

Town of Lovettsville

Town Council Minutes of Special Meeting April 21, 2011

Vice Mayor Robert Zoldos called the special meeting of the Lovettsville Town Council to order at 7:38 PM on Thursday, April 21, 2011.

Present at Meeting

- Vice Mayor Robert Zoldos II
- Council Members Tiffany Carder, Michael Senate, Tim Sparbanie, Shaun Staley
- Town Manager Keith Markel
- Project Manager Karin Fellers *{arrived at 8:20 PM}*
- Town Clerk Judy L. Kromholz

Absent

- Mayor Elaine Walker
- Council Member Charlotte Coleman

Audience

Among those present in the audience were Jack Burden (Vice Chair of the Planning Commission), Kimberlee Welsh Cummings (land planner representing Lennar) and Tom Lovell (Lennar).

Call to Order/Welcome/Pledge of Allegiance/Invocation

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

Comments from the Public

No member of the audience wished to speak at this time. (Attachment I: Speaker Signup sheet)

Additions/Deletions/Modifications to the Agenda

Vice Mayor Zoldos removed the item requesting that the Town fund the movie at the Little League Baseball Opening Day.

Action/Discussion Items

A. Lovettsville Retirement Village/Heritage Highlands Sewer Tap Allocation

Manager Markel presented this item, distributing a draft of the resolution that would eliminate the need for the current residents and Lennar from the need to pay for additional sewer capacity if a third occupant was added to each unit, as Council had requested. Councilman Sparbanie withdrew the motion requesting this resolution and requested that the Council explore other options. He stated that if the Council decides that extra sewer capacity is needed, it should be based on actual water usage. He suggested that guidelines be established so when a Heritage Highlands resident exceeds a set capacity over a specific period, the extra tap fee kicks in. This would eliminate the need for the Home Owners Association to notify the Town of an additional resident and minimize administrative costs and relates the provision of extra capacity to a demonstrated demand.

Vice Mayor Zoldos stated that this proposal is in line with the meter sizing proposal Council has been working on. Councilman Sparbanie noted that this would be a one-time charge and that once a unit has purchased the additional capacity it will remain with that unit in perpetuity. Council asked staff to prepare information on current usage in the development. Councilman Sparbanie suggested the average usage be established once and not be recomputed every year. The Council all agreed that they were discussing an additional quarter tap only, not a full half tap.

Councilman Sparbanie asked Mr. Burden for his opinion of this suggestion. Mr. Burden asked if this would apply to the whole Town and Councilman Sparbanie explained that it would only apply to Heritage Highlands because they are the only residences with a half tap. Mr. Burden stated that he would be more amenable to a surcharge on high usage rather than a onetime supplemental availability charge.

Councilman Sparbanie stated that this seems to be the fairest solution for all the residents at Heritage Highland and throughout the Town. Mr. Burden stated that he believed he could not get the current residents to agree to sign the proffers associated with the current rezoning application before the water usage threshold limit is established by the Town Council.

Manager Markel stated that the average usage in Kingsridge is 160 gallons/day according to the sample data collected by staff. Councilman Senate suggested setting the threshold at a fairly high level, so that it only activates when really high usage occurs. Councilman Staley asked why the Town would use the Town average consumption when Council is only considering requiring purchase of an additional quarter tap. He noted that all other Town residents have purchased a full tap. Councilman Senate noted that the current Council must respect the agreement put in place by prior Councils, presumably in an effort to offer a benefit to attract retirees to the community. He noted that the tap fees are designed to cover the cost of building and maintaining the sewer plants.

Vice Mayor Zoldos polled the Council for additional comments. Councilwoman Carder stated that she is still processing this new idea. Project Manager Fellers arrived during this discussion and Vice Mayor Zoldos asked her for her input on the impact this policy might have on the Town's infrastructure. She briefly reviewed the proposed water meter sizing policy and stated that the Town could integrate this into that policy administratively. She suggested following that general policy and issuing warnings to high users before implementing the fee policy.

Staff will prepare the information necessary for discussion at the next Council meeting.

Recess/Reconvene

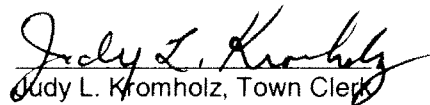
The Council recessed the Special Meeting at 8:50 PM and reconvened in work session to discuss the FY 2012 Budget, CIP, Rates and Fees.

The Council voted to go into Closed Session at 11:00 PM and came out of Closed Session at 11:12 PM. All council members certified that only public business matters lawfully exempt for the open meeting requirements under the Virginia Freedom of Information Act were discussed (Attachment II)

Let the record reflect that no vote was taken following the Closed Session.

The meeting was adjourned at 11:14 PM,

Respectfully submitted,


Judy L. Kromholz, Town Clerk

Date Approved: May 26, 2011

Attachments:

- I. Speaker Sign in Sheet for Special Meeting
- II. Closed Session Motions

Town of Lovettsville

VIRGINIA FREEDOM OF INFORMATION ACT Resolution: AUTHORIZE CLOSED SESSION

Date: 21 April 2011
Time: 11:00 PM

MOTION BY: Sparbanie

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,

Town of Lovettsville

29. Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body,

33. Discussion or consideration of confidential proprietary records and trade secrets excluded from this chapter pursuant to subdivision 18 of § 2.2-3705.6,

40. Discussion or consideration of records excluded from this chapter pursuant to subdivision 3 of § 2.2-3705.6 [Confidential proprietary records, voluntarily provided by private business pursuant to a promise of confidentiality from a public body, used by the public body for business, trade and tourism development or retention; and memoranda, working papers or other records related to businesses that are considering locating or expanding in Virginia, prepared by a public body, where competition or bargaining is involved and where, if such records are made public, the financial interest of the public body would be adversely affected],

with regard to [person, issue or property subject of discussion]

And thereafter reconvene in open session for action as appropriate.

SECOND: *Garner*
VOTE:

Ayes: 5
Nays: 0
Abstentions: 0
Absent for vote: *C. Coleman*

Roll-call poll by presiding official:

“Do you certify to the best of your knowledge that (i) only public business matters lawfully exempted from open meeting requirements under this chapter and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the Lovettsville Town Council?”

When polled as to whether (i) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the closed meeting, the following members stated “Aye:”

21 April 2011, 2011 at 11:12 PM

Certified:

Kellie M. ...
