2012, to contribute more than an additional one percent each year, in whole percentages, until the employees' contributions equal five percent of creditable compensation; and

WHEREAS, the second enactment clause of Chapter 822 of the 2012 Acts of Assembly (SB497) requires an increase in total creditable compensation, effective July 1, 2013, to each such employee in service on June 30, 2013, to offset the cost of the member contributions, such increase in total creditable compensation to be equal to the percentage increase of the member contribution paid by such pursuant to this resolution (For example, if the member contribution paid by the employee increases from two to three percent pursuant to this resolution, the employee must receive a one percent increase in creditable compensation.)

BE IT THEREFORE RESOLVED, that the Town of Lovettsville does hereby certify to the Virginia Retirement System Board of Trustees that it shall effect the implementation of the member contribution requirements of Chapter 822 of the 2012 Acts of Assembly (SB497) according to the following schedule for the fiscal year beginning July 1, 2013:

Plan 1	Percent
Employer Paid Member Contribution	0%
Employee Paid Member Contribution	5%
Total	5%

Plan 2	Percent
Employer Paid Member Contribution	0%
Employee Paid Member Contribution	5%
Total	5%

The German Settlement

BE IT FURTHER RESOLVED, that such contributions, although designated as member contributions, are to be made by the Town of Lovettsville in lieu of member contributions; and

BE IT FURTHER RESOLVED, that pick up member contributions shall be paid from the same source of funds as used in paying the wages to affected employees; and

BE IT FURTHER RESOLVED, that member contributions made by the Town of Lovettsville under the pick up arrangement shall be treated for all purposes other than income taxation, including but not limited to VRS benefits, in the same manner and to the same extent as member contributions made prior to the pick up arrangement; and

BE IT FURTHER RESOLVED, that nothing herein shall be construed so as to permit or extend an option to VRS members to receive the pick up contributions made by the Town of Lovettsville directly instead of having them paid to VRS; and

BE IT FURTHER RESOLVED, that notwithstanding any contractual or other provisions, the wages of each member of VRS who is an employee of the Town of Lovettsville shall be reduced by the amount of member contributions picked up by the Town of Lovettsville on behalf of such employee pursuant to the foregoing resolutions; and

BE IT FURTHER RESOLVED, that in accordance with the Appropriation Act, no salary increases that were provided solely to offset the cost of required member contributions to the Virginia Retirement System under § 51.1144 of the Code of Virginia will be used to certify that the salary increases required by the Appropriations Act have been provided.

NOW, THEREFORE, the officers are hereby authorized and directed in the name of the Town of Lovettsville to carry out the provisions of this resolution, and said officers are authorized and directed to pay over to the Treasurer of Virginia from time to time such sums as are due to be paid by the Town of Lovettsville for this purpose.

VOTE:

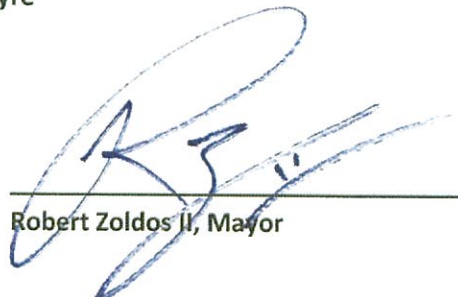
Ayes: Allar, Burden, Carder, Gray, and McIntyre

Nays: None

Abstentions: None

Absent for vote: Senate


APPROVED: July 11, 2013



Robert Zoldos II, Mayor

CERTIFICATE

I, Harriet West, Town Clerk of the Town of Lovettsville, certify that the foregoing is a true and correct copy of a resolution passed at a lawfully organized meeting of the Lovettsville Town Council held at the Lovettsville Town Hall in Lovettsville, Virginia at 7:30 pm on July 10, 2013. Given under my hand this 11th day of July, 2013.



Harriet West
Town Clerk

**RESOLUTION 2013-08-000 __ SETTING FORTH LOVETTSVILLE'S
COMMITMENT TO PROMOTING A HEALTHY COMMUNITY**

WHEREAS, the Town of Lovettsville has the ability to affect the health of its residents through planning, public facilities, and promoting a healthy community; and

WHEREAS, planning and constructing a built environment that encourages walking, biking, and other forms of physical activity can promote health; and

WHEREAS, high rates of costly chronic disease among both children and adults are correlated to environments with few or no options for healthy eating and active living; and

WHEREAS, more than half of Virginia's adults are overweight or obese and therefore at risk for many chronic conditions including diabetes, heart disease, cancer, arthritis, stroke, and, hypertension; and

WHEREAS, one in three youth in Virginia is overweight or obese; and

WHEREAS, the current generation of children are expected to have shorter lives than their parents due to the consequences of obesity; and

WHEREAS, the annual cost to Virginia—in medical bills, workers compensation and lost productivity—for overweight, obesity, and physical inactivity exceeds \$3 billion;

WHEREAS, supporting the health of residents and the local workforce would decrease chronic disease and health care costs and increase productivity; and

NOW, THEREFORE, LET IT BE RESOLVED that the Lovettsville Town Council hereby recognized that the Town has a role in promoting and encouraging opportunity for physical activity and access to affordable, healthy foods so that residents can continue to enjoy a high quality of life and healthy, active, and productive lives. To that end, [name of city/town] adopts this Healthy Eating Active Living resolution:

I. Built Environment

BE IT FURTHER RESOLVED that the Town of Lovettsville should make every effort to:

1. Prioritize capital improvements projects to increase the opportunities for physical activity;
2. Plan and construct a built environment that encourages walking, biking and other forms of physical activity;
3. Continue addressing walking and biking connectivity between residential neighborhoods and schools, parks, recreational resources, and retail;
4. Continue to expand community access to indoor and outdoor public facilities through joint use agreements with the Elementary School, Community Center and other partners;
5. Include healthy goals and policies related to physical activity in the Comprehensive plan update and specific area plans;
6. Revise Comprehensive Plan and zoning ordinances to increase opportunities for physical activity wherever comprehensive and whenever possible, including complete streets policies, and compact, mixed-use and development;

II. Workplace Wellness

BE IT FURTHER RESOLVED that in order to promote wellness within the Town of Lovettsville, and to set an example for other businesses, the Town of Lovettsville pledges to adopt and implement a

workplace wellness policy that will:

1. Establish physical activity breaks for meetings over one hour in length where practical;
2. Accommodate breastfeeding employees upon their return to work;
3. Continue to promote water consumption in the workplace and at meetings.

III. Healthy Food Access

BE IT FURTHER RESOLVED that the Town of Lovettsville should make every effort to:

1. Facilitate the siting of and encourage a Farmers' market to increase access to affordable, healthy food including fresh fruits and vegetables by providing direct access for growers to sell to the community;
2. Provide public-owned land to create a community garden;
3. Encourage community groups to cultivate certain plots for community benefit by providing a determined area at no- or low-cost;

IV. Implementation

BE IT FURTHER RESOLVED that each calendar year, the Mayor and Town Council shall review progress on steps taken to implement the Resolution as part of the Town Annual Report

BE IT FURTHER RESOLVED that Lovettsville Staff shall work with HEAL Cities & Towns Campaign Staff to explore HEAL policies and to identify those policies that are suitable for the Town's unique local circumstances.

BE IT FURTHER RESOLVED Staff will report back to this Council with recommendations not later than six months from the date of this Resolution's adoption.

VOTE:

Ayes:

Nays:

Abstentions:

Absent for Vote:

APPROVED: August ____, 2013

Robert Zoldos II, Mayor

CERTIFIED:

Harriet West, Town Clerk