

Town of Lovettsville

Town Council Minutes of Regular Meeting December 20, 2012

Call to Order/Pledge of Allegiance

Mayor Robert Zoldos called the Regular Meeting of the Lovettsville Town Council to order at 7:27 PM on December 20, 2012 at the Lovettsville Town Hall, 6 East Pennsylvania Avenue, Lovettsville, VA.

Pledge of Allegiance

Mayor Zoldos asked Mr. Cliff Walker to lead the assembly in the Pledge of Allegiance.

Present at Meeting

- Mayor Robert Zoldos II
- 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
- Project Manager Karin Fellers
- Zoning Administrator Melissa Hynes
- Town Clerk Harriet West

Absent

- Vice Mayor Michael Senate

Mayor Zoldos announced that the Town Council would be going into closed session at the end of the meeting to discuss vendor contracts on the water tower and the third module of the sewer treatment plant.

Presentations

A. Recognition of Mari Bushway, former Chair of the Planning Commission

Mayor Zoldos presented Mari Bushway with a Certificate of Appreciation in honor of her service as Chair of the Planning Commission from 2009 to 2012.

B. Recognition of Light Up Lovettsville Winners

Mayor Zoldos introduced Councilwoman Allar, Chair of the Light Up Lovettsville Committee. She thanked all of the participants, the sponsors who donated prizes (Kissmett Spa, Bonnie's Restaurant, Lovettsville Pizza and Subs, Andy's, Thrifty Sisters, and Home Apocathacary), and the judges (Dave Golden from Goldstar Communication; Paul Cangemi, the Oktoberfest King; Sue Cangemi from the Community Center; John Payne from the Lovettsville-Waterford Ruritan Club; and Annee Olden from Annee Olden Photography). Councilwoman Allar then announced the winners and presented them with their prizes:

Best Theme:

3rd Place – The Brown Family, 14 South Loudoun

2nd Place – The Willard Family, 40 Stocks Street

1st Place – The Glass Family, 50 Potterfield

Most Outrageous:

- 3rd Place – The Krogh Family, 39 Stocks Street
- 2nd Place – The Lickey Family, 3 Red Bud Lane
- 1st Place – The Bradley Family, 2 Tritapoe Place

Most Traditional:

- 3rd Place – The Wenner Family, 1 Park Place
- 2nd Place – The Mccall Family, 12 Quarter Branch Road
- 1st Place – The Sanbower Family, 6 South Loudoun Street

Best Holiday Spirit for a Business:
Andy's Restaurant

Best in Show:
Bradley Family, 2 Tritapoe Place

Following the presentation of the awards, the meeting was recessed at 7:40 PM for a reception for the winners. Mayor Zoldos called the meeting to order again at 8:10 PM.

Comments from the Public

Mayor Zoldos called for comments from the public. There were none.

Community Presentations

A. Loudoun County Sheriff's Office

Deputy Sheriff Lopreto said he has been actively running radar in Town and that he investigated complaints about drug-related activity and equipment vandalism. He asked people to contact him directly at victor.lopreto@loudoun.gov if they see anything suspicious.

B. Lovettsville Volunteer Fire and Rescue Company

There was no report from the Lovettsville Volunteer Fire and Rescue Company.

C. Lovettsville Community Center

There was no report from the Community Center.

D. Lovettsville Library

There was no report from the Lovettsville Library.

Town Commission and Committee Reports

A. Lovettsville Planning Commission

There was no report from the Planning Commission.

B. Parks Committee

Mayor Zoldos said the Parks Committee met last week to discuss finalization of the design elements for the pavilion. Project Manger Fellers said the site plan for the Quarter Branch Support Facility has been submitted to VDOT and to the County for review. Mayor Zoldos said he has not yet been able to make contact with the professor at George Mason University regarding obtaining their assistance with the fitness trail at Quarter Branch Park.

C. "We're In"

Councilwoman Carder said Light Up Lovettsville went very well. She has been promoting "We're In" on the Town's Facebook page, as well as other upcoming events. The next "We're In" Committee meeting is scheduled for January 29, 2013.

D. Light Up Lovettsville

Councilwoman Allar said Light Up Lovettsville went very well and that she has some ideas for next year as the event transitions to the "We're In" Committee.

E. Berserkle on the Squirkle

Mayor Zoldos gave an update on the plans for this event. He discussed adding an agenda item to increase the budget by \$500 for t-shirts and sweatshirts. Participants will sign up on the day of the event. The cost is \$10 per person and there is no charge for children under 6 years old.

F. MayFest Committee

Councilwoman Carder said they already have five confirmed vendors. The next MayFest Committee meeting will be scheduled in January 2013.

G. Oktoberfest Committee

Councilman McIntyre gave an update on Oktoberfest. The first Committee meeting will be scheduled in January 2013. He is working on a draft work plan, which will be submitted to the Town Council at a future meeting. The Oktoberfest Committee will be a sponsor at Berserkle on the Squirkle and will donate a sweatshirt as a prize. He recently received the awards for the home brew competition, which were ordered in August 2012. He gave a verbal report on the number of vendors, sponsors, and finances for 2012. Expenditures were \$31,981.57 and receipts were \$38,573.85.

H. Information Flow Committee

Mayor Zoldos said the committee will meet after the first of the year.

Additions/Deletions/Modifications to the Agenda

Mayor Zoldos asked to add an item to the agenda to discuss the additional funding request for Berserkle on the Squirkle. There was no objection from the Council.

Approval of Town Council Minutes

A. Town Council Regular Meeting – August 2, 2012

Motion: I move to approve the minutes of the Special Meeting held on Thursday, August 2, 2012.
By: Council Member Carder
Second: Council Member Burden
Aye: Council Members Burden, Carder, Gray, and McIntyre
Nay: None
Abstain: Council Member Allar
Absent: Council Member Senate

Report from the Treasurer

There was no report from the Treasurer.

Staff Reports

A. Report from the Project Manager

Project Manager Fellers said that interviews with the two top candidates for the water and sewer rate study have been scheduled for January 7, 2013.

Staff has drafted the Request for Proposal (RFP) for the Town Office expansion. The Council and Staff discussed if it would be best to have the Parks Committee involved in the selection process or to form a separate committee for this project. Manager Markel said they would like to issue the RFP in January 2013. Councilman Burden said it may be better to create an ad-hoc group if this will be a short-term undertaking, rather than creating a formal committee. Staff said it would be preferable to have a smaller group that can go through the process from start to finish. After further discussion, it was agreed that Staff will come back in January with recommendations for the selection process for this RFP.

Councilman Burden said the results of the water and sewer rate study will be brought back to the Council with recommendations for an equipment replacement schedule over the next four to five years. Councilman Gray said the rate study will be very beneficial. Mayor Zoldos said that former Councilman Staley and prior Councils had asked for this rate study to give the Town a true feel for what will be needed to maintain the Town's water and sewer infrastructure.

B. Report from the Zoning Administrator

Zoning Administrator Hynes presented her report for November 2012. There were no questions from the Council.

C. Report from the Town Attorney

There was no formal report from the Town Attorney.

D. Report from the Town Manager

Manager Markel distributed his report. He said Zoning Administrator Hynes and five of the Planning Commissioners will be attending the Planning Commissioner Certification training in January and March in Leesburg. Training for newly elected officials will be held in early January in Richmond. Staff is working with Municode on compiling the Town's ordinances.

Action/Discussion Items

A. Conditional Use Permit Ordinance Documentation

Manager Markel presented this item. The Town Council approved two Conditional Use Permits several months ago. Legal counsel recommends that the Council approve Ordinances for each Conditional Use Permit. The Council is being asked to approve Ordinances 2012-06-0003 (Attachment 1) and Ordinance 2012-06-0004 (Attachment 2). Manager Markel noted the Council is not approving anything new; rather, this just formalizes action already taken in the form of an Ordinance. Mayor Zoldos explained that several of the current Council Members were not on the Council when the action was taken on June 21, 2012. Hearing no questions or concerns from the Council, Mayor Zoldos called for a motion.

Motion: I move to adopt Ordinance 2012-06-0003 for LVCU 2012-01.
By: Council Member Burden
Second: Council Member Gray

Mayor Zoldos called for discussion. Hearing none, he called for the vote.

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

Mayor Zoldos called for a motion for the second Ordinance.

Motion: I move to adopt Ordinance 2012-06-0004.
By: Council Member Gray
Second: Council Member McIntyre

Mayor Zoldos called for discussion. Hearing none, he called for the vote.

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

B. Increase Budget for Berserkle on the Squirkle

Mayor Zoldos presented this item requesting an additional \$500 to purchase sweatshirts, which will be sold for \$20 each. He asked for a motion to change the not-to-exceed limit to \$2,500 for 2013.

Motion: I move to change the not-to-exceed amount to \$2,500 for Berserkle on the Squirkle.
By: Council Member Carder
Second: Council Member Burden

Mayor Zoldos said the additional money would come from the events line item and most of it will be reimbursed. Councilman McIntyre asked what the total order was for the t-shirts. Mayor Zoldos said a

total of 200 t-shirts were ordered. Mayor Zoldos called for additional discussion. Hearing none, he called for the vote.

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

Information Items

There were no information items.

Comments from the Mayor and Town Council

Councilwoman Carder said they have received more than 100 "likes" on the Town's Facebook page. She thanked the Staff for all of the great work they do on behalf of the Town. She also thanked the Mayor and her fellow Town Council Members.

Councilman McIntyre said he and his family did a tour of the Town to see all of the homes decorated for Light up Lovettsville. He said he had never seen so many homes in Town decorated.

Mayor Zoldos reported on the following:

- Light up Lovettsville was spectacular. He thanked Henry Pearson for driving the judges around Town in the hay wagon. Next year they may be able to map where all of the participants are located to make them easier to find.
- Berserkle on the Squirkle is coming up soon.
- The Deputy Sheriff's office space at Town Hall has been vacated and will be used as the new office for the Zoning Administrator. Manager Markel said the Deputy Sheriff is able to work remotely from his vehicle and at a substation in Round Hill so the arrangement will work well for the Sheriff's Office and the Town. Deputy Lopreto will still have access to Town Hall.
- He thanked Mari Bushway again for her leadership on the Planning Commission.
- In light of the recent shootings in Connecticut, he encouraged everyone to be vigilant and if they "see something, say something."
- He wished everyone a Merry Christmas and Happy Holidays and thanked everyone for the work they do on behalf of the Town. He said that the Town of Lovettsville, with a small staff, does more than almost any other town of a comparable size.

Closed Session

The Council went into Closed Session at 9:29 PM (Attachment 3. Closed Session Motion) to discuss a telecommunications contract on the Town's elevated water tank and the explanation of the wastewater treatment plant. The Council came out of Closed Session at 11:03 PM. All Council Members present certified that only public business matters lawfully exempt from the open meeting requirement under the Virginia Freedom of Information Act were discussed.

Mayor Zoldos resumed the Regular Meeting at 11:03 PM. The Mayor called for a motion regarding the Sprint rent agreement.

Motion: I move that the Council direct Town Staff to negotiate the new contract with Sprint to reflect a 15 percent increase in the rent.
By: Council Member McIntyre
Second: Council Member Carder

Mayor Zoldos called for discussion. Manager Markel said Staff will return to the Council if they are unable to negotiate the 15 percent increase.

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

Adjournment

There being no further business before the Council, the meeting was adjourned at 11:05 PM.

Respectfully submitted,



Harriet West, Town Clerk

Date Approved: February 14, 2013

Attachments:

1. Ordinance 2012-06-0003
2. Ordinance 2012-06-0004
3. Closed Session Motion

Town of Lovettsville

Ordinance 2012-06-0003: APPROVING CONDITIONAL USE PERMIT LVCU 2012-0001

MOTION: Burden

SECOND: Gray

WHEREAS, Oliver and Patsy Frye filed an application for a conditional use permit to allow a newly created front room of the principle structure located at 31 East Broad Way to remain in the required front yard setback, after it was converted from an unenclosed porch; and

WHEREAS, following a public hearing on said application by the Planning Commission on June 6, 2012, pursuant to notice as required by Va. Code Section 15.2-2204, the Planning Commission forwarded its recommendations for approving said application, subject to certain conditions; and

WHEREAS, the Town Council conducted a public hearing on June 21, 2012 and concluded that approval of a Conditional Use Permit in accordance with the conditions set forth below is consistent with the health, safety and welfare of the citizens of the Town and comports with good zoning practice.

NOW, THEREFORE, BE IT ORDAINED by the Lovettsville Town Council that the Conditional Use Permit No. LVCU 2012-0001, to modify the required front yard setback to the distance shown in the Boundary Survey by Horton and Taylor, Inc. dated April 25, 2012, (property identification 334-45-7168), be approved in accordance with Sections 10-7 and 10-8 of the Lovettsville Zoning Ordinance, subject to the following conditions:

- 1) The conveyance by the Applicants at no charge to the Town (other than deed preparation and recordation) of all easements reasonably required for construction of the East Broad Way streetscape improvements along the frontage of their property by deed approved in form by the Town Attorney.
- 2) Such deed shall be fully executed and delivered to the Town for acceptance and recordation not later than [30] days after the Town notifies Mr. and Mrs. Frye that the deed is ready for signature.

VOTE:

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

Nays: None

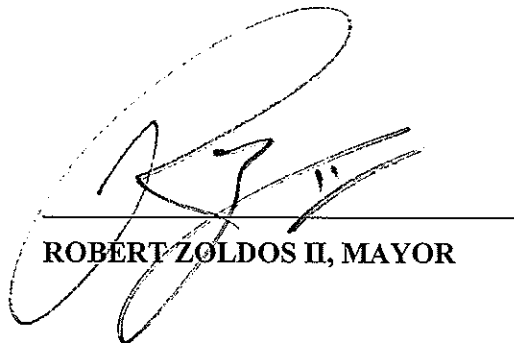
Abstentions: None

Absent for vote: Senate

APPROVED: December 20, 2012



HARRIET WEST, TOWN CLERK



ROBERT ZOLDOS II, MAYOR

The German Settlement

Town of Lovettsville

Ordinance 2012-06-0004: APPROVING CONDITIONAL USE PERMIT LVCU 2012-0002

MOTION: Gray

SECOND: McIntyre

WHEREAS, Tim Keena filed an application for a conditional use permit to allow for the operation of a microbrewery and to allow for a reduction in the required minimum off-street parking at 34 East Broad Way; and

WHEREAS, following a public hearing on said application by the Planning Commission on May 16, 2012, pursuant to notice as required by Va. Code Section 15.2-2204, the Planning Commission forwarded its recommendations for approving said application, subject to certain conditions; and

WHEREAS, the Town Council conducted a public hearing on June 21, 2012 and concluded that approval of a Conditional Use Permit in accordance with the conditions set forth below is consistent with the health, safety and welfare of the citizens of the Town and comports with good zoning practice.

NOW, THEREFORE, BE IT ORDAINED by the Lovettsville Town Council that the Conditional Use Permit No. LVCU 2012-0002, to allow for the operation of a microbrewery and to allow for the minimum of eight (8) off-street parking spaces at 34 East Broad Way (property identification 333-45-5460), be approved in accordance with Sections 10-7 and 10-8 of the Lovettsville Zoning Ordinance, subject to the following conditions:

1. Any exterior improvements that will expand the building's footprint shall comply with the Town's Zoning Ordinance.
2. The total number of on-site parking spaces shall not be less than eight (8) spaces, one of which shall be a handicapped space.
3. A six foot high board-on-board fence, finished on both sides, shall be installed along the property boundary between 34 East Broad Way and 36 East Broad Way.
4. The applicant shall improve and maintain the three (3) existing landscape beds with evergreen plantings at least two feet in height and/or various flowers.
5. Per Section 3-11(c), hours of operation shall be between 7:00 am to 10:00 pm Sunday through Thursday and 7:00 am to 11:00 pm Fridays and Saturdays.
6. Outdoor lighting shall comply with ordinance requirements to prevent off-site spillage and glare, in consideration of the residential neighbors.

The German Settlement

7. Per Section 6-5 (h), all loading areas, dumpsters, maintenance areas and equipment and similar areas are to be screened from all public streets and adjoining properties, with board-on-board fencing or landscaped buffers, six feet in height.
8. The entrance width shall conform to VDOT requirements for a commercial entrance.
9. Parking spaces and walkways on asphalt shall be marked by painted white lines; gravel parking spaces shall be marked by wheel stops.
10. All plantings described in these conditions shall be installed before the conditionally permitted use is open to the public.
11. As stated in Section 6-3 (b) the applicant shall maintain all existing and new landscape material in good condition.
12. All deliveries shall be made on site. Delivery vehicles shall not park on the public street for this purpose.
13. Five Employee Parking Spaces shall be created off-site through a Shared Parking Agreement with a property owner within 500 feet of the property.
14. A new 5/8 inch water meter shall be installed before the conditionally permitted use is open to the public.
15. After one year of opening the microbrewery, if the Town finds that the water consumption is on average over 500 gallons per day, the Town shall require a larger meter to be installed, to match the new water consumption per Town Ordinance.
16. This conditional use permit shall be administratively renewed every three years, at which time the Zoning Administrator shall conduct a detailed review of the property and use for zoning compliance.

VOTE:

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

Nays: None

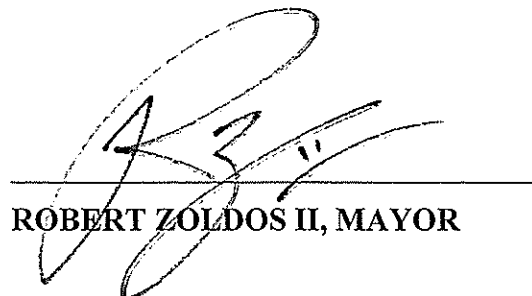
Abstentions: None

Absent for vote: Senate

APPROVED: December 20, 2012



HARRIET WEST, TOWN CLERK



ROBERT ZOLDOS II, MAYOR

Town of Lovettsville

VIRGINIA FREEDOM OF INFORMATION ACT Resolution: AUTHORIZE CLOSED SESSION

Date: Dec 20, 2012

Time: 9:29 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 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].~~ —over—

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]~~ negotiations of a lease with Sprint telecommunications and close-out of the contract with English Construction Company
- And thereafter reconvene in open session for action as appropriate.

SECOND: Council Member McIntyre

VOTE:

Ayes: Council members Allan, Bunders, Candice Gray, and McIntyre
Nays:
Abstentions:
Absent for vote: Council Member Simate

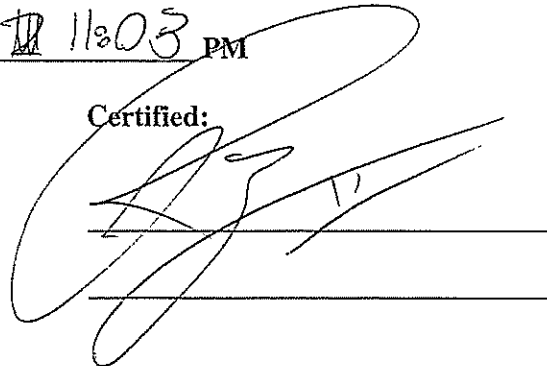
Roll-call poll by presiding official:

“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:”

12-19, 2011 at 11:03 PM

Certified:



negotiating posture of the town?

when discussion in open session might adversely affect the