

Town of Lovettsville

Town Council Minutes of the April 7, 2016 Special Meeting

Call to Order/Pledge of Allegiance

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

Council Members Present

- Mayor Robert Zoldos II
- Vice Mayor Michael Senate
- Council Member Rodney Gray
- Council Member James McIntyre
- Council Member Tiffany Carder
- Council Member Jennifer Jones

Council Members Absent

- Council Member Kimberly Allar

Staff Present

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

Pledge of Allegiance

Mayor Zoldos led those assembled in the Pledge of Allegiance.

Presentations

There were none.

Comments from the Public

Mayor Zoldos called for comments from the public. Vice Mayor Senate read the rules for public comment.

Sarah Searle, representing the Lovettsville Cooperative Board of Directors, gave an update on this year's upcoming farm market.

Mayor Zoldos asked for additional comments from the public. There were none.

Deputy LoPreto reported that the Waterford Citizens Foundation received \$150,000 from the Board of Supervisors' Tourism Fund because the Waterford Fair was cancelled and they did not have event cancellation insurance.

Community Presentations

A. Loudoun County Sheriff's Office

Deputy LoPreto reported on an incident regarding a package that was allegedly stolen from someone's home.

B. Lovettsville Library

Councilman McIntyre gave an update on the new Branch Manager, Jacob Etter.

Town Commission and Committee Reports

A. Lovettsville Planning Commission

Zoning Administrator Bateman said the Planning Commission finished up with its final Comprehensive Plan Committee meeting and will begin drafting the Plan.

B. Parks Committee

Vice Mayor Senate reported on the upcoming meeting with the clock face manufacturer.

C. We're In Committee

Councilwoman Carder reminded everyone that the Business Expo will be held on April 24 from 1:00-3:00 p.m.

D. Information Flow Committee

Councilman McIntyre said the Town Manager has been working with the contractor on the final design.

E. MayFest Committee

Councilwoman Carder gave an update on sponsors.

F. Movies on the Green

Councilman McIntyre gave an update on the sponsor packet.

G. Concerts on the Green

Councilwoman Carder gave an update on booking the final bands.

H. Oktoberfest

Councilman McIntyre reported on the first committee meeting.

Additions/Deletions/Modifications to the Agenda

Mayor Zoldos said there would be two closed session items to discuss Town Office location and Town Office employees.

Minutes

No minutes were presented.

Staff Reports

A. Report from the Town Engineer

There was no report.

B. Report from the Zoning Administrator

There was no report.

C. Report from the Utility Director

There was no report.

D. Report from the Town Attorney

There was no report.

E. Report from the Town Manager

Town Manager Palko gave updates on guest speakers for the April 21 meeting regarding policing options, the Arbor Day Ceremony, minutes support, and the City Manager's conference.

Action/Discussion Items

A. Presentation on Market Study Results

Town Manager Palko reviewed the background for this study. He noted that the Council had identified economic development as a key focus during the retreat and budgeted for a market study to do the analysis of what the Town could support and then develop a strategy.

Tripp Muldrow, Arnett Muldrow & Associates, gave a presentation on the marketing study and analysis conducted for the Lovettsville area. He noted that the numbers are based on "conservative assumptions" including the Town's existing population; a fairly conservative trade area definition based on drive time; and conservative capture rates and sales per square foot. He added he is not accounting for visitor traffic the Town is driving through its events. He added that the Town's proactive approach for driving visitors

through tourism is a critical tactic as the Council moves ahead looking at economic development. Mr. Muldrow said he is a firm believer that events are economic development drivers across the board. He then reviewed the market study presentation and noted the study showed the Lovettsville area could support the following – a small, independent non-chain grocery store under 6,000 square feet; a 7,000 square foot pharmacy; two to four more dining establishments; some limited outdoor hardware; and specialty retail. He discussed the inflow and outflow of jobs and noted most residents are commuting to jobs outside of Town. He also noted the great potential for the Engle property. Mr. Muldrow then discussed his recommendations regarding the Engle Tract, Town Square, and East Broad Way. He encouraged the Town to continue its dialog with the County; to contemplate incentives for retail development using existing programs, such as the Virginia Communities House Bill 1735 and the Virginian Arts and Cultural District; and to consider establishing an Economic Development Authority. Following his presentation, Mr. Muldrow responded to questions from the Council.

Manager Palko said the next steps will be to work with Mr. Muldrow on developing marketing products and to get more active with Loudoun County. Mr. Palko said NVRetail is excited to have the information from the marketing study.

Closed Session

Mayor Zoldos said the Council needed to meet with Mr. Muldrow to discuss the location of Town Offices.

Motion: I move that the Lovettsville Town Council convene in closed session pursuant to Virginia Code section 2.2-3711A3 for discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, in order to secure the use of real property to meet the operational needs for Town offices; and thereafter reconvene in open session for action as appropriate.

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

The Council went into closed session at 8:34 p.m. and came out of closed session at 8:48 p.m.

CERTIFICATION OF CLOSED SESSION

Mayor: Do you certify that to the best of your knowledge (i) only public business matters lawfully exempt from open meeting requirements under this chapter and (ii) 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?

Roll Call Vote: Council Members McIntyre, Gray, Senate, Carder, and Jones certified to the above.

B. Public Hearing LVZA 2016-0002 – Zoning Ordinance Amendment Regarding the Minimum Rear Yard Setback in the C-2 District

Zoning Administrator Bateman presented this item. The Council is being asked to conduct a public hearing and make a formal recommendation on a zoning amendment which would reduce the minimum rear yard setback in the C-2 District from 35 feet to 15 feet for a principal building or portion thereof which abuts commercially or industrially zoned property.

Zoning Administrator Bateman said this proposed amendment resulted from the 7-Eleven's proposed new "home plate" option. He noted this would result in the building being located 20 feet from the rear property line, which is shared with the post office parcel. He said the Planning Commission held a public hearing and there were no public comments. He noted that the Planning Commission recommended a reduction to 15 feet, where commercial abuts commercial use. Zoning Administrator Bateman responded to questions from the Mayor and Council.

Mayor Zoldos recessed the regular meeting and opened the public hearing for LVZA 2016-0002 at 9:08 p.m. Vice Mayor Senate read the Notice for Public Hearing. Mayor Zoldos called for public comments. There were none. The Mayor closed the public hearing at 9:08 p.m. and re-opened the regular meeting.

Motion: I move to adopt Ordinance No. 2016-04-0001 approving zoning ordinance amendment LVZA 2016-0002 as recommended by the Planning Commission on March 2, 2016 and attached hereto (Attachment 1).
By: Vice Mayor Senate
Second: Council Member McIntyre

Mayor Zoldos said, that for the record, the Council as of today, in 2016, sees that set back on those diagonal properties as an arc of 35 feet.

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

C. Bond Approval – Section 1 Town Center

Zoning Administrator Bateman presented this item. The Council is being asked to consider acceptance of the bond agreement for installation of water and sewer facilities in the Lovettsville Town Center Section 1 as needed to serve lots 5D, 5E, and 5F with water and sewer. Zoning Administrator Bateman reviewed the application and responded to questions from the Council.

Motion: I move to approve Resolution 2016-04-0001, as attached, to accept the performance agreement and bond for Lovettsville Town Center Section 1 (Attachment 2).
By: Council Member Gray
Second: Council Member McIntyre
Aye: Council Members Carder, Gray, Jones, McIntyre, and Senate
Nay: None
Abstain: None
Absent: Council Member Allar

D. Budget Work Session – Discussion of General Fund Operating Budget and Taxes

Town Manager Palko began by presenting a new request for activities that support Events and Tourism, including \$3,000 for tourism, marketing, and branding. He noted that this includes \$1,000 for the Western Loudoun Arts Trail donation and dues for the Loudoun Chamber of Commerce and Visit Loudoun. Events and Tourism Coordinator Tiffany Ahalt discussed the various opportunities with the Western Loudoun Arts Trail to establish an official arts trail. She noted that the other towns and villages have contributed to this and the Town is being asked to contribute \$1,000. Ms. Ahalt then gave a presentation on her suggestions for marketing and advertising, social media, partnering with other organizations, branding, grants, and other ways to promote the Town.

Manager Palko then suggested that the Council move on to the budget discussion. He referenced the email from Councilwoman Allar (Attachment 3), who was unable to attend tonight's meeting.

Mayor Zoldos said the Council still had a lot to go over tonight, including two closed session items regarding Town offices and personnel. The Mayor asked if the Council had any specific topics they wanted to bring up tonight.

Manager Palko responded to questions from the Councilwoman Jones regarding the trash fee and a special tax assessment to raise capital.

Councilwoman Carder said she did not see the need for police right now; however, she likes the idea of setting aside money to be able to pay for this in the future and transferring the money to capital projects, if it is not needed for a police officer. She said she feels strongly about making this a pedestrian-friendly

Town for residents' quality of life and for economic development purposes, and she is in favor of identifying new revenue to pay for that.

A discussion ensued regarding commercial revenue projections and the impact on the need for other fees.

Councilwoman Jones said she agreed that the Town did not need a part-time police officer now, but they may need to set aside funds for this in the future.

Councilman Gray said this is what worries him – a government setting aside money, but no plan. Mayor Zoldos said the Town Manager is presenting a long-term plan; however, future Councils are not necessarily bound by this plan. Manager Palko said the funding would be explained in the Town's fiscal policy.

The Council and Town Manager continued to discuss revenue options including personal property taxes, vehicle decals, real estate taxes, trash fees, and business license revenue.

Information Items

There were none.

Closed Session

Motion: I move that the Lovettsville Town Council convene in closed session pursuant to Virginia Code section 2.2-3711A3 for discussion or consideration of the acquisition of real property for a public purpose, or for the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, in order to secure the use of real property to meet the operational needs for Town offices; and pursuant to section 2.2-3711A1 for discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body, for the performance review of the Town Manager; and thereafter reconvene in open session for action as appropriate.

By: Vice Mayor Senate

Second: Council Member Jones

Aye: Council Members Carder, Jones, Gray, McIntyre, and Senate

Nay: None

Abstain: None

Absent: Council Member Allar

The Council went into closed session at 10:14 p.m. and came out of closed session at 11: 31 p.m.

CERTIFICATION OF CLOSED SESSION

Mayor: Do you certify that to the best of your knowledge (i) only public business matters lawfully exempt from open meeting requirements under this chapter and (ii) 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?

Roll Call Vote: Council Members McIntyre, Gray, Senate, Carder, and Jones certified to the above.

Comments from the Mayor and Council

Mayor Zoldos reported on the following:

- He has asked the Town Manager to report back to the Council at the meeting next week about enforcement options regarding noise complaints at the brew pub.
- He will be attending the Lovettsville Volunteer Fire and Rescue Company meeting about the continuation of the fire hall.

- He followed up with VDOT and Delegate LaRock about noise complaints from Jacob Engine Brakes. He noted VDOT does not allow anti-Jake Brake rules.
- He contacted the State Police to request additional patrols in Town and support for Town events.

Adjournment

There being no further business before the Council, the meeting was adjourned at 11:39 p.m.

Respectfully submitted,



Harriet West, Town Clerk

Date Approved: January 19, 2017

Attachments:

1. Ordinance No. 2016-04-0001
2. Resolution No. 2016-04-0001
3. Email from Councilwoman Allar Regarding Budget Discussion (April 7, 2016)

Town of Lovettsville

Ordinance No. 2016-04-0001: ZONING ORDINANCE AMENDMENT TO REDUCE THE MINIMUM REAR YARD SETBACK IN THE C-2 DISTRICT

MOTION: Senate
SECOND: McIntyre

WHEREAS, the minimum rear yard setback in the C-2 Mixed Use Business District is thirty-five (35) feet; and

WHEREAS, the Planning Commission deems the minimum rear yard setback to be excessive in instances where a building in a commercial zoning district adjoins property located in a commercial or industrial zoning district; and

WHEREAS, the Planning Commission initiated on February 3, 2016 an amendment to Section 42-259 drafted by staff in order to reduce the minimum rear yard setback requirement in the C-2 District in such situations, but preserve the minimum rear yard setback of thirty-five (35) feet where a building adjoins property located in a residential zoning district; and

WHEREAS, the Planning Commission conducted a public hearing on the proposed amendment on March 2, 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 in order to reduce the minimum rear yard setback in the C-2 District to fifteen (15) feet in instances where a building in a commercial zoning district adjoins property located in a commercial or industrial zoning district; and

WHEREAS, the Town Council conducted a public hearing on the proposed amendment on April 7, 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 VII, Section 42-259 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.

VOTE:

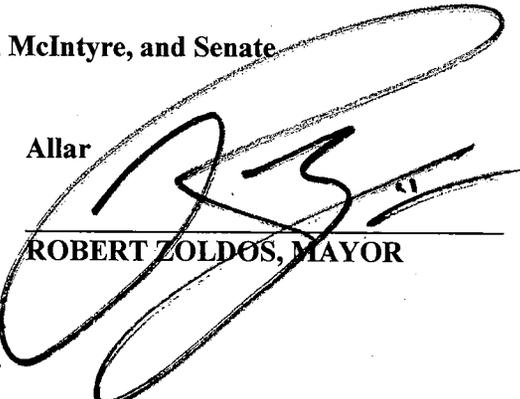
Ayes: Carder, Gray, Jones, McIntyre, and Senate

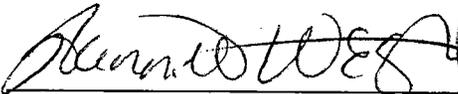
Nays: None

Abstentions: None

Absent for Vote: Allar

Approved: April 7, 2016


ROBERT ZOLDOS, MAYOR


HARRIET WEST, TOWN CLERK

The German Settlement

Sec. 42-259. C-2 Mixed Use Business District.

(a) *Scope and purpose.* The provisions of this section apply to the C-2 Mixed Use Business District. The purpose of this district is to permit certain commercial, office, retail type mixed uses which do not in any way detract from the residential desirability of the town. Properties in the C-2 district differ from a property that is zoned as a Town Center Planned Development District and is smaller in size and scale. All properties in the C-2 district shall be subject to the standards set forth in this section.

(b) *Permitted uses.*

- (1) Auto parts.
- (2) Electric or plumbing supply store, without outdoor storage and/or display.
- (3) Emergency care facility.
- (4) Lumber and/or building material sales without outdoor storage and/or display.
- (5) Mixed commercial use dwellings.
- (6) Child care center, day care centers or nursery schools subject to section 42-197.
- (7) Bed and breakfast inn subject to section 42-196.
- (8) Country inns.
- (9) Corporate center.
- (10) Schools: technical trade, vocational business.
- (11) Colleges and universities.
- (12) Dry cleaning, transfer facility only.
- (13) Offices, administrative, business and professional.
- (14) Offices, medical and dental.
- (15) Technology offices.
- (16) Banks and financial institutions without drive-through windows.
- (17) Government buildings.
- (18) Libraries.
- (19) Studio space for artists, crafters or writers.
- (20) Museum, cultural center.
- (21) Dance, music and/or fitness studio.
- (22) Park, public.
- (23) Restaurant, including curb service, without drive-through windows.
- (24) Country club, golf course.
- (25) Fraternal clubs, lodges, and community buildings for use by nonprofit organizations.
- (26) Movie theater, performing arts center.
- (27) Communications and broadcast studio.
- (28) Indoor recreation facilities.
- (29) Retail nurseries, greenhouses, farm and garden and farmers' markets, subject to the provisions of section 42-257(3).
- (30) Construction and/or sales trailer, subject to section 42-201.
- (31) Retail sales establishment, including the following:
 - a. Antique store.
 - b. Art gallery and/or framing.

- c. Arts and crafts studio and/or retail sales.
- d. Auto parts.
- e. Bakery.
- f. Bookstore.
- g. Candy store.
- h. Clothing and clothing accessories.
- i. Delicatessen.
- j. Fabric store.
- k. Florist.
- l. Food store.
- m. Funeral home.
- n. Gift shop and jewelry store.
- o. Hardware store.
- p. Hobby store.
- q. Music store.
- r. Office supplies, stationary store.
- s. Pharmacy.
- t. Photographic equipment and/or sales photographic studio.
- u. Sporting goods store.
- v. Computer sales and service.
- w. Tack store.
- x. Pet supplies, feed store.
- y. Furniture and appliance sales and/or service.
- z. Furniture and cabinet making shops.
- aa. Convenience stores without fuel sales

(c) *Conditionally permitted uses.* The following uses may be permitted within the C-2 district, conditional use permit process and criteria as established in this chapter:

- (1) Art kilns, foundries.
- (2) Convenience stores with fuel sales.
- (3) Banks and financial institutions with not more than two drive-through windows.
- (4) Auto repair shops.
- (5) Retail sales and/or service with outdoor storage and/or display.
- (6) Microbrewery.
- (7) Veterinary hospital.
- (8) Wireless communications equipment.
- (9) Contractor office in a permanent building with indoor and outdoor storage of related equipment, materials and vehicles.

(d) *Lot requirements.*

- (1) Minimum size: 6,000 square feet.
- (2) Minimum lot width: 50 feet.
- (3) Yard requirements:
 - a. Front yard: 25 for lots fronting Berlin Pike; 15 feet for all other lots.
 - b. Side yards: Ten feet.

c. Rear yard: 35 feet, except the minimum rear yard shall be 15 feet where a building or structure abuts a parcel located in a commercial or industrial zoning district.

(e) *Building height.* Thirty-five feet for principal structures, 15 feet for accessory structures.

(f) *Utility requirements.* All public utilities located within the C-2 zoning district shall be located underground and shall be designed per the article VI of chapter 30, required installation of public improvements, section 30-157, public utilities installation standards. (Ord. of 9-21-2006, § 3-13; Ord. of 11-20-2008; Ord. No. 2009-11-19-01, 11-19-2009; Ord. No. 2010-05-01, 5-13-2010; Ord. No. 2012-01-02, 1-26-2012)

Town of Lovettsville

Resolution: 2016-04-0001: APPROVING BOND SECURING PUBLIC IMPROVEMENTS IN LOVETTSVILLE TOWN CENTER SECTION 1 FOR LOTS 5D, 5E AND 5F

MOTION: Gray
SECOND: McIntyre

WHEREAS, Town Center Lovettsville LC has submitted amended construction drawings for Lovettsville Town Center Section 1 to the Town of Lovettsville for approval and desires to commence construction of site improvements; and

WHEREAS, the Town's engineering consultant, Christopher Consultants, Ltd., has reviewed the construction plans and bond estimate and agrees that the amount of the bond securing proper installation of the public improvements is \$67,663.00 provided that the appropriate performance agreement is entered setting a completion date not later than 12 months from March 25, 2016 and secured by surety acceptable to the Town.

NOW, THEREFORE, BE IT RESOLVED that the Lovettsville Town Council hereby approves the recommendation of the Town's engineering consultant referenced above and authorizes the Mayor to sign the performance agreement and bond when tendered in a form acceptable to the Town Attorney.

VOTE:

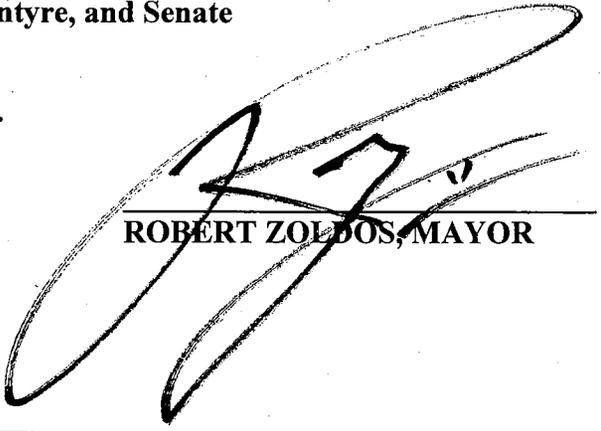
Ayes: Carder, Gray, Jones, McIntyre, and Senate

Nays: None

Abstentions: None

Absent for Vote: Allar

APPROVED: April 7, 2016


ROBERT ZOLDOS, MAYOR

CERTIFIED:


HARRIET WEST, TOWN CLERK

The German Settlement

clerk

From: Councilwoman Kimberly Allar [kallar@lovettsvilleva.gov]
Sent: Thursday, April 07, 2016 12:57 PM
To: jjones@lovettsvilleva.gov; jmcintyre@lovettsvilleva.gov; kallar@lovettsvilleva.gov; msenate@lovettsvilleva.gov; rgray@lovettsvilleva.gov; rzoldos@lovettsvilleva.gov; tcarder@lovettsvilleva.gov
Cc: Laszlo Palko; clerk@lovettsvilleva.gov
Subject: Tonights meeting, budget discussion

Mayor and Council,

I have another commitment Thursday evening and will be unable to attend the council meeting. As this is an important meeting I would like to write a brief note to let you know my thoughts on the budget.

I support the option of funding Staff Support Capacity + Capital with new revenues, with some changes to how we get there.

-I support a 50% or less trash subsidy in place of the 100%. With the cost of trash rising at 3% each year, it is difficult to continue a full subsidy when the real estate assessments do not also rise by that percentage.

-I support instituting a personal property tax, as this will diversify our revenue base. We are the only town in Loudoun that does not have a personal property tax. Diversifying revenue sources is important fiscal policy, protecting for financial uncertainty. One of the advantages of a personal property tax is that a portion of the revenue can be dedicated to transportation projects (i.e. pedestrian friendly transportation such as sidewalks and the shared use path).

-In conjunction with the above, I propose lowering the property tax rate around 2.5 cents. Lowering the tax rate will allow us to show residents that though they will be required to pay a portion of the trash fee, that will be offset by the lowering of their property tax bill. In addition, this has the benefit of allowing greater economic competitiveness by lowering business costs.

In regards to the issue of police, I do not think we are at the point just yet where we need a police officer. I think it is a smart discussion to begin, and the council is wise to research this. I do not feel we will see a benefit from a part time police officer just yet. As the population grows and the commercial property is developed over the next several years, the town will be in a different position to justify the need for a police officer.

Again, I am sorry to miss this evenings meeting.
Kimberly