

# Town of Lovettsville

## Town Council Minutes of Regular Meeting October 25, 2012

### Call to Order/Pledge of Allegiance

Mayor Robert Zoldos called the regular meeting of the Lovettsville Town Council to order at 7:30 PM on Thursday, October 25, 2012.

### Present at Meeting

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

### Staff

- Town Manager Keith Markel
- Town Attorney Elizabeth Whiting
- Treasurer Lance Gladstone (arrived at 8:05 PM)
- Town Clerk Harriet West

### Absent

- None

At Mayor Zoldos' request, Elizabeth Bracey, Manager of the Lovettsville Community Center, led the assembly in the Pledge of Allegiance.

### Presentations

#### A. County Staff Update on Community Center Improvements

Diane Ryburn, Director of the Loudoun County Department of Parks, Recreation and Community Services and Paul Brown, Acting Director of the Loudoun County Department of Construction and Waste Management, gave an update on feasibility study for proposed improvements to the Lovettsville Community Center. The study includes two renovation options and one new construction option. The County will be conducting a public meeting in November 2012 to obtain input on the three conceptual options, the results of which will be presented to the County's Finance/Government Services and Operations Committee. The existing funding that is available from the bond sale can only be used for renovations; however, the County may be able to cover the cost of the new construction option out of the fund balance, if the community prefers this option. There will be minimal impact on the playground and memorial gardens; however, the baseball field will be needed for parking. The advantage of the new construction option is that it is the least disruptive programmatically and the cost is comparable to the renovation alternatives; however, the County needs to understand how important maintaining the current structure is to the Town and to the community. Work on the Community Center and the new Lovettsville Park will take place simultaneously. Mr. Brown distributed copies of the feasibility study to Council and staff. Julie Grandfield, Loudoun County Office of the County Administrator, reiterated that the County is committed to continuing the public process with the Town and the community so they can report back to the Finance Committee prior to the Board of Supervisors fund balance discussion.

### Comments from the Public

There were no comments from the public.

Presentation of Proclamation to Elizabeth Bracey

Mayor Zoldos asked to add this item to the agenda. There was no objection from the Council. The Mayor and Town Council read aloud the resolution recognizing Ms. Bracey's service to the Lovettsville Community during her time with the Community Center.

- Motion:** I move to approve Resolution No. 2012-10-001: Recognition and Appreciation of Elizabeth Bracey on the Occasion of her Departure as Manager of the Lovettsville Community Center.
- By:** Council Member Senate
- Second:** Council Member Carder
- Aye:** Council Members Allar, Burden, Carder, Gray, McIntyre, and Senate
- Nay:** None
- Abstain:** None
- Absent:** None

Mayor Zoldos and the Council presented Ms. Bracey with the proclamation.

Community Presentations

A. Loudoun County Sheriff's Office

Deputy Anthony Cooper gave his report. He responded to several calls this month including a bomb scare on South Loudoun Street, a burglary at West End Motors, several larcenies, and anti-Semitic graffiti at the Community Center. He also reported that the suspect in attempted burglary on Milltown Road had been identified.

Attorney Whiting stated she had been in touch with the Deputy County Attorney about developing an agreement between the County, the Sheriff's Office, and the Town for enforcement of the County ordinances.

B. Lovettsville Community Center

Elizabeth Bracey distributed copies of the flyer for the Trunk-or-Treat event on Halloween. She invited the Mayor and Council to attend. She stated that the Advisory Board provided a preschool scholarship for a full year to a local family in need.

Town Commission and Committee Reports

A. Lovettsville Planning Commission

Manager Markel stated the Planning Commission recommended the Conditional Use Permit for the equipment on the elevated water tank and that this item will be coming before the Council next month for consideration.

B. We're In – Lovettsville Business and Tourism Committee

Councilwoman Carder gave an update on the recent We're In meeting and the new logo.

C. Veterans Day

Councilman Burden reported on plans for the Veterans Day Ceremony, which will include several new elements this year. In addition to honoring the Veterans and their sponsors, the agenda includes the Young Marines, a keynote speaker, a soloist, and the Lovettsville Elementary School Chorus. The local Boy Scout Troop has also been invited to participate.

D. Light Up Lovettsville

Councilwoman Allar gave an update on plans for Light Up Lovettsville. The judging will take place on December 15 and the winners will be recognized at the Town Council meeting on December 20. There is one category for businesses and several categories for residents include most quirky, most traditional, best themed, and best in show.

E. Berserkle in the Squircle

Mayor Zoldos reported on the newest We're In event, Berserkle in the Squircle, which will be held on January 1, 2013 at 10:00 AM. The event will be a fun walk/run around the Town Square and will include vendors in "pit row." Winners will be chosen at random. The entry fee will be used to develop the fitness stations for the Quarter Branch Park.

F. MayFest Committee

Councilwoman Carder reported that the first planning meeting for Mayfest 2013 will be held on November 1. She is working on recruiting new vendors. A local stargazing group may be able to bring sun scopes.

G. Parks Committee

Councilman Senate gave an update on the process for color selections for the Walker Pavilion and engineering for the Quarter Branch Park building. Both projects are moving along quickly and they hope to have the facilities completed by spring 2013. Mayor Zoldos stated that George Mason University will be helping with the design of the fitness trail next spring.

H. Tree Lighting

Councilman Gray stated the tree lighting will be held on December 7. He is working on coordinating the event with the Lovettsville Elementary School and the fire department. We're In will be providing light refreshments.

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

Councilwoman Allar added an item to discuss funding for Light Up Lovettsville.

Manager Markel added an information item regarding the code codification.

Mayor Zoldos added an item to discuss trick or treat times.

**Approval of Town Council Minutes**

A. Town Council Regular Meeting – September 20, 2012

**Motion:** I move to approve the Town Council minutes of the regular meeting on September 20, 2012.

**By:** Council Member Carder

**Second:** Council Member Burden

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

**Nay:** None

**Abstain:** None

**Absent:** None

**Report from the Treasurer**

A. August 2012 Financial Report

Treasurer Gladstone presented the Financial Report for August 2012. He has modified the report as Council requested to show trends and analysis for General Expenses, Utility Revenues, Utility Expenses, and Utility Cash Balances compared to the prior year's expenses and revenues.

Councilman Senate stated the revised format is very helpful, especially the trending information.

Manager Markel stated the June payment for Loudoun Water is being withheld pending an explanation for why the bill is so much higher than normal. He is also working with them on making sure they keep the billing current.

Councilman Gray stated the new format is very helpful.

**Motion:** I move to adopt the Treasurer's Report for August 2012 as presented.  
**By:** Council Member Senate  
**Second:** Council Member Gray  
**Aye:** Council Members Allar, Burden, Carder, Gray, McIntyre, and Senate  
**Nay:** None  
**Abstain:** None  
**Absent:** None

### **Staff Reports**

#### **A. Report from the Project Manager**

Manager Markel stated they are in the final stages of the elevated water tank painting and repairs and it will be back in service soon. The light on top of the tank has been mounted and will be connected to the power supply.

He and Project Manager Fellers had an important meeting with representatives from PHRA, and Utility Professionals, Inc., the firms the Town is working with on the East Broadway Streetscape Project. They walked the entire length of the project and compared the final design drawings with the planned improvements. They identified several things in the plans that need to be revised before the final plans are submitted to VDOT.

Councilman McIntyre asked if the drawings are available for review. Manager Markel stated that a set of the working drawings are available at Town Hall.

Councilwoman Carder asked about the timeframe for the sidewalk project. Manager Markel stated he anticipates submitting the plans to VDOT in January 2013, then meeting with the residents next summer to begin discussing easement acquisitions.

Councilman McIntyre asked if anyone had talked to the owner of the pond. Manager Markel stated that they have talked to the property owner several times and will be in touch with him again as soon as they have more definitive answers about the project.

#### **B. Report from the Zoning Administrator**

Manager Markel referenced the Zoning Administrator's written report for September 2012. The survey for the Old Town Zoning District has been posted on the Town's website. The survey results will help the Planning Commission and Town Council gauge public interest for the Old Town District and aid with the Town's re-zoning efforts over the next several months. He noted that October is National Community Planning Month and that there has been a lot of new construction in Town Center.

Councilwoman Carder asked about the deadline for the survey. Manager Markel stated the survey would be open for several weeks. He will work with the Zoning Administrator to include a deadline on the website.

#### **C. Report from the Town Attorney**

Attorney Whiting announced that the Town of Leesburg and the Town of Hillsboro now have November elections and the Town of Lovettsville will have two special elections in November. She has talked to the Leesburg Town Attorney about conducting a training session on January 30, 2013 in Leesburg. The session will include courses on the Freedom of Information Act, the Conflict of Interest Act, Roberts Rules, and search strategies for on-line codes.

#### **D. Report from the Town Manager**

Manager Markel distributed his written report for September/October 2012. He noted that VDOT has accepted Lange Drive so all of the streets in New Town Meadows have been accepted into the State's maintenance system. He administratively released the remaining portion of the performance bond for Section 2B of the development. He added that all of the streets in Kingsridge, located within the Town's jurisdiction, were also accepted into the State's maintenance system.

**Action/Discussion Items**

**A. Town Center Section 3 Bond Reduction**

Manager Markel presented this item. Council is being asked to consider reducing the amount of the performance bond held by the Town for the public improvements related to the development of Section 3 of the Lovettsville Town Center development. Staff recommends a bond reduction of 80 percent from the current amount of \$3.4 million to approximately \$706,000.

Councilman Gray asked if this would be sufficient if there was a catastrophic problem with the sewer lines. Manager Markel stated everything has been inspected by Loudoun Water and found to be satisfactory. The revised bond amount would be more than enough to cover isolated repairs.

**Motion:** I move to accept Resolution 2012-10-002 approving the bond reduction for public improvements in Lovettsville Town Center Section 3.  
**By:** Council Member Senate  
**Second:** Council Member Carder  
**Aye:** Council Members Allar, Burden, Carder, Gray, McIntyre, and Senate  
**Nay:** None  
**Abstain:** None  
**Absent:** None

**B. Appointment of Planning Commissioner**

Manager Markel presented this item. Council is being asked to consider appointing a new member to the Planning Commission to fill a vacancy.

**Motion:** I move to appoint Robert Gentile to the Lovettsville Planning Commission to fill the unexpired term of Jack Burden, with a term to expire June 30, 2013.  
**By:** Council Member McIntyre  
**Second:** Council Member Carder

Councilman McIntyre stated Mr. Gentile will be a great addition to the Planning Commission.

**Aye:** Council Members Allar, Burden, Carder, Gray, McIntyre, and Senate  
**Nay:** None  
**Abstain:** None  
**Absent:** None

**C. Light Up Lovettsville Funding Request**

Councilwoman Allar presented this item. She requested funding not to exceed \$500 for the first year of Light Up Lovettsville. The funding will be use to purchase trophies, publicize the event, and decorate Town Hall. Mayor Zoldos asked if the funding would come from the events budget and if there was sufficient funding to cover the request. Manager Markel and Treasurer Gladstone both indicated there was sufficient funding in the events budget.

**Motion:** I move to approve funding for Light Up Lovettsville not to exceed \$500.  
**By:** Council Member Allar  
**Second:** Council Member McIntyre

Councilman Burden asked if there was a plan to make the event self-funded in future years. Councilwoman Allar stated the intent is to make this a We're In event. She added that the lights and trophies would be a one-time purchase since they would be used from one year to the next.

**Aye:** Council Members Allar, Burden, Carder, Gray, McIntyre, and Senate  
**Nay:** None  
**Abstain:** None  
**Absent:** None

D. Trick or Treat Times

Mayor Zoldos presented this item based on an email he received from a resident who was concerned about the trick or treat time starting too early. After further discussion, Council directed staff to modify the recommended hours for trick or treating to 6:00 PM – 8:30 PM.

Information Items

A. Code Codification Update

Manager Markel presented this item. He demonstrated how Municode will be used to codify the Town's ordinances, including hard-copy and online versions. Council previously approved this item several years ago and \$9,000 has been included in the FY 2013 budget for this expense.

Councilman Burden asked about the costs associated with future updates to the code. Manager Markel stated Municode will update the hard copy and online version at a cost of \$19 per page. There is also a \$550 annual maintenance fee for hosting the content on the Municode website.

Mayor Zoldos stated he asked Manager Markel to present this since it was passed by a previous Council and many of the current Council Members may not be familiar with this initiative. He stated this will make it more efficient for staff and residents to access the information.

Councilmember Burden asked how the information would be accessed online. Manager Markel stated there would be a link on the Town's website to the Municode site. Mayor Zoldos stated the online version will make it easy for citizens to search the Town's ordinances and will reduce staff time.

Councilman Gray stated it will also make it easier for businesses and developers to look up information online.

Comments from the Mayor and Town Council

Councilman McIntyre stated he will be launching some new initiatives for youth to be involved in.

Councilman Senate noted several farms outside of Town have recently been sold for development and this will likely generate more traffic, especially on Lovettsville Road.

Councilwoman Carder offered her congratulations to Market Table Bistro for being ranked #19 of the Top 50 restaurants in Northern Virginia. Manager Markel stated he would contact them about putting the information on the Town's website to showcase a local business.

Councilman Burden noted that the Veterans Day Ceremony would be held on Veterans Day (Sunday) at 2:00 PM, not the Federal Government holiday.

Mayor Zoldos reported on the following:

- He and Manager Markel attended the Board of Supervisor's meeting about the Lovettsville Community Center. Mayor Zoldos asked the Council Members to review the materials that were distributed tonight so they can give the County some direction on the three options.
- He recently spoke with Sheriff Chapman about the Town's community policing officer.
- He was recently contacted by a member of the Board of Supervisors' staff about the Town's support for schools. He noted that Council has passed several resolutions supporting schools in proximity to Lovettsville. Councilman Burden stated this is also in the Town's Comprehensive Plan.
- The ribbon cutting at Kissmette Spa will take place on November 5 at 2:00 PM.
- He will be participating in an event for Halloween at the Lovettsville Elementary School on October 31.
- The business mixer for We're In will be held on November 16 at the Mad Horse Brewpub.
- The Parks Committee input meeting on the Walker Pavilion will be held on November 13.
- He is getting information about electronic informational signs, which he will provide to the Parks Committee.
- He sent a letter to the developer of Town Center Commercial a few weeks ago suggesting two potential tenants for the second floor and has gotten no response.

- Scouting for Food will start in a few days, the Girl Scouts are doing a clothing drive, and the Daisy Scouts have asked to do a project at Town Hall on November 15.
- He reminded Council that Doozer Lovettsville is a list for people to sign up to receive emails about short-term volunteer opportunities around Town.
- He and Town staff met with an architect who was at the VML (Virginia Municipal League) conference. Manager Markel stated he is compiling a list of architects and will be preparing a Request for Proposal for the Town Hall expansion.
- DMV2Go will be in Town on November 19. They may be able to schedule it on a regular basis, if there is enough demand.
- The Housing Ceremony for the new engine at Lovettsville Fire and Rescue was a great community event.

**Closed Session**

There was no Closed Session.

**Adjournment**

There being no further business before the Council, the meeting was adjourned at 9:37 PM.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Harriet West".

---

Harriet West, Town Clerk

Date Approved: December 8, 2012

# Town of Lovettsville

## Resolution No. 2012-10-001: Recognition and Appreciation of Elizabeth Bracey on the Occasion of her Departure as Manager of the Lovettsville Community Center

**MOTION:** Senate  
**SECOND:** Carder

**WHEREAS**, the Town of Lovettsville and the greater Lovettsville community have been fortunate to have Elizabeth Bracey serve as Manager of the Lovettsville Community Center for the past 12 years; and

**WHEREAS**, she has now accepted a new position as Manager of the Leesburg Senior Center with the Loudoun County Department of Parks, Recreation and Community Services; and

**WHEREAS**, we, as members of the Lovettsville Town Council wish to extend our utmost appreciation for the work that she has done to make Lovettsville a better place to live and raise a family; and

**WHEREAS**, the Mayor and Council wish to extend to her our sincere best wishes for every happiness in the future as she begins her new job.

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Town Council for the Town of Lovettsville recognize and appreciate the service of Elizabeth Bracey and wish her well in all future endeavors and offer her our most sincere appreciation for her support of the Town and its events and programs during her time of service at the Lovettsville Community Center.

**BE IT FURTHER RESOLVED**, that the Mayor and Town Council wish to dedicate the Lovettsville Town Council meeting of October 25, 2012 in honor of Elizabeth Bracey.

**VOTE:**

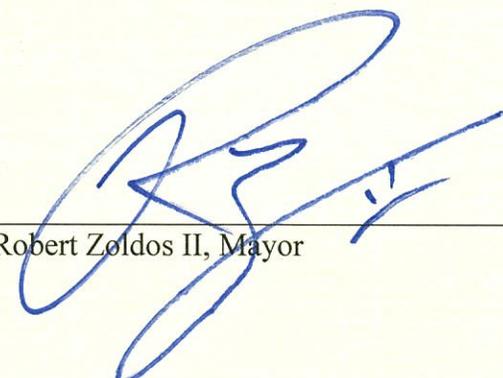
**Ayes:** Allar, Burden, Carder, Gray, McIntyre, and Senate

**Nays:** None

**Abstentions:** None

**Absent for Vote:** None

Approved October 25, 2012

  
\_\_\_\_\_  
Robert Zoldos II, Mayor

Attest:

  
\_\_\_\_\_  
Harriet West, Town Clerk

*The German Settlement*

# Town of Lovettsville

## Resolution 2012-10-02: APPROVE FIRST BOND REDUCTION FOR PUBLIC IMPROVEMENTS IN LOVETTSVILLE TOWN CENTER SECTION 3

**MOTION: SENATE**

**SECOND: CARDER**

**WHEREAS**, Town Center Lovettsville LC., has received approval of construction plans for Lovettsville Town Center Section 3 and commenced construction of site improvements in accordance with such approval; and

**WHEREAS**, the Lovettsville Town Council on May 12, 2011 approved the performance agreements dated May 10, 2011, provided by Town Center Lovettsville LC., and performance bond number K08090233 supplied by Westchester Fire Insurance Company dated May 10, 2011; and

**WHEREAS**, pursuant to Section 6.4.7(b) of the Subdivision Ordinance, Town Center Lovettsville LC submitted a request for its first reduction in the amount of the bond for Section 3 based upon the extent of public improvements installed; and

**WHEREAS**, based upon inspection by the Town Engineer, Christopher Consultants and Loudoun Water personnel, the Town supports a reduction in the bond by approximately 80% for Section 3 from the current bond amount of \$3,414,000 to the new bond amount of \$706,613.

**NOW, THEREFORE, BE IT RESOLVED** that the Lovettsville Town Council hereby approves the recommendation of the Town's engineer referenced above and authorizes the Mayor and Town Attorney to sign the performance agreement and bond as appropriate when tendered in a form approved by the Town Attorney.

**VOTE:**

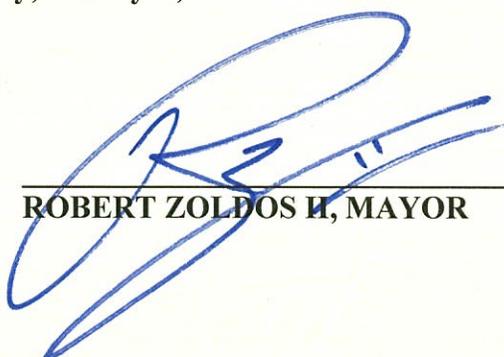
**Ayes: Allar, Burden, Carder, Gray, McIntyre, and Senate**

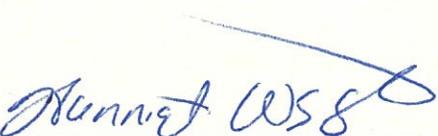
**Nays: None**

**Abstentions: None**

**Absent for Vote: None**

Approved October 25, 2012

  
\_\_\_\_\_  
**ROBERT ZOLDOS II, MAYOR**

  
\_\_\_\_\_  
**HARRIET WEST  
TOWN CLERK**

*The German Settlement*