

# Town of Lovettsville

## Town Council Minutes of the October 10, 2013 Regular Meeting

### Call to Order/Pledge of Allegiance

Mayor Robert Zoldos II called the Regular Meeting of the Lovettsville Town Council to order at 7:30 p.m. on October 10, 2013 at the Lovettsville Town Hall, 6 East Pennsylvania Avenue, Lovettsville, VA.

### Council Members Present

- Mayor Robert Zoldos II
- Council Member Kimberly Allar
- Council Member Jack Burden
- Council Member Tiffany Carder
- Council Member Rodney Gray
- Council Member James McIntyre

### Council Members Absent

- Vice Mayor Mike Senate

### Staff Present

- Town Manager Keith Markel
- Town Clerk Harriet West
- Treasurer Lance Gladstone

### Pledge of Allegiance

Mayor Zoldos asked Young Marine Aram Wartanian to lead those assembled in the Pledge of Allegiance.

### Presentations

#### A. Annual Update from The Journey Through Hallowed Ground

Beth Erickson distributed updated maps and materials for The Journey Through Hallowed Ground. She discussed the new Living Legacy Tree Planting Project, a film project involving local students, and the new passport program. She said that the two newest maps now include Lovettsville. She asked the Mayor and Council for their continued financial support at the same level as last year, \$500.

Mayor Zoldos called for questions from the Council. There were none.

#### B. Colonel Wesley Fox Young Marines Proclamation

Mayor Zoldos said this item would be moved from Action/Discussion Items to Presentations, if there were no objections. There were none. The Mayor then called for a motion to accept the proclamation.

**Motion:** I move to accept the proclamation for the Colonel Wesley Fox Young Marines (Attachment 1).

**By:** Council Member Burden

**Second:** Council Member Gray

Councilman Burden read the proclamation. Mayor Zoldos called for discussion. Hearing none, he called for the vote.

**Aye:** Council Members Allar, Burden, Carder, Gray, McIntyre, and Senate

**Nay:** None

**Abstain:** None

**Absent:** Vice Mayor Senate

Mayor Zoldos signed the proclamation and formally presented it to Young Marine Aram Wartanian.

### Comments from the Public

Mayor Zoldos called for comments from the public. There were none.

### Community Presentations

#### A. Loudoun County Sheriff's Office

Deputy Sheriff LoPreto gave updates on a recent bike theft in Town, an incident at Andy's Restaurant, and a complaint about speeding on Berlin Pike. In response to questions from Councilman McIntyre and Mayor Zoldos, Deputy LoPreto said he would look into the incident on East Broad Way where a vehicle ran through the fence and he would arrange to have the sign boards brought out for Halloween.

There were no other community presentations.

### **Town Commission and Committee Reports**

#### **A. Lovettsville Planning Commission**

There was no report. Mayor Zoldos said he would be unable to attend the Planning Commission meeting on October 16, 2013 and asked if one of the Council Members could attend. Councilman Gray said he would attend the meeting.

#### **B. Parks Committee**

Mayor Zoldos said representatives from George Mason University will be in Town on October 18 to tour the area and discuss ideas for using the Quarter Branch Park as a class project. He invited the other Council Members to attend the meeting.

#### **C. "We're In" Committee**

Councilwoman Carder gave updates on the recent "We're In!" meeting, a prospect for the Design Team leader, upcoming holiday projects, and participation at Oktoberfest. Mayor Zoldos said the recent "We're In!" meeting was very well attended and that the group is picking up momentum.

#### **D. Oktoberfest Committee**

Councilman McIntyre said he has invited the Committee members to attend next Town Council meeting for a formal thank you and recognition. He added that the event was a "smashing success" and there will be a lot of things to work on for next year.

Councilman McIntyre introduced Oktoberfest Treasurer Tom Ciolkosz, who gave a financial report for the event. Mr. Ciolkosz said that 2013 was the first time Oktoberfest had not received any financial support from the Town. He noted that revenue from the sale of beer and souvenirs increased significantly this year and that site expenses were higher than last year. They anticipate a profit of \$8,900 to \$10,000. Credit card sales accounted for 29% of sales. Peak hours were between 1:00-5:00 p.m. on Saturday. He said the Committee needs guidance from the Town Council on future infrastructure investments, such as tables and chairs, a gazebo, and tents. The pro forma budget for 2014 includes options for parking at the future county park, increasing the number of sheriff officers to man street closure barricades, increasing shuttle bus service, and improving the quality of the evening musical entertainment. They would like to include an online survey in the Mayor's Message to get public input on the event. The Committee's goal is to continue to manage the event so the Town does not have to support the event financially.

Mayor Zoldos asked that a question be added to the survey to determine where people are from, either in Town or outside of Town.

Councilman Burden asked about using the county park for parking. Mayor Zoldos said this was discussed at the Oktoberfest Committee's after-action meeting. He said that using the park would allow them to provide parking at one site; however, there are some limitations. Mr. Ciolkosz said they are willing to allocate money for use of the site to cover the cost of hiring additional sheriffs and providing lighting since there was not enough space for parking this year.

Mayor Zoldos brought up the idea of cost sharing for a gazebo that could be used for Mayfest and Oktoberfest.

### **Additions/Deletions/Modifications to the Agenda**

Mayor Zoldos added the following items to the agenda:

- Resolution to support schools
- Paying for a paver for speakers at Veterans Day and Memorial Day

Manager Markel requested the following modifications to the agenda:

- Move Information Item A, VRS Long Term Disability Requirements, to an Action Item
- Delete East Broad Way Streetscapes Update (this item will be presented on October 24, 2013)

## Minutes

### A. Town Council Regular Meeting and Public Hearings – August 8, 2013

- Motion:** I move that the Town Council accept the minutes of the August 8, 2013 Regular Meeting and Public Hearings as presented.
- By:** Council Member Allar
- Second:** Council Member Carder
- Aye:** Council Members Allar, Burden, Carder, Gray, and McIntyre
- Nay:** None
- Abstain:** None
- Absent:** Vice Mayor Senate

## Report from the Treasurer

### A. August 2013 Financial Report

Treasurer Gladstone presented the August 2013 Financial Report. There were no questions from the Council.

- Motion:** I move to accept the August 2013 Financial Report.
- By:** Council Member Gray
- Second:** Council Member McIntyre
- Aye:** Council Members Allar, Burden, Carder, Gray, and McIntyre
- Nay:** None
- Abstain:** None
- Absent:** Vice Mayor Senate

## Staff Reports

### A. Report from the Project Manager

Manager Markel referenced the Project Managers written report included in the packet. He said that the elevated water tank is offline for a routine inspection and should be back in service by tomorrow afternoon.

### B. Report from the Zoning Administrator

Manager Markel referenced the Zoning Administrator's written report. He gave updates on two preliminary plats that are out for review by County agencies. One is for a 14-unit single family home development on North Berlin Pike and the other is the subdivision for 5 North Berlin Pike. The owners/developers of 5 North Berlin Pike are working with their engineer on the frontage improvements for this project and it is likely that that the costs will be lower than originally anticipated.

The Parks & Environment Board had a productive meeting with the Loudoun County Master Gardeners Tree Stewards about how they can work together on Town projects.

### C. Report from the Town Attorney

The Town Attorney was not present. There was no report.

### D. Report from the Town Manager

There was no formal report from the Town Manager.

## Action/Discussion Items

### A. Planning Commission Appointment

Manager Markel presented this item. The Council is being asked to consider appointing a new member to the Planning Commission to fill a vacancy. The Council interviewed the applicant two weeks ago.

- Motion:** I move to appoint Frank McDonough to the Lovettsville Planning Commission to fill the unexpired term of Mari Bushway, with a term to expire June 30, 2016.
- By:** Council Member Burden
- Second:** Council Member Gray

Mayor Zoldos called for discussion. Councilman Burden said that, based on the interview with the applicant and his resume, he thought Mr. McDonough would do a great job and he recommended appointment. Councilman Gray said they had a great interview with Mr. McDonough and noted that he has attended Town Council meetings and other events around Town. Mayor Zoldos said Mr. McDonough will be an excellent addition to the Planning Commission. Hearing no further discussion, Mayor Zoldos called for the vote.

**Aye:** Council Members Allar, Burden, Carder, Gray, and McIntyre  
**Nay:** None  
**Abstain:** None  
**Absent:** Vice Mayor Senate

**B. Resolution for Continued Support for Schools**

Mayor Zoldos presented this item: He said this is the Council's third resolution supporting schools in the Lovettsville area. He said that Supervisor Higgins and School Board Members Jennifer Bergel and Thomas Reed requested a new resolution from the Town. He noted the changes to this resolution which include the importance of the schools to the Town, the need to decrease bus ride times, and overwhelming public support for schools near Town. Mayor Zoldos said the Town has helped the Board of Supervisor and School Board try to locate land in the Lovettsville area for a school site in the past and they have recently held meetings with citizens to try and move the process forward. Mayor Zoldos called for a motion.

**Motion:** I move that the Council adopt Resolution 2013-10-001: Continued Support for the Location of a Future High School and Middle School in Close Proximity to the Town of Lovettsville (Attachment 2).  
**By:** Council Member McIntyre  
**Second:** Council Member Carder

Mayor Zoldos called for discussion. Councilwoman Carder said they want a school. Mayor Zoldos suggested that they formally present the resolution at a future Board of Supervisor's meeting to show that once again they are inviting schools to our community. The Mayor said now is the time to land bank a school site for future use. Councilman McIntyre said it should not come as a surprise to anyone that they are in support of this, but they can say it "on the record" one more time since a different Council approved the previous resolution. Mayor Zoldos acknowledged a comment from Mr. Ciolkosz who suggested letting the public know how they can show support for schools. Councilman Burden said the reference to the Comprehensive Plan in the resolution shows the Town's support for schools in the Lovettsville area and takes it beyond the Council. Hearing no further discussion, Mayor Zoldos called for the vote.

**Aye:** Council Members Allar, Burden, Carder, Gray, and McIntyre  
**Nay:** None  
**Abstain:** None  
**Absent:** Vice Mayor Senate

**C. Paying for Pavers for Speakers**

Councilman McIntyre presented this item and made the following motion.

**Motion:** I move that the Town fund a paver in honor of the speakers at our annual Veterans Day and Memorial Day ceremonies.  
**By:** Council Member McIntyre  
**Second:** Council Member Gray

Mayor Zoldos called for discussion. Councilman McIntyre said there has been a grassroots movement over the past several months to raise money to purchase a paver for a local Veteran. He said that through that process, it came to their attention that the speaker from a year ago did not have a paver. Councilman McIntyre said he talked to the Mayor and Town Manager about having the Town provide a paver for invited speakers at these ceremonies. Councilman Burden asked if this would include speakers for Veterans Day and Memorial Day. Councilman McIntyre said his motion included both Veterans Day and Memorial Day since they have formal ceremonies at both of these events. Councilman Burden asked if this is contingent on the keynote speaker being a Veteran, which may not always be the case. Councilman McIntyre said that is correct. Mayor Zoldos clarified the intent was to make this applicable to those who had spoken at Town ceremonies since the memorial was put in place, as well as those in the future. Councilman Burden said it does not cost the Town \$250 for the paver so it is not expensive to do this. Hearing no further discussion, Mayor Zoldos called for the vote.

**Aye:** Council Members Allar, Burden, Carder, Gray, and McIntyre  
**Nay:** None  
**Abstain:** None

**Absent:** Vice Mayor Senate

**D. VRS Long Term Disability Requirements**

Manager Markel presented this item. The Council is being asked to consider approving a resolution to opt out of the irrevocable Virginia Retirement System (VRS) long-term disability program. Due to recent changes in the VRS retirement plans, all localities who are VRS members must either participate in the VRS long-term disability plan or purchase a comparable employer-paid plan for short-term and long-term disability. Manager Markel said the VRS program is irrevocable and the vast majority of localities he has contacted are choosing to opt out. Staff recommends that the Town opt out of the Virginia Local Disability Program and obtain comparable employer-paid disability coverage through other sources, such as the Virginia Municipal League or the Virginia Association of Counties. These plans offer as much or more coverage at a lower cost to the Town and include a cancellation clause.

Mayor Zoldos asked if there were any questions regarding the presentation. Hearing none, he called for a motion to adopt the resolution.

**Motion:** I move to adopt Resolution 2013-10-002: Irrevocable Election Not to Participate in Virginia Local Disability Program (Attachment 3).

**By:** Council Member Carder

**Second:** Council Member McIntyre

Mayor Zoldos called for discussion. Councilman Burden said this is a good thing to opt out of because it will give the Town more control of who they use and how much it costs. Councilman Gray said being locked into something forever did not sound like a good plan. Councilwoman Carder agreed, especially when there were other alternatives to choose from. Manager Markel said there are only a few localities that are participating in VRS program. Mayor Zoldos called for further discussion. Hearing none, he called for the vote.

**Aye:** Council Members Allar, Burden, Carder, Gray, and McIntyre

**Nay:** None

**Abstain:** None

**Absent:** Vice Mayor Senate

**Information Items**

**A. New Home Model for Town Center**

Manager Markel presented information on the new, one-story home model at Town Center that provides an alternative for retirees.

**Comments from the Mayor and Town Council**

Councilman McIntyre wished Council Members Gray and Carder a happy birthday.

Councilman Gray commented on how successful Oktoberfest was.

Councilwoman Carder congratulated Councilman McIntyre on a wonderful Oktoberfest. From a local business perspective, they saw an increase in customers. "We're In!" is gaining momentum.

Councilwoman Allar said she was unable to attend Oktoberfest, but she heard nothing but positive comments about how great it was this year.

Councilman Burden said it was amazing how many people attended Oktoberfest. The Committee did a great job and he appreciated Mr. Ciolkosz asking for the Council's input on funding future needs. He also mentioned a recent article in *The Washington Post* about Giant offering online grocery shopping and delivery services and suggested something like this might be a first step for Lovettsville.

Mayor Zoldos gave updates on the following:

- He congratulated Councilman McIntyre and the Oktoberfest Committee on a great event and thanked Town staff for helping out on Friday. He was especially pleased to hear that the all-volunteer fest was self-sufficient this year.
- He gave updates on the town office tour in Shepherdstown, the PHRA meeting, and the meeting with the Tree Stewards.
- The Lovettsville Fire & Rescue Open House will be held on October 13.

- The Town has received an inquiry from the Reed family about naming the Lovettsville Community Park. The Reeds owned the farm for many years and they are interested in having their name associated with the park. Even though this is a county park, the Town may get to provide input on the naming options.
- There was a long meeting today regarding the Waste Water Treatment Plant and they were able to move some things forward regarding issues at the plant.
- There have been several meetings with Supervisor Higgins and some citizens who are interested in schools. Today's resolution is the next step in that process. He will follow up with Supervisor Higgins about how best to communicate the Town's support to the Board of Supervisors.
- He participated in the PTO bingo, which raised more than \$2,000, and he will be playing the friendly fire fighter at Lovettsville Elementary School.
- He will be attending the Virginia Municipal League conference early next week.
- He mentioned several upcoming events including the meeting with George Mason University representatives, the Neighborhood Watch meeting, the final Movie on the Green, and the PTO auction.
- He thanked Deputy LoPreto for looking into how to slow down traffic on Halloween.
- He wished Council Members Carder and Gray a happy birthday.

**Closed Session**

There was no closed session.

**Adjournment**

There being no further business before the Council, the meeting was adjourned at 8:56 PM.

Respectfully submitted,



Harriet West, Town Clerk

Date Approved: January 16, 2014

**Attachments:**

1. Proclamation for The Colonel Wesley Fox Young Marines
2. Resolution 2013-10-001: Continued Support for the Location of a Future High School and Middle School in Close Proximity to the Town of Lovettsville
3. Resolution 2013-10-002: Irrevocable Election Not to Participate in Virginia Local Disability Program

# Town of Lovettsville

## PROCLAMATION FOR

### The Colonel Wesley Fox Young Marines

**MOTION:** Burden

**SECOND:** Gray

**WHEREAS,** The Young Marines is an educational and service program for girls and boys, ages eight through the completion of high school, and promotes the mental, moral, and physical development of its members; and

**WHEREAS,** The Young Marines established a mission to develop good citizenship and to nurture and develop their members into responsible citizens who enjoy and promote a healthy, drug-free lifestyle; and

**WHEREAS,** The Young Marines will recognize and pay tribute to DEA Special Agent Kiki Camarena by promoting Red Ribbon Week from October 23 through October 31, 2013 throughout the nation, and in Germany, Japan, as well as affiliates in other countries; and

**WHEREAS,** The Young Marines are asking that municipalities and community groups wear red ribbons as a symbol of support for their program to fight against illegal drug use and trafficking.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Council of the Town of Lovettsville supports the Colonel Wesley Fox Young Marines in their endeavors to educate youth to live a healthy drug-free lifestyle, thereby promoting and building drug-free communities.

**VOTE:**

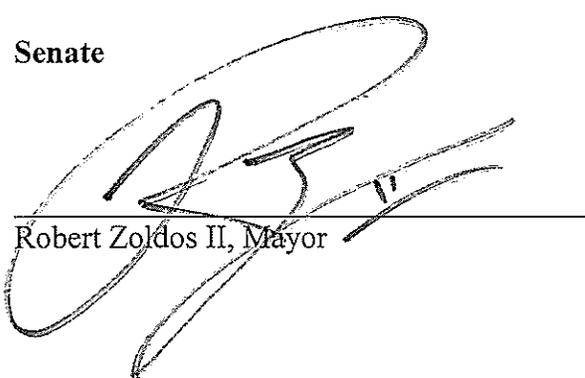
**Ayes:** Allar, Burden, Carder, Gray, and McIntyre

**Nays:** None

**Abstentions:** None

**Absent:** Senate

**Approved:** October 10, 2013

  
Robert Zoldos II, Mayor

**Attest:**

  
Harriet West, Town Clerk

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# Town of Lovettsville

## Resolution 2013-10-001: CONTINUED SUPPORT FOR THE LOCATION OF A FUTURE HIGH SCHOOL AND MIDDLE SCHOOL IN CLOSE PROXIMITY TO THE TOWN OF LOVETTSVILLE

**MOTION:** McIntyre  
**SECOND:** Carder

**WHEREAS**, the education of our children is of utmost importance to the future of Lovettsville; and

**WHEREAS**, school locations near Lovettsville would give those schools a community identity and a base area for activities; and

**WHEREAS**, the locating of schools near the center of a service area would decrease bus ride times as well as reduce transportation costs; and

**WHEREAS**, over the past several years, public meetings have been held to seek public input on and to gauge public opinion regarding the location of a future high school and middle school in close proximity to the Town of Lovettsville; and

**WHEREAS**, the overwhelming majority of citizens voiced support for a community-based high school and middle school in close proximity to the Town of Lovettsville; and

**WHEREAS**, locating schools near the Town could allow for connections to the Town's existing water and sanitary sewer infrastructure, reducing construction costs, increasing operational efficiencies, and protecting the environment; and

**WHEREAS**, the Town Council of Lovettsville issued a resolution on November 15, 2007 in support of a high school and middle school in close proximity to the Town of Lovettsville area; and

**WHEREAS**, on March 25, 2009, the Town of Lovettsville sent a letter to the members of the Loudoun County School Board again affirming its support of a high school and middle school in close proximity to the Town of Lovettsville; and

**WHEREAS**, the Town of Lovettsville Comprehensive Plan (approved February 24, 2011), in Chapter 3 PUBLIC FACILITIES AND UTILITIES, established the planning policies of:

1. Encourage Loudoun County Public Schools to continue to provide adequate school programs in the Lovettsville Elementary School.
2. Encourage Loudoun County Public Schools to provide additional schools for middle and higher education levels outside the Town and within five miles of the Town.
3. Encourage Loudoun County Public Schools to co-locate a middle and a high school on the same property near the Town in order to promote user convenience and land conservation; and

**WHEREAS**, the Town Council of Lovettsville again issued a resolution on March 10, 2011, in support of a high school and middle school in close proximity to the Town of Lovettsville area; and

**WHEREAS**, the Town of Lovettsville wishes to again reaffirm its unwavering support for a high school and a middle school in close proximity to the Town of Lovettsville; and

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**WHEREAS**, the Town of Lovettsville will work with the Loudoun County School Board to sell municipal sanitary sewer capacity for a high school and middle school, so long as the property that is chosen is in close enough proximity to the Town boundary to allow for a connection to the Town's infrastructure.

**THEREFORE BE IT RESOLVED**, that the Lovettsville Town Council continues to wholeheartedly support schools in the Lovettsville area and encourages the placement of a high school and middle school in close proximity to the Town.

**BE IT FURTHER RESOLVED**, that the Town of Lovettsville continues to play an active role with the Loudoun County Board of Supervisors and the Loudoun County School Board in exploring solutions that address concerns over site selection, traffic impacts, environmental protection, and building capacities and designs that protect the small town quality of life that makes the Town of Lovettsville unique in Loudoun County.

**VOTE:**

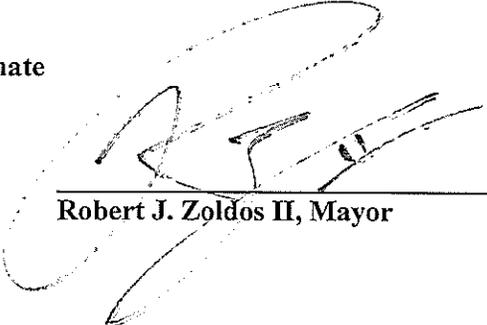
**Ayes:** Allar, Burden, Carder, Gray, and McIntyre

**Nays:** None

**Abstentions:** None

**Absent for vote:** Senate

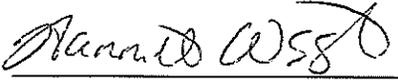
**Approved:** October 10, 2013



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Robert J. Zoldos II, Mayor

**CERTIFIED:**



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Harriet West, Town Clerk

# Town of Lovettsville

## RESOLUTION: 2013-10-002: Irrevocable Election Not to Participate in Virginia Local Disability Program

**MOTION:** Carder

**SECOND:** McIntyre

**WHEREAS**, by enacting Chapter 11.1 of Title 51.1 of the *Code of Virginia*, the Virginia General Assembly has established the Virginia Local Disability Program ("VLDP") for the payment of short-term and long-term disability benefits for certain participants in the hybrid retirement program described in the Virginia Code § 51.1-169; and

**WHEREAS**, for purposes of VLDP administration, an employer with VLDP-eligible employees may make an irrevocable election on or before November 1, 2013, requesting that its eligible employees not participate in VLDP as the VLDP effective date of January 1, 2014, because it has or will establish, and continue to maintain, comparable employer-paid disability coverage for such employees that meets or exceeds the coverage set out in Chapter 11.1 of Title 51.1 of the *Code of Virginia*, with exception of long term care coverage, by January 1, 2014; and

**WHEREAS**, it is the intent of Town of Lovettsville (#55261) to make this irrevocable election to request that its eligible employees not participate in VLDP;

**NOW, THEREFORE, IT IS HEREBY RESOLVED**, that the Town of Lovettsville irrevocably elects not to participate in VLDP because it has or will establish, and continue to maintain, comparable employer-paid disability coverage for such employees; and it is further **RESOLVED** that, as an integral part of making this irrevocable election, the Town of Lovettsville certifies that it has or will establish, and continue to maintain, comparable employer-paid disability coverage for such employees.

**VOTE:**

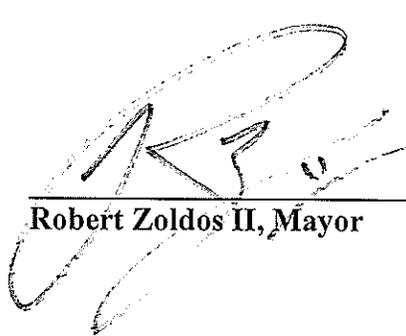
**Ayes:** Allar, Burden, Carder, Gray, and McIntyre

**Nays:** None

**Abstentions:** None

**Absent for Vote:** Senate

**Adopted:** October 10, 2013



Robert Zoldos II, Mayor

**Certified:**



Harriet West, Town Clerk

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