

Town of Lovettsville

Town Council Minutes of the December 19, 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 December 19, 2013 at the Lovettsville Town Hall, 6 East Pennsylvania Avenue, Lovettsville, VA.

Council Members Present

- Mayor Robert Zoldos II
- Vice Mayor Mike Senate
- Council Member Kimberly Allar (participated by phone for medical reasons)
- Council Member Jack Burden
- Council Member Tiffany Carder
- Council Member Rodney Gray
- Council Member James McIntyre

Mayor Zoldos announced that the Council would be going into closed session at the end of the regular meeting.

Staff Present

- Town Manager Keith Markel
- Town Attorney Elizabeth Whiting
- Zoning Administrator Melissa Hynes
- Treasurer Lance Gladstone (arrived at 8:13 p.m.)
- Project Manger Fellers (arrived at 8:30 p.m.)
- Town Clerk Harriet West

Pledge of Allegiance

Mayor Zoldos led those assembled in the Pledge of Allegiance.

Presentations

A. Recognition of Light Up Lovettsville Winners

The Mayor and Council formally recognized the winners of the Light up Lovettsville contest and presented each family with a certificate. Mayor Zoldos thanked Agape Bakery for the incredible cake. Each of the first place winners also received a sign for their front yard and the "Best in Show" winners for the residential and business categories were presented with the Light up Lovettsville travelling trophy.

Best Theme:

3rd Place: Willard Family, 40 Stocks Street
2nd Place: Cloutier Family, 25 Kimberly Kristin Way
1st Place: Nyamedi Family, 45 Potterfield Drive

Most Outrageous:

3rd Place: Golden Family, 41 Stocks Street
2nd Place: Dockum Family, 9 South Loudoun Street
1st Place: Krogh Family, 39 Stocks Street

Most Traditional:

3rd Place: Dant Family, 1 Fox Mill Way
2nd Place: Wenner Family, 1 Park Place
1st Place: Sanbower Family, 6 South Loudoun Street

Business with the Most Holiday Spirit:
7-Eleven

Best in Show:
Krogh Family, 39 Stocks Street

The winners came forward for photographs and a brief reception followed. The regular meeting resumed at 8:08 p.m.

Comments from the Public

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

Mayor Zoldos announced that former Mayor Walker had brought in a Salvation Army kettle for donations. Mrs. Walker said she would be taking the kettle to the post office on Friday and Saturday and any donations collected would be submitted on behalf of the Town. The Salvation Army will recognize the participants in the spring. She asked for volunteers to help ring the bell at the post office next week.

Community Presentations

There were no community presentations.

Town Commission and Committee Reports

There were no updates from the Lovettsville Planning Commission, Parks Committee, or "We're In!" Committee.

Additions/Deletions/Modifications to the Agenda

There were none.

Minutes

A. Town Council Regular Meeting – September 5, 2013

Motion: I move to accept the minutes of the September 5, 2013 Regular Meeting as amended.

By: Council Member McIntyre

Second: Council Member Gray

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

Nay: None

Abstain: None

Absent: None

B. Town Council Regular Meeting – September 19, 2013

Motion: I move to accept the minutes of the September 19, 2013 Regular Meeting as amended.

By: Council Member Carder

Second: Council Member McIntyre

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

Nay: None

Abstain: None

Absent: None

Staff Reports

A. Report from the Project Manager

There was no report from the Project Manager.

B. Report from the Zoning Administrator

There was no report from the Zoning Administrator.

C. Report from the Town Attorney

There was no report from the Town Attorney.

D. Report from the Town Manager

Manager Markel thanked the Town Clerk for her work on the decal sales this past fall. They had hoped to have a new automated system in place this year, but were unable to work that out with the software company. He also thanked the Treasurer for his work on the real estate billing. Manager Markel also said the auditors were here this week and the Town should be receiving the draft report within the next month.

Report from the Treasurer

Treasurer Lance Gladstone presented the October 2013 Financial Report.

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

Action/Discussion Items

A. VML/VACo Investment Pool

Treasurer Gladstone presented this item. The Council is being asked to consider investing Town cash reserves in a new local government investment pool developed by VACo (Virginia Association of Counties), VML (Virginia Municipal League), and Virginia Treasurers. The Virginia Investment Pool was created to allow local jurisdictions to pool resources and invest in securities with one to three year maturities. These funds should not be used for current operations. The investments will likely offer a higher rate of return than short-term CDs and money market funds. The minimum investment is \$75,000 and the minimum deposit and redemption is \$10,000. There will also be administrative fees.

Vice Mayor Senate asked how often the administrative fees and management fees would be assessed. Treasurer Gladstone said they would be assessed quarterly.

The Mayor and Council discussed waiting several quarters to see how the pool performs before making an investment.

Motion: I move to direct staff to prepare an ordinance for inclusion in the Virginia Investment Pool and bring it back to the Town Council for action.
By: Vice Mayor Senate
Second: Council Member McIntyre
Aye: Council Members Allar, Burden, Carder, Gray, McIntyre, and Senate
Nay: None
Abstain: None
Absent: None

B. Lovettsville Town Center Sewer Tap Letter of Credit Release

Manager Markel presented this item. The Council is being asked to release the final letter of credit held by the Town from Lovettsville Town Center, LC for sewer tap reservations. Manager Markel noted a correction to the date in the third paragraph of Resolution 2013-12-0001: Approve Release of Letter of Credit Lovettsville Town Center (Attachment 1). Mayor Zoldos called for a motion.

Motion: I move that the Town Council adopt Resolution 2013-12-0001 as attached.
By: Council Member McIntyre
Second: Vice Mayor Senate
Aye: Council Members Allar, Burden, Carder, Gray, McIntyre, and Senate
Nay: None
Abstain: None
Absent: None

C. Town Center Performance Bond Release for Sections 1 and 2

Manager Markel presented this item. The Council is being asked to approve the release of performance bonds for Section 1 and 2 of Lovettsville Town Center (Attachment 2 and 3). Manager Markel said VDOT has accepted the streets in Section 1 and 2 and all public improvements have been completed. The performance bonds will be replaced with 12-month warranty bonds and the Town will conduct a final inspection before the warranty bonds are released.

- Motion:** I move to approve Resolution 2013-12-002 and Resolution 2013-12-003 to release the Performance Bonds for Lovettsville Town Center Section 1 and 2 and replace them with the new one-year Warranty Agreement and Bond once in a form acceptable to the Mayor and Town Attorney.
- By:** Vice Mayor Senate
- Second:** Council Member Gray
- Aye:** Council Members Allar, Burden, Carder, Gray, McIntyre, and Senate
- Nay:** None
- Abstain:** None
- Absent:** None

D. Adoption of County Code Pertaining to Abandoned, Inoperable, and Unattended Vehicles

Manager Markel and Town Attorney Whiting presented this item. The Council is being asked to consider removing the existing Town ordinance on inoperable vehicles and adopting the County's code pertaining to abandoned, inoperable and unattended vehicles and authorized agreement with Loudoun County for enforcement services (Attachment 4). The proposed ordinance would provide for universal application within the Town.

Councilman Gray asked if this would have any adverse impact on a repair shop where a car may sit for longer than 60 days. Manager Markel said the intent of the Town and County regulations is to not have inoperable vehicles sitting out for longer than 60 days. Attorney Whiting said this would only apply if the vehicle is outside and viewable.

Hearing no further discussion, Mayor Zoldos called for a motion.

- Motion:** I move that the Town Council adopt Ordinance 2013-12-0002 as attached.
- By:** Vice Mayor Senate
- Second:** Council Member Carder
- Aye:** Council Members Allar, Burden, Carder, Gray, McIntyre, and Senate
- Nay:** None
- Abstain:** None
- Absent:** None

Information Items

There were none.

Comments from the Mayor and Town Council

Councilman McIntyre wished everyone a Merry Christmas and said he hoped to see everyone at the Black and Blue on the Green football game.

Councilman Gray commented on the tree lighting that was canceled for this year due to bad weather.

Vice Mayor Senate did not have any comments.

Councilwoman Carder wished everyone a Merry Christmas and said she was looking forward to Berserkle on the Squirkle.

Councilman Burden did not have any comments.

Mayor Zoldos wished everyone a Merry Christmas. He invited everyone to attend Black and Blue on the Green and Berserkle on the Squirkle.

Closed Session

The Mayor and Council went into closed session at 8:47 p.m. and came out of closed session at 10:10 p.m. All Council Members certified that only public business matters lawfully exempt from the open meeting requirements under the Virginia Freedom of Information Act were discussed and that 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.

Adjournment

The meeting was adjourned at 10:10 p.m.

Respectfully submitted,



Harriet West, Town Clerk

Date Approved: January 16, 2014

Attachments:

1. Resolution 2013-12-0001: Approve Release of Letter of Credit Lovettsville Town Center
2. Resolution 2013-12-002: Release of Performance Bond Lovettsville Town Center, Section 1
3. Resolution 2012-12-003: Release of Performance Bond Lovettsville Town Center, Section 2
4. Ordinance 2013-12-0002: Repeal Ordinance Enacted January 26, 1989 and Adopt Chapter 602 of the Loudoun County Code Pertaining to Abandoned, Inoperable and Unattended Vehicles, and Authorize Agreement with Loudoun County for Enforcement Services

Town of Lovettsville

Resolution 2013-12-0001: APPROVE RELEASE OF LETTER OF CREDIT LOVETTSVILLE TOWN CENTER

MOTION: McIntyre

SECOND: Senate

WHEREAS, Lovettsville Town Center, LC, succeeded to rights to purchase sewer taps for up to 100 residential dwelling units under an agreement dated December 16, 1999, and in accordance with the terms thereof, provided letters of credit No. 305 and 306 dated February 21, 2002 and issued by Virginia Commerce Bank in the amounts of \$178,500.00 and \$416,500.00, respectively, for a total amount of \$595,000.00; and

WHEREAS, Lovettsville Town Center, LC, by the terms of the said agreement is entitled to a reduction in the amount of the letter of credit proportionate to the number of taps purchased and placed into service not more frequently than once each 12 months; and

WHEREAS, The Town of Lovettsville released the letter of credit No. 305 in full on March 10, 2011, following the purchase of more than thirty (30) sewer taps; and

WHEREAS, Lovettsville Town Center, LC has now purchased more sewer taps from the Town, than the 100 taps that were reserved by both letters of credit No. 305 and No. 306,

NOW, THEREFORE, BE IT RESOLVED that the Lovettsville Town Council hereby acknowledges that the obligations of Lovettsville Town Center, LC under the said agreement have been fully executed insofar as secured by the referenced letter of credit, and the Mayor is hereby authorized to release letter of credit No. 306, in the amount of \$416,500, issued by Virginia Commerce Bank, referenced above to Lovettsville Town Center, LC in full.

VOTE:

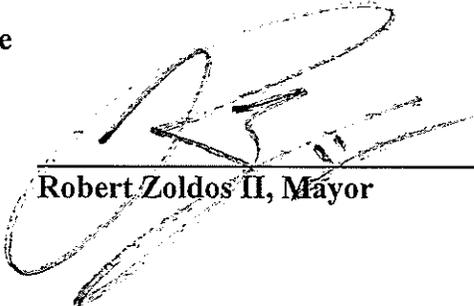
Ayes: Allar, Burden, Carder, Gray, McIntyre, and Senate

Nays: None

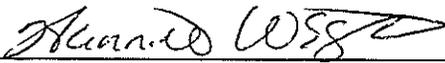
Abstentions: None

Absent for vote: None

Approved: December 19, 2013


Robert Zoldos II, Mayor

CERTIFIED:


Harriet West, Town Clerk

The German Settlement

Town of Lovettsville

Resolution 2013-12-002: RELEASE OF PERFORMANCE BOND LOVETTSVILLE TOWN CENTER, SECTION 1

MOTION: Senate

SECOND: Gray

WHEREAS, Lovettsville Town Center, L.C., entered an Agreement dated September 29, 2005 requiring it to construct certain public improvements within Section 1 of a project known as Lovettsville Town Center and dedicate them to the Town or other public bodies upon completion and acceptance; and provided as security for its performance a certain Performance Bond issued by Arch Insurance Company; and

WHEREAS, Lovettsville Town Center, L.C., completed the public improvements for Section 1 as required and has obtained their acceptance by appropriate public bodies and further is in the process of tendering a warranty agreement, to be secured by Maintenance Bond, guarantying the said public improvements for a period of 12 months, and has asked that the Town release the Performance Bond No. SU 5017186, securing the original construction obligations within Section 1.

NOW, THEREFORE, BE IT RESOLVED that the Town Council hereby acknowledges that the obligations of Lovettsville Town Center, L.C. under the agreement of September 29, 2005, have been satisfied, subject to tender and acceptance of a warranty agreement and surety therefor that meets adopted Town standards and the obligations of the said performance Agreement will be merged into the warranty agreement and its associated Maintenance Bond. Accordingly, the Mayor is hereby authorized to release the existing Performance Bond No. SU 5017186 issued by Arch Insurance Company referenced above to Lovettsville Town Center, L.C. once the Warranty Agreement and Maintenance Bond are in a form acceptable to the Mayor and Town Attorney.

VOTE:

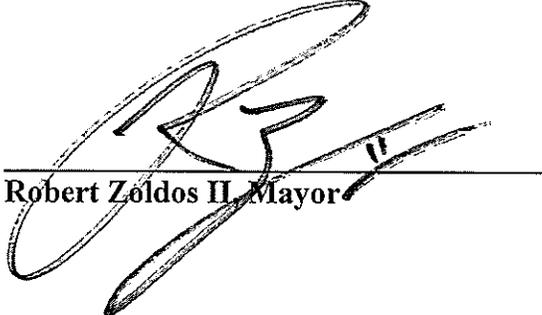
Ayes: Allar, Burden, Carder, Gray, McIntyre, and Senate

Nays: None

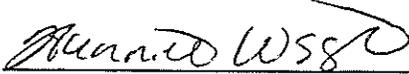
Abstentions: None

Absent for vote: None

APPROVED: December 19, 2013


Robert Zoldos II, Mayor

CERTIFIED:


Harriet West, Town Clerk

The German Settlement

Town of Lovettsville

Resolution 2013-12-003: RELEASE OF PERFORMANCE BOND LOVETTSVILLE TOWN CENTER, SECTION 2

MOTION: Senate
SECOND: Gray

WHEREAS, Town Center Lovettsville, L.C., entered an Agreement dated May 7, 2010 requiring it to construct certain public improvements within Section 2 of a project known as Lovettsville Town Center and dedicate them to the Town or other public bodies upon completion and acceptance; and provided as security for its performance a certain Performance Bond issued by Arch Insurance Company; and

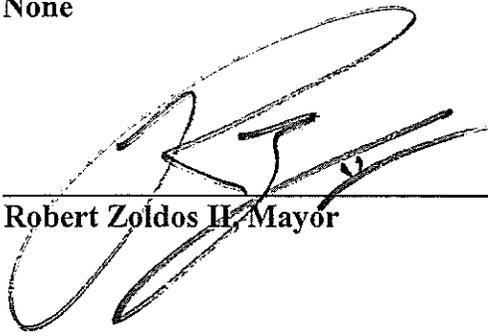
WHEREAS, Town Center Lovettsville, L.C., completed the public improvements for Section 2 as required and has obtained their acceptance by appropriate public bodies and further is in the process of tendering a warranty agreement, to be secured by Maintenance Bond, guarantying the said public improvements for a period of 12 months, and has asked that the Town release the Performance Bond No. SU 1107056, securing the original construction obligations within Section 2.

NOW, THEREFORE, BE IT RESOLVED that the Town Council hereby acknowledges that the obligations of Town Center Lovettsville, L.C. under the agreement of May 7, 2010, have been satisfied, subject to tender and acceptance of a warranty agreement and surety therefor that meets adopted Town standards and the obligations of the said performance Agreement will be merged into the warranty agreement and its associated Maintenance Bond. Accordingly, the Mayor is hereby authorized to release the existing Performance Bond No. SU 1107056 issued by Arch Insurance Company referenced above to Lovettsville Town Center, L.C. once the Warranty Agreement and Maintenance Bond are in a form acceptable to the Mayor and Town Attorney.

VOTE:

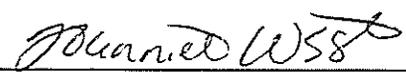
Ayes: Allar, Burden, Carder, Gray, McIntyre, and Senate
Nays: None
Abstentions: None
Absent for vote: None

APPROVED: December 19, 2013



Robert Zoldos II, Mayor

CERTIFIED:



Harriet West, Town Clerk

The German Settlement

Town of Lovettsville

Ordinance 2013-12-0002: REPEAL ORDINANCE ENACTED JANUARY 26, 1989 AND ADOPT CHAPTER 602 OF THE LOUDOUN COUNTY CODE PERTAINING TO ABANDONED, INOPERABLE AND UNATTENDED VEHICLES, AND AUTHORIZE AGREEMENT WITH LOUDOUN COUNTY FOR ENFORCEMENT SERVICES

MOTION: Senate

SECOND: Carder

WHEREAS, sections 15.2-904, 15.2-905 and 46.2-1200 et seq. of the Code of Virginia, provide for regulation and disposition of abandoned, inoperable, and unattended vehicles within the Town of Lovettsville and pursuant to such authority the Town Council enacted an ordinance on January 26, 1989; and

WHEREAS, the Town Council is of the opinion that the interests of the Town and its citizens will be served by repealing the Town ordinance and providing for enforcement of the County ordinances on this subject within the Town; and

WHEREAS, Chapter 602 of the County Code provides for appropriate regulation, restriction and disposition of abandoned, inoperable and unattended vehicles; and

WHEREAS, the Town and County and Loudoun County Sheriff are authorized by Va. Code section 15.2-1726 to enter an agreement providing for law enforcement services within the Town.

NOW, THEREFORE, BE IT ORDAINED by the Lovettsville Town Council that

1. Pursuant to Va. Code sections 1-220, 15.2-905 and Articles 1, 2 and 3 of Chapter 12 of Title 46.2 of the Virginia Code, the Town ordinance enacted January 26, 1989 is hereby repealed and the provisions of Chapter 602, entitled "Abandoned, Inoperable and Unattended Vehicles, of the Loudoun County Code are hereby adopted by reference for application within the Town of Lovettsville, effective immediately, to include such amendments, including renumbering, as may be enacted from time to time; and
2. For purposes of section 602.04, the zoning districts in which the keeping of inoperable motor vehicles is restricted shall include the CR-1, R-1, R-2, R-3, R-C, T-C, PIDD, C-1, C-2 and I-1, and any districts authorizing agricultural, residential or commercial uses, as the same may be enacted or amended from time to time; and
3. The Mayor is hereby authorized to execute an agreement for the provision of enforcement services within the Town in a form approved by the Town Attorney.

VOTE:

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

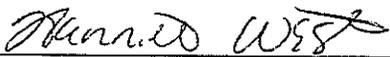
Nays: None

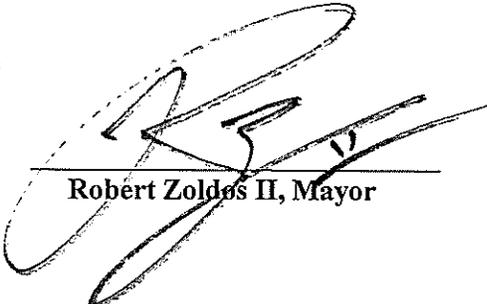
Abstentions: None

Absent for Vote: None

APPROVED: December 19, 2013

CERTIFIED


Harriet West, Town Clerk


Robert Zoldos II, Mayor

The German Settlement