

# Town of Lovettsville

## Town Council Minutes of the January 28, 2016 Regular Meeting and Public Hearing

### 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 January 28, 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
- Zoning Administrator Joshua Bateman
- Utility Director Stephen Gates
- Town Clerk Harriet West

Mayor Zoldos announced that there would be no closed session.

### 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.

**Russell Legendre**, 2A South Church Street, said he is the HOA President and on behalf of the HOA he wanted to make the Council aware of the concerns about the parking situation. As a Board, they do not have a lot of control over their parking situation. There are having a problem with people parking too close to the corners and fire hydrants, and a child was almost hit on the corner of his street. They need to have some rules in place so the Sheriff's Department can come in and ticket these cars if necessary. As it currently stands, they are not allowed to come into the community and enforce parking ordinances. He understands there have been conversations between the Board of Supervisors and the legal counsel for the Town and it's in the process. He encouraged the Council to do something sooner, rather than later. The current issue is basic enforcement in front of fire hydrants. The Sheriff's Department cannot do anything about; instead, it was referred to the Fire Marshall, which is not the fastest way to respond. Additionally, with the snow they just had, he encouraged the Town to look into having emergency snow regulations. He said the streets are still a "war zone" after all the work the VDOT crew has done. Some cars are still snow covered and this is limiting access for emergency vehicles. The HOA has been looking into this but they don't have the authority to do anything on VDOT roads. He said the second issue has to do with the mapping system. When the development was done there were four homes with A, B, C, and D in the addresses for 2 S. Church Street. The issue is when you call emergency services, they don't recognize those addresses. A few months ago there was a water heater issue at one of these addresses; it took three calls to 9-1-1 and they still had to flag down the fire truck to get it to the right address. He said the Mayor came up with the idea of changing the street name; that's a wonderful idea but it may also open Pandora's Box from a mortgage perspective, surveying, and remapping. That may be a big

problem that may cost many thousands of dollars. He encouraged the Council to look into the mapping systems to see if there's something that can be done. He noted that if people call from a land line, the current system can find the address; however, some people no longer have land lines or they may be used for other things, like security systems.

Mayor Zoldos said there are many entities that would be involved in renumbering the street, including fire and rescue, 9-1-1, the post office, police, and emergency operations. He said that having been a fireman his entire life there is no excuse for not knowing those buildings are there. Operationally, that fire truck should know where 2A-E are located. That said, he understands there are also problems with the delivery of packages and mail. What he hopes to get from the HOA is input from the community on what they would like to see happen. Mayor Zoldos said the best alternative for the Town is to rename the street. He noted there are other streets with the same problem, including S. Loudoun Street. The Mayor added the Town is in the process of renaming the streets around the Town Square so this will solve a lot of the problems with 2 S. Church Street. Mayor Zoldos offered to meet with the five residents effected to get a better sense of what they would like to do and bring it back to the Council. He said the Sheriff's Office used to enforce parking in the Town but at some point they quit doing so. The Town Attorney is working with the County to enforce parking ordinances in Town.

The Council and Town Manager discussed VDOT's efforts to clear the streets during the recent snow storm. The Mayor and Town Manager noted they were in contact with VDOT frequently and overall they did a very good job in the Town, compared to other areas.

#### **Presentations**

There were no presentations.

#### **Community Presentations**

There were no community presentations.

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

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

Chairman McDonough gave an update on the Comprehensive Plan committees. He noted he has appointed a small committee to look at annexation and boundaries so they can bring any references to annexation in the Comprehensive Plan into compliance with the policy set by the Council. The Annexation Policy will be included as a separate section in the Plan so it is extremely clear and well laid out. Chairman McDonough stated that his goal is to present the Council with a comprehensive document that does not require a lot of changes.

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

Mayor Zoldos gave updates on the clock faces and budget priorities for the Parks Committee.

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

Councilwoman Carder gave an update on the next meeting.

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

Councilman McIntyre reported on the recent meeting to discuss the website design and content.

##### **E. MayFest Committee**

Councilwoman Carder gave an update on the bands that will be performing.

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

The following items were added to the agenda:

- Recognizing the Utility Department
- Eggstravaganza
- Movies on the Green
- Renaming scheme on S. Church Street

**Minutes**

There were none.

**Monthly Financial Report**

There was no report.

**Staff Reports**

A. Report from the Town Engineer

The Town Engineer submitted a written report. Manager Palko noted that Ms. Fellers had identified additional cost savings on East Broad Way.

There were no other staff reports.

**Action/Discussion Items**

A. Recognizing the Utility Team

Manager Palko presented this item. He discussed the Resolution commending the work performed by the Utility Department during Winter Storm Jonas. He noted that Utility Director Gates work 43 hours straight and there were no water/sewer issues during the storm. Manager Palko asked the Council to adopt the Resolution.

**Motion:** I move that we adopt Resolution 2016-01-0001 to commend the work performed by the Utility Department during Winter Storm Jonas.

**By:** Council Member Gray

**Second:** Council Member Carder

The Council Members read the resolution aloud and thanked the Utility Department staff for their outstanding service.

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

**Nay:** None

**Abstain:** None

**Absent:** Vice Mayor Senate

The Council's presentation of the Resolution to Mr. Gates occurred after the Agenda Item C.

B. Public Hearing – Canopy Heights (LVZA 2016-0001: Zoning Ordinance Amendment to Add an Exception to the Maximum Height Requirements for Fuel Canopies).

Zoning Administrator Bateman presented this item. The Council is being asked to conduct a public hearing on and to consider approval of a zoning ordinance amendment establishing an exception to the maximum height requirements for fuel canopies in the Town.

Zoning Administrator Bateman read aloud the following language to be added to the proposed zoning ordinance amendment clarifying the how the height requirements for fuel canopies are to be calculated:

- (7) Gasoline and fuel canopies, provided the height as measured from the finished grade directly beneath the canopy at its shortest height to the canopy ceiling shall not exceed fifteen (15) feet, and provided the overall height of canopies shall not exceed 18 feet 3 inches (18'3").

He further explained the elevation and grade of the proposed fuel canopy at the 7-Eleven. In response to a question from Mayor Zoldos, Mr. Bateman explained that the elevation above sea-level is consistent, but the elevation above grade is not consistent. Using a drawing on the white board, Mr. Bateman illustrated the difference between "lowest point" and "shortest height," and "highest point" and "tallest height." He said the elevation of the fuel canopy at the shortest elevation will be 14 feet, six inches. Mr. Bateman said the Town Attorney had advised him that since this change to the proposed zoning amendment was for clarity purposes, an additional public hearing is not needed. Mr. Bateman responded to additional questions from the Council regarding the canopy elevation, roof, and the Conditional Use Permit application process.

Mayor Zoldos recessed the regular meeting and opened the public hearing at 8:21 p.m. He called for comments from the public. Hearing none, he closed the public hearing at 8:22 p.m.

**Motion:** I move to adopt Ordinance No. 2016-01-0003 approving zoning ordinance amendment LVZA 2016-0003 as amended by the Town Council for clarity on January 28, 2016 and attached hereto.  
**By:** Council Member Gray  
**Second:** Council Member McIntyre  
**Aye:** Council Members Allar, Carder, Gray, Jones, and McIntyre  
**Nay:** None  
**Abstain:** None  
**Absent:** Vice Mayor Senate

C. VolunteerSpot

Town Manager Palko presented this item. The Council is being asked to consider selecting a volunteer management system for recruiting and managing volunteers for all Town events. Manager Palko said that the Events & Tourism Coordinator researched different options and presented them to the Information Flow Committee. The recommendation is to use VolunteerSpot. The cost is \$120 annually. Funding will come from the events contingency budget line item this fiscal year and a new line item will be created next year.

**Motion:** I move that the Council approve becoming a Premium member of VolunteerSpot and having all Town Event Committees utilize the Town account to manage volunteers. Furthermore, I move that \$50 from the Events Contingency Line Item be used to pay for the rest of Fiscal Year 16 and that the Town Manager create a new line item for the Fiscal Year 17 Budget for Event Supplies and Assets.  
**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

The Council presented Resolution 2016-01-0001 to Utility Director Gates.

D. FY 17 Budget Schedule

Town Manager Palko presented this item. The Council is being asked to approve the Town Manager's proposed FY 2017 Budget and CIP Schedule. Manager Palko reviewed the proposed schedule. Following discussion, the schedule was revised as follows:

- The public input session on March 24 conflicts with spring break and was rescheduled for March 31.
- The public hearing on May 26 was rescheduled for May 19.
- Additional meetings were scheduled on April 18 and April 25, if needed.

Manager Palko said he will update the schedule and bring it back to Council on February 11 for adoption.

D. Loudoun County Connector Resolution

Town Manager Palko presented this item. The Council is being asked to consider adopting a Resolution requesting Loudoun County to establish a Loudoun Connector Bus Route from Purcellville to Lovettsville to the MARC. Following discussion, this item was tabled until February 11, 2016.

E. Eggstravaganza

Councilwoman Jones said she has been in touch with representatives from the Ruritans and the event has been scheduled for March 26 from 12:00-3:00 p.m. There were no objections from the Council about moving forward with the partnership with the Ruritans. The Town Manager will prepare the Resolution for the Council's consideration at the meeting on February 11.

F. Movies on the Green

Councilman McIntyre gave an update on the Movies on the Green, which will include six movies between June and August. He noted they are exploring options for beer and wine, and that they will be seeking sponsors for the entire series. Staff and the Council discussed scheduling a meeting to select the movies.

F. Renaming on S. Church Street

Mayor Zoldos outlined the process which including meeting with representatives from Loudoun County to develop some options, meeting with the HOA, and then returning to the Council for further action. There was no objection from the Council.

**Information Items**

There were none.

**Comments from the Mayor and Council**

Councilwoman Carder said she had a great time with her daughters building snowmen on the Squirkle.

Councilwoman Jones thanked the Utility Team again for their service during the snow storm.

Councilman Gray also thanked the Utility Team.

Councilman McIntyre said the Oktoberfest Committee will be partnering with the Dulles Greenway to promote Oktoberfest.

Mayor Zoldos reported on the following:

- He and the Town Manager were unable to attend the recent VML meeting due to the snow.
- He was introduced to the Governor at the Fairfax County Emergency Operations Center.
- He thanked the Town Manager and the Utility Team for their efforts throughout the storm and said that VDOT Hillsboro did really good work for the Town.
- He met with Deputy LoPreto and a VDOT representative about local speed limits and truck routes. VDOT will look into the placement of the speed limit signs and the truck route sign.
- He thanked Chairman McDonough for plowing the square.
- The events workshop was successful.
- The Town Council Retreat is this Saturday and is open to the public.

The Town Manager thanked Chairman McDonough for helping out during the storm.

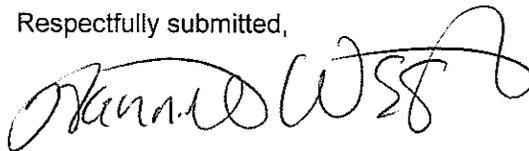
**Closed Session**

There was no closed session.

**Adjournment**

There being no further action before the Council the meeting was adjourned at 9:10 p.m.

Respectfully submitted,



Harriet West, Town Clerk

Date Approved: November 17, 2016

Attachments:

1. Resolution 2016-12-0001
2. Ordinance 2016-12-0003

# Town of Lovettsville

**Resolution No. 2016-01-0003: COMMEND THE WORK PERFORMED BY THE  
LOVETTSVILLE UTILITY DEPARTMENT DURING WINTER STORM JONAS  
DATED: JANUARY 28, 2016**

**MOTION: Gray**  
**SECOND: Carder**

**WHEREAS**, the Lovettsville Town Council adopted an Emergency Management Standard Operating Procedure on February 26<sup>th</sup> 2015 where maintaining utilities services to town residents was listed as the top town government priority during emergency events; and

**WHEREAS**, Lovettsville was hit with 3 feet of snow during Winter Storm Jonas from Friday January 22 through Sunday January 24<sup>th</sup>; and

**WHEREAS**, the Lovettsville Utility Department team consisting of Stephen Gates, Jim Gibbs, Eddie Staubs, and Robert Robinson prepared equipment, performed maintenance, and double checked facility operations leading up to the storm; and

**WHEREAS**, the Lovettsville Utility Department moved to 24 hour operations beginning 0400 hours on Friday January 22<sup>nd</sup> until 2000 hours on Sunday January 24<sup>th</sup> to ensure reliable operation of the water and waste water facilities during and after the storm; and

**WHEREAS**, the Lovettsville Utility Department spent 40+ hours clearing snow just to perform daily operations of the facilities and assisted town staff with cleanup after the storm; and

**WHEREAS**, the Utility Director Stephen Gates worked a shift of over 40 hours straight to ensure the Utility services were operational for Lovettsville residents.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Council of Lovettsville commends the great and tireless work of Stephen Gates, Jim Gibbs, Eddie Staubs, and Robert Robinson in preparation for, during, and after Winter Storm Jonas.

**VOTE:**

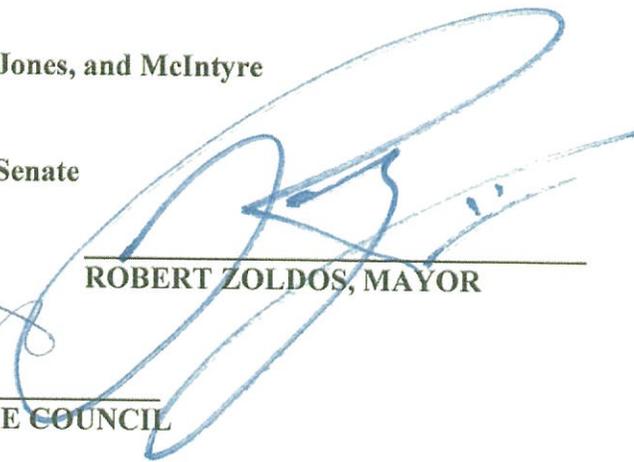
**Ayes: Allar, Carder, Gray, Jones, and McIntyre**

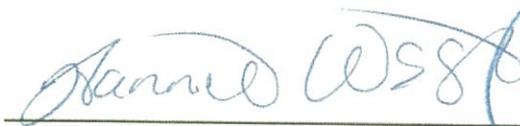
**Nays: None**

**Abstentions: None**

**Absent for Vote: Senate**

**Approved: January 28, 2016**

  
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**ROBERT ZOLDOS, MAYOR**

  
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**HARRIET WEST, CLERK TO THE COUNCIL**

*The German Settlement*

# Town of Lovettsville

## Ordinance No. 2016-01-0003: AMENDMENT TO THE ZONING ORDINANCE TO ADD AN EXCEPTION TO THE MAXIMUM HEIGHT REQUIREMENT FOR FUEL CANOPIES

**MOTION:** Gray

**SECOND:** McIntyre

**WHEREAS**, a fuel canopy is considered an accessory use to convenience stores within the C-1 Community Commercial District and C-2 Mixed-Use Business District; and

**WHEREAS**, the maximum height of accessory structures in the C-1 and C-2 Districts is fifteen (15) feet; and

**WHEREAS**, Article VIII, Section 42-294 of the Zoning Ordinance lists exception to the height limitations for certain structures; and

**WHEREAS**, the Planning Commission initiated on December 2, 2015 an amendment to Section 42-294 drafted by staff in order to add an exception for fuel canopies, provided that the canopy height as measured from the finished grade to the lowest point on the canopy fascia shall not exceed fifteen (15) feet, and provided the overall height of the canopy shall not exceed 18 feet 3 inches (18'3"); and

**WHEREAS**, the Planning Commission conducted a public hearing on the proposed amendment on January 6, 2016, pursuant to notice given in accordance with Va. Code Section 15.2-2204, and subsequently recommended approval of the amendment to the Town Council; and

**WHEREAS**, the Town Council conducted a public hearing on the proposed amendment on January 28, 2016 and has determined that adoption of the proposed amendment will promote the health, safety and welfare of the citizens of the Town and is consistent with the public necessity, convenience, general welfare, and good zoning practices generally.

**NOW, THEREFORE, BE IT ORDAINED** that Article VIII, Section 42-294 of the Zoning Ordinance of the Town of Lovettsville be amended as set forth in the attachment hereto.

**BE IT FURTHER ORDAINED** that the Zoning Administrator and Town Attorney are hereby authorized to make corrections of misnumberings or misspellings found in the said attachment without further action by the Council.

*The German Settlement*

**VOTE:**

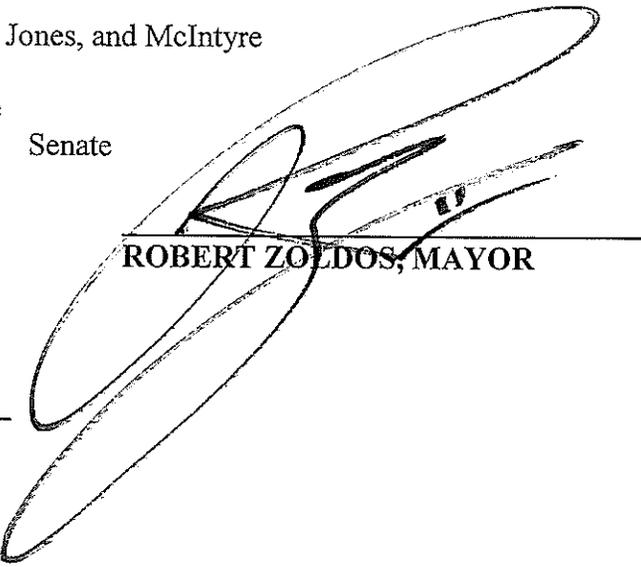
**Ayes:** Allar, Carder, Gray, Jones, and McIntyre

**Nays:** None

**Abstentions:** None

**Absent for Vote:** Senate

**Approved:** January 28, 2016



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**ROBERT ZOLDOS, MAYOR**



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**CLERK TO THE COUNCIL**

**Sec. 42-294. Exceptions to height limitations.**

The maximum height limitations established within this chapter shall not apply to the following structures:

- (1) Barns, silos, windmills and related agricultural structures;
- (2) Water towers, fire and observation towers;
- (3) Chimneys, church spires, belfries, clock towers and governmental monuments;
- (4) Air conditioning units and related mechanical structures when completely screened from the view of public rights-of-way and adjoining properties, such screening to be an integral architectural design element of the building;
- (5) Parapet walls extending no more than four feet above the maximum height limit;
- (6) Residential antennas, attached to the principal structure, not including satellite dish antennas, up to maximum of ten feet above the height of the structure.
- (7) Gasoline and fuel canopies, provided the height as measured from the finished grade directly beneath the canopy at its shortest height to the canopy ceiling shall not exceed fifteen (15) feet, and provided the overall height of canopies shall not exceed 18 feet 3 inches (18'3").

(Ord. of 9-21-2006, § 4-11)