

# Town of Lovettsville

## Town Council Minutes of Regular Meeting April 22, 2010

Mayor Elaine Walker called the regular meeting of the Lovettsville Town Council to order at 8:01 PM on Thursday, April 22, 2010.

### Present at Meeting

- Mayor Elaine Walker
- Council Members Charlotte Coleman, Scott Dockum, DiJon Jones, Michael Senate, Shaun Staley
- Town Manager Keith Markel
- Town Attorney Elizabeth Whiting
- Town Treasurer Lance Gladstone (*arrived at 8:30 PM*)
- Town Clerk Judy L. Kromholz

### Absent

- Vice Mayor Robert Zoldos II

### Audience

Among those present in the audience were many members of Girl Scout Daisies Troop 1434, Ed Spannaus, Mike Zapf, Tracey Senate, Don Beery, Tiffany Carder, Jack Burden, Amanda Staley, and Bing Lam.

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

The Daisy Troop led the assembled in the Pledge of Allegiance.

### Comments from the Public (Attachment I: Speaker Sign in Sheet)

Melani Carty spoke for Daisy Troop 1434. Daisy Emma Charmichael had the idea to help clean up the community in celebration of Earth Day.

**Motion:** That the Lovettsville Town Council approve Lovettsville Daisy Troop #1434 clean up the area behind the BB&T Bank in honor of Earth Day.

**By:** Council Member Dockum

**Second:** Council Member Jones

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

**Nay:** None

**Abstain:** None

**Absent:** Vice Mayor Zoldos

Mayor Walker cast an honorary vote in favor of the motion. The Daisies thanked the Mayor and Council and recited the Girl Scout pledge.

Ed Spannaus with the Lovettsville Historical Society gave a brief presentation on the planned community informational meeting concerning the proposed establishment of a Lovettsville historic district. He explained that no restrictions would be placed on property owners in the district, but that state and federal tax credits and other forms of assistance could be available to the property owners. The meeting, sponsored by the Lovettsville Historical Society and the Lovettsville Business Association, will be on Tuesday, April 27<sup>th</sup> at 7:00 PM at the Lovettsville Community Center. Property owners within the proposed district have received hand delivered announcements of the meeting, notices have been posted throughout Town, and email notifications have been sent to the Town's email list. The Council thanked Mr. Spannaus for pursuing this opportunity.

### Community Presentations

#### A. Lovettsville Volunteer Fire and Rescue Company

President Don Beery presented the monthly report and the fire report. Rescue Chief Senate presented the rescue report. The monthly safety message concerned grill safety.

B. Lovettsville Business Association

President Darren Casper spoke about the Candidates Forum the LBA had sponsored. Councilman Dockum thanked Mr. Casper for his presentation and requested that an LBA representative be present at more of the Council meetings.

**Additions/Deletions/Modifications to the Agenda**

Manager Markel explained that two time sensitive items had been added to the agenda on Wednesday, April 21<sup>st</sup> and the new agenda had been posted. These are Item A: Lovettsville Community Park – Special Exception Referral Letter and Item B: JoAnnDo (Athey) Minor Subdivision (Cash Contribution for Improvements).

**Presentations**

Mayor Walker unveiled Town photographs taken by Councilman DiJon Jones that have been enlarged and framed for display in Town Hall. She noted that Councilman Jones had been the driving force behind the recent Town Hall spruce-up.

**Approval of Town Council Minutes**

A. Town Council Meeting – February 25, 2010

**Motion:** To approve the minutes of the February 25, 2010 Town Council Meeting as amended at this meeting.

**By:** Council Member Senate

**Second:** Council Member Coleman

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

**Nay:** None

**Abstain:** None

**Absent:** Vice Mayor Zoldos

**Report from the Treasurer**

A. Financial Report – February 2010

Treasurer Gladstone presented his report for February 2010. The Mayor and Council had no questions.

**Motion:** To approve the February 2010 Treasurer's report as presented.

**By:** Council Member Staley

**Second:** Council Member Senate

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

**Nay:** None

**Abstain:** None

**Absent:** Vice Mayor Zoldos

**Staff Reports**

A. Report from the Project Manager

Manager Markel presented Project Manager Feller's report dated April 15, 2010. Paving on Germanna Drive has been completed; paperwork and the final VDOT walkthrough are next. He is hoping that the Council will be presented with a motion within a few months. He also reported that, except for the manhole replacements near the elementary school and Game Club, all of the I&I work has been completed. Because of the unexpected pipe angles of the existing sewer line the new manhole in front of the elementary school will be cored on site. Worksite restoration will be completed as necessary.

B. Report from the Town Attorney

The Town Attorney had no formal report. She noted that she will be out of town the end of next week.

C. Report from the Town Manager

Manager Markel reported that Purcellville has invited the Mayor and Council to an economic development forum they are hosting concerning business marketing to the youth population. The Lovettsville Arbor Day celebration will take place next Friday at 5:30 PM.

**Consent Agenda**

There were no items on the consent agenda.

**Action/Discussion Items**

**A. Lovettsville Community Park – Special Exception Referral Letter**

Manager Markel presented this item, explaining that this has been brought before Council in order to provide direction for the Zoning Administrator and staff on the referral requested by the Loudoun County Department of Planning on the third submission of the Lovettsville Community Park special exception for the development plan for the park. The third submission of the park plans and draft conditions was received by the Town on April 7<sup>th</sup> and reviewed by the Administrator and staff. A draft referral letter is attached for Council review. The referral due date is April 22<sup>nd</sup>. The PRCS department has amended the application to provide an all-way stop at the intersection of East Broad Way, Lovettsville Road and Milltown Road. The crossing from the Community Center would be relocated to this intersection, which is logical from both a vehicular and pedestrian point of view regarding safety of the pedestrian crossing. The application has been amended to provide a southern access point through the Lovettsville Elementary School site to serve the active recreational fields. These amendments satisfactorily address the Town's concerns stated in the two previous referrals. The amended application also indicates that a right turn lane to the southern access from South Loudoun Street will be necessary in the future and that the applicant will provide this improvement per VDOT requirements. A right turn lane is provided from the Milltown Road entrance for horse vans.

The third submission of the application also includes a revised traffic study, which raises an issue that has not been addressed in the amended draft conditions of approval and plans. The traffic study indicates that traffic controls may be needed at the intersection of Berlin Pike and South Loudoun Street in the future (2013) as a result of park-related traffic.

Manager Markel does not believe that anything in the Town's referral letter would trigger a re-review. Mayor Walker reminded those present that it is not the Town government or the Town Planning Commission that is holding this up, it is the Loudoun County Planning Commission. She plans to invite the members of the LCPC and their staff to come and look at the site before the meeting.

**Motion:** I move that the Town Council direct the Zoning Administrator to forward the attached draft referral letter regarding SPEX 2007-0040 Lovettsville Community Park (3rd submission) to the Loudoun County Department of Planning (Attachment II)

**By:** Council Member Jones

**Second:** Council Member Dockum

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

**Nay:** None

**Abstain:** None

**Absent:** Vice Mayor Zoldos

**B. JoAnnDo (Athey) Minor Subdivision (Cash Contribution for Improvements)**

Manager Markel presented this item to the Council. They are being asked to consider allowing the applicant, James Athey, to provide a cash contribution for public street frontage improvements in lieu of constructing these improvements. Manager Markel stated that there has been a precedent set by the Town to accept cash contributions for public street frontage improvements that are required in the Subdivision Ordinance in lieu of the construction of these improvements. For example, this has been done for the Mentzer, Conover, Betson, Woodland and Keena properties. By allowing a cash contribution, the Town would engineer and install street infrastructure improvements at one time for a longer section of road frontage, creating a consistent and usable design. The applicant has indicated that he would prefer to make a cash contribution at this time. Staff, with the help of the Town Engineer, has estimated the future cost of the public street frontage improvements to South Loudoun Street for the Athey minor subdivision to be \$134,339.00 This includes the unit costs for each item, including curb/gutter, sidewalk and drainage infrastructure, plus 30 percent to account for engineering and design work. If accepting a cash contribution is acceptable to the Council, staff will continue the application process and bring the item to the May Planning Commission meeting in a manner that will allow the Commission to take action.

Manager Markel distributed a breakdown of the costs as prepared by the Town's engineers. Alton Echols spoke on behalf of the owner, James Athey. He stated that they had just received the cost estimate last night and they are shocked by the amount, questioning some of the assumptions and calculations made by the Town engineer. They would like to provide the Council with another estimate after they have had a chance to review the calculations. Manager Markel explained that guidance from the Council as to

whether or not the Town is willing to accept a cash contribution is necessary if this is to go before the Planning Commission at their May meeting.

Councilman Senate suggested that Council authorize the cash contribution in lieu of improvements, but not set a price on the improvements until more information is available.

Councilman Dockum expressed concern that drainage is not explicitly included in the proffer and it was explained that the Subdivision Ordinance does not currently require drainage although the Streetscape Plan recommends it. The Council agreed that the proffer must be limited to the current Ordinance requirements.

**Motion:** I move that the applicant for the JoAnnDo minor subdivision, James Athey, be allowed to make a cash contribution prior to approval of the subdivision application by the Planning Commission to include contribution for curb, gutter, and sidewalk.  
**By:** Council Member Senate  
**Second:** Council Member Jones  
**Aye:** Council Members Coleman, Dockum, Jones, Senate, Staley  
**Nay:** None  
**Abstain:** None  
**Absent:** Vice Mayor Zoldos

C. Sign Permit for Western Loudoun Artist's Studio Tour

Manager Markel informed Council that the Town has been asked to consider a request from the Western Loudoun Artists Studio Tour to display a banner advertising their event at the Town's Welcome Sign. The Tour features six artists who live in or around the Town limits. Staff recommends that the sign be installed no earlier than June 4<sup>th</sup> and removed no later than June 21<sup>st</sup>.

**Motion:** To Adopt Resolution No. 2010-04-01: Approve Temporary Sign for Western Loudoun Artists Studio Tour (Attachment III).  
**By:** Council Member Dockum  
**Second:** Council Member Coleman  
**Aye:** Council Members Coleman, Dockum, Jones, Senate, Staley  
**Nay:** None  
**Abstain:** None  
**Absent:** Vice Mayor Zoldos

Information Items

No information items were presented.

Comments from the Mayor and Town Council

Councilman Dockum reported that the Little League Opening Day ceremonies were great fun and everyone he spoke to had remarked on what a good time it was. He asked if funding for the historical district study is available in the current budget. Manager Markel stated that there is money available in the General Fund that would cover the Town's commitment. Future expenses, such as plaques, could be paid for with targeted fundraisers, instead of from the Town budget. These items would be coordinated with the Lovettsville Historical Society. Mayor Walker emphasized that the Council would have no specific recommendation at the community informational meeting for the historic district.

Councilwoman Coleman suggested inviting the Daisy troop to participate in the Arbor Day celebration.

Mayor Walker also remarked on the Little League Opening ceremonies as emblematic of the Town. She reported that the Oktoberfest Committee has begun meeting regularly. The Comprehensive Plan Advisory Committee also continues to meet twice a month.

Closed Session

Mayor Walker asked for a motion to enter Closed Session for the discussion of personnel matters at 10:05 PM (Attachment IV: Closed Session Motions)

Open Session

The Council reconvened in Open Session at 10:15 PM

**Action Items (Continued)**

**D. Appointments to Board of Zoning Appeals**

With the resignations of K.D. Tidwell (term ending 01/24/11) and Judy McDonough (term ending 01/24/10) from the Board of Zoning Appeals the Town Council needs to appoint two new members to the body. The Town has received applications and reviewed the candidate's qualifications.

- Motion:** to appoint the following citizens to the Lovettsville Board of Zoning Appeals:
- Tom Ciolkosz to fill the unexpired term of K.D. Tidwell with an expiration date of January 24, 2011,
  - Michelle Engel to fill the expired term of Judy McDonough with an expiration date of January 24, 2014.

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

**Adjournment**

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

- Motion:** To adjourn the April 22, 2010 meeting of the Lovettsville Town Council  
**By:** Council Member Jones  
**Second:** Council Member Coleman  
**Aye:** Council Members Coleman, Dockum, Jones, Senate, Staley  
**Nay:** None  
**Abstain:** None  
**Absent:** None Zoldos

The meeting was adjourned at 10:25 PM

Respectfully submitted,



Judy L. Kromholz, Town Clerk

Date Approved: August 12, 2010

**Attachments:**

- I. Speaker Sign in Sheet
- II. SPEX 2007-0040 Lovettsville Community Park Draft Referral Letter
- III. Resolution No. 2010-04-01: Approve Temporary Sign for Western Loudoun Artists Studio Tour
- IV. Closed session motions

# Town of Lovettsville

## Speaker Sign - Up Sheet

### Town Council Regular Meeting - April 22, 2010

Please Print.

Name and Association	Address	Topic	Email Address (Optional) <sup>1</sup>
Melani Carty, Girl Scouts	12309 Sedgewick Lovettsville	Earth Day Trash Pick Up	cartychronicles @mac.com
Edward Spannars - Lov. Historical Soc.	32 E Broad	Proposed historic district	edspannars@verizon.net

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 Lovettsville

April 23, 2010

Jane McCarter, Project Manager  
County of Loudoun  
Department of Planning  
1 Harrison Street 3rd Floor  
PO Box 7000  
Leesburg, Virginia 20175

**RE: SPEX 2007-0040 Lovettsville Community Park (3<sup>rd</sup> Submission)**

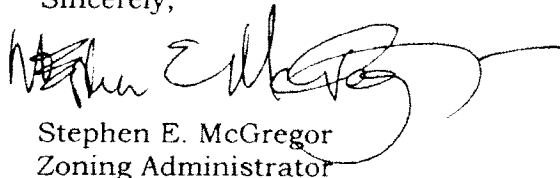
Dear Ms. McCarter:

The Town has reviewed the PRCS third submission of the Lovettsville Community Park special exception for development of the park. The previously outstanding issues for us have been satisfactorily addressed in the draft conditions for approval and the plans. However, the traffic study raises an issue for us regarding the possible need for future traffic controls at the intersection of Berlin Pike and South Loudoun Street. The traffic study indicates a traffic signal may be needed. The Town Comprehensive Plan shows a roundabout type of traffic control at this intersection.

The Town would like to request that the SPEX 2007-0040 Lovettsville Community Park conditions for approval and plans include notes to the effect that *traffic controls* may be warranted at the Berlin Pike/South Loudoun Street intersection in the future; and if they are, the applicant will provide their fair share of the cost of those improvements.

The Town appreciates the efforts made by PRCS and LCPS in behalf of addressing the Town's concerns regarding this application.

Sincerely,



Stephen E. McGregor  
Zoning Administrator

P.O. Box 209  
6 East Pennsylvania Avenue  
Lovettsville, Virginia 20180  
(540) 822-5788 (Town office)  
(703) 378-1404 (home office)  
smcgregor@lovettsvilleva.gov

**Resolution No. 2010-04-01: Approve Temporary Sign  
for Western Loudoun Artists Studio Tour**

Motion: Dockum

Second: Coleman

Whereas, the Franklin Park Arts Center, Round Hill Arts Center, Loudoun Academy of the Arts Foundation and Friends of Franklin Arts Center are presenting the 5<sup>th</sup> Annual Western Loudoun Artists Studio Tour June 19-20, 2010; and

Whereas, three of the artists featured on the tour live in or in the immediate vicinity of the Town of Lovettsville; and

Whereas, the Lovettsville Town Council is reviewing a proposed ordinance providing for installation of temporary signs or banners within public right-of-way or on Town-owned property in connection with promoting local community, charitable, historical or other civic events and activities; and

Whereas, the Lovettsville Town Council has concluded that the request for temporary signage in connection with the Western Loudoun Artists Studio Tour is consistent with the goals advanced in the proposed ordinance.

Now, therefore, be it resolved by the Lovettsville Town Council that temporary signage consistent with the sample attached to the temporary sign application submitted in connection with the aforesaid request should be permitted and that the application by the Western Loudoun Artists Studio Tour should be approved, provided that the said shall be installed at a location designated by the Town Manager and in accordance with his instructions, no earlier than June 4, 2010 and shall be removed not later than June 21, 2010.

Vote:

Ayes: Coleman, Dockum, Jones, Senate, Staley

Nays: None

Abstentions: None

Absent for Vote: Zoldos

Adopted the 22<sup>th</sup> day of April, 2010.

\_\_\_\_\_  
Elaine Walker, Mayor

Certified:

\_\_\_\_\_  
Judy L. Kromholz, Town Clerk



# Town of Lovettsville

## Resolution: AUTHORIZE CLOSED SESSION

**MOTION: I move that the Lovettsville Town Council convene in closed session pursuant to Va. Code section 2.2-3711 A**

1. Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; and evaluation of performance of departments or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals,
3. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body,
4. The protection of the privacy of individuals in personal matters not related to public business,
5. Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community,
6. Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected,
7. 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 public body; or consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel [For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter],
19. Discussion of plans to protect public safety as it relates to terrorist activity and briefings by staff members, legal counsel, or law-enforcement or emergency service officials concerning actions taken to respond to such activity or a related threat to public safety; or discussion of reports or plans related to the security of any governmental facility, building or structure, or the safety of persons using such facility, building or structure,
29. Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body,
33. Discussion or consideration of confidential proprietary records and trade secrets excluded from this chapter pursuant to subdivision 18 of § 2.2-3705.6,
40. Discussion or consideration of records excluded from this chapter pursuant to subdivision 3 of § 2.2-3705.6 [Confidential proprietary records, voluntarily provided by private business pursuant to a promise of

# Town of Lovettsville

confidentiality from a public body, used by the public body for business, trade and tourism development or retention; and memoranda, working papers or other records related to businesses that are considering locating or expanding in Virginia, prepared by a public body, where competition or bargaining is involved and where, if such records are made public, the financial interest of the public body would be adversely affected], with regard to [person, issue or property subject of discussion]

And thereafter reconvene in open session for action as appropriate.

BY: J. Deebum

SECOND: C. Coleman

VOTE:  
Ayes: D. Jones, J. Deebum, J. Staley, M. Senate, C. Coleman

Nays: None

Abstentions: None

Absent for vote: B. Zolner

## Roll-call poll by presiding official:

"Do you certify to the best of your knowledge that (i) only public business matters lawfully exempted from open meeting requirements under this chapter 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 meeting by the [public body]?"

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:"

April 22, 2010

Certified: Signature: Elaine Walker

Title: Mayor