

Town of Lovettsville

Town Council Minutes of Regular Meeting February 10, 2011

Mayor Elaine Walker called the regular meeting of the Lovettsville Town Council to order at 8:02 PM on Thursday, February 10, 2011.

Present at Meeting

- Mayor Elaine Walker
- Vice Mayor Robert Zoldos II
- Council Members Tiffaney Carder, Shaun Staley
- Town Manager Keith Markel
- Town Attorney Elizabeth Whiting
- Town Treasurer Lance Gladstone *{arrived at 8:50 PM}*
- Zoning Administrator Steve McGregor
- Project Manager Karin Fellers *{arrived at 8:15 PM}*
- Town Clerk Judy L. Kromholz

Absent

- Council Members Charlotte Coleman, Michael Senate

Audience

Among those present in the audience were Planning Commission Vice Chairman Jack Burden, Frank Kromholz, Mike McPeak and Joe Shomaker, (Lovettsville Game Protective Association), Tim Sparbanie, Ed Spannaus (Lovettsville Historical Society), and Milo Burke (Boy Scout Troop 962)

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 on the speakers in the order in which they had signed up to speak (Attachment I: Speaker Signup sheet)

Mr. Mike McPeak stated that the Lovettsville Game Protective Association had sent a letter to Administrator McGregor requesting permission to hold this years' carnival. He stated that they are using the same amusement ride company they have used for the past few years but that there is a change in their request this year. Because the company has deadlines they are requesting permission to move equipment overnight, all night on the evening of June 25th – June 26th. Mr. McPeak was informed by staff that the Town Council would have to approve this change. Mayor Walker stated that the Council will take this request under consideration, and explained that, if Council so chose, it would be added to the next agenda which would be for the meeting of February 24th. She explained that the Council only adds items to the current agenda if there is an emergency need. Councilman Staley asked Mr. McPeak when they needed an answer and Mr. McPeak explained that they cannot sign a contract until Council has given them approval to allow loading overnight. He expressed concern that they may lose this contract if it is not signed this week.

Mayor Walker recognized Mr. Milo Burke from Boy Scout troop 962. Mr. Burke explained that he is working towards his merit badge for citizenship in the community. He will also need to do a presentation on one of the topics he hears discussed tonight.

Community Presentations

A. Lovettsville Planning Commission

Vice Chairman Burden read his report on Planning Commission activities to the Council. There were no questions from the Council.

Additions/Deletions/Modifications to the Agenda

Councilman Staley suggested tabling the item concerning the Museum Inspection Report because of the extensive agenda. Manager Markel noted that Project Manager Fellers was in attendance only to discuss this item and Council agreed to keep it on the agenda.

Presentations

Mayor's Annual Report for 2010

Mayor Walker presented her 2010 Annual Report (Attachment II), noting that this was originally scheduled for the January 27th meeting that was cancelled due to inclement weather.

Approval of Town Council Minutes

A. Town Council Public Hearing and Regular Meeting – November 18, 2010

Motion: To approve the minutes of the November 18, 2010 Town Council Public Hearing and Regular Meeting as presented at this meeting.

By: Council Member Staley

Second: Council Member Carder

Aye: Council Members Carder, Staley, Zoldos

Nay: None

Abstain: None

Absent: Council Members Coleman, Senate

B. Town Council Regular Meeting – December 9, 2010

Motion: To approve the minutes of the December 9, 2010 Town Council Regular Meeting as presented at this meeting.

By: Council Member Staley

Second: Council Member Carder

Aye: Council Members Carder, Staley

Nay: None

Abstain: Vice Mayor Zoldos

Absent: Council Members Coleman, Senate

C. Town Council Closed Session – January 3, 2011

Motion: To approve the minutes of the January 3, 2011 Town Council Closed Session as presented at this meeting.

By: Council Member Staley

Second: Council Member Carder

Aye: Council Members Carder, Staley, Zoldos

Nay: None

Abstain: None

Absent: Council Members Coleman, Senate

D. Town Council Closed Session – January 6, 2011

Motion: To approve the minutes of the January 6, 2011 Town Council Closed Session as presented at this meeting.

By: Council Member Staley

Second: Council Member Carder

Aye: Council Members Carder, Staley, Zoldos

Nay: None

Abstain: None

Absent: Council Members Coleman, Senate

Mayor Walker stated for the record that she thanked Clerk Kromholz for getting the minutes up to date and for providing such detailed minutes for historical purposes. Vice Mayor Zoldos also expressed his appreciation.

Report from the Treasurer

A. Financial Report – November 2010

The Treasurer's Report was tabled pending Treasurer Gladstone's arrival.

Staff Reports

A. Report from the Project Manager

The Mayor and Council had no questions concerning Project Manager Fellers report dated January 19, 2011.

B. Report from the Zoning Administrator

Administrator McGregor presented his written report for January 2011. The Mayor and Council had no questions.

C. Report from the Town Attorney

The Town Attorney had no formal report.

D. Report from the Town Manager

The Town Manager had no formal report.

Consent Agenda

There were no items on the Consent Agenda.

Action/Discussion Items

A. Museum Inspection Report

Project Manager Fellers presented this item. She reported that the inspection company, *On the Level* has provided an extensive formal inspection report along with a list of recommended priorities. As expected, the inspection identified quite a few items that need to be addressed. She noted that the architect also identified concerns about the long term structural integrity of the building and questioned its appropriateness as a museum. She explained that if Town Council wishes to continue using this structure as a museum staff recommends that Council allocate sufficient funds and direct staff to obtain prices for the necessary repairs. If Council is not willing to allocate well more than the \$25,000 required to repair the sills, additional consideration of the long term uses of the building is appropriate.

Councilman Staley stated that this should be discussed at a work session and explained that while he is certain that the bare minimum maintenance should be done, the Council needs to discuss long range plans for the building. Mayor Walker and Vice Mayor Zoldos agreed. The Council planned a work session on this topic for March 3rd, 2011 at 8:00 PM.

Mayor Walker stated that this was the most detailed report she has ever seen and directed Project Manager Fellers to convey her thanks to the contractor for their detailed documentation and analysis. Mayor Walker stated that the analysis was worth every cent the Town spent on it. Project Manager Fellers suggested that, if Council does decide to go forward with this project, the firm be hired to provide support in developing repair specifications and assistance in selecting a contractor.

{Project Manager Fellers left at 8:50 PM.}

B. LVZA 2009-0004 – Sign Ordinance Amendment

Administrator McGregor presented this item. He noted that at the January 13, 2011 public hearing the Town Council directed staff to develop options for standards relating to temporary real estate signs that differentiate in terms of residential and non-residential properties. The Town Attorney informed the Council that she would have a draft Ordinance prepared so that the Council could consider amending Article 7 Signs. Administrator McGregor proposed a number of options and noted that the Town does not really have the resources available to enforce residential “for sale” sign requirements.

Vice Mayor Zoldos confirmed that the residential requirements for sale and lease signs would only be for individual lots, not for development advertising. He stated that he felt that 15 square feet was too large for residential signs of this type. Vice Mayor Zoldos confirmed with Vice Chairman Burden that Planning Commission had never considered this topic. After discussion, the Council directed Administrator McGregor to develop standards for both commercial and residential signs as follows:

- Residential for sale signs should not exceed six (6) square feet and will not require a sign permit.

- Commercial for sale signs should not exceed fifteen (15) square feet and will require a sign permit.

Administrator McGregor will prepare the necessary verbiage for Council's review.

C. LVPA 2010-0001 Comprehensive Plan

Administrator McGregor presented this item. He explained that in 2009 the Town Council established the Comprehensive Plan Advisory Committee (CPAC) to evaluate the Town Plan, update it and make recommendations for revisions, if it deemed such to be appropriate, as required by the Code of Virginia. The Council tasked the Planning Commission to organize the committee and undertake its work with the aid of Town staff. CPAC has worked on a monthly basis since May of 2009 examining the Plan and developing recommendations for revisions. The committee held a public Community Forum, November 22, 2010 to present the draft of the revised Plan they had developed. They asked for comments from the public at the Forum and discussed those and other CPAC comments November 29, 2010. At this meeting they made a few final changes and passed a motion to recommend that the Planning Commission consider their revision of the Comprehensive Plan. The Planning Commission held a public hearing January 5, 2011. After evaluating the January 5, 2011 public hearing testimony, the Planning Commission made a few changes to the draft Plan recommended by the Comprehensive Plan Advisory Committee, including editorial changes provided by the Loudoun County Department of Planning; a mention of the historic significance of the African American Methodist Church; a paragraph describing Plan implementation and future review; addition of the fact that many families participate in homeschooling in the Town and surrounding area; and addition of a Town value regarding the desirability of having the Town continue to be a good environment for raising children.

Administrator McGregor stated that staff is now suggesting that the Town Council schedule a public hearing on March 10, 2011 for the draft Comprehensive Plan recommended by the Planning Commission.

There being no discussion, Mayor Walker called for a motion.

Motion: I move that the Town Council direct staff to schedule a public hearing for March 10, 2011 at 7:30 PM to receive comment on the draft Comprehensive Plan (2011) as recommended for adoption by the Planning Commission on January 19, 2011.

By: Vice Mayor Zoldos

Second: Council Member Carder

Aye: Council Members Carder, Staley, Zoldos

Nay: None

Abstain: None

Absent: Council Members Coleman, Senate

D. Lennar (Heritage Highland) Discussion on Sewer Tap Allocations

Manager Markel explained that this item has been brought forward from prior meetings and is presented for discussion purposes at this time. He explained that the Council may need to consider the allocation of sewer taps in conjunction with a possible increase in density for the independent living units within the Heritage Highlands development project. When the Lovettsville Town Council approved the rezoning and accepted the proffers for the Lovettsville Retirement Village (Heritage Highlands is the independent living portion of the development) in 2001 it allowed the developer to apply ½ sewer tap to each one of the independent dwelling units. Thus, only 40 sewer taps were needed for the 80 dwelling unit development. Justification for needing only ½ tap per unit was based on occupancy for each of the dwelling units being limited to only two individuals, except for temporary guests. No water taps were required, as the developer of the project provided a well, filtration building and distribution system at its own expense. The current residents/property owners of the development along with Lennar, the owner and developer of the Heritage Highlands age restricted, independent living component of the community, which includes duplex and single family detached homes has filed an application with the Town to modify some of the current proffers that were accepted by the Town in 2001. One of the modifications is requesting that an additional occupant be allowed in each dwelling unit, so long as they are providing "assistance" to the permanent resident(s) or are a handicapped family member. The Town Council will need to decide if the sewer tap allocation needs to be modified if an additional occupant is allowed in each dwelling unit. Possible modifications could include requiring all of the units within the development to purchase an additional half tap, or to require only those units that wish to increase their occupancy to purchase the

tap. There are pros and cons to these options that need to be discussed, such as equity with other neighborhoods in Town and the administrative costs associated with monitoring the allocation of taps.

Manager Markel distributed a letter from Jack Burden, submitted as a resident of Heritage Highlands, which addresses this issue (Attachment III: Burden letter dated February 10, 2011). Manager Markel discussed the potential schedule for processing the applications for the Heritage Highlands rezoning. Mayor Walker stated that it would be beneficial for the Council to hold a work session on this topic, especially since many of the current Council members are not familiar with the history of this project. Mr. Burden stated that Lennar has removed the tap proposal from their proposed proffers, although the third resident proffer remains. He noted that neither the residents nor the Planning Commission were aware that this was being removed. Manager Markel noted that this was a policy issue that staff was hoping would be resolved before the rezoning application can be acted on by the Town Council and that is why he brought it up for discussion in advance of Council's consideration of the rezoning a proffer modifications for the Lovettsville Retirement Village.

{Administrator McGregor, Vice Chairman Burden and Mr. Spannaus left at 9:28 PM}

Report from the Treasurer

Mayor Walker noted that Treasurer Gladstone had arrived and suggested reviewing the Treasurer Report at this time. The Council agreed. Treasurer Gladstone presented his report for November 2010 and explained the new format of the report stating that it both provides more information to the Council while taking less time to produce. The Mayor and Council had no question concerning the General Fund or the Utility Fund. Mayor Walker called for a vote.

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

Action/Discussion Items (Continued)

E. Germanna Drive Street Acceptance Resolution

Manager Markel presented this item. He reported that the Town of Lovettsville has completed all street improvements necessary to turn over all of Germanna Drive to the Virginia Department of Transportation (VDOT) for maintenance responsibilities of the road and sidewalk network. Now that road and sidewalk repairs have been completed, the Town has asked VDOT to accept the street into their maintenance system and assume maintenance responsibilities for the sidewalks and street. Inspectors with VDOT have evaluated Germanna Drive and are prepared to take the street into their maintenance system; however the Town must approve the resolution formally asking for VDOT support along with providing a check for \$300 for the VDOT Maintenance Fee and \$700 for the VDOT Administrative Cost Recovery Fee. The typical bonding requirements that VDOT imposes on private developers has been waived because this is a Town owned and developed street.

Staff recommends adoption of the resolution, requesting VDOT to accept Germanna Drive into their Secondary Road Maintenance System and authorize the Mayor or Town Manager to direct the Town Treasurer to provide two checks in the amount of \$300 and \$700 to the Treasurer of Virginia to cover the maintenance and administrative costs associated with this request. There being no discussion, Mayor Walker called for a motion.

- Motion:** I move that Town Council adopt Resolution 2010-02-001, requesting VDOT accept Germanna Drive as described on the VDOT form AM-4.3 attached to the resolution, into the Secondary Road Maintenance System (Attachment IV Resolution 2010-02-001).
- By:** Vice Mayor Zoldos
- Second:** Council Member Carder
- Aye:** Council Members Carder, Staley, Zoldos
- Nay:** None
- Abstain:** None
- Absent:** Council Members, Coleman, Senate

F. Economic Development Advisory Committee

Councilman Staley distributed an updated copy of the proposal he is putting before Council along with Councilwoman Carder. He asked for guidance from Mayor Walker and Vice Mayor Zoldos, especially on the number of members and the division between voting and non-voting members.

G. Town's Budgeted Donations for FY 2011

Mayor Walker requested that this be tabled until the next meeting.

Information Items

There were no information items on the agenda.

Comments from the Mayor and Town Council

Councilwoman Carder reported that she had attended an informational session concerning the establishment of charter schools in Loudoun County. She stated that the audience was enthusiastic and she found the concept exciting.

Councilman Staley asked that staff provide background and historical information and schedule the Lovettsville Game Protective Association carnival request for the next Council meeting.

Vice Mayor Zoldos reported on the Boy Scout Pinewood Derby that took place last Saturday. He thanked Mayor Walker for serving as a judge at the event and thanked the Town for storing the equipment. He reported that it was a wonderful day, although long, and there were approximately one hundred entries.

Mayor Walker reported on the following:

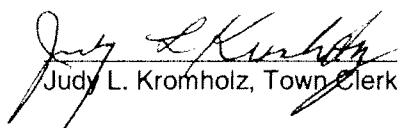
1. On January 19th she met with the Loudoun County School Board and the Board of Supervisors. She stated that she distributed copies of School Board Member Ohneiser's emails and her response letter from the Town.
2. Along with Town staff, she attended the pre-bid meeting with the eight engineering firms that responded to the Town's RFP.
3. She stated that the Council retreat on January 22nd was very productive and suggested that retreats be held quarterly rather than semi-annually.
4. She has attended two meetings with the Board of Supervisors and the Towns on the Solid Waste Management Plan.
5. COLT held its meeting in Purcellville last week and County staff attended to discuss redistricting. They stated that western Loudoun will not be losing a supervisor, as has been rumored.
6. She attended the PATH hearing held by the SCC in Purcellville and was sworn in and read her statement.
7. In addition to judging the Pinewood Derby, she also enjoyed judging the Fine Arts Fair at the Lovettsville Elementary School
8. She attended the Loudoun Health Council meeting today and announced that the Loudoun Health for Life Day will be on April 9th.
9. She reported that Homegrown Day in Purcellville will be February 19th.
10. The next Lovettsville Park Committee meeting will be on February 15th at 7:00 PM.

Manager Markel asked Council when they would like to schedule interviews of the applicants for the vacant Town Council position, noting that applications close on Friday, February 11th at 3:00 PM. After discussion, the Mayor and Council agreed to conduct the interviews on February 22nd, beginning at 7:30 PM. Mayor Walker asked that 45 minutes be scheduled for each interview.

Adjournment

The Town Council meeting adjourned at 10:14 PM.

Respectfully submitted,


Judy L. Kromholz, Town Clerk

Date Approved: February 24, 2011

Attachments:

- I. Speaker Signup Sheet
- II. Mayor 2010 Annual Report
- III. Burden letter dated 2/10/11
- IV. Resolution 2010-02-001 Germanna Drive VDOT Acceptance

Town of Southville

Speaker Sign - Up Sheet

Town Council Regular Meeting - February 10, 2011

Please Print.

Name and Association	Address	Topic	Email Address (Optional)?
Mild B. P. P.	39433 8511 4109451		
Mike McPeak	55317 Insh Corner Rd	LGPA Carnival	

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 ADDRESS FOR 2010
February 10, 2011

My descriptive overall words for “Happenings” in 2010 are many: Wonderful, Amazing, Remarkable, Notable, Outstanding, Fantastic, Magnificent, Unbelievable.

Let me begin with what I believe are our accomplishments for the year: The greatest achievements were our Sidewalk and Bikepath projects. Our engineering firm has just about completed the design and engineering work on Phase I of Broad Way Sidewalk, and is preparing to begin work on Phase II. Phase I work was accomplished with the help of an \$80,000 Grant from Community Development Block Grant Fund. When completed, the sidewalk will be constructed from the Community Center to the Town Square. Virginia Department of Transportation is nearly ready to go to Public Hearing on the Pedestrian and Bikepath Network on Berlin Pike. Construction will ultimately be from Lutheran Church Road to Tilgham Place, South to North, with Phase I being from the Welcome to Lovettsville Sign area to Town Center. Phase II will be from the area North of Town Center to Tilgham Place. Heritage Highlands will be building the section of the path in front of their Community as a result of a proffer agreement with the Town at the time their development was approved in 2003. Department of Environmental Quality finally issued a Certificate to Operate Module 3 at the Wastewater Treatment Plant. This will allow the Town to begin to sell new connections to our system. As a result of the Town operating under Consent Order from DEQ, we were required to address the Inflow and Infiltration problem, and we are proud to report that the work that was completed had a great effect on the system. Excessive flows into the plant were reduced considerably. We moved forward in the process of establishing a Historic District, with help from a Grant from

Virginia Department of Historic Resources in the amount of \$15,000. The initial work should be completed in June of this year. I would like to thank Mr. Ed Spannas for all of his hard work on this project. Germana Drive was brought up to VDOT standards, and the Town will be requesting that this street be accepted into the VDOT system. The Town supported the County Government on obtaining a Special Exception for the Lovettsville Community Park, and was successful on getting a Southern entrance into the Park from South Loudoun Street, through the Lovettsville Elementary School property, with support from Loudoun County Public Schools. Notwithstanding all of the huge projects and accomplishments mentioned above, we were proud to distribute another Consumer Confidence Report (CCR) to the residents and businesses which stated our drinking water met all of the necessary standards imposed by Virginia Department of Health, and that we had no violations. I dedicated this great report to our very efficient Loudoun Water Operators.

Now, let me speak of the Blessed Events and Social Enjoyments we experienced month by month in 2010: In February, I asked that Vice Mayor Bob Zoldos share with us his duties with the Fairfax County Search and Rescue Team while working in Haiti during the earthquake. We remember the unbelievable scenes from his pictures and how dangerous their work must have been, how blessed that most of us have not experienced such a tragedy, and how thankful we are for Bob's safe return. In March, we recognized Chuck Blough, owner of Lovettsville Pizza and Subs for his donations and support of the students of Lovettsville Elementary School for the past ten years. Chuck was also recognized by the County of Loudoun for his generous contributions to our young people. In April, we celebrated Arbor Day by planting a tree and some shrubs in the Lovettsville Town Green, and recognized Daisy Troop 1434 for their efforts in cleaning up a portion of the Town on Earth Day. We also participated in Little League Baseball Day at the Elementary

School where teams from all over the County came to play. We supported the School and Community Center in the movie on the ball field that evening. (I was honored to throw out the first ball). In May, we began the annual six-month series of "Movies on the Green" or "Movies in the Park". The movies are held in cooperation with the Community Center, and last year for the first time, some of the movies were partially funded by several of the businesses and civic organizations. Also, in May, the Town held a well-attended Memorial Day Service in the Town Square with cooperation of the Lovettsville Fire and Rescue Company, both volunteer and career staff. June came with the ceremony at the Lovettsville Elementary School when we honored nine young ladies who had previously received recognition from the Loudoun Education Association and Loudoun County Public Schools in attaining "Excellence in Education". These ladies all began their education at Lovettsville Elementary School and graduated together with honors. The event was well attended by parents and friends and was followed by a nice reception. The July 3rd Festivities brought thousands of visitors to our Town for the annual parade, entertainment, and fireworks. This event is sponsored by the Lovettsville Community Center Advisory Board, and receives financial support from the Town. We also enjoyed our Town Picnic and Pool Party at the Community Center that month. National Night Out Against Crime was recognized by the Town, in cooperation with the Community Center in August. Food, games, and swimming were enjoyed by all who attended. We thanked Vanessa Mertz-Myers for her service to the Town as the Community Police Officer, and welcomed Deputy Baker as the new officer. The best Oktoberfest ever was held in September. Under the professional leadership of Councilman Scott Dockum, we enjoyed great entertainment, food and crafts. The 17th annual event was estimated to have brought 3000-4000 visitors to Lovettsville. The Festival began in 1993 to accentuate our German Heritage and has been publicized as one of the best in the area. In October, we officially welcomed Jason and Rebecca from Market

Table Bistro to our Town at their ribbon cutting and wished them much success in their new business. At our meeting that month, we recognized Lance Corporal Carl Christianson of the Shenandoah Young Marines who explained the significance of Red Ribbon Week and drug prevention. On November 11, we held a Veteran's Day Ceremony in the Town Square. Without a doubt, this ceremony was one of the most moving events I have ever had the honor of participation. First, we had so many veterans from all wars and branches of service in attendance who we honored for their service to our country. We had participation from the local ministers, a retired USMC Colonel who gave the address, the Lovettsville Elementary School Chorus, the volunteers and career staff of the Lovettsville Fire and Rescue Company, and the most moving of all were the remarks given our own Rob Jones, Corporal, USMC. Rob lost both legs in the summer in Afghanistan and came from Bethesda Naval Hospital to speak. He had also spoken at Loudoun Valley High School that morning. Rob added so much inspiration to the ceremony and we were all so blessed to hear those words from a gentleman who gave so much for our country. In November, we also adopted a resolution recognizing American Education Week, as we do each year. The ceremony was held at the Elementary School and the resolution was presented to Kim Fercino, Principal. Finally, in December, we hosted the Tree Lighting in the Town Square, in cooperation with the Community Center who sponsored the Lantern Parade. Even on a bitter cold night, we had a huge crowd that was led in song by Mrs. Stillman and the Elementary School Chorus. To repeat the words: Biggest and Best – that's all I can say. Bob, Scott, and Keith outdid everything that had ever been done before. Thanks guys for all you did to make that celebration a memorable one.

Some of the other things that should be mentioned from 2010 are: Park Benches, Picnic Tables, Trash Cans, Doggie Waste Stations were placed in the Park. Park Benches and Decorative Flags were placed in the Town Square. We borrowed money from VML/VaCo

in order to be able to actually construct the sidewalk on Broad Way instead of just doing the design and engineering work and shelving the plans. This loan is the first for the Town for projects such as this one. All other loans we have are for water and sewer projects. We worked with telecommunications companies who have antennas on our Water Tower, and companies who would like to locate there. We began the process of meeting with engineering firms for various ongoing projects. Much work was done by the Planning Commission and Committee Members on the Comprehensive Plan, and by the end of the year, the Plan was ready to move forward for Planning Commission Public Hearing. We had many Public Hearings with Planning Commission and Town Council regarding changes to our ordinances, and changes of use for some properties. We held many worksessions on the Budget for 2010-2011, and of course, a Public Hearing on the Tax Rate and Fee Schedules. We dressed up the Town Office with new carpet, new furniture and new paint, and added some pictures on the walls. This project was initiated by former Councilman DiJon Jones, so I dedicate the improvements to him, and thank him for the pictures he presented to us. And this list wouldn't be complete without mentioning that we survived the mega-snowstorms. I believe I remember hearing 56 inches from the three major storms. Again, we were blessed that we had no serious consequences from those storms.

Now, to speak of some important issues for 2011: SCHOOLS, COMPREHENSIVE PLAN, BROAD WAY SIDEWALK, PEDESTRIAN AND BIKEPATH NETWORK, HERITAGE HIGHLANDS ZONING AND PROFFER CHANGES, ALLEGHENY POWER (PATH), TOWN CENTER, LOVETTSVILLE COMMUNITY PARK, ENGINEERING FIRMS, TELECOMMUNICATIONS COMPANIES, AND OF COURSE WATER AND SEWER IMPROVEMENTS. So you can see we have much work ahead of us, and I just touched lightly on some things that I am certain will be before us soon. I'm sure at

the end of this year, we will have had to take care of issues that I did not mention. We can always plan as best we can for what we think may occur, but the "unknown" is always there. We are beginning to see things happen and are beginning to make things happen. The Sidewalk Project is moving ahead because of the vote of the Council to borrow the money to build it. The Bikepath has been on the table for more than fifteen years and is moving ahead more rapidly than ever. Our borrowed money can help that project also. Our position regarding Schools remains the same as always: Whenever the School Board selects a site and presents that site to the Board of Supervisors for approval, we will be contacted for comment. Meanwhile, I will continue to meet with the Boards, when invited, to answer questions and provide assistance whenever possible. I will continue to keep the Town Council informed in Closed Session. The Town Center Commercial/Retail build sounds promising for this year, and I know we all look forward to that project moving forward. I will continue to work with the County on the PATH issue, and will continue to keep you informed. I will be reporting later this evening on my attendance last week at the State Corporation Commission Hearing. Plans for the Lovettsville Community Park are continuing to move forward and I am meeting with Parks and Recreation almost every month. Hopefully, we will see some events happening on the parkland this year.

I thank you for the opportunity to speak this evening, and I am confident we will accomplish great things as we work together to make 2011 the best year ever.

Elaine Walker
Mayor

Statement by Heritage Highland Resident Jack Burden
Provided at the 02/10/2011 Town Council Meeting

I am a resident, owner, and proffer applicant at Heritage Highland Retirement Village and would like to address the subject of sewer taps, which is Discussion Item "E" on the agenda for the 10 February 2011 Town Council meeting.

The residents of Heritage Highlands have been working with Lennar since the spring of 2008 to amend the proffer to allow a third occupant if that person is a handicapped family member (no less than 25 years of age) or providing medical assistance. Integral to that effort was addressing the potential requirement to buy a partial sewer tap to account for a third occupant. As I understand it, sewer taps for the retirement village were allocated as one tap per two units.

On 7 August 2008, the residents met to discuss what they would like to see changed. The strongest issue was to allow a third occupant for medical assistance as defined above and recognized that purchase of a partial sewer tap may be required. This issue has remained in the draft proffer through a number of revisions and was in the proffer reviewed by the Planning Commission on 2 February 2011.

The residents of the units are owners and therefore are applicants and, as such all must sign the rezoning application and proffers. The residents have now unanimously signed five of the draft proffers to date, including the 14 January 2011 draft presented to the Planning Commission on 2 February 2011. This version addressed two aspects of the sewer tap question:

- 1) The Heritage Highland Homeowners Association, Inc. shall be responsible for enforcement of the occupancy restrictions (Page 3, Para 1).
- 2) It acknowledged that the Town may charge an additional water and sewer availability charge equivalent of 25% of its standard charge (Page 5, Para 10).

I believe the preferred method of addressing the sewer tap issue would be for the Town to waive the requirement for an additional sewer tap charge.

- 1) This would take into account the potentially high number of single occupant units that if live-in assistance were needed would not exceed the two occupant restriction [NOTE: of the 20 occupied units, 11 are currently single occupancy].
- 2) Medical assistance will most likely be provided during home visits by trained medical personnel, therapists, or aides [NOTE: in the last three months four residents received medical assistance visits in the home on a regular basis].
- 3) Short term overnight assistance, such as Hospice care, might well fall within the overnight guest limits.

Town of Lovettsville

**RESOLUTION 2011-02-001:
TO REQUEST THE VIRGINIA DEPARTMENT OF TRANSPORTATION ADD GERMANN
DRIVE FOR ADDITION TO SECONDARY SYSTEM MAINTENANCE UNDER SECTION
33.1-82, CODE OF VIRGINIA**

MOTION: Zoldos
SECOND: Carder

WHEREAS, the Town of Lovettsville has authority pursuant to Section 33.1-82, Code of Virginia, to add mileage to the secondary system that conforms to specific requirements established by the 2005 Subdivision Street Requirements of the Virginia Department of Transportation addressing right of way widths and the condition of streets to be added to the secondary system; and

WHEREAS, the Town of Lovettsville is responsible for the provision of administrative cost recovery fees required by the 2005 Subdivision Street Requirements for all mileage to be added to the secondary system pursuant to Section 33.1-82, Code of Virginia; and

WHEREAS, the Town of Lovettsville is exempt from posting a surety in the form of an irrevocable letter of credit with the Virginia Department of Transportation for any first year maintenance issues.

NOW, THEREFORE, BE IT RESOLVED, this Council requests the Virginia Department of Transportation add the street described in the attached additions form AM-4.3 to the Secondary System of State Highways, pursuant to Section 33.1-82, Code of Virginia, and the Department's Subdivision Street Requirements.


BE IT FURTHER RESOLVED, this Council guarantees a clear and unrestricted right of way, as described, and any necessary easements for cuts, fills and drainage.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

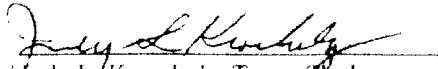
VOTE:

AYES: Carder, Staley, Zoldos
NAYS: None
ABSTENTIONS: None
ABSENT FOR VOTE: Coleman, Senate

Adopted this 10th day of February, 2011.


Elaine Walker, Mayor

CERTIFIED:


Judy L. Kromholz, Town Clerk

The German Settlement