

Town of Lovettsville

Town Council

Minutes of Public Hearing and Regular Meeting June 24, 2010

Mayor Walker called the Regular meeting of the Lovettsville Town Council to order at 8:10 PM and introduced the Clerk of the Circuit Court of Loudoun County Gary Clemens.

Swearing-in of Newly Elected and Appointed Town Officials

Gary Clemens, Clerk of the Circuit Court of Loudoun County swore in the two newly appointed members of the Board of Zoning Appeals - Michelle Engel and Thomas Ciolkosz.

He then swore in the newly elected Town Council member Tiffany Carder.

He then swore in re-elected Town Council member Robert Zoldos II.

He then swore in re-elected Mayor Elaine Walker.

The swearing in ceremonies were completed at 8:20 PM. Mayor Walker thanked Gary Clemens for coming to Lovettsville to perform these ceremonies and noted that re-elected Councilwoman Charlotte Coleman is out of town and will be sworn in at a later date.

PUBLIC HEARING

The Lovettsville Town Council Public Hearing was called to order by Mayor Elaine Walker at 8:22 PM at the Lovettsville Town Hall. She then read the public notice of this Public Hearing on LVZA 2010-0003- Outdoor Residential Swimming Pools as it appeared in the *Purcellville Gazette* as shown in Attachment I.

Welcomes and Introductions

Mayor Elaine Walker welcomed the citizens attending the meeting.

Council Present: Vice Mayor Robert Zoldos II and Council Members Scott Dockum, Shaun Staley and Michael Senate

Staff Present: Town Manager Keith Markel, Treasurer Lance Gladstone, Town Attorney Elizabeth Whiting, Zoning Administrator Steve McGregor and Town Clerk Judy Kromholz

Absent: Council Members Charlotte Coleman, DiJon Jones

Among those present in the audience were Tiffany Carder, Michelle Engel, Tom Ciolkosz, Amanda Staley, Reverend Lee Cosby, Cliff Walker, and Loudoun County Interim Fire and Rescue Chief W. Keith Brower, Jr.

Presentation

Zoning Administrator McGregor made a presentation (Attachment II).

Councilman Dockum asked if Loudoun County distinguishes between temporary and permanent pools and Administrator McGregor replied that they inspect every pool if the water is 24 inches or deeper. Councilman Dockum asked if the County includes hot tubs and spas and Administrator McGregor reported that the County has separate regulations for such installations. Councilmen Dockum and Senate stated that the Town's regulations on hot tubs and spas should also reference the County regulations. Manager Markel pointed out that the Town had not previously regulated hot tubs and spas and that the current effort was to clarify existing Town ordinances related to swimming pools. He recommended the Council proceed to the public hearing and continue this discussion under Action Items. The Council agreed.

Public Speakers

No member had signed up to speak at this hearing (Attachment III: Speaker Signup Sheet). Mayor Walker asked if anyone present wished to speak on this item and no one came forward. She asked if any communications had been submitted to Town Hall for presentation at the Hearing and Town Clerk Kromholz stated there were none as of close of business today.

Closing Comments

Mayor Walker again asked if there were any more speakers and there were none.

Declaration to close the Public Hearing

Mayor Walker stated that this issue would be open for comments for an additional ten days and declared this Public Hearing closed at 8:40 P.M.

{BZA members Michelle Engel and Thomas Ciolkosz left at the close of the Public Hearing}

REGULAR MEETING

Mayor Elaine Walker called the regular meeting of the Lovettsville Town Council to order at 8:42 PM.

Present at Meeting

- Mayor Elaine Walker
- Vice Mayor Robert Zoldos II
- Council Members Scott Dockum, Michael Senate, Shaun Staley
- Town Manager Keith Markel
- Town Attorney Liz Whiting
- Town Treasurer Lance Gladstone
- Zoning Administrator Steve McGregor
- Town Clerk Judy L. Kromholz

Absent

- Council Members Charlotte Coleman, DiJon Jones

Call to Order/Welcome/Pledge of Allegiance/Invocation

Mayor Walker led the assembled in the Pledge of Allegiance.

Comments from the Public

Mayor Walker called for comments from the public. There were none at this time.

Community Presentations

Loudoun County Interim Fire and Rescue Chief Keith Brower was introduced by Mayor Walker. Chief Brower made a brief presentation to Council detailing the history of fire and rescue in Loudoun County and explaining the current combination career/volunteer staffing of the department. He described the door-to-door smoke alarm program the County is undertaking. Chief Brower asked for questions from the Council and audience and left at the end of his presentation.

Additions/Deletions/Modifications to the Agenda

There were none.

Approval of Town Council Minutes

No minutes were presented.

Report from the Treasurer

A. Financial Report – April 2010

Treasurer Gladstone presented his report for April, 2010. There were no questions on the General Fund. Councilman Dockum asked about the portable generator on the Utility Fund and Manager Markel explained that it has been purchased, not rented, and is portable to allow the Town to use it in many situations. Mayor Walker noted that the water and sewer connect fees received far exceeded the amount budgeted. There being no further questions, Mayor Walker called for the vote.

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

Staff Reports

A. Report from the Project Manager

Manager Markel presented Project Manager Fellers report dated June 17, 2010. The Council had no questions.

B. Report from the Town Attorney

The Town Attorney informed the Council of her vacation schedule.

C. Report from the Town Manager

Manager Markel reported the following:

1. The committed funding from the Virginia Department of Historic Resources for the Lovettsville Historic District study has been received.
2. The Sleepbetter.org event has been cancelled by the marketing firm because the entire project was cancelled. They were very impressed by Lovettsville and may come back to the Town with another proposal at some point in the future.
3. National Night Out is August 3rd at the Lovettsville Community Center.
4. He attended the Cigarette Tax Board Meeting during which enforcement issues were discussed.
5. He is working with the developer to get Virginia Department of Transportation acceptance of the streets in New Town Meadows sections 2a and 2b.

Consent Agenda

There were no items on the consent agenda.

Action/Discussion Items

A. LVZA 2010-0003: Outdoor Residential Swimming Pools

Administrator McGregor asked the Council to continue the discussion begun during the public hearing. He explained that the County definition of swimming pools includes spas and hot tubs, but that the Town ordinances never included definitions of spas and hot tubs or had any regulation of them. Councilman Dockum recommended that spa and hot tub definitions and regulations be included in the proposed ordinance and stated that the Planning Commission needs to be included in these discussions. Council charged staff with preparing new language to include spas and hot tubs and bringing the proposals back to the Planning Commission. This will require new Public Hearings and the Council expressed a preference for holding a joint public hearing once the language is developed.

B. Setbacks for Decks

Administrator McGregor presented this item. He is requesting authorization to prepare a Zoning Ordinance amendment item to modify the setback regulations for decks. Numerous citizen complaints have been received stating that the Town should allow decks in residential districts to be as close to property lines (not in front yards) as the dwelling unit on the lot. They feel that having deck setbacks more restrictive than the actual house setback does not make practical sense. He stated that it may be unreasonable to require decks to be at least fifteen feet from the side or rear yard (Section 4-7 Uses and Structures Permitted in Required Yards, (e)) when houses can be as close to a property boundary as five (5) feet. Ryan Homes is building some units with floor plans and exterior doors that are located so close to the corners of the homes that current access to the deck falls within the 15 foot setback.

Motion: I move that the Town Council authorize and direct staff, the Zoning Administrator and the Planning Commission to prepare a Zoning Ordinance amendment item, LVZA 2010-0005 Deck Regulations, for Council consideration.

By: Vice Mayor Zoldos
Second: Council Member Dockum

Mayor Walker called for discussion. Councilmen Dockum and Senate proposed that a deck should be no wider than the back of the house and asked that Council's suggestion be brought back to the Commission. There being no further discussion, Mayor Walker called for the vote.

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

C. Fire Department Donation

Treasurer Gladstone presented this item. He explained that the timing of prior donations had varied over the previous ten years. The FY 2009 donation was made in July of this year and was subsequently adjusted back to the 2009 fiscal year which ended in June of 2009. This increased the amount available for donation in this current fiscal year. Manager Markel is recommending that for FY 2011 and in future years the Town always make its donate in November when Company 12 has its installation and banquet.

Motion: I move that the Town Council approve a donation in the amount of \$4,750 to the Lovettsville Fire and Rescue Company for Fiscal Year 2010.

By: Council Member Dockum
Second: Council Member Staley

Mayor Walker called for discussion. Vice Mayor Zoldos asked if this budget line included other donations the Town normally makes. Manager Markel confirmed that this line includes the Town's contribution to the July 3rd festivities and that this donation had already been made for this fiscal year. There being no further discussion, Mayor Walker called for the vote.

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

D. Heritage Highlands Rezoning Fee

Manager Markel presented this item. Lennar, the property owner for the un-built portion of the age restricted Heritage Highlands community along with the current residents are considering a request to rezone their properties from the current zoning of R-1 Single Family Residential to the Town's R-C: Retirement Community District. This zoning change has been requested because the complicated legislative history on this project prevents the applicants from requesting changes to their current proffers under the current zoning district. Proffer amendments aside, staff supports the rezoning from R-1 to R-C and feels that this change will greatly simplify the understanding and intent of the zoning and the intent of the development. Fundamentally, this change in zoning would serve primarily to clean up the zoning history. If the property were to rezone under the current fee requirements, the applicants would be required to pay \$500 for the first acre and \$250 for each additional acre. The total cost for this rezoning would be \$7,000 (including the five acre parcel in the center of the project intended for assisted living). As part of the Town's process of considering a request, the applicants are responsible not only for the application fee, but also for all related advertising, notifications and mailings and review time provided by the Town's Zoning Administrator, Attorney, and other Town contracted support. Because this rezoning only serves to amend the existing proffers, while at the same time providing greater clarity and simplicity for the development project and its legislative history, staff recommends reducing the rezoning fee to \$50.00. This would be the application fee if the applicants were requesting to modify the proffers under the existing R-1 district.

Motion: I move that Town Council reduce the rezoning application fee for Lennar (including the additional owner applicants and the five acre parcel owned by Richard Storch) to \$50.00 should they file an application to rezone the properties associated with the Heritage Highlands development from R-1 to R-C.

By: Council Member Senate
Second: Council Member Staley

Mayor Walker called for discussion. Vice Mayor Zoldos was concerned that a precedent would be set by this action. Attorney Whiting stated that there have been at least two other instances where the rezoning fee has been waived when the Council has wanted to incentivize the application. Manager Markel noted that because the Town has changed the ordinances the applicant does not have any other redress. Councilman Dockum confirmed with Attorney Whiting that all the current proffers would go away and new

ones would be offered. Councilman Staley asked what benefit would accrue to the Town. Manager Markel stated that this would be cleaner and that this is why the Town developed the R-C district. Attorney Whiting stated that this action would remove some existing ambiguities. Mayor Walker reminded Council that the applicant could continue the project immediately based on the proffers already in place. There being no further discussion, Mayor Walker called for the vote.

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

E. Oktoberfest Status and Tent Bids

Councilman Dockum gave a brief presentation on the current status of Oktoberfest. He explained the additional tents being rented this year and discussed the two tent bids received. Councilman Staley asked when the order needs to be placed and Councilman Dockum responded that immediate action was necessary in order to reserve the appropriate equipment.

Motion: To authorize the Oktoberfest Committee to go forward with Capital Party Rentals not to exceed \$10,000 on tent and tent related expenses.
By: Vice Mayor Zoldos
Second: Council Member Senate
Aye: Council Members Dockum, Senate, Staley, Zoldos
Nay: None
Abstain: None
Absent: Council Members Coleman, Jones

Mayor Walker suggested the Council members attend Oktoberfest meetings and see how well Councilman Dockum manages the meetings.

Information Items

No information items were presented.

Comments from the Mayor and Town Council

Councilman Staley thanked Councilman Dockum for all his efforts for the Memorial Day celebration. He also wished his wife a happy anniversary – they have been married 10 years today.

Councilman Dockum stated that he enjoyed the Memorial Day activities and was impressed by all of the history.

Vice Mayor Zoldos stated that he was very impressed by Councilman Dockum's Oktoberfest presentation. He thanked Councilman Jones for his service to the community.

Mayor Walker reported on the following:

1. She and Manager Markel Keith met with the Heritage Highlands Home Owners Association and thinks that there is a long way to go before they have a final draft of the rezoning application.
2. The Loudoun County Board of Supervisors Public Hearing on the Lovettsville Community Park will be on July 12th. This will be the last step in obtaining the Special Exception.
3. The next Oktoberfest meeting will be on July 13th in Town Hall at 7:30 PM.
4. The next Mayor's Town Hall Office Hours on Tuesday, July 6th. Councilwoman-elect Tiffaney Carder will also be attending.
5. She attended a successful meeting with Manager Markel and VDOT concerning the bike path.
6. Manager Markel and the Mayor attended the Northern Virginia Towns meeting today in Herndon. Many towns have the same issues Lovettsville does.
7. The Town office will be closed on July 5th in observance of Independence Day.
8. Saturday is Loudoun Health for Life Day at Ida Lee Park

Closed Session

The Mayor and Council went into closed session at 11:22 PM. (Attachment IV: Closed Session Motions)

Respectfully submitted,



Judy L. Kromholz, Town Clerk

Date Approved: September 30, 2010

Attachments:

- I. Purcellville Gazette Ad
- II. Staff Report - LVZA 2010-0003-Outdoor Residential Swimming Pools
- III. Speaker Signup Sheet
- IV. Closed Session Motions

Public Hearings/Legal Notices

Brookfield Autumn Hill to Hold Public Input Session on its Annexation Application

Please take notice that Brookfield Autumn Hill, L.L.C. will hold a Public Input Information Session beginning at 7:00 p.m. to 9:00 p.m. on Monday, June 28, 2010, at the Purcellville Train Station, 200 N. 21st Street, in Purcellville, VA. Brookfield Autumn Hill, L.L.C. submitted Annexation Application No. ANX09-03 to annex 74.8 acres located at 16901 Purcellville Road between Chestnut Overlook and E. Nichols Road. A copy of the Annexation Application is available for inspection in the Town of Purcellville Planning Department, 130 E. Main Street, in Purcellville, VA. We invite you to come to the train station and share your thoughts.

REQUEST FOR PROPOSALS

Operation and Management of the Skating Rink and Picnic Pavilions at Fireman's Field

The Town of Purcellville is requesting proposals for the operation and management of the Skating Rink and Picnic Pavilions located at Fireman's Field.

Download the Request for Proposal (RFP) at the website www.purcellvilleva.gov or contact Steve Coakley at scokley@purcellvilleva.gov or (540) 751-2351. Proposals will be accepted until June 30, 2010 at 2:00 PM (EST) at Town Hall located at 130 East Main Street, Purcellville, Virginia 20132. All other relevant items are identified in the RFP.

Robert W. Lazaro, Jr., Mayor

**Public Hearing Notice
Lovettsville Town Council**

The Lovettsville Town Council will hold a public hearing at 8:00 PM Thursday, June 24, 2010, to hear comments from any person on:

LVZA 2010-0003 Outdoor Residential Swimming Pools, by the Town of Lovettsville to amend the Town of Lovettsville Zoning Ordinance to:

- Modify Article 4. General Regulations, Section 4-8 Private Outdoor Swimming Pools.

The hearing will take place at the Town Office, 6 E. Pennsylvania Avenue, Lovettsville, Virginia 20180. The text under consideration is available on the Town's website at www.lovettsvilleva.gov and at the Town Office between the hours of 9AM and 3PM weekdays, holidays excepted. Call 540-822-5788 for more information.

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is an OFFICIAL Paper of
Record for Loudoun County**

**TOWN OF HAMILTON
PLANNING COMMISSION VACANCY**

The Town of Hamilton is currently accepting applications to fill a vacancy on the Planning Commission. All interested qualified residents of the Town are encouraged to submit a resume or letter of intent to the Town of Hamilton, PO Box 130, Hamilton, VA 20159-0130, or e-mail to hamilton.va@comcast.net by 4:30 pm on July 7, 2010. Candidates will be considered for this appointment to fill a full term through June 30, 2014.

H. Ray Whitbey
Mayor

**TOWN OF HAMILTON
BOARD OF ZONING APPEALS VACANCY**

The Town of Hamilton is currently accepting applications to fill a vacancy on the Board of Zoning Appeals. All interested qualified residents of the town are encouraged to submit a resume or letter of intent to the Town of Hamilton, PO Box 130, Hamilton, VA 20159-0130, or e-mail to hamilton.va@comcast.net by 4:30 pm on July 7, 2010. Candidates will be considered for this appointment to fill an unexpired term through November 19, 2011.

H. Ray Whitbey
Mayor

**Administrative Assistant/Project Coordinator
Immediate Temporary Position Available**

The Town of Purcellville is in need of an experienced Administrative Assistant in our Utilities Department to cover a three month medical leave. This is a temporary position only. The Administrative Assistant will be responsible for providing secretarial and technical support to the departmental Director in the areas of handling questions from the public, developing reports and agendas, developing and updating filing systems, project tracking and scheduling systems and computer records systems, help with managing projects and other tasks as may be assigned depending upon experience.

The ideal candidate should have computer experience with Microsoft Office; proficiency in typing and secretarial skills, excellent organizational skills, the ability to interact with the public courteously and effectively; ability to complete projects independently and to handle multiple tasks on tight time lines in a high energy work environment. Graduation from high school is required. Additional experience/education in engineering or project coordination a plus. Interested persons should immediately file a Town application and resume to Tracy DeMonte, Personnel/Human Resource Specialist, 130 East Main Street, Purcellville, VA 20132. Applications may be obtained at the Town office or found on the Town's website, <http://www.purcellvilleva.com/Employment.html>.

The Town of Purcellville is an Equal Employment Opportunity Organization.

**Wedding Band Found at
600 Main St. Purcellville,
2 weeks ago. 540-338-3540**

Public Hearings/Legal Notices

**PUBLIC HEARING NOTICE
TOWN OF PURCELLVILLE**

The Purcellville Planning Commission will hold public hearings in the Council Chambers located at 130 East Main Street, Purcellville, Virginia on Thursday July 1, 2010 at 7 PM for the purpose of receiving comments on the following proposals:

1. **Zoning Ordinance Amendment re: Parking Sp. Reductions** - The Planning Commission is considering an amendment to the Purcellville Zoning Ordinance Article 6, Section 1 "Off street parking requirement to create a provision which permits the Zoning Administrator to grant a percentage reduction in required off street parking spaces under certain circumstances including but not limited to: where a new open space landscaped area is proposed, or where a parcel is located near public transportation, or where a parcel is located near a public parking facility, or where bicycle park is provided on site.
2. **RZ09-02 - South Ninth Street Rezoning** - A proposal initiated by the Town Council to change the zoning seven parcels of land located on the west side of South Ninth Street from the R-2 Single Family Residential district to the MC - Mixed Commercial district. The parcels include 121 S. 9th Street (MCPI # 488-20-928), 131 S. 9th Street (MCPI # 488-20-9477, 488-20-94 and 488-20-9574), and unaddressed parcels owned Browning Equipment and used as a storage yard for their business (MCPI # 453-25-0864, 453-25-0845, and 453-25-0982).
3. **Zoning Ordinance Amendment re: Accessory Structure Height** - The Planning Commission is considering an amendment to the Purcellville Zoning Ordinance to increase the permitted maximum height of accessory structures on single-family detached residential lots from the current requirement that such structures be of less height than the principal building on the lot to a maximum height of 20 feet for such structures if located at least five feet, but less than ten feet from a line and a maximum height of 28 feet for such structures if located at least ten feet from a lot line.

Additional information regarding these proposals is available for review at the Town Hall located at 130 East Main Street, Purcellville, Virginia from 8:00 AM to 5:00 PM, Monday through Friday, holidays excepted.

Hearing assistance is available for meetings in the Town Council Chambers. If you require any type of reasonable accommodation, as a result of a physical, sensory or mental disability, to participate in this meeting, contact Jennit Helbert, Town Clerk at 540-751-2333. Please provide this 5 days notice.

Dennis Beese, Chairman

June 18 & 25, 2010

Town of Lovettsville

TOWN COUNCIL PUBLIC HEARING

STAFF REPORT

ITEM IDENTIFICATION	LVZA 2010-0003 Outdoor Swimming Pools
TYPE OF ITEM	Zoning Ordinance Amendment
DATE OF HEARING	June 24, 2010
APPLICANT	Town of Lovettsville
PURPOSE	To provide a staff evaluation of need for modifying the swimming pool regulations in the Zoning Ordinance and provide the Planning Commission recommendation for this item.

BACKGROUND: On February 11, 2010 the Town Council directed staff and the Zoning Administrator to develop an evaluation of the private outdoor swimming pool regulations because it is not practical to enforce all of the current regulations. The Council voiced interest in simplifying the regulations so that they only address the visual impact of swimming pools on adjacent properties. An ordinance amendment would remove those provisions that currently require the Town to undertake electrical inspections and enforce safety aspects. These particular regulations are already controlled through the County building permit process, which is required by the County for swimming pools in the Town as well as the County. The Council wants to modify the Town regulations so they are similar to County regulations for swimming pools and do not duplicate the County regulations. On May 5 the Planning Commission discussed the issues raised by staff regarding changes in the outdoor residential swimming pool regulations and discussed in general terms the staff's recommendation for amending the current Zoning Ordinance regulations. The Commission held a public hearing for this item, June 2, 2010.

An advertisement for the Town Council public hearing of this item is appearing in the June 11 and June 18 issues of the Purcellville Gazette.

DISCUSSION:

The current Zoning Ordinance regulations for private outdoor swimming pools are in Article 4 General Regulations, Section 4-8 PRIVATE OUTDOOR SWIMMING POOLS, and read as follows:

"A location permit shall be granted for the installation or construction of a private outdoor swimming pool on the same lot as the principal residence, subject to the following conditions:

- (a) Such pool may be erected on the required rear yard but not in the required side or front yard.
- (b) The edge of such pool shall not be located nearer than ten (10) feet to any lot line.
- (c) Any pool with a surface of one hundred fifty (150) square feet or more or a depth in excess of two (2) feet shall be completely surrounded by a fence or wall six (6) feet in height designed to prevent access thereto by small children and animals.
- (d) All gates or doors opening through said fence shall be erected, maintained and provided with a self-closing, self-latching gate to prevent unauthorized use of the pool.
- (e) All electrical wiring used in conjunction with such pool shall be installed below the ground or in a conduit to the nearest point of use. All wiring shall be waterproof. All connections shall be waterproof. All electric motors, lights, pumps, and like items shall be properly grounded."

The following issues pertain to streamlining the regulations for outdoor residential swimming pool:

1. The subject heading for swimming pools in the Zoning Ordinance could more precisely fit the type and location of swimming pools that should be regulated. Regulating only private swimming pools excludes swimming pools in commercial and light industrial districts and those owned by public agencies, such as the Loudoun County Parks, Recreation and Community Services agency that owns and operates the Lovettsville Community Center and its pool.
1. The introductory paragraph of Section 4-8 of the Zoning Ordinance should identify what type of pool would be subject to regulation. One option would be to do this as Loudoun County does. The County building permit process required for outdoor swimming pools only regulates those pools where the water depth is two feet or more without regard to area of the water surface. The Town regulation does not regulate a swimming pool if it has a surface area of less than 150 square feet. It can be argued that it is the depth of a swimming pool, not its surface area that presents a potential safety risk. The Town and County regulations do not coincide in this respect.
2. The Town Zoning Ordinance does not indicate if temporary pools or in-ground or above ground outdoor swimming pools are regulated. Some homeowners have permanent pools and some have inflatable pools that are deflated part of the year. Regulations for outdoor in-ground, above ground, permanent and temporary pools all can have a visual impact on adjoining residential properties. The Town Zoning Ordinance regulations could be improved by making it clear that all types of residential and non-residential swimming pools are regulated.

3. Loudoun County requires a building permit for all swimming pools with a water depth of two feet or more. The County permit requires a variety of safety features, including fencing and certain access, gating and alarm requirements. These specifications are contained in the current edition of the Virginia Uniform Statewide Building Code as set forth in Title 36 of the Code of Virginia, which is based upon the International Residential Building Code guidelines and specifications to regulate swimming pool safety, shown in Appendix G of the IRC. If some pool, fence, gate or door alarm features related to swimming pools are served by electricity, these elements have to be inspected, for example. The current Town regulations are such that fencing, electrical wiring, lights, pumps, door alarms and self-latching gates have to be inspected. The Town is not in a position to undertake such inspections. The County is responsible for this type of inspection and currently has this responsibility in the Town. The Town regulations could make this shared responsibility clear.
4. The current Town regulations do not make it clear that swimming pools need a permit. If the Zoning Ordinance were to include such a statement this would help the public understand that there is a permit requirement.

At the May 5, 2010 Planning Commission meeting the Commission asked to see the regulations that Loudoun County uses for a swimming pool building permit. This is attached with a Fence Letter form that the County requires an applicant to fill out and sign as part of the building permit approval process. These documents could also be attached to the Town permit application so an applicant would know what the combined Town/County approval process is.

CONCLUSION: The Zoning Ordinance regulations for private outdoor swimming pools should be amended so that swimming pools in all districts and in both private and public ownership are under regulation whether they are permanent, temporary, in-ground or above-ground. The Town Zoning Ordinance should also be amended to reflect the fact that both the Town and the County share responsibility for regulating outdoor swimming pools. Under an amended set of regulations the Town would control the visual impact of outdoor swimming pools on neighboring residential property by regulating the yard and setback limits. Fencing, which is both a visual control and a safety measure, would be the responsibility of both the County and the Town.

In addition to amending the Zoning Ordinance regulations for swimming pools, the Town should create an application process that includes attaching a copy of Appendix G of the International Residential Building Code for Swimming Pools, Spas and Hot Tubs; Section 3109 of the International Building Code for non-commercial outdoor swimming pools; and the Fence Letter form required by the County to the Town application so an

applicant knows when they obtain an application for that a County building permit is required and what needs to be provided for such a permit. It should be noted that the Town does not intend to regulate spas and hot tubs even though the County requires building permits for these.

PLANNING COMMISSION RECOMMENDATION: The Planning Commission held a public hearing on this item, June 2. There were no speakers. After the Commission deliberated, it recommended that the following be adopted by the Town Council:

(A) Zoning Ordinance text amendment:

"4-8 PRIVATE OUTDOOR SWIMMING POOLS

A zoning permit shall be granted for the installation or construction of a temporary or permanent ~~private~~ outdoor swimming pool with a water depth of two (2) feet or more in any zoning district, subject to the following conditions:

- (a) In residential districts and the residential portions of other districts an outdoor swimming pool shall only be located in a ~~may be erected on the required rear yard but not in the required side or front yard.~~ A swimming pool is permitted in a front yard on a through lot only if it is located in the front yard opposite the front entrance of the building on the lot.
- (b) A outdoor swimming pool in a residential district or in the residential portion of other districts shall ~~not be~~ set back at least ~~located nearer than~~ ten (10) feet to from any lot line.
- (c) In commercial districts and the light industrial district a swimming pool is permitted to be located in a front, side and rear yard only if they are set back at least 50 feet from an adjacent residential district or from the residential section of the Town Center Planned Development T-C or Retirement Community R-C districts.
- (d) A property owner or tenant who is granted an approval by the Town for an outdoor swimming pool must provide the Town a copy of the Loudoun County building permit for said swimming pool prior to grading or installation.
- (e) ~~Any pool with a surface of one hundred fifty (150) square feet or more or a depth in excess of two (2) feet shall be completely surrounded by a fence or wall six (6) feet in height designed to prevent access thereto by small children and animals.~~
- (d) ~~All gates or doors opening through said fence shall be erected, maintained and provided with a self-closing, self-latching gate to prevent unauthorized use of the pool.~~
- (e) ~~All electrical wiring used in conjunction with such pool shall be installed below the ground or in a conduit to the nearest point of use. All wiring shall be waterproof. All connections shall be waterproof. All electric motors, lights, pumps, and like items shall be properly grounded."~~

- (B) Establish a new application process for obtaining approval for an outdoor swimming pool [This would *not* amend the Zoning Ordinance] :

The Town should endorse an application process for permanent and temporary outdoor swimming pools wherein there is a separate swimming pool application that has three attachments: 1) the Fence Letter form (does not have to be filled out) required in the Loudoun County building permit process for these swimming pools; 2) Appendix G of the International Residential Building Code for Swimming Pools, Spas and Hot Tubs; and Section 3109 of the International Building Code for swimming pools that is used by Loudoun County to regulate outdoor swimming pools. The Town swimming pool application form should state that Spas and Hot Tubs are not regulated in the Town Ordinance even though Loudoun County requires a building permit.

DRAFT RESOLUTION: Will be attached in the public hearing packet.

ATTACHMENTS:

- 1) Appendix G of the International Residential Code, Swimming Pools, Spas and Hot Tubs, 2006.
- 2) Section 3109 of the International Building Code for swimming pools, 2006.
- 3) The Loudoun County Fence Letter form that is required as part of the County building permit process for outdoor swimming pools.

APPENDIX G

SWIMMING POOLS, SPAS AND HOT TUBS

SECTION AG101 GENERAL

AG101.1 General. The provisions of this appendix shall control the design and construction of swimming pools, spas and hot tubs installed in or on the lot of a one- and two-family dwelling.

SECTION AG102 DEFINITIONS

AG102.1 General. For the purposes of these requirements, the terms used shall be defined as follows and as set forth in Chapter 2.

ABOVE-GROUND/ON-GROUND POOL. See "Swimming pool."

BARRIER. A fence, wall, building wall or combination thereof which completely surrounds the swimming pool and obstructs access to the swimming pool.

HOT TUB. See "Swimming pool."

IN-GROUND POOL. See "Swimming pool."

RESIDENTIAL. That which is situated on the premises of a detached one- or two-family dwelling or a one-family townhouse not more than three stories in height.

SPA, NONPORTABLE. See "Swimming pool."

SPA, PORTABLE. A nonpermanent structure intended for recreational bathing, in which all controls, water-heating and water-circulating equipment are an integral part of the product.

SWIMMING POOL. Any structure intended for swimming or recreational bathing that contains water over 24 inches (610 mm) deep. This includes in-ground, aboveground and on-ground swimming pools, hot tubs and spas.

SWIMMING POOL, INDOOR. A swimming pool which is totally contained within a structure and surrounded on all four sides by walls of said structure.

SWIMMING POOL, OUTDOOR. Any swimming pool which is not an indoor pool.

SECTION AG103 SWIMMING POOLS

AG103.1 In-ground pools. In-ground pools shall be designed and constructed in conformance with ANSI/NSPI-5 as listed in Section AG107.

AG103.2 Above-ground and on-ground pools. Above-ground and on-ground pools shall be designed and constructed in conformance with ANSI/NSPI-4 as listed in Section AG107.

SECTION AG104 SPAS AND HOT TUBS

AG104.1 Permanently installed spas and hot tubs. Permanently installed spas and hot tubs shall be designed and constructed in conformance with ANSI NSPI-3 as listed in Section AG107.

AG104.2 Portable spas and hot tubs. Portable spas and hot tubs shall be designed and constructed in conformance with ANSI/NSPI-6 as listed in Section AG107.

SECTION AG105 BARRIER REQUIREMENTS

AG105.1 Application. The provisions of this chapter shall control the design of barriers for residential swimming pools, spas and hot tubs. These design controls are intended to provide protection against potential drownings and near-drownings by restricting access to swimming pools, spas and hot tubs.

AG105.2 Outdoor swimming pool. An outdoor swimming pool, including an in-ground, aboveground or on-ground pool, hot tub or spa shall be provided with a barrier which shall comply with the following:

1. The top of the barrier shall be at least 48 inches (1219 mm) above grade measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches (51 mm) measured on the side of the barrier which faces away from the swimming pool. Where the top of the pool structure is above grade, such as an aboveground pool, the barrier may be at ground level, such as the pool structure, or mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be 4 inches (102 mm).
2. Openings in the barrier shall not allow passage of a 4-inch-diameter (102 mm) sphere.
3. Solid barriers which do not have openings, such as a masonry or stone wall, shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.
4. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches (1143 mm), the horizontal members shall be located on the swimming

- pool side of the fence. Spacing between vertical members shall not exceed 1.75 inches (44 mm) in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1.75 inches (44 mm) in width.
5. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 45 inches (1143 mm) or more, spacing between vertical members shall not exceed 4 inches (102 mm). Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1.75 inches (44 mm) in width.
 6. Maximum mesh size for chain link fences shall be a 2.25-inch (57 mm) square unless the fence is provided with slats fastened at the top or the bottom which reduce the openings to not more than 1.75 inches (44 mm).
 7. Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall not be more than 1.75 inches (44 mm).
 8. Access gates shall comply with the requirements of Section AG105.2, Items 1 through 7, and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outward away from the pool and shall be self-closing and have a self-latching device. Gates other than pedestrian access gates shall have a self-latching device. Where the release mechanism of the self-latching device is located less than 54 inches (1372 mm) from the bottom of the gate, the release mechanism and openings shall comply with the following:
 - 8.1. The release mechanism shall be located on the pool side of the gate at least 3 inches (76 mm) below the top of the gate, and
 - 8.2. The gate and barrier shall have no opening greater than 0.5 inch (12.7 mm) within 18 inches (457 mm) of the release mechanism.
 9. Where a wall of a dwelling serves as part of the barrier one of the following conditions shall be met:
 - 9.1. The pool shall be equipped with a powered safety cover in compliance with ASTM F1346; or
 - 9.2. All doors with direct access to the pool through that wall shall be equipped with an alarm which produces an audible warning when the door and its screen, if present, are opened. The alarm shall sound continuously for a minimum of 30 seconds immediately after the door is opened and be capable of being heard throughout the house during normal house-hold activities. The alarm shall automatically reset under all conditions. The alarm system shall be equipped with a manual means, such as touchpad or switch, to temporarily deactivate the alarm for a single opening. Such deactivation shall last for not more than 15 seconds. The deactivation switch(es) shall be located at least 54 inches (1372 mm) above the threshold of the door; or
 - 9.3. Other means of protection, such as self-closing doors with self-latching devices, which are approved by the governing body, shall be acceptable so long as the degree of protection afforded is not less than the protection afforded by Item 9.1 or 9.2 described above.
 10. Where an aboveground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps, then:
 - 10.1. The ladder or steps shall be capable of being secured, locked or removed to prevent access, or
 - 10.2. The ladder or steps shall be surrounded by a barrier which meets the requirements of Section AG105.2, Items 1 through 9. When the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a 4-inch-diameter (102 mm) sphere.
- AG105.3 Indoor swimming pool.** All walls surrounding an indoor swimming pool shall comply with Section AG105.2, Item 9
- AG105.4 Prohibited locations.** Barriers shall be located so as to prohibit permanent structures, equipment or similar objects from being used to climb the barriers.
- AG105.5 Barrier exceptions.** Spas or hot tubs with a safety cover which complies with ASTM F 1346, as listed in Section AG107, shall be exempt from the provisions of this appendix.

SECTION AG106 ENTRAPMENT PROTECTION FOR SWIMMING POOL AND SPA SUCTION OUTLETS

AG106.1 General. Suction outlets shall be designed to produce circulation throughout the pool or spa. Single outlet systems, such as automatic vacuum cleaner systems, or other such multiple suction outlets whether isolated by valves or otherwise shall be protected against user entrapment.

AG106.2 Suction fittings. All Pool and Spa suction outlets shall be provided with a cover that conforms with ANSI/ASME A112.19.8M, or a 12" × 12" drain grate or larger, or an approved channel drain system.

Exception: Surface skimmers

AG106.3 Atmospheric vacuum relief system required. All pool and spa single or multiple outlet circulation systems shall be equipped with atmospheric vacuum relief should grate covers located therein become missing or broken. Such vacuum relief systems shall include at least one approved or engineered method of the type specified herein, as follows:

1. Safety vacuum release system conforming to ASME A112.19.17, or
2. An approved gravity drainage system

AG106.4 Dual drain separation. Single or multiple pump circulation systems shall be provided with a minimum of two (2) suction outlets of the approved type. A minimum horizontal or vertical distance of three (3) feet shall separate such outlets. These suction outlets shall be piped so that water is drawn through them simultaneously through a vacuum relief-protected line to the pump or pumps

AG106.5 Pool cleaner fittings. Where provided, vacuum or pressure cleaner fitting(s) shall be located in an accessible position(s) at least (6) inches and not greater than twelve (12) inches below the minimum operational water level or as an attachment to the skimmer(s).

**SECTION AG107
ABBREVIATIONS**

AG107.1 General.

ANSI—American National Standards Institute
11 West 42nd Street, New York, NY 10036

ASTM—American Society for Testing and Materials
1916 Race Street, Philadelphia, PA 19103

NSPI—National Spa and Pool Institute
2111 Eisenhower Avenue, Alexandria, VA 22314

**SECTION AG108
STANDARDS**

AG108.1 General.

ANSI/NSPI

ANSI/NSPI-3-99 Standard for Permanently Installed Residential Spas AG104.1

ANSI/NSPI-4-99 Standard for Above-ground/On-ground Residential Swimming Pools AG103.2

ANSI/NSPI-5-99 Standard for Residential In-ground Swimming Pools AG103.1

ANSI/NSPI-6-99 Standard for Residential Portable Spas AG104.2

ANSI/ASME A112.19.8M-1987 Suction Fittings for Use in Swimming Pools, Wading Pools, Spas, Hot Tubs and Whirlpool Bathing Appliances AG106.2

ASTM

ASTM F 1346-91 (1996) Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs AG105.2, AG105.5

ASME

ASME A112.19.17 Manufacturers Safety Vacuum Release Systems (SVRS) for Residential and Commercial Swimming Pool, Spa, Hot Tub and Wading Pool AG106.3

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noncombustible covers and shall be either fixed, retractable, folding or collapsible.

3105.4 Canopy materials. Canopies shall be constructed of a rigid framework with an approved covering that meets the fire propagation performance criteria of NFPA 701 or has a flame spread index not greater than 25 when tested in accordance with ASTM E 84.

SECTION 3106 MARQUEES

3106.1 General. Marquees shall comply with this section and other applicable sections of this code.

3106.2 Thickness. The maximum height or thickness of a marquee measured vertically from its lowest to its highest point shall not exceed 3 feet (914 mm) where the marquee projects more than two-thirds of the distance from the property line to the curb line, and shall not exceed 9 feet (2743 mm) where the marquee is less than two-thirds of the distance from the property line to the curb line.

3106.3 Roof construction. Where the roof or any part thereof is a skylight, the skylight shall comply with the requirements of Chapter 24. Every roof and skylight of a marquee shall be sloped to downspouts that shall conduct any drainage from the marquee in such a manner so as not to spill over the sidewalk.

3106.4 Location prohibited. Every marquee shall be so located as not to interfere with the operation of any exterior standpipe, and such that the marquee does not obstruct the clear passage of stairways or exit discharge from the building or the installation or maintenance of street lighting.

3106.5 Construction. A marquee shall be supported entirely from the building and constructed of noncombustible materials. Marquees shall be designed as required in Chapter 16. Structural members shall be protected to prevent deterioration.

SECTION 3107 SIGNS

3107.1 General. Signs shall be designed, constructed and maintained in accordance with this code.

SECTION 3108 RADIO AND TELEVISION TOWERS

3108.1 General. Subject to the provisions of Chapter 16 and the requirements of Chapter 15 governing the fire-resistance ratings of buildings for the support of roof structures, radio and television towers shall be designed and constructed as herein provided.

3108.2 Location and access. Towers shall be located and equipped with step bolts and ladders so as to provide ready access for inspection purposes. Guy wires or other accessories shall not cross or encroach upon any street or other public space, or over above-ground electric utility lines, or encroach upon any privately owned property without written consent of the owner of the encroached upon property space or above-ground electric utility lines.

3108.3 Construction. Towers shall be constructed of approved corrosion-resistant noncombustible material. The minimum type of construction of isolated radio towers not more than 100 feet (30 480 mm) in height shall be Type IIB.

3108.4 Loads. Towers shall be designed to resist wind loads in accordance with TIA/EIA-222. Consideration shall be given to conditions involving wind load on ice-covered sections, localities subject to sustained freezing temperatures.

3108.4.1 Dead load. Towers shall be designed for the dead load plus the ice load in regions where ice formation occurs.

3108.4.2 Wind load. Adequate foundations and anchorage shall be provided to resist two times the calculated wind load.

3108.5 Grounding. Towers shall be permanently and effectively grounded.

SECTION 3109 SWIMMING POOL ENCLOSURES AND SAFETY DEVICES

3109.1 General. Swimming pools shall comply with the requirements of this section and other applicable sections of this code.

3109.2 Definition. The following word and term shall, for the purposes of this section and as used elsewhere in this code have the meaning shown herein.

SWIMMING POOLS. Any structure intended for swimming, recreational bathing or wading that contains water over 24 inches (610 mm) deep. This includes in-ground, above-ground and on-ground pools; hot tubs, spas and fixed-in-place wading pools.

3109.3 Public swimming pools. Public swimming pools shall be completely enclosed by a fence at least 4 feet (1290 mm) in height or a screen enclosure. Openings in the fence shall not permit the passage of a 4-inch-diameter (102 mm) sphere. The fence or screen enclosure shall be equipped with self-closing and self-latching gates.

3109.4 Residential swimming pools. Residential swimming pools shall comply with Sections 3109.4.1 through 3109.4.3.

Exception: A swimming pool with a power safety cover or a spa with a safety cover complying with ASTM F 1346.

3109.4.1 Barrier height and clearances. The top of the barrier shall be at least 48 inches (1219 mm) above grade measured on the side of the barrier that faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches (51 mm) measured on the side of the barrier that faces away from the swimming pool. Where the top of the pool structure is above grade, the barrier is authorized to be attached and level or mounted on top of the pool structure, and the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be 4 inches (102 mm).

3109.4.1.1 Openings. Openings in the barrier shall not allow passage of a 4-inch diameter (102 mm) sphere.

3109.4.1.2 Solid barrier surfaces. Solid barriers which do not have openings shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.

3109.4.1.3 Closely spaced horizontal members. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches (1143 mm), the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed 1.75 inches (44 mm) in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1.75 inches (44 mm) in width.

3109.4.1.4 Widely spaced horizontal members. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 45 inches (1143 mm) or more, spacing between vertical members shall not exceed 4 inches (102 mm). Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1.75 inches (44 mm) in width.

3109.4.1.5 Chain link dimensions. Maximum mesh size for chain link fences shall be a 2.25 inch square (57 mm square) unless the fence is provided with slats fastened at the top or the bottom which reduce the openings to no more than 1.75 inches (44 mm).

3109.4.1.6 Diagonal members. Where the barrier is composed of diagonal members, the maximum opening formed by the diagonal members shall be no more than 1.75 inches (44 mm).

3109.4.1.7 Gates. Access gates shall comply with the requirements of Sections 3109.4.1.1 through 3109.4.1.6 and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outward away from the pool and shall be self-closing and have a self-latching device. Gates other than pedestrian access gates shall have a self-latching device. Release mechanisms shall be in accordance with Sections 1008.1.8 and 1109.1.3. Where the release mechanism of the self-latching device is located less than 54 inches (1372 mm) from the bottom of the gate, the release mechanism shall be located on the pool side of the gate at least 3 inches (76 mm) below the top of the gate, and the gate and barrier shall have no opening greater than 0.5 inch (12.7 mm) within 18 inches (457 mm) of the release mechanism.

3109.4.1.8 Dwelling wall as a barrier. Where a wall of a dwelling serves as part of the barrier, one of the following shall apply:

1. Doors with direct access to the pool through that wall shall be equipped with an alarm that produces an audible warning when the door and/or its screen, if present, are opened. The alarm shall be listed in accordance with UL 2017. The audible alarm shall activate within 7 seconds and sound continuously for a minimum of 30 seconds after

the door and/or its screen, if present, are opened and be capable of being heard throughout the house during normal household activities. The alarm shall automatically reset under all conditions. The alarm shall be equipped with a manual means, such as touchpad or switch, to temporarily deactivate the alarm for a single opening. Such deactivation shall last for not more than 15 seconds. In dwellings not required to be Accessible, Type A or Type B units, the deactivation switch shall be located 54 inches (1372 mm) or more above the threshold of the door. In dwellings required to be Accessible, Type A or Type B units, the deactivation switches shall be located at 54 inches (1372 mm) maximum and 48 inches (1219 mm) minimum above the threshold of the door.

2. The pool shall be equipped with a power safety cover that complies with ASTM F 1346.
3. Other means of protection, such as self-closing doors with self-latching devices, which are approved by the administrative authority, shall be accepted so long as the degree of protection afforded is not less than the protection afforded by Section 3109.4.1.8, Item 1 or 2.

3109.4.1.9 Pool structure as barrier. Where an above-ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps, then the ladder or steps either shall be capable of being secured, locked or removed to prevent access, or the ladder or steps shall be surrounded by a barrier which meets the requirements of Sections 3109.4.1.1 through 3109.4.1.8. When the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a 4-inch-diameter (102 mm) sphere.

3109.4.2 Indoor swimming pools. Walls surrounding indoor swimming pools shall not be required to comply with Section 3109.4.1.8.

3109.4.3 Prohibited locations. Barriers shall be located so as to prohibit permanent structures, equipment or similar objects from being used to climb the barriers.

3109.5 Entrapment avoidance. Suction outlets shall be designed to produce circulation throughout the pool or spa. Single-outlet systems, such as automatic vacuum cleaner systems, or other such multiple suction outlets whether isolated by valves or otherwise shall be protected against user entrapment.

3109.5.1 Suction fittings. All pool and spa suction outlets shall be provided with a cover that conforms to ASME A112.19.8M, a 12-inch by 12-inch (305 mm by 305 mm) drain grate or larger, or an approved channel drain system.

Exception: Surface skimmers

3109.5.2 Atmospheric vacuum relief system required. All pool and spa single- or multiple-outlet circulation systems shall be equipped with an atmospheric vacuum relief should grate covers located therein become missing or broken. Such vacuum relief systems shall include at least one

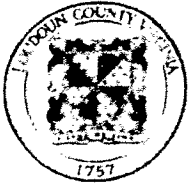
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approved or engineered method of the type specified herein, as follows:

1. Safety vacuum release systems conforming to ASME A112.19.17, or
2. Approved gravity drainage system.

3109.5.3 Dual drain separation. Single- or multiple-pump circulation systems shall be provided with a minimum of two suction outlets of the approved type. A minimum horizontal or vertical distance of 3 feet (914 mm) shall separate such outlets. These suction outlets shall be piped so that water is drawn through them simultaneously through a vacuum-relief-protected line to the pump or pumps.

3109.5.4 Pool cleaner fittings. Where provided, vacuum or pressure cleaner fittings shall be located in an accessible position(s) at least 6 inches (152 mm) and not greater than 12 inches (305 mm) below the minimum operational water level or as an attachment to the skimmer(s).



Loudoun County, Virginia

Department of Building and Development

1 Harrison Street, S.E., PO Box 7000, Leesburg, VA 20177-7000

Administration: 703-777-0397 Metro: 478-8432 Fax: 7031771-5215

Inspections Information Only: 7031777-0220 Metro: 478-8414 Fax: 7031771-5522

LOUDOUN COUNTY FENCE LETTER

Date: _____

We/I _____ hereby state that, prior to filling my swimming pool with water, we/I will build a fence that will meet the requirements for the Current Edition of the Virginia Uniform Statewide Building Code as set forth in Title 36 of the Code of Virginia (available at the Loudoun County Department of Building and Development upon request).

Owner's Signature: _____

Address: _____

Telephone: _____

STATE OF VIRGINIA
COUNTY OF LOUDOUN

I, the undersigned Notary Public, in and for the jurisdiction aforesaid, do hereby certify that _____ whose name(s) is/are signed to the foregoing Loudoun County Fence Letter, appeared before me and personally acknowledged the same in my jurisdiction aforesaid.

Given under my hand and seal this _____ day of _____, 200_____.

My Commission Expires: _____

Notary Public

Town of Southville

Speaker Sign - Up Sheet

Town Council Public Hearing and Regular Meeting - June 24, 2010

Please Print.

Name and Association	Address	Topic	Email Address (Optional)

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.

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

Town of Lovettsville

VIRGINIA FREEDOM OF INFORMATION ACT Resolution: AUTHORIZE CLOSED SESSION

Date: 6/24/10

Time: 11:20 PM

MOTION: B. Zaldes

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].

Town of Lovettsville

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:

VOTE:

Ayes: *Zoller, Dockum, Staley, Senate*
Nays: *None*
Abstentions: *None*
Absent for vote: *Jones, Coleman*

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 Lovettsville Town Council?"

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)

Town of Lovettsville

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:"

6/25, 2010

Certified:

12:30 AM

Elaine Walker
Town Clerk Mayor