

Town of Lovettsville

Town Council Minutes of Regular Meeting September 15, 2011

Mayor Elaine Walker called the regular meeting of the Lovettsville Town Council to order at 7:40 PM on Thursday, September 15, 2011.

Present at Meeting

- Mayor Elaine Walker
- Vice Mayor Robert Zoldos II
- Council Members Tiffany Carder, Charlotte Coleman, Michael Senate, Shaun Staley
Council Member Tim Sparbanie {arrived at 8:11 PM}
- Town Manager Keith Markel
- Town Attorney Elizabeth Whiting
- Treasurer Lance Gladstone
- Project Manager Karin Fellers
- Town Clerk Judy L. Kromholz

Absent

None

Call to Order/Welcome/Pledge of Allegiance/Invocation

Mayor Walker led the assembled in the Pledge of Allegiance.

Comments from the Public (Attachment I: Speaker Signup Sheet)

Mr. John Pek asked if it would be possible to install a "No Truck Engine Braking" sign in the Town Square, noting that there have been noise issues. Attorney Whiting stated that VDOT has issued memos stating that the Town has no authority over the VDOT right of way. She also noted that the Town has no enforcement authority. Vice Mayor Zoldos noted that just having the sign might be effective, but Attorney Whiting noted that the Town would have to install it outside VDOT's right of way. Manager Markel offered to pose the question to VDOT at their next meeting with Town staff.

Community Presentations

A. Lovettsville Business Association

John Broman reported that the Association still intends to be involved in community events and reported that they are sponsoring a band in the tent on the Friday night before Oktoberfest and will be hosting a debate for the candidates for the Catoctin Board of Supervisors position.

B. Economic Development Advisory Committee

Councilwoman Carder reported that the Committee has a list of possible candidates to discuss in closed session.

Additions/Deletions/Modifications to the Agenda

Manager Markel added the Veterans Memorial Design Proposal as an action item. Councilwoman Carder added a discussion of the Town's proposed Facebook page.

Presentations

No presentations were scheduled.

Approval of Town Council Minutes

A. Town Council Regular Meeting - July 14, 2011
Tabled by Councilman Staley.

Report from the Treasurer

A. July 2011

Treasurer Gladstone presented the report for July 2011. The Mayor and Council had no questions on the general fund. Mayor Walker requested clarification of the meter replacements on Red Bud Lane and Project Manager Fellers explained the status of that project.

- Motion:** To approve the July 2011 Treasurers Report as presented.
By: Council Member Senate
Second: Council Member Coleman
Aye: Council Members Carder, Coleman, Senate, Staley, Zoldos
Nay: None
Abstain: None
Absent: Council Member Sparbanie

Staff Reports

A. Report from the Zoning Administrator

Administrator McGregor had provided his written report for August 2011. The Mayor and Council had no questions.

B. Project Manager Report

Project Manager Fellers had provided her written report dated September 2011. The Mayor and Council had no questions.

C. Report from the Town Attorney

The Town Attorney will participate in a County tax foreclosure proceeding on two parcels within the Town. She has been working with Manager Markel and Treasurer Gladstone to prepare pleadings for collection of taxes owed to the Town. The Mayor and Council had no questions.

D. Report from the Town Manager

Manager Markel distributed his written report to the Council. Councilman Staley asked if speed limit changes had been discussed at the VDOT meeting and Manager Markel reported that Mayor Walker had discussed this issue at some length during the meeting.

Action/Discussion Items

A. Inflow and Infiltration Smoke Testing

Project Manager Fellers presented this item. *{Councilman Sparbanie arrived during this discussion}*
Council is being asked to approve the Scope of Services for Inflow and Infiltration (I&I) Smoke Testing to be performed in the fall or summer of 2012. She reported that Phase I of the I&I work is completed and the report evaluating the effectiveness of Phase I is under development. It is expected that this report will show an overall reduction in I&I flows, however, the operators still have noticed a measurable increase in flow to the plant during certain types of storms. Phase I focused on repairs to leaks on the main lines and manholes in the areas that were previously identified as experiencing substantial I&I. Leaks were noted through reviews of the camera inspections of 2007. The area including Broad Way, Loudoun Street, Locust Street, Light Street, Park Place, Frye Court, and Pennsylvania Avenue were NOT part of the initial study area and may be additional sources of I&I. Private laterals and connections can also be a source of I&I to the system. Each home and business uses a lateral to bring their wastewater to the Town's main lines. This lateral that connects the home or business to the main sewer lines is the responsibility of the private owner to maintain. Private laterals are a possible source of I&I due to breaks in the lateral lines as well as through illicit connections from gutters or sump pumps. Per the Town Code, these connections are not permitted, however, historically, inspections of older areas of small Towns like Lovettsville have shown that gutters and sump pumps are often connected to sewer system and can contribute to I&I. Smoke testing will help to identify breaks to laterals and clean outs and possibly connections to gutters and drains. Sump pump connections, drain connections and leaks in lines that are underneath pavement often are not revealed during smoke testing due to check valves, gas traps and impervious surfaces. It was the recommendation of Oliver/CHA in their initial I&I Action plan to conduct some smoke testing as follow up to the Phase I correction work if additional I&I reduction is desired.
Oliver/CHA has developed a scope of services to conduct two days of smoke testing in the older parts of Town that were not cameraed during the last study period. This area was identified as less critical by R. Stuart Royer based on flow data collected during rain events and thus camera work was focused on other areas felt to have a higher rate of I&I. This area includes the following streets: Broad Way, Loudoun Street, Locust Street, Light Street, Park Place, Frye Court, and Pennsylvania Avenue. The smoke testing

scope also identifies some additional lines which will be smoke tested if time permits. These areas include a portion of Fox Meadow, an area by the Game Club and some lines behind the homes on North Berlin Pike.

The cost to complete the I&I work will be a lump sum \$10,940 for Olver/CHA plus an estimated \$900 for a flagging crew for one day. The Town Council budgeted \$30,000 in the FY12 operational budget so there should be funding left to begin addressing any repairs needed to the Town owned and maintained portion of the system.

The Town is required under the consent order with DEQ to continue to maintain the wastewater collection system and to earmark and utilize funds to accomplish this goal as necessary. By moving forward with this work, the Town will demonstrate a commitment to maintaining and even further improving the system.

Mayor Walker asked what smoke testing was available through Virginia Rural Water. Project Manager Fellers reported that VRW will set up the smoke machine, but will not set up blocks or plug the lines, and the pressure does not build up and as a result, the information is not very useful. Project Manager Fellers noted that the Town has worked with VRW on other projects and they have been very helpful.

Vice Mayor Zoldos asked if the Town has a policy in place to deal with the private line deficiencies. Project Manager Fellers suggested performing some initial testing first to establish if a problem does exist before wrestling with finding a solution.

Motion: I move that Town Council approve the scope of services for Smoke Testing as outlined in the Scope of Services titled Town of Lovettsville 2011 Smoke Testing dated August 26, 2011 from Olver/CHA in the amount of \$10,940 plus a contingency of \$2,000 for flagging support and other possible contingencies and authorize the Mayor or Town Manager to sign all necessary paperwork once in a form acceptable to the Town Attorney.

By: Council Member Senate

Second: Council Member Carder

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

Nay: None

Abstain: None

Absent: None

B. Elevated Water Tank Maintenance Contract

Project Manager Fellers presented this item. Council is being asked to consider a Maintenance Program for the Elevated Water Storage Tank through Utility Services. She explained that Utility Services is a company that provides traditional bids for tank maintenance including painting, repairs, cleanings and inspections. They also offer a comprehensive maintenance program that essentially turns over all maintenance (including painting and repairs) to Utility Services for a set fee paid each year by the tank owner. She noted that water tank maintenance programs appear to be growing in popularity with municipalities. The Tank Maintenance Program approach is popular for smaller communities because it spreads out the maintenance costs over a longer period of time making budget expenditure forecasting much easier. It also ensures that the water tank receives the necessary inspections, clean out and maintenance at the appropriate intervals. The water tank should be inspected regularly to ensure that there are no problems, especially inside and regular cleaning inside will greatly improve water quality in the water distribution system.

Town Staff recommends that Town Council consider adopting a maintenance program for the elevated tank. From a budgetary standpoint it makes the cost for Tank maintenance a known figure for each year. In addition, the Town may wish to consider an inspection and washout program for the ground storage tanks. The ground storage tanks do not require painting and must be repaired by the manufacturer, however, mixing as well as clean out are an important activity for ensuring water quality in the distribution system. An inspection and washout program cost can be requested for the ground storage tanks as well. If the Town is considering a program for the elevated tank, continuity suggests that inspection and cleanout programs for the other two tanks makes sense from a management and maintenance standpoint.

Councilman Sparbanie asked what maintenance the Town is currently performing. Project Manager Fellers stated that no maintenance has been done during her tenure. The Town has been preparing to paint the tank, but has been working on the antenna reattachment project so the painting work can be done. Councilman Sparbanie asked what effect their maintenance would have on the antennas currently attached and Project Manager Fellers stated that the two year inspections would not affect the antennas at all but painting might require moving the antennas. Councilman Sparbanie asked if this should be put out for bid. Project Manager Fellers stated that Loudoun Water is doing some procurement on this topic and she would pursue that information through them. She reported that this is the largest company in the field at this time. Councilman Sparbanie asked if costs would escalate over time, and Project Manager Fellers said she has talked to Middleburg about their experiences with this and that this will have to be negotiated as part of the contract. Mayor Walker asked Project Manager Fellers to investigate having the light restored to the top of the tank.

Attorney Whiting reported that she was asked to review the original Middleburg contract after it was signed and was able to negotiate some changes after the fact. Project Manager Fellers stated that there is more research to be done, but she needs direction from the Council before spending more time on this project.

Councilman Senate stated that maintenance of our single water supply is very important but he is looking for much more specific information in the contract. In general, he favors the contract approach which would define the Town's costs over time in a more reliable manner.

Motion: I move that Town Council direct staff to obtain a final proposal and contract from Utility Services for Maintenance Programs for the elevated water tank (and the two storage tanks) and bring forward to Town Council for consideration and possible approval once in a form acceptable to the Town Attorney.

By: Council Member Staley

Second: Council Member Sparbanie

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

Nay: None

Abstain: None

Absent: None

C. Ordinance Amendment to Modify Penalties for Vehicle Decals

Manager Markel presented this item. Council is being asked to consider modifying the Town Ordinance as it relates to the late penalty for vehicle decal purchases to allow for easier implementation. He explained that the implementation of the current fee and penalty structure is difficult, as many times residents pay with cash. For example, once the base decal charge includes a 10 percent penalty and a monthly proration of interest, the late decal purchased in December is \$27.97. Because the Town Hall does not operate a daily cash register, making change can be a time consuming or impossible task. This means residents have to go the bank to get exact change or go home and get a check as the Town does not currently accept debit or credit cards. The current Ordinance was last modified on August 23, 2001. Staff is proposing to modify Section 4 of that Ordinance as follows:

Section 4. *In addition to any penalty authorized herein, any owner or operator of a vehicle who shall obtain such license after the date it is required to be displayed shall be assessed in addition to the license fee a penalty of \$1.00 for each month equal to 10% and interest in the amount of 10% per year from the date display of the license was required. The penalty and interest shall be added to the amount of license fee due from such person and no license shall be issued until the total due is paid in full. Provided, however, that no penalty under this section shall be imposed for failure to pay such license fee if such failure was not in any way the fault of such person.*

Motion: I move that the Town Council adopt the attached Ordinance.

By: Council Member Staley

Second: Council Member Senate

Mayor Walker called for discussion. Councilman Sparbanie asked how this will impact revenue. Manager Markel stated that revenues will be lower in the first part of the year, but higher at the end of the year and that he felt the overall impact would be minimal. Mayor Walker asked if this followed state code and Manager Markel stated that it did.

Motion: I move to table this item until the next regularly scheduled Council meeting.

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

Councilman Staley asked that a payment schedule be included in the ordinance and that it include a not to exceed clause.

D. Resolution – National Constitution Week

Mayor Walker presented this item.

Motion: I move to accept the Resolution supporting Constitution Week as presented (Attachment II Constitution Week Proclamation)

By: Vice Mayor Zoldos

Second: Council Member Sparbanie

Mayor Walker called for discussion.

Friendly amendment: Replace the word 'Resolution' with the word 'Proclamation' and replace the word 'State' with the word 'Commonwealth'

By: Vice Mayor Zoldos

Agreed to: Council Member Sparbanie

There being no further discussion, Mayor Walker called for the vote.

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

Nay: None

Abstain: None

Absent: None

E. Veterans Memorial Design Approval

Mayor Walker introduced Mr. John Payne from the Lovettsville-Waterford Ruritan Club who had been attending the Parks Committee meetings. Project Manager Fellers summarized the background of the project and explained the tight time table. Councilman Senate thanked the committee for their flexibility and commitment to this project. He described the details of the hardscape and landscaping design.

Councilman Staley asked about the procedure to be put in place for engraving the pavers. Councilman Senate explained that blank pavers will be installed initially and replaced with engraved pavers in groups of 50 or 100.

The Council held a brief discussion on who the pavers should honor. Councilman Sparbanie said it is a Veterans Memorial and should therefore include veterans only. Councilwoman Carder suggested including branch of service on each paver. Vice Mayor Zoldos recommended referring this discussion back to the committee for review and that Council only vote on the budget request at this meeting.

Mr. Payne stated that the Ruritan Club is offering to pay for all five of the service plaques and one eagle. He stated that the Ruritans would also pay for the second eagle if no other community organization was interested. They requested a plaque also be installed recognizing their organization's contribution to the project. He noted that

Motion: I move that the Town Council approve the completion of the Veterans Memorial as described in the R&L Landscapes proposal and plans dated September 13, 2011 for \$45,000 and relocation of two light poles with Dominion Power for an estimated \$1,945.25 and authorize the Mayor and/or Town Manager to sign all necessary paperwork once in a form acceptable to the Town Attorney. The Lovettsville-Waterford Ruritan Club has committed to purchasing the bronze plaques and the town agrees to include a plaque honoring their contribution.

By: Council Member Senate

Second: Council Member Carder

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

Nay: None

Abstain: None

Absent: None

Councilman Senate suggested that the plaque honoring the Ruritan Club could go on one of the pillars facing the sidewalk. He suggested adding a plaque on the other pillar naming the Mayor and Council members who authorized the plaque. The Mayor and Council asked the committee to address this item.

F. Town Facebook Page

This item was discussed after the Mayor and Council comments.

Information Items

No information items were presented.

Comments from the Mayor and Town Council

Councilman Senate reported that an illegal burn was reported inside the Town limits. Manager Markel will follow up with the Fire Marshall's office. Councilman Senate also noted that there has again been an increase in speeding vehicles on Loudoun Street.

Councilwoman Carder reported that she had attended the Inova Health Day at the firehouse and it was very informative and lots of fun.

Councilman Sparbanie noted that Oktoberfest begins next weekend and asked all of the Council members to volunteer and staff the Town's booth. He thanked the members of the committee and stated there will be one more committee meeting this coming Monday.

Vice Mayor Zoldos reported that the Movie in the Park last Friday was very well attended, despite the move into the Community Center because of the weather. He thanked the Parks Committee for their work on the Memorial.

Mayor Walker reported on the following:

1. The activities honoring the 9/11 victims this past weekend were the most emotional and moving that she can remember. The weekend started with a parade in Leesburg. She thanked Attorney Whiting for inviting Vice Mayor Zoldos to speak on his experiences during 9/11 as part of the Loudoun Museum lecture series. Attorney Whiting thanked Vice Mayor Zoldos for participating. Mayor Walker and Vice Mayor Zoldos rang the bells at the church commemorating the moments when each plane hit. She then laid a wreath at the Town flagpole. That evening she went to Purcellville for their ceremony which was very impressive.
2. She attended the Northern Virginia Towns Association meeting in Middleburg.
3. She attended a Loudoun County Health Council meeting
4. The Inova Health and Safety Day at the fire house was a big success and they are planning to repeat the event next year
5. She attended a Purcellville Town Council meeting ceremony to honor Purcellville Councilmember CJ Walker who recently resigned his seat.
6. Along with Manager Markel, she had a very productive meeting with VDOT yesterday discussing all of the projects in Town which they are involved in.
7. She met with VML Insurance along with Manager Markel.
8. She and Councilwoman Carder held office hours last night and had some good conversations with citizens.

Action/Discussion Items (continued)

G. Town Facebook Page

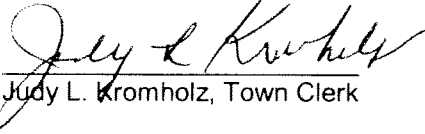
Councilwoman Carder presented a slide show on the proposed Facebook page. The Council discussed acceptable content and how comments would be handled. Councilwoman Carder will return to Council with more information on these topics.

Closed Session

The Mayor and Council went into closed session at 11:04 PM. (Attachment III: Closed Session Motions). All council members certified that only public business matters lawfully exempt for the open meeting requirements under the Virginia Freedom of Information Act were discussed. Let the record reflect that no vote was taken following the Closed Session.

The meeting was adjourned at 11:35 PM.

Respectfully submitted,



Judy L. Kromholz, Town Clerk

Date Approved: January 12, 2012

Attachments:

- I. Speaker Signup Sheet
- II. Resolution for Constitution Week
- III. Closed Session Motions

Written Submissions to Council: None

Town of Southville

Speaker Sign - Up Sheet

Town Council Regular Meeting - September 15, 2011

Please Print.

Name and Association	Address	Topic	Email Address (Optional) ¹
John Pek Jr.	20 Town Center Drive	Engine braking sign	

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.

Town of Lovettsville

CONSTITUTION WEEK

WHEREAS, September 17, 2011 marks the two hundred twenty-fourth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, it is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary and to the patriotic celebrations which will commemorate the occasion; and

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17-23, 2011 as Constitution Week.

NOW, THEREFORE I, Elaine Walker, by virtue of the authority vested in me as Mayor of the Town of Lovettsville in the Commonwealth of Virginia do hereby proclaim the week of September 17 through the 23rd as Constitution Week, and ask our citizens to reaffirm the ideals the framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.



Elaine Walker

Adopted this 15th Day of September 2011.

The German Settlement

Town of Lovettsville

VIRGINIA FREEDOM OF INFORMATION ACT

Resolution: AUTHORIZE CLOSED SESSION

Date: 09-15-2011

Time: 11:03 PM

MOTION BY: Bob Zoldas

I move that the Lovettsville Town Council convene in closed session pursuant to Va. Code section 2.2-3711 A

1. Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; and evaluation of performance of departments or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals,
3. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body,
4. The protection of the privacy of individuals in personal matters not related to public business,
5. Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community,
6. Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected,
7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; or consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel [For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter],
19. Discussion of plans to protect public safety as it relates to terrorist activity and briefings by staff members, legal counsel, or law-enforcement or emergency service officials concerning actions taken to respond to such activity or a related threat to public safety; or discussion of reports or plans related to the security of any governmental facility, building or structure, or the safety of persons using such facility, building or structure,

Town of Lovettsville

29. Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body,

33. Discussion or consideration of confidential proprietary records and trade secrets excluded from this chapter pursuant to subdivision 18 of § 2.2-3705.6,

40. Discussion or consideration of records excluded from this chapter pursuant to subdivision 3 of § 2.2-3705.6 [Confidential proprietary records, voluntarily provided by private business pursuant to a promise of confidentiality from a public body, used by the public body for business, trade and tourism development or retention; and memoranda, working papers or other records related to businesses that are considering locating or expanding in Virginia, prepared by a public body, where competition or bargaining is involved and where, if such records are made public, the financial interest of the public body would be adversely affected],

with regard to [person, issue or property subject of discussion]

And thereafter reconvene in open session for action as appropriate.

SECOND: Charlotte Coleman
VOTE:

Ayes: 6

Nays: 0

Abstentions: 0

Absent for vote: 0

Roll-call poll by presiding official:

“Do you certify to the best of your knowledge that (i) only public business matters lawfully exempted from open meeting requirements under this chapter and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the Lovettsville Town Council?”

When polled as to whether (i) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the closed meeting, the following members stated “Aye:”

Sept. 15, 2011 at 11:35 PM

Certified:

Ernie Walker
Mayor