

Town of Lovettsville

Town Council Minutes of Regular Meeting November 10, 2011

Mayor Elaine Walker called the regular meeting of the Lovettsville Town Council to order at 7:33 PM on Thursday, November 10, 2011.

Present at Meeting

- Mayor Elaine Walker
- Council Members Charlotte Coleman, Michael Senate, Tim Sparbanie, Shaun Staley
- Town Manager Keith Markel
- Town Attorney Elizabeth Whiting *{arrived at 8:25 PM}*
- Project Manager Karin Fellers
- Town Clerk Judy L. Kromholz

Absent

- Vice Mayor Zoldos *{provided written comments on Action Items to Council}*
- Council Member Tiffany 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: Speak Sign in Sheet)

Councilman Staley read the rules for public comment.

Mrs. Callie Fulmer (Frye Farm Road) stated that storm water took out her fence on October 22, 2011. She stated that she needs the fence, both to protect her horses and the residents of Lovettsville Town Center. She stated that she believes that the Town has the right to institute more stringent rules to control storm water. She submitted a packet of information to Mayor Walker. Councilman Sparbanie wanted to ask Mrs. Fulmer some questions, but she stated that she had to leave.

Community Presentations

A. Loudoun County Sheriff's Office

Manager Markel reported that Deputy Wacker had called in earlier to say he was unable to attend the meeting because he is on a call.

B. Lovettsville Volunteer Fire and Rescue Company

Mayor Walker reported that they are holding a meeting tonight but will attend the next Council meeting.

C. Lovettsville Planning Commission

Manager Markel presented Vice Chairman Burden's report on Planning Commission Activities. There were no questions from the Council.

E. Economic Development Advisory Committee

Councilman Staley reported that the Committee has been meeting. They have decided that one of the first things they will do is establish their own rules and procedures. The members of the committee have asked for Town email addresses, especially because they expect to do a lot of their work in small groups via email.

Additions/Deletions/Modifications to the Agenda

Manager Markel reported that the presentation scheduled by Trish Harrington was postponed by the applicant. Mayor Walker suggested tabling the discussion of museum repairs until more of the Council can be present because it involves significant expenditures.

Presentations

The presentation scheduled by Really Really Free Market Project – Trish Harrington was postponed by the applicant.

Approval of Town Council Minutes

A. Town Council Regular Meeting – July 14, 2011

These minutes were again tabled by Councilman Staley because he has not yet been able to listen to the tape.

Report from the Treasurer

No report was presented.

Staff Reports

A. Report from the Town Manager

Manager Markel reminded the Council that they have a work session scheduled for Wednesday, December 14th at 7:30 PM to discuss water related issues.

Councilman Sparbanie asked if the porta-john in the Town Green had been pickup up and Manager Markel reported that it had. Councilman Sparbanie asked if any tap holders had responded to the letter and Manager Markel reported that one tap holder has informed the Town that he will be selling back eight taps to the Town.

Action/Discussion Items

A. Approval of Museum Repairs

Councilmen Senate and Staley noted that this topic has been discussed by Council before. Vice Mayor Zoldos has provided his opinion in writing and Councilwoman Carder has expressed approval for this project at prior meetings. They decided to consider this topic at this time.

Motion: I move that Town Council select Bulls Eye Restoration, Inc. to complete the Museum repairs for a cost of \$29,300 with a contingency of \$5,000 and select Loudoun Valley Roofing to complete Option A without venting and mill finish snow guards and a roof color TBD at a cost of \$10,300 and authorize the Mayor or Town Manager to sign the contract paperwork once in a form found satisfactory to the Town Attorney.

By: Councilman Staley

Second: Councilman Senate

Mayor Walker called for discussion. Project Manager Fellers handed out samples of the roofing and snowbird choices. Councilman Sparbanie asked if anyone was familiar with metal roofs and Councilman Senate spoke very highly of his experience with that roofing type. Project Manager Fellers also endorsed them highly.

Friendly Additionally, I move that Town Council select slate gray as the roof color.

Amendment:

By: Councilman Sparbanie

Second: Councilmen Staley and Senate

There being no further discussion, Mayor Walker called for the vote.

Aye: Council Members Coleman, Senate, Staley, Sparbanie

Nay: None

Abstain: None

Absent: Council Members Carder, Zoldos

B. New Town Meadows Sections 2A & 2B Street Acceptance

Manager Markel presented this item. Council is being asked to consider approving VDOT acceptance of the streets within New Town Meadows – Phases 2A & 2B. He stated that Lovettsville Development Partners LLC, the developer of New Town Meadows, has completed all necessary street improvements within Phase 2A & 2B of the project to allow for the Virginia Department of Transportation (VDOT) to assume maintenance responsibilities of the road and sidewalk network. When the final subdivision plat was recorded the public right of way containing the streets and sidewalks was dedicated to the Town of Lovettsville and a performance bond was provided to guaranty the development of the project. Now that road and sidewalk construction within Phase 2A & 2B has been completed, the developer has asked that the Town of Lovettsville formally request that VDOT assume maintenance responsibilities for the

sidewalks and streets. Over the past year the developer, VDOT and Town Officials have met numerous times on-site to walk Phase 2A & 2B of the development. After the most recent inspection in October, it was determined that the roadway and sidewalks were in a condition acceptable for VDOT maintenance. VDOT did note that there were several items that will be specifically inspected at their 10 month inspection next year before the warranty bond is released. Because public right of way is dedicated to the Town, the Town Council must formally ask VDOT to assume maintenance. The developer has posted an irrevocable letter of credit with VDOT in the amount of \$34,000 for any maintenance issues that may develop within the first 12 months of VDOT acceptance along with \$4,750 in maintenance and administrative cost recovery fees. Aside from the surety given to VDOT, the Town still holds the performance bond for the project. Once the streets are accepted by VDOT, the Town can work with the developer to arrange for the reduction or complete return of the performance bond for that Phase.

Staff recommends adoption of Resolution 2011-11-001, requesting VDOT to accept the streets of Phase 2A & 2B of New Town Meadows into their secondary road maintenance system.

Mayor Walker called for discussion. Councilman Sparbanie asked how the reserve bond amount was calculated. Manager Markel explained that it is a standard formula established by VDOT and that VDOT will do a ten month inspection before releasing the bond. He further explained that if additional funds were required, VDOT would be responsible for the overage, not the Town.

Motion: I move that Town Council adopt Resolution 2011-11-001, requesting VDOT accept the streets of New Town Meadows – Phase 2A & 2B in the Secondary Road maintenance system.

By: Councilman Sparbanie

Second: Councilman Senate

Mayor Walker called for discussion. Councilman Staley stated that he had participated in one of the walk-throughs and Manager Markel did a really good job of protecting the Town's interests. However, because of his involvement with New Town Meadows Home Owner Association issues, he will abstain from this vote. Manager Markel pointed out that this resolution does not affect the bonds the Town is holding on New Town Meadows. There being no further discussion, Mayor Walker called for the vote.

Aye: Council Members Coleman, Senate, Sparbanie

Nay: None

Abstain: Councilman Staley

Absent: Council Members Carder, Zoldos

C. Arc Flash Assessment for Town Utility Sites

Manager Markel presented this item. Council is being asked to consider funding an Arc Flash assessment for all of the Town's active utility facilities to be in compliance with National Fire Protection Agency standard 70E. He explained that both Loudoun Water and the Town of Lovettsville are insured by the Virginia Municipal League. VML insurance has stated that facilities they insure need to conduct this assessment and take appropriate precautions to mitigate as much Arc Flash risk as possible. Fonda Craig with VML stated in an e-mail that the Arc Flash Assessment is required by Federal Law and is enforced by VOSH. Loudoun Water has just completed Arc Flash studies for all facilities they own. They are now in the process of completing the studies for all of the properties that they operate on behalf of private communities and local governments. Bruce Ringrose, the Manager of Community Systems for Loudoun Water, has strongly encouraged the Town to participate in the Arc Flash assessment under the contract Loudoun Water has developed with the engineering firm of Gannet-Flemming (G-F). He believes there will be significant financial savings to the Town by using G-F because they will be working in the area and are familiar with the work plan for the Arc Flash assessment. The engineering firm has already visited all of the Lovettsville utility sites to determine the scope of work for each electrical configuration. This assessment represents a significant financial investment on the part of the Town. The Town could take the approach of waiting until VOSH comes to Lovettsville for a periodic inspection and then cites the Town for not having the assessment complete. The risk in this approach is that if any employee is injured on the job by an Arc Flash or related occurrence before an assessment is completed, the Town would be directly liable for the incident because it knew that there was the possibility of a risk, but chose not to take any precautionary measures. Because this assessment will be required sooner or later, it makes sense to move forward with this work now to complete the Town's obligation. Funds can be pulled from the service contracts and system repairs and maintenance line items within the Utility Fund operating budget. Staff recommends proceeding with the Arc Flash assessment as proposed by Loudoun Water.

Mayor Walker asked why the proposal includes Well 5 and Manager Markel explained that it will still have electricity going to it for the foreseeable future so long as SCADA equipment is in the building.

Motion: I move that Town Council continue with the Arc Flash Assessment initiated by Loudoun Water with their consulting engineer Gannet-Fleming for a cost not to exceed \$23,000. It is understood that Remote Well Building #4 will not be included in this assessment.

By: Councilman Senate

Second: Councilwoman Coleman

Mayor Walker called for discussion. Councilman Sparbanie asked when the results would be available and Manager Markel stated that they will probably be available in early spring. Councilman Staley noted that Vice Mayor Zoldos' notes on this item suggest that there are more items discussed in the regulation than are addressed by this study. Manager Markel stated that this proposal specifically addresses electric issues and that Loudoun Water, as our operator, is responsible for other issues. He suggested asking Loudoun Water to explain their procedures in these other areas of concern. *{Attorney Whiting arrived at 8:25 PM during this discussion}*. There being no further discussion, Mayor Walker called for the vote.

Aye: Council Members Coleman, Senate, Sparbanie, Staley

Nay: None

Abstain: None

Absent: Council Members Carder, Zoldos

Information Items

No information items were presented.

Comments from the Mayor and Town Council

Councilwoman Coleman stated that she is looking forward to the Veterans Memorial dedication tomorrow.

Councilman Senate said that the Mayor, Council, and Parks Committee did 'one knock-up' job on the Memorial. He went to the new barbershop in Town and was very pleased, also noting that it is nice to have a new business in Town. The Parks Committee has begun work on the bandstand. He also stated that the Christmas tree lighting and ceremony will be bigger and better than ever.

Councilman Staley reported that another meeting had been held on the new Summer Festival.

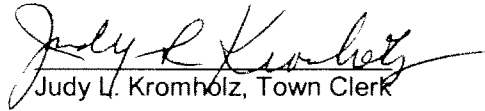
Councilman Sparbanie thanked Councilman Staley and Councilwoman Carder for inviting him to participate in the summer event planning. He is impressed with the plans they have made. He attended the Lovettsville Fire and Rescue Company installation banquet and had a very good time.

Mayor Walker reported on the following:

1. There will be a PTO sponsored bingo on Friday evening at the Lovettsville Elementary School.
2. She noted that the Lutheran New Jerusalem Church food drive being conducted by the Lions Club has drop off locations both at Town Hall and Lovettsville Elementary School.
3. She is looking forward to the Catoctin Holiday Art Tour this weekend, which includes a number of Lovettsville artists.
4. She thanked Councilwoman Coleman for attending the last Mayor's office hours event.
5. She reported that she had had a productive meeting with Supervisor Sally Kurtz and members of the Loudoun County Sheriff's Office and the Loudoun County Deputy Attorney and Loudoun County Administration will be coming to Council with appropriate resolutions to authorize the Sheriff's Office to enforce County regulations within Town limits.
6. She stated that she is very proud of the Lovettsville Veterans Memorial and is looking forward to tomorrow's dedication. She thanked Manager Markel and Project Manager Fellers for all their hard work.
7. She reported that she also attended the Lovettsville Volunteer Fire and Rescue Company installation banquet where she and Mr. Walker were honored for their 45 years of service to the Company.

The meeting was adjourned at 8:43 PM.

Respectfully submitted,


Judy L. Kromholz, Town Clerk

Date Approved: January 12, 2012

Attachments:

- I. Speaker Signup Sheet
- II. Resolution 2011-11-001, requesting VDOT accept the streets of New Town Meadows – Phase 2A & 2B

Written Submissions to Council: None

Town of Southville

Speaker Sign - Up Sheet

Town Council Regular Meeting - November 10, 2011

Please Print.

Name and Association	Address	Topic	Email Address (Optional) ¹
Callie Palmer	39026 Fog Farm Rd	Stormwater & Town Center Phase 4	Callie@palmerinc.com

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

RESOLUTION 2011-11-001:

TO REQUEST THE VIRGINIA DEPARTMENT OF TRANSPORTATION ADD NEW TOWN MEADOWS – PHASE 2A & 2B FOR ADDITION TO SECONDARY SYSTEM MAINTENANCE UNDER SECTION 33.1-82, CODE OF VIRGINIA

MOTION: Sparbanie
SECOND: Senate

WHEREAS, the Town of Lovettsville has authority pursuant to Section 33.1-82, Code of Virginia, to add mileage to the secondary system that conforms to specific requirements established by the 2005 Subdivision Street Requirements of the Virginia Department of Transportation addressing right of way widths and the condition of streets to be added to the secondary system; and

WHEREAS, the Town of Lovettsville or another development entity is responsible for the provision of surety, maintenance fees, and administrative cost recovery fees required by the 2005 Subdivision Street Requirements for all mileage to be added to the secondary system pursuant to Section 33.1-82, Code of Virginia; and

WHEREAS, Lovettsville Development Partners LLC, the developer of New Town Meadows has posted a surety in the form of an irrevocable letter of credit with the Virginian Department of Transportation for any first year maintenance issues.

NOW, THEREFORE, BE IT RESOLVED, the Lovettsville Town Council requests the Virginia Department of Transportation add the street(s) described in the attached additions form AM-4.3 to the secondary system of state highways, pursuant to Section 33.1-82, Code of Virginia, and the Department's Subdivision Street Requirements.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Permits Manager for the Virginia Department of Transportation.

VOTE:

AYES: Sparbanie, Senate, Coleman
NAYS: None
ABSTENTIONS: Staley
ABSENT FOR VOTE: Carder, Zoldos

Adopted this 10 day of November, 2011.


Elaine Walker, Mayor

CERTIFIED:


Judy L. Kromholz, Town Clerk

The German Settlement