

# Town of Lovettsville

## Town Council

### Minutes of Reconvened Regular Meeting April 2, 2009

Mayor Elaine Walker reconvened the regular monthly meeting of the Lovettsville Town Council at 8:03 P.M. on Thursday, April 2, 2009.

#### Present at Meeting

- Mayor Elaine Walker
- Council Members Charlotte Coleman, Scott Dockum, DiJon Jones, Michael Senate, Shaun Staley
- Town Manager Keith Markel
- Town Clerk Judy L. Kromholz

#### Absent

- Council Member Robert Zoldos II

#### Audience

See attached speaker sign-in sheet. (Attachment I)

#### Call to Order/Welcome/Pledge of Allegiance/Invocation

Mayor Walker led the assembled in the Pledge of Allegiance.

#### Comments from the Public

Mayor Walker called on speakers in the order in which they had signed up to speak (Attachment I).

Barbara Lam (2 Eisentown Drive): Mrs. Lam read a prepared statement into the record. She stated that the Ryan Homes represented substantially lower value and represented a poor decision by the Mayor and City Council. She stated that Elm Street Development will leak lots to Ryan Homes and there will still be no commercial development. She stated that this will result in a lower socio-economic makeup of the Town and will limit success and performance in the school district. She stated that the new residents will have a lot less disposable income. The method of communication with current residents was to provide a rezoning letter which did not provide enough information. They found out about the issue only when she saw the Ryan signs and then they went to the Ryan website to see the layouts. She stated that what she viewed on the website lacked architectural charm and was cookie cutter styling. She stated that Elm Street still may not be able to complete the project.

Bing Lam (2 Eisentown Drive): Stated that this is a time for quality and he feels that the Mayor and the Council need to take control of the development process in Lovettsville Town Center. He stated that Elm Street is leading the Council which is rubber stamping Elm Street. He stated that the letter that the residents received came from the attorney for the development. He stated that they said that no market existed for neoclassical homes now or in the future. He said that Elm Street provided a study that supported their own position. He said 'dream small, you get small'. He stated that once a home is built it will be there for 50 years. He stated that the big homes will push up all real estate values in Town. He stated that the economic downturn is temporary, even if Elm Street leaves. He stated that the initial brochure prepared by Elm Street used the phrase 'time for quality'.

Joseph Ray (25 Hammond Drive): He stated that he found a document on the Lovettsville website that describes deep front porches and garage-less tree lined streets. He stated that he came here to raise his children in a hometown atmosphere. He stated that he has a very good source at Ryan Homes that told him they are only looking for the dollars, they don't care about Lovettsville. He showed Ryan Homes layouts that do not have porches. He stated that his covenants, which he was forced to sign, limit what can be built in Lovettsville Town Center and stated that the homes must be harmonious. He asked the Town Council and the Mayor to reconsider this, although he realizes that this is pretty much a done deal.

Brandon Carder (17 Hammond Drive): He just wants to state his rejection of the Ryan Homes development

Trina Clever (3 Hammond Drive): Stated that her family moved here because they liked what was presented by the builder at the time. She is dismayed at what is going on and wishes the Council would reconsider.

Dan Clever (3 Hammond Drive): He stated that he has lived in Loudoun County for over 20 years. He used to live in Ashburn and moved here because his family liked the vision this Town had to keep the small-town charm.

Karen Legendre (2A South Church Street): She sent an email to Manager Markel today for distribution to the Council (Attachment II). She stated that the Town has been bullied by Elm Street and should make Elm Street abide by the original concept. The Council has failed to protect the community. She feels that Mr. Rick Entsminger and Ryan Homes should come to the next meeting and provide a better plan. She is afraid Elm Street will just sell out to Ryan and there will never be a Town Center.

Dennis O'Keefe (7 Black Forest Lane): He asked members of the audience how many of them would have purchased their homes if they had known this would happen. He stated that they were all sold a bill of goods and that this could be a class action suit if they had a solid contract. He stated that this was a bait and switch operation.

Jeff Ertman (2D South Church Street): Stated that he had just found out about this today. He stated that he paid in the \$600,000s for his home and was forced to pay \$30,000 extra for a front porch he did not want and now the Council has allowed buildings with no porches. He was not able to move the garage where he wanted and now they are being built without detached garages. He stated that the government should call the shots.

*Debbie Nasser (9 Black Forest Lane) signed up but did not speak.*

Karen Legendre asked Mayor Walker to respond. Mayor Walker stated that she is not prepared to speak at this point and stated that this is a reconvened meeting with a specific agenda. Mrs. Legendre asked if this would be addressed on the 16<sup>th</sup>. Manager Markel stated that it is not currently on the Council's agenda. Mayor Walker stated that this would only be placed on the agenda if Ryan Homes and Elm Street Development attend the meeting because many of the questions raised can only be answered by them.

Jeff Ertman stated that the Town fought for aesthetics on the new post office and now is not fighting. Mayor Walker stated that the Town did not fight the Post Office, but did request certain changes.

Councilman Staley explained that the Mayor and Council do not have control over aesthetics but the Lovettsville Town Center Home Owners Association Board of Directors does.

Multiple members of the Council explained that the Council does not have control over what builders are selected by a developer. Councilman Senate explained that the Planning Commission had done an architectural review of the proposed commercial buildings, not residential. He reiterated that the Council has no control over which builders the developer selects. Councilman Dockum stated that in Lovettsville Town Center sections 2 and 3 the majority of homes were always front loading.

With reference to statements that were made by speakers from Town Center regarding Ryan Homes building a substantially lower value home, and therefore causing a lower socio-economic makeup of the Town, with less income, and further limiting success and performance of the schools, Mayor Walker felt that she also needed to comment, following Council comments. She stated that she is equally proud of the New Town Meadows and Kingsridge developments which were built by Ryan Homes, and proud of the citizens who live in those homes, as well as the citizens in the old and new Town, and went on to say that we have representatives in the Town Government from all of these areas. She also said that she hopes the Town Center residents will realize that "small-town charm" in our Town as other citizens have,

At 8:45 PM a two minute break was declared. All of the Lovettsville Town Center residents left Town Hall. None of the speakers provided copies of their written comments.

The meeting was reconvened at 8:50 PM.

### Loudoun County Sheriff's Office

Loudoun County Deputy Sheriff Lambert presented his monthly report. He reported that this is his last meeting as Lovettsville Community Policing Officer - he has been promoted to Major Crimes Investigator. He reported that the Loudoun County Sheriff's Office is planning to schedule quarterly community outreach meetings for the western Towns. The first meeting will be on April 30, 2009 at 7:00 PM at Harmony Intermediate School. The Mayor and Council thanked Deputy Lambert for his service to the Town and Deputy Lambert stated that he had enjoyed his time here.

### Additions/Deletions/Modifications to the Agenda

None.

### Presentations

No presentations were scheduled.

### Approval of Town Council Minutes

No minutes were presented.

### Action Items

#### A. WWTP SCADA

Manager Markel presented this topic. He stated that staff is recommending funding basic upgrades at \$35,000 plus \$5,000 for contingencies. He stated that there is no major opportunity cost to postponing the other items. There being no questions, the Mayor called for the vote.

**Motion:** I move that the Town Council approve the Waste Water Treatment Plant SCADA Upgrade Quote dated March 11, 2009 from Sherwood Logan in the amount of \$35,000 with a contingency of \$5,000 and authorize the Mayor or Town Manager to sign the necessary documents once in a form acceptable to the Town Attorney.

**By:** Council Member Jones

**Second:** Council Member Senate

**Aye:** Council Members Coleman, Dockum, Jones, Senate, Staley

**Nay:** None

**Abstain:** None

**Absent:** Council Member Zoldos

### Closed Session

The Council voted to go into Closed Session at 9:00 PM to consider appointments to the Planning Commission and came out of closed session at 9:45 PM. (Attachment III).

### Action Items - Continued

#### B. Appointment of Planning Commission Members

**Motion:** I move to appoint Joanne Cooper to the Planning Commission to fill the unexpired term of DiJon Jones ending June 30, 2011.

**By:** Council Member Dockum

**Second:** Council Member Coleman

**Aye:** Council Members Coleman, Dockum, Senate, Staley

**Nay:** None

**Abstain:** Council Member Jones

**Absent:** Council Member Zoldos

**Motion:** I move to appoint Elaine Fischer to the Planning Commission for a term to expire on June 30, 2013.

**By:** Council Member Dockum

**Second:** Council Member Senate

**Aye:** Council Members Coleman, Dockum, Senate

**Nay:** None

**Abstain:** Council Member Jones, Staley

**Absent:** Council Member Zoldos

### Information Items

No information items were presented.

### Comments from the Mayor and Town Council

Councilman Jones spoke about doing a spruce up of Town Hall. Mayor Walker suggested he organize the project and Councilman Jones committed to developing a workplan for the project.

Councilman Dockum stated that he is may be starting work towards his Master's degree and may have to limit his involvement with the Winter Events Committee. He will keep Council informed. He also commented on the public comments made to the Council at this session. He thinks the Council needs to listen to their concerns but reminded Council that the Public Comment section of Council meetings is not intended for back and forth conversations. He cautioned the Council that these citizens are angry and not fully informed and suggested a meeting between them and Council at a future time in order to establish a dialog. He reiterated that Council does not have control over the issues the public is discussing and stated that a meeting might be arranged at the end of the month at which a presentation can be scheduled to explain what powers the Town does and does not have. He feels that educating the public would be an important first step.

Councilman Staley agreed that lines of communication must be opened, but was unsure of how the Town will communicate with them. He noted that these issues affect the entire Town, not just residents of Lovettsville Town Center. He reported that he continues to work on Spring Events for the Town. He is hoping to have an event in conjunction with Little League Opening Day if it does not conflict with Arbor Day celebrations.

Councilman Senate stated that he is very concerned about the residents at Lovettsville Town Center and about getting correct information to them. He emphasized that the Town must coordinate its efforts in this regard. He reminded Council that Mr. Entsminger was quite clear that without the change to the alleys he would not be able to interest a national builder and the project would be in dire economic straits.

The Council asked Manager Markel to draft a statement that would explain the history of the project and delineate what powers the Town does have. Councilman Dockum requested that Manager Markel include a more generic section on what the Town can and cannot control that can be re-used in the future.

Councilwoman Coleman asked about the progress of the Oktoberfest Committee. Both Mayor Walker and Manager Markel stated that they are not sure when the next committee meeting is scheduled.

Mayor Walker reported on the following:

- She read the letter the Council had asked her to write to the School Board. The letter thanked the Board for considering the Wheatland property - north of Route 9 as the site for all three schools.
- She cautioned Council and Staff about meeting privately with citizens voicing a complaint.
- She reported that Manager Markel had obtained two flowering cherry trees which will be planted in honor of Arbor Day. There will be a small ceremony in Lovettsville Park on Friday, April 24, 2009 at 6:30 PM to plant the trees.

Manager Markel reported that the Lovettsville Movies in the Park will be the second Friday of the month beginning in May.

#### **Comments from the Public**

There were no public present at this time.

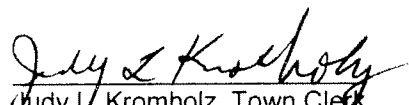
#### **Adjournment**

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

**Motion:** To adjourn the April 2, 2009 reconvened monthly meeting of the Lovettsville Town Council  
**By:** Council Member Coleman  
**Second:** Council Member Staley  
**Aye:** Council Members Coleman, Dockum, Jones, Senate, Staley  
**Nay:** None  
**Abstain:** None  
**Absent:** Council member Zoldos

The meeting was adjourned at 10:25 PM

Respectfully submitted,

  
Judy L. Kromholz, Town Clerk

Date Approved: August 13, 2009

- Attachment I: Speaker Sign-in Sheet
- Attachment II: Legendre Email dated April 2, 2009
- Attachment III: Motions to enter and leave Closed Session

# Town of Southville

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## Speaker Sign - Up Sheet

### Town Council Reconvened Monthly Meeting - April 2, 2009

Please Print.

Name and Association	Address	Topic	Email Address (Optional) <sup>1</sup>
✓ Barbara Lamm	2 Eisenbun Dr.	Lovelkstown Center	
✓ Bing Lamm	2 Eisenbun Dr.	Lovettsville Town Center	
✓ Joseph Ray Phonon Green	25 Hammond Dr. 17 Hammond Dr.	" "	" "
✓ Trina Clever	3 Hammond Dr.	"	"
✓ Dan Clever	3 Hammond Dr.	"	"
✓ Karen Leventritt	29 South Church St.	"	"
Dennis O'Keefe	7 Biggs Forest Ln	"	"
Self & Ann			

Each speaker will be limited to no more than three (3) minutes at the beginning of the meeting, or no more than five (5) minutes at the end of the meeting.

<sup>1</sup> If you provide your email address, you will be added to the Town Council & Planning Commission Meetings Notification List.

# Town of Southville

## Speaker Sign - Up Sheet

### Town Council Reconvened Monthly Meeting - April 2, 2009

Please Print.

Name and Association	Address	Topic	Email Address (Optional) <sup>1</sup>
DEBBIE HASSER	9 BLACK FOREST LN.	TWN CTR.	DHASSER@GMAIL.COM

Each speaker will be limited to no more than three (3) minutes at the beginning of the meeting, or no more than five (5) minutes at the end of the meeting.

<sup>1</sup> If you provide your email address, you will be added to the Town Council & Planning Commission Meetings Notification List.

**Keith Markel**

**From:** krllegendre@comcast.net  
**Sent:** Thursday, April 02, 2009 11:09 AM  
**To:** kmarkel@lovettsvilleva.gov  
**Subject:** Please provide a copy to the members at tonight's meeting

Dear Mayor Elaine Walker and Town Council:

My husband and I feel that the committee clearly has lost touch and has changed their vision for the New Town Center community. I am so pleased that you have chosen in a matter of a few meetings to not only negatively affect the lives of the residents of the The New Town Center but all the residents in the surrounding neighborhoods. This should have been opened to the entire community residents and business owners to voice their opinions.

There have been 28 plus foreclosures since 2008 between The New Town Meadows and NV neighborhood across the street. That in itself should have been part of the decision process. Do you really want foreclosures in The New Town Center. You will not be gaining tax dollars as long as you allow this cycle to continue. Just remember there have been no regulations to prevent sub-prime, no doc lending.

We purchased in a community that would reflect the pleasing look of a Craftmark home and you have changed the scope of the development to that of a lower end Ryan product. I can respect that there are people that find a Ryan home appealing but we for one we do not and would have never purchased into this development had we known this was coming. That is why we did not purchase into a larger community further into areas such as Ashburn.

The town and Elm Street approach has been handled in a tunnel vision view. Everyone has been chasing the market and now that we are at the eleventh hour you decide to take the extreme low price approach from extreme high. The reality is until you find a good market strategy (not a Ryan sales person going around town calling this the cheapest priced housing development in Loudoun county) and show some movement forward to the Town Center project, you will continue to spin your wheels. Rick has known from day one that the beginning of this project they should have created the commercial side. I find for Rick to admit years into the project, Lovettsville does not have any proven history for a financial institution to take on risk is beyond passing the buck. Rick is looking out for Elm Street only. If he really was working for the good of the community he would have provided detail information about how they wanted the development to proceed (the builder's name, the product and amenities). How in the world can you make a sound decision to modify a project without detailed information. The town council clearly was more concerned about losing the project than protecting the interest of the community.

You simply have created a mess and Mayor Elaine Walker I am looking to you show leadership and work with your team to provide us detailed information of what you plan on doing to provide an affirmative approach to protect the values of our homes and community. One of the very first steps Rick should attend the April 16th meeting as well as a representative from Ryan and this meeting should be strictly for this topic. The answers we are looking for are complete answers (not the approach there is going to be some masonry you know like the model at The New Town Meadows) by the way the buyer will pay additional



for that amenity.

My final thoughts are that each party involved in this decision will regret the price point because if the economy improves dramatically in the second half of the year, you will be chasing the market stabilization and upward trend. You will again lose your comp set from an appraisal standpoint. Foreclosure prices will be driven down due to selling price of these new homes in this project in which case will create an adverse price decline for the sell of these new homes.

Sincerely,

Russell and Karen Legendre  
2A South Church Street  
Lovettsville, VA 20180

# Town of Lovettsville

## Motion to Convene a Closed Session

Date and Time: April 2, 2009 - 9:00 PM

**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: Dijon Jones

Seconded By: Charlotte Coleman

Aye: Jones, Dockum, Staley, Senate, Coleman

Nay: None

Abstain: Bob Zeldes None

Absent: Bob Zeldes

Vote Recorded by: Elaine Waller

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## End of Closed Session

Date and Time: April 2, 2009 - 9:45 PM

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":

Jones, Dockum, Staley, Senate, Coleman

Statement  
Recorded by:

Elaine Waller - Mayor