

# Town of Lovettsville

## Town Council Minutes of Regular Meeting May 27, 2010

Mayor Elaine Walker called the regular meeting of the Lovettsville Town Council to order at 8:15 PM on Thursday, May 27, 2010.

### Present at Meeting

- Mayor Elaine Walker
- Vice Mayor Robert Zoldos II *{arrived at 9:10 PM creating a quorum at that time}*
- Council Members Charlotte Coleman, Scott Dockum, Michael Senate
- Town Manager Keith Markel
- Town Attorney Elizabeth Whiting
- Town Treasurer Lance Gladstone *{arrived at 8:25 PM}*
- Project Manager Karin Fellers
- Town Clerk Judy L. Kromholz

### Absent

- Council Member DiJon Jones, Shaun Staley

### Audience

Among those present in the audience were Rev. Lee Crosby, Frank Kromholz, Tiffaney Carder, Sheriff's Deputy J.J. Davis, Don Beery (Lovettsville Volunteer Fire and Rescue Department), Ed Spannaus (Lovettsville Historical Society), and Tracey Senate (LVFR).

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

Mayor Walker called for a moment of silence in honor of Memorial Day, and then led the assembled in the Pledge of Allegiance.

### Comments from the Public

No speakers had signed up, and no one in the audience wanted to speak.

### Community Presentations

#### A. Loudoun County Sheriff's Office

Loudoun County Deputy Sheriff Davis presented Deputy Sheriff Mertz-Myers' monthly report. Councilman Dockum asked if there were any problems with funding for the community policing program and Deputy Davis reported that the unit is down in staffing, but has been fully funded for this coming fiscal year.

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

President Don Beery presented the monthly report for May and the fire report for April. Rescue Chief Senate presented the rescue report and the safety report.

#### C. Lovettsville Business Association

No representative was present to report.

Mayor Walker called for a break at 8:45 PM while waiting for a quorum. Vice Mayor Zoldos arrived at 9:10 PM, creating a quorum.

### Additions/Deletions/Modifications to the Agenda

None.

### Presentations

No presentations were scheduled.

**Approval of Town Council Minutes**

A. Town Council Meeting – March 11, 2010

- Motion:** To approve the minutes of the March 11, 2010 Town Council Meeting as presented at this meeting.  
**By:** Council Member Dockum  
**Second:** Council Member Coleman  
**Aye:** Council Members Coleman, Dockum, Senate, Zoldos  
**Nay:** None  
**Abstain:** None  
**Absent:** Council Members Jones, Staley

B. Town Council Meeting – March 25, 2010

- Motion:** To approve the minutes of the March 25, 2010 Town Council Meeting as amended at this meeting.  
**By:** Council Member Senate  
**Second:** Council Member Dockum  
**Aye:** Council Members Coleman, Dockum, Senate, Zoldos  
**Nay:** None  
**Abstain:** None  
**Absent:** Council Members Jones, Staley

C. Town Council Meeting – April 8, 2010

- Motion:** To approve the minutes of the April 8, 2010 Town Council Meeting as amended at this meeting.  
**By:** Council Member Coleman  
**Second:** Council Member Dockum  
**Aye:** Council Members Coleman, Dockum, Senate, Zoldos  
**Nay:** None  
**Abstain:** None  
**Absent:** Council Members Jones, Staley

**Report from the Treasurer**

A. Financial Report – March 2010

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

- Motion:** To approve the March 2010 Treasurer's report as presented.  
**By:** Council Member Dockum  
**Second:** Council Member Senate  
**Aye:** Council Members Coleman, Dockum, Senate, Zoldos  
**Nay:** None  
**Abstain:** None  
**Absent:** Council Members Jones, Staley

**Staff Reports**

A. Report from the Project Manager

Project Manager Fellers presented her report dated May 27, 2010. She reported that last weekend the waste water treatment plant received 2.5 inches of rain and experienced a much lower and shorter flow spike than during previous rain events and attributed the marked improvement to the I&I repair work that has been completed. Councilman Dockum stated that this is a testament to the Council's efforts to meet state and local requirements.

Councilwoman Coleman asked for the status of the Germanna Drive project and Project Manager Fellers confirmed that it was complete. The roadway still needs to be brought into the VDOT maintenance system.

B. Report from the Town Attorney

The Town Attorney had no formal report.

Report from the Town Manager

Manager Merkel reported on the following:

- The Comprehensive Plan Advisory Committee had a productive meeting last night and that there are two chapters left before they are ready to go to the Planning Commission and to Public Hearing.
- The Welcome Sign Committee met and there are plans to change out the faceplate. The project should be completed within about a month.
- The veterinary office proposed to locate in the old Post Office will not be moving to that property. The proposed tenant cited inadequate space in the facility and the need for extensive renovations as his reasons for abandoning the project.
- Manager Merkel reported that he has had an orientation meeting with Councilwoman-elect Carder and is planning a facilities tour.
- He thanked Turning Point Safety for donating a defibrillator and related training to Town Hall.

### **Consent Agenda**

There were no items on the Consent Agenda.

### **Action/Discussion Items**

#### **A. Historic District Survey and Application Cost Share Agreement and Consultant Selection**

Manager Merkel presented this item. Council is being asked to consider approval of the Virginia Department of Historic Resources (DHR) cost share agreement and to select a consultant to complete the detailed Historic District survey and application process for the Virginia Landmarks Register and the National Register of Historic Places.

He explained that the Town has discussed for many years the creation of a Historic District that would be listed on the National Register and the Virginia Landmarks Register. This process requires a formal survey of structures in the designated boundaries of the proposed Historic District to be followed by National Register of Historic Places Nomination Form.

In response to an inquiry from Ed Spannaus a member of the Lovettsville Historical Society, the Virginia Department of Historic Resources (DHR) offered the Society and Town significant funding from another project that was not able to utilize the money so that the Lovettsville's Historic District nomination could move forward. The Historical Society held a public informational meeting at the Lovettsville Community Center on April 27, 2010 to share information about this project and to gather public questions and comments.

At the recommendation of DHR representatives, the Town requested a proposal from Maral Kalbian, a consultant based in Berryville who has provided survey and nomination services for many communities, including Middleburg, Round Hill and Hillsboro. Ms. Kalbian has toured the Town with David Edwards of the district DHR office and has provided the Town with a proposal to complete the necessary work for \$23,400. As a comparison, the Historical Society received a quote from another firm for the same work that was over \$20,000 higher. The DHR has reviewed her proposal and finds it to be appropriate for this project. The DHR is offering to provide the Town \$15,500 towards the development of a formal survey and nomination. The Town would be responsible for providing the additional \$7,900 in additional funding to complete the process. Additional non-monetary resources such as mailing labels and a base map would also need to be provided by the Town. The DHR contribution is much higher than their former fifty percent cost share grant that other communities in Loudoun have received in the past. With State budgetary cutbacks, that grant fund is no longer available. It is highly unlikely that the Town will ever see an opportunity like this again from the DHR. If the Town pursues this opportunity, the DHR funds will need to be allocated by June 30, 2010. Staff supports moving forward on the creation of a Historic District for the Town that will be listed on the National Register of Historic Places and the Virginia Register of Historic Landmarks by accepting the financial contribution offered by DHR and the proposal provided by Maral S. Kalbian, LLC.

Mayor Walker asked if Attorney Whiting had reviewed and approved the Contract and Attorney Whiting stated that she had. Mayor Walker asked how the financial aspect of this project would be implemented if Council passes this motion. Manager Merkel stated that VDHR will send the Town \$15,500 and then the Town would pay the consultant as work is completed. Mr. Spannaus stated that DHR will supervise her work and authorize payment based on her progress.

Councilman Senate stated that the Town had often considered doing this and this is an opportunity that has dropped on us and we should definitely grab it.

Vice Mayor Zoldos said the informational meeting was very informative but many people were concerned that this would be a precursor to a historic district with restrictions. He proposed modifying the motion to specifically exclude this possibility. He proposed that the motion specify that this Council is authorizing a nonrestrictive designation only.

**Motion:** I move to accept the cost share agreement as presented by the Virginia Department of Historic Resources and direct the Mayor or Town Manager to sign the document. I further move to accept the proposal submitted by Maral S. Kalbian, LLC to complete the necessary survey and nomination work to have the proposed Lovettsville Historic District added to the National Register of Historic Places and the Virginia Landmarks Register for a fee not to exceed \$23,400. I further move that it is not the intention of this Council to recommend a historic district with any restrictions.

**By:** Vice Mayor Zoldos

**Second:** Council Member Dockum

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

**Nay:** None

**Abstain:** None

**Absent:** Council Members Jones, Staley

Mayor Walker called for additional discussion. She stated that work will start in the fall and will take about a year. There will be a public hearing hosted by DHR and then there will be a further nomination by the Town submitted to the appropriate authorities. Manager Markel reported that there will also be a public information meeting when Ms. Kalbian begins her work. She will explain the process to property owners and other interested parties. Councilman Dockum asked how long the final approval would take once all the paperwork is completed and Mr. Spannaus said that DHR has a quarterly review schedule and that the Town should expect a maximum of six months. There being no further discussion, Mayor Walker called for the vote.

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

**Nay:** None

**Abstain:** None

**Absent:** Council Members Jones, Staley

Councilman Dockum thanked Mr. Spannaus for all his efforts on this project. Mayor Walker also thanked Mr. Spannaus both for herself and for the Town. She noted that Mr. Spannaus does a great deal of work for the Town as a volunteer.

B. Town Green Furniture Selection

**Motion:** I move that Town Council direct staff to move forward with the purchase and installation of:

1. Three (3) park benches, Option A as shown in the Project Manager's memo, in black, and
2. Two (2) Picnic Tables, Option E as shown in the Project Manager's memo, black legs with blue table and benches.

**By:** Vice Mayor Zoldos

**Second:** Council Member Senate

Mayor Walker called for discussion. Vice Mayor Zoldos explained that he selected Option A for the benches because they have curved backs that are similar to the Town sign and that he selected Option E for the picnic benches because they seemed to present a more family-friendly option. Mayor Walker noted that the Town did not purchase the trash cans we already have; they had been accumulated through the years with Litter Grant funding. After some discussion among the Council it was decided that the park benches will be black and that the picnic tables will have black legs and Bavarian blue tables and attached benches. There being no further discussion, Mayor Walker called for the vote.

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

**Nay:** None

**Abstain:** None

**Absent:** Council Members Jones, Staley

C. Water Filter House Pump Modifications

Project Manager Fellers presented this item. Council is being asked to consider the updated Scope of Services from the Engineer to design a permanent small pump installation at the Kingsridge and Heritage Highlands Well Systems to improve operations and facilitate taking the elevated tank offline.

The revised scope offers a savings of at least \$11,000 over the originally quoted scope and perhaps as much as \$16,000 which represents a substantial savings. Staff recommends Town Council approve the scope and direct staff to finalize a contract with the engineer with written authorization to complete Task 1 and provide a final lump sum cost for Task 2.

Mayor Walker asked Project Manager Fellers to explain this price drop. She explained that the original estimate had been provided by a new engineer with the consultant firm who was unfamiliar with the installation. At the Town's request a senior engineer made a site visit and, based on options established by Town staff early in the process, was able to provide the second estimate.

Project Manager Fellers noted that this project is time sensitive, given the plan to paint the water tower next summer.

**Motion:** I move that Town Council approve the Town of Lovettsville Water System Improvements Revised Engineering Services Proposal with Waste Water Management dated May 19, 2010 and direct staff to finalize a contract with the engineer with written authorization to complete Task 1 and provide a final lump sum cost for Task 2 once all paperwork is in a form acceptable to the Town Attorney.

**By:** Council Member Dockum

**Second:** Council Member Coleman

Mayor Walker called for discussion. Vice Mayor Zoldos confirmed with staff that this motion obligates the Town only to Task 1 of the project. There being no further discussion, Mayor Walker called for the vote.

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

**Nay:** None

**Abstain:** None

**Absent:** Council Members Jones, Staley

D. Real Estate Software Upgrade

Manager Merkel presented this item. Council is being asked to consider updating the current real estate billing software used by the Town. He explained that the current DOS-based real estate billing system has been in operation in Lovettsville since 1997. This software has become outdated and is no longer an efficient program to manage the Town's real estate billing. The software cannot import the County's digital data, thus requiring the Treasurer to manually enter every property assessment amount. The software also requires a special printer and paper as it is not compatible with the Town's newer laser printers and digital copier.

The software's manufacturer, Manatron, has recently notified the Town that because of the age of the software and the limited use by other localities, the annual maintenance costs for the software will increase 100 percent. The new annual maintenance cost for FY 2011 would be \$4,808.58. The extremely high cost of maintenance support along with the outdated user interface and data transfer abilities of this software led staff to explore other options. Two years ago the Town upgraded the Town's other financial software provide by Harris. Harris also has a real estate tax billing program that is extremely similar in design to the other programs owned by the Town. The Treasurer has seen a demonstration of this real estate software and believes that this program would be a benefit to the Town. This new software would interface with the existing programs developed by Harris. It also is designed similar to the other programs, providing ease of use. The program is Windows based and will allow for data to be digitally imported from Loudoun County, providing much quicker and more accurate billing. The cost for the new software would be \$8,345 (\$3,595 for software and \$5,700 for data setup, conversion, and staff training). The annual maintenance and support cost is \$925. In less than two years the software will have paid for itself when compared against the Manatron maintenance costs. Staff supports upgrading the software in early FY 2011.

Mayor Walker confirmed with staff that the vendor is a supporter of VML and that the vendor will not be the sole source of required forms.

- Motion:** I move to direct staff to sign the purchase agreement with Harris in the amount of \$8,345 to purchase the Property Tax Manager System from FY 2011 allocated funds.
- By:** Council Member Senate
- Second:** Council Member Coleman
- Aye:** Council Members Coleman, Dockum, Senate, Zoldos
- Nay:** None
- Abstain:** None
- Absent:** Council Members Jones, Staley

**Information Items**

No information items were presented.

**Comments from the Mayor and Town Council**

Councilwoman Coleman distributed poppies and asked everyone present to wear them on Memorial Day.

Councilman Dockum reported that the Oktoberfest meeting went well last night. He is hoping to be on the Council agenda next month to discuss some purchases and provide a progress report. He thanked Councilwoman Coleman for distributing the poppies.

Mayor Walker reported on the following:

- The Lovettsville Memorial Day ceremony will be held at the Town Square flag at 11:45 AM. Councilman Senate is assisting in getting both career and volunteer fire and rescue personnel to participate in the ceremony. She is hoping they will lay the wreath and raise the flag. Reverend Crosby will be giving the invocation and benediction.
- She will be holding office hours at Town Hall on Tuesday, June 8<sup>th</sup> with Councilman Staley and on Tuesday, June 22<sup>nd</sup>. Both sessions will be from 8:00 PM – 10:00 PM. There will be additional sessions during July and August.
- She requested that the Council schedule a work session to discuss the Emergency Preparedness and Communications Plan developed by Councilman Jones.
- She attended the Loudoun County Crime Commission meeting and reported that Congressman Wolf was the keynote speaker.
- The Mayor thanked all of the members of the Welcome Sign Committee for continuing to meet and noted that they are making significant progress towards updating the sign and the surrounding area.
- She reported attending the Economic Development Commission reception earlier this evening and noted that a German delegation was present.
- She has arranged for the Clerk of the Circuit Court to attend the June 10<sup>th</sup> Council meeting to swear in the newly elected and appointed Board of Zoning Appeals officials.

**Closed Session**

The Council voted to go into closed session at 10:45 PM. (Attachment II: Closed Session Motions)

Respectfully submitted,

  
Judy L. Kromholz, Town Clerk

Date Approved: August 9, 2010

Attachments:

- I. Speaker Sign in Sheet
- II. Closed session Motions

# Town of Southville

## Speaker Sign - Up Sheet

### Town Council Regular Meeting - May 27, 2010

Please Print.

Name and Association	Address	Topic	Email Address (Optional) <sup>1</sup>

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.

**VIRGINIA FREEDOM OF INFORMATION ACT**  
**Resolution: AUTHORIZE CLOSED SESSION**

**MOTION:** BOB ZOLDOS (10:45pm)

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 [Any teacher shall be permitted to be present during a closed meeting in which there is a discussion or consideration of a disciplinary matter that involves the teacher and some student and the student involved in the matter is present, provided the teacher makes a written request to be present to the presiding officer of the appropriate board.],
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 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.

**SECOND:** *m. Senate*

**VOTE:**

*Ayes: B. ZOLDS, S. DOCKUM, M. SENATE, C. CAEMAN*

*Nays: NONE*

*Abstentions: NONE*

*Absent for vote: D. JONES, S. STALEY*

**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:" B. ZALDAS, S. DOCKUM, M. SENATE, C. CREMAN  
11:26 PM

May 27, 200<sup>10</sup>~~9~~

Certified: July L. Kowaly  
Town Clerk