

Town of Lovettsville

Town Council

Minutes of Regular Meeting September 18, 2008

Mayor Elaine Walker called the regular monthly meeting of the Lovettsville Town Council to order at 8:11 P.M. on Thursday, September 18, 2008.

Present at Meeting

- Mayor Elaine Walker
- Council Members Scott Dockum, Michael Senate, Shaun Staley, Robert Zoldos
- Council Member Richard Efthim arrived at 8:20 PM
- Town Manager Keith Markel
- Town Attorney Liz Whiting
- Town Clerk Judy L. Kromholz

Absent

- None

Audience

Among those present in the audience were Amanda Staley, Commissioner Charlotte Coleman, and Tracey Senate *{Brunswick Citizen}*

Call to Order/Welcome/Pledge of Allegiance/Invocation

Mayor Walker led the assembled in the Pledge of Allegiance.

Motion to Adjourn the Recessed August 28 Town Council Meeting

Motion: To adjourn the recessed Town Council Meeting of August 28, 2008.
By: Council Member Dockum
Second: Council Member Senate
Aye: Council Members Dockum, Senate, Staley, Zoldos
Nay: None
Abstain: None
Absent: Council Member Efthim

Loudoun County Sheriff's Office

Loudoun County Deputy Sheriff Lambert was not present.

Lovettsville Volunteer Fire and Rescue Company

Assistant Fire Chief Jack Hockman presented the monthly report for the company, detailing activity for the prior months. He reported that the Company has opted to renovate the current structure instead of building a new station. They would like to break ground by the end of the year. Council member Zoldos asked if the station would be made larger; Assistant Chief Hockman did not know at this time. Council member Senate asked if Loudoun Soccer's request to use their grounds had been approved; Assistant Chief Hockman did not know if insurance approval had been received

Lovettsville Business Association

{Council member Richard Efthim arrived at 8:20 PM during this presentation}

Vice President Darren Casper reported that the association is currently conducting their annual membership drive and that they will be holding their annual mixer on the Thursday before Oktoberfest.

Comments from the Public

There were no comments from the public at this time.

Additions/Deletions/Modifications to the Agenda

Mayor Walker asked Council member Zoldos to make a short presentation on his trip to the Gulf and on the functions of the United States Search and Rescue Team 1.

Presentations

Loudoun County Economic Development / Partnership Loudoun

Mr. Philip Denino made a presentation explaining the organization's mission statement and services. Their website is at biz.loudoun.gov.

Vice Mayor Robert Zoldos made a presentation about the United States Search and Rescue Team 1.

Approval of Town Council Minutes

No minutes were presented.

Report from the Treasurer

A. Financial Report – July 2008

Treasurer Gladstone was not in attendance. Manager Markel reviewed the report with the Council.

Motion: To approve the July 2008 Treasurer's report as presented.
By: Council Member Zoldos
Second: Council Member Efthim
Aye: Council Members Dockum, Efthim, Senate, Staley, Zoldos
Nay: None
Abstain: None
Absent: None

Staff Reports

A. Report from the Zoning Administrator

Manager Markel presented Administrator McGregor's report dated September 3, 2008. He noted that the Sign Committee will meet on September 23rd. Council member Dockum asked for additional information about the letter that was sent to all businesses concerning internally lighted signs. Manager Markel reported that enforcement will begin in the coming weeks and noted that this restriction has been Town Ordinance for many, many years. Council member Senate stated that the new ordinance will probably not allow neon or internally lit signs either, although LED signs will probably be allowed. Council member Efthim said that he finds a lit open sign is a public service. Council member Staley said some led lights project very far and Council member Senate stated that this depends on the lens that is used. Council member Zoldos asked if the stop light at the pizza parlor would fall under this ordinance and both Council member Senate and Manager Markel stated that it would probably be considered a decoration.

B. Report from the Town Attorney

Attorney Whiting reported that she has distributed an announcement of training sessions being hosted by Leesburg on September 24th. FOIA and records management are two of the topics to be covered.

C. Report from the Town Manager

Manager Markel reported on the following:

- Progress is being made in the DEQ Consent Order and on the permit renewal and he hopes that this will be resolved shortly.
- The bike path agreement has been reviewed by Attorney Whiting, Town Staff and VDOT and it appears that all parties are in agreement.
- He has been evaluating using the generator the Mayor obtained along with other options. The Town is hoping to partner with Loudoun Wireless on other generator sites.
- The on site inspection by KCI of the water tower was done last week and the report should be available in the next few weeks.
- New street lights are being installed, including ten new sites. These will all be the newer down lights.
- Council member Dockum asked how the Town fared when Hurricane Hannah came through and Manager Markel reported that we did very well. We were in high flow on Saturday but by 9 AM Sunday we were in normal flow – this is a very, very good result that is probably due to the manhole repair work that has already been done. Mayor Walker added that she was very glad to hear that report from Loudoun Water and she knows the repair work to the manholes had a lot to do with the good result.

Action Items

A. I&I Engineering Firm Selection

Manager Markel stated that there was no new information to present. Mayor Walker said that the next step is to ask for their scope and projected costs.

Motion: I move that Town Council select Olver to complete the I&I Corrective Action Plan and direct staff to finalize a scope of services to bring to the next appropriate Town Council meeting for approval.
By: Council Member Zoldos
Second: Council Member Efthim
Aye: Council Members Dockum, Efthim, Senate, Staley, Zoldos
Nay: None

Abstain: None
Absent: None

B. New Town Meadows – Sewer Tap Letter of Credit Reduction

Motion: To approve Resolution 2008-09-01: Approve Reduction in Letter of Credit: New Town Meadows (Attachment I)
By: Council Member Senate
Second: Council Member Dockum
Aye: Council Members Dockum, Efthim, Senate, Staley, Zoldos
Nay: None
Abstain: None
Absent: None

C. Request for Study – PC Role in By-Right Development Approvals

Manager Markel explained that this would allow Administrator McGregor to begin researching items that are administrative rather than planning in nature without Planning Commission involvement. Council member Dockum expressed concern that all of the Council was not present at the work session during which this was discussed. Council tabled this item until the October work session. Attorney Whiting expressed her significant concern that the regulatory material is ambiguous in many places and that there would be confusion as to why different projects were being considered under different processes. She prefers that these discrepancies be addressed first in a manner similar to what Administrator McGregor has already done on home occupations. Council member Dockum asked that Administrator McGregor be asked to roughly estimate how many hours would be involved.

D. Request for Study – Uses in Residential Districts

Manager Markel explained that this project will allow the Town to express its will concerning appropriate uses in residential districts.

Motion: To instruct the Zoning Administrator and Town Manager to undertake an evaluation of the uses in residential zoning districts and bring a report to the Planning Commission for their review and recommendation.
By: Council Member Efthim
Second: Council Member Senate
Aye: Council Members Dockum, Efthim, Senate, Staley, Zoldos
Nay: None
Abstain: None
Absent: None

E. FY 2008 Donation to Lovettsville Volunteer Fire and Rescue Company

Motion: That the remainder of the balance in the line item 'Donations' in the FY 2008 budget be allocated as the Town's annual donation to the Lovettsville Fire and Rescue Company
By: Council Member Zoldos
Second: Council Member Staley

Mayor Walker called for discussion. Council member Efthim believed that the Council had already closed the Fiscal Year 2008 budget and carried all remaining balances forward to 2009. Manager Markel confirmed that the balances had rolled forward but stated that no money had been donated to LVFR in fiscal 2008. He stated that a separate line item will be created for this item in next year's budget. Council member Efthim asked if the allocation would appear in this year's financial statements or if last year's expenditures would be revised. It was agreed that this should be brought to the auditors before a decision was made. Council member Zoldos withdrew his motion and Council member Staley agreed.

Information Items

Manager Markel queried the Council as to their preferences in scheduling the Streetscape issue. Council member Dockum stated that the proposal should clearly state that this is a conceptual plan and that the data on the Loudoun County GIS system is not entirely accurate and therefore not the best basis for surveying or engineering. Attorney Whiting stated that the plan must go through Planning Commission and there must be public hearings before it can become an official Town Comprehensive Plan. The recommended procedure is for Town Council to become comfortable with the concepts and recommendations and then refer it to the Planning Commission for the official process. Mayor Walker pointed out that the Town must spend the grant money before June 2009. Council member Efthim suggested that the Town could proceed with the engineering work for the limited section we are certain will be approved while the Town proceeds to review the Comprehensive Plan separately. Council member Senate stated that the plan is very vague, but the hard engineering must be done. Manager Markel stated that there is no immediate action required and Mayor Walker asked Attorney Whiting for a

recommendation on how the Town must proceed legally. Manager Markel noted that the current proposed plan does not accurately represent where the property lines are or what the engineers will develop.

Comments from the Mayor and Town Council

Council member Dockum reminded the Council that we will need staffing at the Town booth during Oktoberfest.

Council member Zoldos reported that the Cub Scouts will again be collecting trash at Oktoberfest. He reported that he had attended Movie Night in Middletown and said that they do it very, very well. He has brought back a lot of ideas from that event for Lovettsville's movie night.

Council member Staley asked if Town residents would still be required to purchase decals and was told that they would. He also asked for any progress on relocating the Spring House and was told there was nothing new to report.

Council member Senate reported that on Back to School night Loudoun Street was changed to a one lane street because of on-street parking congestion and it was extremely dangerous. He suggested that in the future the Town arrange for parking at the Lovettsville fire house and run a shuttle using a school bus.

Mayor Walker reported on the following:

- There will be a Partnership Loudoun meeting on September 23rd, 12 noon to 3 PM.
- Jim Morgan will be speaking at the Lovettsville Library on October 11th at 11 AM.
- On Saturday October 16th at 6 PM there will be a Gold Club event in Purcellville.
- The Balch Library will be holding an event on September 20th.
- There will be a Loudoun County Transit Plan Workshop on September 24th at Ida Lee Park.
- She and Manager Markel attended a very good meeting with Dominion Virginia Power. They reported that they have recently installed some grounding circuits which will reduce the number of power outages in Town.
- The Oktoberfest tent will arrive on Wednesday and will be set up the following day in the parking lot next to Andy's Restaurant.
- The auditors will be here on September 29th.
- She has received a letter from Town Center explaining that they will be delaying the start of construction on the business center due to the standstill in building new homes at Lovettsville Town Center and the general inability to get reasonable financing for new loans. This is not a withdrawal.

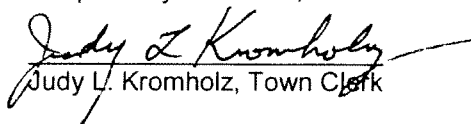
Comments from the Public

There were no comments from the public at this time.

Motion to Enter Executive Session (Attachment II)

Motion: That the Lovettsville Town Council convene in Closed Session pursuant to Va. Code section 2.2-3711 A 1 for the purpose of discussing the performance of particular public officers, appointees or employees, and thereafter reconvene in open session for action as appropriate.
By: Council Member Zoldos
Second: Council Member Efthim
Aye: Council Members Dockum, Efthim, Senate, Staley, Zoldos
Nay: None
Abstain: None
Absent: None

Respectfully submitted,


Judy L. Kromholz, Town Clerk

Date Approved: January 22, 2009

Attachment I: Resolution 2008-09-01: Approve Reduction in Letter of Credit: New Town Meadows

Attachment II: Motions to Enter Closed Session and End Closed Session

Town of Lovettsville

Resolution 2008-09-01: APPROVE REDUCTION IN LETTER OF CREDIT NEW TOWN MEADOWS

MOTION: Senate

SECOND: Dockum

WHEREAS, Lovettsville Development Partners, LLC, succeeded to rights to purchase sewer taps for up to 54 residential dwelling units under an agreement dated December 16, 1999, and in accordance with the terms thereof, provided letter of credit No. 419 dated February 26, 2004 and issued by Virginia Commerce Bank in the amount of \$321,300.00; and

WHEREAS, Lovettsville Development Partners, LLC, 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, Lovettsville Development Partners, LLC, has requested approval of a reduction in the amount of the letter of credit to \$71,400, to reflect that 12 taps reserved under the said agreement remain to be purchased.

NOW, THEREFORE, BE IT RESOLVED by the Lovettsville Town Council that the reduction to the amount of \$71,400.00 is hereby approved and that upon presentation of an amended or replacement letter of credit in such amount, approved in form by the Town Attorney as conforming to the requirements of the agreement, the Mayor is hereby authorized to release to Lovettsville Development Partners, LLC, letter of credit No. 419 issued by Virginia Commerce Bank, referenced above. Alternatively, the Mayor may accept suitable correspondence from Virginia Commerce Bank, approved by the Town Attorney, evidencing the reduction in the letter of credit to the amount of \$71,400.00 and stating that the said letter of credit No. 419 otherwise remains in effect in accordance with its terms.

VOTE:


Ayes: Dockum, Efthim, Senate, Staley, Zoldos

Nays: None

Abstentions: None

Absent for vote: None

Approved: September 18, 2008


Elaine Walker, Mayor

CERTIFIED:


Judy L. Kromholz, Town Clerk

The German Settlement

Town of Lovettsville

Motion to Convene a Closed Session

Date and Time: September 18, 2008

Motion: That the Lovettsville Town Council convene in Closed Session pursuant to Va. Code section 2.2-3711 A 1 for the purpose of discussing the performance of particular public officers, appointees or employees, and thereafter reconvene in open session for action as appropriate.

Made By: Bob Zoldos

Seconded By: Richard Eftim

Aye: Zoldos, Eftim, Wadum, Staley, Senate

Nay: None

Abstain: None

Absent: None

Vote Recorded by: Erine Walker

End of Closed Session

Date and Time: _____

When polled as to whether (i) only public matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and (ii) only such public matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the closed meeting, the following members stated "Aye:"

List Council members stating "Aye":

Zoldos, Eftim, Wadum, Staley, Senate

Statement Recorded by: Erine Walker