

# Town of Lovettsville

## Town Council Minutes of the August 6, 2015 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 August 6, 2015 at the Lovettsville Town Hall, 6 East Pennsylvania Avenue, Lovettsville, VA.

### Council Members Present

- Mayor Robert Zoldos II
- Council Member Kimberly Allar
- Council Member Tiffany Carder
- Council Member Jennifer Jones
- Council Member James McIntyre

### Council Members Absent

- Vice Mayor Michael Senate
- Council Member Rodney Gray

### Staff Present

- Town Manager Laszlo Palko
- Town Clerk Harriet West

### Pledge of Allegiance

Mayor Zoldos led those assembled in the Pledge of Allegiance.

### Presentations

There were none.

### Comments from the Public

There were none.

### Community Presentations

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

Deputy LoPreto gave an update on the recent bank robbery at BB&T Bank and noted that two suspects, who are residents of Maryland, were arrested. It is believed they are involved in three additional bank robberies. Deputy LoPreto explained that tips received from the public in this case indicated that these men, in the vehicle in question, were seen in Town thirty minutes prior to the robbery. Deputy LoPreto urged everyone to report any activity or vehicles they find suspicious, as that may help to prevent a crime. Deputy LoPreto asked if there were any questions regarding this issue:

- Councilwoman Carder asked if it is known if the suspects were familiar with the area. Deputy LoPreto stated that information has not been revealed to him at this point, but also noted that there is video surveillance of them in other parts of Loudoun County.
- Councilman McIntyre asked if the men who were arrested specifically confessed to this robbery. Deputy LoPreto stated that they did, in separate confessions. Deputy LoPreto explained that the FBI has taken the lead on the case, and that Federal charges will be filed. The Loudoun County Sheriff's Office is providing support to the lead investigative agency.
- In response to a question from Mayor Zoldos, Deputy LoPreto stated that, as soon as he receives further information, he will pass it on to the Council.

Deputy LoPreto noted concerns which were expressed regarding the safety of the public in this incident. He assured attendees that, at the time of the robbery, it seemed most likely that the suspects had fled the area and posed no threat to residents. He noted that the Sheriff's Office strives to disseminate

information to the public regarding incidents such as this as quickly as possible. Deputy LoPreto also reported that three juveniles have been arrested in connection with more than 50 destruction of property incidents in the County.

Mayor Zoldos noted that he had received complaints which asked why more information was not shared, and stated that he explained to those citizens the rationale for the release of information. The Mayor also noted the widely differing reports of the amount of time it took for police to arrive on the scene, and the earlier comment made regarding reporting suspicious activity; to that end, Mayor Zoldos noted, he had previously asked for assignment of a deputy to Lovettsville. Mayor Zoldos stated that he understands that "the numbers don't support it," but noted that it is difficult to tell that to residents when a bank robbery just occurred in the Town. Mayor Zoldos asked how the Town can advocate for a deputy to be assigned to Lovettsville.

Captain Greg Ahlemann, Western Loudoun Station Commander, reported that one step to take would be to make sure that calls for service are made for issues which occur in the Town as those statistics are considered when staffing decisions are being made. Captain Ahlemann also noted that, although calls for service are lower in Western Loudoun, response times are significantly longer, and that is one of the most significant challenges faced by the Sheriff's Office. Captain Ahlemann also noted that sometimes calls for service can provide information which may help solve other crimes.

Mayor Zoldos said Lovettsville is part of the County and there needs to be respectable response times to Western Loudoun. Mayor Zoldos also referenced the large geographical area which comprises this sector, and which can lead to extended response times, as well as issues, such as medical calls, which require shorter response times. Mayor Zoldos stated that he would be willing to speak with whomever in government he should, in order to address this problem, and reiterated that response times, at least to the towns, needs to be shorter.

Captain Ahlemann explained that, presently, resources are pooled where there is the greatest need and that the Sheriff's Office is not yet in a position to provide more resources to other areas. The Captain stated that bringing this issue to the Board of Supervisors would be a good idea. Mayor Zoldos also stated that the response time is a different argument and noted that he doesn't see any way around that.

Town Manager Palko asked if the Sheriff's Office or the Board of Supervisors sets the criteria for manning the various offices. Captain Ahlemann stated that the Sheriff's Office may go to the Board of Supervisors with requests for additional resources. Additionally, it was noted, the Town may make a request of the Sheriff. It was also noted that, in Western Loudoun, emergency situations (such as a robbery or a barricade/hostage situation) rarely occur – situations such as these are more likely in the more populous areas of the County. Town Manager Palko referenced criteria used by the military in determining allocation of resources – those criteria being population levels, amount of violence, and the size of the geographical area – and asked if similar criteria could be used in this situation. Captain Ahlemann responded that this idea could be presented to the Sheriff's Office and to the Board of Supervisors.

Mayor Zoldos asked if there is a national standard for response times. Captain Ahlemann said he wasn't aware of a national standard but they do track average response times. He added that response times to areas like Sterling are typically 3 or 4 minutes compared to 13 or 14 minutes for Western Loudoun. Mayor Zoldos asked if the Sheriff's Office could provide the response time for the bank robbery. Deputy LoPreto left to get that information and later reported that the response time was 9 minutes.

Captain Ahlemann said he has been trying to get Western Loudoun residents to attend the Sheriff's Office's quarterly meetings and he suggested that those meetings could be held in various towns in Western Loudoun. This would provide an opportunity for citizens of the Town to review information regarding the work of the Sheriff's Office, and to pose any questions they may have. Holding these meetings in this way would also provide an opportunity for Sheriff's Office personnel to provide information to citizens. Captain Ahlemann noted that, if this is something Council would be open to, he would work with Council Members' schedules and availability to implement this. Mayor Zoldos stated that he would be open to this suggestion and would like to advertise these meetings in the Town's weekly newsletter, as he believes more people would attend if they knew more about the meetings. Captain

Ahlemann spoke about ways these meetings could be tailored to the community and noted that he would press forward with instituting this idea.

Councilman McIntyre noted that many people attended a meeting with Sheriff Chapman held in Town about three years ago. Captain Ahlemann explained that the Sheriff would be invited to this meeting, and would provide opening statements and then be available for discussion and questions. Council agreed with this initiative. Mayor Zoldos asked that more information be sent as it becomes available. Councilwoman Jones said she thought that this will make residents more comfortable and will help them to know what the Sheriff's Office is doing in regards to Lovettsville.

Deputy LoPreto noted that information regarding the quarterly meetings can be found on the Sheriff's Office website, including statistics discussed this evening. He suggested that Council send a representative to those quarterly meetings, as the Sheriff does attend. Mayor Zoldos stated that, at the last meeting held with the Sheriff, it was made clear that a request for extra staffing for Lovettsville would need to be made to the Board of Supervisors.

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

Councilwoman Jones reported that a helicopter landed on the Town Green, in response to an emergency to transport a 10 year old.

There were no other community reports.

**Town Commission and Committee Reports**

**A. Lovettsville Planning Commission**

Chairman McDonough reported on the recent public hearing for non-conforming uses, proposed modifications to the lot coverage and garage setbacks, the Comprehensive Plan review process, and the formation of a committee to review the Planning Commission processes and procedures.

Town Manager Palko noted that, although the Economic Development section of the Comprehensive Plan will be reviewed by Council, it will likely need to be revisited upon completion of the market study and the development strategy. Mr. Palko stated, however, that the Council's vision for economic development should be identified prior to hiring consultants to conduct those studies. Chairman McDonough reported that the Economic Development Committee was advised of this, and understands that it may have to revisit some of its work.

**B. Parks Committee**

Mayor Zoldos gave an update on the Town Information Sign. He said the sign is substantially done and that a meeting was held on site between Project Manager Fellers, Parks Committee Chair Senate, and the owner of the company constructing the sign. It was determined that the graphics for the sign are too small and this is being corrected.

**C. We're In Committee**

Councilwoman Carder gave updates on the recent We're In meeting and noted that they will be reviewing the projects they would like to complete this year.

**D. Wild on the Green**

Councilwoman Allar thanked the Council for approving the request for extra funding to cover most of the cost of food for the event. She noted that the Lion's Club has taken over the job of providing food, which will be more cost-effective for the Town. Councilwoman Allar noted that the main area where help is needed is in providing manpower for set up, which should begin at about 3:00 p.m. Mayor Zoldos suggested that the beginning time for set-up be moved to 2:00 p.m.

**E. Patriot Day Ceremony**

Mayor Zoldos stated that typically, a low-key ceremony is held to mark this day; however, this year a somewhat different ceremony may be appropriate, as it falls on the same day as Movie on the Green. Mayor Zoldos explained that he is looking at a couple different ways to combine the two events and that he will come back to the Council with his recommendation.

F. Oktoberfest Committee

Councilman McIntyre reported that preparations for the event are moving along. He gave updates on sponsorships and the 5K race scheduled for Saturday morning.

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

There were no additions/deletions/modifications to the agenda.

**Minutes**

There were no minutes for review/approval.

**Monthly Financial Report**

There was no report.

**Staff Reports**

A. Report from the Project Manager

There were no questions regarding the Project Manager's report.

B. Report from the Zoning Administrator

There was no report.

C. Report from the Utility Supervisor

Town Manager Palko presented this report. Mr. Palko reported that Steven Gates is in Blacksburg, participating in training provided by the Virginia Department of Health regarding regulations and other water management components. Eddie Staubs will also be attending training provided by the Virginia Department of Environmental Quality regarding the waste water treatment plant.

Town Manager Palko reported that the focus for the past two months has been more on the water facilities, and noted that the waste water treatment plant has been working well. He explained that a system has been set up by which the Utility Operators receive alarms and updates on their mobile devices. Mr. Palko further reported that, during the past two months, there have been three low water pressure events; the first two of these were caused by lightning strikes. As the Town is in the process of moving to a SCADA system, the lightning strikes proved to be useful, as they showed vulnerabilities in the system. Adjustments were made, and there have, to date, been no further issues. However, Mr. Palko reported, there are still some portions of the system for which all possible scenarios have not been considered, including how to prevent the system from transferring to non-operation automatically in the event of a problem – this was the issue in the third low pressure event. Town Manager Palko reported that the most troubling problem was that, for all three events, the alarms did not work. Utility Staff has been monitoring this on their mobile devices, and Mr. Palko and Project Manager Fellers will work with the contractor to investigate these issues more thoroughly and ensure the Town receives the system it was promised.

Town Manager Palko reported that there are some larger strategic problems with the initial design of the water tower that will, hopefully, be remedied in the future, but which the Town can work around at present. Mr. Palko then provided a report on the waste water treatment plant, noting that there have been no issues with that facility for approximately the past two months. It was further reported that the Town is close to the needed Sludge Retention Time of 21 days (as of today, it is at 27 days), down from 70 days in March. At the twenty-one day mark it will be known if the system is working at its most efficient capacity, and improvements to the plant may begin. Town Manager Palko then provided information on the Work Force Update portion of this report, noting that Utility Operators are now flagging certified, which allows for their assistance when heavy digging equipment is being used by contractors. The report also provides information regarding training, which was noted earlier in the meeting; and, shows that overtime, which was budgeted at 25% for FY2016, is presently at 11%, so the Town is doing well at staying under the 25% goal. There were no questions.

D. Report from the Town Attorney

There was no report.

E. Report from the Town Manager

Town Manager Palko reported that the position of Economic Development Coordinator has been posted and the first review of applications will take place on September 1.

Manager Palko also reported that the advertising/hiring of an Events Coordinator is on hold, pending a budget amendment. He noted that financial transactions from the previous fiscal year are still being addressed and affect the budget amendment process.

Mr. Palko reported that he developed an updated spreadsheet template for use by the Project Manager on large-scale projects. He noted that this should help supply accurate information for use in the budget amendment process.

Manager Palko then gave updates on I&I Bond refinancing and revisions to the Employee Manual. He noted that new sections covering short-term and long-term disability have been included in the manual.

Action/Discussion Items

A. Office Closing – August 12 – For Office Organizational Work

Town Manager Palko presented this item. The Council is being asked to consider closing the Town office on August 12 to enable office organization work. This will allow staff to clean out the storage room in the trailer and convert it into office space for use by additional employees the Town is in the process of hiring. Town Manager Palko explained that this is part one of a larger reorganization strategy which is being implemented to assure that the office runs more smoothly until a new Town Office can be built. He then gave a PowerPoint presentation showing the trailer as it is being used now and how it will be reconfigured for FY2016. He also presented his recommendations for office space in FY 2017. The goal is to house administrative services in the Town Hall and to house other services (such as Planning and Zoning, Economic Development, and Capital and Parks) in a new trailer. The contract for the trailer presently in use has expired, and the rate for its rental has increased considerably. It is believed that purchasing another unit can be done in a more cost-effective manner.

Councilwoman Jones asked if this allows enough time to notify the public of the office closing on August 12. Town Manager Palko explained that he chose that date as it was the only day on which no one would be on vacation and all employees would be present. Council and staff discussed how the public would be notified of the office closure and how emergencies would be handled.

**Motion:** I move that the Town Office be closed to the public on August 12 to enable Town staff to free up space in the trailer for new employees.

**By:** Council Member McIntyre

**Second:** Council Member Jones

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

**Nay:** None

**Absent:** Council Member Gray and Senate

Information Items

There were no Information Items.

Comments from the Mayor and Town Council

Councilman McIntyre announced that the Movie on the Green will be held next Friday and that Maleficent is the moving being shown. The Lion's Club is sponsoring this event and will have popcorn and snow cones available for sale.

Councilwoman Jones reported that the recent National Night Out event was nice and it seemed as though everyone was having a great time. She noted that it felt like there were fewer people there this year.

Mayor Zoldos reported on the following:

- Work on the bike trail is moving along.

- A complaint was received approximately two weeks ago regarding Broad Way being closed for about 20 minutes. The workers tried to move several metal plates at one time, but did not have enough machines or manpower to do so, and thus exposed the road. Mayor Zoldos told the citizen who lodged the complaint to call the Town Office right away in the event of another such occurrence so that the Town can contact the on-site inspector.
- The Lovettsville Community Park is now over budget and the County is attempting to find funds remaining from last year to help finance this project. Mayor Zoldos stated that he will press on both this issue and the issue of response times/staffing from the Sheriff's Office.
- The Tunnel to Towers Foundation was in Town filming a video regarding the new house that was dedicated to Tony Porta and his family. Mr. Porta was very complimentary of Lovettsville in the film. The video should be completed in the near future and will be posted to the Foundation's website.

Mayor Zoldos reiterated his concerns regarding longer response times for law enforcement in this area, and stated that it is a serious matter which needs to be addressed with both the Sheriff and the Board of Supervisors. He said he will draft a letter to go to the Sheriff, Board of Supervisors Chairman York, and Supervisor Higgins. He noted that he addressed this issue in his e-mail of Friday, and encouraged everyone to call incidents in to the Sheriff's Office, so that it is logged as a call, and to be an ambassador for this issue.

Mayor Zoldos also spoke about the successful National Night Out event and highlighted the following upcoming events:

- The Town Office will be closed on August 12
- Maleficent will be shown on August 14
- Wild on the Green on August 23
- Music on the Green, featuring the U.S. Navy Sea Chanters, on September 5

Mayor Zoldos reported that the Navy Jazz Band was very happy with the turnout and stated that they would be pleased to perform at a future event in Lovettsville.

#### **Closed Session**

Pursuant to Virginia Code Section 2.2-3711A1, the Lovettsville Town Council went into closed session at 8:46 p.m. to discuss personnel matters (Attachment 1). The Mayor and Council reconvened in open session at 9:27 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.

Mayor Zoldos asked if there is any other business to come before the body tonight.

**Motion:** I move that the Town create the Assistant Town Manager/Town Clerk position, and appoint Harriet West; and that the Town Council create the Utility Department Director position, and appoint Steven Gates. Furthermore, I move for approval of the amended Employee Policy Manual.

**By:** Council Member McIntyre

**Second:** Council Member Allar

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

**Nay:** None

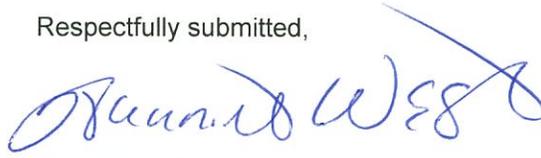
**Absent:** Vice Mayor Senate and Council Member Gray

Mayor Zoldos reported that he received an e-mail from Council Member Gray, time stamped at 1:37 p.m., in which Councilman Gray stated he would not be in attendance at this evening's meeting. Mayor Zoldos noted he did not see that e-mail prior to the start of the meeting.

#### **Adjournment**

There being no further business to come before the Council, the meeting was adjourned at 9:30 p.m.

Respectfully submitted,



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Harriet West, Town Clerk

Date Approved: April 28, 2016

Attachments:

1. Closed Session Motion

# Town of Lovettsville

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

Date: 6 August 2015  
Time: 8:50 PM

MOTION BY: Tiffany Carder

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 ~~the performance of departments or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals.~~ *the TOWN* →
- ~~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,~~

# Town of Lovettsville

~~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]~~

→ And thereafter reconvene in open session for action as appropriate.

**SECOND:**

**VOTE:**

Ayes:

Nays:

Abstentions:

Absent for vote:

**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:”

August 6, <sup>2015</sup> 2014 at 9:25 PM

Certified:

Tiffany D Carder