

Town of Lovettsville

Town Council Minutes of the November 6, 2014 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 November 6, 2014 at the Lovettsville Town Hall, 6 East Pennsylvania Avenue, Lovettsville, VA.

Council Members Present

- Mayor Robert Zoldos II
- Vice Mayor Michael Senate (arrived at 7:34 p.m.)
- Council Member Kimberly Allar
- Council Member Tiffany Carder
- Council Member Rodney Gray
- Council Member Jennifer Jones
- Council Member James McIntyre

Staff Present

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

Pledge of Allegiance

Mayor Zoldos led those assembled in the Pledge of Allegiance.

Comments from the Public

Jim Morgan representing the Loudoun County Sesquicentennial Committee and Ed Spannaus from the Lovettsville Historical Society requested \$650 for a third civil war trails sign which would be located in the Lovettsville area. The sign would recognize the 1865 winter encampment of 2,500 troops in and around Lovettsville. The Mayor asked staff to determine if funding is available and report back to the Council at a later date.

Presentations

There were none.

Community Presentations

A. Lovettsville Fire and Rescue Company

Councilmember Jones gave an updated on the banquet at the fire hall.

There were no other community presentations.

Town Commission and Committee Reports

A. Lovettsville Planning Commission

Zoning Administrator Bateman said Commissioner Gentile would give the report when he arrived.

B. Parks Committee

There was no report.

C. We're In Committee

Councilwoman Carder gave updates on activities in 2014 and plans for 2015 including a business expo at the Game Club in March.

D. Oktoberfest Committee

Councilman McIntyre said they are finishing up paying the final bills for Oktoberfest.

B. Wintertainment Fest

Councilman Gray gave an update on plans for the event including entertainment and baked goods.

Additions/Deletions/Modifications to the Agenda

The following items were added to the agenda:

- Qualifications for We're In Committee Team Leaders
- Wintertainmentfest Funding

Closed Session

Mayor Zoldos announced that the Council would be going into closed session to discuss legal and personnel matters.

Minutes

A. June 12, 2014

Motion: I move to approve the minutes of the June 12, 2014 Regular Meeting and Joint Public Hearing.

By: Council Member Allar

Second: Council Member Carder

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

Nay: None

Abstain: Council Member Jones

Absent: None

Report from the Treasurer

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 referenced his September 2014 staff report. He gave an update on the upcoming public hearing for the Town Center commercial project and a new set of proffered conditions received from the applicant to address concerns raised at the joint work session.

C. Report from the Town Attorney

There was no report.

D. Report from the Interim Town Manager

Interim Town Manager Finz discussed plans to provide additional staff support for committees, events, and administrative functions over the next several months. He also indicated he would move forward with working with the Sheriff's Office on a Memorandum of Understanding as discussed at the Town Council meeting on July 10, 2014.

Action Items

A. License Agreement Approval for Staging Area for Broad Way

Project Manager Fellers presented this item. The Council is being asked to approve a staging area for the Broad Way Improvements Project. Loudoun County has agreed to allow the Town to use a 100' x 200' space near the main entrance to the Lovettsville Community Park property.

Motion: I move that Town Council authorize the Mayor to sign the License Agreement detailing the terms and conditions to permit the Town to use a portion of the County owned Lovettsville Community Park located at 12565 Milltown Road in Lovettsville, Virginia during construction of a sidewalk on Broad Way from Park Place to the Lovettsville Community Center.

By: Council Member Jones

Second: Council Member McIntyre
Aye: Council Members Allar, Carder, Jones, Gray, McIntyre, and Senate
Nay: None
Abstain: None
Absent: None

B. Authorize Broad Way Improvements Project to Bid

Project Manger Fellers presented this item. The Town Council is being asked to authorize the Broad Way Improvements Project to go out for bid.

Motion: I move that Town Council authorize staff to advertise the Broad Way Improvements Project for bid in order to select a contractor and begin construction in the spring of 2015.
By: Vice Mayor Senate
Second: Council Member Jones
Aye: Council Members Allar, Carder, Jones, Gray, McIntyre, and Senate
Nay: None
Abstain: None
Absent: None

C. Wintertainmentfest Funding

Councilmember Gray requested to have some funds set aside for costs associated with this event including food, beverages, and lighting. Interim Town Manager Finz said he would check the events line item and come back with a recommendation at the November 20 meeting.

Discussion Items

A. We're In Team Lead

Councilwoman Carder said they have a new member who lives outside of Town and she would like to serve as the economic team leader. In response to a question from Mayor Zoldos, Attorney Whiting said there was no legal reason not to appoint someone who lives outside of Town to serve in this capacity. Following discussion, Mayor Zoldos called for the vote.

Motion: I move that the Town Council can appoint team leaders on the We're In Committee who reside in 20180.
By: Council Member Carder
Second: Council Member McIntyre
Aye: Council Members Allar, Carder, Gray, McIntyre, and Senate
Nay: Council Member Jones
Abstain: None
Absent: None

Report from Planning Commission

Planning Commissioner Gentile gave an update on the R-3 zoning district amendment.

Information Items

There were none.

Comments from the Mayor and Town Council

Councilwoman Allar reminded everyone about the Veterans Day Ceremony.

Vice Mayor Senate said he is glad to see things happening on Broad Way.

Councilman Gray said he is looking forward to the upcoming football game between Woodgrove and Valley High School.

Mayor Zoldos reported on the following:

- He thanked Interim Town Manager Finz and Town staff on keeping things moving.
- He attended the Fire and Rescue banquet.

- He and the Interim Town Manager met with County staff to discuss Ebola concerns.
- He was asked to be the keynote speaker for the Regional High School Government Association workshop on November 15.

Closed Session

Pursuant to Virginia Code section 2.2-3711A (1) and (7), the Mayor and Council went into closed session at 8:43 p.m. to discuss the selection of a new Town Manager and the performance of a contract for the expansion of the waste water treatment plant by English Construction Company (Attachment 1). The Mayor and Council came out of closed session at 10:52 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 were heard, discussed, or considered in the meeting by the Lovettsville Town Council.

Adjournment

There being no further business before the Council, the meeting was adjourned at 10:53 p.m.

Respectfully submitted,



Harriet West, Town Clerk

Date Approved: April 23, 2015

Attachments:

1. Closed Session Motion

Town of Lovettsville

VIRGINIA FREEDOM OF INFORMATION ACT Resolution: AUTHORIZE CLOSED SESSION

Date: 11-06-2014

Time: 08:43

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; *and* ~~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,~~
- ~~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];~~
- ~~9. 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,~~

- over -

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 ^{selection of a new Town Manager and performance of a contract} [person, issue or property subject of discussion]
→ for expansion of the Waste Water Treatment by English Construction Company, respectively
And thereafter reconvene in open session for action as appropriate. respectively

SECOND: McIntyre
VOTE:

Ayes: Allen, Condon, Gray, Jones, McIntyre, and Senute
Nays: None
Abstentions: None
Absent for vote: None

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:"

11/6, 2014 at ~~8:43~~ ^{10:52 PM} PM

Certified:

Sharon West
Town Clerk