

Town of Lovettsville

Town Council Minutes of Regular Meeting September 10, 2009

Mayor Elaine Walker called the regular monthly meeting of the Lovettsville Town Council to order at 8:05 PM on Thursday, September 10, 2009.

Present at Meeting

- Mayor Elaine Walker
- Vice Mayor Robert Zoldos
- Council Members Charlotte Coleman, Scott Dockum, Shaun Staley
- Town Manager Keith Markel
- Town Attorney Liz Whiting
- Town Clerk Judy L. Kromholz
- *Zoning Administrator Steve McGregor and Project Manager Karin Fellers were excused*

Absent

- Council Members DiJon Jones and Michael Senate

Audience

Among those present in the audience were Bing Lam, Barbara Lam, Tiffany Carder, Frank Kromholz, Sarah Stinger, Dennis O'Keefe, Jim Morgan, and Ed Spannaus.

Call to Order/Welcome/Pledge of Allegiance

Mayor Walker gave an invocation and Cub Scout Robert Zoldos III led the assembled in the Pledge of Allegiance.

Presentations

Miriam Nasuti, CEO & Publisher of Talk Loudoun

Mrs. Nasuti introduced herself as the publisher of the new e-zine *Talk Loudoun*. She welcomes 'good stories' about the Town and the county. She plans to publish one to three stories per week.

Comments from the Public

Mayor Walker called on speakers in the order in which they signed up to speak (Attachment I).

Bing Lam read the statement shown in Attachment II into the record.

Barbara Lam had signed up to speak but stated that Mr. Lam had covered it.

Tiffany Carder read the statement shown in Attachment III into the record.

Sarah Stinger read the statement shown in Attachment IV into the record.

Dennis O'Keefe submitted attachment V for the record and stated that he has done an informal study of housing values in the County and in the Town for the last two months.

There were no additional speakers.

Community Presentations

No Community presentations were scheduled.

Additions/Deletions/Modifications to the Agenda

There were no changes to the agenda.

Approval of Town Council Minutes

A. Town Council Regular Monthly Meeting – January 22, 2009

Motion: To approve the minutes of the January 22, 2009 Town Council Meeting as presented at this meeting.

By: Council Member Zoldos

Second: Council Member Staley

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

B. Town Council Closed Session – June 11, 2009

Motion: To approve the minutes of the June 11, 2009 Town Council Closed Session as presented.
By: Council Member Dockum
Second: Council Member Coleman
Aye: Council Members Coleman, Dockum, Staley, Zoldos
Nay: None
Abstain: None
Absent: Council Members Jones, Senate

C. Town Council Public Hearings – June 18, 2009

Motion: To approve the minutes of the June 18, 2009 Town Council Public Hearings as presented.
By: Council Member Dockum
Second: Council Member Staley
Aye: Council Members Coleman, Dockum, Staley, Zoldos
Nay: None
Abstain: None
Absent: Council Members Jones, Senate

D. Town Council Regular Meeting – June 25, 2009

These minutes were tabled.

Report from the Treasurer

No Treasurer's Report was presented.

Staff Reports

A. Report from the Zoning Administrator

There was no Zoning Administrator Report.

B. Report from the Town Attorney

The Town Attorney had no formal report.

C. Report from the Town Manager

Manager Markel reported that the Movie in the Park scheduled for tomorrow night has been moved to the Lovettsville Community Center due to the forecast of inclement weather. He also reported that the new carpeting will be installed in Town Hall tomorrow.

Action/Discussion Items

A. LVZA 2009-0005: Wireless Communication Equipment

Manager Markel presented this item, noting that there had been no comments from the public at the Public Hearing and that Administrator McGregor recommends approval. Councilman Dockum stated that he has no problems with this ordinance.

Motion: To Approve Ordinance No. 2009-09-01: LVZA 2009-0005, Amending Lovettsville Zoning Ordinance Sections 3-2 (Residential District CR-1), 3-3 (Residential District R-1), 3-4 (Residential District R-2), 3-5 (Residential District R-3), 3-6 (Retirement Community R-C) 3-7 (Town Center Planned Development District T-C), 3-8 (Planned Infill Development District), 3-12 (Community Commercial District C-1), 3-13 (Mixed Use Business District C-2), 3-14 (Light Industrial District), And 13-2 (Definition Of Certain Terms):Wireless Communications Equipment (Attachment VI)
By: Council Member Dockum
Second: Council Member Staley
Aye: Council Members Coleman, Dockum, Staley, Zoldos
Nay: None
Abstain: None
Absent: Council Members Jones, Senate

A. Phase 1 I&I Rehab Contract Award

Manager Markel presented this item. He reported that the bids for this work came in several hundred thousand dollars below what our engineer had estimated. At a future date, the Town will have to decide how much we want to reimburse ourselves from the revolving loan fund. Olver has verified the credentials, licensing, bonding and references of the recommended contractors.

Motion: I move that Town Council select the following contractors to complete Phase I of the I&I Action Plan:

1. D&S Contractors to complete Contract A for a cost of \$64,476,
2. Heritage Site Development to complete Contract B for a cost of \$89,410, and
3. Pleasants Construction to complete Contract C for a cost of \$148,160.

I further move that Town Council authorize Notice to Proceed for Tasks 5 and 6 from Olver's Proposal for Phase I Improvements to Reduce Infiltration and Inflow at a cost of \$27,000 and authorize staff to purchase the necessary GIS software at an approximate cost of \$1,500.

By: Council Member Staley
Second: Council Member Coleman

Mayor Walker called for discussion. Councilman Staley said the Olver reports were very favorable towards these three firms. There being no further discussion, Mayor Walker called the vote.

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

B. Town Square Surveying Scope Approval

Councilman Zoldos asked that this item be tabled and the Council agreed.

D. Civil War Trail Signage

Manager Markel introduced this item as a follow-up to Mr. Morgan's presentation at the last Council meeting.

Motion: I move that the Council allocate \$650.00 of funds from the beatification line item to cover the Town's share of the proposed sign and direct the Mayor to send a letter to Chairman York expressing the Town's interest in partnering with the County on this project. Staff further recommends that the Council meet with representatives from the Lovettsville Historical Society and the Civil War Sesquicentennial Committee to select a topic and location for the sign placement.

By: Council Member Zoldos
Second: Council Member Dockum

Mayor Walker called for discussion. Councilman Dockum asked Mr. Morgan about the time line. Mr. Morgan stated that the selection of topic and verbiage should be completed as soon as possible. Councilman Dockum asked Mr. Spannaus if the Lovettsville Historical Society is willing to participate and Mr. Spannaus stated that he had polled the LHS Board and they had all agreed to participate. They will make a formal commitment at their next business meeting on September 19, 2009. Councilman Zoldos asked if there were topics suggested. Mr. Morgan recommended the Loudoun Rangers and stated that he and Mr. Spannaus had drafted a text on that topic. He offered to email the text to the Council tomorrow. Councilman Staley stated that he supports this project and noted that at the CPAC public input session there was a real interest expressed in the history of the Town. Mayor Walker asked Mr. Morgan when Chairman York needs to receive the letter. Mr. Morgan stated that the commitment letter should be received by Chairman York no later than October 1, 2009. Mayor Walker stated that the Loudoun Rangers is a very appropriate topic for a Lovettsville Civil War Trails sign. There being no further discussion, Mayor Walker called the vote.

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

Mr. Morgan read the proposed text into the minutes (Attachment VII). Mayor Walker noted that the monument at the grave site of Lt. Slater was repaired in the last year and suggested the location of that gravesite be included in the text.

E. Town Welcome and Informational Sign

Manager Markel discussed progress to date. Councilman Zoldos stated that he will sketch out a proposed sign which will have removable letters. He stated that there are several persons in the community who have expressed interest in working on this project. Councilman Staley stated that he would also like to be involved. Councilmen Zoldos and Staley agreed to meet to develop some initial ideas for the Council to review.

Information Items

No information items were presented.

Comments from the Mayor and Town Council

Councilman Staley reported that he had seen an article in the Frederick Post stating that Frederick County had temporarily put a stop to the PATH approval process and that the applicant would have to reapply.

Councilman Zoldos reminded everyone that the Movie in the Park tomorrow night has been moved to the Lovettsville Community Center.

Mayor Walker stated that she will be ringing the bells at St. James Church tomorrow morning to honor each of the four planes that were hijacked in memory of those who lost their lives and she invited everyone to attend the ceremony. A wreath will be placed at the flagpole in the Town Square and it will remain there all weekend.

Manager Markel stated that he had received a request from the Oktoberfest Committee to pass around a volunteer sign-up sheet to the Council. He reported that seasonal flu shots will be offered in Town Hall during Oktoberfest.

Closed Session

The Council went into closed session at 9:13 PM (Attachment VIII).

Respectfully submitted,


Judy L. Kromholz, Town Clerk

Date Approved: December 17, 2009

Attachments:

- I. Speaker Signup Sheet
- II. Bing Lam Statement
- III. Tiffany Carder Statement
- IV. Sarah Stinger Statement
- V. Dennis O'Keefe Submission
- VI. Ordinance No. 2009-09-01: LVZA 2009-0005 – Wireless Communication Equipment
- VII. Proposed Civil War Signage – Loudoun Ranger Text
- VIII. Closed Session motions

Town of Lovettsville

Speaker Sign - Up Sheet

Town Council Regular Meeting - September 10, 2009

Please Print.

Name and Association	Address	Topic	Email Address (Optional) ¹
Big Can		LTC	
Barbara Can		LTC	
Tiffany Carder	17 Hammond Drive	LTC & Communication	www.allthingslovettsville.com
Jessie Stinger	11698 Rapp Ln.	School	stinger@loudonwireless.com
DENNIS O'KEEFE	7 Black Forest Ln	HOUSE VALUES	

Each speaker will be limited to no more than three (3) minutes at the beginning of the meeting, or no more than five (5) minutes at the end of the meeting.

¹ If you provide your email address, you will be added to the Town Council & Planning Commission Meetings Notification List.



Town of Lovettsville <toflovettsville@gmail.com>

Tonight Town Council Meeting 8 PM

Bing Lam <bingandbarbara@gmail.com>

Thu, Sep 10, 2009 at 7:25 PM

To: plan@lovettsvilleva.gov


This is a revised statement that we are reading before the Council this evening...hopefully toned down a bit to be more respectful.

A couple of other residents will also be reading their opposition statements.

Regards,

Barbara Lam

[View image](#) (right-click to download pictures)

 **September 12 Statement.doc**
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[View image](#) (right-click to download pictures)

Companies often have vision statements. It's a picture of your company in the future but it's so much more than that. Your vision statement is your inspiration, the framework for all your strategic planning.

A vision statement for a town is a Town Comprehensive Plan. The Comprehensive Plan is not an option, but required by Virginia law. It is a picture of your town in the future and is your inspiration and the framework for all strategic planning.

Most people acquaint Lovettsville Town Center with Elm Street Development, but the vision of Lovettsville Town Center was born long before Elm Street Development came on the scene.

Liz Whiting, our town attorney at a town council meeting, giving the history of the Town Center District said the vision had been crafted "even before Elm Street came on the scene."

The Town Center District and the vision for our district is vividly described in the Town Comprehensive Plan as follows:

"The architectural design of this housing should be compatible with the historic character of the Town..."The architectural character of the old downtown generally reflects that dwellings are close to the street and garage access is in the rear of the lot." ...". With garages in the rear there is also an intangible safety benefit. Children can play more freely in front yards and walk along sidewalks without vehicles moving in this area. These are primary principles in the Main Street concept, which is contained in the Town Plan as a development guideline for both commercial and residential areas.

The neo-traditional home that I bought in Town Center matches this description as do the other homes designs originally and clearly depicted on the Town Concept Plan. My husband and I as well as others bought into a planned community marketed by Elm Street and envisioned in the Town Comprehensive Plan of Lovettsville. These neo-traditional home designs have now been abandoned.

Former Council Member Efthim forwarded an email on June 22, 2007 to the Town Council saying that literally hundreds of man-hours had been spent on the Town Comprehensive Plan and in regards to Town Center he said, " This vision would be implemented by creating zoning subdivision ordinances that would dictate the size and heights of residential and commercial buildings and ensure that the new **Town Center** was pedestrian friendly.

The Zoning Ordinance of Lovettsville states modifications may be permitted by the Town Council, but :

"...must be consistent with the character and intent of the Town Center Planned District."

The vision of the Town Center was abandoned to help Elm Street. Elm Street asked the town to amend the Town Comprehensive Plan in order to change the design and allow Ryan Homes to build scaled down front-loaded garage homes. This eroded so many goals that had been established for Town Center, the main one being pedestrian friendly and safety. Elm Street Development told our town officials that they were “hanging on by their fingernails and it was critical to have this amendment. The Town Council sold out the Town Comprehensive Plan to Elm Street with the blessings of the Mayor.

Mayor Walker said: “We need to do everything possible to support Elm Street Development and NV Retail.” ...the town has to step forward and help these people get started again.”

Documents and tape recordings we have obtained by the Freedom of Information Act reveal that our town officials are not being truthful in what they have tried to explain as no control over what Elm Street built in Town Center. This evidence shows the opposite is true, which is they gave Elm Street the control when they amended the Town Comprehensive Plan, selling out to a greedy developer. Elm Street is reaping the benefits while the town is gaining nothing in return.

The appearance of our Town Center has become an embarrassment to the residents and the whole town. The stark differences between the neo-traditional homes and Ryan Homes in building height, massing, roof shapes, building elevations, window proportions, and architectural details were never meant to be mixed and also violated a town zoning ordinance.

The goals of the traditional neighborhood design (TND) to create open space, pedestrian friendly walkways, blend the neo-traditional homes with the old part of town, and to remove vehicles from the streets has been lost. With regards to safety, the driveways are too short for any vehicle to use without overhanging or completely covering the sidewalks. Mr. Entsminger, Elm Street’s project manager also lied in a recent Washington Post article suggesting that by pulling in closer to the garage, cars would no longer cover the sidewalks.

Does the Mayor and Town Council not value the safety of school children trying to navigate these sidewalks? Again and again we have asked them to rescind, if not to save the decline in property values and architectural integrity, but for public safety.

We have campaigned to stop these changes since last April before the first Ryan Home was built and with the signatures of 160 petitioners. We have contacted Representative Joe May, Senator Vogel, Commissioner Sally Kurtz, VDOT, and the newspapers. All have responded to our concerns. Senator Vogel made two personal phone calls, and yet our Town Council and Mayor continue to give us the silent treatment. They continue to stonewall our efforts to restore the Town Comprehensive Plan.

The constituents deserve to be treated fairly and with respect rather than the advantage given to the developer. When will the Mayor and Town Council act to restore the vision in our Town Comprehensive Plan?

September 10, 2009

To Mayor Walker and Town Council Members:

In a Washington Post article dated August 20, 2009, Rick Entsminger refers to the homes being built currently in the Lovettsville Town Center as “starter homes.” This is a direct contradiction to the desires of residents who attended the public input session on July 29, 2009. These residents specifically stated that they want Lovettsville to be more than a “bedroom community,” which means they want a community where families come to live and become an active part of the community as neighbors and friends for the long term. Entsminger’s “starter” homes do **not** facilitate this type of community. Instead, starter homes foster a transient population that weakens the support system for business to develop and thrive in this community, which in turn does not provide places for residents to go and interact, especially for our teenage population.

Furthermore, Keith Markel’s statement in the same Washington Post article indicates that most residents understand that the town isn’t at fault for what is happening in the Town Center. However, 160 signatures on a petition opposing the changes to the Lovettsville Town Center prove that just as many residents don’t understand and don’t agree. In fact, Markel’s statement doesn’t convey the fact that two council members, Bobby Zoldos and DiJon Jones don’t even agree with the changes since they voted against the amendment.

At the very least, the zoning ordinance of Lovettsville 3-7-B indicates the town council does have control over architectural details, such as the height of buildings. Therefore, the town council could modify the ordinance to make all of the homes in the Town Center the same height that would promote the “visual enjoyment” of the area as it defined in the purpose statement 3-7-a. This also would serve as a type of compromise with the residents in and out of the Town Center who continue to be upset with the way the Town Center is being developed, especially since Phases 2-4 are now open for development.

Additionally, on August 27, 2009 while discussing the sidewalk project for Park Place to the community center, Councilmen Dockum and Staley expressed concern about residents living along the south side of Broadway. They indicated a wish to meet with residents to explain the potential movement of utility poles so that residents would understand the right of way and minimize any potential conflict. Yet, Councilman Staley at the town council meeting on July 9, 2009 said that he thought it was “inappropriate” to meet with residents of the Town Center at this time. No other town council member has addressed the issue, and to me, silence equals concordance. This is a failing in your obligations as public servants.

To be a town council member is to be a public servant to your constituents. As a servant, you are obligated to meet with residents and answer their questions when the request is made. It should **not** matter whether you agree with your constituents’ viewpoint and the information should **not** be provided in a roundabout manner. Thus, it is also unacceptable that any FOIA request goes unfulfilled. For example, on August 24, 2009, Keith Markel responded to a FOIA requesting audiotapes for public hearings during September, October, and November 2004 by saying, “Staff

is working to locate the audio tapes from this time period. The tapes will be made available **if and when** they are located.” There are other statements of this same nature in the letter addressed to Bing Lam. This is shoddy recordkeeping to say the least, and it must be remedied as soon as possible.

Before it can be said that I am against Ryan Homes in general and the people who live in them, which is **untrue**, I want to point out that Al Horton, the HOA president for New Town Meadows, attended a meeting with Town Center residents and Rick Entsminger in April 2009 in order to voice his opposition to the Ryan Homes being built in the Town Center. Needless to say, Ryan Homes are in New Town Meadows, and DiJon Jones, who voted against the changes, lives in a subdivision built by Ryan Homes. It is to oversimplify the argument to charge Town Center residents with elitism or aestheticism. I, along with other residents of the town and the surrounding area, are disagreeing with the new vision for the Town Center, which deviates from the original town concept plan making the Town Center a safe and pedestrian-oriented neighborhood.

With this being said, I look forward to the construction of the sign informing residents of meetings, which I understand shall take place in the near future. I just want to reiterate my plea for continued improvement in the communication between the town council and residents. I still advocate for more “hot buttons” on the website to improve navigation. Residents should be able to find the information they want as easily and quickly as possible. I also think that the **minimum** standard for e-mail responses to residents should be an automated message indicating receipt of the message. Last but not least, in my opinion, minutes should be approved within a month of the actual meeting, and there needs to be an update of the current recordkeeping process. *in order to insure all records are available for public viewing.*

Sincerely,


Tiffany D. Carder

Honorable Mayor Walker and Town Council Members:

September 10, 2009

The July 23, 2009 approved Minutes of the February 26, 2009 Council Meeting show that School Board Member Jennifer Bergel stated unidentified "bloggers" had misrepresented the Town's November 2007 Resolution in support of a high school in the Lovettsville area, and were urging condemnation of the Miller property. Because I believe some people may have associated me with such comments, I want to express a different understanding of the facts, as well as to disassociate myself with any interest whatsoever in condemnation of the Miller property or any other property.

I personally circulated the full text of Town's resolution to County officials and fellow citizens to ensure that it was understood as written. I also referred to it on blogs in order to counter statements some were making that "Lovettsville does not want a high school". I also had conversations with many area residents while circulating a petition in support of the high school and while campaigning for Ms. Bergel. Based on these conversations and the results of the Town's 2007 survey compiled by former Councilman Richard Eftim, I believed then (and still do) that local residents generally support secondary schools sited in/near our community – not 5 miles away and closer to Purcellville. I also applaud the Town Planning Commission's efforts to seek current community input on all aspects of the town's development, including schools, most recently during their forum held on July 29; and, I appreciate Mr. Merkel's posting of the forum results on the Town's website.

Understandably, local community members are anxious to ensure that all school-related infrastructure costs (capital and maintenance) will be borne by LCPS, and not by Town citizens, as current practice requires. There appears to be some misunderstanding on that point, as some citizens have expressed an erroneous belief that the Town would bear those costs and I am doing my best to correct that misconception. Please know that my support for these facilities is contingent on their size and style being compatible with the Town's character and future vision and, provisions for traffic and other impacts are fairly mitigated. As a County taxpayer, I believe these expectations to be logical and reasonable.

Please know that I do not want, and have never wanted, the Miller farm to be taken by eminent domain. I have spoken in person with Mr. Bo Miller on this topic and trust he fully understands this. I am deeply saddened that I have been characterized in this manner. It is true that I have been actively outspoken about the disrespectful treatment of the Millers (and the Moores). My motivation for those statements is merely to share information that show what I believe to be past bias against a Lovettsville option (*and to remain vigilant for bias continuing in the days ahead.*) Based on attached correspondence between the Millers and LCPS in 2006, LCPS was the first to threaten the Millers with eminent domain while offering a below market price of \$27k/acre and then, within approximately 2 months, offering Wheatland landowners far more favorable pricing (Mr. Grubb \$40k/acre and the Rackams \$57k/acre). I believe these actions and other public statements indicate that bias existed, for whatever the motivation, against a Lovettsville site.

Also I have never favored condemning the Moore homestead to make an access road into the Park. In a March 2006 meeting officials discussed alignment options, including the impact on the Moores with a Lutheran Church Rd route. VDOT staff responded with the suggestion of a Loudoun St alignment. Later in 2008, the Lutheran Church Rd access was described to the public by LCPS as the only option for HS-10 to be sited on the Park (assuming an equivalent site could be traded). However, the attached sketch drawn by LCPS' consultant (and never shared with the public) identified three alignments. LCPS' assertions that condemnation (of the Moore homestead and Miller farm) was required to site a high school in Lovettsville very effectively polarized our community, and sadly these divisions continue with more recent erroneous assertions that the Wheatland opposition group favored condemnation.

Lastly I want to clarify that it has always been LCPS's stated goal that MS-10 and HS-10 be built north of Route 9. These schools will not be built for at least 5-10 years. As you may recall, the intent of the first 2006 petition circulated in Lovettsville by the Bergels and others was for HS-3 to be sited north of Route 9 because having HS-3 located north of Route 9 would have reduced bus rides for Lovettsville area children. However, HS-10 is specifically intended to serve students living north of Route 9. Therefore, HS-10 being sited "north of Route 9" is no gift – it is the baseline condition; and further, siting HS-10 in Wheatland (closer to Woodgrove and Valley) will result in longer bus rides for our children.

I sincerely appreciate Ms. Bergel's tireless service to our community and I continue to support her on most school-related issues with the clear exception of her position strongly favoring HS-10 in Wheatland. Your commitment to public service benefits citizens like me who live outside the Town and therefore I deeply appreciate what you do for the greater Lovettsville community. I look forward to assisting all efforts with the objective of gauging public support and hopefully finding good, broadly accepted sites for a Lovettsville high school so that children in our area can enjoy all the tremendous benefits associated with community-based education; and, our community can enjoy the benefits these children and facilities offer. If I can be of any service to you or if you have any questions, please do not hesitate to contact me at 822.5308 or via email at stinger@loudounwireless.com.

Respectfully, Sarah Stinger, 11698 Ropp Lane, Lovettsville



Loudoun housing prices: +2.5%

New Town Meadows: -12%

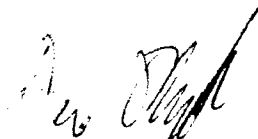
Kingsridge: -23%

The "Old Town": -6%

Fox Meadows/Milhoven: -12%

In-town Berlin Turnpike houses: -5%

Overall Lovettsville Prices: -12%

A handwritten signature in black ink, appearing to read "A. J. [unclear]".

DRAFT

Ordinance No. 2009-000 :

APPROVE LVZA 2009-0005, AMENDING LOVETTSVILLE ZONING ORDINANCE SECTIONS 3-2 (RESIDENTIAL DISTRICT CR-1), 3-3 (RESIDENTIAL DISTRICT R-1), 3-4 (RESIDENTIAL DISTRICT R-2), 3-5 (RESIDENTIAL DISTRICT R-3), 3-6 (RETIREMENT COMMUNITY R-C) 3-7 (TOWN CENTER PLANNED DEVELOPMENT DISTRICT T-C), 3-8 (PLANNED INFILL DEVELOPMENT DISTRICT), 3-12 (COMMUNITY COMMERCIAL DISTRICT C-1), 3-13 (MIXED USE BUSINESS DISTRICT C-2), 3-14 (LIGHT INDUSTRIAL DISTRICT), and 13-2 (DEFINITION OF CERTAIN TERMS):
WIRELESS COMMUNICATIONS EQUIPMENT

MOTION:

SECOND:

WHEREAS, the Town Council directed that amendments to the Zoning Ordinance that would permit wireless communications equipment in all zoning districts within the Town upon approval of a conditional use permit be referred to the Planning Commission for its review and recommendation; and

WHEREAS, the Lovettsville Town Council and Lovettsville Planning Commission conducted public hearings on the proposed amendments July 1, 2009 and August 27, 2009, respectively, pursuant to notice given in accordance with the requirements of Va. Code section 15.2-2204; and

WHEREAS, the Planning Commission recommended approval of the amendments without change following its public hearing July 1, 2009; and

WHEREAS, the Town Council has determined that the proposed amendments are consistent with good zoning practice and that the health, safety and welfare of the Town and its citizens will be promoted by adoption of the text revisions.

NOW, THEREFORE, BE IT ORDAINED by the Lovettsville Town Council that sections 3-2, 3-3, 3-4, 3-5, 3-6, 3-7, 3-8, 3-12, 3-13, 3-14 and 13-2 of the Zoning Ordinance be repealed and reenacted as set forth in the text attached hereto.

VOTE:

Ayes:

Nays:

Abstentions:

Absent for vote:

APPROVED _____, 2009

Elaine Walker, Mayor

Judy L. Kromholz, Town Clerk

The Independent Loudoun Rangers were composed of two small cavalry companies recruited from among the pro-Union population around Lovettsville and Waterford. Mustered into Federal service at Lovettsville on June 20, 1862, the Rangers were the only organized body of Union troops from present-day Virginia.

Organized by Waterford miller, Samuel Means, and totaling fewer than 200 men, the Rangers generally operated in small groups and served as a kind of border police along the Potomac to prevent the smuggling of war materiel southward and to protect local Unionist citizens.

Their first fight occurred on August 27, 1862 when some 25 of them, commanded by Lt. Luther Slater, were surprised by about 50 of Elijah White's Confederate cavalry at the Waterford Baptist Church. Trapped in the church, and losing nearly a dozen killed and wounded, they fought until their ammunition was nearly exhausted, then surrendered. Lt. Slater was among the wounded.

Five days later, other Rangers attacked and captured several of White's men near Hillsboro, thereby gaining a measure of revenge. The Loudon Rangers and White's "Comanches" were composed of men from the same area and, often, the same families. The two units met several times during the war with the Confederates generally prevailing over their Unionist friends and relatives.

Means resigned in 1864 after which the Rangers were commanded by Capt. Daniel Keyes of Lovettsville until they were merged with the 3rd West Virginia Cavalry. On April 6, 1865, the remaining 65 Rangers were attacked near Harper's Ferry by 250 of Mosby's men in an action that effectively destroyed the unit. Three days later at Appomattox, the war came to an end.

Nearly 40 Rangers died in the service of the Union during the war, and about the same number were wounded. Of the dead, half perished in Confederate POW camps.

Town of Lovettsville

Motion to Convene a Closed Session

Date and Time: September 10, 2009

Motion: That the Lovettsville Town Council convene in Closed Session pursuant to Va. Code section 2.2-3711 A ~~A~~ 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, Dodson, Staley, Coleman

Nay: None

Abstain: None

Absent: Jones, Senate

Vote Recorded by: Elaine Wadden

End of Closed Session

Date and Time: September 10, 2009

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, Dodson, Staley, Coleman

Statement Recorded by: Elaine Wadden

* Consultation with legal counsel employed or retained regarding specific legal matters requiring the provision of legal advice by such counsel related to performance of a contract with English Construction Company.