

# Town of Lovettsville

## Town Council Minutes of Regular Meeting January 12, 2012

Mayor Elaine Walker called the regular meeting of the Lovettsville Town Council to order at 7:39 PM on Thursday, January 12, 2012

### Present at Meeting

- Mayor Elaine Walker
- Vice Mayor Robert Zoldos II *{arrived at 7:41 PM}*
- Council Members Tiffaney Carder, Charlotte Coleman, Tim Sparbanie, Shaun Staley
- Town Manager Keith Markel
- Town Clerk Judy L. Kromholz
- Treasurer Lance Gladstone *{arrived at 7:44 PM}*

### Absent

- Council Member Mike Senate
- Town Attorney Elizabeth Whiting

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

Mayor Walker led the assembled in the Pledge of Allegiance.

### Comments from the Public

Boy Scout Garrett O'Brien from Troop 962 attended the meeting in order to earn his citizenship merit badge.

### Community Presentations

#### A. Loudoun County Sheriff's Office

Deputy Greg Ahleman, First Lieutenant, Assistant Commander of Western Loudoun Station introduced himself. He assured us that they will not be reassigning Deputy Wacker. He discussed the plans for reorganizing the Sheriff's Office and for the western Loudoun station. He emphasized that the citizens in the western end of the County deserve the same service as those in the eastern end. Vice Mayor Zoldos informed Deputy Ahleman that Deputy Wacker has been spectacular in his service to the Town. Mayor Walker said that she and the Council recognize Deputy Wacker's proactive work in Town and emphasized that he has gained the trust of the citizens in the Town.

Loudoun County Deputy Sheriff Wacker presented his monthly report. He emphasized the importance of having an investigator familiar with each area and stated that this would be one of the major benefits of getting the western Loudoun substation up and running.

#### B. Lovettsville Planning Commission

Manager Markel presented Vice Chairman Jack Burden's written report.

#### C. Economic Development Advisory Committee

Councilman Staley reported on the committee's meeting this month and noted that they are still actively looking for members. He stated that they are considering developing a program to mentor new business applicants in Town.

### Additions/Deletions/Modifications to the Agenda

Councilman Staley added a discussion of MayFest to the agenda.

### Presentations

No presentations were scheduled.

**Approval of Town Council Minutes**

A. Town Council Regular Meeting – September 15, 2011

**Motion:** To approve the minutes of the September 15, 2011 Town Council Meeting as changed.

**By:** Council Member Carder

**Second:** Council Member Coleman

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

**Nay:** None

**Abstain:** None

**Absent:** Council Member Senate

B. Town Council Closed Session – September 29, 2011

**Motion:** To approve the minutes of the September 29, 2011 Town Council Closed Session as presented.

**By:** Council Member Sparbanie

**Second:** Council Member Carder

**Aye:** Council Members Carder, Coleman, Sparbanie, Zoldos

**Nay:** None

**Abstain:** Council Member Staley

**Absent:** Council Member Senate

C. Town Council Regular Meeting – October 13, 2011

**Motion:** To approve the minutes of the October 13 15, 2011 Town Council Meeting as changed.

**By:** Council Member Carder

**Second:** Council Member Coleman

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

**Nay:** None

**Abstain:** None

**Absent:** Council Member Senate

D. Town Council Regular Meeting – November 10, 2011

**Motion:** To approve the minutes of the November 10, 2011 Town Council Meeting as changed.

**By:** Council Member Staley

**Second:** Council Member Sparbanie

**Aye:** Council Members Coleman, Sparbanie, Staley

**Nay:** None

**Abstain:** Council Members Carder, Zoldos

**Absent:** Council Member Senate

**Report from the Treasurer**

A. Treasurers Report - October 2011

Treasurer Gladstone presented his report for October 2011. Councilman Staley noted the disbursement for the plaques for the Veterans Memorial and Manager Markel explained that the Town had ordered the plaques and front ended the payment in order to expedite the process. The Lovettsville-Waterford Ruritan Club has already reimbursed the Town and that transaction will appear on a future Treasurers Report. Councilman Sparbanie asked if the property damage incurred when the fire hydrant was hit will be paid for by the driver's insurance. Manager Markel stated that the majority of the expense would be paid by the driver's insurance company.

**Motion:** To approve the Treasurers Report for October 2011.

**By:** Council Member Sparbanie

**Second:** Council Member Staley

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

**Nay:** None

**Abstain:** None

**Absent:** Council Member Senate

**Staff Reports**

**A. Report from the Zoning Administrator**

Manager Markel presented the written Zoning Administrators report. There were no questions from the Mayor or Council.

**B. Report from the Town Attorney**

Manager Markel Keith reported that the Town Attorney had no report.

**C. Report from the Town Manager**

Manager Markel presented his written report. Councilman Sparbanie asked if there has been any resolution to the wire lying on the ground at Eisentown Street. Manager Markel explained that he has repeatedly notified the Lovettsville Town Center project manager, who is responsible for those streets. He has also repeatedly reported it to Comcast who has never responded. When Manager Markel toured the development with VDOT officials, they expressed concern about the problem and the wire was cut. It was reconnected the following day by Comcast. Manager Markel then contacted the Comcast's Director of Government and Community Affairs who promised to resolve the problem the following day. The problem has not been resolved and she has ceased returning phone calls.

Manager Markel reminded the Mayor and Council that they will be having a special work session with Dewberry and Loudoun Water next Thursday.

Manager Markel reported that the Regional Water Supply Plan for Northern Virginia has now been finalized and public hearings are being scheduled. The representative from the Northern Virginia Regional Commission wants to schedule a presentation to Council and then hold a Public Hearing. He will probably come to the first Council meeting in February.

**Action/Discussion Items**

**A. Alert Loudoun Participation**

Manager Markel presented this item. Council is being asked to consider having the Town of Lovettsville participate in the County's "Alert Loudoun" system. He explained that several years ago the County established the "Alert Loudoun" system to provide a way to disseminate timely information to interested citizens. These alerts include traffic, weather, and public safety information along with other individualized interests such as school and governmental information. Information can be sent to subscribers through e-mail and text messages and can be received on computers, phones, pagers, tablets and other similar devices. As users sign up for the service they are given the option to select individual special interest topics. Currently, the Towns of Leesburg, Purcellville, Round Hill and Hamilton all participate in this system. Once Lovettsville staff realized that other Towns were participating in this service, they contacted Loudoun County officials to see if Lovettsville would also be able to utilize this service. Loudoun County representatives fully support Lovettsville's participation and have sent a Memorandum of Understanding for the Town to sign. Once the Town returns the agreement, County staff will create a Town account. The Town would need to select two authorized individuals that would be given posting rights in the system. They would be able to log into Alert Loudoun and send out special announcements.

Announcements could include utility related concerns such as water main breaks, system flushings along with announcing special events and traffic issues such as Oktoberfest street closures, special parades, or large gatherings in the Town Square. There is no financial cost to the Town to participate in this service. The Alert Loudoun Computer system maintains the distribution list. Lovettsville staff confirmed with Loudoun County staff that the Town will not be responsible for any record keeping or distribution list maintenance.

If the Town elects to participate in the service, a public awareness campaign should be implemented to make residents aware of the new communication tool. Staff recommends that Lovettsville participate in this system and designate the Town Manager and Town Clerk as the Town staff responsible for posting information.

**Motion:** I move that the Town of Lovettsville participate in the Alert Loudoun system and designate the Town Manager and Town Clerk as authorized personnel for the

purposes of posting alerts on behalf of the Town.

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

**B. New Town Meadows Land Transfer to Town**

Manager Markel presented this item. Council is being asked to consider accepting the donation of land adjacent to the Town's elevated water tank from the New Town Meadows Home Owners Association. He explained that adjacent to the Town property, where the elevated water tank is located in New Town Meadows, lies a small sliver of land that is currently owned by the New Town Meadows Home Owners Association (HOA) and is identified by Loudoun County PIN 333459794. This strip of land sits between two Town owned properties, the water tank to the west, and future park land that was donated by the developer to the east. During the construction of the neighborhood, the site was used for construction trailers and material storage. Today the site is vacant and serves no purpose to the HOA.

Several months ago Manager Markel approached the current president of the development's HOA to see if they would be willing to transfer ownership of the land to the Town. Staff sees this land acquisition as a significant benefit to the Town. First, ownership of this land would give the Town clear title to the land that is currently used to access the Tower site. Currently access is provided over an easement on this land. The tank was constructed long before the New Town Meadows development was created, so access to the tank has historically come off of an old gravel driveway accessed from Quarter Branch Road. The tank currently has a Quarter Branch Road address. With the ownership of this land, a new, permanent access could be constructed off of Potterfield Drive to serve the facility and with this new street frontage; the address of the Tank could be changed to the more logical Potterfield Drive address. Secondly, Town ownership of this land would make the Tank property and the new park property contiguous. At a future time the Town could vacate the lot lines and make one larger tract of land. Furthermore, transferring ownership of the sliver of land would avoid the confusion of what the exact limits of HOA and Town maintenance responsibilities.

In his discussions with the HOA president, Manager Markel expressed to her that his intent was to have the Town fund all costs associated with the land transfer. He has contacted Bowman engineering, the surveyor of the development for the New Town Meadows project, and has asked them for a scope of service to develop the necessary plat needed for the official transfer of land. Their costs for this service would be \$900.00. Since a plat already exists for this property, it is likely that the Town will not need to incur any engineering costs; however the Town Attorney would have to prepare the deed documents that would be recorded along with the Plat. Manager Markel expects that this would take no more than a few hours of her time. Staff recommends that the Town accept the donation of land and fund all costs associated with the transfer of ownership.

**Motion:** I move that the Town Council direct staff to move forward with the transfer of land and work with the Town Attorney and surveyor as needed to develop the documents necessary and have the Mayor sign once completed.

**By:** Council Member Carder  
**Second:** Council Member Coleman

Mayor Walker called for discussion. Councilman Staley asked if this would affect minimum open space requirements for the subdivision. Manager Markel stated that he does not think it will impact these requirements, but he will verify that before moving forward.

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

**C. Scheduling Interview for Planning Commission Appointment**

Manager Markel presented this item. Council is being asked to schedule an interview for an applicant for the vacant Planning Commission seat. He explained that with the resignation of Aaron Kahn in December of 2011, there is a vacancy on the Planning Commission. The Town has advertised for

applicants to fill the seat in the local newspaper, Town website, and in the Friday Town e-mail update. To date the Town has received one application for the position. Because this applicant has expressed interest in serving and because the Town has advertised the position for nearly two months, staff recommends that the Town Council meet with the candidate to discuss filling the vacancy.

**Motion:** I move that the Town Council schedule an interview with the Planning Commission applicant for January 26, 2012, at 6:30pm, prior to the regular monthly meeting of the Council.  
**By:** Council Member Staley  
**Second:** Council Member Carder  
**Aye:** Council Members Carder, Coleman, Sparbanie, Staley, Zoldos  
**Nay:** None  
**Abstain:** None  
**Absent:** Council Member Senate

D. Town Green Bandstand/Gazebo Discussion

Vice Mayor Zoldos presented this item. He described the committee's progress to date and is asking for input from the Council as to whether they want to proceed along this course.

Councilman Sparbanie asked for an estimate of the completion date and Vice Mayor Zoldos said that the gazebo will not be installed before MayFest, but might be completed in time for Oktoberfest.

Councilman Staley said that he likes what he sees but is concerned about the price. Council discussed possible not-to-exceed amounts and Councilman Staley noted that having the gazebo may cut down on the costs of events (renting tents, etc). Vice Mayor Zoldos noted that this would allow the Town to increase the number of Movies in the Park because the Town would not be as dependant on as much volunteer labor for these events. Vice Mayor Zoldos noted that the cost of the ground work is the greatest unknown cost at this time. Council agreed that they want to consider a resolution at the next meeting.

E. MayFest

Councilman Staley presented this item. He explained that the committee is asking that MayFest become a town-sponsored event similar to Oktoberfest and that the Town provide the event with up to \$12,000 in seed money. Vice Mayor Zoldos asked if the committee had made decisions about the scope of this year's event, noting that there is not a lot of time left to plan. Councilman Staley reported that the Memorial Day weekend date selected is the only date the wineries still have available for this year. The Council expressed general support of the event and asked that the Committee return with a detailed budget and a general work plan and layout. Vice Mayor Zoldos offered to help them with this stage of planning.

Information Items

No information items were presented.

Comments from the Mayor and Town Council

Councilwoman Carder stated that she is excited about MayFest and the bandstand.

Councilman Sparbanie stated that he supports MayFest and offered kudos to the Town Parks Committee on their progress on the gazebo.

Vice Mayor Zoldos reported that the Pinewood Derby will be February 4<sup>th</sup>, but the venue has not been set yet. The next County Park Advisory Committee meeting is scheduled for January 17<sup>th</sup> and he urged the Council members to attend.

Mayor Walker reported on the following:

- The tree lighting was fantastic.
- The Town office luncheon was really nice this year.
- She enjoyed holding evening Office Hours with Councilwoman Carder.
- She will be holding office hours with Councilwoman Coleman on January 24<sup>th</sup>.

- She attended the farewell reception for Randy Kelly at Inova.
- The farewell event for Supervisor Sally Kurtz was well attended.
- The Loudoun County Health Council meeting was today and she learned that whooping cough is currently an issue in Loudoun County.
- The County Health Fair will be in April; date and venue to be announced.

The Council went into closed session at 10:47 PM. (Attachment II: Closed Session Motions)

The Council came out of closed session at 11:53 PM. All council members certified that only public business matters lawfully exempt from 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 11:54 PM

Respectfully submitted,

  
Judy L. Kromholz, Town Clerk

Date Approved: February 23, 2012

Attachments:

- I. Speaker Signup Sheet
- II. Closed Session Motions

Written Submissions to Council: None

# Town of Southville

## Speaker Sign - Up Sheet

### Town Council Regular Meeting - January 12, 2012

**Please Print.**

Name and Association	Address	Topic	Email Address (Optional) <sup>1</sup>
Garrett D'Brien Boys Scouts	17271 ENWOOD	Merit badge	Garrett D Brien@csn.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.

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

# 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: *C. Coleman*

VOTE:

Ayes: *Zaldos, Spadoni, Staley, Cauder, Coleman*  
Nays: *none*  
Abstentions: *none*  
Absent for vote: *Senate*

**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:”**

11/12, 2012 at 11:52 PM

Certified:

*Elaine Wilson*  
*Mayor*



# Town of Lovettsville

## VIRGINIA FREEDOM OF INFORMATION ACT

### Resolution: AUTHORIZE CLOSED SESSION

Date: 1/12/12

Time: 10:45

MOTION BY: B. Zeller

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,