

Town of Lovettsville

Town Council

Minutes of Public Hearing and Regular Meeting November 19, 2009

Mayor Elaine Walker called the regular meeting of the Lovettsville Town Council to order at 7:30 P.M. on Thursday, November 19, 2009 at the Lovettsville Elementary School, 49 South Loudoun Street, Lovettsville, VA 20180. She explained that this Town Council meeting is being held at the Lovettsville Elementary School in honor of American Education Week. This is the eleventh year this event has occurred. She introduced the members of the Town Council and Town Staff to those attending the meeting.

Call to Order/Welcome/Pledge of Allegiance/Invocation

The Lovettsville Elementary School student choir led the assembled in the Pledge of Allegiance.

Present at Meeting

- Mayor Elaine Walker
- Vice Mayor Robert Zoldos II
- Council Members Charlotte Coleman, DiJon Jones, Michael Senate, Shaun Staley
- Town Manager Keith Markel
- Town Attorney Elizabeth Whiting
- *Town Treasurer Lance Gladstone arrived at 8:15 P.M.*
- Zoning Administrator Steve McGregor
- Town Clerk Judy L. Kromholz

Absent

- Council Member Scott Dockum

Special Program

Mayor Walker introduced Sarah Stillman and a special program presented by the students and staff of the Lovettsville Elementary School in honor of American Education Week.

Special Action Item

Resolution in Support of American Education Week

Mayor Walker thanked the choir and Ms. Stillman for their presentation. She then read the resolution in support of American Education Week – November 16-20, 2009 – into the record and presented it to School Principal Kim Forcino. (Attachment I)

Motion: To accept the resolution in honor of American Education Week as presented by Mayor Walker

By: Vice Mayor Zoldos

Second: All Council Members present

Aye: Council Members Coleman, Jones, Senate, Staley, Zoldos

Nay: None

Abstain: None

Absent: Council Member Dockum

Mayor Walker stated that the Town's Resolution was derived from the Resolution adopted by the Loudoun County Board of Supervisors but had been customized to reflect the statistics for Lovettsville. She stated how proud she is of our school and its community.

Mayor Walker declared the end of the special session and called for a short recess so that the children and their parents could leave, although she welcomed all those present to remain and attend the rest of the Council meeting.

The Town Council meeting reconvened at 8:05 P.M.

Mayor Walker explained for the record how the Town Council came to be holding a Council meeting the same evening as the State Corporation Commission (SCC) meeting on PATH is being held at the Lovettsville Community Center. She explained that she had received a phone call from the SCC stating that they would come to Lovettsville for a second public hearing because many people were on vacation at the time of the last public hearing that was held in Purcellville in August. She explained to them that there were three local facilities suitable for the meeting and that the Town government would be unable to

attend on this date because of their long standing commitment to the Lovettsville Elementary School. She was told by the SCC that they had already selected November 19th as the meeting date and that they would not be able to avoid the scheduling conflict. Mayor Walker noted that she has spoken at the hearing in Purcellville and was under the impression that she would not be allowed to speak again. Along with other elected officials, she has attended many meetings on the PATH issue. She wants the Town to know how important the PATH issue is to her and to the Council and that she has not exhausted every aspect of presenting the Town's case to the SCC and the applicant.

Comments from the Public

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

Michael Banish stated that he moved to Mills Court a few months ago and has had problems with high water pressure affecting his new, high efficiency washing machine. He has had to replace the washer and was advised by F & L Plumbing that a pressure reducer valve would cost about \$500, including installation. He is asking the Town to reimburse \$200 towards this expense and is also asking for a credit on his water bill to offset the water used by Loudoun Water when responding to his service request. He has been working with Manager Markel and stated that the Staff report is very accurate in reflecting his concerns.

Lovettsville Volunteer Fire and Rescue Company

Newly elected President Don Beery introduced himself. He took the opportunity to thank Cliff Walker for his many years of service as the Company's Treasurer. He stated that Mr. Walker had handed over the Company books in good shape and continues to help the Company during the transition. He introduced new Rescue Chief Tracey Senate who introduced her line officers.

President Beery stated that there will be changes around the fire house; there will be more fund drives, more training, and more recruiting. Mayor Walker presented the proffer checks received by the Town for the Company during the month of November (Attachment II).

Lovettsville Business Association

Manager Markel reported that President Darren Casper had asked that the Council be informed of the following:

- The Lovettsville Business Association will be serving cookies and hot chocolate at the annual Christmas tree lighting on December 4th. They will be available to assist with set up.
- The annual Historical Walking Tour of Lovettsville will be on Saturday, December 5th. The tour will visit many businesses throughout the Town for refreshments and information on their services.

Additions/Deletions/Modifications to the Agenda

Vice Mayor Zoldos added a discussion item concerning the proposed PATH line.

Presentations

No presentations were scheduled.

Approval of Town Council Minutes

No minutes were presented.

Report from the Treasurer

A. Financial Report – July 2009

Treasurer Gladstone presented his report for July 2009. The Council had no questions.

Motion: To approve the July 2009 Treasurer's report as presented.
By: Council Member Senate
Second: Council Member Jones
Aye: Council Members Coleman, Jones, Senate, Staley, Zoldos
Nay: None
Abstain: None
Absent: Council Member Dockum

Staff Reports

A. Report from the Project Manager

Project Manager Fellers report had been distributed. The Council had no questions.

B. Report from the Town Attorney

The Town Attorney had no formal report.

C. Report from the Town Manager

Manager Markel reported on the following:

1. Vehicle decal sales are at budget.
2. The contractor has agreed to postpone the Germanna Drive project until Spring and has agreed to honor the estimate at that time as previously discussed unless there are major changes in material costs. They are tentatively planning to begin in March.
3. The Inflow and Infiltration repair work contract Notices to Proceed were issued today.
4. Manitron, the developer of the Town's real estate billing system, has announced that annual maintenance costs will double because the Town is using such an old version of the software. Manager Markel and Treasurer Gladstone will explore the Town's options.

Councilman Jones asked if the Germanna Drive residents are being notified of the delay. Manager Markel stated that they will be formally notified as soon as the delay is finalized.

Action/Discussion Items

A. LVZA 2009-0006: Model Home; Construction and/or Sales Trailer

Administrator McGregor recapped the discussion from the last meeting. He recommends Option 2, which is the option also recommended by the Planning Commission.

Motion: To Approve Ordinance No. 2009-11-01 Approve LVZA 2009-0006 Amending Lovettsville Zoning Ordinance Sections 3-1 (Residential Zoning Districts – General), 3-2 Residential District Cr-1), 3-3 (Residential District R-1), 3-4 (Residential District R-2), 3-5 Residential District R-3), 3-6 (Retirement Community R-C) 3-7 (Town Center Planned Development District T-C), 3-8 (Planned Infill Development District), 3-12 (Community Commercial District C-1), 3-13 (Mixed Use Business District C-2), 3-14 (Light Industrial District), and 13-2 (Definition Of Certain Terms): Model Homes And Construction and/or Sales Trailers using text option number 2.

By: Vice Mayor Zoldos

Second: Council Member Coleman

Mayor Walker called for discussion. Council requested some minor changes to the wording of the ordinance. These changes are shown in Attachment IV. There being no further discussion, Mayor Walker called for the vote.

Aye: Council Members Coleman, Jones, Senate, Staley, Zoldos

Nay: None

Abstain: None

Absent: Council Member Dockum

B. Water Pressure Control Modifications

Manager Markel presented this item. He explained that he had discussed the issue with Loudoun Water and with other localities. He said that the water pressure in Mills Court had probably always been high but it is within generally acceptable limits. He noted that some houses already have pressure reducers which may have been installed by current or previous owners. Loudoun County and Loudoun Water both require pressure reducing valves on all new homes. Leesburg requires the homeowner to install the valve.

Councilman Jones asked how many homes are affected. Manager Markel stated that Loudoun Water estimates no more than 20 homes, some of which may have already installed the valve.

Councilman Senate stated that the water pressure is higher at the retirement community and in Kingsridge near the water tanks. Manager Markel noted that it is believed that many of the newer homes have valves installed by the builder. Councilman Senate noted that fire and rescue personnel want the higher pressure in the main system in order to respond to emergencies.

Vice Mayor Zoldos requested an estimate of the cost of installing pressure reducing valves at the crock. Manager Markel explained that this would necessitate expanding the crock size, which might entail moving the crock in some locations. There would be major installation expenses and ongoing maintenance costs.

The Council requested that Manager Markel prepare cost estimates for the possible scenarios. Councilman Jones suggested that the Town might offer a water bill credit instead of directly paying for the valve. The item was tabled.

Discussion Items

A. State Corporation Commission PATH Application Status

Vice Mayor Zoldos reported on research he had done into this issue. He read his email dated November 19, 2009 (Attachment V) into the minutes as a basis for discussion. If the SCC does not dismiss the application, Vice Mayor Zoldos recommends that the Town government apply to be a respondent. He noted that this status will allow the Town to be notified at every step in the process.

Mayor Walker recommended that the Council wait for the SCC action taken after tonight's meeting at the Lovettsville Community Center. She will be meeting with Delegate May after the meeting. She noted that the Town has received excellent support from Congressman Wolf, Delegate May and Governor Kaine. She has met with the Governor twice concerning this issue.

Information Items

No information items were presented.

Comments from the Mayor and Town Council

Councilman Senate reported that the lights must be installed on the tree in Town Square before December 4th. He is asking for volunteers the weekend of Thanksgiving.

Councilman Staley stated that he had attended the Lovettsville Business Association tour last year and it was very informative. He highly recommends the event.

Vice Mayor Zoldos thanked everyone who attended the Lovettsville Elementary School bingo and reported that the event was very profitable.

Mayor Walker reported on the following:

- She thanked those who attended the abbreviated Veterans Day celebration in the rain.
- She attended the dedication of the new Culbert Elementary School in Hamilton.
- There will be a Community Thanksgiving Service at the Lovettsville Fire and Rescue Company next Tuesday at 7:30 P.M.
- Town Hall will be closed on Thursday, November 26th and Friday November 27th in honor of Thanksgiving.
- The Civil War Marker in Lovettsville Town Square will be dedicated on Saturday, December 5, 2009 at 2:00 P.M. Loudoun County's portion of the sign cost will now be paid by the Burden Foundation.
- The annual Lovettsville Lantern Parade and Tree Lighting will be on Friday, December 4, 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 adjourn the November 19, 2009 meeting of the Lovettsville Town Council.

By: Council Member Coleman

Second: Council Member Senate

Aye: Council Members Coleman, Jones, Senate, Staley, Zoldos

Nay: None

Abstain: None

Absent: Council Member Dockum

The meeting was adjourned at 9:25 P.M.

Respectfully submitted,


Judy L. Kromholz, Town Clerk

Date Approved: February 25, 2010

Attachments:

- I. Resolution in Honor of American Education Week

- II. Speaker Signup Sheet
- III. LVFR Proffer Check Register
- IV. Draft Ordinance 2009-11-01 to approve LVZA 2009-0006 showing changes made by Council
- V. Zoldos email dated November 19, 2009 re PATH Application status

Town of Lovettsville

RESOLUTION AMERICAN EDUCATION WEEK NOVEMBER 16-20, 2009

WHEREAS, during the week of November 16-20, 2009, citizens throughout the United States are celebrating the observance of American Education Week in appreciation of the important contributions of America's public and private educational systems to the strength of our Communities and our Nation; and

WHEREAS, speaking in behalf of the citizens of the Town of Lovettsville, the Mayor and Members of the Town Council are especially proud of our own Lovettsville Elementary School, the Students, the Principal, Teachers and Staff, and are pleased with the exceptional relationship between our School and Town; and

WHEREAS, every citizen of Loudoun County can be justifiably proud of the outstanding accomplishments of the students in Loudoun County whose average achievement test scores consistently rank high among the 133 School Divisions of the Commonwealth of Virginia; and

WHEREAS, the quality of instructional programs and services in Loudoun's seventy-six public schools that serve over 60,000 students in Kindergarten through High School, and enhances not only the growth and potential of the individual student, but also helps to ensure the strength and viability of the Loudoun Community as a whole; and

WHEREAS, informed community support for all of Loudoun's educational programs is essential to continue to provide Loudoun students with the best education possible, which will enable these students to lead productive and useful lives as contributing citizens of this Town, this County, this Nation, and the World.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Members of the Town Council of the Town of Lovettsville encourage all Loudoun citizens to visit their schools during American Education Week, and at other times throughout the school year, to see for themselves the superior quality of teaching and learning in the fastest growing public school district in the Commonwealth of Virginia.

Adopted this 19th day of November 2009.


ELAINE WALKER, MAYOR

The German Settlement

Town of Southville

Speaker Sign - Up Sheet

Town Council Regular Meeting - November 19, 2009

Please Print.

Name and Association	Address	Topic	Email Address (Optional) ¹
MICHAEL DANISH	10 Mells Ct.	WATER PRESSURE	

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.

Town of Lovettsville

Lovettsville Fire and Rescue Proffer Checks Delivered November 19th, 2009

Check Number	Check Date	Received Date	Lot Number	Address	Amount
583233	10/6/09	11/4/09	LTC Lot 111	6 Spring Farm Drive	\$320
588358	11/9/09	11/9/09	LTC Lot 122	24 Town Center Drive	\$320

DRAFT

Ordinance No. 2009-11-01:

APPROVE LVZA 2009-0006 AMENDING LOVETTSVILLE ZONING ORDINANCE SECTIONS 3-1 (RESIDENTIAL ZONING DISTRICTS – GENERAL), 3-2 (RESIDENTIAL DISTRICT CR-1), 3-3 (RESIDENTIAL DISTRICT R-1), 3-4 (RESIDENTIAL DISTRICT R-2), 3-5 (RESIDENTIAL DISTRICT R-3), 3-6 (RETIREMENT COMMUNITY R-C) 3-7 (TOWN CENTER PLANNED DEVELOPMENT DISTRICT T-C), 3-8 (PLANNED INFILL DEVELOPMENT DISTRICT), 3-12 (COMMUNITY COMMERCIAL DISTRICT C-1), 3-13 (MIXED USE BUSINESS DISTRICT C-2), 3-14 (LIGHT INDUSTRIAL DISTRICT), and 13-2 (DEFINITION OF CERTAIN TERMS):
MODEL HOMES AND CONSTRUCTION AND/OR SALES TRAILERS

MOTION: Zoldos
SECOND: Coleman

WHEREAS, the Town Council directed that amendments to the Zoning Ordinance that would permit model homes as a by-right use in all zoning districts that have a residential component and to permit construction and/or sales trailers in all districts; to establish performance standards for such uses and to incorporate appropriate definitions for such uses be referred to the Planning Commission for its review and recommendation; and

WHEREAS, the Lovettsville Town Council conducted a public hearing on November 12, 2009 and the Lovettsville Planning Commission conducted a public hearing on October 7, 2009 on the proposed amendments ~~November 12 and 19, 2009 and October 7, 2009, respectively~~, pursuant to notice given in accordance with the requirements of Va. Code section 15.2-2204; and

WHEREAS, the Planning Commission recommended approval of the amendments with the addition of provisions allowing the Zoning Administrator to impose requirements for landscaping or fencing in order to protect neighboring properties during such non-residential use of residential properties following its public hearing; and

WHEREAS, the Town Council has determined that the proposed amendments are consistent with good zoning practice and that the health, safety and welfare of the Town and its citizens will be promoted by adoption of the text revisions.

NOW, THEREFORE, BE IT ORDAINED by the Lovettsville Town Council that sections 3-1, 3-2, 3-3, 3-4, 3-5, 3-6, 3-7, 3-8, 3-12, 3-13, 3-14 and 13-2 of the Zoning Ordinance be repealed and reenacted as set forth in Option 2 of the text attached hereto.

VOTE:
Ayes: Coleman, Jones, Senate, Staley, Zoldos
Nays: None
Abstentions: None
Absent for vote: Dockum

APPROVED November 19, 2009 _____, 2009

Elaine Walker, Mayor

Judy L. Kromholz, Town Clerk



Town of Lovettsville <toflovettsville@gmail.com>

PATH Concerns

Robert Zoldos II <rzoldos@lovettsvilleva.gov>**Thu, Nov 19, 2009 at 5:12 PM**

Reply-To: Robert Zoldos II <rzoldos@lovettsvilleva.gov>

To: toflovettsville@gmail.com, Bobby Zoldos <rzoldos@lovettsvilleva.gov>, Charlotte Coleman <ccoleman@lovettsvilleva.gov>, DiJon Jones <djones@lovettsvilleva.gov>, Mike Senate <mssenate@lovettsvilleva.gov>, Scott Dockum <sdockum@lovettsvilleva.gov>, Shaun Staley <sstaley@lovettsvilleva.gov>

Cc: <kmarkel@lovettsvilleva.gov>

ALL:

I was doing some fact-finding about the some of the latest news about the PATH lines over the past few days and found out a few things that I feel important to share with the Mayor and the rest of the council:

1. The staff of the State Corporation Commission (VA-SCC) in a "staff motion" recommended to dismiss the application outright last month. This is due to (this motion is attached):
 1. The Maryland Public Service Commission determined that the PATH application had not been properly filed as PATH was not an "electric company".
 2. The VA-SCC must find that there is a need for the line and that the route must minimize adverse environmental impact.
 3. The VA-SCC felt that it could not determine the above if the terminus (in MD) was in doubt.
 4. Further costs to the VA-SCC and the effected counties were not warranted.
2. That the town could have applied as a "respondent" and become officially part of the proceedings. I thought that this could only be done by individuals so it I didn't push it before the deadline (July 27, 2009) had passed. I believe that we should do this even at this late hour. Mr. Richardson (email below from him) made it clear that we were eligible to petition as a respondent at that time and that it would probably be allowed even at this late date by the VA-SCC.
3. If we choose to not participate as a respondent, I would ask that we submit a written comment before the deadline (January 12, 2010) expressing our concerns about this project.

I plan on speaking about this issue tonight at the meeting and will speak to these points then.

Thanks,

-Z

-----Original message-----

From: Glenn Richardson Glenn.Richardson@scc.virginia.gov

Date: Thu, 19 Nov 2009 15:53:25 -0500

To: "rzoldos@lovettsvilleva.gov" rzoldos@lovettsvilleva.gov

Subject:

8ZP401!.PDF - Adobe Reader

Mr. Zoldos: Please find attached the Staff Motion you requested in the PATH transmission line proceeding.

Glenn Richardson
Senior Counsel
Office of General Counsel
State Corporation Commission

----- Forwarded message -----

From: Glenn Richardson <Glenn.Richardson@scc.virginia.gov>

To: "rzoldos@lovettsvilleva.gov" <rzoldos@lovettsvilleva.gov>

Date: Thu, 19 Nov 2009 14:53:25 -0500

Subject: 8ZP401!.PDF - Adobe Reader

Mr. Zoldos: Please find attached the Staff Motion you requested in the PATH transmission line proceeding.

Glenn Richardson

Senior Counsel

Office of General Counsel

State Corporation Commission



8ZP401!.PDF

269K

Email attachment is a 13-page document headed:

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

APPLICATION OF

PATH ALLEGHENY VIRGINIA
TRANSMISSION CORPORATION

CASE NO. PUE-2009-00043

For certificates of public convenience
and necessity to construct facilities:
765 kV Transmission Line through
Loudoun, Frederick, and Clarke Counties

To Senior Hearing Examiner Alexander Skirpan, Jr.

COMMISSION STAFF MOTION TO DISMISS APPLICATION
AND TO CERTIFY ISSUE TO THE COMMISSION

GOVERNMENT COURTS

2009 OCT 19 P 1:38

CLERK'S OFFICE