

Town of Lovettsville

Town Council Minutes of Regular Meeting January 14, 2010

Mayor Elaine Walker called the regular meeting of the Lovettsville Town Council to order at 8:03 P.M. on Thursday, January 14, 2010.

Present at Meeting

- Mayor Elaine Walker
- Council Members Charlotte Coleman, Scott Dockum, Michael Senate, Shaun Staley
- Town Manager Keith Markel
- Town Attorney Elizabeth Whiting (*arrived at 8:55 P.M. during action item A discussion*)
- Town Treasurer Lance Gladstone (*arrived at 8:25 P.M. during minutes approval*)
- Project Manager Karin Fellers (*arrived at 8:30 P.M. during Treasurers Report*)
- Town Clerk Judy L. Kromholz

Absent

- Vice Mayor Robert Zoldos II
- Councilman DiJon Jones

Audience

Among those present in the audience were Floyd Blethen (Lovettsville Game Protective Association), Tiffany Carder, and Bing Lam.

Call to Order/Welcome/Pledge of Allegiance/Invocation

Mayor Walker called for a moment of silence in support of the victims of the Haitian earthquake. She reported that Vice Mayor Zoldos is on his way to Haiti as part of the Fairfax, Virginia Search and Rescue team. She then led the assembled in the Pledge of Allegiance.

Comments from the Public (Attachment I: Speaker Signup Sheet)

Mr. Blethen reported that the LGPA did very well last year and will be scheduling a number of activities in 2010. The February dinner will benefit the Loudoun Valley High School Graduation Party, The Youth Fishing Derby will be on May 15th.

Tiffany Carder read a statement into the record (Attachment II).

Additions/Deletions/Modifications to the Agenda

There were no changes to the agenda.

Community Presentations

A. Loudoun County Sheriff's Office

Loudoun County Deputy Sheriff Mertz-Myers presented her monthly report. She informed the Council that the Board of Supervisors is expected to cut her Community Policing position from the next LCSO budget. She said if the Mayor and Council Members felt compelled to do so, they could contact the County Supervisor to express the Town's strong desire to keep the program. Councilman Staley asked if the speed warning sign will be placed on Broad Way and Loudoun streets. Deputy Sheriff Mertz-Myers said she has submitted the request but the signs cannot be used while snow is piled along the road.

Presentations

No presentations were scheduled.

Approval of Town Council Minutes

A. Town Council Public Hearing and Meeting – October 8, 2009

Motion: To approve the minutes of the October 8, 2009 Town Council Public Hearing and Meeting as amended.

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

B. Town Council Meeting – October 22, 2009

Motion: To approve the minutes of the October 22, 2009 Town Council Meeting as presented.
By: Council Member Dockum
Second: Council Member Staley
Aye: Council Members Coleman, Dockum, Senate, Staley
Nay: None
Abstain: None
Absent: Council Members Jones, Zoldos

C. Town Council Public Hearing & Meeting – November 12, 2009

Motion: To approve the minutes of the November 12, 2009 Town Council Public Hearing and Meeting as amended.
By: Council Member Staley
Second: Council Member Coleman
Aye: Council Members Coleman, Dockum, Senate, Staley
Nay: None
Abstain: None
Absent: Council Members Jones, Zoldos

D. Town Council Meeting – November 19, 2009

Tabled at the request of Mayor Walker.

E. Town Council Meeting – December 10, 2009

Tabled at the request of Mayor Walker.

Report from the Treasurer

A. Financial Report – September 2009

Treasurer Gladstone presented his report for September 2009. The Council had no questions on the General Fund. Councilman Dockum asked why the crock at 27 S. Loudoun Street had to be replaced and Manager Markel explained the problems that led to it being broken. A heavy duty crock had been installed because of the truck traffic in that parking lot. There were no other questions concerning the Utility Fund.

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

Mayor Walker requested that future Treasurer's Reports include year to date totals for the meals and cigarette taxes.

Staff Reports

A. Report from the Zoning Administrator

Manager Markel presented Administrator McGregor's written report for December 2009. He reported that the Planning Commission approved the preliminary plat for Lovettsville Town Center Phases 2, 3 and 4 at their January 6, 2010 meeting.

Manager Markel reported that the Comprehensive Plan Advisory Committee (CPAC) continues to make good progress and continues to meet twice a month. Councilman Dockum asked for an update on their timeline and Manager Markel stated that the original plan called for completion of the committee's work in

late winter. However, he noted that the Committee is having substantive discussions and he believes that the Planning Commission Public Hearing on the Comprehensive Plan may be scheduled for late summer. He suggested that there may be a public input session scheduled after the draft is released and before the public hearing.

Manager Markel reported that Attorney Whiting has reviewed the Sign Ordinance draft and has prepared many comments to be reviewed by Staff before returning to the Planning Commission.

Councilman Dockum asked if Administrator McGregor has been making progress on enforcement issues and Manager Markel stated that staff has been meeting with Attorney Whiting to determine the next steps in the process.

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:

- The formal startup of the new module at the Waste Water Treatment Plant will begin the last week in January. It is expected to be operational by the end of February.
- The Town Council Retreat is scheduled for January 23, 2010.
- The recent heavy rain and snow storms did cause high flow issues at the treatment plant.
- The I&I work should be completed in about a month.

Consent Agenda

There were no items on the Consent Agenda.

Action/Discussion Items

A. Water Pressure Reducing Valve Modifications

Manager Markel presented updates to this item. He queried Loudoun Water as to the feasibility of Loudoun Water personnel doing the initial water pressure inspections and reported that Loudoun Water would be comfortable doing this under the existing contract. Plumbing companies that were canvassed estimated an average cost from \$85 to \$180 for the initial service call to determine the water pressure and estimated between \$250 and \$350 for installation of the pressure reduction valve. Leesburg, Purcellville and Loudoun Water do not install pressure reducing valves or offer a credit, to their customers who have high water pressure from the municipal system.

Councilman Dockum asked if staff is confident that only about 20 properties are potentially affected. Manager Markel said that Loudoun Water provided this estimate based on the Town's topography. Councilman Dockum asked how much water Loudoun Water used to test the pressure on the property in question. Manager Markel reported that the test only lasted a few moments, using a few cents worth of water and he does not recommend reimbursing the homeowner for this usage. Councilman Dockum suggested amending the Draft Policy to explicitly state that the Town has no responsibility for damages to the contents of the home, including, but not limited to, appliances. He also noted that these valves do have an expected lifetime and will fail at some point in time.

Mayor Walker noted that Loudoun Water staff is already very busy, especially with the new module coming online. She mentioned that the Town employs additional qualified staff to read water meters and suggested that this employee would also be qualified to perform the test at a lower hourly rate. She suggested amending the Draft Policy to include Town Staff, or Town-appointed staff, to perform the pressure test. Councilman Dockum agreed with this amendment. He also suggested that this item remain tabled until the two absent Councilmen were available to participate in the discussion.

This item remains tabled from the last meeting.

B. Town Hall / Museum Security System Update

Manager Markel reported that he has revived this item for two reasons. The first is the recent occurrences at the Round Hill Town Hall. Secondly, one of the vendors has offered a discount if the Town undertakes the project in the near future. Manager Markel has contacted the Virginia Municipal League

and reported that they will not reduce the Town's insurance rates if a security system is installed. However, the Town may apply for a \$500 Safety Grant to defray the installation costs. The Mayor also suggested that the grant could also be used to install a defibrillator in Town Hall. Councilman Dockum noted that he has had experience with these security systems and it was his opinion that the Brinks keypad is much easier to use than the ADT keypad. He asked staff to obtain an estimate from Brinks. He also stated that the system should be installed in Town Hall before the Museum security is addressed. Councilman Staley noted that a security system might also be needed at the waste water treatment plant. Councilman Senate stated that Town Hall and its contents must be protected because it is a public building and contains irreplaceable records. Council instructed staff to obtain three current estimates and return this item to the agenda in February.

C. KCI Scope for Antenna Reattachment on Water Tower

Project Manager Fellers stated that the Town is hoping to get the cost share agreements with the carriers in place within the next month or so, but Council must approve this Scope of Services and Cost Share Agreement in order to finalize the carrier agreements. There being no further discussion, Mayor Walker called for a motion.

Motion: I move that Town Council authorize the Mayor or Town Manager to sign the Scope of Services with KCI for Antenna Reattachment Design for the Elevated Water Tank dated April 17, 2009, Revised October 13, 2009 and January 6, 2010 in the amount of \$31,350 plus a contingency of \$5,000. I further move that Town Council authorize the Mayor or Town Manager to sign the Cost Share Agreements with each of the Carriers once in a form acceptable to the Town Attorney and incorporating the Cost Share Break Down dated August 13, 2009.

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

D. Water Well Plant Improvements

Manager Feller explained that Council should consider authorizing the design of a permanent small pump improvement to Kingsridge and Retirement Well Systems to improve operations and facilitate taking the elevated tank offline. She explained that, as part of the work being done to prepare to paint the water tank, the Town's project engineer, KCI, has conducted an evaluation of solutions needed to temporarily take the elevated tank offline and maintain pressure in the system. As a temporary solution they recommended the use of a smaller "jockey" pump at one well house to introduce water into the system with a pressure relief valve that will pipe any water released from the pressure relief valve back into the ground storage tank. This system will maintain pressure in the system while the elevated tank (the Town's usual source of pressure for the system), is offline. This solution was originally considered as a temporary solution, however, during a conference call with the Mayor, KCI, Loudoun Water and Town staff, Loudoun Water identified that the current well configuration is causing some operational challenges that this solution appears to correct. It was suggested that the Town may wish to consider installing the "jockey pump" and pressure relief system at both wells permanently to provide a better operating system and to ease taking the elevated tank off line as needed. Both well systems were originally designed by Wastewater Management, Inc. The Town has met with KCI and Wastewater Management to discuss these possible changes to the well systems. Both engineers have agreed that the permanent solution has merits and are interested in completing the design work for the Town. Staff would like direction from Town Council on whether there is interest in completing a design and permanent improvement to both well houses. If there is interest in designing and installing a permanent solution, staff would like additional direction from Town Council on their preferences for engineer selection.

Councilman Senate stated that the Fire Company has had experience with the water hammer effect of the current system and that this effect has blown out the safety valves on the fire trucks. Manager Markel stated that Loudoun Water is very supportive of a design that would reduce the high water volume surges that fill the elevated tank rapidly. Councilman Dockum asked if this design is a standard protocol and Project Manager Fellers explained that it depends on the particular system configuration.

Councilman Staley asked how often the existing pumps are triggered and Project Manager Fellers reported that this occurs five to seven times each day. Councilman Staley asked if the Town is will need a second tower in the near future. Project Manager Fellers stated that the existing configuration is adequate, but there is a need to smooth the demands on the system. He also asked if this modification would impact on the maintenance needs of the existing system and Manager Markel said that it might extend the life of existing pipes. Project Manager Fellers noted that this might also extend the life of the existing pumps, although quantifying these savings might be almost impossible.

Councilman Dockum asked when the Town will need to take the tank off line for maintenance and Manager Markel stated that, realistically, it will be next summer.

The Council directed staff to consult with the original designers about this retrofit project and develop a proposal as to scope and cost.

E. Water Line Replacement along Berlin Pike in Advance of Bike Path (Discussion only)

Manager Markel explained that The Capital Improvements Program calls for the Town to replace the original water lines that were installed in the early 1970s. It was identified that the water line is transite and can become brittle after 40 years. The Bike Path location is proposed to be parallel to 287 along the west side of the road and within the VDOT right of way. The water line is also located in this area and it is possible that in some places the Bike Path or at least fill for the Bike Path may occur on top of the existing water line. The water line along 287 is original and is part of the CIP project slated for replacement within the next 5-10 years. He emphasized that this would be an expensive and time consuming project that could significantly delay completion of the bike path itself. Project Manager Fellers noted that VDOT will be providing additional information fairly soon which may identify how serious this conflict will be.

Councilman Dockum asked about the sewer pipes and Project Manager Fellers stated there will not be an interrelationship. Mayor Walker noted that relocating the water line will probably involve getting easements from individual properties. Councilman Dockum noted that the Town has applied for a design/construction grant for the bike path and asked if the Town might lose the grant if we added 1-5 years to the project in order to move the water line. Mayor Walker and Manager Markel emphasized that this would be very expensive project; involving debt issuance and possible rate increases.

The Council will consider the issues presented and continue the discussion at the next Council meeting.

F. Town Engineer for Water and Sewer System Support

Manager Markel presented this item. He explained that in the past, the Town has used a selected engineer for items pertaining to the Town's water and sewer system. For many years this engineer has been R. Stuart Royer with Herb Braun as the Client Manager and Ryan Bogese as the Project Manager. Approximately two years ago, R. Stuart Royer was purchased by Malcolm Pirnie. In July, 2009 Mr. Braun retired and Mr. Bogese was assigned to an onsite project full time, substantially limiting his time available to support Lovettsville projects. Mr. Mike Wooden has replaced Mr. Braun and Mr. Bogese as the Manager for Town projects and has been helping with items pertaining to the WWTP construction project. As the WWTP is a turnkey project, Malcolm Pirnie is under contract with English to provide the engineering services to that project. Malcolm Pirnie has also provided support through a sub-consultant for the Wellhead Projection Grant and had a contract specifically with the Town for wellhead protection grant activities. That has recently been completed. Currently, the Town uses services from Malcolm Pirnie on an hourly basis and could continue to do so. Mr. Bogese with Malcolm Pirnie recently called to see if the Town wished to end its standing on-call contract with his firm or if the Town wanted to continue the current relationship.

Given the changes and reassignment of personnel within their firm, it seems like an appropriate time to evaluate Malcolm Pirnie's relationship with the Town. For the purpose of potential future grant applications, it may be prudent to have formally procured a utility engineer for the Town.

Mayor Walker noted that the Town has used R. Stuart Royer since 1996 and that Malcolm Pirnie has an extremely good reputation. She recommended that the Council take this under advisement. Councilman Dockum confirmed with Staff that the existing agreement continues to be open ended. Manager Markel noted that the Town has not yet developed strong relationships with the new staff at Malcolm Pirnie so if the Town were to consider changing firms, now would be an appropriate time for that discussion

The Council will continue the discussion at the next Council meeting.

Information Items

No information items were presented.

Comments from the Mayor and Town Council

Councilman Staley mentioned that the PATH proposal has been withdrawn but it is expected that it will be reinitiated by the applicant.

Councilman Senate reported that he will not be able to attend the January 28, 2010 Council meeting because there is a fire fighter graduation ceremony that evening.

Mayor Walker reported on the following:

1. Everyone has been invited to participate in the Martin Luther King, Jr. celebration in Leesburg on Monday, January 18, 2010.
2. She had a very informative meeting with Senator Mark Warner and other county elected officials last week and used the opportunity to mention the Town's concerns about the proposed PATH project.
3. She attended the Purcellville Business Association meeting earlier this week.
4. Along with Manager Markel, she attended the quarterly meeting of the Northern Virginia Towns Association in Leesburg. She commented on the presentation given by Leesburg concerning the Wegmans development and noted that it presented a good model of developer-town cooperation.
5. The Lovettsville Elementary School PTO is hosting a bingo and chili cook-off evening on January 22, 2010.
6. The Comprehensive Plan Advisory Committee meeting last night was attended by Loudoun County representatives who presented information on how the County attracts economic development. Mayor Walker informed the committee about how the Lovettsville Town Center developer has delivered all their proffers before the starting the development. The CPAC will be discussing affordable housing in the coming weeks.

Attorney Whiting reported that she has done her first review of the Sign Ordinance draft and is waiting for the electronic version to markup.

Adjournment

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

Motion: To adjourn the January 14, 2010 meeting of the Lovettsville Town Council

By: Council Member Senate

Second: Council Member Coleman

Aye: Council Members Coleman, Dockum, Senate, Staley

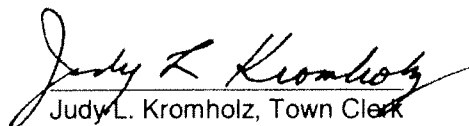
Nay: None

Abstain: None

Absent: Council Members Jones, Zoldos

The meeting was adjourned at 10:39 P.M.

Respectfully submitted,


Judy L. Kromholz, Town Clerk

Date Approved: February 25, 2010

Attachments:

- I. Speaker Signup Sheet
- II. Carder Statement

Town of Lovettsville

Speaker Sign - Up Sheet

Town Council Regular Meeting - January 14, 2010

Please Print.

Name and Association	Address	Topic	Email Address (Optional) ¹
FLOYD BLETHER	37740 LORA LANE	GAME CLUB	
Tiffany Carder	17 Hammond Drive		

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.

Last April when I and my neighbors protested the changes to the Town Center, we were told numerous times that “more rooftops” were needed in order to get the commercial center built. Rick Entsminger ~~had~~ made this same type of statement during the January 22, 2009 meeting to convince council members to vote in favor of the ^{changing} Town Concept Plan Amendment. The argument was that the changes had to be made or the commercial center would not materialize. However, at the Planning Commission meeting on January 6, 2010, Zoning Administrator Stephen McGregor stated, “the construction of the commercial center was not imminent.” His statement proves that the changes ~~were~~ ^{are} unconnected to the town council’s decision for the Town Center changes, and it illustrates how the town leadership has become the dupe of the Elm Street, a developer that is described in a Leesburg Today article appearing in the December 31, 2009 as bringing in the “lower-end homebuilder Ryan Homes” to “get some sales going” for the project. Is this how you wanted Lovettsville to be viewed? As “lower-end”? I didn’t, and I don’t. ^{Visual} ~~The~~ proof of the lower quality of Ryan Homes can be seen already with the collapsed driveways of ~~the~~ ^{some} homes, ^{and} ~~also~~ ^{also}. I want to know what incentives Elm Street has to ever build the commercial center when the town leadership ^{seems to} ~~continues~~ ^{im} to bend to the developer’s will. ~~There are~~ ~~of~~ Lovettsville and the wonderful people that live here deserve better than what you have given them.

Tiffany D. Carder
1/14/2010