

Town of Lovettsville

Town Council Minutes of the September 10, 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 7:30 p.m. on September 10, 2015 at the Lovettsville Town Hall, 6 East Pennsylvania Avenue, Lovettsville, VA.

Council Members Present

- Mayor Robert Zoldos II
- Vice Mayor Michael Senate
- Council Member Kimberly Allar
- Council Member Tiffany Carder
- Council Member Rodney Gray
- Council Member James McIntyre
- Council Member Jennifer Jones

Staff Present

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

Pledge of Allegiance

Mayor Zoldos led those assembled in the Pledge of Allegiance.

Mayor Zoldos stated that there would be no closed session.

Presentations

Sarah Searle, 11895 Purcellville Road, Lovettsville, spoke. Ms. Searle is chair of the Board of Directors for the Lovettsville Cooperative Market. She explained that the Lovettsville Cooperative Market has been in existence for approximately four years and that the organization tries to speak with local stakeholders and community groups to provide updates on the Cooperative's activities. Ms. Searle then presented an overview of reasons for starting a cooperative grocery store in Lovettsville – those reasons include Lovettsville being a unique business area, the area being rural with ties to its cultural heritage, and the Town having no grocery store.

Ms. Searle noted that there are a number of businesses in the area whose main activity is to produce food, but that there is no local outlet for that food. She noted that many of those producers travel to the suburbs to sell their products. She also noted that, in a recently conducted market study, it was shown that most Lovettsville residents drive up to 25 miles to purchase groceries. Ms. Searle explained that in the past there were three general stores where residents could buy groceries. Her organization feels they could do something to address this need.

Ms. Searle explained that Virginia has a reasonably good law governing cooperatives and noted that her group is a legally incorporated cooperative business in the State of Virginia. She provided information regarding a cooperative model grocery store, explaining that the business is owned by its members, and those members pay a fee in order to have a vote in the way the cooperative is governed. People will not have to pay a fee in order to shop at the store. The purpose of the fee is to allow for people to invest locally and to own and manage a cooperative grocery store. The cooperative is democratically run and operated, with the Board of Directors elected, and members of the cooperative having a vote in how the store is managed and run. The cooperative is not-for-profit, which is different from being a non-profit, with all profits being re-invested in the business or distributed as dividends to members. Ms. Searle noted that

much of the cooperative's focus is on natural/organic locally-produced foods. The cooperative also wants to support the local community and create a more vibrant business community in Lovettsville.

Ms. Searle provided Council with a timeline of the development of the cooperative, noting that it was incorporated as a business in Virginia in 2011, 2011-2012 represented its organizing stage, and 2013-2014 was the stage in which the feasibility of the venture was determined. This year, and onward, the approximately 480 members are in the planning stage. Two concurrent tasks before the cooperative at this time are: generating membership up to the implementation level of 600 members and identifying a site. Ms. Searle also reported that financial planning continues, with a capitalization campaign being developed. The capitalization campaign will allow the group to generate start-up costs; choosing a site and hiring a general manager will follow.

Ms. Searle further explained that, during the past four years, the group has operated a cooperative summer farm market. This farm market has been Lovettsville's most successful, generating almost \$30,000 in sales for local agriculture over that time period. In addition to the sale of food, the cooperative offers a popular canning and preservation workshop, and holds other activities and workshops, as well.

Council Member Carder asked if previously discussed plans to locate the cooperative's store in the retail square center were still under consideration. Ms. Searle stated that details pursuant to location in that facility are currently being negotiated.

Comments from the Public

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

Wanza Bell, 14 South Loudoun Street, spoke regarding drug paraphernalia she and others have been finding in Town. Ms. Bell stated that she has notified the Sheriff's Office regarding this and has expressed her concern that dealers are selling heroin in Lovettsville. Ms. Bell reported that there have been nine heroin overdoses in Lovettsville recently. Ms. Bell stated that this situation should be taken seriously and noted that the sale and use of illegal drugs in a community usually leads to other crimes, particularly robberies. Ms. Bell asked if there is some method by which residents could be notified of this problem, perhaps by including a notice in water bills. In closing, Ms. Bell reiterated her concerns regarding this problem and asked that Town authorities be aware of this.

Community Presentations

A. Loudoun County Sheriff's Office

This report was provided towards the end of the meeting.

B. Lovettsville Volunteer Fire and Rescue Company

There was no report.

C. Lovettsville Community Center

There was no report.

D. Lovettsville Library

Christyna Hunter, a Library Associate at the Lovettsville Library reported that a new program has been instituted – 1,000 Books Before Kindergarten. This program, for children ages 0 to 5, involves keeping a log of books read and that prizes are awarded upon reading 50, 100, 500, and 1,000 books. Ms. Hunter also reported that the Library will hold its book sale during Oktoberfest. Other activities featured during this event will be a clown who makes balloon sculptures, and story times throughout the day. Finally, Ms. Hunter reported, October 1 will mark the beginning of the Library's "One Book – One Community" program.

Town Commission and Committee Reports

A. Lovettsville Planning Commission

Vice-Chairman Gentile reported that, at the Commission's last meeting, the zoning requirements for lot coverage were revised; specifically, they were reduced to more manageable levels to help avoid the building of a large house on a small lot. This revision will go to public hearing on October 9. Mr. Gentile

also reported that the Planning Commission reviewed Robert's Rules of Order, and that he was appointed as parliamentarian for the Commission. Finally, Vice-Chairman Gentile noted, at the Planning Commission's next meeting the Residential Land Use Committee will begin its work in conjunction with the update of the Comprehensive Plan.

Mayor Zoldos reported that he attended the meeting during which the Planning Commission reviewed Robert's Rules of Order, and that attention was paid to how both Planning Commission and Town Council meetings are held, in respect to parliamentary procedure. He noted that this was done to assure that both entities are following the correct protocol in conducting their meetings. This same type of review will likely be held by the Town Council in the future.

B. Parks Committee

Vice Mayor Senate reported on the Town Information sign and noted that there is a problem with the lighting at night creating shadows. Project Manager Fellers explained that the person who constructed the sign is aware of this and will adjust the lighting. Vice Mayor Senate also reported that a meeting will be held in October with the contractor who will be constructing the clock/glockenspiel for the tower in the new retail area. He also reported that some of the rules governing the rental of the Town Green and Walker Pavilion have been rewritten and that these will be coming to the Council for approval shortly.

C. We're In Committee

Council Member Carder gave an update on the recent We're In meeting and noted the committee is working on the "Welcome Business" flyer to help recruit new businesses to Lovettsville. She noted that the committee has changed its meeting date and that meetings will now be held on the first Tuesday of the month at 7:30 p.m. Councilwoman Carder stated that the U.S. Navy Sea Chanters concert was "awesome" and that more than 200 people attended the event.

D. Wild on the Green

There was no report.

E. Oktoberfest Committee

Council Member McIntyre reported that the committee is "going full steam ahead" with its work on this event and noted that they are an amazing team. He gave an update on the booklet, schedule of events, sponsors and vendors, hip levels and sponsors.

Additions/Deletions/Modifications to the Agenda

Town Manager Palko requested the addition of two items under Action/Discussion Items – Budget Amendment Session and County Funding for Water Line Improvement.

Minutes

A. January 8, 2015 Regular Meeting

There were no changes/amendments to these minutes.

Motion: I move to accept the minutes of the January 8, 2015 Regular Meeting.

By: Council Member McIntyre

Second: Council Member Jones

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

Nay: None

Abstain: None

Absent: None

Monthly Financial Report

There was no report.

Staff Reports

A. Report from the Project Manager

There was no report.

B. Report from the Zoning Administrator

Zoning Administrator Bateman stated that he had no additional information to his written report.

C. Report from the Utility Supervisor

There was no report.

D. Report from the Town Attorney

There was no report.

E. Report from the Town Manager

Town Manager Palko gave updates on the groundbreaking ceremony with NVRetail scheduled for October 14, permits for Oktoberfest, upcoming interviews with applicants for the Economic Development Coordinator, and templates for the new website which will be reviewed with the Information Flow Committee.

Action/Discussion Items

A. Grease Trap Installation and Fats, Oils, and Grease (FOG) Policy

Project Manager Fellers presented this item. The Council is being asked to approve the Fats, Oils & Grease (FOG) Compliance Policy, the W&S Compliance Package, and all accompanying paperwork for its implementation and to direct staff to initiate implementation of the program.

Project Manager Fellers explained that this program has been created in order to comply with DEQ requirements and that it affects all non-residential users. She noted that five packages have been sent out to business and that those businesses are, in essence, vetting the forms created. She stated that these forms need to be formalized, so they may be used going forward, in an effort to ensure businesses are in compliance.

Project Manager Fellers responded to a number of questions from the Council. Following this discussion, it was decided to hold this item until the next meeting of the Town Council.

B. Authorize Additional Funds for Drainage Improvement Project (East Broad Way & Berlin Pike)

Project Manager Fellers presented this item. The Council is being asked to consider designating additional funds for the Drainage Project completion in order for staff to issue Notice of Award and Notice to Proceed to the low bidder for the Drainage Improvements Project.

Project Manager Fellers explained that based on the low bid received for this project, there is an estimated shortfall in funding of \$47,250. She noted that Loudoun County and the Piedmont Environmental Council have agreed to contribute an additional \$26,250, reducing the shortfall to \$21,000. She presented several options including re-allocating Town funding, requesting funding from VDOT, or delaying a portion of the project. Following discussion on the various options, Mayor Zoldos summarized action to be taken on this issue, including securing funding to move forward with the project, including installation of the junction box; identifying source(s) for the additional \$21,000.00 in funding needed; and enlisting the help of local elected representatives in order to work with VDOT to provide for a refunding mechanism for the project. Without objection, Mayor Zoldos stated that this item would be held until the Council's meeting next week.

C. Loudoun County Water Line Funding

Project Manager Fellers presented this item. She explained that the Community Center is under design again and that the County Project Manager would like to have the work on the water line under the road done by the Town's contractor while they are working on the East Broad Way project. This will enable the County to have the work done now at a much lower cost.

Following discussion, Mayor Zoldos stated that the County is building a Community Center for use by the Town, and that this process can be a first step in building a "good neighbor policy" with the County. Mayor Zoldos asked Town Attorney Whiting if she had any concerns with this arrangement. Attorney Whiting stated her belief that this is in order. Discussion ensued regarding the way in which this will

proceed, with the Town of Lovettsville acting as a supplier and paying Lantz for the work, and then requesting reimbursement from the County through a purchase order.

- Motion:** I move that the Town Council direct Staff to approve the Change Order with Lantz for the County work, and request reimbursement from the County for costs, as described in Purchase Order 180353.
- By:** Council Member McIntyre
- Second:** Council Member Gray
- Aye:** Council Members Allar, Carder, Gray, Jones, McIntyre, and Senate
- Nay:** None
- Abstain:** None
- Absent:** None

D. Keena Concept Plan and Proffer Amendment

Zoning Administrator Bateman presented this item. The Council is being asked to determine, pursuant to the request from Tim Keena, whether or not to schedule a joint public hearing on the applicant's proposal to amend the approved rezoning concept plan and proffers for the Keena Subdivision.

Mr. Bateman explained that a Public Hearing on this matter is required and needs to be scheduled. He noted that the earliest date this could be held is October 8, 2015, with the Town Council meeting scheduled for two weeks after that date also a possible date for conducting the hearing.

Mr. Mark Jeffries introduced himself, stating that he is an engineer who is working for Mr. Keena on this project. Mr. Jeffries explained that the street network in the proposed development is identical to the network proposed in the original plan. In this new plan, the lot lines on the opposite side of Frye Court are being changed, and eight duplex structures are being changed into five single-family homes; however, the infrastructure is identical to the original plan. Mr. Jeffries explained that the density is being reduced in the interest of moving the project forward. Mr. Jeffries further noted that this project has been under consideration for some time, with three preliminary subdivision plats approved, a zoning district adopted specifically for this piece of property, and with infill development designed to reflect the character of the Town, which, he stated, has been their objective. Mr. Jeffries stated that one significant change over the past eight years is that the owners of the property, Mr. Keena and his brothers, now wish to sell lots to developers, rather than develop the parcel themselves. Various builders have shown interest in developing the lots, but are not willing to build duplexes. Mr. Jeffries stated that the goal is to come up with a mutually beneficial adjustment to the project, in order to move it forward. He and his clients feel that conducting a joint public hearing would be a step in that direction. Mr. Jeffries reported that he and Mr. Keena met with Zoning Administrator Bateman in June and that a process to follow for this project was developed at that time. Mr. Jeffries stated that the process has been started, and was expected to take approximately two months. Mr. Jeffries explained that their purpose at this point is to create a marketable project which can be sold to developers. It was also noted that this project would generate income for the Town in the form of connection fees for the homes. Mr. Jeffries further stated that the pump station was not part of the proffered improvements included in the original rezoning, and that there is no commitment on the part of the Keena's to make improvements to that facility.

It was noted by Mr. Jeffries that the Town of Lovettsville signed the plat for the subdivision, and that it is his and the Keena's opinion that, by so doing, the Town accepted the infrastructure in the subdivision. Mr. Jeffries noted his belief that this is supported by the Code of Virginia. Mr. Jeffries explained that his clients are requesting the Town allow them to make adjustments to the concept plan for the development, by eliminating the duplexes and reducing the density by three. If done, they are willing to commit to upgrading the pump station for the benefit of future residents of the Keena subdivision, for the benefit of the residents of Frye Court, and for the benefit of the Town. It was noted that Mr. Keena and his brothers are willing to upgrade the pump station, which has not been done as yet, and believe that allowing a joint public hearing would be an indication of support by the Town in an effort to solve existing problems on Frye Court.

Mr. Zoldos stated that this is a complex issue and explained that he did not hear anything in Mr. Jeffries' presentation which provided a compelling reason for not holding two hearings, other than providing

expediency in undertaking the project. Mayor Zoldos further stated that Council is not trying to slow down the development of the parcel; however, a compelling reason for deviating from the normal public hearing process was not presented this evening.

Mayor Zoldos asked Zoning Administrator Bateman to provide a time line for the project, with and without holding a joint public hearing. Mr. Bateman reviewed the possible dates hearings could be held, with November 4 consideration by the Town Council provided as the earliest date possible, following required review by the Planning Commission and by Staff. Zoning Administrator Bateman noted that a plat for this development has been approved, and will be in force for the time period provided by State law; thus, permits required for construction could be sought at any time. However, Mr. Bateman stated, the changes proposed indicate a change to the concept presented to the Town Council at the time of the rezoning.

Mayor Zoldos stated his belief that holding two hearings provides more time for both the Planning Commission and the Town Council to consider the requests being made for the project, as well as giving members of the public more time to provide input and ask questions. Mayor Zoldos then asked Council Members if they feel a compelling reason was put forward for holding a joint public hearing and deviating from the status quo. The Mayor also stated that he believes the Keenas will build a quality development, and that they care about the community; however, he does not want the perception to be that this was not handled in the best interests of the public. Mayor Zoldos then asked if anyone would like to make a motion to approve a joint public hearing. No such motion was made. It was then decided to move forward with the meeting agenda.

E. Updated Employee Policy Manual

Town Manager Palko presented this item. The Council is being asked to adopt the amended Employee Policy Manual.

Manager Palko reviewed the changes to the manual; specifically, the inclusion of a performance evaluation section and a performance bonus section; clarifications to the Paid Holidays category, particularly in regards to part-time employees; and changes to the Take Home Vehicles Policy for the Utility Department. Manager Palko responded to questions from the Council regarding holiday pay for part-time employees and the holiday schedule, which is based on Loudoun County's schedule.

Motion: I move that the Town Council direct the Town Manager to update the Employee Policy Manual, based on directions set by Council, and return to Council for future approval.

By: Council Member McIntyre

Second: Council Member Jones

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

Nay: None

Abstain: None

Absent: None

F. Budget Amendment Session

Town Manager Palko gave an update on the Reserve status. He noted that approximately \$269,000 is available, including more than \$100,000 in surplus funds. Mr. Palko noted that revenue from tap fees has been lower than hoped for. He noted that the shortfall for the East Broad Way and Bike Path projects totals approximately \$55,000, with approximately \$26,000 available from increased reserves to help cover these expenses. Town Manager Palko explained that the waste water treatment improvements did not cost the total amount originally budgeted; thus he recommends a budget amendment be executed in order to apply \$28,000 of that surplus to the \$55,000 shortfall existing on the two projects noted. He also recommended using \$32,000 for funding additional hours for the Events Coordinator and the Economic Development Coordinator. Town Manager Palko stated that this provides a "snapshot" of the budgeting process at this point, and explained that further adjustments may be made.

Community Presentations (continued)

A. Loudoun County Sheriff's Office

Mayor Zoldos noted that Deputy Sheriff LoPreto had arrived at the meeting. The Mayor referenced the remarks made earlier by a citizen regarding drug paraphernalia found in the Town, noting that the citizen had contacted Deputy LoPreto. Mayor Zoldos asked if the Deputy would address that issue. Deputy LoPreto reported that there is a heroin epidemic existing in the County, but that the issue is not as bad in Lovettsville as in other areas of the County. The Deputy reported that they have conducted operations in areas where they've been told heroin sales are occurring; however, these investigations have not resulted in any additional information. Deputy LoPreto noted that the incidents reported in Lovettsville could represent the actions of only one person, or they could represent the beginning of a trend. It was noted that the Sheriff's Office has a heroin task force, to which deputies are assigned. This task force provides information to the officers assigned to the area, and those officers aggressively follow-up on the information. Deputy LoPreto stated that the citizen who spoke this evening is doing the right thing by reporting her concerns to the Sheriff's Office. In response to a question from the Mayor, Deputy LoPreto stated that there is not much Town officials can do in regards to this issue, as it seems to be a part of the culture at this time. Discussion ensued regarding the age range of people involved in the use of this drug, concerns regarding used needles being discarded in areas open to the public where children could find them, and the purchase and reselling of drugs. Town Manager Palko asked if the task force makes information available to anyone seeking treatment. Deputy LoPreto stated that it does not, but that the County is working on creating a mechanism to provide such information.

Information Items

There were no Information Items.

Comments from the Mayor and Town Council

Council Member Jones reported that she attended the Sea Chanters concert last week and noted that it was a nice concert which was enjoyed by all ages, but was short in length. Additionally, Council Member Jones reported that she will not be in attendance at the next Council Meeting.

Council Member Allar reported that she also attended the Sea Chanters concert and found it very nice.

Council Member Carder reported that she met a couple who drove two hours in order to attend the Sea Chanters concert. She said this is a great example of how the concert series will be able to pull residents from other areas, which is one goal of the concert series.

Council Member Senate reported that he was on vacation during the time the concert was held. He also reminded everyone of upcoming work to be done on the clock tower project.

Council Member Gray noted that the construction in the area has opened his eyes to the impacts it has on residents and suggested that a review of those impacts following a construction project may be warranted, so that Council can determine what can be done to communicate with residents more effectively. He stated that Council should try to be the face of the project to residents. In relation to this topic, Council discussed at length the removal of a tree at a construction site in Town.

Council Member McIntyre reported that, in honor of Patriot Day, activities are planned prior to this week's Movie on the Green which will honor first responders and the heroes who live among us. The movie to be shown is "Miracle," the story of the 1980 U.S. hockey team which won the gold medal at the Olympics. This will be the last Movie on the Green for the year.

Mayor Zoldos reported on the following:

- He discussed the issue of the tree near the Clark property that was cut down as it was in the VDOT right-of-way for the bike trail. He explained that the property owner signed an easement with VDOT and agreed to removal of the tree. He noted that the Town paid the fee which would normally be paid by VDOT to the property owner and worked diligently to avoid unnecessary costs to taxpayers and delays of the project. Mayor Zoldos explained that this project has been planned for some time and that details regarding it are available on the VDOT website.

- He noted that the VML Conference will be held October 4 through 6. Town Manager Palko said that funds have been budgeted for Town Council training. Mayor Zoldos stated that two Council Members could attend and asked that anyone interested let him know.
- He discussed the issue of the lift station on Frye Court. He explained why the lift station was built and noted that a special tax district was established to take the burden off the residents of that development, with the Town providing maintenance of the facility.
- He reminded everyone that the groundbreaking ceremony for the Lovettsville Town Center will be held October 14 at 11:00 a.m.
- He said everyone he has spoken with said the Sea Chanters concert was a wonderful and that Council Member Carder did a very nice job with the introductions.
- He gave an update on Patriot Day events.

Adjournment

The meeting was adjourned at 10:19 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Harriet West", written in a cursive style.

Harriet West, Town Clerk

Date Approved: August 11, 2016

Attachments:

None