

# Town of Lovettsville

## Town Council Minutes of Regular Meeting July 14, 2011

Mayor Elaine Walker called the regular meeting of the Lovettsville Town Council to order at 7:35 PM on Thursday, July 14, 2011.

### **Present at Meeting**

- Mayor Elaine Walker
- Vice Mayor Robert Zoldos II
- Council Members Tiffaney Carder, Michael Senate, Tim Sparbanie, Shaun Staley
- Town Manager Keith Markel
- Town Attorney Elizabeth Whiting *{arrived at 8:40 PM}*
- Zoning Administrator Steve McGregor
- Project Manager Karin Fellers
- Town Clerk Judy L. Kromholz

### **Absent**

Council Member Charlotte Coleman

### **Audience**

Bing Lam, Planning Commission Vice Chairman Jack Burden

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

Mayor Walker led the assembled in the Pledge of Allegiance.

### **Comments from the Public**

Mr. Lam addressed the Council concerning his application to serve on the Planning Commission. He stated why he felt he was qualified for the position and the beneficial qualities he would provide. Mr. Lam closed his statement by saying that he hopes that Council is open for his candidacy.

### **Community Presentations**

#### A. Lovettsville Planning Commission

Vice Chairman Burden presented his report on the Planning Commission meeting on July 6, 2011. The Council had no questions. Vice Mayor Zoldos congratulated him on being re-elected Vice-Chairman of the Commission.

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

Manager Markel removed the Authorization for Landscape/Buffer/Screening Regulation Review item from the agenda. Councilman Sparbanie added an item for appropriation of funds for the Oktoberfest Committee.

### **Presentations**

No presentations were scheduled.

### **Approval of Town Council Minutes**

No minutes were presented.

### **Report from the Treasurer**

No report was presented.

### **Staff Reports**

#### A. Report from the Zoning Administrator

Administrator McGregor presented his written report for June 2011. Councilman Sparbanie asked for an explanation of the specific requests for the R-C district zoning change that will be coming before the Town

in the near future. Administrator McGregor explained that the developer of Heritage Highlands is asking for the current R-C district regulations to be modified to allow single family detached homes on smaller lots than is currently allowed. The smaller lots were approved on the concept plan when the project was under the R-1 zoning, but that is less than the size the current R-C zoning district allows. Councilman Sparbanie asked if the Lovettsville Town Center Section 4 construction drawings are available here in Town Hall and Administrator McGregor explained that they are in the rack and available for review.

**B. Report from the Town Attorney**

The Town Attorney had no report.

**C. Report from the Town Manager**

Manager Markel reported that the wall air conditioning unit in the lab building at the Wastewater Treatment Plant is being replaced. He also reminded those present that National Night Out is on August 2<sup>nd</sup>. The Loudoun County Sherriff's Office has informed him that a new community policing officer will be assigned to Lovettsville in September. *{Vice Chairman Burden left at 7:45 PM.}*

**Action/Discussion Items**

**A. Scope of Services for Park Development**

Project Manager Fellers presented this item. Council is being asked to identify a Scope of Services for Town Council desired Park Development. She explained that several Park projects are identified in the CIP for FY12. With the recent selection of Dewberry, the Town's new engineering consultant can offer support for park development. Staff met with Jim Brown from Dewberry to discuss these projects and possibly obtaining some support from them.

Based on the Town staff's discussion with Mr. Brown and the recommendations from Dewberry a proposed scope of services was developed, providing differing levels of support for three project tasks:

- 1) A concept plan for development of the New Town Meadows donated parcel
- 2) Installation of a bandstand at the Town Green, and
- 3) Installation of a memorial wall and patio at the Town Square.

It was identified that a meeting with the public to obtain input on both the Town Green Bandstand and the New Town Meadows donated park land would be appropriate as one of the early steps in the development project. It is helpful to have some sort of draft plans for display and discussion purposes at the meeting. This scope includes support to develop a limited number of plans and renderings for use in considering the selected options. The scope also offers the ability for the Town to obtain review and engineering support services to ensure all the projects take into account drainage issues, foundation issues and anything else important to ensure a quality project that will require minimum maintenance. This scope is a first attempt to identify the projects and provide a starting point for Town Council discussions on the level of support desired. Task 2 and 3 are listed currently at an hourly rate, offering the Town the flexibility to determine the level of support desired which might include reviews of plans developed by a contractor or volunteer group. If more support is found to be needed as part of that review or through the course of the project, the scope is flexible enough to permit the addition of more hours if appropriate.

Mayor Walker asked if the names of the town park parcels will be backfilled into this proposal and Project Manager Fellers said that they would and that is one of the reasons the park naming item is on the agenda.

Councilman Senate asked if it would be more sensible to concentrate on one park first and get it really functional. If so, he is recommending the square because everyone who drives through Town sees it and it is becoming symbolic of the Town. Councilman Sparbanie stated that the Town needs to start developing the projects that are in the Capital Improvement Plans. He stated that the residents of the Town need more recreational activities and he does not believe that doing all three will weigh the Town down. Manager Markel stated that these things can be done quickly or slowly, depending on the amount of involvement and what issues arise during design work. Councilman Senate noted that the Town has limited staff and while the Town can hire engineering staff, they will need to be managed by our own staff. He said the dog park effort should be relatively inexpensive to build and not complex to manage. Councilman Staley said that he has heard a lot of support for the dog park. He asked if the Ruritan Club is still interested in working on the memorial and Manager Markel stated that he had recently been contacted by a new person at the club who expressed interest. Manager Markel also noted that there is

stone available for the memorial because a lot buyer in Town Center did not want the 200 year old stone wall on the lot and Manager Markel asked the developer to put the stones aside for Town use.

Vice Mayor Zoldos suggested moving ahead with all three tasks at least through the design phase and suggested changing the Bandstand Committee to a standing Parks Committee consisting of two members of Council and one member of the Planning Commission. He suggested the committee initially meet twice a month

Motion: I move that Town Council approve the Task Order 3 and authorize the Mayor to sign the appropriate documents to issue written authorization to start the project.  
By: Vice Mayor Zoldos  
Second: Councilman Senate  
Aye: Council Members Carder, Sparbanie, Staley, Senate, Zoldos  
Nay: None  
Abstain: None  
Absent: Council Member Coleman

#### B. Names for Town Park Land

Project Manager Fellers presented this item. Council is being asked to identify official names for the Town Park properties. She noted that as the Town moves forward with developing and utilizing the properties donated from developers, it is appropriate for Town Council to consider whether official names would be appropriate for the parcels, especially for those properties which are, or will be, used by the general public. These properties need to be referred to in Capital Improvements Documents, other budget documents and in conjunction with events that may occur on the properties. Official names will reduce confusion and begin to offer name recognition with the residents. The properties requiring names include:

1. The property surrounded by the Square. This property houses the American Flag and the holiday tree and is the proposed home for a memorial wall. It has most recently been referred to as the Town Square which seems appropriate.
2. The larger property in Town Center where the Movies are being shown. This is a larger property that is being developed and used as a park. We have benches and picnic tables already in place and there are plans for installing a bandstand. It has most recently been referred to as the Town Green but has also been called the Town Center Park and Town Park amongst other names.
3. The donated parcel in the New Town Meadows Subdivision. This parcel is on the far northeast corner of the subdivision. It has sometimes been referred to as the 7 acre parcel; however, since the road way runs through the parcel, it is no longer a true 7 acres. Long term park plans for this parcel have not been officially determined although the current CIP is proposing a Town Storage Facility. A dog park has also been discussed for this property. It should be noted that the New Town Meadows Subdivision has a smaller "park" or "tot lot" property in its center that is owned and maintained by the HOA. Names for the Town parcel should be considered carefully so that confusion with this HOA parcel does not occur.

Motion: I move that Town Council give the following working names to the Town parcels as follows:

- Parcel housing the flag and holiday tree: Town Square
- Parcel in Town Center where movies occur: Town Green
- Donated Parcel in New Town Meadows: New Town Meadows Park

By: Vice Mayor Zoldos  
Second: Councilman Sparbanie  
Aye: Council Members Carder, Sparbanie, Staley, Senate, Zoldos  
Nay: None  
Abstain: None  
Absent: Council Member Coleman

#### C. LVZA 2010-0007 Itinerant Vending

Zoning Administrator McGregor presented this item. The Council is being asked to schedule a public hearing on this item. The Council held a work session on June 30, 2011 at which they discussed the Planning Commission's recommendation for regulations for itinerant vending. The following specific issues were discussed:

1. Whether or not fireworks should be permitted. The Council seemed prepared to include them, unlike the Commission recommendation. The Council was concerned about the impact of limiting them to one week a year since they seem to need to operate for a matter of weeks, not days.
2. The number of times a vendor could operate in a calendar year. There were reservations about not limiting the number of times a vendor could operate in a year. Council members referred to comments from the public that were opposed to seeing such operations often.
3. Whether or not the regulations should prevent children from selling food (lemonade) at their homes (residential lots). The Council did not want itinerant vending regulations to stop children from selling food at their homes on residential lots.
4. Would itinerant vending regulations apply to the Game Club operation, since the activities on the site are and have been non-conforming? The Council asked staff to get an opinion from the Town Attorney.
5. The time period that a non-compliant vendor would be refused a permit if found in violation of the Ordinance. Some thought six months (recommended by the Planning Commission) would not be sufficient penalty because some vendors are seasonal and might not want another permit for a year anyway.

Staff suggests the following editorial change in the definition of itinerant vending, to allow for food sales on residential lots by owners or tenants:

“Shall be located on non-residentially zoned land; but may be located on residentially zoned land if undertaken by residents of the property where such use takes place.”

The Town Attorney has advised that the Game Club operation, as a nonconforming use, has included itinerant vending activities historically. Therefore, any new itinerant vending regulations would not apply to that property in her opinion. Staff has provided a revised text for Council to continue bringing to public hearing.

Administrator McGregor distributed Attorney Whiting's comments. Councilman Sparbanie thanked Administrator McGregor for resolving the lemonade stand issue, and Administrator McGregor noted that Attorney Whiting had stated that this is not a simple issue. The Council agreed to table this discussion until Attorney Whiting arrived. The item was tabled at 8:22 PM.

#### D. Digital Recording System

Manager Markel presented this item. Council is being asked to consider the purchase of a digital recordings system for the Town Council chambers. He explained that for years the Town has utilized the dual tape deck recording system to keep an audio record of the meetings of the Town Council and Planning Commission. As we have experienced, this system is not always reliable and the tape recordings can be hard to hear and are sometimes completely inaudible for no apparent reason. The Council has asked staff to explore other recording options to replace this system.

The dominant recording system used in government and court settings around the County is called “For the Record”. This digital system is currently used in a significant number of localities in Virginia, including Loudoun County, Loudoun County Public Schools, Loudoun County Courts, Leesburg and Purcellville. For the Record (FTR) has a number of different product lines depending on the application. Three quotes have been provided for Council's consideration. FTR Minutes Audio Solution is the least expensive, but the recording system is also the most out of date and is schedule to be replaced within the next several years. The age of the software is reflected in the price. FTR Hearings 2 Channel has the limited capabilities that the Town would need to record in our current location. FTR Gold 4 Channel is the recommended solution from the dealer and would provide the most versatility in the future if the Town wanted to add streaming video or podcasts. The systems are upgradeable and credits are issued when the software is upgraded from one system to another. Staff recommends that the Town purchase FTR Hearings 2 Channel Audio Solution to provide a cost effective digital audio recordings system for Town Hall.

Motion: I move to authorize staff to purchase FTR Hearings from Valley Office Machines to serve as the Town Hall's new digital audio recording system.

By: Vice Mayor Zoldos

Second: Councilwoman Carder

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

Nay: None

Abstain: None

Absent: Council Member Coleman

E. Park Bandstand Committee

Vice Mayor Zoldos recommended that a Parks Committee be formed to consider improvement to all three Town parks and suggested that this committee might also liaise with the Community Park Committee. He proposed three voting members, two from the Council and one from the Planning Commission.

Motion: I move to change the Bandstand Committee to the Parks Committee. This committee shall be composed of two Council members and one Planning Commissioner, all with voting rights. A Council member shall be appointed Chair of the committee.

By: Vice Mayor Zoldos

Second: Councilman Sparbanie

Mayor Walker called for discussion. Vice Mayor Zoldos emphasized that the committee meetings should be open to the public and that the public should be encouraged to attend. However, this small committee should be able to meet regular and make progress quickly. Councilman Senate and Councilwoman Carder volunteered to be the Council members on the committee and Mayor Walker would be an ex officio member. Attorney Whiting arrived during this discussion and Vice Mayor Zoldos reviewed the motion for her and asked for her input. After a brief discussion of recording and FOIA requirements, Attorney Whiting asked for a few moments to review the law in this matter. The Council suspended the discussion of this matter at 8:43 PM and returned to it at 8:58 PM. Attorney Whiting then ruled that, according to Commonwealth law, the Council members would not be able to vote on a jointly constituted committee because they will be voting on the same matters when they are brought before Council. The same conflict does not arise if the voting members are only Council Members. Vice Mayor Zoldos withdrew his prior motion and Councilman Sparbanie agreed.

Motion: I move to change the Bandstand Committee to the Parks Committee. This committee shall be composed of five members as follows:

- Three Council members who shall have voting rights on the committee
- One nonvoting Planning Commissioner
- Mayor Walker, ex officio member
- Councilman Senate will be chairman of the committee, Councilman Senate, Vice Mayor Zoldos and Councilwoman Carder shall be voting members.

By: Vice Mayor Zoldos

Second: Councilman Sparbanie

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

Nay: None

Abstain: None

Absent: Council Member Coleman

F. LVZA 2010-0007 Itinerant Vending (Continued)

The Council returned to this item at 9:07 PM with Attorney Whiting in attendance. Attorney Whiting explained that lemonade stands and yard sales qualify as a traditional accessory use of a residence. Councilman Sparbanie asked if accessory uses apply only to residential districts and Attorney Whiting stated that she believes it applies to all districts, explaining that there must be an ongoing regular use before an accessory use is authorized.

Councilman Senate stated that the proposed ordinance is equivalent to 'hitting a tack with a jack hammer'. Councilmen Staley and Sparbanie agreed. Mayor Walker noted that the original occurrence that precipitated this effort was the furniture truck selling goods right at the town square and that the location in question is probably no longer available for such activities. Councilman Sparbanie suggested sending this to the Economic Development Advisory Committee when it is constituted and asking them to consider the business implications of the ordinance for existing businesses. The Council agreed to this course of action.

G. Set Date for Planning Commission Interviews

Council is being asked to consider an appointment to the Planning Commission to fill the vacancy left when Commissioner Mueller announced he did not want to be appointed to a new term. The vacancy has been advertized and one application has been received. If Council chooses to interview the current applicant, the interview could be scheduled on July 28, before the regular council meeting.

Motion: I move to direct staff to schedule an interview with the single applicant at 6:00 PM on

July 28, 2011.

By: Councilman Sparbanie  
Second: Councilwoman Carder  
Aye: Council Members Carder, Sparbanie, Staley, Senate, Zoldos  
Nay: None  
Abstain: None  
Absent: Council Member Coleman

*{Mr. Lam and Project Manager Fellers left the meeting at 8:49 PM.}*

#### H. Oktoberfest Funding

Councilman Sparbanie asked Council to authorize \$3,500 of Town funds for this year's Oktoberfest based on historical contribution from the Town. He stated that this allocation will come from the Events line-item in the FY 2012.

Motion: I move that the Town allocate \$3,500 to the 2011 Oktoberfest event.

By: Councilman Sparbanie  
Second: Councilman Senate

Mayor Walker called for discussion. Vice Mayor Zoldos asked if the committee has any plans for using the newly acquired lot next door to Town Hall. He also asked if permission had been granted to use the property between Andy's Restaurant and the old post office. Councilman Sparbanie stated that he has spoken to the owner of the property, Mr. George who is happy to accommodate Oktoberfest once again. He also stated that the committee will discuss using the newly acquired property next to Town Hall at their next meeting. Councilman Staley noted that the Town had given more money to Oktoberfest in previous years and asked if the committee would need to come back for additional funds for this year's event. Councilman Sparbanie stated that the committee has created a new sponsorship tier for specific events at the Oktoberfest and it is his hope that Oktoberfest will become more self sustaining moving forward. There being no further discussion, Mayor Walker called for the vote.

Aye: Council Members Carder, Sparbanie, Staley, Senate, Zoldos  
Nay: None  
Abstain: None  
Absent: Council Member Coleman

#### Information Items

No information items were presented.

#### Comments from the Mayor and Town Council

Councilman Senate stated that he is concerned about the enforcement of Town ordinances, specifically those involving swimming pools. Attorney Whiting stated that the Commonwealth regulations about the enforcement relationship between Towns and counties is confusing on this issue.

Councilwoman Carder reported that there are still tickets available for the Lovettsville Cooperative Market barn dance and silent auction on July 28<sup>th</sup>.

Councilman Staley reported that he has seen an increase in police presence in Town over the last several weeks. He asked Attorney Whiting for clarification on the pool ordinance enforcement issue. Attorney Whiting stated that the Town ordinance is in line with the County building codes. Administrator McGregor can issue zoning violations, but the County has to come out and enforce its regulations.

Councilman Sparbanie reported that the Lovettsville Dolphins swim team is now 6 and 1 and that their last regular meet is this Saturday at the Lovettsville community pool. He reported that he attended the Loudoun Chamber of Commerce breakfast this morning and spoke about Oktoberfest.

Vice Mayor Zoldos thanked Councilman Senate for his many years of volunteer fire and rescue service in Town. Vice Mayor Zoldos also reported that his job assignment has changed and will be on a nine-day rotation that may force him to miss a few Council meetings. He will keep staff and Council informed.

Mayor Walker reported on the following:

1. She participated in the Loudoun and Fauquier County Law Camp for high school student on June 24<sup>th</sup>.

2. She attended the Loudoun County Board of Supervisors meeting on June 29<sup>th</sup> at which the bicycle path was discussed and stated that there is still a chance to get some funding this year.
3. She attended the formal opening of Be Happy Antiques on July 2<sup>nd</sup>.
4. She was sorry that the July 3<sup>rd</sup> parade was rained out but stated that it was important to acknowledge all of the effort that went on behind the scenes that afternoon and evening.
5. The Movie in the Park on July 8<sup>th</sup> was sponsored by Turning Point Safety and was well attended even though weather conditions forced it to be moved to the Community Center.
6. She attended the July 10<sup>th</sup> lecture at the Lovettsville Museum,
7. She participated in the brick laying ceremony that was held on July 11<sup>th</sup> at the Inova Cornwall facility in Leesburg to begin their renovation project.

**Adjournment**

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

**Motion:** To adjourn the July 14, 2011 meeting of the Lovettsville Town Council

**By:** Council Member Sparbanie

**Second:** Vice Mayor Zoldos

**Aye:** Council Members Carder, Sparbanie, Staley, Senate, Zoldos

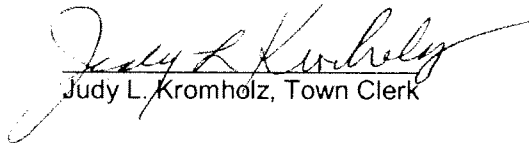
**Nay:** None

**Abstain:** None

**Absent:** Council Member Coleman

The meeting was adjourned at 10:10 PM.

Respectfully submitted,



Judy L. Kromholz, Town Clerk

Date Approved: December 8, 2011

Attachments:

- I. Speaker Signup Sheet

Written Submissions to Council: None





# Town of Southfield

## Speaker Sign - Up Sheet

Town Council Regular Meeting - July 14, 2011

Please Print.

Name and Association	Address	Topic	Email Address (Optional) <sup>1</sup>
Bing Lam	2 Brien town Dr	Plan Commission for 7/14	

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

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