

Town of Lovettsville

Town Council Minutes of Regular Meeting September 17, 2009

Mayor Elaine Walker called the regular monthly meeting of the Lovettsville Town Council to order at 8:00 PM on Thursday, September 17, 2009.

Present at Meeting

- Mayor Elaine Walker
- Council Members Scott Dockum, DiJon Jones, Michael Senate, Shaun Staley
- *Vice Mayor Robert Zoldos II arrived at 8:15 PM*
- Town Manager Keith Markel
- Town Attorney Liz Whiting
- Zoning Administrator Steve McGregor
- Project Manager Karin Fellers
- Town Clerk Judy L. Kromholz

Absent

- Council Member Charlotte Coleman

Audience

Among those present in the audience were Tiffany Carder, Frank Kromholz, and Bing Lam.

Call to Order/Welcome/Pledge of Allegiance/Invocation

Mayor Walker led the assembled in the Pledge of Allegiance.

Announcements

Mayor Walker made the following announcements:

- Someone blocked the Town Hall driveway during the last meeting. That is illegal per the Loudoun County Fire Marshall.
- Public comment will be timed to three minutes per the meeting rules, which are printed on the sign-up sheets.

Comments from the Public

Mayor Walker called on the public in the order in which they had signed up to speak (Attachment I). Bing Lam read from a written statement that was not provided to Council or Staff. He stated that he is against model homes being built in Lovettsville Town Center because the model will be a starter home. He believes that when Lovettsville Town Center is complete over 30% of homes in Lovettsville will be starter homes and that is too high because starter homes are not maintained as well as other homes. He believes that Lovettsville will become a feeder community to Brunswick.

Lovettsville Volunteer Fire and Rescue Company

No member of the Company was present.

Lovettsville Business Association

No member of the Association was present.

Additions/Deletions/Modifications to the Agenda

There were no changes to the agenda.

Presentations

No presentations were scheduled.

Approval of Town Council Minutes

A. Town Council Meeting – June 25, 2009

Motion: To approve the minutes of the June 25, 2009 Town Council Meeting as presented.

By: Council Member Staley

Second: Council Member Senate

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

Report from the Treasurer

No Treasurer's Report was presented.

Staff Reports

A. Report from the Zoning Administrator

Administrator McGregor presented his written report for August 2009. He reported that the Loudoun County planner has been attending most of the Comprehensive Plan Advisory Committee meetings. The Council had no questions.

B. Report from the Project Manager

Project Manager Fellers had nothing to add to her written report. There were no questions from the Council.

C. Report from the Town Attorney

Attorney Whiting reported that she has prepared a motion for closed session on three issues.

D. Report from the Town Manager

Manager Markel reported the following:

- The Oktoberfest Committee has stated they will not need the Town generator.
 - The Town check for Oktoberfest for \$3,500 has been prepared.
 - There will be a Western Loudoun Town Government meeting on the H1N1 flu on October 14, 2009. All Town government officials will be provided with more information as it becomes available.
 - The text for the Town's Civil War Trails signage was distributed to and approved by all Council members. Mayor Walker is preparing the letter for Chairman York.
- Vice Mayor Zoldos arrived during Manager Markel's report.*

Consent Agenda

There were no items on the consent agenda.

Action/Discussion Items

A. LVZA 2009-0006 Model Home with Sales Office

Administrator McGregor presented this item. He explained that this change will repair an oversight in the Zoning Ordinance to allow model homes in all of the residential districts. Currently, only a sales trailer is allowed. He emphasized that this is a Town-wide matter, not just a Lovettsville Town Center issue. Councilman Senate asked how the previous models were allowed and Administrator McGregor noted that was before his time and we cannot change the past. This change will provide definitions and a few standards and will allow model homes in all residential districts. It will also include a definition for construction trailers. Two off street parking spots will be required at all model homes.

Motion: I move that the Town Council direct staff, the Zoning Administrator and the Planning Commission to develop Zoning Ordinance amendment item LVZA 2009-0006 Model Home with Sales Office Use and Standards, so that a staff report with recommendation can proceed to public hearing before the Planning Commission, October 7, 2009.

By: Council Member Dockum

Second: Council Member Senate

Mayor Walker called for discussion. Councilman Staley asked if provision will be made to allow multiple model homes, especially if there are multiple builders. He also asked if there would be an option for a sales office not attached to a model. Administrator McGregor replied that he is requesting guidance from Council; he has initially drafted the ordinance to allow one model per subdivision. He would like to see each builder allowed to have a model with a sales office in it. The Council agreed that the builder should be allowed multiple models, but only one sales office. They would allow a trailer until the first model home is built. There being no further discussion, Mayor Walker called the vote.

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

B. Water Meter Sizing Policy

Project Manager Fellers reviewed the changes that had been made since the last meeting. Councilman Jones asked what other jurisdictions do for enforcement. Project Manager Fellers stated that Purcellville eventually turns off water, Leesburg has a very different program, and other jurisdictions vary. The most commonly used enforcement tool is turning off water. Councilman Staley stated that he likes the option of initially sending a warning letter and including monitoring and education to help the customer reduce usage. He felt that a second warning, with or without a fine, would eventually be followed by cutoff. Project Manager Fellers stated that commercial and residential users can be treated differently, noting that apartment buildings in Town are currently treated as commercial customers. Councilman Staley suggested that the issuance of an Occupation Permit might trigger different procedures. Councilman Dockum agreed. The Council also wants the requirements of home based businesses addressed. Councilman Zoldos noted that many homes in the old section of Town have mother-in-law suites and suggested these be grandfathered into any new ordinance. Attorney Whiting stated that the Town needs to recognize that water is a limited resource and expensive to supply. She pointed out that other towns have tiered their usage rates so that higher uses pay a different rate than low users. Project Manager Fellers and Attorney Whiting will draft enforcement language and Mayor Walker stated that she would like to be included in that discussion.

C. Town Square Surveying

Manager Markel said Council may want to delay this for several reasons, primarily noting that there are some residual issues that must be resolved before the Town receive confirmation from VDOT that the right of way issues has been resolved.

Information Items

No information items were presented.

Comments from the Mayor and Town Council

Councilman Staley asked if there will be a Town Hall booth at Oktoberfest. After surveying the Council, there was no one available to staff a Town booth. It was agreed that displays will be set up in Town Hall, which will be open for flu shots.

Mayor Walker discussed the following:

- She distributed audit letters for the Council to complete and mail to the Town auditor.
- She reported that Lovettsville Elementary School was on the list of schools in Loudoun County receiving the EPA energy star award.
- The last Movie in the Park for the season will be on October 9th. The September movie was moved indoors because of the weather.
- Town Hall will be closed on October 12, 2009 in honor of Columbus Day.

Closed Session

The Council went into closed session at 9:16 PM. (Attachment II)

Respectfully submitted,

Judy L. Kromholz, Town Clerk

Date Approved: December 17, 2009

Attachments:

- I. Speaker Signup Sheet
- II. Closed Session Motion

Town of Southville

Speaker Sign - Up Sheet

Town Council Regular Meeting - September 17, 2009

Please Print.

Name and Association	Address	Topic	Email Address (Optional) ¹
Bing Lan		Speaker homes	

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.

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

REGARDING LOVETTSVILLE
TOWN CENTER

- Resolution: AUTHORIZE CLOSED SESSION FOR**
- (i) DISCUSSION OF APPOINTMENT OF SPECIFIC PUBLIC OFFICERS;**
 - (ii) CONSULTATION WITH LEGAL COUNSEL REGARDING ACTUAL AND PROBABLE LITIGATION AND**
 - (iii) CONSULTATION WITH LEGAL COUNSEL REGARDING SPECIFIC LEGAL MATTERS RELATED TO A CONTRACT WITH ENGLISH CONSTRUCTION COMPANY**

MOTION: Bobby Zoldas



I hereby move that the Lovettsville Town Council convene in closed session pursuant to Va. Code sections 2.2-3711 A 1 and 2.2-3711 A 7 for (i) discussion of appointment and performance of specific officers of the Town; (ii) consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the Town; and (iii) consultation with legal counsel retained by the Town regarding specific legal matters requiring the legal advice of such counsel related to performance of a contract with English Construction Company; and thereafter reconvene in open session for action as appropriate.

* regarding Lovettsville Town Center

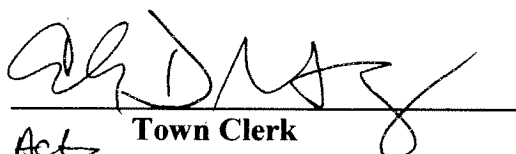
SECOND: Scott Dockum

VOTE:

Ayes: 5
Nays: 0
Abstentions: 0
Absent for vote: 1

When polled as to whether (i) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act 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 closed meeting, the following members stated "Aye:"

September 18, 2009 Certified:


Town Clerk
Acty