

Town of Lovettsville

Town Council Minutes of Regular Meeting December 9, 2010

Mayor Elaine Walker called the regular meeting of the Lovettsville Town Council to order at 8:02 PM on Thursday, December 9, 2010.

Present at Meeting

- Mayor Elaine Walker
- Vice Mayor Robert Zoldos II
- Council Members Tiffaney Carder, Charlotte Coleman, Michael Senate, Shaun Staley
- Town Manager Keith Markel
- Town Attorney Elizabeth Whiting
- Town Treasurer Lance Gladstone
- Project Manager Karin Fellers
- Zoning Administrator Steve McGregor *{arrived at 8:45 PM}*
- Town Clerk Judy L. Kromholz

Absent

- Council Member Scott Dockum

Audience

Among those present in the audience were Howard Williamson, Planning Commission Chairwoman Mari Bushway, Planning Commissioner Jack Burden, Amanda Staley, and Alan Dykstra.

Call to Order/Welcome/Pledge of Allegiance/Invocation

Mayor Walker led the assembled in the Pledge of Allegiance.

Comments from the Public (Attachment I: Spear Sign up Sheet)

Vice Mayor Zoldos reviewed the rules for public speaking at a Council meeting.

Mr. Alan Dykstra stated that there were physical limitations on the Wheeler property (19 East Broad Way) that would not allow him to fulfill the conditions in the Conditional Use Permit he had been granted. He gave examples of these limitations and stated that he originally believed that they would be easy to resolve, but Administrator McGregor had sent him an email requiring an easement or a boundary line adjustment. His understanding is that this would be a long, complex process which would take him at least until March. He stated that he will have to take his business out of Town; he has found a location in Brunswick where he could start business immediately. He calculated that the Town would lose a lot of revenue and the jobs he had offered. Additionally, the lot will remain vacant. He stated that he needs to start earning income in this business and has already made a significant investment in equipment. He asked Council to look at the process and revise it in order to make it more business friendly.

Community Presentations

A. Lovettsville Business Association

President Darren Casper thanked the Council for the opportunity to speak. He expressed concern as President of the LBA, stating that he is hearing the pulse of many businesses that are in dire circumstances. He reported that the LBA has elected two new directors and is intent on attracting new businesses into Town. He suggested the Council Members talk to the individual businesses and see if there is anything that can be done to help them. He invited the Council and Mayor Walker to their Christmas party on December 21st. The LBA was happy and proud to participate in the tree lighting ceremony. Vice Mayor Zoldos thanked the LBA for their participation in this event. He stated he is concerned about Council members going around to the local businesses, stating that the Council has established up this time at every Council meeting to hear from the business community and the community rarely takes advantage of the opportunity. Council wants to hear input from the business community about pending legislation but the LBA frequently doesn't attend or provide input. Mr. Casper

stated that members come to him to complain about Town ordinances but he cannot persuade them to come to the meetings themselves.

Councilwoman Carder stated that, along with Councilman Staley, she is working on establishing an Economic Advisory Committee and they are hoping that will work as a liaison between the businesses and the Town government.

Mayor Walker stated that she is very disappointed at what she heard from Mr. Dykstra tonight. She was also extremely disappointed that not a single business person spoke at the forum concerning the sign ordinance, stating that we all sat here in amazement and asked where the business community is. She noted that Mr. Williamson had participated in the development of the ordinance, but no one else from the businesses in Town provided input or attended the Public Forum specifically planned to garner their input. Mr. Casper stated that the business owners did not know this was when they were finalizing the ordinance; although they were all notified about the meeting. He reiterated that he has repeatedly tried to get them to come to the Town meetings instead of complaining to him.

B. Planning Commission

Vice Chairman Jack Burden presented his report concerning the activities of the Planning Commission and Comprehensive Plan Advisory Committee activities in November. He recommended that the community volunteers on the Advisory Committee be commended by the Town for all of their efforts in developing the Comprehensive Plan.

Additions/Deletions/Modifications to the Agenda

Manager Markel stated that there are two additional items to be discussed at this meeting if the Council decides to cancel their meeting on December 16th. The Council decided to keep the December 16th meeting on the schedule.

Presentations

No presentations were scheduled.

Approval of Town Council Minutes

A. Town Council Special Meeting – August 25, 2010

Motion: To approve the minutes of the August 25, 2010 Town Council Special Meeting as revised.

By: Council Member Senate

Second: Council Member Coleman

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

Nay: None

Abstain: None

Absent: Council Member Dockum

B. Town Council Regular Meeting – September 9, 2010

Motion: To approve the minutes of the September 9, 2010 Town Council Regular Meeting as revised.

By: Council Member Staley

Second: Council Member Carder

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

Nay: None

Abstain: None

Absent: Council Member Dockum

Report from the Treasurer

No report was presented.

Staff Reports

A. Project Manager

Project Manager Fellers reminded the Council to respond to the possible dates for scheduling engineering firm interviews.

B. Report from the Town Attorney

The Town Attorney had no formal report.

C. Report from the Town Manager

No report at this time.

Consent Agenda

There were no items on the consent agenda.

Action/Discussion Items

A. Water and Sewer RFP

Project Manager Fellers presented this item. She stated that Town Council had indicated an interest in conducting a new procurement process in order to ensure the Town has the best engineer to fit its needs for any future water and sewer projects. The Town is currently using several engineering firms for water and sewer projects. Although the Town is not required to go through the formal State procurement process, it may be beneficial to select water and sewer engineers through this process so that the Town could use this engineer for projects using grant or loan funds that require formal procurement. Staff has developed a draft RFP for Town Council review and comment. Staff is requesting direction on any changes Town Council feels would be appropriate for this document and on the selection process itself.

Councilman Staley asked if the RFP should specify that the engineer have a PE. Attorney Whiting stated that was a state licensing requirement and Manager Markel noted that the firms would be presenting a portfolio of resumes of who would be assigned to the contract.

Councilman Senate stated that the proposed RFP is a sound document. Mayor Walker asked that the RFP specify a Virginia firm and one that supports VML and VACo. Project Manager Fellers will investigate the possibility of distributing the RFP or a press release through those organizations. There being no further discussion, Mayor Walker asked for a motion.

Motion: I move that Town Council appoint Mayor Walker and Councilman Senate as part of the Town W&S Engineer Selection Committee along with staff and direct staff to make any directed changes to the RFP and begin the procurement process for a Town Water and Sewer Engineer.

By: Vice Mayor Zoldos

Second: Council Member Coleman

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

Nay: None

Abstain: None

Absent: Council Member Dockum

Mayor Walker suggested that if any Council member would like any additional changes to the RFP they submit those changes to Manager Markel by close of business tomorrow.

B. Museum Inspection

Project Manager Fellers presented this item. She stated that it has been identified that there are some concerns about the state of the Museum building. Town Council had identified a potential need for replacing and raising the sill on the building as it is too close to the ground and is showing signs of rotting. The Council discussed the prices and expressed concerns about what other repairs may be necessary to preserve the building as a home for the Lovettsville Historical Society or other Town related uses and what financial commitment this would require. They identified a need for a professional inspection of the building that would develop a more comprehensive list of issues with the building and identify the items in the priority that needs to be addressed to maintain the stability and functionality of the building. They directed staff to find out how much such an inspection might cost.

If Town Council wishes to consider continuing to use the building as a museum, storing items that require a dry and stable environment, Staff recommends that Town Council approve completion of the Detailed Inspection at a cost of \$950. This inspection will provide more detailed information than a typical home inspection and should help the Town Council understand the structural issues with the building and provide the information necessary to help obtain prices for addressing the issues. This information can

then be used by Council to determine the desired long term use of the structure and to develop a budget for addressing the building's issues.

Mayor Walker called for a motion.

Motion: I move that Town Council direct staff to complete Option 2 and authorize the Mayor or Town Manager to sign the appropriate paper work to hire the consultant.

By: Council Member Senate

Second: Council Member Staley

Mayor Walker called for discussion. Councilman Staley stated that the Town will be spending a small amount of money in order to make an educated decision about whether or not to spend a lot of money. Councilman Senate agreed that the Town needs to know the status of the structure before proceeding. There being no further discussion, Mayor Walker called for the vote.

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

Nay: None

Abstain: None

Absent: Council Member Dockum

C. Update on Bike Path

Project Manager Fellers presented this item. She reported that over the last six months, VDOT has been hard at work developing plans for the Bike Path. This summer the Preliminary Design work was completed and the Town was provided with a Conceptual Plan for the whole Path. The design shows two Phases. Phase 1 connects the portion of the trail to be constructed by the developer of Heritage Highlands on the south end of Town to just south of the Town Square. Phase II picks up the Path on the north side of the Town Square at the intersection of Berlin Pike and West Broad Way and terminates the Path at Tilgham Place. Over the summer, VDOT worked on ensuring that the plan reduced impact to properties in order to encourage cooperation later if easements would be needed.

The Program Categorical Exclusion for the environmental assessment was obtained in August, 2010. Some additional surveying is underway in order to complete the drainage design work and determine the necessity of easements. It is planned for the project to be ready for Public Hearing in early 2011. Through October, the total expenses for the project were \$186,000 with \$30,000 in expenses for June through October, 2010.

The Town has again applied for additional funds through the VDOT Enhancement Program to complete Phase I of the project. Only projects that already have been awarded funding are eligible to apply for funding this year and it is hoped that this will put the Town in a favorable position to obtain additional funding.

As part of the application process, VDOT developed new cost estimates. The funding application included the most up to date cost estimates for both Phase I and Phase II and requested an additional \$524,000 to be used to complete Phase I. VDOT has indicated that the cost has increased for the land acquisition activities as they believe easements will be needed from some of the properties for storm drainage improvements to accommodate the Path. VDOT has also implemented a requirement to develop plats even for temporary construction easements which has also increased the cost estimate. In addition to the Enhancement Funds, VDOT has funding available through their Highway Safety program. Staff is working to develop an application for that funding. Project Manager Fellers reported that she has frequently requested information stating when the public hearing process will begin, but has not received a response as of this date.

Mayor Walker asked that Project Manager Fellers and Manager Markel prepare a Letter of Request for the Mayor's signature to be delivered to the Loudoun County Board of Supervisors. She asked that they include a history of the project over the past 15 years, explain that it is shovel ready or near shovel ready, and include the amount needed to complete the project.

Staff noted that the project does not qualify as shovel ready because engineering is not complete, easements have not been decided; and public hearings have not been held. Manager Markel and Project Manager Fellers will complete the letter. *{Project Manager Fellers left at 9:05 PM}*.

D. LVZA 2009-0004: Sign Ordinance

Administrator McGregor made a brief presentation. He summarized the changes and major additions that have been incorporated into the proposed revised text of Article 7 Signs:

1. The format of the Article has been streamlined and the length reduced. Some subject headings and types of signs were combined under new or other headings. For example, there is a new heading entitled Administration and Enforcement that had subheadings for Application for a Permit, Sign Compliance, Expiration of Sign Permits, Non-Conforming Signs and Construction and Maintenance Standards. Instead of listing all prohibited signs and having a definition of such signs, a statement was inserted stating that unless a sign is specifically listed in the sign definitions, it is not permitted. Sign standards have been separated from sign definitions. The standards for signs indicate whether or not there are standards and if a permit is required.
2. Pole signs and illuminated OPEN signs are now permitted. Outdoor signs that are projected on walls or sides of business buildings are being proposed (with the same standards as wall signs, generally). Regulations are added for some Homeowners Associations signs. The size of temporary personal expression signs is unlimited but the time permitted for such signs is limited. Temporary advertising signs for subdivisions have been included in signs permitted.
3. Signage for multiple business developments (e.g., office parks, shopping centers, industrial parks of two acres or more) was included that requires a comprehensive signage plan and individual tenants in such developments are subject to the same sign standards as tenants or owners of single lot businesses.
4. Much discussion focused on whether or not OPEN signs should be internally illuminated. Other types of signs are not permitted to be internally illuminated. The Commission concluded that given the small size allowed for OPEN signs it would be beneficial for businesses to allow them to be internally illuminated.
5. The Planning Commission's original markup of Article 7 Signs included a sunset provision for non-conforming signs so that after a period of time such signs would have to be brought into conformance with the ordinance. The Town Attorney advised that state law would preclude this provision so it has been removed. A non-conforming sign is considered permanent if it meets the standards for nonconforming signs in Article 7 Signs.

Administrator McGregor reported that the Planning Commission recommends approval of this version of Article 7 Signs in the Zoning Ordinance.

Mayor Walker called for discussion. She stated that she is concerned about a few issues if this goes forward as proposed. She stated that the proposed ordinance does not require permitting of real estate signs and that there had been complaints from the business community that they had to conform to this ordinance and real estate companies do not. Administrator McGregor noted that Section 26 of the proposed ordinance does regulate these signs, including their allowed size. Vice Mayor Zoldos asked if these are considered to be temporary signs and Mayor Walker noted that there are signs that have been in place two to three years. Councilman Senate stated that the committee did discuss these signs and that residential signs were limited to 2' by 2'. He stated that the committee's intent was for commercial real estate signs to be permitted. Administrator McGregor stated that he does not believe the County is regulating this type of residential signs.

Mayor Walker asked if the temporary banners would be monitored for language. Attorney Whiting stated that they cannot regulate the content of personal expression signs and that if content violates the law, the sheriff's office would be involved. Administrator McGregor asked if obscenity violated the law and Attorney Whiting replied that it is pretty hard to pin down.

Mayor Walker asked how yard sales signs would be monitored for a 'continuous' yard sale. Administrator McGregor stated that the proposed ordinance limited a yard sale sign to three days. Manager Markel stated that the Town needs to consider regulating yard sales themselves in order to also regulate their signage.

Mayor Walker said that she has concerns that if these or similar changes are made another public hearing will be required. Attorney Whiting stated that it would be a judgment call as to what will constitute a rewrite that would rise to the level of requiring a new public hearing.

Administrator McGregor stated that these are all legitimate questions and the Council might want to consider holding a joint work session with the Planning Commission to investigate what the Commissioners were thinking. Manager Markel suggested that the Council might prefer holding their public hearing first so that they could also address any concerns the public surfaces. Attorney Whiting advised the Council that since the Planning Commission has only an advisory function concerning ordinances, another Planning Commission public hearing would not be required under any circumstances.

Councilman Senate stated that the Planning Commission had done good work and he does not see the need to refer it back to them for another hearing. Mayor Walker said that her intent was not to delay the process. Councilman Staley stated that he would prefer to have a joint work session before the public hearing in order to understand the Commissioners reasoning on various issues. Councilman Senate felt that holding the Council Public Hearing first would allow a joint work session to address any final issues the public surfaced.

Councilman Staley questioned the use of the work 'external' in the first sentence of the ordinance and Administrator McGregor suggested changing it to 'externally visible'.

Mayor Walker called for a motion.

Motion: I move that the Town Council authorize a public hearing on the proposed revised text of Article 7 Signs in the Zoning Ordinance, as recommended by the Planning Commission.

By: Vice Mayor Zoldos

Second: Council Member Senate

Mayor Walker called for additional discussion. Vice Mayor Zoldos said that this defines the clearest path and gives the community one more chance to give input before the Council tweaks the Planning Commission version. Manager Markel suggested January 13th, which is the date of their first meeting in January, as the public hearing date. Based on the lack of attendance at the Planning Commission Public Hearing, this hearing will be held at Town Hall. There being no further discussion, Mayor Walker called for the vote.

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

Nay: None

Abstain: None

Absent: Council Member Dockum

{Planning Commissioners Bushway and Burden and Administrator McGregor left the meeting at 9:45 PM}

E. New Town Meadows Bond Reduction Request for Phase 2A & 2B

Manager Markel presented this item. The Town's contracted engineer has inspected the project and found only two relatively minor issues to resolve. Three level spreaders have not been installed per the construction plan. The Developer's representative has told the Town that the County inspectors have verbally communicated to her that the spreaders are not necessary. The Town has asked for the County to provide written documentation to that effect. Rip-rap was also missing from Structure 90; however that item may have been resolved since the inspection. The Town's utility operator, Loudoun Water has provided an inspection of the Water and Sewer system and all repairs have been completed satisfactorily. The major outstanding issue for these sections is Virginia Department of Transportation street acceptance. An on-site inspection conducted August 23, 2010 identified several significant issues along with a lengthy punch list of more typical corrective actions. The Town does not have a cost figure for these repairs, but they could be significant. During a recent conversation with the Developer, he told the Town that he plans to complete most of the punch list items identified by the VDOT inspection by the middle of December. There is still disagreement between the developer and VDOT over the need to replace the surface coat on several sections of streets. VDOT street acceptance is a critical step in the development process. Based on the work being required by VDOT staff proposes to modify the bond reduction request from what the Developer has asked for Phase 2B. Staff can support the requested reduction amount for Phase 2A. The Phase 2A reduction would bring the new bonded amount to 10

percent of the original bonded amount. For Phase 2B, staff recommends retaining a bond amount equal to 15 percent of the original bonded amount of \$1,508,000. If all street repairs move forward as expected, these two Phases of streets could be accepted by VDOT in the spring at which time the Town could entertain a request for full bond release and then start the one year maintenance bond phase.

Staff recommends approving the full reduction requested of \$132,405 for Phase 2A for a new bond amount of \$87,700 (10% of the original bonded amount) and a reduction for Phase 2B of \$226,200 for a new bond amount of \$226,200 (15% of the original bonded amount) to provide additional funds for more extensive VDOT required improvements.

There being no questions from the Council, Mayor Walker asked for a motion.

Motion: I move to approve "Resolution 2010-12-001: New Town Meadows Phase 2A & 2B Second Bond Reduction" (Attachment III)

By: Council Member Senate

Second: Council Member Coleman

Councilman Staley asked for a clarification of the purpose of the retainage and Manager Markel explained. There being no further comments, Mayor Walker called for the vote.

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

Nay: None

Abstain: None

Absent: Council Member Dockum

F. Dykstra Conditional Use Permit

Vice Mayor Zoldos requested that this item be added to the agenda and Council agreed. Manager Markel reviewed the history of the project and recapped conversations Mr. Dykstra had had with Administrator McGregor, Attorney Whiting and himself. Attorney Whiting stated that the concern was that the front parcel could change ownership thereby denying Mr. Dykstra access to the street. She noted that the Town may have been more protective of Mr. Dykstra's rights than he wanted the Town to be. Manager Markel noted that Mr. Dykstra stated that some of the Conditional Uses imposed by the permit were not doable. Councilman Senate stated that this should have been known before the CUP was bought before Council. Manager Markel stated that he had walked the property with Administrator McGregor, but that the applicant also had a responsibility to surface and negotiate these issues. Councilwoman Coleman noted that there had been other businesses on the back lot and asked if they had formal ingress easement. Attorney Whiting noted that if a site plan had been prepared it would show the easements. Mr. Dykstra stated that by renting the building on the front lot he was granted access to the back lot. Councilman Staley stated that the access right of way problem could be solved; he was more concerned about issues with the fence. He asked how the fence could be erected around the existing impediments.

Councilman Staley also asked what could be done to resolve this issue expeditiously. Manager Markel stated that a new Conditional Use Permit would have to be processed and approved. Attorney Whiting stated that the Planning Commission would need to recommend the new CUP, but a joint public hearing would be permissible.

Councilman Senate stated that the required vehicle stops inside the fence were redundant; noting that Mr. Dykstra would own the fence and it would be his responsibility to maintain it. Mr. Dykstra noted that one side of the site abuts a commercial property and no fence or setback is required. He also stated that the fence must be positioned on the far side of the drain in order to allow maintenance of the drain.

Vice Mayor Zoldos asked Attorney Whiting if the changes being discussed would rise to the level of requiring a new CUP and she said that they would. Vice Mayor Zoldos asked Mr. Dykstra why he did not ask to withdraw his application when he became aware of the conflicts. Mr. Dykstra stated that he was not aware that he could withdraw it at that point. Vice Mayor Zoldos explained that the Council had a duty to protect both Mr. Dykstra's interests and the interests of the residents by holding another public hearing on the matter. Councilman Staley asked Mr. Dykstra if restarting the process would allow him sufficient time to put his business in that location. Mr. Dykstra stated that his own home already borders on two commercial operations – a ceramics studio and a wood working establishment. He asked if he could do

something temporary out of this home and Vice Mayor Zoldos stated that his business would not fit the definition of a home occupation. The rest of the Council agreed.

Manager Markel noted that a number of exceptions were granted by the Planning Commission and the CUP that was brought to Council was exactly what the Commission had approved. No changes were made in the interim. Attorney Whiting pointed out that Mr. Dykstra should be very specific about what delays he will want as well as what changes to the CUP he wants. The permit has to say when the improvements will be made.

There being no further discussion, Mayor Walker asked for a motion to be made.

- Motion:** I move that a joint Public Hearing be scheduled to consider a Conditional Use Permit that authorizes retail sales and/or service with outdoor storage at 19 East Broad Way on January 13, 2011 and that the fees and staff expenses for this application be waived.
- By:** Vice Mayor Zoldos
- Second:** Council Member Senate
- Aye:** Council Members Carder, Coleman, Senate, Staley, Zoldos
- Nay:** None
- Abstain:** None
- Absent:** Council Member Dockum

Information Items

No information items were presented.

Comments from the Mayor and Town Council

Councilman Senate thanked Vice Mayor Zoldos for allowing him to participate in the creative process of placing lights on the Town tree. He said he had a great time at the Tree Lighting Ceremony.

Councilwoman Carder said that the Tree Lighting ceremony was very nice. She reported that the coop grocery is moving towards its goal of incorporation.

Councilman Staley thanked Mr. Dykstra for explaining the problems he has had. He reported that he also enjoyed the Tree Lighting ceremony and that the homes in New Town Meadows have impressive light displays although Loudoun Street has the most impressive displays. He suggested contacting organizations to advertise these displays in order to encourage people to visit the Town.

Vice Mayor Zoldos reported that the Lovettsville Elementary School chorus will be singing at the National Tree in Washington, DC on December 20th and believes there is still room on the bus for those who wish to hear them. He stated that the Lovettsville Tree lighting was spectacular and reported that along with the 1,400 lights on the tree, there is an additional string of 200 lights holding some branches together, resulting in a total of 1,600 lights.

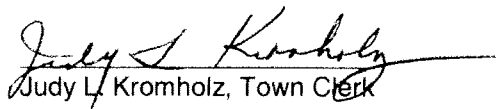
Mayor Walker read the thank you to all of those who participated in making the tree lighting so successful. She has sent this statement to the local newspapers.

She reported that she met with Elm Street Development and NVRetail this week. They have contacted at least 40 grocery stores and none were willing to make a commitment to Lovettsville. The developer has other possibilities they are exploring. She requested that the Council schedule a retreat in January.

Adjournment

There being no further business before the Council, Mayor Walker adjourned the meeting at 11:25 PM.

Respectfully submitted,


Judy L. Kromholz, Town Clerk

Date Approved: February 10, 2011

Attachments:

- I. Speaker Signup Sheet
- II. Planning Commission Presentation
- III. Resolution 2010-12-001: New Town Meadows Phase 2A & 2B Second Bond Reduction

Town of Southville

Speaker Sign - Up Sheet

Town Council Regular Meeting - December 9, 2010

Please Print.

Name and Association	Address	Topic	Email Address (Optional) ¹
Alan Dykstra	4 S. Loudon	CUD	adykstra@meadco.com

Each speaker will be limited to no more than three (3) minutes at the beginning of the meeting, or no more than five (5) minutes at the end of the meeting.

¹ If you provide your email address, you will be added to the Town Council & Planning Commission Meetings Notification List.

Planning Commission Report to the Town Council

In addition to a Public Hearing, there were two action items at the Planning Commission meeting on 1 December 2010

Public Hearing for the draft Sign Ordinance

- The Planning Commission conducted a Public Hearing for the draft Sign Ordinance prior to the 1 December 2010 regular meeting. There were no members of the public in attendance (no LBA representatives either)
- After allowing a reasonable time for late-comers, the hearing was adjourned.

Planning Commission Meeting

- Draft Sign Ordinance. The Planning Commission discussed minor (mostly editorial) changes to the draft Sign Ordinance and voted to recommend approval to the Town Council.
- Draft Comprehensive Plan. Based on the status of the CPAC efforts, only one additional meeting planned for 8 Dec 2010, the Planning Commission authorized a Public Hearing for January 2011.

CPAC

- On 22 Nov 2010, the CPAC held a Comprehensive Plan Community Forum at the Community Center. An excellent summary of each chapter was presented by various CPAC members. Comments were provided by a number of the Town and County residents. The comments were provided in open forum as well as in writing and in private conversations with CPAC members.
- On 29 November 2010, the CPAC held the final working meeting which resolved any remaining issues. Every comment gleaned from the Community Forum was discussed in detail and all actions taken were agreed on by majority vote.
- On 8 December 2011, the CPAC made their final minor corrections to the draft Comprehensive Plan and formally recommended that the Planning Commission consider this version as the CPAC's best effort to come to a consensus on how the current plan should be modified to become the Town's Comprehensive Plan.
- With this action, the CPAC work is completed.

Town of Lovettsville

Resolution 2010-12-01: NEW TOWN MEADOWS PHASE 2A AND 2B APPROVE SECOND BOND REDUCTIONS

MOTION: Senate
SECOND: Coleman

WHEREAS, the record plat for New Town Meadows, Phase 2A, dated July 25, 2003 and revised through December 6, 2004, and the record plat for New Town Meadows, Phase 2B, dated August 4, 2003 and revised through August 12, 2005, were approved by the Planning Commission on February 2, 2005, as conforming to the requirements of the Subdivision Ordinance; and

WHEREAS, the Lovettsville Town Council on September 1, 2005 approved the performance agreements dated August 25, 2005, provided by Lovettsville Development Partners, LLC, and letters of credit No. 598 and 612 supplied by Virginia Commerce Bank dated August 25, 2005, in the amounts of \$877,000.00 and \$1,508,000.00, for Phase 2A and 2B, respectively; and

WHEREAS, the Lovettsville Town Council on February 23, 2006 approved a reduction in the bond by approximately 75% for Phase 2A to \$220,104.62 and by approximately 70% for Phase 2B to \$458,209.58; and

WHEREAS, pursuant to Section 6.4.7(b) of the Subdivision Ordinance, Lovettsville Development Partners submitted a request for a second reduction in the amount of the bonds for Phases 2A and 2B based upon the extent of public improvements installed; and

WHEREAS, based upon inspection by the Town Engineer, Christopher Consultants and Loudoun Water personnel, the Town supports the requested reduction in the bond by approximately 60% for Phase 2A to \$87,700 (10% of original bonded amount) and a reduction in the bond by approximately 50% for Phase 2B to \$226,200 (15% original bonded amount).

NOW, THEREFORE, BE IT RESOLVED by the Lovettsville Town Council that bond reductions to an amount of \$87,700 for Phase 2A and \$226,200 for Phase 2B are hereby approved that upon presentation of an amended or replacement letter of credit in such amounts, approved in form by the Town Attorney as conforming to the terms of the bonding policy, the Mayor is hereby authorized to release to Lovettsville Development Partners, LLC, letters of credit No. 598 and 612 issued by Virginia Commerce Bank, referenced above. Alternatively, the Mayor is authorized to accept instruments amending the said letters of credit to reflect the approved reductions after approval for form by the Town Attorney.

Approved: December 9, 2010

VOTE:

Ayes: Carder, Coleman, Senate, Staley, Zoldos

Nays: None

Abstentions: None

Absent for vote: Dockum

CERTIFIED:


ELAINE WALKER, MAYOR

The German Settlement