

Town of Lovettsville

Town Council Minutes of Regular Meeting June 10, 2010

Mayor Elaine Walker called the regular meeting of the Lovettsville Town Council to order at 8:18 PM on Thursday, June 10, 2010.

Present at Meeting

- Mayor Elaine Walker
- Vice Mayor Robert Zoldos II
- Council Members Charlotte Coleman, Michael Senate, Shaun Staley
- Town Manager Keith Markel
- Town Attorney Elizabeth Whiting
- Town Clerk Judy L. Kromholz

Absent

Council Members Scott Dockum, DiJon Jones

Audience

Among those present in the audience were Commissioner Aaron Kahn, Amanda Staley, Bing Lam (*arrived 8:30 PM*), and Tiffaney Carder.

Call to Order/Welcome/Pledge of Allegiance/Invocation

Mayor Walker led the assembled in the Pledge of Allegiance.

Comments from the Public (Attachment I: Speaker Sign up Sheet)

Commissioner Aaron Kahn thanked the Council for considering the itinerant sales issue in Town, reporting that he had heard many complaints about the furniture sales truck at the old post office. He stated that this is not the image we want to portray for the Town.

Community Presentations

A. Loudoun County Sheriff's Office

Loudoun County Deputy Sheriff Bressler presented Deputy Mertz-Myers monthly report. He asked for any concerns of the citizens. Councilman Senate asked about the speeding problem on Loudoun Street which only occurs at certain hours of the day. Vice Mayor Zoldos and Councilman Senate both reiterated that Loudoun Street is a raceway at certain times. Deputy Bressler suggested installing speed monitoring signs which display the speed limit and the speed of the passing car and stated that they are fairly effective at traffic calming. He will research the cost and report back to staff. Commissioner Kahn also mentioned that there is significant speeding and running through stop signs at the Town Square, particularly during rush hour. (*Commissioner Kahn left at 8:35 PM*)

Additions/Deletions/Modifications to the Agenda

None.

Presentations

No presentations were scheduled.

Approval of Town Council Minutes

No minutes were presented.

Report from the Treasurer

No Treasurer's Report was presented.

Staff Reports

A. Report from the Zoning Administrator

Manager Markel presented Administrator McGregor's written report for May 2010. There were no questions from Council.

B. Report from the Town Attorney

The Town Attorney had no formal report. She explained she has been working at reducing her Lovettsville backlog.

C. Report from the Town Manager

Manager Markel reported the following items:

1. The Loudoun County Economic Development Department "Town Council Summit" will be on June 23rd in Purcellville.
2. The Council will hold a closed session next Thursday at 7:30 PM to discuss the process for obtaining easements for the streetscape project. An expert in this process will be attending to educate and advise the Council.
3. He reported that the Town is receiving bids for the concrete pads to be placed in the Town Park, some equipment has been ordered and the dog waste receptacles are installed and being used.
4. The Town has received a request from Mt. Olivet Church to use Town Center Park for a community gathering in August. There are insurance and liability issues which are being researched.
5. The Water Consumer Confidence Report will be mailed next week. A special brochure on Fats, Oil and Grease is being included in the mailing.
6. The Movie in the Park tomorrow evening is cosponsored by the Lovettsville Lions Club and will be *Balto*. Set up will be around 7:00 PM.
7. The closed session after tonight's regular meeting will be for a real estate discussion.
8. There have been some good discussions with Lennar concerning Heritage Highlands. They are considering some zoning modifications to the existing proffered rezoning which as a very complex legislative history. Sewer tap issues will have to be addressed by the Council and Manager Markel has suggested that issue be brought up before the rezoning process, because it is a stand alone issue. The applicants are hoping to submit their paperwork in time to be able to go before the Planning Commission in July and Council will be asked to attend that meeting so that new Council members can be brought up to speed on the project's history.
9. A marketing firm representing Sleepbetter.org has expressed interest in holding an event in Lovettsville. Manager Markel has researched the agency planning the event and has spoken to towns that have participated in the past. A town in Pennsylvania could not speak more highly of the whole endeavor – stating that they were treated very well, the community got behind the event and the fire company got involved. The Town benefited financially and the fire company got a contribution. Manager Markel asked for comments from the Council on this proposal. Councilman Staley stated that he is entertained and intrigued by the idea. Mayor Walker noted that no decision is being sought at tonight's meeting, only a poll of the Council's initial reaction to the idea. Councilman Senate stated that he is in favor of marketing as long as they show respect for the Town and its residents. Attorney Whiting expressed concern about insurance coverage. The Council agreed that Manager Markel should continue investigating this opportunity.

Consent Agenda

There were no items on the Consent Agenda.

Action/Discussion Items

A. Approval of Budget, CIP, and Rates and Fees

Mayor Walker asked the Council if they had any additional need to discuss these items, given that a number of sessions have already been devoted to this topic. The Council agreed that they were ready to vote on these items. *{Mr. Lam left at 9:00 PM}*

Motion: I move to adopt Ordinance 2010-06-01: Amend Sections 5.11 and 5.16 of Water and Sewer Ordinance to revise water and sewer usage charges

By: Council Member Senate

Second: Council Member Coleman

Aye: Council Members Coleman, Senate, Staley, Zoldos

Nay: None

Abstain: None
Absent: Council Members Dockum, Jones

Motion: I move to adopt Ordinance 2010-06-02: Amend Schedule of Fess Applicable to Applications as Provided in Section 11-1 of the Lovettsville Zoning Ordinance

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

Motion: I move to adopt Ordinance 2010-06-03: Approve Budget and CIP, Adopt Tax Rates and Make Appropriations for Fiscal Year Ending June 30, 2011

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

Attorney Whiting stated that a Virginia Attorney General decision made in 2008 concerning appointed Council members voting on certain financial issues leads her to advise that this be ratified by vote at the first Town Council meeting in July in order to insulate it from any legal challenges.

Mayor Walker stated she is very pleased that the Town continues to account for the cigarette and meals taxes in a separate category. She requested that a running total be kept of collections and expenditures from this category.

B. Reappointments of Lorraine Bauer and Rodney Gray to Planning Commission

Manager Markel stated that both Commissioners had expressed a willingness to continue serving on the Commission.

Motion: I move that the Town Council re-appoint Lorraine Bauer and Rodney Gray to the Planning Commission for full four year terms, beginning July 1, 2010 and expiring on June 30, 2014.

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

C. Itinerant Sales Policy

Manager Markel presented this item and reported that the existing Town Zoning Ordinance does not address this issue. He noted that other towns charge fees for allowing itinerant sales with their town limits.

Motion: I recommend that the Town Council direct staff and the Planning Commission to explore possible modifications to the Town's Ordinances to provide greater control over itinerant sales. These proposed changes are to be brought back before the Town Council for discussion before any public hearings.

By: Vice Mayor Zoldos
Second: Council Member Coleman

Mayor Walker called for discussion. Vice Mayor Zoldos stated that he has heard complaints from the community and feels that the Town needs control this type of activity, especially at the center of the Town. Councilman Staley noted that "bricks and mortar" retailers are at particular disadvantage in competition with repeating itinerant vendors, especially when the latter are not particularly well know for obtaining business licenses or remitting sales tax to the Commonwealth. Councilwoman Coleman noted that the tool sale held at the Game Club is not so intrusive. Mayor Walker noted that yard sales need to

be differentiated from itinerant sales in the new ordinance and urged Planning Commission to act expeditiously. There being no further discussion, Mayor Walker called for the vote.

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

D. 2010-2011 Town Calendar

The draft calendar contained errors in the dates for the October Town Council meetings, which should be on the 14th and the 28th.

Motion: I move to approve the draft Lovettsville Town Council meeting calendar as corrected.
By: Council Member Staley
Second: Council Member Senate
Aye: Council Members Coleman, Senate, Staley, Zoldos
Nay: None
Abstain: None
Absent: Council Members Dockum, Jones

Information Items

No information items were presented.

Comments from the Mayor and Town Council

Vice Mayor Zoldos reminded those present that the next Movie on the Green will be tomorrow night and will be *Balto*.

Councilman Staley reported that he had attended the Mayor's Office Hours in Town Hall this past week and that it was a very informative for those who attended.

Councilman Senate thanked the Mayor and Council for working so hard on the budget and for taking a brave stance so that more things can happen in Town.

Councilwoman Coleman thanked everyone who attended the Memorial Day ceremony and said that there were about 50-60 people in attendance. She reminded everyone that the next Oktoberfest Committee meeting will be on June 21st.

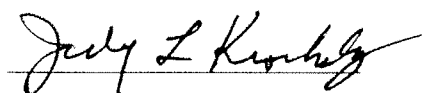
Mayor Walker reported the following:

1. The Memorial Day ceremony went very well and the newspapers estimate that 50-60 people attended. She thanked the career and volunteer members of the Lovettsville Fire and Rescue Department for helping make this a successful event. She thanked Councilwoman Coleman for bringing flags and poppies from the American Legion. She thanked Councilmen Staley and Dockum for helping to place flags at the local cemeteries.
2. She reported that her Tuesday evening office hours went very well. Two citizens attended and had very good questions.
3. The Loudoun County Planning Commission has recommended that Lovettsville Community Park be approval with conditions. There will be a Loudoun County Board of Supervisors Public Hearing next month.
4. Next Monday night the Excellence in Education students from Lovettsville will be honored at the Lovettsville Elementary School at 7:00 PM. All of the Council members stated that they planned to attend.
5. Town officials swearing in will be at the next Town Council meeting.

Closed Session

The Council voted to go into Closed Session at 9:39 PM. (Attachment V)

Respectfully submitted,



Judy L. Kromholz, Town Clerk

Date Approved: August 9, 2010

Attachments:

- I. Speaker Sign in Sheet
- II. Ordinance 2010-06-01: Amend Sections 5.11 and 5.16 of Water and Sewer Ordinance to revise water and sewer usage charges
- III. Ordinance 2010-06-02: Amend Schedule of Fess Applicable to Applications as Provided in Section 11-1 of the Lovettsville Zoning Ordinance
- IV. Ordinance 2010-06-03: Approve Budget and CIP, Adopt Tax Rates and Make Appropriations for Fiscal Year Ending June 30, 2011
- V. Closed Session Motions

Town of Southville

Speaker Sign - Up Sheet

Town Council Regular Meeting - June 10, 2010

Please Print.

| Name and Association | Address | Topic | Email Address (Optional) |
|----------------------|-------------------|-----------------|--------------------------|
| Aaron Kahn | 8 Spring Farm Dr. | Itinerant Sales | aaron.kahn@bcpsva |
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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.

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

Town of Lovettsville

Ordinance 2010-06-01: AMEND SECTIONS 5.11 AND 5.16 OF WATER AND SEWER ORDINANCE TO REVISE WATER AND SEWER USER CHARGES

MOTION: Senate

SECOND: Coleman

WHEREAS, the Town Council periodically reviews its schedule of charges and fees to establish practicable and equitable fees and charges for users of the public water supply and sewage disposal systems; and

WHEREAS, the Town Council has determined it is fair and reasonable to increase the user rates approximately 5 percent; and


WHEREAS, notice of the proposed changes has been given in accordance with the requirements of Virginia Code Section 15.2-107.

NOW, THEREFORE, BE IT ORDAINED that the sections 5.11 and 5.16 of the Water and Sewer Ordinance, be repealed and reenacted as set forth in the attached schedule.

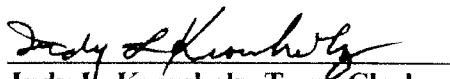
VOTE:

Ayes: Coleman, Senate, Staley, Zoldos
Nays: None
Abstentions: None
Absent for vote: Dockum, Jones

Adopted June 10, 2010


Elaine Walker, Mayor

ATTEST:


Judy L. Kromholz, Town Clerk

Attachment: Sections 5.11 And 5.16 Of Water And Sewer Ordinance

The German Settlement

BE IT ORDAINED by the Town Council of the Town of Lovettsville, Virginia as follows:

1. Section 5.11 is hereby amended to read as follows:

5.11 WATER SERVICE CHARGES

5.11a Subject to the minimum charges set forth in 5.11b, the charge for water service for customers within Town limits shall be \$6.10 per thousand gallons.

5.11b Where sewer service is provided by the Town, the minimum Charge per quarter for water service for customers within Town limits shall be \$36.60 for the first 6,000 gallons of water. Where sewer service is not provided by the Town, the minimum charge per quarter for water service customers within Town limits shall be \$36.60 for the first 6,000 gallons of water. In both instances, the charge for each additional 1,000 gallons shall be \$6.10.

5.11c The water service rate and minimum charge for customers outside Town limits shall be 250% of the rate and minimum charge set forth in 5.11a and 5.11b.

5.11d In addition to the above charges, each water customer shall be assessed up to \$2.05 which the Town will pay to the Virginia Department of Health for the Waterworks Technical Assistance Fund.

2. Section 5.16 is hereby amended to read as follows:

5.16 SEWER SERVICE CHARGES

5.16a Where water service is provided by the Town, the quarterly sewer service charge for customers within Town limits shall be 150% of the quarterly water service charge.

5.16b. Where water service is not provided by the Town, the quarterly sewer service charge for customers within Town limits shall be as follows:

Quarterly

Living Unit \$76.20

5.16c The quarterly sewer service charge for customers outside of Town limits shall be 250% of the rates set forth in 5.16a and 5.16b.

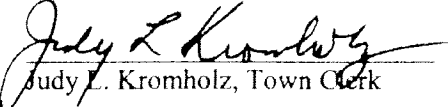
3. This ordinance shall be effective on and after the 30th day of June, 2010.

ADOPTED this 10th day of July, 2010.

THE TOWN OF LOVETTTSVILLE


Elaine Walker, Mayor

ATTEST:


Judy L. Kromholz, Town Clerk

Town of Lovettsville

Ordinance 2010-06-02: AMEND SCHEDULE OF FEES APPLICABLE TO APPLICATIONS AS PROVIDED IN SECTION 11-1 OF THE LOVETTSVILLE ZONING ORDINANCE

MOTION: Staley

SECOND: Coleman

WHEREAS, the Town Council annually reviews its schedule of charges and fees to establish practicable and equitable fees and charges applicants for certain land use approvals; and

WHEREAS, in setting the fees associated with such applications, the Town Council seeks to fairly distribute the burdens of review between the taxpayers, service users and development community and to promote activities that will implement the goals of the Lovettsville Comprehensive Plan; and

WHEREAS, notice of the proposed changes has been given in accordance with the requirements of Va. Code section 15.2-107.

NOW, THEREFORE, BE IT ORDAINED that the schedule of charges for certain land use fees be amended as set forth in the attached schedule:

VOTE:

Ayes: Coleman, Senate, Staley, Zoldos

Nays: None

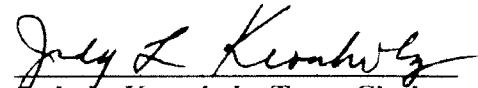
Abstentions: None

Absent for vote: Dockum, Jones

Adopted June 10, 2010


Elaine Walker, Mayor

ATTEST:


Judy L. Kromholz, Town Clerk

Attachment: Schedule of Fees

The German Settlement

SCHEDULE OF FEES

Application

| Fees: | <i>Type:</i> | <i>Fee:</i> |
|-------|--------------------------------------------|---------------------------------------------------------|
| | Zoning Permit - Minor | \$75* |
| | Zoning Permit - Major | \$150* |
| | Rezoning/Zoning Map Amend. | \$500* for first acre + \$250 for each additional acre |
| | Home Occupation Permit | \$50* |
| | Zoning Certificate (change of use) | \$50* |
| | Sign Permit – Permanent | \$75* (up to three signs) |
| | Sign Permit – Temporary | \$25* (per sign) |
| | Preliminary Plat | \$300* + \$15 per lot |
| | Final Plat | \$500* + \$25 per lot |
| | Boundary Line Adjustment | \$150* |
| | Minor Subdivision | \$300* + \$15 per lot |
| | Preliminary Site Plan | \$1,000* + \$50 per acre |
| | Final Site Plan | \$1,000* for first acre + \$50 for each additional acre |
| | Preliminary/Final Site Plan | \$1,000* for first acre + \$50 for each additional acre |
| | Construction Plan | \$1,000* for first acre + \$25 for each additional acre |
| | Phasing Plan | \$300* |
| | Conditional Use Permit | \$350* |
| | Variation | \$100* per section varied |
| | Revisions to any of the above applications | \$50 + staff review time |
| | Inspections | \$75* per visit |
| | Bond Reduction | \$100 per reduction |
| | Bond Release | \$150 |
| | Street Acceptance (VDOT Maintenance) | \$150 |
| | BZA Variance/Appeal | \$100* |

*: Includes the first two hours of Zoning Administrator/Planner review time. If additional review time is needed, the time is billed at the current reimbursable rate.

All civic, charitable, and religious organizations having non-profit status are exempt from the first \$100 of review fees for the fiscal year.



Town of Lovettsville

Ordinance 2010-06-03: APPROVE BUDGET AND CIP, ADOPT TAX RATES AND MAKE APPROPRIATIONS FOR FISCAL YEAR ENDING JUNE 30, 2011

MOTION: Zoldos
SECOND: Charlotte

Whereas, the budget, capital improvement plan (CIP), and tax rates for the fiscal year ending June 30, 2011, have been prepared and reviewed by the Town Council; and

Whereas, a brief synopsis of the proposed budget and CIP and notice of a public hearing to be held in the Town office on May 20, 2010 at 8:00p.m. were published in the public notices section of the Purcellville Gazette on May 14, 2010; and

Whereas, a public hearing was in fact held at the time and place advertised at which citizens had the right to attend and state their views on the budget and tax rates.

It is accordingly Ordained by the Town Council of the Town of Lovettsville as follows:

1. The proposed budget and CIP are approved as presented.
2. Appropriations are hereby made for the fiscal year ending June 30, 2011, in the amounts shown to the categories and accounts therein for the general and utility funds and Frye Court Service District fund.
3. All outstanding operating encumbrances at June 30, 2010 are hereby reappropriated for the 2011 fiscal year to the same department and account for which they are encumbered in the previous year.
4. At the close of the fiscal year, all unencumbered appropriations lapse for budget items other than any capital projects and grants.
5. The tax rates and license fees for FY2011 are hereby fixed at the levels shown in the attached schedule.
6. Water and Sewer rates shall be set as provided in sections 5.11 and 5.16 of the Town Water and Sewer Ordinance, amended immediately prior hereto.
7. The tax rate for FY2011 for the Frye Court Service District shall be fixed at (\$.275) per one hundred dollars (\$100.00) of assessed value for taxable real estate (exclusive of improvements).
8. Land use charges imposed as provided in the schedule of charges adopted by ordinance immediately prior here to.

VOTE:


AYES: Coleman, Dockum, Senate, Staley, Zoldos

NAYS: None

ABSTENTIONS: Carder

ABSENT FOR VOTE: None

Adopted this 10th day of June, 2010


Elaine Walker, Mayor

Attest:


Judy L. Kromholz, Town Clerk

Attachments: Schedule of Tax Rates and License Fees FY 2011
Schedule of Water and Sewer User Charges and Availability Fees FY 2011

The German Settlement

**TOWN OF LOVETTSVILLE
SCHEDULE OF TAX RATES AND LICENSE FEES
FY 2011**

Business License Tax: \$0.17/\$100 gross receipts, minimum fee \$34.00;
Out-of-town contractors: No charge for work valued under \$25,000

Cigarette Tax: \$0.40 per pack

Meals Tax: 3% of gross receipts

Motor Vehicle Decals: Automobiles, trucks and semitrailers: \$25; motorcycles: \$16

Real Property Tax: \$0.21/\$100 assessed value

Transient Lodging Tax: 5% of gross receipts

Charge for all returned checks: \$25.00 plus \$5.00 bank charge



**TOWN OF LOVETTSVILLE
SCHEDULE OF WATER AND SEWER USER CHARGES AND AVAILABILITY FEES
FY 2011**

NOTE: All user charges assessed on quarterly basis

Water and Sewer User Charges

Minimum Water/Sewer Bill: \$91.50 for up to 6,000 gallons
Water User Rate (over 6,000 gallons): \$6.10 per thousand gallons
Sewer User Rate (over 6,000 gallons): \$9.15 per thousand gallons
Sewer-Only Customers: Fixed Rate of \$76.20

Out of Town Water/Sewer Customers charged 250% the in-town rate.

Water and Sewer Availability and Connection Fees

| | | | |
|---------------------|----------|-------------------|---------|
| Water Availability: | \$8,100 | Water Connection: | \$1,000 |
| Sewer Availability: | \$11,900 | Sewer Connection: | \$1,000 |

Charge for all returned checks: \$25.00 plus \$5.00 bank charge



Town of Lovettsville

Resolution: AUTHORIZE CLOSED SESSION

MOTION: 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],

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,

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

Town of Lovettsville

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]

And thereafter reconvene in open session for action as appropriate.

BY: Zoldes

SECOND: Coleman

VOTE:

Ayes: Zoldes, Staley, Senate, Coleman

Nays: None

Abstentions: None

Absent for vote: Jones, Deckum

Mr. Senate was not present for the meeting.

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 [public body]?"

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:"

June 10, 2010

Certified:

Signature:

Diane Walker

Title:

Mayor