

# Town of Lovettsville

## Town Council Minutes of Regular Meeting December 18, 2008

Mayor Elaine Walker called the regular monthly meeting of the Lovettsville Town Council to order at 8:00 P.M. on Thursday, December 18, 2008.

### Present at Meeting

- Mayor Elaine Walker
- Council Members Charlotte Coleman, Scott Dockum, Michael Senate, Shaun Staley, Robert Zoldos
- Town Manager Keith Markel
- Treasurer Lance Gladstone arrived at 8:15 PM
- Town Clerk Judy L. Kromholz

### Absent

- None

### Audience

Among those present were members of Cub Scout pack 962 and their parents, Tracey Senate (*Brunswick Citizen*), Amanda Staley, and Howard Williamson (Lovettsville Business Association)

### Call to Order/Welcome/Pledge of Allegiance/Invocation

Mayor Walker led the invocation. The members of Cub Scout Pack 962, Bears Den, performed a Special Presentation of the Colors and led the Pledge of Allegiance. Mayor Walker thanked the Cub Scouts and asked them to come back again.

The Council took a brief recess at 8:10 PM to meet with the Cub Scouts. Cookies and refreshments were served. The Council reconvened at 8:20 PM.

### Loudoun County Sheriff's Office

Loudoun County Deputy Sheriff Lambert presented his monthly report. Council member Dockum noted that traffic stops were way down and Deputy Lambert said that it was because he had been assigned to other out-of-town details during that period.

### Lovettsville Volunteer Fire and Rescue Company

No representative of the Company was present. Council member Senate reported on monthly call counts and said that Santa had ridden his assigned routes through Town despite the heavy rains.

### Lovettsville Business Association

President Howard Williamson reported on the Business Association's walking tour, on the tree lighting and lantern parade, and on their recent membership drive. He reported that the LBA currently has over 60 members and is planning additional activities in the Spring.

### Comments from the Public

Al & Irene Ghiorzi (39558 Wenner Road) spoke against the proposed PATH transmission line north of Town. They stated that every affected jurisdiction has opposed construction of this line and many jurisdictions have passed resolutions against it. They stated that none of the power carried by the line would be available in Virginia and that if the line must go through Virginia, it should be underground, noting that the technology is available and that Pepco is laying an identical line under the bay.

### Additions/Deletions/Modifications to the Agenda

There were none.

### Presentations

No presentations were scheduled.

### **Approval of Town Council Minutes**

#### **A. Town Council Public Hearing – August 21, 2008**

**Motion:** To approve the minutes of the August 21, 2008 Town Council Public Hearing as presented  
**By:** Council Member Zoldos  
**Second:** Council Member Senate  
**Aye:** Council Members Coleman, Dockum, Senate, Staley, Zoldos  
**Nay:** None  
**Abstain:** None  
**Absent:** None

#### **B. Regular Town Council Meeting – August 28, 2008**

**Motion:** To approve the minutes of the August 28, 2008 Town Council Monthly Meeting as revised.  
**By:** Council Member Zoldos  
**Second:** Council Member Coleman  
**Aye:** Council Members Coleman, Dockum, Senate, Staley, Zoldos  
**Nay:** None  
**Abstain:** None  
**Absent:** None

### **Report from the Treasurer**

#### **A. Financial Report – September 2008**

Treasurer Gladstone presented his report for September 2008.

**Motion:** To approve the September 2008 Treasurer's report as presented.  
**By:** Council Member Senate  
**Second:** Council Member Staley  
**Aye:** Council Members Coleman, Dockum, Senate, Staley, Zoldos  
**Nay:** None  
**Abstain:** None  
**Absent:** None

### **Staff Reports**

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

Administrator McGregor was excused from attending the meeting. Manager Markel presented the November 2008 Zoning Administrator's Report and discussed the Town Center Proffer Amendment concerning the addition of a fence around the Park. He reported that there may be a Sign Committee presentation to the Planning Commission in January. The Town Center Public Hearing will be on January 29<sup>th</sup> at 7:00 PM.

Council member Staley questioned the overhead power lines at the new post office site. Manager Markel explained that the post office plans were approved before the ordinance requiring underground installation was passed and existing overhead lines are being used. Mayor Walker asked if the post office had filed another application when they changed their route of connection and Manager Markel stated that they had not filed an application with the Town. Dominion Power would be responsible for obtaining any easements needed to run the new electric service. VDOT will not allow the power lines to be located within the street right of way. The Town has no leverage with the post office regarding the placement of the utility lines.

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

The Town Attorney was excused from attending this meeting.

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

Manager Markel reported the following:

- The DEQ Consent Order has been finalized. The clock has started for the development of the required documents that will be prepared by Olver and Company and the Town is ahead of schedule.
- Mayor Walker and Manager Markel went to the Water Control Board in Richmond to try to get the \$10,000 permit violation fine reduced or waived, but were unsuccessful.
- The streetlight work is almost completed including the replacement of 10 old light fixtures, and the installation of 8 new lights.
- The Wellhead Protection kick off meeting was held last Tuesday.
- The Movies in the Park for next season will be held the second Friday of every month between May and October.

## **Action Items**

### **A. Consent Agenda**

1. **Bonding and Street Engineering: Task Order 1 – Germanna Drive**  
That Town Council approve Task Order 1 – Germanna Improvements Project and authorize the Mayor or Town Manager to provide written authorization for PHR+A to complete Sub Tasks 1A, and 1B with a not to exceed amount of \$6,710 and a contingency of \$1,000.
2. **Town Square and Park Master Plan – Set Public Hearing for January 15, 2009**  
That Town Council direct staff to incorporate the recommendations from the Planning Commission along with the removal of the port-o-pot location and notation shown on the Town Center Park Plan and schedule the Town Square and Town Park Master Plan and proposed Town Plan amendments for a public hearing on January 15, 2009.
3. **Events Committee Creation**  
That the Lovettsville Town Council create a permanent Events Committee to be sanctioned by the Town Government and organized based on the structure outline that is attached to this staff report. Town staff is directed to advertise the creation of this Events Committee and solicit public involvement through a public application process for the leadership positions outlined in the committee's structure. Town Council will consider these applications and make final appointments. (Attachment I)
4. **Authorization for Zoning Ordinance Amendment Study (Wall Check and Inoperable Vehicles)**  
Direct Town staff and the Planning Commission to evaluate the need for adding a wall check regulation to the ordinance and amending the Zoning Ordinance in regard to Dismantled or Inoperable Vehicles and reporting back with recommendations.

**Motion:** To approve the Consent Agenda as presented.  
**By:** Council Member Senate  
**Second:** Council Member Dockum  
**Aye:** Council Members Coleman, Dockum, Senate, Staley, Zoldos  
**Nay:** None  
**Abstain:** None  
**Absent:** None

### **B. East Broad Way Engineering Firm Selection**

**Motion:** I move that the Town Council select PHR+A to complete the work as described in the East Broad Way Sidewalk Design RFP and direct staff to negotiate a scope of services for the East Broad Way Sidewalk Design  
**By:** Council Member Coleman  
**Second:** Council Member Senate

Mayor Walker called for discussion. She reported that PHR+A had done a fantastic presentation showing excellent research, and had addressed the challenges that are inherent to the project. She also noted that they are a Loudoun County firm. Council member Dockum asked if the next step, scope of services, would involve issues the Council would be involved with and if public hearings would be required. Manager Markel confirmed this process. Council member Dockum stated that he is excited to see this moving forward but expects Council to have some weighty issues to deal with as this progresses. Mayor Walker thanked Manager Markel for submitting the CDBG grant application in such a short time frame. The grant is covering \$80,000 towards the engineering work being completed by PHRA. There being no further discussion, Mayor Walker called for a vote.

**Aye:** Council Members Coleman, Dockum, Senate, Staley, Zoldos  
**Nay:** None  
**Abstain:** None  
**Absent:** None

### **C. Appointment to Town Council**

Manager Markel reported that Council member Efthim's term will end on June 30, 2010. A closed session will be held at the end of this meeting and the Council will then reconvene to appoint Council member Efthim's replacement.

## **Information Items**

The Town Manger's Report on the Town's Financial Outlook was given to the Council for review. Manager Markel made a brief presentation on the report.

**Comments from the Mayor and Town Council**

Council member Zoldos thanked the Mayor and Council for allowing the Cub Scouts to do their presentation. He reported that the tree lighting in the Town Square was spectacular.

Council member Senate also expressed his appreciation for the Town's December festivities.

Council member Dockum wished everyone happy holidays.

Council member Staley stated that he expected the economy is going to get worse than it was during the great depression. He stated that the real estate boom was the main cause of the economic slump and warned that along with the sub-prime issue adjustable rate mortgages are likely to default. He stated that the Council needs to be diligent about looking at the Town's finances. He stated his interest in starting work on a small project that will generate interest in the Town, such as a public notice sign in the square. He also stated that the Town's seasonal activities were fantastic and wished everyone happy holidays.

Council member Coleman wished everyone happy holidays and reminded them to stay safe.

Mayor Walker reported on the following:

- She sat in on some of the Planning Commission training sessions at Ida Lee Park and thought they were absolutely fantastic. She is glad that the Town funded the training for all of the Commissioners and felt that it would be very worthwhile.
- She reported on the Tree Lighting Ceremony which was a cooperative effort between the Town and the Community Center. She stated that the crowd was estimated at approximately 400 people. She thanked the Lovettsville Business Association for their support.
- She met with Supervisor Kurtz today and they will be calling Alleghany Power again to request a public questions and answer meeting, not just a presentation.
- The Economic Development Council and Health Council meetings continue. She has attended a number of EDC meetings which discussed the economic situation in the County and noted that the problems are not to be taken lightly.
- She reported that she and Council member Zoldos attended the National Tree Lighting Ceremony at which the Lovettsville Elementary School students sang.
- She attended the opening of the Inova medical center in Purcellville and reported that it is a beautiful building.
- She reported that Planning Commission Chairman Zachritz has presented her with a draft letter and Wall Street Journal article that he hopes can be used as a tool for marketing the commercial portion of Lovettsville Town Center. The letter will be signed by the Mayor, Chairman Zachritz and the Lovettsville Business Association.

**Comments from the Public**

Mayor Walker called for comments from the public. Mr. Williamson stated that he is an optimist and that out of this economic downturn, good things and innovative things may happen. He said that we all need to remember to think outside the box.

**Recess**

At 10:05 PM, Mayor Walker stated that there will be a 10 minute recess and that the Council would reconvene at 10:15 PM in closed session. See Attachment II for recordation of motions to convene and end the closed session.

**Reconvened Meeting**

**Motion:** To appoint DiJon Jones to fill the unexpired Town Council term of Richard Eftim ending June 30, 2010  
**By:** Council Member Zoldos  
**Second:** Council Member Senate  
**Aye:** Council Members Coleman, Dockum, Senate, Staley, Zoldos  
**Nay:** None  
**Abstain:** None  
**Absent:** None

**Adjournment**

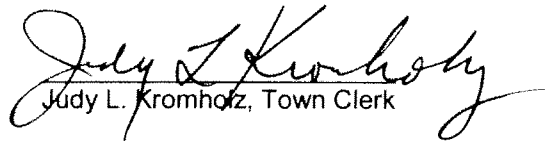
There being no further business before the Council, Mayor Walker asked for a motion.

**Motion:** To adjourn the December 18, 2008 monthly meeting of the Lovettsville Town Council

**By:** Council Member Staley  
**Second:** Council Member Coleman  
**Aye:** Council Members Coleman, Dockum, Senate, Staley, Zoldos  
**Nay:** None  
**Abstain:** None  
**Absent:** None

The meeting was adjourned at 10:58 P.M.

Respectfully submitted,

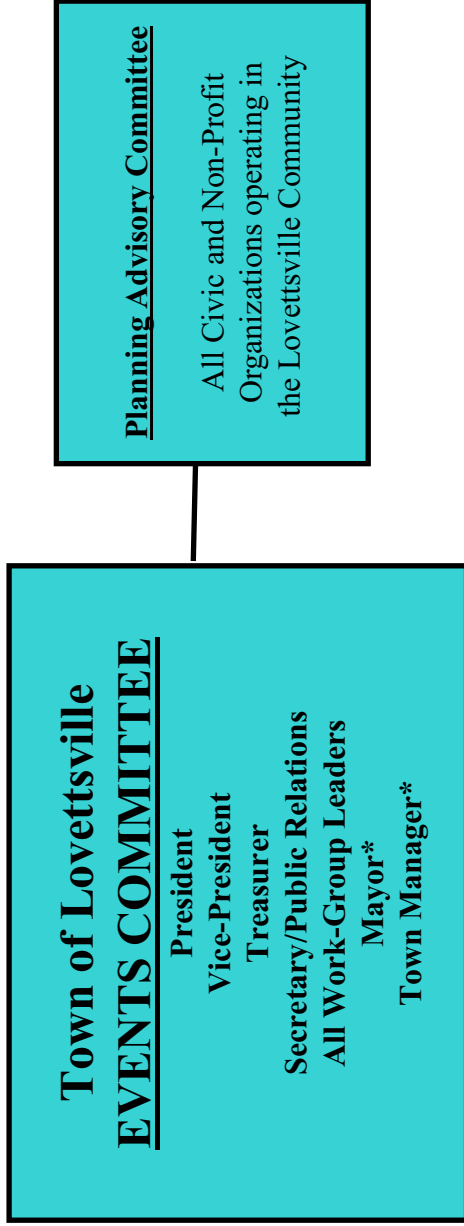
  
Judy L. Kromholz, Town Clerk

Date Approved: June 25, 2009

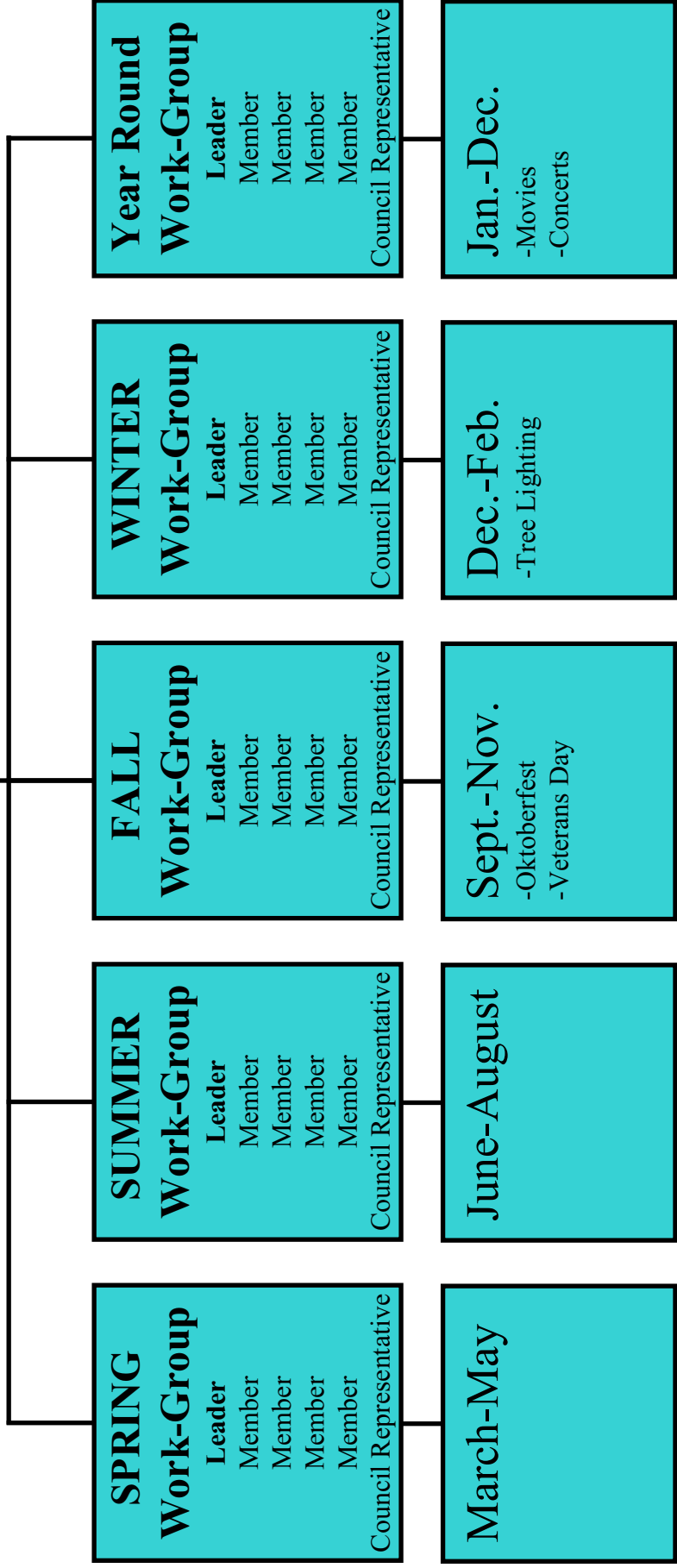
Attachments:

- I. Proposed Events Committee Structure
- II. Motions to Convene and End Closed Session

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**Planning Advisory Committee**  
 All Civic and Non-Profit Organizations operating in the Lovettsville Community



**SPRING Work-Group**  
 Leader  
 Member  
 Member  
 Member  
 Member  
 Council Representative

**March-May**

**SUMMER Work-Group**  
 Leader  
 Member  
 Member  
 Member  
 Member  
 Council Representative

**June-August**

**FALL Work-Group**  
 Leader  
 Member  
 Member  
 Member  
 Member  
 Council Representative

**Sept.-Nov.**  
 -Oktoberfest  
 -Veterans Day

**WINTER Work-Group**  
 Leader  
 Member  
 Member  
 Member  
 Member  
 Council Representative

**Dec.-Feb.**  
 -Tree Lighting

**Year Round Work-Group**  
 Leader  
 Member  
 Member  
 Member  
 Member  
 Council Representative

**Jan.-Dec.**  
 -Movies  
 -Concerts

\*- Ex Officio members who have voice but no vote in committee action

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# Town of Lovettsville

## Motion to Convene a Closed Session

**Date and Time:** 10:25 p.m. on 12/18/2008

**Motion:** That the Lovettsville Town Council convene in Closed Session pursuant to Va. Code section 2.2-3711 A 1 for the purpose of discussing the performance of particular public officers, appointees or employees, and thereafter reconvene in open session for action as appropriate.

**Made By:** Bob Zoldas

**Seconded By:** Charlotte Coleman

**Aye:** Zoldas, Coleman, Dockum, Staley, Senate

**Nay:** —

**Abstain:** —

**Absent:** —

**Vote Recorded by:** Keith Markel

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## End of Closed Session

**Date and Time:** 10:55 p.m.

When polled as to whether (i) only public matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and (ii) only such public 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:"

List Council members stating "Aye":

Zoldas, Coleman, Senate, Dockum, Staley

**Statement  
Recorded by:**

Keith Markel