

Town of Lovettsville

Town Council Minutes of Regular Meeting June 23, 2011

Closed Session

The Mayor and Town Council met in Closed Session at 6:00 PM. (Attachment I: Closed Session Motions).

The group came out of closed session at 7:27 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

Regular Meeting

Mayor Elaine Walker called the regular meeting of the Lovettsville Town Council to order at 7:35 PM on Thursday, June 23, 2011.

Present at Meeting

- Mayor Elaine Walker
- Vice Mayor Robert Zoldos II
- Council Members Tiffaney Carder, Michael Senate, Tim Sparbanie, Shaun Staley
- Town Manager Keith Markel
- Town Attorney Elizabeth Whiting
- Zoning Administrator Steve McGregor
- Town Clerk Judy L. Kromholz
- Treasurer Lance Gladstone *{arrived at 8:04 PM}*

Absent

- Councilwoman Charlotte Coleman

Call to Order/Welcome/Pledge of Allegiance/Invocation

Mayor Walker led the assembled in the Pledge of Allegiance.

Presentation

Loudoun County Fire and Rescue Chief Keith Brower explained the Town government's role in case of local or national emergency. Loudoun County Deputy Coordinator for Emergency Preparedness Jeff Fletcher provided additional details on establishing an emergency management plan and how his department communicates with town officials.

Comments from the Public

No members of the public signed up to speak. (Attachment II: Speaker Sign in Sheet)

Community Presentations

A. Loudoun County Sheriff's Office

Loudoun County Deputy Sheriff Vanessa Mertz-Myers reported to Council that a lot more patrols are going on in Town. She requested that the Council and citizens report any suspicious or criminal activity they see as soon as it happens.

Additions/Deletions/Modifications to the Agenda

Councilman Sparbanie requested that a curfew ordinance be added as a discussion item.

The discussion of the PHRA Scope for Pond Survey for East Broad Way was removed from the agenda because PHRA had agreed to perform the study at no cost to the Town.

Councilman Staley requested that a discussion of the bandstand and the seven acre parcel in New Town Meadows be added to the agenda. He also requested that a discussion of youth activities be added.

Approval of Town Council Minutes

No minutes were presented.

Report from the Treasurer

A. Financial Report – May 2011

Treasurer Gladstone presented his report for May 2011. Councilman Sparbanie asked if the pump cutter for the third module pump station expenditure was included in the turnkey module 3 installation. Manager Markel explained that although it was not included in the turnkey project, the operators requested its addition to help reduce the number of pump clogs the system experiences. This omission will be addressed with the contractor. The cutters were installed on Modules 1 & 2 during their construction. Councilman Sparbanie also asked if the two new blowers were part of module 3. Manager Markel explained that they were not for module three; they were about ten years old and were reaching the end of their useful life. Their replacement was part of routine maintenance.

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

By: Council Member Senate

Second: Council Member Carder

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

Nay: None

Abstain: None

Absent: Council Member Coleman

Staff Reports

A. Report from the Project Manager

Project Manager Fellers had included her report through June 17, 2011. There were no questions.

B. Report from the Town Attorney

The Town Attorney had no formal report.

C. Report from the Town Manager

Manager Markel distributed his written report.

Consent Agenda

There were no items on the Consent Agenda.

Action/Discussion Items

A. LVZA 2010-0007- Itinerant Vendor

Administrator McGregor presented this item. He reported that, in addition to the draft regulations for itinerant vending, the Planning Commission recommended that the Town Council consider undertaking a study for a new private recreation zoning district, in order to codify and provide regulations for the uses now undertaken on the Lovettsville Game Protective Association property and for other potential private recreation uses in the Town. The Commission also recommended that the Town Council consider a different fee schedule for permits based on the length of the permit (72 consecutive hours or one week).

Councilman Staley stated that he has a lot of questions concerns about what the Planning Commission has sent forward. He requested that the Council schedule a work session for discussion of this issue. Councilman Sparbanie noted that he and Vice Mayor Zoldos attended one of the Planning Commission discussions of this topic and he also feels there is a lot to discuss. Vice Mayor Zoldos and Councilwoman Carder agreed. The Council scheduled the work session for 7:30 PM next Thursday, July 30th, 2011.

B. Town Meeting Calendar for 2011-2012

Manager Markel presented this item. He noted that the Town Council by-laws require that the annual meeting calendar be established at the start of the fiscal year and recommended that the Council adopt the draft Town Council meeting calendar for FY 2012.

Motion: I move to approve the draft Lovettsville Town Council meeting calendar as modified at

this meeting.

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

C. Curfew Ordinance

Councilman Sparbanie asked Attorney Whiting if she had reviewed the ordinance he presented at the last Council meeting. Attorney Whiting stated that she was unable to contact the appropriate County personnel and fellow local attorneys to discuss this issue. She is concerned about enforcement since the Town has no enforcing authority. She is also concerned about conflicts that may put the County Sheriff's department at risk. She suggested finding a county or state ordinance the sheriff is already empowered to enforce. The county does not currently have a curfew. Attorney Whiting also reminded Council that the sheriff had suggested that there are existing ordinances that may apply to this problem that they are already empowered to enforce. Council agreed to table the curfew discussion.

Presentations

Mayor Walker acknowledged the arrival of Carol Danner, the owner of the Loudoun Street Mini-mart. Mayor Walker explained that she had attended the awards ceremony for the Signatures of Loudoun Design Excellence Program on June 13th and accepted the award for the mini-mart as an authentic World War II Quonset Hut on behalf of the Town. She presented the award certificate to Mrs. Danner as owner of the Loudoun Street Mini-Mart.

Action/Discussion Items (Continued)

D. Bandstand and 7 acre parcel in New Town Meadows

Councilman Staley noted that the council has decided to have public input session about those two facilities, but he would like to form a committee to investigate different bandstand designs and present a few for consideration and for the public input session.

Motion: I move to establish a bandstand committee to research the possibilities for the Town Green Bandstand.

By: Council Member Staley

Second: Council Member Senate

Mayor Walker called for discussion. Councilman Staley offered to chair the committee. Councilman Senate and Mayor Walker offered to work on the committee. There being no further discussion, Mayor Walker called for the vote.

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

Nay: None

Abstain: None

Absent: Council Member Coleman

Motion: I move to appoint Councilman Staley chairman of the bandstand committee.

By: Vice Mayor Zoldos

Second: Council Member Sparbanie

Aye: Council Members Carder, Senate, Sparbanie, Zoldos

Nay: None

Abstain: Council Member Staley

Absent: Council Member Coleman

E: Youth Activities

Councilman Staley stated that there is not a lot for middle schoolers and older teens to do in Town. He would like to come up with some ideas for getting these youth involved in more activities and wants to know if the Town government is interested in sponsoring some events. Vice Mayor Zoldos said that there are already so many activities that many families cannot keep up, but he is aware that some of these teens cannot get to the activities or are not interested in sports. Councilman Staley said many of the kids are interested in other activities such as video games, not necessarily sports. Manager Markel noted that

the Community Center is planning a number of activities for this age group and Councilman Staley will follow up with the Center.

Information Items

No information items were presented.

Comments from the Mayor and Town Council

Councilwoman Carder reported that she had enjoyed attending both the Movie on the Green and the Carnival at the Lovettsville Game Protective Association. She reported that the Lovettsville Grocery Cooperative has received a \$10,000 grant and thanked the Mayor and the Council for the letter of support.

Councilman Staley stated that the committee organizing the new fair continues to meet and has come up with a number of new ideas.

Councilman Sparbanie reported that the Lovettsville Dolphins swim team is 0 and 2. He also extended his congratulations to the Loudoun Street Mini-Mart.

Vice Mayor Zoldos reported that the Little League baseball season is over and encouraged everyone to participate in the July 3rd parade.

Manager Markel reported that approximately 150 people came to the last Movie on the Green.

Mayor Walker reported on the following items:

1. She attended the Design in Excellence Awards ceremony.
2. She attended the flag retirement ceremony and was pleased with how well attended it was.
3. The Mayor reported on Project Mobile Hope. This is an Inova project for homeless children in Loudoun County. She hopes to schedule a presentation in our Town as soon as it can be arranged.
4. She will be attending the grand opening of Bee Happy Antiques.
5. She will be attending the law camp held for Loudoun County and Fauquier County High School students.
6. She asked everyone to attend the Loudoun County Board of Supervisors community session on bicycle and pedestrian paths on June 29th between 6:00 PM and 8:00 PM.
7. She will be holding Town Hall office hours on July 5th with Councilman Senate.
8. The Mayor and Town Council retreat will be on July 9th at 9:00 AM in Town Hall.

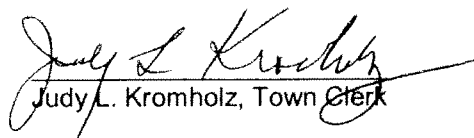
Closed Session

The Council voted to go into Closed Session at 10:12 PM and came out of Closed Session at 11:18 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 III)

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

The meeting was adjourned at 11:18 PM.

Respectfully submitted,


Judy L. Kromholz, Town Clerk

Date Approved: August 11, 2011

Attachments:

- I. First closed session motions
- II. Speaker Signup Sheet
- III. Second closed session motions

Written Submissions to Council: None

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VIRGINIA FREEDOM OF INFORMATION ACT

Resolution: AUTHORIZE CLOSED SESSION

Date: 6/23/11

Time: 6:08 PM

MOTION BY: B. Zeldos

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,

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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: *M. Senate*
VOTE:

Ayes: *B. Zoldos, T. Sparbernie, S. Staley, M. Senate*
Nays:
Abstentions:
Absent for vote: *T. Cardee, C. Coleman*

Roll-call poll by presiding official: *Note: T. Cardee arrived at 6:18 PM*

"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:"

June 23, 2011 at *7:27* PM

Certified:

Elaine Walden

Mayor

Town of Loydtsville

Speaker Sign - Up Sheet Town Council Regular Meeting - June 23, 2011

Please Print.

Name and Association	Address	Topic	Email Address (Optional) ¹

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

VIRGINIA FREEDOM OF INFORMATION ACT

Resolution: AUTHORIZE CLOSED SESSION

Date: June 23/2011
Time: 10:10

MOTION BY: B. Zoller

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,

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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: *M. Senate*
VOTE:

Ayes: *B. Zoldos, T. Sparbame, S. Staley, T. Carden*
Nays: *none*
Abstentions: *none*
Absent for vote: *C. Coleman* *M. Senate*

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:”

June 23, 2011 at *1:18* PM

Certified:

Shirley W. Adams

Mayor
