

Town of Lovettsville

Town Council Minutes of the July 28, 2016 Regular Meeting

Call to Order/Pledge of Allegiance

Mayor Zoldos called the regular meeting of the Lovettsville Town Council to order at 7:31 p.m. on July 28, 2016. The meeting was held at Lovettsville Volunteer Fire and Rescue, 12837 Berlin Pike, Lovettsville, VA.

Council Members Present

- Mayor Robert Zoldos II
- Vice Mayor Tiffany Carder
- Council Member Kimberly Allar
- Council Member Rob Gentile
- Council Member Jennifer Jones
- Council Member James McIntyre
- Council Member Mike Senate

Staff Present

- Town Manager Laszlo Palko
- Town Engineer Karin Fellers
- Utility Director Stephen Gates
- Town Attorney Elizabeth Whiting
- Town Clerk Harriet West

Pledge of Allegiance

Mayor Zoldos led those assembled in the Pledge of Allegiance.

Closed Session

Mayor Zoldos announced that the Council would go into closed session at the end of the meeting to discuss two personnel actions.

Presentations

There were none.

Community Presentations

A. Loudoun County Sheriff's Office

Captain Greg Ahlemann, Western Loudoun Station Commander, conducted a quarterly public safety meeting. He introduced the community resource officers and discussed their role and coverage for Western Loudoun. Captain Ahlemann then presented information on calls for service in the Western Loudoun area; the new Western Loudoun Station; new online apps; and heroin usage, which is on the rise. Deputy Moates reported on steps taken to minimize graffiti issues with a vacant building at 2 N. Berlin Pike. Captain Ahlemann reported on a theft at the Lovettsville Community Center Pool, a recent series of larcenies in Town where items were stolen from unlocked cars, and a grand larceny case in Purcellville. Captain Ahlemann provided some gun safety locks and responded to questions from the public.

The Mayor and Council took a brief recess at 8:30 p.m. and reconvened in open session at 8:35 p.m.

Comments from the Public

Mayor Zoldos called for comments from the public. Vice Mayor Carder read the rules for public comments.

Stacy Evans, 16 S. Loudoun Street, came forward to speak about the ongoing problems with her neighbors, including the noise and harassment, the tarp and sheet metal sign, and the trash and rats in the backyard. She noted these problems have been reported to the Town and the Sheriff's Office on numerous occasions and nothing has been done. Mayor Zoldos said he had been told by the Zoning

Administrator they were waiting for the outcome of the court case Ms. Evans had initiated. Following discussion, the Town Manager said he would work with the Zoning Administrator and Deputy LoPreto to find out what is happening and report back to the Town Council.

Marcia Fuqua, 10 S. Loudoun Street, spoke in support of Stacy Evans. Ms. Fuqua said she has been harassed, falsely accused, and threatened by the same people and she said that they have a 20-year history of mental illness and criminal behavior. Following further discussion about calls to the Loudoun County Health Department and Sheriff's Office, Mayor Zoldos told Ms. Evans and Ms. Fuqua they could always contact him directly. He also encouraged them to contact Captain Ahlemann directly.

B. Lovettsville Library

Vice Mayor Carder reported on the summer reading program and other upcoming programs.

There were no other community presentations.

Town Commission and Committee

A. Lovettsville Planning Commission

There was no report.

B. Parks Committee

Councilman Senate gave an update on the bike station that will be constructed by 7-Eleven.

C. We're In Committee

Vice Mayor Carder reported on the Concert on the Green series.

C. Oktoberfest Committee

Councilman McIntyre gave updates on licenses and permits, vendors, and Kinderfest.

E. Movies on the Green

Councilman McIntyre gave an update on the upcoming Movie on the Green.

F. Wild on the Green

Councilwoman Allar gave an update on the 4th Annual Wild on the Green.

Additions/Deletions/Modifications to the Agenda

The following items were added to the agenda:

- VML Conference Attendance
- Committee Assignments
- Use of Town Seal

Minutes

There were no minutes.

Monthly Financial Report

There was no report.

Staff Reports

A. Report from the Town Engineer

The Town Engineer submitted a written report.

B. Report from the Zoning Administrator

There was no report.

C. Report from the Utility Director

The Utility Director submitted a written report.

D. Report from the Town Manager

There was no report.

Action/Discussion Items

A. Clock Tower Faces – Recommendation After Voting

Councilman Senate presented this item. The Council is being asked to approve the Clock Tower faces and authorize budget amounts. He noted there would be substantial saving for installing all four clock faces at the same time. Following discussion, Councilman Senate made the following motion:

Motion: I move that Town Council select Clock Face #5 with gold arms and numbers for the Christmas Tree and Town Green sides and Clock Face #3 with black arms and numbers for the Glockenspiel and W. Broad Way sides and direct staff to add any funds raised for the clock faces plus any surplus FY2016 budget towards the already budgeted \$25,000 in FY17 in order to install as many clock faces as possible and pay the first year Maintenance Service Fee.

Second: Council Member Gentile

Aye: Council Members McIntyre, Gentile, Senate, Carder, Allar, and Jones

Nay: None

Abstain: None

Absent: None

B. Amendment to Chapter 18, Article IV - Business License Taxes

Town Manager Palko presented this item. The Council is being asked to consider amending Chapter 18, Article IV – Business License Tax to change the annual due date for business license renewals, to require verification of gross receipts for businesses located in the Town, and to approve other administrative changes to conform with the State code. Following discussion, Councilman Senate made the following motion:

Motion: I move to adopt Ordinance 2016-07-001 approving the attached amendment to Chapter 18, Article IV of the Town Code as presented and that the Town Manager return to Town Council via public hearing to review adjustments to the Fee Schedules (Attachment 1).

Second: Council Member McIntyre

Aye: Council Members McIntyre, Gentile, Senate, Carder, Allar, and Jones

Nay: None

Abstain: None

Absent: None

C. Lovettsville Square Commercial Center – Bond Reduction Request

Town Manager Palko presented this item. The Council is being asked to consider a request to reduce the bond for public improvements recently completed in and around the newly-constructed Lovettsville Square Commercial Center. Following discussion, Councilman Gentile made the following motion:

Motion: I move to approve Resolution 2016-07-0001 to reduce the performance bond for the Lovettsville Square Commercial Center from \$741,584 to \$134,653 (Attachment 2).

Second: Council Member McIntyre

Aye: Council Members McIntyre, Gentile, Senate, Carder, Allar, and Jones

Nay: None

Abstain: None

Absent: None

D. Virginia Municipal League Conference Attendance

Mayor Zoldos, Councilman McIntyre, Councilman Senate, Vice Mayor Carder, and Town Manager Palko confirmed they are available to attend the conference.

E. Committee Assignments

Mayor Zoldos presented this item. The Council is being asked to approve the revised committee structure for the Events, Business & Tourism, Parks & Beautification, Infrastructure & Environment, Information Flow Committees and the Events Subcommittees (LOVE America, LOVE Spring, LOVE Summer, LOVE Fall, and LOVE Winter). Following discussion, Vice Mayor Carder made the following motion:

Motion: I move to adopt the committee structure as amended.
Second: Council Member McIntyre
Aye: Council Members McIntyre, Gentile, Senate, Carder, Allar, and Jones
Nay: None
Abstain: None
Absent: None

F. Lovettsville Elementary School Use of Town Logo

Mayor Zoldos presented this item. The Council is being asked to approve the use of the Town Seal by the Lovettsville Elementary School PTO for a general fundraiser. Following discussion, Vice Mayor Carder made the following motion:

Motion: I move to approve the use of Town seal for the PTO fundraiser incorporating the Tervis cups.
Second: Council Member Gentile
Aye: Council Members McIntyre, Gentile, Senate, Carder, Allar, and Jones
Nay: None
Abstain: None
Absent: None

Closed Session

Mayor Zoldos announced that the Town Council would be going into closed session. Vice Mayor Carder made the following motion:

Motion: I move that the Lovettsville Town Council convene in closed session pursuant to Virginia Code Section 2.2-3711A1 for 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, with regard to the promotion of a Town employee to a new position; and thereafter reconvene in open session for action as appropriate.
Second: Council Member Jones

Following discussion, Vice Mayor Carder amended her motion to include "Planning Commissioners" and Councilwoman Jones accepted the amendment.

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

The Council went into closed session at 9:58 p.m. and reconvened in open session at 10:20 p.m.

Certification of the Closed Session

Mayor Zoldos read the following Certification of Closed Session aloud: Do you certify that to the best of your knowledge (i) only public business matters lawfully exempt 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. Council Members McIntyre, Gentile, Senate, Carder, Allar, and Jones certified to the above.

Mayor Zoldos asked if there was any further business to come before the Council. Vice Mayor Carder made the following motion:

Motion: I move that the Town creates a Utility Lead Operator position and appoint James Gibbs.
By: Vice Mayor Carder
Second: Council Member Jones
Aye: Council Members McIntyre, Gentile, Senate, Carder, Allar, and Jones
Nay: None
Abstain: None
Absent: None

Information Items

There were none.

Comments from the Mayor and Town Council

Councilman McIntyre reminded everyone about the Cooperative Market's outdoor summer market and upcoming barn dance.

Councilman Gentile said he met with the new owner of the Mad Horse Brew Pub.

Mayor Zoldos provided updates on the Lovettsville Square ribbon cutting, his upcoming meeting with Purcellville Mayor Fraser about re-establishing the Coalition of Loudoun Towns, advertisements for events, developing a community calendar, and having the Council Members guest write the Friday email beginning in August.

Adjournment

There being no further business before the Council, Mayor Zoldos adjourned the meeting at 10:31 p.m.

Respectfully submitted,



Harriet West, Town Clerk

Date Approved: May 18, 2017

Attachments:

1. Ordinance 2016-07-001
2. Resolution 2016-07-0001

Town of Lovettsville

Ordinance No. 2016-07-001: AMENDMENTS TO SECTIONS 18-61 (LICENSE REQUIREMENT; REQUIRING EVIDENCE OF PAYMENT OF BUSINESS LICENSE, BUSINESS PERSONAL PROPERTY, MEALS AND ADMISSION TAXES), 18-63 (DUE DATES AND PENALTIES), 18-68 (ADMINISTRATIVE APPEALS TO COMMISSION OF THE REVENUE OR OTHER ASSESSING OFFICIAL), 18-69 (ADMINISTRATIVE APPEAL TO THE TAX COMMISSIONER), 18-70 (JUDICIAL REVIEW OF DETERMINATION OF TAX COMMISSIONER), 18-71 (RULINGS), 18-73 (PRORATION OF LICENSE TAXES), 18-74 (OUT-OF-TOWN CONTRACTOR DOING BUSINESS IN EXCESS OF \$25,000 WITHIN THE TOWN), AND 18-75 (LICENSE TAX) OF THE TOWN CODE FOR BUSINESS LICENSE TAXES

MOTION: Senate
SECOND: McIntyre

WHEREAS, Chapter 18, Article IV of the Town Code contains requirements regarding Business License Taxes; and

WHEREAS, the Town has identified the need to make certain modifications to this section of the Town Code including changing the due date for annual license renewals, requiring verification of gross receipts for businesses located in the Town of Lovettsville, and providing for administrative appeals and rate changes to bring the Town Code into conformance with Chapter 37 of Title 58.1 of the Code of Virginia, including caps on fees for contractors; and

WHEREAS, the Town Council reviewed these changes on July 28, 2016.

NOW, THEREFORE, BE IT ORDAINED that sections 18-61, 18-63, 18-68, 18-69, 18-70, 18-71, 18-73, 18-74 and 18-75, of Chapter 18 of the Town Code be amended as set forth in the attachment hereto.

VOTE:

Ayes: Allar, Carder, Gentile, Jones, McIntyre, and Senate

Nays: None

Abstentions: None

Absent for Vote: None

Approved: July 28, 2016



ROBERT ZOLDOS, MAYOR



HARRIET WEST, TOWN CLERK

The German Settlement

Town of Lovettsville

Resolution 2016-07-0001: APPROVE FIRST BOND REDUCTION FOR PUBLIC IMPROVEMENTS IN LOVETTSVILLE SQUARE COMMERCIAL CENTER

MOTION: Gentile

SECOND: McIntyre

WHEREAS, Lovettsville Square, LLC has received approval of a site plan amendment for the Lovettsville Square Commercial Center and commenced construction of site improvements in accordance with such approval; and

WHEREAS, the Lovettsville Town Council on August 27, 2015 approved the performance agreement dated August 20, 2015 provided by Lovettsville Square, LLC, and Bond Number 41289602 issued by Lovettsville Square, LLC (principal) and Platte River Insurance Company (surety); and

WHEREAS, pursuant to Section 30-35 of the Subdivision Ordinance and §15.2-2245 of the Code of Virginia, Bowman Consulting Group, Ltd. on behalf of Lovettsville Square, LLC has submitted a request for a first reduction in the amount of the performance bond based upon the extent of public improvements installed, as documented on the bond reduction forms prepared by Bowman Consulting Group, Ltd. on June 16, 2016; and

WHEREAS, based upon inspection by the Town's engineering consultant, Christopher Consultants, the Town supports a reduction in the bond from the current bond amount of \$741,584.00 to the new bond amount of \$134,653.00.

NOW, THEREFORE, BE IT RESOLVED that the Lovettsville Town Council hereby approves the recommendation of the Town's engineering consultant referenced above, and authorizes the Mayor and Town Attorney to approve the reduction as appropriate when tendered in a form approved by the Town Attorney.

VOTE:

Ayes: Allar, Carder, Gentile, Jones, McIntyre, and Senate

Nays: None

Abstentions: None

Absent for Vote: None

APPROVED: July 28, 2016



ROBERT ZOLDOS II, MAYOR

CERTIFIED:



**HARRIET WEST
TOWN CLERK**

The German Settlement