

Town of Lovettsville

Town Council

Minutes of Regular Meeting February 26, 2009

Mayor Elaine Walker called the regular monthly meeting of the Lovettsville Town Council to order at 8:00 P.M. on Thursday, February 26, 2009.

Present at Meeting

- Mayor Elaine Walker
- Council Members Charlotte Coleman, Scott Dockum, DiJon Jones, Michael Senate, Shaun Staley, Robert Zoldos, II
- Town Manager Keith Markel
- Town Treasurer Lance Gladstone *{arrived at 9:00 PM during the Olver presentation}*
- Project Manager Karen Fellers
- Town Clerk Judy L. Kromholz

Absent

- None

Audience

Among those present in the audience were Amanda Staley, Planning Commissioner Jack Burden and Darren Casper (Lovettsville Business Association)

Call to Order/Welcome/Pledge of Allegiance/Invocation

Mayor Walker led the assembled in the Pledge of Allegiance.

Comments from the Public

There were none at this time.

Loudoun County Sheriff's Office

Loudoun County Deputy Sheriff Lambert presented his monthly report covering the period January 22, 2009 Through February 26, 2009. He reiterated the importance of always locking vehicles and placing valuables out of sight.

Mayor Walker noted that the Loudoun County Board of Supervisors is currently conducting budget hearings and the Town should register its support for the Community Policing Program.

Lovettsville Volunteer Fire and Rescue Department

Councilman Senate reported on the monthly calls for the Department.

Lovettsville Business Association

No member of the LBA was present at this time to give their report.

Additions/Deletions/Modifications to the Agenda

Mayor Walker stated that Loudoun County School Board Member Jennifer Bergel requested that she be added to the agenda and that she will arrive around 9:30 PM.

Mayor Walker also requested that the minutes presented for the November 13th Public Hearing and Town Council meeting be tabled.

Councilman Dockum requested that the Council review the Streetscape changes he presented to staff today and reconvene on March 19, 2009 to review this item.

Presentations

A. Inflow and Infiltration Corrective Action Plan Presentation- Doug Hudgins, Olver Incorporated
Mr. Hudgins reported that Olver, Inc. has completed their analysis of the available data and has also conducted a three day inspection of the manholes for the study area. The Infiltration and Inflow Action Plan has been drafted and is under review by Town staff. Councilman Dockum asked if the Virginia Department of Environmental Quality (VDEQ) factors in weather related impacts on the system.

Mr. Hudgins stated that VDEQ understands that this is a rain related issue. Mayor Walker asked for the VDEQ timeline for reviewing and approving the plan. Mr. Hudgins stated that Olver allocated 60 days in the schedule for VDEQ review and approval and noted that the agency could take two weeks or two months. He stated that the process generally goes quickly. Mayor Walker asked how many of the

manholes repaired last fall had been reinspected. Project Manager Fellers stated that about twenty manholes had been repaired and they did not do as well as we would have liked in the reinspection because new inflow was occurring above the repaired sections. Mr. Hudgins stated that additional repairs would be necessary. Project Manager Fellers confirmed with Council that they had no further questions and that they approve the proposed schedule.

B. 2008 State of the Town Report from Mayor

Mayor Walker postponed her State of the Town Report due to the heavy agenda for tonight's meeting.

Approval of Town Council Minutes

A. October 23, 2008 Regular Monthly Meeting

Motion: To approve the minutes of the October 23, 2008 Town Council Regular Monthly meeting as corrected.
By: Council Member Senate
Second: Council Member Coleman
Aye: Council Members Coleman, Dockum, Senate, Staley, Zoldos
Nay: None
Abstain: Council Member Jones
Absent: None

B. November 5, 2008 Joint Public Hearing

Motion: To approve the minutes of the November 5, 2008 Joint Public Hearing.
By: Council Member Dockum
Second: Council Member Jones
Aye: Council Members Coleman, Dockum, Jones, Senate, Staley, Zoldos
Nay: None
Abstain: None
Absent: None

C. November 13, 2008 Joint Public Hearing

Tabled.

D. November 13, 2008 Reconvened Monthly Meeting

Tabled.

Report from the Treasurer

A. Financial Report –November 2008

Treasurer Gladstone presented his report for November 2008. Councilman Dockum questioned the contributions category and Manager Markel explained that there are separate budget lines that are combined for this report. Councilman Staley noted the variance in business license receipts and Treasurer Gladstone explained that the bulk of the receipts are expected in February, but that there is a significant decline in receipts to date over last year. Councilman Dockum noted the decline in water bill receipts and Treasurer Gladstone stated that there is a decline in water receipts, due to conservation in occupied homes and an increase in the number of empty homes. There being no further questions, the Mayor called for a vote.

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

Discussion Item

A. Streetscape Master Plan

Project Manager Fellers presented the item. Councilman Dockum stated that this was a very good plan and that he had suggested some minor changes and a paragraph to be inserted on each map stating that the maps are conceptual and may not reflect the actual property lines or areas of impact. These changes will be reflected in the revised document. He requested that this be brought to a vote on March 19th. Councilman Zoldos agreed with these changes. The Council agreed to bring this as an action item at their reconvened meeting. Project Manager Fellers stated that they will receive corrected copies of the

draft before the meeting and requested that all grammatical corrections be submitted by March 6th for inclusion in the reprinted draft.

Consent Agenda

A. Comprehensive Plan Review

Consent Motion: That the Town Council endorse the general format of the proposed schedule as presented and select members of the committee through direct contacts and by advertising the committee seats on the Town's website and through the Town's e-mail contact list.

B. Town Manager's Work Plan

Consent Motion: That the Town Council adopt the Town Manager's Work Plan dated February 26, 2009 and use this plan as a basis for this year's employee evaluation.

Motion: To approve the Consent Agenda as presented.
By: Council Member Zoldos
Second: Council Member Jones
Aye: Council Members Coleman, Dockum, Jones, Senate, Staley, Zoldos
Nay: None
Abstain: None
Absent: None

Action Items

A. Accept Water and Sewer Availability Fee Analysis Report

Motion: To adopt Resolution 2009-02-01: Approve Water & Sewer Availability Fee Report (attachment I)
By: Council Member Jones
Second: Council Member Dockum
Aye: Council Members Coleman, Dockum, Jones, Senate, Staley, Zoldos
Nay: None
Abstain: None
Absent: None

B. Adopt Town Square and Town Park Concept Plans

Motion: To adopt Resolution 2009-02-02 Approve Amendments To Town Plan Adopting Recommendations For Town Square And Town Park, Lovettsville Town Center (Attachment II)
By: Council Member Jones
Second: Council Member Coleman

Mayor Walker called for discussion and reiterated that this is a concept plan and may be changed as circumstances dictate. There being no further discussion, she called for the vote.

Aye: Council Members Coleman, Dockum, Jones, Senate, Staley, Zoldos
Nay: None
Abstain: None
Absent: None

C. Path / Allegheny Transmission Line Resolution

Motion: To adopt a resolution opposing the PATH/Allegheny Transmission Line (Attachment III)
By: Council Member Zoldos
Second: Council Member Jones

Mayor Walker noted that she will be forwarding this to the appropriate parties. There being no further discussion, Mayor Walker called for the vote.

Aye: Council Members Coleman, Dockum, Jones, Senate, Staley, Zoldos
Nay: None
Abstain: None
Absent: None

Information Items

Loudoun County School Board member Jennifer Bergel reported on the potential land acquisition near Lovettsville. She stated that in the 'blog world' the Town's resolution on this issue is being misrepresented, as is the Town's position on the location of Western Loudoun schools. She noted that there are bloggers who want the County to buy or condemn the Miller property rather than purchasing the Cangiano property (Wheatland site) which has been placed under contract. She is asking that the Town let her know where it wants to be in this issue. Councilman Zoldos thanked Mrs. Bergel for representing our community on the School Board and for bringing this issue to the Council's attention. He noted that at the time the Council passed the resolution most of the issues were still somewhat nebulous and stated that the resolution supports placing schools in close proximity to the Town which this property satisfies.

He stated that the lead time for school construction is long and this acquisition moves the issue forward. He noted that the Town will not be providing utilities to this location which is approximately 4.5 miles south of Lovettsville. Mrs. Bergel confirmed that the Board does not expect this property to be connected to Town utilities. Councilman Senate stated that he believes this property is an excellent choice and noted that the Town resolution supported locating new schools north of Route 9. He stated that condemnation is the worst thing the County could do.

Councilman Dockum stated that his main concern at this point is finding a way to disseminate accurate information to the public. He asked if the Town government could write a letter supporting the acquisition and Mayor Walker stated that the Council needs to discuss the proposal in order to decide what can be done to show support. Councilman Dockum asked if there was any urgency in formulating a position and Mrs. Bergel noted that the study is allocated 120 days and that the study results will dictate whether or not the School Board will continue to support this site. Mayor Walker stated that this issue will be on the next Council agenda. The Council thanked Mrs. Bergel for her presentation and Mrs. Bergel thanked the Council for their time.

Staff Reports

A. Report from the Zoning Administrator

Administrator McGregor was excused from attending. Manager Markel reviewed Mr. McGregor's January 2009 written report with the Council. There were no questions.

B. Report from the Town Attorney

The Town Attorney was not present.

C. Report from the Town Manager

Manager Markel reported the following:

- The Spring House has been moved from the new post office property by volunteers. All of the stone and wood has been properly stored.
- The Oktoberfest Committee will meet next Tuesday.
- The Town mowing contract will be put out to bid tomorrow.
- Along with Project Manager Fellers, he attended a Web seminar on the stimulus package and will continue to receive updates. Town Projects are being loaded into the Commonwealth website.
- The meeting on the local economy requested by Mr. McDonough will take place next Thursday at 3:00 PM in Town Hall. Among those scheduled to attend are Mayor Walker and Councilmen Staley and Zoldos. (Councilman Senate interjected that that he has spoken with Mr. Hill and Mr. George and reported that they are not in 100% agreement with Mr. McDonough's conclusions.)
- Manager Markel continues to work with the community, the County and VDOT on the traffic calming issues in the Kingsride development.

Information Item

A. Report from ICSC Shopping Center Trade Show in Washington DC

Manager Markel presented a report on his attendance at this trade show. He noted that this was the first time Loudoun County or any of the towns attended the show. Mayor Walker thanked Manager Markel for representing the Town. *{Councilman Senate left at 11 PM at the end of this presentation}*

Comments from the Mayor and Town Council

Councilwoman Coleman asked when it is required that a building permit be displayed and Mayor Walker explained that this is based on County requirements.

Councilman Staley reported that, as Council representative to the Spring Events Committee, he is working on a number of ideas for Spring activities

Councilman Dockum reported that he has received a letter from a member of the public based on comments he made at the last Council meeting but that he does not expect Council to take any action on this item.

Councilman Jones stated that he is still learning and is still working on a "chili event" in the park for his seasonal activity.

Councilman Zoldos stated that he is planning to attend Mr. McDonough's economic meeting next Thursday from 3:00 PM - 6:00 PM.

Mayor Walker reported on the following:

- Along with Supervisors Burton and Kurtz and Loudoun County staff members Mayor Walker attended a meeting with four representatives of Allegheny Power concerning the PATH project. Their new projected filing date with the State Corporation Commission is April 10. They refuse to hold another Town Hall public meeting in Lovettsville and stated that they are trying to work with the County to obtain additional easement on the existing routes. She noted that the County has a very short time in which to react to the public filing. The Allegheny Power personnel stated that the Commonwealth of Virginia would have to fund the burial of the power lines and it would be very expensive. There will be at least one local public hearing after the filing with the SCC.
- She has represented the Town at many of the County Board of Supervisors budget meetings.
- She hand delivered a letter about the PATH issue to Governor Kaine, along with Supervisors Kurtz and Burton.
- Mayor Walker reported that the Western Flyer Trolley Service has begun and Councilman Jones stated that he and his two of his daughters were the first official passengers.
- The Lovettsville Museum Board will meet on Sunday. They are working on getting their Federal tax exempt status.
- She attended a COLT meeting on Monday night and reported that all of the Mayors have the same concerns as Lovettsville and are all working on tightening their budgets.
- There will be a Navy Band concert on March 22, 2009 in Purcellville.
- The empty IGA store in Purcellville will become a Habitat for Humanity sales center for building materials left over from their construction projects or for items donated directly to the store.
- There will be a Lovettsville Community Park meeting on March 11, 2009.

Comments from the Public

There were no comments from the public at this time.

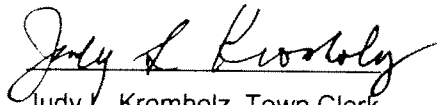
Adjournment

There being no further business before the Council, Mayor Walker asked for a motion.

- Motion:** To recess the February 26, 2009 monthly meeting of the Lovettsville Town Council until March 19, 2009 at 8:00 PM.
By: Council Member Dockum
Second: Council Member Coleman
Aye: Council Members Coleman, Dockum, Jones, Staley, Zoldos
Nay: None
Abstain: None
Absent: Council member Senate

The meeting was adjourned at 11:25 P.M.

Respectfully submitted,


Judy L. Kromholz, Town Clerk

Date Approved: July 23, 2009

- Attachment I: Resolution 2009-02-01: Approve Water & Sewer Availability Fee Report.
Attachment II: Resolution 2009-02-02: Approve Amendments to Town Plan Adopting Recommendations for Town Square and Town Park, Lovettsville Town Center
Attachment III: Path / Allegheny Transmission Line Resolution

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Town of Lovettsville

Resolution No. 2009-02-01: APPROVE WATER & SEWER AVAILABILITY FEE REPORT

MOTION: Jones

SECOND: Dockum

WHEREAS, Virginia Code sections 15.2-2111, 15.2-2119 and 15.2-2143 authorize the Town to establish rate structures for water and sewer utility services, including establishing fees intended to build reserves for funding capital projects; and

WHEREAS, the foregoing statutes require the said fees to be fair and reasonable in connection with services provided and that the Town periodically review the said rate structures and adjust the fees as appropriate; and

WHEREAS, the Town Council contracted with Municipal & Financial Services Group for a study of estimated costs of capital facilities foreseeably required by the said water and sewer systems and establishing the rate of availability fees necessary to build reserves for funding said improvements; and

WHEREAS, Municipal & Financial Services Group performed the said study and recommends no change in the existing availability fee imposed on single family dwelling units as the base rate and further recommends that the Town adopt a water and wastewater availability fee structure that is based on the American Water Works Association (AWWA) standard EDU equivalents directly related to water meter size.

NOW, THEREFORE, BE IT RESOLVED that the Lovettsville Town Council hereby endorses the report prepared Municipal & Financial Services Group dated February 2009 and directs the Town Administrator to prepare revisions to the Town Water & Sewer Ordinances to implement the recommendations of the said report.

VOTE:

Ayes: Coleman, Dockum, Jones, Senate, Staley, Zoldos

Nays: None

Abstentions: None

Absent for vote: None

ADOPTED February 26, 2009


Elaine Walker, Mayor

CERTIFIED: 
Judy L. Kromholz, Town Clerk

The German Settlement

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Town of Lovettsville

Resolution No. 2009-02-02: APPROVE AMENDMENTS TO TOWN PLAN ADOPTING RECOMMENDATIONS FOR TOWN SQUARE AND TOWN PARK, LOVETTSVILLE TOWN CENTER

MOTION: Jones

SECOND: Coleman

WHEREAS, Virginia Code section 15.2-2223 et seq. requires that a comprehensive plan providing recommendations for the orderly development of the Town be prepared and adopted and regularly reviewed and updated; and

WHEREAS, the concept plan for the Lovettsville Town Center planned development project designates land devoted to public purposes identified as the Town Square and Town Park, Tax Map/Parcel Nos. 9A211-2 and 9A210-A9 (MCPI Nos. 369-10-5745 and 369-29-9476), respectively; and

WHEREAS, Virginia Code section 15.2-2232 requires that the plan govern the general location or approximate location, character, and extent of uses of a public nature; and

WHEREAS, the Planning Commission conducted a public hearing November 19, 2008 after giving notice as required by Virginia Code section 15.2-2204, on concept plans for the Town Square and Town Park prepared by Kimley-Horn and Associates and on December 10, 2008 recommended approval of the concept plans with identified modifications; and

WHEREAS, the Town Council conducted a public hearing January 15, 2009 after giving notice as required and directed staff to incorporate the changes to the concept plans recommended by the Planning Commission.

NOW, THEREFORE, BE IT RESOLVED by the Lovettsville Town Council that the Town Plan be amended by addition of the text attached hereto and that the drawings prepared by Kimley-Horn identified as "Town Square Concept Plan", dated August 12, 2008 and revised October 16, 2008 and "Town Park Concept Plan", dated August 12, 2008 and revised October 16, 2008 and December 23, 2008, be incorporated into the Plan as exhibits.

VOTE:

Ayes: Coleman, Dockum, Jones, Senate, Staley, Zoldos

Nays: None

Abstentions: None

Absent for vote: None

ADOPTED February 26, 2009


Elaine Walker, Mayor

CERTIFIED:


Judy L. Kromholz, Town Clerk

Attachment: Town Plan Amendments

The German Settlement

Town Plan Amendments

ADD: Page 51, Town Plan, Chapter VII Land Use, a new paragraph under the Heading Park and Recreation Uses, to read:

“The Town Square that was created by the relocation of Berlin Pike (Rt. 287) near the intersection with Broad Way is also designated for public park use. This land is uniquely situated to be a centerpiece for the Town as a welcoming attraction adjacent to the Town Center Commercial area. The park already includes a flag pole on the southern end of the square and a large evergreen tree that is used for the annual holiday tree lighting on the northern end. Additional development of the park area may include such amenities as a Veterans Memorial Wall, educational displays highlighting the history of the Town, water feature, park benches, lighting, waste receptacles, community sign, indigenous shade trees and plantings perhaps incorporating a rain garden or other natural garden. The drawing by Kimley-Horn and Associates, titled Master Plan for the Town Square Concept Plan, and revised October 16, 2008 is incorporated into the Comprehensive Plan.”

ADD: Page 51, Town Plan, Chapter VII Land Use, a new paragraph under the Heading Park and Recreation Uses, to read:

“Southwest from the Town Square sits the Town Center Park. This 3.58 acre lot, bordered by Town Center Drive, Hammond Drive and Spring Farm Road is also designated for park use. This property has the size and location to provide a pleasant place to relax, recreate or attend events. Development of the park area may include such amenities as a band stand, restroom facilities, picnic tables, benches, lighting, waste receptacles; children’s play area, the relocation of an existing Lovettsville springhouse, indigenous shade trees and plantings perhaps incorporating a rain garden and/or natural education area. The drawing by Kimley-Horn and Associates, titled Town Park Concept Plan, and revised October 16, 2008 and December 23, 2008 is incorporated into the Comprehensive Plan.”

Town of Lovettsville

RESOLUTION OF THE LOVETTSVILLE TOWN COUNCIL OPPOSING THE LOCATION OF THE TRANSMISSION LINE PROPOSED BY ALLEGHENY POWER

MOTION: Zoldos

SECOND: Jones

WHEREAS, Allegheny Power came to Lovettsville on August 14, 2009 to provide citizens in our Town and the surrounding area with information relating to their proposed 500KV transmission line application, for which they would be filing with the State Corporation Commission in March 2009; and

WHEREAS, on August 14, 2009 Allegheny Power proposed that this transmission line was to be constructed on their easement, one-half mile North of the Town of Lovettsville, where their 135KV transmission line currently co-exists with the transmission line for Dominion Virginia Power; and

WHEREAS, at that meeting of August 14, 2009, Allegheny Power representatives met with Delegate Joe May, Catoctin Supervisor Sally Kurtz, and Mayor Elaine Walker to discuss the options for the type of towers that would be added to the existing easement North of Lovettsville, and the possibility of having to acquire additional right-of-way North of the existing easement in order to provide for the 500KV transmission line; and

WHEREAS, after learning in early December 2008, that Allegheny Power had changed their proposed transmission line from 500KV to 765KV, and also changed the location of this transmission line from their current easement to a path very close to the Corporate Limits of the Town of Lovettsville, Supervisor Sally Kurtz and Mayor Elaine Walker requested a meeting with Allegheny Power; and

WHEREAS, on December 9, 2008 Allegheny Power representatives and officials from Loudoun County Government, Delegate May's office, and Mayor Elaine Walker met to discuss the change in the proposed plan. During the meeting, Mayor Walker, with support from Supervisor Kurtz, requested another meeting in Lovettsville in order that citizens would be advised of this major change of the location of the transmission line, as well as the increase from 500KV to 765KV. Mayor Walker requested that this meeting be more of a "Town Hall" type meeting, where Allegheny Power would give their presentation and receive questions from the audience and respond with answers; and

WHEREAS, on January 22, 2009, Allegheny Power did not accommodate the request to have a "Town Hall" type meeting, but did provide the same format as the August 14, 2008 meeting, where citizens visited the different stations and asked questions of the Allegheny Power representatives. This meeting was attended by Congressman Frank Wolf's Assistant, Delegate Joe May and his Assistant, Supervisor Sally Kurtz, Mayor Elaine Walker and Members of the Town Council; and

The German Settlement

WHEREAS, on February 5, 2009, Supervisor Sally Kurtz, Supervisor Jim Burton, and Mayor Elaine Walker met with Governor Tim Kaine and Senator Mark Herring in Richmond regarding this transmission line, citing the major changes in Allegheny Power's proposal from the August meeting. Mayor Walker hand-carried a letter to Governor Kaine requesting his assistance in possibly delaying the filing of Allegheny Power's application with the State Corporation Commission, and asking for his help in this most important matter. While at the Capitol, Supervisor Kurtz and Mayor Walker also met with Senator Jill Vogel and Delegate May in their respective offices, reported on their meeting with the Governor and asked for their continued assistance; and

WHEREAS, on February 17, 2009, Supervisor Sally Kurtz brought forth "A Resolution of the Loudoun County Board of Supervisors Opposing Allegheny Energy, Inc. and American Electric Power's Potomac-Appalachian Transmission Highline (PATH)" which was adopted unanimously by the nine-member Board.

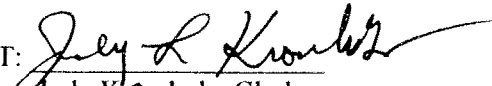
NOW, THEREFORE BE IT RESOLVED, that the Lovettsville Town Council opposes the construction of this transmission line, and requests that Allegheny Power show just cause why there is a need for this transmission line, especially in the reconfigured path they proposed, and supports the efforts of the Loudoun County Board of Supervisors in their request for Allegheny Power to provide for the "completion of a federal programmatic Environmental Policy Act of 1970, addressing the need for power, alternatives to the PATH proposal, and all significant impacts on the human environment of the PATH proposal and its reasonable alternatives".

BE IT FURTHER RESOLVED that the Lovettsville Town Council appreciates the support received from Congressman Frank Wolf and members of the General Assembly of the Commonwealth of Virginia who were mentioned above.

ADOPTED THIS 26TH DAY OF FEBRUARY 2009


ELAINE WALKER, MAYOR

ATTEST:


Judy Kromholz, Clerk