

Town of Lovettsville

Town Council

Minutes of Public Hearings and Regular Meeting June 21, 2012

PUBLIC HEARING

The Lovettsville Town Council Public Hearings for LVCU-2-12-001 and LVCU-2012-002 were called to order by Mayor Elaine Walker at 7:37 PM at the Lovettsville Town Hall, 6 East Pennsylvania Avenue, Lovettsville, VA 20180.

Welcome and Introductions

Mayor Walker welcomed the citizens attending the meeting.

The Mayor introduced Vice Mayor Robert Zoldos II and Council Members Jack Burden, Tiffany Carder, Mike Senate, Tim Sparbanie, and Shaun Staley.

The Mayor also introduced the Town Staff, including Town Manager Keith Markel, Town Attorney Elizabeth Whiting, Project Manager Karin Fellers, Zoning Administrator Melissa Hynes, and Town Clerk Harriet West.

Absent:

None

Audience:

Among those present in the audience were:

- Mayor Kristen Umstatt, Town of Leesburg
- Mayor Bob Lazaro, Town of Purcellville
- Mayor Betsy Davis, Town of Middleburg
- Mayor Greg Wilmoth, Town of Hamilton

Special Presentation

Mayors Lazaro, Umstatt, Davis, and Wilmoth came forward to recognize Mayor Walker for her 30 years of service to the Town of Lovettsville and presented her with a plaque and flowers. Mayor Walker thanked everyone for their friendship over the years.

Explanation of Procedures and Opening of the Hearing

Mayor Walker read the Notice of Public Hearing for LVCU-2012-001 as it appeared in the *Purcellville Gazette* (Attachment I).

Presentation for Public Hearing LVCU-2012-001 (31 East Broad Way)

Administrator Hynes presented this item. Council is being asked to consider a request for a Conditional Use Permit to allow the newly created front room of the principal structure located at 31 East Broad Way to remain in the required front yard setback after it was converted from an unenclosed porch. She gave a PowerPoint presentation on the background of this three-year old case. She noted that the East Broad Way Streetscape Improvement Project impacts this property and the Town will need to obtain easements from the property owners. Staff's recommendation is that the house may remain where it is inside the front yard setback as long as it does not go beyond the current footprint, under one condition – that the applicant conveys all easements required for the East Broad Streetscapes project. She noted that these easements will help with drainage/stormwater and parking issues in the area. Following the Planning Commission meeting (June 6, 2012) staff conducted a site-visit at 31 East Broad Way and met with the Frye's to discuss where the easements would be located and to understand their concerns regarding design issues related to driveway access. Manager Markel stated staff worked with the engineer to relocate the storm drain and to create a two-car width driveway entrance and on-street parking.

Councilman Staley asked about the plan for the rest of the street. He noted other people may want a two-car entrance, which may create other parking issues. He also asked if there was a fairness issue. Administrator Hynes stated that each case is different and staff will work with each property owner individually. Project Manager Fellers added that the Virginia Department of Transportation (VDOT) is comfortable with several of the driveways being wider. Staff has looked at each property and there are several that may fall into this category. She stated the Frye's property will not set a precedent they will not be able to address.

Public Speakers

No members of the audience had signed up to speak (Attachment II). Mayor Walker asked if anyone in the audience wished to speak.

Dan Travostino came forward to speak. He stated that:

- He has represented Mr. and Mrs. Frye since the case was first filed with the Board of Zoning Appeals.
- The Zoning Administrator and Town Manager gave a thorough presentation.
- He believed Mr. and Mrs. Frye acted in good faith when they initiated this project. They had a covered entrance porch that they were having problems with, including snow and water splashing up on it, kids hanging out on it, an exposed electric meter box, and damage from trees.
- Mr. and Mrs. Frye thought that because it was a covered porch they could enclose it without a zoning permit.
- Mr. and Mrs. Frye recalled being visited by the former Zoning Administrator in August 2010 and being told they were in compliance, but then a couple of months later they got a letter from the Zoning Administrator stating they were not in compliance. They stopped work as soon as they got the letter and went before the Board of Zoning Appeals and now the Planning Commission to get the special use permit. They are happy to comply with all of the requirements/conditions.
- They have not completed the job but the work is 80-90 percent complete.
- Their intent initially was – and still is – not to use this as an additional part of their house. They did not intend to heat it; rather, it will continue to be an enclosed, covered porch.
- Mr. and Mrs. Frye understand that under the Zoning Ordinance, they or any future owners could use it as part of their home because it is not going to be enclosed.
- There were two letters submitted to Mr. Markel from neighbors on either side who are in support of the enclosed porch. They are not aware of any neighbors who objected to this.

Manager Markel stated those neighbors spoke at the Planning Commission Public Hearing and voiced their support.

Administrator Hynes stated the Planning Commission voted to recommend approval.

Councilman Sparbanie asked when the 20-foot setback was approved. Administrator Hynes stated most zoning ordinances were created in the 1970s. Mayor Walker stated they were also created in the 1920s and 1990s. Attorney Whiting stated after the Town Center District was created, there was a lot of enthusiasm for capturing some of those concepts and they rewrote all of the residential districts. The Town set a minimum 20-foot setback, maximum 40-foot, in many of the residential districts at that time. The recent Comprehensive Plan update identified the problems of non-conforming uses in the oldest parts of Town as a recurring problem that needs to be looked at and set it as the highest priority.

Mayor Walker asked if anyone else wished to speak and no one did.

Declaration to Close the Public Hearing

Mayor Walker declared this Public Hearing closed at 8:12 PM.

Explanation of Procedures and Opening of the Hearing

Mayor Walker read the Notice of Public Hearing for LVCU-2012-002 as it appeared in the *Purcellville Gazette* (Attachment III).

Presentation for Public Hearing LVCU-2012-002 (34 East Broad Way)

Zoning Administrator Hynes presented this item. Council is being asked to consider a request by Timothy Keena for a Conditional Use Permit to section 3-12 (c)(ix) of the Lovettsville Zoning Ordinance to allow the operation of a microbrewery as a conditionally permitted use; and to section 4-3 (a) to allow for a reduction in the required minimum off-street parking.

She reviewed the site layout, floor plan, exterior photographs, parking layout plan, landscaping, adjacent neighbors, water connections, and staff recommended conditions. She stated the zoning is Community Commercial C-1 and the total gross floor area of the property is 1,980 square feet. On April 30, 2012 the Mad Horse Brew pub received approval for a Conversion of Use Permit to open a restaurant inside 1,250 square feet. The request is to convert the remaining 730 square feet into a microbrewery. She noted the following issues:

- The proposed use would require 11 parking spaces; however, only eight spaces are available.
- Several of the neighboring properties are zoned commercial but being used as residences.
- There are two structures located on the subject parcel and they both share the same water meter.

She reviewed the following conditions recommended by staff:

1. Any exterior improvements that will expand the building's footprint shall comply with the Town's Zoning Ordinance.
2. The total number of on-site parking spaces shall not be less than eight (8) spaces, one of which shall be a handicapped space.
3. A six foot high board-on-board fence, finished on both sides, shall be installed along the property boundary between 34 East Broad Way and 36 East Broad Way.
4. The applicant shall improve and maintain the three (3) existing landscape beds with evergreen plantings at least two feet in height and/or various flowers.
5. Per Section 3-11(c), hours of operation shall be between 7:00 am to 10:00 pm Sunday through Thursday and 7:00 am to 11:00 pm Fridays and Saturdays.
6. Outdoor lighting shall comply with ordinance requirements to prevent off-site spillage and glare, in consideration of the residential neighbors.
7. Per Section 6-5 (h), all loading areas, dumpsters, maintenance areas and equipment and similar areas are to be screened from all public streets and adjoining properties, with board-on-board fencing or landscaped buffers, six feet in height.
8. The entrance width shall conform to VDOT requirements for a commercial entrance.
9. Parking spaces and walkways on asphalt shall be marked by painted white lines; gravel parking spaces shall be marked by wheel stops.
10. All plantings described in these conditions shall be installed before the conditionally permitted use is open to the public.
11. As stated in Section 6-3 (b) the applicant shall maintain all existing and new landscape material in good condition.
12. All deliveries shall be made on site. Delivery vehicles shall not park on the public street for this purpose.
13. Five Employee Parking Spaces shall be created off-site through a Shared Parking Agreement with a property owner within 500 feet of the property.
14. A new 5/8 inch water meter shall be installed before the conditionally permitted use is open to the public.
15. After one year of opening the microbrewery, if the Town finds that the water consumption is on average over 500 gallons per day, the Town shall require a larger meter to be installed, to match the new water consumption per Town Ordinance.

16. This conditional use permit shall be administratively renewed every three years, at which time the Zoning Administrator shall conduct a detailed review of the property and use for zoning compliance.

Councilman Sparbanie asked if the applicant had agreed to these conditions. Mr. Young stated that he had. Councilman Sparbanie also asked about the purpose of the fence and landscaping for the flower beds. Staff responded the fence is to create a delineation between commercial and residential lots and the landscaping requirement is to maintain the appearance of the property. Councilman Sparbanie asked the applicant if he had made arrangements for scheduling trash removal. Mr. Young stated they had not made arrangements for trash collection yet but they would try to avoid scheduling it for early in the morning. He added he did not plan on having a large container that would make a lot of noise when it is emptied.

Councilman Staley asked if there was a problem having the house on the same property as the potential brew pub. Attorney Whiting responded that there can be more than one primary use on a single lot. Councilman Staley asked if the previous business required a Conditional Use Permit. Administrator Hynes stated that the prior business was a permitted use.

Councilman Sparbanie asked the applicant when he planned to open. Mr. Young stated September 1st.

Vice Mayor Zoldos asked what size meter would be required if the applicant opened up anywhere else in Town. Manager Markel stated that the meter size is determined by usage. Staff is comfortable proceeding with the 5/8 inch meter and looking at the actual usage after one year.

Mayor Walker referenced a chemical spill at the brew pub in Frederick. She asked the applicant if he would have any chemicals on the premises. Mr. Young stated the only chemicals that would be on site are cleaning supplies. The brewery cleaning chemicals are non-toxic so they should not have any harmful chemicals. Mayor Walker stated the Town does not discharge hazardous waste into the system and the fire company would also need to know if there are any hazardous chemicals stored on the property.

Closing Comments

Mayor Walker asked if anyone in the audience wished to speak. No one did.

Declaration to Close the Public Hearing

Mayor Walker declared the public hearing closed at 8:33 PM.

REGULAR MEETING

Mayor Walker called the regular meeting of the Lovettsville Town Council to order at 8:33 PM on Thursday, June 21, 2012.

Present at Meeting

- Mayor Elaine Walker
- Vice Mayor Robert Zoldos II
- Council Members Jack Burden, Tiffaney Carder, Mike Senate, Tim Sparbanie, and Shaun Staley
- Town Manager Keith Markel
- Project Manager Karin Fellers
- Zoning Administrator Melissa Hynes
- Town Attorney Liz Whiting
- Town Clerk Harriet West

Absent

- None

Call to Order/Pledge of Allegiance

Mayor Walker led the attendees in the Pledge of Allegiance.

Comments from the Public

Mr. David Earl, 12 Park Place, came forward to speak. Mr. Earl stated he was representing the Mt. Olivet United Methodist Church. They have initiated a team to put together pre-packaged meals to hand out to people who need them. He has been working with Mr. Markel for the past two to three months on finding a location where the meals can be distributed. He has talked to the Health Department and was told he did not need any approval from their office. He also talked to a number of deputies and was told he would need to get permission to do this on commercial property. They did the first distribution at Mr. Keena's place last month and it went over very well. He was here to ask Council's permission to set up a canopy and hand out meals for a period one-and-a-half hours, one day a month at the Town Hall. They would schedule this on a Sunday evening from 5:00 PM to 6:30 PM. Mayor Walker thanked Mr. Earl for speaking on this. She said the Council would be deciding on the additions and deletions to the agenda.

Mr. Robert Zoldos III came forward to speak. He presented Mayor Walker with flowers and read a poem in her honor.

Community Presentations

A. Loudoun County Sheriff's Office

Deputy Bryan Wacker presented his monthly report. He stated tomorrow will be his last day with the community policing unit. He will be moving on to special operations. Deputy Cooper will most likely be replacing him. Over the last several months there have been no assaults or violent crimes in the Lovettsville area. There has been a rash of spray painting on Stocks Street lately and a few similar incidents on Black Forest. There have been 20 burglaries in the western end of the county over the past month, but none in Town. The Sheriff's Office is being very proactive and several people have been arrested, but there may be others involved. Vice Mayor Zoldos congratulated Deputy Wacker on his new assignment. Deputy Wacker stated it was a pleasant experience working here. Mayor Walker thanked Deputy Wacker for his service and for taking care of the problems they had in the Town. Councilman Senate thanked him for his service and for making things in Town better.

B. Lovettsville Volunteer Fire and Rescue Company

Mayor Walker congratulated Karen Deli on receiving her Master's degree in leadership from Georgetown University. President Bill Mongovan reported they have received \$24,800 in donations from the fund drive. He left some posters for the Mud Run which will be held on July 21st at the Lutman farm. The new pumper will be in service in mid-July/August. He thanked Vice Mayor Zoldos for donating equipment for the car wash. He thanked Mayor Walker for her support of the fire department over the years and presented her with flowers. Mayor Walker stated the Town is fortunate to have this company in the community. Councilman Senate and Mr. Mongovan discussed the customized features of the new pumper.

C. Lovettsville Community Center

Manager Markel stated the Community Center Advisory Board has a special movie coming up on July 2nd on the Town Green.

D. Lovettsville Planning Commission

Manager Markel stated the next Planning Commissions meeting is in July.

E. Economic Development Advisory Committee

Councilman Staley stated the next meeting is July 19th at 7:30 PM.

Additions/Deletions/Modifications to the Agenda

Councilman Staley requested that an item be added to the agenda to discuss the appointment of the Town Council member to the Economic Development Advisory Committee.

Manager Markel request that Item E, PHRS Scope for East Broad Way, be deleted from the agenda and that the Mt. Olivet food distribution be added to the agenda.

Presentations

No presentations were scheduled.

Approval of Town Council Minutes

A. Town Council Meeting – April 26, 2012

- Motion:** To approve the minutes of the April 26, 2012 Town Council Regular Meeting as amended.
- By:** Council Member Sparbanie
- Second:** Council Member Senate
- Aye:** Council Members Burden, Carder, Senate, Sparbanie, and Zoldos
- Nay:** None
- Abstain:** Council Member Staley
- Absent:** None

Staff Reports

A. Report from the Project Manager

Project Manager Fellers had no additions to her written report dated June 13, 2012.

B. Report from the Zoning Administrator

Administrator Hynes had no additions to her written report dated June 21, 2012.

C. Report from the Town Attorney

The Town Attorney had no formal report.

D. Report from the Town Manager

Manager Markel provided the following updates:

- He received a letter from the Virginia Department of Health, Office of Drinking Water that they are raising their annual pass-through fee. This new fee will be reflected in the Town's water bills.
- The Town received the \$250 matching grant from the VA Commission for the Arts for the western Loudoun art tour.
- He met with VDOT officials regarding Lange Drive. They are close to having that project accepted into the state's maintenance system.
- The first Movie on the Green was very successful, nearly 200 people attended.

Action/Discussion Items

A. LVCU-2012-001 – 31 East Broad Way

Manager Markel stated reference the new exhibit provided to the Council showing the relocation of the storm drainage easement and related infrastructure, as well as the widening of the driveway. The plan reflects the changes Mr. and Mrs. Frye requested and meets all of the design criteria that the Town's engineer feels are appropriate.

Mayor Walker asked if the change that was just submitted requires a change order. Manager Markel stated nothing had been finalized yet so no change order was required.

- Motion:** I move that the Lovettsville Town Council vote to approve of the Conditional Use Permit to modify the required front yard setback to the distance shown in the Boundary Survey by Horton and Taylor, Inc. dated April 25, 2012, on the condition of conveyance by the Applicants at no charge to the Town (other than deed preparation and recordation) of all easements reasonably required for construction of the East Broad Way streetscape improvements along the frontage of their property by deed approved in form by the Town Attorney. Such deed shall be fully executed and delivered to the Town for acceptance and recordation not later than [30] days after the Town notifies Mr. and Mrs. Frye that the deed is ready for signature.
- By:** Council Member Sparbanie
- Second:** Council Member Burden

Mayor Walker called for discussion. Councilman Staley asked if the parcel is in the Comprehensive Plan for commercial. Manager Markel stated the approved land use plan call for it to be residential, low

density. Councilman Senate asked for clarification about the driveway entrance. Project Manager Fellers stated the Town will be tying into the existing driveway and existing trees and the concrete slab will be removed. Vice Mayor Zoldos referenced the case in 2008 and stated his concern is that builders may not comply with the Town's requirements because the \$1,500 penalty is so low. Attorney Whiting stated that should not be an issue now that the Town requires wall checks. Zoning Administrator Hynes stated the builder in the 2008 case was fined only \$1,500 because he came forward voluntarily. The fine could have been up to \$5,000. Vice Mayor Zoldos stated his question had nothing to do with the Frye's case. He added this is a very appropriate way to bring this to a good conclusion. There being no further discussion, Mayor Walker called for the vote.

Aye: Council Members Burden, Carder, Sparbanie, Senate, and Zoldos
Nay: None
Abstain: None
Absent: None

B. LVCU-2012-002 – 34 East Broad Way

Zoning Administrator Hynes stated staff recommends approval of the Conditional Use Permit with the reduced parking spaces based on the conditions outlined.

Motion: I move that the Lovettsville Town Council vote to recommend approval of the Conditional Use Permit with the conditions as recommended.
By: Council Member Sparbanie
Second: Council Member Carder

Mayor Walker called for discussion. Councilman Senate stated he supports this project. Council has been encouraging commercial use in the Town and he is glad to see it happen. Councilman Staley asked if any odors from the brewing process and by-products will be mitigated. Mr. Young stated they will have standard restaurant filters and that the batches are only 95 gallons, so there will be no overwhelming odors. There being no further discussion, Mayor Walker called for the vote.

Aye: Council Members Burden, Carder, Senate, Sparbanie, Staley, and Zoldos
Nay: None
Abstain: None
Absent: None

Mayor Walker congratulated on Mr. Young on his new business in Lovettsville.

C. Mt. Olivet Distribution of Food

Motion: I move to allow Mt. Olivet to hand out pre-packaged meals one day a month, for an hour-and-a-half, set up in the Town parking lot.
By: Council Member Staley
Second: Council Member Senate
Aye: Council Members Burden, Carder, Senate, Sparbanie, Staley, and Zoldos
Nay: None
Abstain: None
Absent: None

Mayor Walker thanked Mr. Earl for everything the church is doing. She stated they are fortunate to have the minister of Mt. Olivet as a resident in Town and the church has been very active in the community. Mr. Earl thanked Mr. Markel for his assistance.

D. Adoption of Budget, Rates and Fees and CIP

Manager Markel reviewed the finalized resolutions and ordinances prepared by staff.

Motion: I move to adopt Ordinance 2012-06-001 and amend sections 5.1.1 and 5.1.6 of Water and Sewer Ordinance to revise water and sewer user charges.

By: Council Member Senate
Second: Council Member Carder

Mayor Walker called for discussion. Vice Mayor Zoldos asked about amending the resolution to reference the rate study/survey before setting next year's rate. He would like to see that reference here so the new Council starting July 1, 2012 knows that is the expectation. Councilman Staley agreed that was appropriate. Attorney Whiting suggest the second WHEREAS be amended to read, "Provided that the Town undertake a rate study before adopting the FY 2014 budget." She noted this is not binding on the next Council, but it communicates intent. Councilman Staley referenced an inquiry Council had received about water rates and asked how much the minimum bill would increase by. Manager Markel stated the minimum bill would increase by \$2.31 over three months. Mayor Walker stated the Town owns its systems but operates them for the State. Councilman Sparbanie asked if the assessment needed to be advertised on the fees schedule. Manager Markel stated it did not. Vice Mayor Zoldos stated it is hard to control these costs since a majority of the work is contracted out to Loudoun Water. He stated at some point they may need to switch over to their own people to help control the costs. Attorney Whiting noted the trend more and more is to contract with Loudoun Water. Vice Mayor Zoldos noted that their costs with Loudoun Water are unchecked. There being no further discussion, the Mayor called for the vote.

Aye: Council Members Burden, Carder, Senate, Staley, and Zoldos
Nay: Council Member Sparbanie
Abstain: None
Absent: None

Motion: I move to adopt Ordinance 2012-06-002 to approve the budget and CIP, adopt tax rates, and make appropriations for Fiscal Year ending June 30, 2013.

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

E. Dewberry Scope for Quarter Branch Park

Project Manager Fellers presented this item. Council is being asked to approve the Scope of Services with Dewberry to complete Site Plan Development and Permitting for the Maintenance Building at Quarter Branch Park. She stated the Concept Plan has been finalized to the Parks Committees satisfaction and noted several changes in the supplemental scope including a potential exchange of property with the HOA, changing the proposed dog park to a more general park area that would allow for other uses, and incorporating a trail, fitness stops, and passive use area.

She stated the Parks Committee met with two possible builders for the maintenance facility and they are recommending Double Tree, otherwise known as Conestoga, for the construction of the building.

Councilman Senate stated both Conestoga and Fuog are active builders in the area and both have the ability to build the same type of building with like components. He noted that Double Tree (Conestoga) had some better engineering that allows for more open space on the first floor, without columns, and also no columns on the second floor. This will allow for better storage and movement of equipment and is why the Parks Committee is recommending them.

Project Manager Fellers noted that the third item is for the Scope of Services for Dewberry, the engineer/landscape architect, to do the site plan work for the maintenance facility.

Councilman Senate stated the Parks Committee spent a lot of time considering what the community wanted. They used the survey results to design a very simple park that allows people to have personal and family time. He stated it will be good for the community and the Town.

Motion: I move that Town Council take the following actions for development of the

Maintenance Facility:

1. Approve the Quarter Branch Park Concept Plan dated June 5, 2012.
2. Select Doubletree as the builder for the project and direct the Parks Committee to work with this builder to negotiate a final building product and cost for Town Council's consideration.
3. Approve the Dewberry Scope for Task No. 5 in the amount of \$29,733.37 plus a contingency of \$5,000 and authorize the Mayor or Town Manager to sign the paperwork.

By: Council Member Senate
Second: Council Member Carder

Mayor Walker called for discussion. Councilman Sparbanie asked about the future land to be dedicated to the HOA. Manager Markel explained the Town does not have any plans for it and it is under the control of the HOA because they are required to maintain their storm pond. Councilman Sparbanie stated some of the residents had concerns about parking on the street and he asked if there would be public parking at the storage facility. Manager Markel and Councilman Senate confirmed that there would be public parking at the facility. Councilman Staley stated he likes the design but asked if it would be possible to enter on Quarter Branch instead of Lange Drive. Manager Markel explained there was not enough distance from the intersection to allow that entrance. Councilman Staley also asked if it was possible to get the parking closer towards Quarter Branch. Project Manager Fellers explained that would require a lot of paving. He stated he was glad to hear they were thinking about community gardens. Mayor Walker asked about the land survey for the triangle area and asked that it be put in the Dewberry survey list. This is something she has questioned for several years. Manager Markel stated he would check on this. There being no further discussion, Mayor Walker called for the vote.

Aye: Council Members Burden, Carder, Senate, Sparbanie, Staley, and Zoldos
Nay: None
Abstain: None
Absent: None

Following the vote there was additional discussion among Council and staff regarding the survey for the park. Project Manager Fellers stated they may need to do a boundary survey. Attorney Whiting stated she would check her files for this parcel.

F. Water Treatment Plant Improvements

Project Manager Fellers presented this item. Council is being asked to approve costs to implement improvements to the water treatment system. She noted two changes to the approach. Rather than renting the VFDs (Variable Frequency Drive), Utility Services will install them permanently. Also, Loudoun Water requested the use of Allan Bradley VFDs instead of the brand Utility Services usually uses. As a result, they will be using a local supplier and installer, RCD, Inc.

Motion: I move that the Town Council approve RCD, Inc. proposal dated June 18, 2012 for the amount of \$42,918.35 with a contingency of \$7,560 (which includes the Instrulogic SCADA modifications needed) and authorize the Mayor or Town Manager to sign all necessary paperwork.
By: Council Member Senate
Second: Council Member Carder

Mayor Walker called for discussion. Councilman Staley stated these are big, powerful motors. If they are used on a continual basis it is important to make sure they do not burn them out. Project Manager Fellers stated they will be in a climate controlled building. Councilman Staley also asked if there was a warranty on the pumps. Project Manager Fellers stated that would be provided by Allan Bradley. She clarified Councilman Senate's questions about soft starts. There being no further discussion, Mayor Walker called for the vote.

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

Nay: None
Abstain: None
Absent: None

Manager Markel thanked Project Manager Fellers for her hard work on this project.

G. VRS Resolution

Manager Markel presented this item. Council is being asked to adopt a resolution certifying employee contributions to VRS for FY 2013. Staff's recommendation is to phase this in over a five-year period, with a one percent employee share and four percent from the Town for the first year. The employees' contribution will be offset by a one percent increase in salary.

Motion: I move to adopt resolution 2012-06-03 as attached.
By: Council Member Staley
Second: Council Member Senate

Manager Markel and Attorney Whiting responded to questions from the Council about the phased in employee contributions and Chapter 822, which mandates certain salary increases required by the State. Mayor Walker stated there has been a lot of information about this in the newspapers and magazines. There is no way to opt out of it and it is another mandate the Town has no control over.

Aye: Council Members Burden, Carder, Senate, Sparbanie, Staley, and Zoldos
Nay: None
Abstain: None
Absent: None

H. Kingsridge Section II VDOT Resolution

Manager Markel presented this item. Council is being asked to adopt Resolution 2012-06-004 in support of Virginia Department of Transportation (VDOT) acceptance of the streets within Kingsridge Section II. The streets under consideration are Tilgham, Barbara Ellen, and Joel Way. The developer is still in the process of getting all of the fees to VDOT. Staff's recommendation is to approve the Resolution as presented and submit it to VDOT once the Town gets the final confirmation that everything is in place.

Motion: I move that Town Council adopt Resolution 2012-06-004 requesting VDOT accept Kingsridge Section II to the secondary road maintenance system.
By: Council Member Sparbanie
Second: Council Member Staley

Councilman Staley asked Manager Markel if he had done the same type of walk as he did at New Town Meadows. Manager Markel stated he had done several walk thoughts and the project passed final inspection with VDOT last week. Councilman Senate asked if Maple Glen Alley is part of the road plan. Manager Markel stated this is a private alleyway that will not be maintained by VDOT because it does not meet their standards. It will be the HOA's responsibility. Councilman Senate stated the alley is the main way to everyone's house. There being no further discussion, Mayor Walker called for the vote.

Aye: Council Members Burden, Carder, Senate, Sparbanie, Staley, and Zoldos
Nay: None
Abstain: None
Absent: None

I. Appointment of Planning Commissioner

Manager Markel presented this item. Council is being asked to consider appointing a Planning Commission member. Manager Markel stated the applicant has served on the Planning Commission and the CPAC Committee previously. He did not schedule an interview with the Council since they are familiar with the applicant.

Motion: I move to appoint Joe Mueller to the Planning Commission to fill the unexpired term of Elaine Fischer, with a term to end June 30, 2013.
By: Council Member Carder
Second: Council Member Burden

Councilman Staley stated he enjoyed working with Mr. Mueller on the Comprehensive Plan. Vice Mayor Zoldos asked if the position had been advertised. Manager Markel stated it had and that Mr. Mueller was the only applicant. There being no further discussion, Mayor Walker called for the vote.

Aye: Council Members Burden, Carder, Senate, Sparbanie, Staley, and Zoldos
Nay: None
Abstain: None
Absent: None

J. Adopt FY 2013 Meeting Calendar

Manager Markel presented this item. The Council is being asked to set the meeting calendar for July 2012 through June 2013. He has reviewed the calendar with the Vice Mayor.

Vice Mayor Zoldos stated he would like to schedule one meeting each quarter on a Saturday to allow people better access to attend Town Council meetings. Councilman Sparbanie stated he heard from residents who find it difficult to attend meetings on Thursday evenings due to their work schedules. Vice Mayor Zoldos stated they may find that Saturdays do not work, but he would like to give it a try. Councilwoman Carder stated they need to carefully consider the time to make sure it is beneficial. She did not want people to still feel disconnected because Council chose a time that did still not meet their schedules. Following further discussion about the Saturday meetings, Council agreed to place this item on the agenda for the July 26, 2012 meeting.

K. Appointment of Town Council Member to EDAC

Council agreed to place this item on the agenda for the July 26, 2012 meeting.

Information Items

Manager Markel referenced the handout provided after the audit was mailed out. He stated that Treasurer Lance Gladstone could answer any questions at the next meeting.

Comments from the Mayor and Town Council

Councilman Burden stated that VRS form has to be filed by July 15th. Manager Markel stated he will submit the form next week.

Councilman Senate announced that after last night's state EMT class, there are 100 new volunteer EMTs in Loudoun County, including many from Station 12.

Councilwoman Carder reported she attended the carnival at the Game Club and received a compliment about MayFest. She will be the MayFest Committee Chair again next year and has already started reaching out to new potential vendors. She told Councilman Staley that she will miss working with him and thanked him for helping her with EDAC.

Councilman Staley stated it has been a pleasure working with everyone. This Town Council has done a lot and they should be proud of their accomplishments.

Councilman Sparbanie stated the Dolphin Swim team is off to a good start. He thanked everyone for the past 18 months and stated it has been a privilege to serve. He wished the new Mayor and Council all the best.

Vice Mayor Zoldos reported on the Historic District meeting in Richmond. The Town's designation passed unanimously and Lovettsville is now on the Virginia register of historic places. In a couple of months, the Town will be considered for the national register. He attended the flag retirement ceremony

and MayFest after action party. He will be participating in the Mud Run on July 21st. He thanked Councilman Staley and Councilman Sparbanie for their work on the Council and stated he hoped they would be joining them again in the future. He stated Mayor Walker's retirement party will be held on July 22nd from 2:00 PM to 4:00 PM.

Mayor Walker reported on the following:

- She thanked Vice Mayor Zoldos for going to Richmond for the Historic District meeting on such short notice.
- She thanked Councilwoman Carder for all of her hard work on MayFest. It was a success and everyone is talking about it for next year. This was the first big event on the Town Green and it worked beautifully.
- She attended the open house for the Montessori School.
- They had a great turn out for the Memorial Day Ceremony. Her letter to the editor was published in the *Loudoun Times Mirror*. She thanked Manager Markel and Henry Pearson for their assistance.
- She attended the County Economic Development Commission meeting on June 1st.
- She attended the Purcellville Eagle Scout Ceremony on June 2nd.
- She attended the Museum Board meeting and lecture on June 10th.
- She attended a meeting with Inova on June 13th. They have interviewed several doctors and are close to having someone for the medical facility in Town.
- She also attended the flag retirement ceremony on June 14th.
- She referenced a letter she received from Geary Higgins regarding schools in Lovettsville and distributed a copy to the Council.
- She attended a reception for Bonnie (owner of Bonnie's County Kitchen) in recognition of her 25th year in business. The Mayor wrote a letter on behalf of the Town and was invited to speak.
- She referenced several upcoming events including law camp, the Northern Virginia Towns Association meeting, the Loudoun Rangers reception, the Inova Loudoun celebration, and the investiture of Debra Welch as the County's newest judge.

She stated all of the special recognitions for her retirement were a total surprise tonight. She thanked everyone for the good memories.

Comments from the Public

There were no comments from the public.

Adjournment

There being no further business before the Council, Mayor Walker declared the meeting adjourned at 11:40 PM.

Respectfully submitted,



Harriet West, Town Clerk

Date Approved: August 30, 2012

Attachments:

- I. Notice of Public Hearing for LVCU 2012-001 from *Purcellville Gazette*
- II. Speaker Sign Up Sheet
- III. Notice of Public Hearing for LVCU 2012-002 from *Purcellville Gazette*

Written Submissions to Council: None

Treasurer

**Notice of Public Hearing
Town of Lovettsville Planning Commission**

The Lovettsville Planning Commission will hold a public hearing on the following item at their meeting on Wednesday, June 6, 2012 at 7:30pm at the Lovettsville Town Hall, 6 East Pennsylvania Avenue:

LVCU 2012-0001 31 East Broad Way

Consider a request by Oliver and Patsy Frye for a Conditional Use Permit to section 3-4 (d)(ii) and (x) of the Lovettsville Zoning Ordinance to allow the conversion of the front porch of the principle structure located at 31 East Broad Way into an enclosed room, fully located within the front yard setback. The front wall of the new room is located six feet, more or less, from the front property line. The parcel is identified as Loudoun County PIN 334-45-7168.

The application and related documents being considered are available for review at the Town Hall between the hours of 8:30am and 4:30pm weekdays or by special appointment. Call 540-822-5788 for more information or visit www.lovettsvilleva.gov.

**PUBLIC HEARING NOTICE
TOWN OF PURCELLVILLE
PLANNING COMMISSION**

The Purcellville Planning Commission will hold a public hearing in the Council Chambers located at 221 South Nursery, Purcellville, Virginia on Thursday, June 7, 2012 at 7:00 the purpose of considering the following item:

The repeal of or amendments to the Purcellville Urban Growth Management Plan (PUGAMP) and the Town of Purcellville/County of Loudoun Annexation Agreement.

Information regarding these public hearings is available for review and copying at the Purcellville Town Hall, 221 S Nursery Avenue, Purcellville, Virginia from 8:00 AM to 5:00 PM Monday-Friday, holidays excepted.

Hearing assistance is available for meetings in the Town Council Chambers. If you require any type of reasonable accommodation, as a result of a physical, sensory or mental disability, to participate in this meeting, contact the Department of Community Development at 540-338-2304. Please give three days notice.

Dennis D. Beese,
Chairman, Purcellville Planning Commission

Town of Lovettsville

Speaker Sign - Up Sheet

Town Council Public Hearings and Regular Meeting - June 21, 2012

Please Print.

Name and Association	Address	Topic	Email Address (Optional) ¹
BOB LAZARO / Percellville	725 Sunbeam & Pville		
Bob Davis / Middleby	6006 Blue Ridge Ave MVA		
David East	12 Park Pl Lovettsville		
Robert J. Zeldas III	37 South Landon	State of the Town	

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.

Public Hearing/Legal Notices

WRITING NOTICE PURCELLVILLE COMMISSION

Chambers located at 221 South Nursery Avenue, Purcellville, Virginia on considering the adoption of the following Purcellville Zoning Ordinance text

Permits. Article 6 Section 3.4. "Sign Permit Required". Add language
Definitions. Article 6 Section 3.5 "Definitions". Add forty one new

Prohibited Signs. Article 6 Section 3.6. "Prohibited Signs". Prohibits unsafe on a roof, snipe signs; enlarging or adding to a sign without a permit; nearly advertising.
Exempt Signs. Article 6 Section 3.7. "Exempt Signs". Exempts college team public notice signs by the Town.

Temporary Signs. Article 6 Section 3.8 "Temporary Signs". Changes sign stage temporary signs; sets size; height number; time limit for display height number; time limit for display and location. Prohibits banners and set in size; Requires that freestanding sign posts be painted. Section allows removal of signs that are a safety hazard. Section 4. Sets size, height and location for new business or change in ownership; large inflatable signs for construction signs. Section 6. Sets size, location, height and height for construction signs. Section 7. Sets size, height and location for temporary seasonal signs for a variety of seasonal signs. Section 8. Requires a master sign plan, allows off site signs, signs and A-Frames/sandwich signs. Allows A-Frame/sandwich signs, signs and A-Frames/sandwich signs as temporary signs that must be removed

Legal Non-conforming Signs. Article 6 Section 3.9. "Legal Non-conforming Signs". Informing signs to clarify that legally non-conforming signs are legally

Signs Permitted. Article 6 Section 3.10. "Signs permitted". Changes requires monument signs to have different materials for base and clearance. Section 3. Provides for marquee sign placement area and with smaller letters professionally painted or applied to awning or signs up to 4 square feet on buildings as an additional wall sign that have landscaping around the base. Limits lighted "open" signs up to 6 poles and other symbolic type of signs. Section 4. Maximum number additional freestanding signs for every 400 feet of public frontage and signs allowed on each frontage wall. Requires 100 feet of separation "strict" to the word "for" which covers residential lots in commercial

3.) Increases size of real estate signs to 6 square feet. Sec. 5.a.7. t to regulations in 3.10.5. Section 5. 9. requires garage sale signs s date and address of sale on the sign. Allows town staff to remove vision signs to new temporary sign Section 3.8. Section 6. General ifts in residential districts to be part of these regulations. Number of ; allows side and rear wall signs, minimum 3 foot separation, painted on

Notice of Public Hearing Lovettsville Town Council

The Lovettsville Town Council will hold a public hearing on the following items at their meeting on June 21, 2012 at 7:30pm at the Lovettsville Town Hall, 6 East Pennsylvania Avenue:

LVCU 2012-0001 31 East Broad Way

Consider a request by Oliver and Patsy Frye for a Conditional Use Permit to section 3-4 (d)(iii) and (x) of the Lovettsville Zoning Ordinance to allow the conversion of the front porch of the principle structure located at 31 East Broad Way into an enclosed room, fully located within the front yard setback. The front wall of the new room is located six feet, more or less, from the front property line. The parcel is identified as Loudoun County PIN 334-45-7168.

LVCU 2012-0002 34 East Broad Way

Consider a request by Timothy Keena for a Conditional Use Permit to section 3-12 (c)(x) of the Lovettsville Zoning Ordinance to allow the operation of a microbrewery as a conditionally permitted use; and to section 4-3 (a) to allow for a reduction in the required minimum off-street parking. The parcel is located at 34 East Broad Way and is identified as Loudoun County PIN 334-45-5460.

The applications and related documents being considered are available for review at the Town Hall between the hours of 8:30am and 4:30pm weekdays or by special appointment. Call 540-822-5788 for more information or visit www.lovettsvilleva.gov.

