

# Town of Lovettsville

## Town Council Minutes of the October 9, 2014 Regular Meeting

### Call to Order/Pledge of Allegiance

Vice Mayor Senate called the Regular Meeting of the Lovettsville Town Council to order at 7:30 p.m. on October 9, 2014 at the Lovettsville Town Hall, 6 East Pennsylvania Avenue, Lovettsville, VA.

### Council Members Present

- Mayor Robert Zoldos II (arrived at 7:37 p.m.)
- Vice Mayor Michael Senate
- Council Member Kimberly Allar
- Council Member Tiffany Carder
- Council Member Rodney Gray
- Council Member James McIntyre

### Absent

- Council Member Jennifer Jones

### Staff Present

- Interim Town Manager Samuel Finz
- Town Attorney Elizabeth Whiting
- Project Manager Karin Fellers
- Treasurer Lance Gladstone
- Zoning Administrator Joshua Bateman
- Town Clerk Harriet West

### Pledge of Allegiance

Vice Mayor Senate led those assembled in the Pledge of Allegiance.

### Presentations

There were none.

### Comments from the Public

There were none.

### Community Presentations

#### A. Lovettsville Library

Councilman McIntyre reported that Branch Manager Katie Hall has been selected as the Branch Manager of the Ashburn Library. The search is underway for Ms. Hall's replacement.

### Town Commission and Committee Reports

#### A. Lovettsville Planning Commission

Commissioner Ciolkosz gave an update on proposed changes to the residential housing options. The Planning Commission is working with Zoning Administrator Josh Bateman, who is continuing the work begun by Mr. McGregor, to consider allowing additional dwelling types such as townhouses, duplexes, and apartments. The discussions have included provisions for minimum district sizes; lot sizes; front, side, and rear yard restrictions; street requirements based on VDOT standards; and off street parking requirements.

#### B. Parks Committee

Project Manager Fellers gave updates on the pavers for the Veterans Memorial, recognition plaques for the pavilion, and the Town information sign.

C. We're In Committee

Councilwoman Carder gave updates on the upcoming Potomac Partnership meeting; changes to the We're In logo; and plans for a calendar, website, the spring business expo at the Lovettsville Game Club.

D. Oktoberfest Committee

Councilman McIntyre said Oktoberfest went very well. He said it is difficult to get an accurate count on the number of people who attend each year, but he reported on the following:

- They sold 57 kegs of beer and 5 kegs of cider.
- There were 36 sponsors, including 19 new sponsors. They added a VIP happy hour for the sponsors.
- There were 99 street vendors occupying 130 vendor spaces.
- They added additional vendors inside the beer garden this year. This provided additional amenities for guests and paved the way for profit sharing in the future.
- They made a number of capital investments this year including the Oktoberfest entrance that Mayor Zoldos constructed, additional tents and games for Kinderfest, the wiener dog stadium, and lighting.
- The Town's acquisition of the additional land and tractor made everything much easier.
- They also added extra security, doubled the number of portable toilets, rented a man lift, and used the Knights of Columbus to assist vendors.
- There was a 50% increase in beer sales and sales of souvenirs also increased.
- They are projecting to make a profit of \$1,500.
- There were 12 members on the committee who worked year-round and 76 volunteer on Saturday.
- They need additional people to help with clean up.
- They added Volunteerfest activities into the weekend.

Councilman McIntyre noted that they don't do this to make money but rather to provide a financial boost to local business and groups and to show off the Town.

Oktoberfest Treasurer Tom Ciolkosz said that they have \$10,000 in reserves. He noted that 66% of revenue comes one day of the fest. They took in \$48,000 on Saturday. There is a tremendous amount of money that they have to put up in advance and they may need help from the Town next year to float some money for expenses leading up to the event.

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

The following items were added to the agenda:

D. FOG (Fats, Oils, and Grease) Discussion

E. Acceptance of two new street lights on Eisentown loop

F. Appointment of new Planning Commission member to replace Lorraine Bauer

**Minutes**

**A. Town Council Public Hearing and Regular Meeting – May 22, 2014**

**Motion:** I move to adopt the minutes of May 22, 2014 Public Hearing and Regular Meeting as amended.

**By:** Council Member Carder

**Second:** Vice Mayor Senate

**Aye:** Council Member Allar, Carder, Gray, McIntyre, and Senate

**Nay:** None

**Abstain:** None

**Absent:** Council Member Jones

**Report from the Treasurer**

Treasurer Lance Gladstone presented the July 2014 Financial Report.

- Motion:** I move to accept the Treasure's report for July 2014.  
**By:** Council Member Gray  
**Second:** Council Member McIntyre  
**Aye:** Council Member Allar, Carder, Gray, McIntyre, and Senate  
**Nay:** None  
**Abstain:** None  
**Absent:** Council Member Jones

A. **Report from the Project Manager**

Project Manager Fellers gave an update on utility work on East Broad Way and Frye Court.

B. **Report from the Zoning Administrator**

There was no report from the Zoning Administrator.

C. **Report from the Town Attorney**

There was no report from the Town Attorney. In response to a question from Mayor Zoldos, Attorney Whiting suggested that the Town formally appoint Mr. Finz as the Interim Town Manager.

D. **Report from the Town Manager**

Mr. Finz said that he has begun working on the items that the former Town Manager handed off to him. In addition, he has reached out to all of the Council Members and offered to meet with them individually to discuss how he can help support their projects.

**Action/Discussion Items**

A. **Appoint Interim Town Manager**

Mayor Zoldos added an additional item to the agenda to appoint Mr. Finz as the Interim Town Manager.

- Motion:** I propose a motion that the Town Council appoint Sam Finz as the Interim Town Manager.  
**By:** Vice Mayor Senate  
**Second:** Council Member McIntyre  
**Aye:** Council Member Allar, Carder, Gray, McIntyre, and Senate  
**Nay:** None  
**Abstain:** None  
**Absent:** Council Member Jones

A. **Memorandum of Understanding with Piedmont Environmental Council**

Project Manager Fellers presented this item. The Council is being asked to approve a Memorandum of Agreement with the Piedmont Environmental Council to partner with them on a project to complete drainage improvements in the New Town Meadows HOA on Keister Lane and the drainage ditch near the 7-Eleven. Funding is being provided through a grant from the National Fish and Wildlife Foundation. Staff will work with the Council and the Piedmont Environmental Council on a signing ceremony.

- Motion:** I move that Town Council authorize the Mayor to sign the *Memorandum of Agreement between the Piedmont Environmental Council and the Town of Lovettsville for Enhanced Stormwater Management and Green Infrastructure* and authorize Karin Fellers, Project Manager to be the point of contact for the project and sign pay requests and other reports needed to satisfy the requirements of the MOA and the grant.  
**By:** Vice Mayor Senate  
**Second:** Council Member Gray  
**Aye:** Council Member Allar, Carder, Gray, McIntyre, and Senate  
**Nay:** None  
**Abstain:** None  
**Absent:** Council Member Jones

B. Town Council Representation on Planning Commission Text Amendment – Public Hearing

Zoning Administrator Bateman presented this item. The Council is being asked to hold a public hearing to receive citizen comment on amending Section 42-28 of the Zoning Ordinance in regard to the membership composition of the Planning Commission. The proposed text amendment would make service by a Town Council member on the Planning Commission permissive rather than mandatory.

Mayor Zoldos opened the public hearing at 8:17 p.m. and called for comments from the public. Hearing none, the Mayor closed the public hearing at 8:17 p.m. and called for a motion regarding Ordinance No. 2014-10-0001 (Attachment 1).

- Motion:** I move that the Lovettsville Town Council approve Ordinance No. 2014-10-0001: Amend Section 42-28 of the Zoning Ordinance to make service by a Town Council member on the Planning Commission permissive rather than mandatory.
- By:** Council Member McIntyre
- Second:** Council Member Carder
- Aye:** Council Member Allar, Carder, Gray, McIntyre, and Senate
- Nay:** None
- Abstain:** None
- Absent:** Council Member Jones

C. Landscape Ordinance Text Amendment – Public Hearing

Zoning Administrator Bateman presented this item. The Council is being asked to conduct a public hearing to consider amending "Article X: Landscape, Buffering and Screening" of the Town Code to adopt the recommendations of the Parks and Environment Board. The Zoning Administrator reviewed the proposed changes, including recommendations from the Tree Stewards regarding indigenous plant species for public and private development. He also noted a correction to Sec. 42-365 (c) to strike the word "council" from this paragraph.

Mayor Zoldos opened the public hearing at 8:21 p.m. and called for comments from the public. Hearing none, he closed the public hearing at 8:21 p.m. and called for a motion regarding Ordinance No. 2014-10-0002 (Attachment 2).

- Motion:** I move that the Lovettsville Town Council approve Ordinance No. 2014-10-0002: Amend Article X of the Zoning Ordinance, Sections 42-360 Through 42-370, Landscaping, Buffering and Screening.
- By:** Council Member Carder
- Second:** Council Member McIntyre
- Aye:** Council Member Allar, Carder, Gray, McIntyre, and Senate
- Nay:** None
- Abstain:** None
- Absent:** Council Member Jones

D. Fats, Oils, and Grease (FOG) Implementation

Project Manager Fellers said she is seeking direction from the Council with regard to charging interest on the financing option that would assist local businesses with complying with the FOG requirements. Following discussion, the Council agreed not to charge interest on the financing option. Council noted the intent is to help businesses comply with the law and prevent sewer backups.

E. Acceptance of Two Street Lights on Eisentown Loop

Mayor Zoldos presented this item. He said that the Town Center Homeowner's Association contacted the Town regarding a request from residents on Eisentown Loop to install two new street lights because they felt the area was too dark. The developer or HOA would pay for the lights, but the Town would accept the maintenance of the lights, which is the cost of the power. This is what the Town does for all of the other developments in Town. The cost provided by Treasurer Gladstone is \$9.20 per month per light, or \$18.40 per month for both lights. If approved by the Council, the Zoning Administrator will follow up with the developer regarding installation.

**Motion:** I move to accept two newly installed street lights on Eisentown Loop into the Town's system and pay for the monthly Dominion maintenance costs.  
**By:** Vice Mayor Senate  
**Second:** Council Member Carder  
**Aye:** Council Member Allar, Carder, Gray, McIntyre, and Senate  
**Nay:** None  
**Abstain:** None  
**Absent:** Council Member Jones

### Closed Session

Pursuant to Virginia Code 2.2-3711A2, the Mayor and Council went into closed session at 8:37 p.m. to discuss the appointment of a Planning Commission member and the Town Manager selection process (Attachment 3). The Council reconvened in open session at 9:35 p.m. All Council Members present 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.

### Appointment of Planning Commission Member

Mayor Zoldos called for a motion to appoint a Planning Commissioner.

**Motion:** I move to appoint Buck Smith to serve the remainder of the Planning Commission term left vacant by Lorraine Bauer.  
**By:** Council Member McIntyre  
**Second:** Vice Mayor Senate  
**Aye:** Council Member Allar, Carder, Gray, McIntyre, and Senate  
**Nay:** None  
**Abstain:** None  
**Absent:** Council Member Jones

### Information Items

There were none.

### Comments from the Mayor and Town Council

Councilmember McIntyre said he would have the Oktoberfest Committee here at a future meeting. He said the Committee would be discussing ways to alleviate phone calls to Town Hall the week before the event.

Councilwoman Carder said she attended Brunswick's Rail Road Days Kickoff and she asked the Council Members to let her know if they will be attending the upcoming Potomac Partnership meeting.

Mayor Zoldos gave updates on the upcoming Homeowner's Association meeting at Heritage Highlands and the open house at Lovettsville fire house.

### Adjournment

There being no further business before the Council, the meeting was adjourned at 9:45 p.m.

Respectfully submitted,



Harriet West, Town Clerk

Date Approved: April 9, 2015

### Attachments:

1. Ordinance 2014-10-0001
2. Ordinance 2014-10-0002
3. Close Session Motion

# Town of Lovettsville

## Ordinance No. 2014-10-0001: AMEND SECTION 42-28 OF THE ZONING ORDINANCE TO MAKE SERVICE BY A TOWN COUNCIL MEMBER ON THE PLANNING COMMISSION PERMISSIVE RATHER THAN MANDATORY

**MOTION:** McIntyre

**SECOND:** Carder

**WHEREAS**, Section 42-28 of the Zoning Ordinance requires membership on the Planning Commission by a member of the Town Council and was enacted at a time when the Town had difficulty in attracting and retaining Commission members; and

**WHEREAS**, the concerns of the Town Council are actively represented before the Planning Commission by liaison by the Mayor; and

**WHEREAS**, amendment of section 42-28 to make membership on the Planning Commission by a member of the Town Council permissive rather than mandatory reserves the flexibility to respond to changed circumstances in the future; and

**WHEREAS**, following public hearing on September 9, pursuant to notice in accordance with Va. Code section 15.2-2204, the Planning Commission unanimously recommended amendment of Section 42-28 as presented; and

**WHEREAS**, the Lovettsville Town Council conducted a public hearing on the ordinance October 9, 2014, pursuant to notice given in accordance with section 15.2-2204, and has determined that adoption of the amendment will promote the health, safety and welfare of the citizens of the Town.

**NOW, THEREFORE, BE IT ORDAINED** that Section 42-28 of the Zoning Ordinance be amended as set forth in the ordinance attached hereto.

**VOTE:**

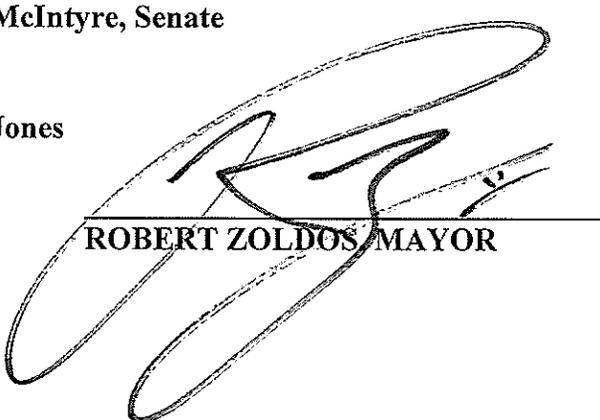
**Ayes:** Allar, Carder, Gray, McIntyre, Senate

**Nays:** None

**Abstentions:** None

**Absent for Vote:** Jones

**Approved:** October 9, 2014

  
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**ROBERT ZOLDOS, MAYOR**

**ATTEST:**

  
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**CLERK TO THE COUNCIL**

*The German Settlement*

# Town of Lovettsville

## Ordinance No. 2014-10-0002: AMEND ARTICLE X OF THE ZONING ORDINANCE, SECTIONS 42-360 THROUGH 42-370, LANDSCAPING, BUFFERING AND SCREENING

**MOTION:** Carder

**SECOND:** McIntyre

**WHEREAS**, Article X of the Zoning Ordinance contains provisions addressing landscaping, buffering and screening requirements for development and redevelopment within the Town; and

**WHEREAS**, certain provisions in the Article appear to be inconsistent with the policies of the 2011 Comprehensive Plan and have been identified for proposed amendment by the Parks and Environmental Board; and

**WHEREAS**, following public hearing on September 3, 2014, pursuant to notice in accordance with Va. Code section 15.2-2204, the Planning Commission unanimously recommended amendments to Article X; and

**WHEREAS**, the Lovettsville Town Council conducted a public hearing on the ordinance October 9, 2014, pursuant to notice given in accordance with section 15.2-2204, and has determined that adoption of the amendments will promote the health, safety and welfare of the citizens of the Town.

**NOW, THEREFORE, BE IT ORDAINED** that Article X of the Zoning Ordinance, Sections 42-360 through 42-370, entitled Landscaping, Buffering and Screening, be amended as set forth in the ordinance attached hereto.

**VOTE:**

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

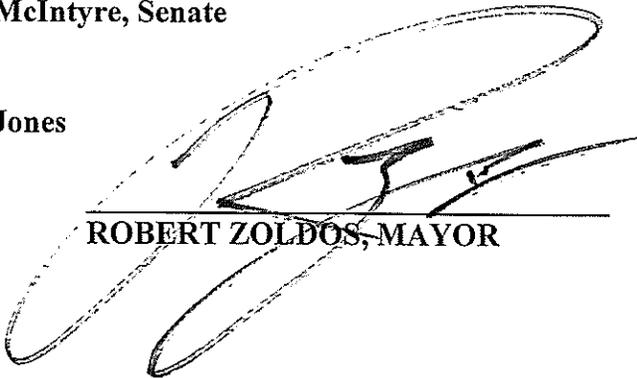
**Nays:** None

**Abstentions:** None

**Absent for Vote:** Jones

**Approved: October 9, 2014**

  
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**CLERK TO THE COUNCIL**

  
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**ROBERT ZOLDOS, MAYOR**

*The German Settlement*

# Town of Lovettsville

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

Date: 10/9/14  
Time: 08:37

MOTION BY: Michael Senate

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 performance of departments or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals, *regarding*  
*① recruitment of a new town manager and ② appointment of a Planning Commission*
- ~~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,

MEMBER  
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# 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: Allan, Candan, Gray, McIntyre, and Smith  
Nays: NONE  
Abstentions: NONE  
Absent for vote: JONES

**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:”**

Oct 9, 2014 at 9:35 PM

**Certified:**

Ann D. West