

# Town of Lovettsville

## Town Council Minutes of the January 14, 2016 Regular Meeting

### **Call to Order/Pledge of Allegiance**

Mayor Robert Zoldos II called the Regular Meeting of the Lovettsville Town Council to order at 7:31 p.m. on January 14, 2016 at the Lovettsville Town Hall, 6 East Pennsylvania Avenue, Lovettsville, VA.

### Council Members Present

- Mayor Robert Zoldos II
- Council Member Kimberly Allar
- Council Member Tiffany Carder
- Council Member Rodney Gray
- Council Member Jennifer Jones
- Council Member James McIntyre

### Council Members Absent

- Vice Mayor Michael Senate

### Staff Present

- Town Manager Laszlo Palko
- Town Attorney Elizabeth Whiting
- Zoning Administrator Joshua Bateman
- Town Clerk Harriet West

### Pledge of Allegiance

Mayor Zoldos led those assembled in the Pledge of Allegiance.

### Comments from the Public

Mayor Zoldos called for comments from the public. Councilman McIntyre read the rules for public comment.

**Shaun Staley**, 28 Tritapoe Place, addressed the Mayor and Town Council. Mr. Staley said that as many of the Council Members may know, he served on the Town Council from 2008 to 2012. One of the things the former Mayor used to talk about is that back many years ago there was an opportunity of having Sheetz move into the middle of Town and having a strip mall. Now the Town is getting commercial development and it also looks like 7-Eleven wants to put in gas pumps in the middle of Town. Mr. Staley said he is not opposed to having gas stations in Town but at that location in particular he personally did not think it was ideal. He has seen some of the sketches they have had up at the 7-Eleven. He is just here speaking out against that even though it is not on the agenda tonight. Others have shared a similar sentiment but he doesn't know if they have come forward to the Town Council or Planning Commission. He wanted to come forward so at least one voice is heard. He was also against the smaller commercial section. He understands why it is smaller but he was against it. He is afraid that they are getting closer to the original vision that Mayor Walker didn't want back in the day – smaller commercial and potentially having gas stations right there. The other item on the agenda tonight is for the Rt. 7 Resolution with the towns. He said he is for that. It would also be nice in the future to do something about Rt. 9. It use to be on the County's comprehensive 20-year traffic management plan, but the last time he checked a few years ago it had been removed. It would be good to get something on their radar. At one point they were looking at the possibility of doing a round-about at Rt. 287 and Rt. 9. If you make it wider, you just get more people coming through Rt. 9 from West Virginia, but they already have that today. Mayor Zoldos called for additional public comments. There were none.

### **Community Presentations**

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

Deputy LoPreto reported on traffic speed monitoring on East Broad Way after the paving was completed. Traffic speeds were monitored coming into and going out of Town over a seven-day period. The results showed there is no speed problem coming into Town – speeds averaged 18 miles per hour. There was only one speed recorded that they could have written a ticket for and it was 38 miles per hour. There is little bit more of a problem going out of Town. The average speed going out of Town was 25 miles per hour, but there was at least one car an hour going over the speed limit. For the most part, this is occurring in the early morning hours with speeds in the 42-45 miles per hour range. There is at least one car an hour going 10 miles over the speed limit, but people are still averaging 25 miles per hour. Deputy LoPreto added that the average volume is 1,942 cars per day with 987 cars (nearly half) coming through Town between 6:00-7:00 a.m.

Mayor Zoldos asked if it would be useful for the Town to have a permanent sign or one that could move around. Deputy LoPreto said the Town could apply for a grant for the permanent sign. He said the Town of Hamilton has four speed signs that they obtained through a grant from Loudoun County. They have two permanent signs and two portable signs. Mayor Zoldos said he understood they are not effective long-term. Deputy LoPreto said that long-term people tend to get use to them. He added that the Town has two major places for speeding – East Broad Way going out of Town and North Berlin Pike coming into Town. The biggest thing the signs would do for the Town is to record the data instead of waiting for VDOT to do this.

Mayor Zoldos asked Deputy LoPreto to stay for the discussion regarding VDOT initiatives the Town will be forwarding to the state delegate.

#### **B. Lovettsville Library**

Councilman McIntyre gave updates on upcoming programs including the Library's birthday party, which will be held on February 27.

There were no other community reports.

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

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

Chairman McDonough gave updates on modifications to the canopy heights ordinance and the subdivision ordinance, as well as the Comprehensive Plan review process.

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

Councilwoman Jones reported that the Parks Committee is meeting next week.

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

Councilwoman Carder reported on the Lovettsville Business Expo and the We're In website ([wereinlovettsville.com](http://wereinlovettsville.com)).

#### **D. Information Flow Committee**

Councilman McIntyre said the committee will meet next week. Manager Palko said there are some budget issues regarding the design that he will discuss with the committee.

#### **E. Berserkle on the Squirkle**

Mayor Zoldos thanked everyone for their help and said the event went well.

#### **F. Volunteer Fest**

Councilwoman Jones said Volunteer Fest will be held at the Game Club on Sunday, April 24 from 2:00 to 4:00 p.m. She met with the Town's Events Coordinator to develop information for the Town's website and Facebook page. She asked to meet with the Mayor in February to start planning the event.

#### **G. MayFest Committee**

Councilwoman Carder gave an update on the next meeting, the website, and artwork.

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

Councilwoman Jones requested to add an item regarding Loudoun County Transit.

Mayor Zoldos added two items - VDOT Initiatives and a request from Mobile Hope.

**Minutes**

A. April 9, 2015 Regular Meeting

**Motion:** I move to approve the meeting minutes of April 9, 2015 as amended.  
**By:** Council Member Gray  
**Second:** Council Member Carder  
**Aye:** Council Members Allar, Carder, Gray, and Jones  
**Nay:** None  
**Abstain:** Councilman McIntyre  
**Absent:** Vice Mayor Senate

B. April 23, 2015 Regular Meeting

**Motion:** I move that the Council approve the minutes of the April 23, 2015 Regular Meeting as amended.  
**By:** Council Member McIntyre  
**Second:** Council Member Carder  
**Aye:** Council Members Allar, Carder, Gray, Jones, and McIntyre  
**Nay:** None  
**Abstain:** None  
**Absent:** Vice Mayor Senate

C. April 29, 2015 Special Meeting

**Motion:** I move that the Council accept the minutes of the April 29, 2015 Special Meeting.  
**By:** Council Member McIntyre  
**Second:** Council Member Jones  
**Aye:** Council Members Allar, Carder, Jones, and McIntyre  
**Nay:** None  
**Abstain:** Councilman Gray  
**Absent:** Vice Mayor Senate

**Monthly Financial Report**

There was no report.

**Staff Reports**

A. Report from the Town Engineer

There was no report.

B. Report from the Zoning Administrator

There were no questions regarding the Zoning Administrator's report.

C. Report from the Utility Supervisor

There was no report.

D. Report from the Economic Development Coordinator

There was no report.

E. Report from the Town Attorney

There was no report.

F. Report from the Town Manager

Manager Palko gave an update on the market study. He said staff has identified a company to do the work. The Economic Development Coordinator is finalizing the Scope of Work and it should be pretty far

under budget, which will allow them to conduct additional studies which he will present at the retreat. He noted that this company works with the Town of Purcellville and Round Hill and they know the area very well. Manager Palko also reported on the VML state budget briefing he recently attended and he thanked everyone for their input on the Annual Report. He reminded the Mayor and Council about the upcoming events workshop and annual retreat.

### **Action/Discussion Items**

#### **A. Keena Rezoning Concept Plan and Proffer Amendment (LVRZ 2015-0001)**

Zoning Administrator Bateman presented this item. The Council is being asked to consider an amendment to the concept plan and proffers associated with the Keena Subdivision previously approved as part of the rezoning of the applicants' properties from R-1 Residential District to the Planned Infill Development District in 2007.

Mr. Bateman said he met with the applicant and the applicant's civil engineer after the public hearing held in November 2015 to discuss the issues raised by the Council. He then discussed how the applicant intends to resolve each issue:

1. Sidewalks on Pennsylvania Avenue: The revised concept plan shows sidewalks on both sides of Pennsylvania Avenue along the entire length of the street. This was accomplished by moving the street a little bit so that the entire area that is within the proposed right-of-way is located on the Keena property.
2. Rear-loaded Garages and Alleyways on Locust Street: As the concept plan shows, two of the alleyways have been restored, providing access to the backs of seven of the lots on Locust Street.
3. Sidewalk on South Side of East Broad Way: In 2007, the applicant proffered the construction of a sidewalk on the south side of East Broad Way. This was prior to the construction of the East Broad Way Streetscapes Project which provides sidewalks on the north side of East Broad Way. This effectively relieved the applicant of the need to install a sidewalk on the south side of the street since there is not sufficient space for sidewalks on both sides of the street. As a substitute, the applicant has agreed to proffer a cash payment to the Town in the amount of \$5,781.25 for each of the two streetlights that have been installed on East Broad Way directly across the street from the subject properties for a total of \$11,562.50. This includes the cost of materials and installation.
4. Sidewalk on South Loudoun Street: In 2007, the applicant proffered a cash payment to the Town in lieu of constructing frontage improvements along S. Loudoun Street in front of his property located at 11 S. Loudoun Street. Mr. Bateman said he estimates that the value of the cash proffer to be approximately \$11,286 based on 280 feet of frontage. He noted that this amount constitutes a very small fraction of the full costs of improvements required to be accepted into the state's system. The applicant proposed eliminating this cash proffer but he has worked out a resolution that amounts to a cash payment based on a fairer and more logical way of calculating the proffer for this improvement.
5. Sidewalk to Locust Street: The ordinance requires a subdivider to install sidewalks on the side of the street where the project is located. This project has tracts on both sides of the street and the width of the right-of-way along S. Locust Street is pretty narrow. The applicant has shown on the concept plan that he will install a sidewalk along the entire south side of Locust Street. In addition, the applicant has agreed to donate additional right-of-way on both Locust and Loudoun that will allow for the widening of that street. There is a monetary value associated with that land donation. In addition to the land donation, the applicant has agreed to provide a cash proffer to the Town that reflects the estimated cost per square yard for constructing sidewalks only along those two streets. The amount is based on the Loudoun County Bond Estimate Form. The cash proffer is \$14,071, which is nearly \$3,000 more than the previous amount proffered by the applicant. These funds can be used at the sole discretion of the Town of Lovettsville.
6. Schedule for Construction of Proffered Improvements: The applicant has proffered to improve, repair, and modify Frye Court to VDOT standards prior to the issuance of the first zoning permit for any lot

fronting on Frye Court. In addition, the applicant has proffered to upgrade the sanitary sewer pump station prior to issuance of the first zoning permit for any lot connecting to the lift station.

In response to a question from Councilman McIntyre, Mr. Bateman said there are 14 lots that will connect to the lift station.

Mayor Zoldos questioned who owns the pump station at the end and does it finally turn it over to the Town of Lovettsville's control. Mr. Bateman said it does not. Mayor Zoldos said it is good that the pump station will be improved, but questioned where they will be if they use up all of the funds. Mayor Zoldos asked for clarification on Proffer #3. Following further discussion about the special tax district for the homes being serviced by this pump station, Attorney Whiting said Proffer #3 is ambiguous. She added that the Town will need to decide the policy for pump stations in general and to determine if there is any intent to take this particular pump station into the Town's system once the facility has been brought up to a different standard. She noted that the proffers should be consistent with the policy outcome. Mayor Zoldos said there is no HOA that maintains the pump station; however, it is shown on all of the home owner's deeds and the Town maintains it through the use of a special tax district. Mayor Zoldos said the tax district would need to be expanded to include the new homes that will tie into the pump station. Attorney Whiting said it would be helpful if the proffer acknowledged that those 14 lots will be added to the Frye Court special tax district. Mayor Zoldos asked the clerk to look up the tax district language. Mr. Bateman said it was included in the packet in November.

Mr. Bateman discussed the proposed parking agreement to provide eight temporary, off-street parking spaces on proposed Lot 2, dedicated for use by the Brew Pub to make up for the loss of parking spaces on the gravel lot that will be eliminated by the extension of Pennsylvania Avenue. Following discussion about parking for residents and patrons of the Brew Pub, Mr. Bateman said that, as part of this project, the temporary parking lot on proposed Lot 2 will provide exactly the same number of parking spaces serving that use as exist now. He added there will be additional overflow on-street parking on Pennsylvania Avenue and East Broad Way.

Mr. Bateman then discussed the remaining proffers regarding fencing between the proposed temporary parking on Lot 2 and the dwelling at 36 East Broad Way; the cash proffer in the amount of \$5,781.25 each for two street lights on East Broad Way; and the cash proffer in the amount of \$14,071.56 in lieu of frontage improvements on 11 Loudoun Street. Mr. Bateman noted the payment of the cash proffers will be tied to the issuance of the first building permit and can be used at the Town's sole discretion.

Mr. Bateman said the one item staff was unable to get resolution on with the applicant had to do with parking on Locust Street. He then asked the applicant to discuss this. Mr. Jeffries addressed the Mayor and Council. He said they are widening Locust Street by 15 feet so the street will be 30 feet from face of curb to face of curb, which is the same width as Frye Court. The existing Locust Street is 14 feet wide. The Zoning Ordinance requires them to provide two off-street parking spaces for each lot. When they added the alleys back into the project for those lots fronting on Locust Street, they provided an additional parking space in the rear of those lots, so it's a total of three off-street parking spaces for the lots fronting Locust. This is one more space than is required. Eliminating the driveway entrances onto Locust is a big plus since there won't be cars backing out onto a street that has a lot of traffic on it.

Councilman Gray asked about traffic control at East Pennsylvania and Stone Jail. Mr. Jeffries said signage will be shown on the construction plans and profiles which will be reviewed by VDOT and the Town's consultant. The Town has discretion once the project is completed to implement changes to the signage.

Hearing no further questions, Mayor Zoldos said he would like to incorporate the wording from the Frye Court Service Tax District in the proffer. Mr. Bateman said the agreement was included in the November Town Council Packet. The Town Clerk printed and distributed copies of the document to the Mayor and

Council. Without objection, the Mayor moved on to the next agenda item so that the Zoning Administrator could suggest language referencing the tax district to include in the proffers.

**B. Annexation Policy**

Manager Palko presented this item. The Council is being asked to consider the Draft Annexation Policy, Process, and Map so that the Town Manager can present this to the County for inclusion in their future Comprehensive Plan and include the policy as a new chapter in the updated Lovettsville Comprehensive Plan.

Manager Palko noted the Annexation Policy and Process have not changed; however, the Town Attorney referenced the correct sections of the State code that apply to the various annexation methods and included definitions each method (Boundary Line Adjustment, Voluntary Settlement of Annexation, and Traditional Annexation).

Mayor Zoldos stated that the intent of the policy is not to utilize the power conveyed by the state that allows the Town to annex a property into the Town through the Traditional Annexation process. Manager Palko noted that language to this effect was included under the Guiding Principle section of the Policy.

Mayor Zoldos said the map highlights two sections of the Town that would be targeted for annexation. Manager Palko clarified that the map identifies those areas that the Town would target for commercial, office, and light industrial annexation. Mayor Zoldos said he has spoken with the owners of both targeted properties, one to the east and one to the south of Town. He said that the owner of the property to the east had approached the Town in the past about possible annexation. The Mayor said he explained the annexation policy to the owner of West End Motors (south of Town) and confirmed that they did want to be part of this. He said there are concerns that the Town is going after properties and that is not the intent. Mayor Zoldos stressed that the purpose of the policy is to be prepared in case a property owner approaches to Town about being annexed into Town.

**Motion:** I move that the Council adopt the Annexation Policy as amended and that the Mayor sign Ordinance No. 2016-01-0001 (Attachment 1). I further move that the Town Staff include the adopted Annexation Policy in the draft Comprehensive Plan for future adoption by Council and that the Town Staff work with the County to have the Lovettsville Annexation Policy included in its Comprehensive Plan.

**By:** Council Member Jones

**Second:** Council Member McIntyre

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

**Nay:** None

**Abstain:** None

**Absent:** Vice Mayor Senate

Manager Palko said the next step will be to take the Town's Annexation to the Policy to the County to have them include it in the County's new Comprehensive Plan.

**C. Rt. 7 Joint Resolution from Towns**

Manager Palko presented this item. The Council is being asked to consider endorsing a joint letter from the Town of Purcellville to the Virginia Department of Transportation to improve the Route 7 eastbound commute for Western Loudoun residents. He noted that the towns of Hamilton and Round Hill have signed resolutions in support of this.

Mayor Zoldos suggested adding additional language to the Town's Resolution requesting that VDOT examine options that will improve traffic flow at Route 9 and 287. There was no objection from the Council. Manager Palko said the County is working with VDOT on multiple options for Route 9 and 287.

**Motion:** I move that the Council endorse the Joint Letter to VDOT for travel alternative on Route 7 eastbound and that the Mayor sign Resolution No. 2016-01-0001 (Attachment 2) as amended.

**By:** Council Member Gray

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

A. Keena Rezoning Concept Plan and Proffer Amendment (LVRZ 2015-0001) Continued

Zoning Administrator Bateman returned to the meeting with the revised proffers and summarized the changes.

Councilman McIntyre noted that the concept plan does not show driveways for any of the houses. Zoning Administrator Bateman said the concept plan does not show that level of detail but the driveway aprons will be shown on the construction plans.

Mayor Zoldos called for additional questions regarding the presentation. Hearing none, he called for a motion.

**Motion:** I move to adopt Ordinance 2016-01-0002 (Attachment 3), as attached, to approve the application to amend the proffers and concept plan (LVRZ 2015-0001) for the Keena Subdivision previously approved on December 13, 2007, with the following changes and clarifications to the proffers dated January 6, 2016, which have been agreed to by the applicant and are hereby accepted by the Town Council at the meeting on January 14, 2016:

1. Proffer 3 shall be amended to delete the following phrase from the first sentence: "...and in combination with funds collected by the Town of Lovettsville from Frye Court property owners...";
2. Proffer 3 shall be further amended to include the following sentence at the end of the proffer: "The applicant agrees to the addition of the fourteen (14) lots to be served by the Frye Court Pump Station to the Frye Court Service District created on April 24, 2003.";
3. The final sentence of Proffer 6 shall be amended to read: "The funds shall be paid prior to issuance of the building permit for the first residence in the Keena Subdivision and used at the sole discretion of the Town of Lovettsville."; and
4. The final sentence of Proffer 7 shall be amended to read: "The funds shall be paid prior to issuance of the building permit for the first residence in the Keena Subdivision and used at the sole discretion of the Town of Lovettsville."

**By:** Council Member Carder  
**Second:** Council Member McIntyre

Mayor Zoldos called for discussion.

In response to a question from Councilman Gray, Attorney Whiting said the Town would have to go through a notice/advertising and public hearing process to create or amend the service district. She said the proffer is an acknowledgement that the owner of the land wants it to become part of that district.

Mayor Zoldos asked Zoning Administrator Bateman if he was comfortable with the parking plan that they have in place. Mr. Bateman said he was. Mr. Keena said once one of his other tenants leaves,

there will be additional parking. Mr. Bateman said parking is not that bad now except when the Brew Pub has big events. He noted that under the revised plan there will be more parking available long term.

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

D. Partnership vs. Sponsorship Definition and Process

Manager Palko presented this item. The Council is being asked to finalize the definitions of Partnership versus Sponsorship with outside organizations' events. Councilman McIntyre explained that this was discussed by the Information Flow Committee. Council and staff discussed the differences between Partnership and Sponsorship. The Mayor and Town Manager explained the main difference is based on the Town's role in planning the event, with the Town having a more active role in Partnership events.

**Motion:** I move that the Council approve of the recommended Information Flow Committee definitions for Partnerships and Sponsorships.  
**By:** Council Member Carder  
**Second:** Council Member Allar

Councilwoman Jones suggested clarifying the definition of Sponsorship by saying the Town just "supports" these types of events. Councilman McIntyre said he thought it was clear the way it is currently worded. Hearing no further discussion, Mayor Zoldos called for the vote.

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

E. Legislative Agenda

Mayor Zoldos said he and the Town Manager recently attended the TANV (Town Association of Northern Virginia) meeting. At that meeting, TANV and the other towns shared their legislative agendas. He and the Town Manager developed a legislative agenda for the Town of Lovettsville based on the information obtained at the TANV meeting. Mayor Zoldos said that if the Council approves the legislative agenda, that will allow him to go to Richmond and speak with Delegate LaRock and Senator Black about the issues that are important to the Town.

Attorney Whiting noted that the legislative references for Items 3 and 4 may not be correct. She said she would like the opportunity to research this further and update the document as appropriate.

**Motion:** I move to adopt Resolution Number 2016-01-0002 (Attachment 4).  
**By:** Council Member Gray  
**Second:** Council Member Jones

Mayor Zoldos said this needs to be something the Council takes up at the first meeting each year. In response to a question from Mayor Zoldos, Attorney Whiting said that bills can be pre-filed in early December.

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

F. Loudoun County Transit

Councilwoman Jones presented this item. She referenced an article that was in the *Purcellville Gazette* regarding the County accepting suggestions for new bus routes. She said that the Council can make a

suggestion for the bus service coming to Town and noted this is something that would benefit residents, businesses, and tourism.

- Motion:** I move to task the Town Manager to draft a Resolution for consideration of the Council to request Loudoun County Transit to create a new bus route service to the Town of Lovettsville.
- By:** Council Member Jones
- Second:** Council Member McIntyre
- Aye:** Council Members Allar, Carder, Gray, Jones, and McIntyre

In response to a question from Councilwoman Jones, Zoning Administrator Bateman said that according to the Comprehensive Plan, the previous bus/trolley service was discontinued in 2010. Council discussed the previous service routes, schedules, funding, and costs. It was noted that the service was discontinued due to lack of ridership. The Town Manager suggested getting the towns of Purcellville and Round Hill to support this as well.

- Nay:** None
- Abstain:** None
- Absent:** Vice Mayor Senate

#### G. VDOT Initiatives

Mayor Zoldos presented two proposals for addressing concerns about speed limits on Berlin Pike and truck routes on Loudoun and Locust Streets. He further suggested approaching the Town's state delegates for assistance with working with VDOT on these matters.

First, the Mayor suggested returning the speed limit back to 35 miles per hour (mph) within the Town limits. Deputy LoPreto said the yellow 45 mph speed limit sign near the fire station is the suggested speed. He noted that the speed limit on Berlin Pike south of Town is 55 mph and the speed limit inside the Town limits is 35 mph. Deputy LoPreto explained that the 45 mph sign was placed there because you cannot have a 20 mile per hour decrease in speed; there needs to be a buffer. He said the Town could request that the 45 mph sign be moved further out of town but added that speed limit signs are not the best way to control traffic speeds. The best way to deal with speeding is to find funding to erect traffic calming barriers, such as a circle. In the short term, the Town could ask for a center median strip or restricting the width of the road. He said the County has money for traffic calming. Deputy LoPreto said any changes will require a traffic study and there is also a cost associated with doing that.

Mayor Zoldos re-stated that he is not talking about going to VDOT, but rather to the state delegates.

Deputy LoPreto said Waterford had a special traffic meeting that was attended by their state delegate, representatives from VDOT, and their County Board of Supervisor's representative. The meeting went well and VDOT was very responsive. Deputy LoPreto further explained that people drive the speed that the roads are engineered for, not necessarily what the actual speed limit is. If you don't actually change the engineering of the road, people will continue to drive above the posted speed limit. Even though Waterford was successful in getting the speed limit in Town reduced to 25 mph, it does not help. Now, they are working with them to put the actual physical barriers in place.

Mayor Zoldos said the other issue is trucks coming down Loudoun Street and turning right on Locust Street and right on Broad Way because their GPS takes them that way. Many of the tractor trailers cannot make that turn. VDOT did put up a signs that say "Trucks No Right Turn" but the sign is not in the right place to prevent drivers from making the turn. According to VDOT the "No Right Turn" signs are not part of the GPS system, but "No Truck Route" signs are. Mayor Zoldos said they have not heard anything from VDOT on this issue for over a year and he would like to move forward on this as well. Deputy LoPreto said this can be difficult to enforce because it would apply to any vehicle over 26,000 pounds, including large pickup trucks, farm vehicles, and school buses.

The Mayor said the goal is to deter tractor trailers from going down Loudoun Street by getting it put in their GPS. He is asking for authorization from the Council tonight to get this included as part of the

legislative agenda so they can speak with Delegate LaRock and Senator Black. Following further discussion, the Mayor called for a motion.

**Motion:** I move that Council authorize the Mayor to speak with our delegates in Richmond concerning VDOT issues including setting 35 mile per hour maximum speed limit within Town on Berlin Pike and a "No Truck Route" on Loudoun and Locust Streets.  
**By:** Council Member McIntyre  
**Second:** Council Member Jones

Councilman McIntyre said this is something he raised with VDOT at the Pardon our Dust meeting and they seemed very amenable to that. Councilman Gray suggested lowering the speed limit to 30 miles per hour in Town along the bike trail. Following further discussion, the Council agreed to propose reducing the speed limit to 25 miles per hour from Red Bud Lane to the Town Square. Hearing no further discussion, the Mayor called for the vote.

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

#### H. Mobile Hope

Mayor Zoldos said the Mobile Hope team, which is based in Leesburg, has inquired about setting up a location in Town. He explained that the program is like a bookmobile of products that goes to different towns and allows underprivileged children to shop at greatly reduced rates. He noted that previous efforts at the Lovettsville Elementary School were not successful. Mayor Zoldos said he discussed several options with the Mobile Hope representatives and the Town Hall parking lot on Thursday evenings would work best. The Council also discussed other possible sites and agreed that the Quarter Branch Barn may also be a suitable location. It was noted that the Town will need to sponsor the organization if they wish to use the Town's facilities at no cost. Hearing no further discussion, Mayor Zoldos called for a motion.

**Motion:** I move to sponsor Mobile Hope to locate at a Town facility.  
**By:** Council Member Carder  
**Second:** Council Member McIntyre  
**Aye:** Council Members Allar, Carder, Gray, Jones, and McIntyre  
**Nay:** None  
**Abstain:** None  
**Absent:** Vice Mayor Senate

Deputy LoPreto corrected something he had reported earlier. He said there are 300 vehicles coming through Town on East Broad Way between the hours of 7:00 and 9:00 a.m., not 900.

#### Information Items

##### A. LVCU 2012-0002: Administrative Review of Conditional Use Permit to Operate a Microbrewery in the C-1 District (Mad Horse)

Zoning Administrator Bateman presented this item. He reported on the results of the administrative review he recently conducted of the Conditional Use Permit for the Mad Horse Brew Pub as required by the conditions imposed by the Town Council. He noted improvements that have been made to the facility and the addition of several events that have resulted in noise and parking complaints. Mr. Bateman explained this is largely due to the fact that this is a commercial use that is surrounded by residential dwellings. He reviewed the status of the several issues including parking lot striping, noise issues, building code/occupancy, special events, and water usage. He noted that the business owners have been cooperative in resolving these issues.

#### Comments from the Mayor and Council

Councilman McIntyre read "Epigram on Rough Roads," in recognition of Robert Burns Night, which he said is coming up in 11 days.

Mayor Zoldos reported on the following:

- The Town will be hosting the TANV meeting in July.
- He attended the County's broadband seminar today and spoke to several of the providers. He noted there may be an opportunity to rent space on the elevated water tank and he has asked the Town Manager to look at this. There are also many new broadband providers in the area and it may be beneficial to invite them to the business expo.

**Adjournment**

There being no further business before the Council, the meeting was adjourned at 10:29 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Harriet West", with a large flourish extending to the right.

Harriet West, Town Clerk

Date Approved: November 3, 2016

Attachments:

1. Ordinance No. 2016-01-0001: Town of Lovettsville Annexation Policy
2. Resolution No. 2016-01-0001: Endorse Joint Letter to VDOT for Travel Alternative on Rte. 7 Eastbound
3. Ordinance No. 2016-01-0002: Approve Zoning Case No. LRZ 2015-0001 to Amend the Proffered Conditions and Concept Plan for the Keena Subdivision
4. Resolution No. 2016-01-0002: Adopt the Town of Lovettsville 2016 Legislative Agenda

# Town of Lovettsville

**Ordinance No. 2016-01-0001: ADOPT THE ANNEXATION POLICY DATED  
JANUARY 14, 2016**

**MOTION: Jones**

**SECOND: McIntyre**

**WHEREAS**, the Town Council held a retreat on January 31<sup>st</sup> 2015 where it was determined that the Town needed an Annexation Policy to provide policy and process clarification when receiving annexation requests and to grow and diversify the economy of the Town; and

**WHEREAS**, as part of the Town Council Retreat Process the Town Council included the drafting of an Annexation Policy as part of the Town Manager's Action Plan; and

**WHEREAS**, as part of the current Comprehensive Plan Review process, clarification is needed on the Town's vision and policies on Annexation; and

**WHEREAS**, the Town Council is authorized to establish an Annexation Policy per Loudoun County's General Plan; and

**WHEREAS**, the Town Council is authorized to establish an Annexation policy per Section 15.2 of the Code of Virginia.

**NOW, THEREFORE, BE IT ORDAINED** that the attached Annexation Policy is adopted effective January 14<sup>th</sup> 2016.

**VOTE:**

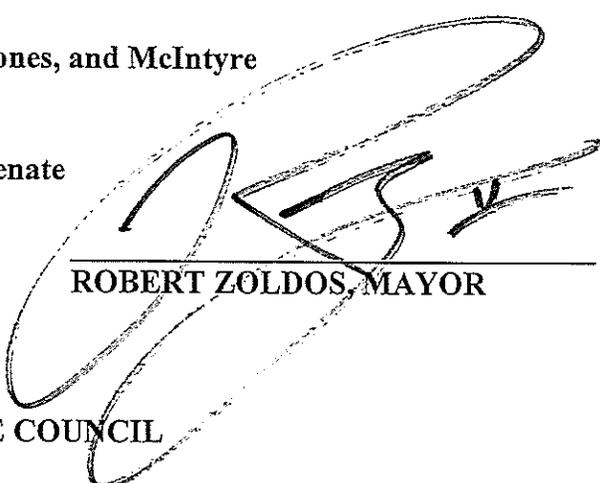
**Ayes: Allar, Carder, Gray, Jones, and McIntyre**

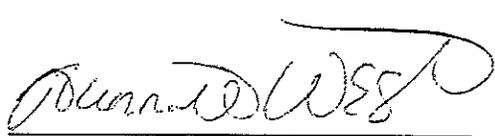
**Nays: None**

**Abstentions: None**

**Absent for Vote: Senate**

**Approved: January 14, 2016**

  
\_\_\_\_\_  
**ROBERT ZOLDOS, MAYOR**

  
\_\_\_\_\_  
**HARRIET WEST, CLERK TO THE COUNCIL**

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# Town of Lovettsville

Resolution No. 2016-01-0001: ENDORSE THE JOINT LETTER TO VDOT FOR  
TRAVEL ALTERNATIVE ON RTE. 7 EASTBOUND  
DATED: JANUARY 14, 2016

MOTION: Gray

SECOND: Carder

WHEREAS, the Town Council of Purcellville sent a signed Resolution No. 15-12-03 (adopted on December 8 2015) asking the Town of Lovettsville to endorse a **JOINT LETTER REQUESTING A REVIEW OF TRAVEL ALTERNATIVES FOR ROUTE 7 EASTBOUND** to be sent to the Commonwealth and VDOT; and

WHEREAS, the Town Council agrees with the Town of Purcellville about the difficult commute on eastbound Rte. 7 for its residents; and

WHEREAS, the Town Council reviewed the Joint Letter during their Council Meeting on 1-14-2016; and

WHEREAS, the Town Council is aware of the incredible difficult commute through the RT 287 and RT 9 interchange for its residents; and

**NOW, THEREFORE, BE IT RESOLVED** that the Town of Lovettsville requests that VDOT examine options that will provide improved traffic flow at the intersection of Route 9 and Route 287; and

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the attached Joint Letter from Lovettsville, Purcellville, Hamilton, and Round Hill is endorsed effective January 14<sup>th</sup> 2016.

**VOTE:**

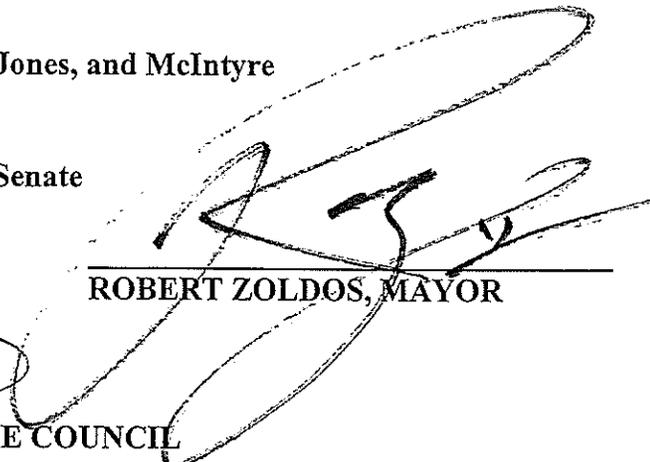
Ayes: Allar, Carder, Gray, Jones, and McIntyre

Nays: None

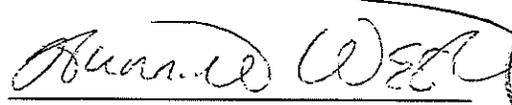
Abstentions: None

Absent for Vote: Senate

Approved: January 14, 2016



ROBERT ZOLDOS, MAYOR



HARRIET WEST, CLERK TO THE COUNCIL

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# Town of Lovettsville

## Ordinance 2016-01-0002: APPROVE ZONING CASE NO. LVRZ-2015-0001 TO AMEND THE PROFFERED CONDITIONS AND CONCEPT PLAN FOR THE KEENA SUBDIVISION

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

**WHEREAS**, George C. Keena, Timothy E. Keena, and James M. Keena (hereinafter “the applicants”) have applied to the Town to amend the Proffered Conditions (hereinafter “the Proffers”) and revise the Concept Plan for the rezoning of the applicants’ properties from the R-1 Residential District to the PIDD Planned Infill Development District, previously approved on December 13, 2007, for Parcel Identification Numbers (PIN) 370-40-9427, 334-45-3018, 334-45-3945, and 334-45-5853, which are owned by the applicants; and

**WHEREAS**, the applicants have requested revisions to the Concept Plan that would substitute five (5) single-family detached lots for the eight (8) duplex lots previously approved on Frye Court, eliminate certain alleyways internal to the subdivision, and eliminate one additional building lot for the purpose of installing a stormwater management pond; and

**WHEREAS**, the applicant has requested amendments to the Proffers and Concept Plan as set forth in the Proffers dated August 5, 2015, which were subsequently revised August 25, 2015; and Concept Plan dated July 2015; and

**WHEREAS**, the Lovettsville Planning Commission conducted a public hearing on the application on October 7, 2015, pursuant to notice given in accordance with the requirements of §15.2-2204 of the Code of Virginia; and

**WHEREAS**, the Planning Commission voted to recommended approval of the application at the meeting on October 21, 2015, subject to several additional modifications; and

**WHEREAS**, the applicants tendered revised Proffers dated November 6, 2015 to the Town containing additional revisions in an effort to further address the Planning Commission’s recommendation; and

**WHEREAS**, the Town Council on November 12, 2015 conducted a public hearing on the application in accordance with the requirements of §15.2-2204 of the Code of Virginia; and

**WHEREAS**, the applicant further modified the Concept Plan as depicted on the final revised Concept Plan dated January 16, 2016 and Proffers as described in the final revised Proffers dated January 6, 2016, including the exhibits and attachments thereto, in order to address the issues raised during the public hearing; and

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WHEREAS, the Town Council has determined that approval of the amendment to the Concept Plan and acceptance of the amended Proffers, including all exhibits and attachments thereto, will promote the health, safety, and welfare of the community and is consistent with good zoning practices generally.

NOW, THEREFORE BE IT ORDAINED that the Lovettsville Town Council hereby APPROVES the application by the applicants to amend the Proffers and revise the Concept Plan previously approved by the Town Council on December 13, 2007, and authorizes signature on the final proffers by the Mayor when tendered in a form acceptable to the Town Attorney;

BE IT FURTHER ORDAINED that the foregoing approval is subject to the conditions established upon adoption of the ordinance approving the Conditional Use Permit for the Keena Subdivision on October 24, 2002, which conditions shall remain in effect and not be further modified, and the Proffered Conditions, voluntarily proffered and signed by the applicant pursuant to Section 42-34 of the Zoning Ordinance, attached hereto.

**VOTE:**

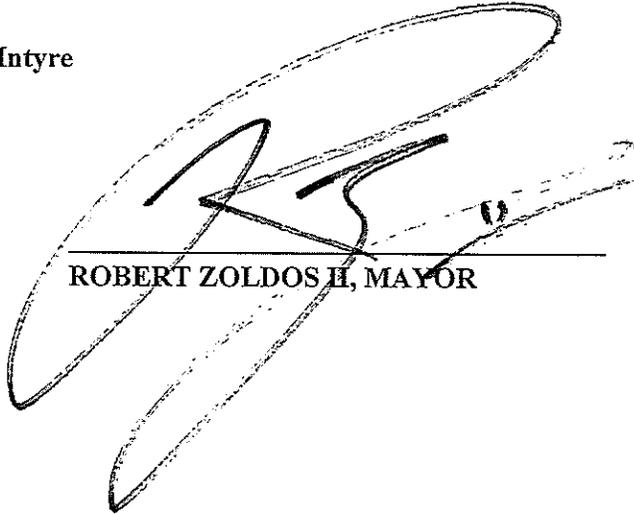
Ayes: Allar, Carder, Gray, Jones, McIntyre

Nays: None

Abstentions: None

Absent for vote: Senate

APPROVED: January 14, 2016



ROBERT ZOLDOS II, MAYOR

**CERTIFIED:**



HARRIET WEST, TOWN CLERK

# Town of Lovettsville

Resolution No. 2016-01-0002: ADOPT THE TOWN OF LOVETTSVILLE 2016  
LEGISLATIVE AGENDA  
DATED: JANUARY 14, 2016

**MOTION:** Gray

**SECOND:** Jones

**WHEREAS**, the Virginia General Assembly convenes their 2016 session on January 13<sup>th</sup> 2016; and

**WHEREAS**, the Town Council desires to promote state legislation supportive of its goals and policy preferences; and

**WHEREAS**, the Town Council reviewed the 2016 Legislative Agenda for the Town of Lovettsville during the Town Council meeting on January 14 2016 which consisted of:

- Enable Towns to make legal notices on their website and no longer be required to advertise in newspapers.
- Elimination of more stringent rules on Town Tax Levying compared to cities and counties.
- Support for enabling sidewalk projects to be considered for transportation funding from the Commonwealth under HB2.
- Opposition to reduction in transportation funding to Northern Virginia.
- Opposition to the elimination of the BPOL Tax.
- Support of Revenue Sharing programs with the Commonwealth.
- Support for TANV towns to have a vote on the NVTA.

**NOW, THEREFORE, BE IT ORDAINED** that the attached 2016 Legislative Agenda is adopted by the Town Council.

**VOTE:**

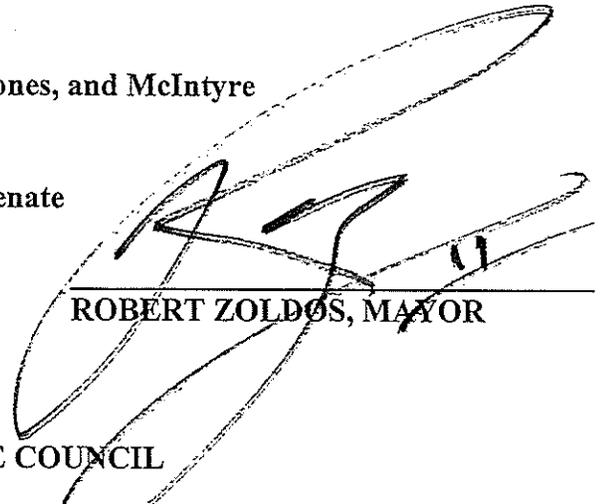
**Ayes:** Allar, Carder, Gray, Jones, and McIntyre

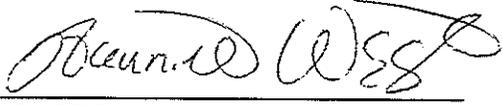
**Nays:** None

**Abstentions:** None

**Absent for Vote:** Senate

Approved: January 14, 2016

  
ROBERT ZOLDOS, MAYOR

  
HARRIET WEST, CLERK TO THE COUNCIL

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