

Town of Lovettsville

Town Council Minutes of Regular Meeting March 24, 2011

Vice Mayor Robert Zoldos called the regular meeting of the Lovettsville Town Council to order at 7:45 PM on Thursday, March 24, 2011.

Present at Meeting

- Vice Mayor Robert Zoldos II
- Council Members Tiffany Carder, Charlotte Coleman, Michael Senate, Tim Sparbanie, Shaun Staley
- Town Manager Keith Markel
- Town Attorney Elizabeth Whiting
- Town Treasurer Lance Gladstone (*arrived at approximately 8:00 PM*)
- Town Clerk Judy L. Kromholz
- Project Manager Karin Fellers (*arrived at approximately 8:00 PM*)

Absent

- Mayor Elaine Walker

Audience

Among those present in the audience were Planning Commissioners Aaron Kahn and Jack Burden.

Call to Order/Welcome/Pledge of Allegiance/Invocation

Vice Mayor Zoldos led the assembled in the Pledge of Allegiance.

Comments from the Public

Councilman Staley read the rules and regulations for public comment. Vice Mayor Zoldos called on the speakers in the order in which the signed up to speak (Attachment I: Speaker Signup Sheet).

Commissioner Aaron Kahn (8 Spring Farm Drive) stated that he is concerned about the precedent that was set at the last Town Council Public Hearing when written comment was not entered into the record. He stated that there are limited ways for citizens to communicate with the Council. He stated that he has circulated a petition and has gotten one hundred citizens to sign that petition and that he intends to read the entire petition into the record.

A brief recess was called at 7:55 PM. *{Councilman Senate left the meeting at this time}*

Callie Fulmer (32026 Frye Farm Road) is asking the Town to request that the Lovettsville Town Center developer install a child and dog resistant fence between her property and Section 4 of the development. The fence would protect children and dogs from trespassing in her horse fields. She stated that such a fence would protect property, her horses, her neighbors their children and dogs. She noted that good fences make good neighbors.

Community Presentations

A. Loudoun County Sheriff's Office

Loudoun County Deputy Sheriff Vanessa Mertz-Myers reported that she continues to patrol Lovettsville as often as possible. Councilman Sparbanie asked if anything is being done about the vandalism and other "typical teenage stuff". Deputy Mertz-Myers stated that she is aware of the group of teenagers involved but also noted that there have not been any reported incidents in quite a while and asked Council to remind people to report incidents so the Sheriff's Office can follow up. Councilman Staley asked if she continues to be the Community Police Officer and she said yes, but that is she is also assigned to other jurisdictions and can only be here part time. She reported that a Community Officer is returning from military leave, so they may have more resources soon. Vice Mayor Zoldos said that her presence in the Town is always a positive and asked if there is anything the Town can do to get more

coverage. Deputy Mertz-Myers stated that almost all community policing officers are covering multiple jurisdictions and suggested sending a letter to her supervisor to request more coverage.

B. Lovettsville Community Center

Manager Elizabeth Bracey reported that Arbor Day will be celebrated in the Lovettsville Park by planting 100 donated trees and shrubs in the nature area of the park. There will also be historical interpretive walks. She reported on additional events being planned at the Community Center.

C. Lovettsville Planning Commission

Vice Chairman Jack Burden presented his report on the March 16, 2011 Planning Commission meeting.

Additions/Deletions/Modifications to the Agenda

Councilman Sparbanie requested that a discussion item be added to discuss the Lovettsville Community Park. *{Councilman Senate returned at 8:15 PM.}*

Presentations

A. Town Manager's Recommended Budget and CIP

Manager Markel presented his recommended 2012 Budget and CIP.

Approval of Town Council Minutes

No minutes were presented.

Report from the Treasurer

A. Financial Report – January 2011

Treasurer Gladstone presented his report for January 2011. There were no questions from the Council. Councilman Sparbanie asked why meals tax revenue does not appear every month and Treasurer Gladstone explained that the restaurants have the option of paying monthly or quarterly. There being no further discussion, Vice Mayor Zoldos called for a motion.

Motion: To approve the January 2011 Treasurer's report as presented.

By: Council Member Sparbanie

Second: Council Member Senate

Aye: Council Members Carder, Coleman, Senate, Sparbanie, Staley, Zoldos

Nay: None

Abstain: None

Absent: None

Staff Reports

A. Report from the Town Attorney

The Town Attorney had no formal report.

B. Report from the Town Manager

Manager Markel's report will be emailed to the Council.

Consent Agenda

There were no items on the Consent Agenda.

Action/Discussion Items

A. VDOT Bike Path

Project Manager Fellers presented this item. VDOT has been making slow but steady progress on the project. As discussed at the Town Council meeting with VDOT on March 3, 2011, any type of VDOT roadway is now required to manage storm runoff. VDOT identified that the latest cost estimates based on the design that addresses the storm drainage requirements using a ditch line outside the bike path will cost well over \$4 million for the full length of the Bike Path. High costs are due to a need for permanent easements on all properties as well as relocation of all utility poles.

At the meeting on March 3rd, VDOT proposed that they go back to the design and "sharpen their pencils" with the hope of reducing the cost substantially. As of the end of February, the project has used \$197,284.78 leaving \$359,685.22 of funding remaining. Since then VDOT has identified they plan to

design curb and gutter and an underground storm sewer collection system for the path, as they feel that this is the only way to meet all the VDOT criteria and hopefully eliminating the need for most of the permanent easements and utility pole relocations.

Since the Bike Path has been funded mostly with VDOT grant money, the question was brought up about whether the Town would be required to pay back the money spent if the project is found to be too expensive to build. It was identified that if the Town were to choose to stop work on the project without fully evaluating all possible options, the money would likely need to be paid back. At this point, VDOT has identified a new option that they believe will reduce the cost to a viable amount so the Town's best option is to allow VDOT to conduct the redesign in the hopes that the project cost can be reduced to a suitable level.

Project Manager Fellers explained that VDOT is awaiting direction from the Town Council on how to proceed. The options are as follows.

1. Redesign the plans to reduce impact before Public Hearing. The reevaluation will take some time and will cost additional money but is really the only way to determine whether an alternative design is possible that will be approved by VDOT and is also considered buildable. This is the option that VDOT has requested the Town consider and was also supported by Pam Liston. It was her feeling that conducting this additional research shows a good faith effort to make the project work and will likely help the Town with either obtaining funding to complete the project or justifying "cause" if the project is still found to be too expensive.
2. Move forward with the Public Hearing with the existing Design Plans while also evaluating any possible options to reduce impact. VDOT does not recommend this option as the cost for this project is too high.
3. Stop work on the project. There is a good possibility that the Town will be required to pay back the expended funds.

Staff recommends continuing forward on the project as described in Option 1. Vice Mayor Zoldos called for a motion.

Motion: I move that the Town Council direct staff and VDOT to move forward with Option 1 for the Town of Lovettsville Pedestrian/Bike Path.

By: Council Member Sparbanie

Second: Council Member Coleman

Vice Mayor Zoldos called for discussion. Councilman Staley asked Project Manager Fellers if they had any solutions to the existing drainage problems. He also asked if a curb and gutter system were installed would there be the possibility of utilizing different funding opportunities from VDOT to construct the system. Project Manager Fellers explained that storm management is now an element of the project but perhaps there are some other sources of funds that could be considered. Councilman Staley also asked why VDOT requires a 10' clearance from a 25mph road for a bike path when a sidewalk can be within 2' of the same road.

Councilman Sparbanie asked if there has been any discussion about putting the bike path on the opposite side of the road in order to not have to move utility poles. Manager Markel stated that all the engineering has been done and it would be a pretty substantial redrafting of the engineering to move it and that there are quite a few encumbrances on the other side of the roadway as well.

Project Manager Fellers stated that VDOT has still not committed to a time frame or total cost for completing the redesign. However, unlike last time, they will work on the redesign and recosting simultaneously which should reduce the time needed. Councilman Staley noted that this will be about 10% of what has already been spent on the project and may well keep the Town from having to return the grant money. There being no further discussion, Vice Mayor Zoldos called for the vote.

Aye: Council Members Carder, Coleman, Senate, Sparbanie, Staley, Zoldos

Nay: None

Abstain: None

Absent: None

B. Selection of Engineer for Water and Sewer Projects

Project Manager Fellers presented this item. Council is being asked to select an engineer to place on-call to provide support to the Town on water & sewer projects as well as other projects that may come up that

were listed in the Request for Proposals (RFP). All three interviews went extremely well and all firms appeared to be suitably experienced for not only water and sewer work but for the many other types of projects listed in the RFP as well. The selection committee recognized that any of the three candidates would likely provide excellent service to the Town; however they felt that signing on three firms would be excessive. The Town has had direct experience with CHA (formerly Olver) and Dewberry-CH2M Hill and after much deliberation and reference checks the committee decided that it could be beneficial to have both firms be on-call for the Town. By entering into agreement, the Town is not required or committed to using a particular firm but it does give the Town the ability to use either firm. Costs will be obtained for each task and Town Council will approve cost for each Task before the firm will begin any work. In this way, the Town has final approval authority over whether or not to use a particular firm for a particular task.

There being no discussion, Vice Mayor Zoldos called for a motion.

Motion: I move that Town Council select CHA and Dewberry/CH2M Hill to enter into a Professional On-Call Engineering/Consulting Services Agreements and authorize the Mayor or Town Manager to sign the agreements once in a form acceptable to the Town Attorney.

By: Council Member Senate

Second: Council Member Carder

Aye: Council Members Carder, Coleman, Senate, Sparbanie, Staley, Zoldos

Nay: None

Abstain: None

Absent: None

C. Museum Repairs (Set date for work session)

The Council agreed to add this to their March 31st work session.

D. Lovettsville Community Park

Councilman Sparbanie stated that he wanted this item added to the agenda because he is recommending that the Council direct the Town Manager to send a letter to the Board of Supervisors requesting that, at a minimum, adding facilities for passive activities be included in the County's fiscal year 2012 budget. Vice Mayor Zoldos explained the history of the project to Councilman Sparbanie, explaining that hundreds of Town residents have gone to the Board on multiple occasions. That is how the Town got the park to begin with. Currently, Mayor Walker and Vice Mayor Zoldos meet with the County Parks Commission on a monthly basis. Councilman Staley stated that the Town should investigate obtaining volunteer contributions to begin developing the Park immediately. Attorney Whiting reported that the Board of Supervisors has already done their major markup and held their Public Hearings for the current budget cycle, and we would be behind the curve for this year. However, she noted that it is not too soon to start working hard on getting the allocation next year. She noted that it is important to show the Board that the Town has the project management available to build these projects to the County standards. Vice Mayor Zoldos suggested that Councilman Sparbanie put these suggestions in resolution form for the Council to consider.

E. Amending Process of Submitting Written Comments to the Council

Councilman Staley stated that the Council should create a written policy on written submissions to the Council. Council requested that staff add this item to the next meeting agenda as a discussion item. Vice Mayor Zoldos noted that there was no discussion concerning this in the Rules and Procedures the Town Council just approved. He also stated that all Council members receive and read these submissions; it is only a question of what goes into the official minutes of the meeting.

Information Items

Manager Markel asked the Council if they would be open to a joint public hearing on the Lennar/Heritage Highlands application when it is resubmitted. Attorney Whiting stated that, because this is not an unknown project, the interests of the Town might be best served by a joint hearing on this item. The Council had no objection to the joint public hearing.

Comments from the Mayor and Town Council

Councilman Senate said that all our hearts and prayers should go out to the Mayor tonight.

Councilwoman Carder reported that the second movie cosponsored by the Lovettsville Cooperative Market and the Lovettsville Library will be this Sunday, March 27th.

Councilman Staley echoed Councilman Senate's sentiments and reported that he and Councilwoman Carder have met with Attorney Whiting concerning the Economic Development Committee draft and they will continue to revise the document. Councilman Staley also thanked Vice Mayor Zoldos for his service in Japan after the earthquake and tsunami.

Councilman Sparbanie reported that he has met with Mr. Dockum concerning Oktoberfest and they have agreed to co-chair the event. The first committee meeting will be on Wednesday, March 30th. He also thanked Vice Mayor Zoldos for his service in Japan.

Vice Mayor Zoldos stated that his only thoughts tonight are for the Mayor.

Adjournment

The meeting was adjourned at 9:40 PM

Respectfully submitted,



Judy L. Kromholz, Town Clerk

Date Approved: April 28, 2011

Attachments:

- I. Speaker Signup Sheet

Town of Southville

Speaker Sign - Up Sheet

Town Council Public Hearings and Regular Meeting - March 24, 2011

Please Print.

Name and Association	Address	Topic	Email Address (Optional) ¹
Aaron Kahn	8 Spring Farm Dr.	Written Comments	aaronbkahn@gmail.com
Callie Fulmer	39026 Fry Farm Rd.	Fence for town center (4/5)	callie@runningbleedfarm.com
Stephen Johnson	38502 Bolington Rd	Budget	hott@swillewriter.com @swillewriter.com

Each speaker will be limited to no more than three (3) minutes at the beginning of the meeting, or
 * ~~not~~ ^{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.