

# Town of Lovettsville

## Town Council

### Minutes of Public Hearings and Regular Meeting January 26, 2012

#### PUBLIC HEARING

The Lovettsville Town Council Public Hearings on LVZA 2011-0004 Sign Ordinance Modifications and LVZA 2011-0006 Contractor Use in Non-Residential Zoning were called to order by Mayor Elaine Walker at 7:32 P.M. at the Lovettsville Town Hall, 6 East Pennsylvania Avenue, Lovettsville, VA 20180.

#### Welcomes and Introductions

Mayor Walker welcomed the citizens attending the meeting.

The Mayor introduced Vice Mayor Robert Zoldos II and Council Members Tiffaney Carder, Charlotte Coleman, Tim Sparbanie, Shaun Staley and Michael Senate.

The Mayor also introduced the Town Staff, including Town Manager Keith Markel, Attorney Liz Whiting and Town Clerk Judy Kromholz.

#### Absent

None

#### Explanation of Procedures and Opening of the Hearing

Mayor Walker read the public notice of these Public Hearings as it appeared in the *Purcellville Gazette* as shown in Attachment I.

#### Presentation

Manager Markel presented these two items.

The first item was several modifications to the Sign Ordinance. He stated that editorial oversights regarding the Sign Ordinance revisions adopted early in 2011 have been brought to the staff's attention and need to be corrected.

The Sign Committee, the Planning Commission and the Town Council each intended to allow pole signs for businesses. The adopted text for Section 7-5 Sign Standards includes pole sign standards, which indicates that the pole sign is meant to be permitted.

Another staff oversight involves the height allowed for monument signs. The maximum height for such signs in the adopted text of Section 7-5 Sign Standards is 10 feet. Staff failed to differentiate between monument signs for multiple business sites and single business sites. The distinction was, therefore, overlooked when the ordinance amendment was adopted by the Town Council. The standard should include a height limitation of 6 feet for monument signs related to single businesses and residential subdivisions. To allow a 10 foot monument sign for any single business or residential subdivision far exceeds the scale needed and would diminish the small town character of Lovettsville.

Staff has also identified the fact that the adopted Sign Ordinance amendment in 2011 does not prevent multiple OPEN signs for a business or subdivision sales office. It is staff's conclusion that a business should be allowed no more than one OPEN sign per street frontage.

Staff has also rearranged the types of signs alphabetically and added flag signs for commercial and light industrial districts, as was the original intent of the Planning Commission and Town Council. Staff failed to keep this type of sign in the multiple drafts of the text preceding adoption of the Sign Ordinance in 2011.

The second item was an Ordinance Amendment to allow contract uses in the C-2 as a conditionally permitted use and in the I-1 district as a permitted use. Manager Markel explained that currently, contractors who need storage for equipment, materials and vehicles cannot undertake such a business in the Town. The Town needs to be able to attract a comprehensive array of businesses, including building contractors, lawn and snow removal services, swimming pool sales and service, kitchen and bath contractors and equipment sales and service. Staff inadvertently omitted this use from the Light Industrial District (I-1) when it was revised a few years ago.

Manager Markel reported that the Planning Commission had recommended passing both of these items earlier this month.

#### **Public Speakers**

Vice Mayor Zoldos explained the procedure for speaking at a public hearing. No members of the audience had signed up to speak. Mayor Walker asked if anyone in the audience wished to speak.

Howard Williamson spoke as a member of the Sign Committee, stating that he strongly encourages the Council to do anything it can to help businesses establish themselves in Town.

#### **Declaration to close the Public Hearing**

There being no further speakers, Mayor Walker declared the Public Hearings closed at 7:40 PM.

#### **REGULAR MEETING**

Mayor Elaine Walker called the regular meeting of the Lovettsville Town Council to order at 7:43 PM on Thursday, January 26, 2012.

#### **Present at Meeting**

- Mayor Elaine Walker
- Vice Mayor Robert Zoldos II
- Council Members Tiffaney Carder, Charlotte Coleman, Tim Sparbanie, Shaun Staley, Michael Senate
- Town Manager Keith Markel
- Town Attorney Liz Whiting
- Town Treasurer Lance Gladstone *{arrived at 8:12 PM}*
- Town Clerk Judy L. Kromholz

#### **Absent**

None

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

Mayor Walker led the assembly in the Pledge of Allegiance.

#### **Comments from the Public**

Vice Mayor Zoldos read the regulations for speaking at a council meeting. Mayor Walker called on speakers in the order in which they had signed up to speak.

Mr. Bing Lam stated that in 2010 the state legislature had found that the Virginia Retirement System (VRS) has a large unfunded retirement liability and he does not believe that the Town of Lovettsville should be sending money to help out other towns which had joined the VRS earlier. He stated that we are paying for pensions for these people and we do not need to spend any more. Mr. Lam also stated that he does not believe the counting of eligible people was correct. He believes that the clerk position would be covered and was not considered in the submitted calculations. He objects to the current 401k money being allocated to the new fund – he believes there would be two pensions paid to these people until the 401k plan is properly discontinued. At this point, Vice Mayor Zoldos informed Mr. Lam that his three minutes were up.

No other citizens had signed up to speak.

**Community Presentations**

**A. Lovettsville Community Center**

Manager Elizabeth Bracey brought information about current programs and presented a report detailing activities at the Community Center in 2011. She noted that there has been tremendous growth in participation – 26% over the prior year. She stated that this increase was partly due to the fact that the Community Center had held more events and partly due to the fact that they are better tracking attendance at events. A new program for teens volunteering at the facility started in 2011 under which 14 volunteers were recruited during the year. She reported that the Lovettsville Community Park hosted three new events last year and is hoping that the Park will soon be open, at least for passive activities. She reported that the County Park Committee is working on the site plan as the next step in that process.

Ms. Bracey reported that the Community Center had been particularly successful at partnering events, especially with the Town, and has become a model for other community centers in the County in this regard. In 2012 the Center plans to continue the movie series and will work with the Lovettsville Game Club to coordinate their annual Carnival with the Independence Day activities to combine them into one longer, integrated event in the community at that time of year.

She went on to report that the Center has had very positive interactions with Deputy Wacker. Vice Mayor Zoldos asked if the incidents of vandalism had abated and Ms. Bracey stated that while the situation has greatly improved, there are still petty crime incidents. She stated that she is taking a very hard line on this.

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

Manager Markel added the Lovettsville Elementary School PTO playground project as a discussion item.

**Presentations**

No presentations were scheduled.

**Approval of Town Council Minutes**

**A. Town Council Public Hearing and Regular Meeting – October 27, 2011**

**Motion:** To approve the minutes of the October 27, 2011 Town Council Public Hearing and Regular Meeting as changed.  
**By:** Council Member Carder  
**Second:** Council Member Coleman  
**Aye:** Council Members Carder, Coleman, Senate, Sparbanie, Staley  
**Nay:** None  
**Abstain:** Vice Mayor Zoldos  
**Absent:** None

**B. Town Council Regular Meeting – November 17, 2011**

**Motion:** To approve the minutes of the November 17, 2011 Town Council Regular Meeting as presented.  
**By:** Council Member Senate  
**Second:** Council Member Carder  
**Aye:** Council Members Carder, Coleman, Senate, Sparbanie, Zoldos  
**Nay:** None  
**Abstain:** Council Member Staley  
**Absent:** None

**Staff Reports**

**A. Report from the Town Attorney**

The Town Attorney had no formal report.

**B. Report from the Town Manager**

Manager Markel reported that he and Project Manager Fellers will be meeting with VDOT tomorrow concerning the bike path and they are hoping that the public hearing will be scheduled for March or April.

He reported that the Planning Commission is reviewing changes to the commission review of by-right zoning applications. He also stated that he has been working on the Keena Subdivision preliminary plat application which should go before the Planning Commission at their second meeting in February. There are a number of exceptions that they will need to consider.

Manager Markel also reported on the single car collision with a fire hydrant that occurred last Friday night. He emphasized that the Loudoun Water staff response was fantastic, including their follow-up efforts on Saturday morning. He reported that the repair parts have been ordered and are expected early next week. He is working with the vehicle's insurance company concerning recouping the costs.

He reported that a second incident involving a hydrant occurred Monday morning but had much less impact on the Town.

Manager Markel reported that the Town website is being upgraded and all of the link and functions may not be working properly during this time. A notice has been posted on the site.

Councilman Sparbanie asked about the Comcast wire that is strewn across a road in Lovettsville Town Center. Manager Markel reported that he and Mayor Walker have met with Comcast. Comcast keeps promising to fix the problem but continues to miss deadlines. The bottom line is that the developer still owns the street in question and the Town has a limited ability to intervene. The developer has not intervened themselves although the Town has informed them of the problem repeatedly. *{Treasurer Gladstone arrived during this discussion}*. Councilman Staley asked if there is someone at the County level that can intervene with Comcast. Manager Markel stated that they met with the Director of Government affairs at Comcast and she promised action but has not taken any. The developer could cut the line, but Mayor Walker pointed out that that will affect the people who are using the service. Manager Markel asked Attorney Whiting if she knew of any other remedies and Attorney Whiting replied that under FTC rulings all local control has ceased and the state general assembly has said that state franchising is limited to the vendor making a 'good faith effort' and that the Town has no real leverage. There is no market incentive for the franchisee to be a 'good citizen'.

Mayor Walker noted that she and Manager Markel had been up all night dealing with the fire hydrant incident. She stated for the record that Manager Markel performed wonderfully and that they both had fielded phone calls from the Town residents all night. The operators were also here all night and half of Saturday. The Town now has a good chain of command in place for dealing with extraordinary incidents. However, the fact that the damage to the hydrant was not reported as an incident is something they are still investigating. Measures are being taken by the Loudoun County Sheriff's Department to make sure notification is done properly. She noted that the citizenry that called during the night were not rude or upset.

#### Report from the Treasurer

##### A. Financial Report – November 2011

Treasurer Gladstone presented his report for November 2011. Councilman Sparbanie asked if the meals tax receipts for the new owner of the Loudoun Street Mini Mart would be reported as a separate line item and Mr. Gladstone replied that they would not be reported separately. He noted that the new owner has elected to pay his meals tax on a quarterly basis.

**Motion:** To approve the November 2011 Treasurer's report as presented.

**By:** Council Member Sparbanie

**Second:** Council Member Senate

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

**Nay:** None

**Abstain:** None

**Absent:** None

#### Action/Discussion Items

##### A. LVZA 2011-0004 Sign Ordinance Modifications

Manager Markel presented this item at the public hearing.

**Motion:** I move that the Town Council approve the proposed text contained in the staff report for item LVZA 2011-0004 Sign Ordinance (Article 7), dated January 26, 2012.

(Attachment III: Ordinance 2012-01-001: Approve LVZA 2011-0004, Amending Sections 7-5, Sign Standards, 7-6, Signs in residential Districts, and 7-7, Signs in Commercial and Light Industrial Districts)

**By:** Council Member Sparbanie

**Second:** Council Member Senate

Mayor Walker called for discussion. Vice Mayor Zoldos asked Mr. Williamson if there is anything else that the Town should be doing to support new businesses. Mr. Williamson stated that he could not think of anything at the moment and that he just wants the Town to better explain the process. He said the biggest problem recently has been vandalism – but that has abated recently. 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

**B. LVZA 2011-0006 Contractor Use in Non-residential Zoning**

Manager Markel presented this item at the public hearing.

**Motion:** I move that the Town Council approve the proposed Zoning Ordinance Amendment text contained in the staff report for item LVZA 2011-0006 Contractor Office, dated January 26, 2012. (Attachment IV: Ordinance 2012-001-002 Approve LVZA 2011-0006, amending sections 2-13, mixed use business district C-2 and 3-14, light industrial district I-1, to permit contractor offices with Outdoor Storage)

**By:** Council Member Senate

**Second:** Council Member Coleman

Mayor Walker called for discussion. Councilman Staley asked if this meant that current businesses storing materials outside would be in compliance with the revised ordinance. Manager Markel said that this would only apply to contractor uses in the named zoning districts. 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

**C. Virginia Retirement System Participation**

Manager Markel presented this item. Council is being asked to review the Virginia Retirement System actuarial study and provide direction to the Town Manager on moving forward with the implementation of the Virginia Retirement System benefit's program. He explained that the retirement program would be offered to all full-time employees of the Town. Currently, the Town has three employees that would qualify for coverage; two of which are already vested in the VRS from previous employment.

On August 11, 2011, the Town Council authorized funds to have VRS complete the initial actuarial study to determine what the first year costs for participation would be for the Town. The Virginia Retirement System's hired consulting firm of Cavanaugh Macdonald completed the actuarial study and provided their findings to the Town on January 3, 2012. The study shows the breakdown of costs under two scenarios selected by the Town Council. Scenario one reflects the Town's participation with benefits for qualifying members beginning on January 1, 2012. Scenario two includes all of scenario one, along with three years of coverage for past service. The annual cost for scenario one is 12.45% of payroll for the qualifying members, or \$23,487. Scenario two would cost 12.66% of payroll for the qualifying members or \$23,872. The cost of adding three years of prior service is \$385 per year.

He noted that the VRS also offers group life insurance to member localities for an additional fee. The cost to purchase life insurance would be an annual cost of .28 percent of each member's annual compensation. For the Town's current qualifying members, this cost would be an approximate additional cost of \$528.00. To offer this benefit, 75% of eligible members would need to participate in the life insurance program.

Manager Markel went on to explain that once a community elects to participate in the Virginia Retirement System, the membership is irrevocable. Existing qualifying employees would need to be offered the

opportunity to participate in the system, however, they can decline. All new qualifying employees would automatically become members of the program. Once an employee leaves the employment of the Town, the Town's financial responsibilities to VRS cease, however the employee's account would remain and their service benefits would be attached by name to the Town. If the former employee opted to cash out their accrued benefits the account would be closed and if the former employee took employment at a new VRS member locality, the account would transfer to the new employer.

In lieu of membership in VRS, the Town currently provides employees with a contribution to the ICMA-RC 401 plan in an amount equal to five percent of their annual salary. Should the Town Council become a member of the Virginia Retirement System, I would recommend that those funds be redirected towards funding the payments to VRS.

The Town Manager recommends in favor of joining the Virginia Retirement System and providing for the full funding of the benefit, including the 5 percent employee match, for both Plan 1 and Plan 2 participants, along with full coverage for the group life insurance. Manager Markel noted that this commitment is in the 2012 budget.

Mayor Walker called for discussion. Councilman Sparbanie asked if Mr. Lam's statement regarding the number of hours that qualify an employee for the program was correct. Manager Markel explained that it is his understanding that the Town sets the threshold for eligibility, not VRS. He said that this threshold will be set by Council.

Councilman Staley suggested that the Council hold a work session to review the details of this item before bringing it to a vote. Vice Mayor Zoldos asked Manager Markel if there is any time sensitive issue here and Manager Markel confirmed that this is not time sensitive. Vice Mayor Zoldos supported the idea of holding a work session, noting that this is a future obligation that could be staggering to the Town and it must be evaluated in that light.

**Motion:** To table the VRS discussion and schedule a Mayor and Council work session to discuss this item on Saturday, February 11, 2012 at 8:00 AM.  
**By:** Council Member Staley  
**Second:** Council Member Sparbanie  
**Aye:** Council Members Carder, Coleman, Senate, Sparbanie, Staley, Zoldos  
**Nay:** None  
**Abstain:** None  
**Absent:** None

#### D. Town Green Bandstand Resolution of Support

Manager Markel presented this item. Council is being asked to set a budget for the Bandstand/Gazebo and provide direction on next steps. He explained that the Town has always planned to install a Bandstand/Gazebo in the Town Green. A concept plan developed by Town Center Development as well as the Town Green Concept Plan developed by the Town shows a Bandstand structure. The Town has budgeted \$45,000 for the development of the structure in FY 2012. The Parks Committee has begun work on developing this bandstand structure and has identified that the bandstand/gazebo needs to be attractive and functional and that careful selection of the structure is critical. After conducting some initial pricing on gazebo kits as well as the costs for architectural design support, the Parks Committee has identified a desire to utilize a professional architect to design the structure and that a budget of Not to Exceed \$150,000 will provide the resources to construct a bandstand structure that will be a signature landmark in the community as well as attractive and functional for events held at the Town Green. Staff, in consultation with representatives from the Parks Committee has a Resolution for Town Council consideration. If Town Council chooses to pass the resolution, the Parks Committee recommends approving the Phase 1 Scope of Services with Architect Clint Good.

**Motion:** I move that Town Council approve Resolution 2012-01-003 to Support the Construction of a Town Bandstand in the Town Green (Attachment V). I further move that Town Council authorize the Mayor or Town Manager to sign the necessary paperwork to initiate Phase 1: Town Green Bandstand Programming/Schematic/Budgeting Services with Architect, Clint Good, for a cost not to exceed \$9,000.

**By:** Vice Mayor Zoldos

**Second:** Council Member Carder

Mayor Walker called for discussion. Councilman Senate stated that the Committee sees this as a very important part of the Town, and feels it must be sized to the site and designed to fit in with its surroundings. He stated that it must not dwarf any of the adjacent homes. Councilman Sparbanie asked if the committee has been in touch with the surrounding homeowners. Councilman Senate stated that the committee does not have anything new to show the residents – all of the drawings showing this structure pre-date any of the homes. Adjacent homeowners will be personally invited to the public input portion of this process.

Councilman Staley stated that it would probably be in the Town's best interest to authorize payment for the rendering in order to have it available at the public input sessions. Councilman Senate explained that the basic black and white drawing will be provided in any case, the additional expense would be to provide color and CAD produced designs for the public to review. Vice Mayor Zoldos stated that he does not like the fact that the Town would be paying for a draftsman and not receiving an architectural rendering. Manager Markel explained that the product the Council is seeking would normally be produced during Phase II of the project, when renderings are produced so that the project can be put out for bid.

Vice Mayor Zoldos stated that he would like to see 3D renderings that the homeowners can rotate in order to see exactly what the structure would look like from their perspective. Mayor Walker stated that she would like to see a more detailed description of the product before allocating this money. She is very uncomfortable with the 'undetermined amount' part of the proposal.

Councilman Staley stated that the preliminary renderings must include enough reference points to clearly show the scale of the proposed structure. Councilman Senate stated that he would like to see more specific information explaining exactly what the Town would be paying for in this phase of the project. Vice Mayor Zoldos stated that he would like the contract modified to ensure that we get a computer generated model from this step. Mayor Walker noted that the Town still has the option of selecting a commercial kit, as researched by Project Manager Fellers and Manager Markel. Vice Mayor Zoldos stated that he does not feel that the architect is committed to providing the Town with what is needed to present the project to the public.

The Council declared a recess at 9:30 PM and came out of recess at 9:42 PM to allow staff to pull together some images that have been filed away.

Manager Markel provided Council with some pictures from the architect's website showing what might be provided under the contract. He recommended that staff go back to the architect and request more details on the product to be delivered from this phase of the project. Vice Mayor Zoldos asked Manager Markel to specifically ask for samples and to get a firm price on color renderings.

**Motion:** To table Resolution 2012-01-003 to Support the Construction of a Town Bandstand in the Town Green until additional information is available.  
**By:** Vice Mayor Zoldos  
**Second:** Council Member Senate  
**Aye:** Council Members Carder, Coleman, Senate, Sparbanie, Staley, Zoldos  
**Nay:** None  
**Abstain:** None  
**Absent:** None

#### Economic Development Advisory Committee Presentation

Councilman Staley reported that the Committee had not met since the last Council meeting. They will be presenting a list of new Committee members to the Council at its next meeting for review. The next EDAC meeting is scheduled for February 16<sup>th</sup>.

#### E. MayFest Financial Support and Planning

Councilwoman Carder thanked Vice Mayor Zoldos and Councilman Staley for their assistance in helping prepare a budget and a physical site plan for the event. She stated that the Movie on the Green the night

before MayFest will be part of the MayFest budget. The Council discussed possible parking solutions, the parking of fire trucks throughout the event, the hayride and the need for handicapped parking. Vice Mayor Zoldos presented a tentative budget totaling \$4,999. The committee is asking the Town for \$5,000 to fund the first year of the event and stated that income from this year will serve as seed money for next year's MayFest and thereby help insure that this is an on-going event. Councilwoman Carder explained that the committee is still researching the requirements for ABC licensing.

**Motion:** I move that the Town Council officially establish MayFest as one of the Town's sponsored events and appoint Councilwoman Carder as Chairwoman of the event committee.

**By:** Councilman Sparbanie

**Second:** Councilman Senate

Mayor Walker called for discussion. Vice Mayor Zoldos stated that the expectation is that this committee will take on the same structure as the Oktoberfest Committee. There being no further discussion, Mayor Walker called for the vote.

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

**Nay:** None

**Abstain:** Councilwoman Carder

**Absent:** None

F: Lovettsville Elementary School Playground Project

Manager Markel presented this item. He reported that the PTO is asking for additional funding from the Town. Mayor Walker said that she was surprised that they were trying to raise all the funds out of this year's funding cycle. Councilman Sparbanie suggested deferring this request and asking them to report on what their total fundraising has been so far from other groups. Vice Mayor Zoldos agreed and stated that the Town needs to explain that it cannot allocate from next year's budget until next year and that this may not meet their scheduling needs. The Council all expressed their support for this project but do not want the Town to be the sole sponsor. Vice Mayor Zoldos noted that although he supports helping the PTO with the Playground project, this is another example of the Town funding a project on County property without the County providing support back to the Town.

Information Items

No information items were presented.

Comments from the Mayor and Town Council

Councilwoman Carder thanked everyone for all the support she is getting for MayFest.

Councilman Senate reported that there is still a problem with speeding vehicles on Loudoun Street.

Councilwoman Coleman thanked everyone who had brought in food for the Lovettsville Food Bank.

Councilman Staley thanked Manager Markel for all of his work in resolving the problems brought on by the automobile/hydrant accident.

Vice Mayor Zoldos reminded everyone that there will be PTO bingo and a chili cook-off tomorrow night at the Lovettsville Elementary School

Mayor Walker reported on the following:

- The Coalition of Loudoun Towns meeting she attended was very informative.
- The office hours she and Councilwoman Coleman held earlier this week was very well attended.
- She plans to continue meeting with Comcast to resolve open issues.
- She attended the Visit Loudoun event yesterday and the Chamber of Commerce luncheon earlier today.

The Council went into closed session at 11:15 PM. (Attachment VI: Closed Session Motions)

The Council came out of closed session at 12:00 Midnight. Let the record reflect that Councilwoman Carder left the closed session at 11:50 PM. All council members present at the end of the session



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 immediately following the Closed Session.

Respectfully submitted,

  
Judy L. Kromhofz, Town Clerk

Date Approved: March 22, 2012

Attachments:

- I. Public Hearing Notice from *Purcellville Gazette*
- II. Speaker Signup sheet
- III. Ordinance 2012-01-001: Approve LVZA 2011-0004, Amending Sections 7-5, Sign Standards, 7-6, Signs in residential Districts, and 7-7, Signs in Commercial and Light Industrial Districts
- IV. Ordinance 2012-001-002 Approve LVZA 2011-0006, amending sections 2-13, mixed use business district C-2 and 3-14, light industrial district I-1, to permit contractor offices with Outdoor Storage
- V. TABLED: Resolution 2012-01-003 to Support the Construction of a Town Bandstand in the Town Green
- VI. Closed session motions

Written Submissions to Council: None



## Public Hearing/Legal Notices

### ADVERTISEMENT

#### Request for Proposal (RFP)

#### Public Information and Communications Services for the Town of Purcellville

The Town of Purcellville is requesting proposals for public information and communications services for the Town. Download the Request for Proposal (RFP) at the website, [www.purcellvilleva.gov](http://www.purcellvilleva.gov), or contact Steve Coakley, Budget/Procurement Specialist, at (540) 751-2351 or [scoakley@purcellvilleva.gov](mailto:scoakley@purcellvilleva.gov). The Town will hold a mandatory Offerors conference on February 1, 2012 at the Town Hall located at 221 South Nursery Avenue, Purcellville, Virginia, 20132. The Town will accept proposals until February 15, 2012 at 2:00 PM (EST), at the Town Hall. All other relevant items are identified in the RFP.

#### Public Hearing Notice Lovettsville Town Council

The Lovettsville Town Council will hold a public hearing at 7:30 PM Thursday, January 26, 2012, to hear comments from any person on the following:

#### LVAZ 2011-0004 Sign Ordinance Modifications:

To amend the Town of Lovettsville Zoning Ordinance Article 7, Section 7-5, 7-6, and 7-7 as follows: allow one open sign for each street frontage of a business, allow pole signs as a permitted sign type in various zoning districts, and reduce the height of monument signs for single businesses and subdivisions from 10 feet to 6 feet.

#### LVAZ 2011-0006 Contractor Use in C-2 and I-1 Districts:

To amend the Town of Lovettsville Zoning Ordinance, Article 3, Section 3-13, to allow contractor use in the C-2 Mixed Use Business District as a conditional use and Section 3-14, to allow contractor use in the I-1, Light Industrial District as a permitted use.

The text being considered is as follows:

Contractor office in a permanent building with interior and outdoor storage of related equipment, materials, and vehicles.

The hearing will take place at the Town Office, 6 E. Pennsylvania Avenue, Lovettsville, Virginia 20180. The text under consideration is available for review on the Town's website ([www.purcellvilleva.gov](http://www.purcellvilleva.gov)) and at the Town Office between the hours of 9AM and 3PM weekdays or by special appointment. Call 540-822-5788 for more information. In the event the meeting is cancelled due to inclement weather, the Public Hearings will be convened on February 9, 2012, at the same time and place.

#### Public Notice

The Town of Purcellville is seeking bids from licensed contractors for snow removal, hauling and related services to use on an as needed basis. The Town maintains approximately 55 lane miles of roadways and multiple Town-owned properties within the Town of Purcellville. The Town will select multiple contractors to provide emergency on-call services, including weekends and holidays, within a two-hour response time, as needed.

Interested bidders should go to the Town's Web site at [www.purcellvilleva.gov](http://www.purcellvilleva.gov) and open IFB #ID-12152011-01 on the bid tab page. Bids are due by 10:00 a.m., January 6, 2012. Any questions should be directed to Maintenance Superintendent, Leson D'Arcy at [ljdarcy@purcellvilleva.gov](mailto:ljdarcy@purcellvilleva.gov) or 540-338-7440, ext. 222.

## Town

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singer and songwriter, will perform original selections and country and folk hits on the acoustic guitar in celebration of the Lovettsville Library's 22nd birthday!

### More Steps Taken Toward Construction of SCR

The Town of Purcellville was able to obtain three final temporary construction easements needed for completion of the SCR linkage to Main Street and Rt. 287. This final hurdle will allow the Town to bid the project later this month.

It is anticipated that a construction contract will be awarded at the March Town Council meeting with work to begin the end of March. The project will take from 15 – 18 months for completion.

### Phase 1 of 21st Street Project Coming to a Close

Phase 1 of the Town of Purcellville's Downtown Improvement Project is coming to a close. Weather permitting, the majority of the work on the project is scheduled to be completed by the end of this month. Only punch list items will remain.

The 21st Street sidewalk project continues to move forward. The new water line has been installed and service lookups to customers are being installed as well. Storm water improvements will follow shortly and Dominion Power is scheduled to relocate the power lines.

### Second Loudoun Grown Expo Set for February 18

The Town of Purcellville will be sponsoring a second Loudoun Grown Expo on February 18 from 2 to 6 PM in the historic Bush Tabernacle at Fireman's Field. The event is free to attend.

So far there are five wineries and Purcellville's own Caloclin Creek Distilling Company signed up to participate. Along with those are several local producers and CSAs onboard.

Last year more than 1,000 people enjoyed this special event. Local musicians will also participate. ♦

## Local

*Continued from page 1*

day Saints, made contact with other scouts in Ohio and New York as well as nearby Middleburg and Fairfax VA. While this was a fun annual event, it was also very informative. One never knows when such training could be extremely beneficial. Thankfully this time these local boys as well as scouts around the world were using short wave radio just to hear it up not to request help in an emergency. ♦

## Smokin'

*Continued from page 1*

in house. They will also offer fresh salads with various meat options as well as choice cuts of meat for steaks and filets. "We have a good idea of what is missing in our area and after seven years in catering with Smokin' Willy's, we have a great menu."

They will be located in the former home of Mom's Place which recently closed its doors unexpectedly. They were asked about their experience both in business as well as service. With a big smile, Chris said, "Dei South has been in business for 19 years and for 18 of those years we have been voted the Best Deli in Loudoun." He went on to say that Smokin' Willy's has catered hundred of events in Loudoun and works closely with local wineries such as Lost Creek and Casanel Vineyards. They will continue to offer catering as well as to-go options for those returning home from work.

While visiting with the Scharrers, one question that was not answered were the details about the name of the business. Shannon indicated that it was Chris' nickname in college. When asked why, all Chris could say was, "I guess you will have to come after we open and I might tell you. While the opening of a new restaurant in Purcellville is exciting, the curiosity factor alone about the name of Smokin' Willy's should make for some interesting discussion over a rack of ribs! ♦

# Town of Southville

## Speaker Sign - Up Sheet

Town Council Public Hearings and Regular Meeting - January 26, 2012

Please Print.

Name and Association	Address	Topic	Email Address (Optional) <sup>1</sup>
Bryce Lee	21300 Sycamore Dr	VRS	
Howard Williamson	12007 LUTHERWOOD SHELBYVILLE, TN	SHELBYVILLE BUS HARVEST	howardw@shelbyville.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

Ordinance No. 2012-01-001

APPROVE LVZA 2011-0004, AMENDING SECTIONS 7-5, SIGN STANDARDS, 7-6,  
SIGNS IN RESIDENTIAL DISTRICTS, AND 7-7, SIGNS IN COMMERCIAL AND  
LIGHT INDUSTRIAL DISTRICTS

MOTION: Sparbanie

SECOND: Senate

WHEREAS, adoption of revised Article 7, addressing Signs, in January 2011, omitted certain measures related to business signage that had been topic of study and recommendation by the Sign Committee and these omissions were brought to the attention of staff for remedy, with specific measures addressing pole signs, monument signs and "open" signs; and

WHEREAS, the Town Council referred the matter to the Planning Commission for its recommendations; and

WHEREAS, the Lovettsville Town Council and Lovettsville Planning Commission conducted public hearings on the proposed amendments January 26, 2012 and January 4, 2012, respectively, pursuant to notice given in accordance with the requirements of Va. Code section 15.2-2204; and

WHEREAS, the Planning Commission recommended approval of the amendments January 4, 2012; and

WHEREAS, the Town Council has determined that the proposed amendments are consistent with good zoning practice and that the health, safety and welfare of the Town and its citizens will be promoted by adoption of the text revisions.

NOW, THEREFORE, BE IT ORDAINED by the Lovettsville Town Council that sections 7-5, Sign Standards, 7-6, Signs in Residential Districts, and 7-7, Signs in Commercial and Light Industrial Districts, in Article 7 of the Zoning Ordinance be repealed and reenacted as set forth in the text attached hereto.

VOTE:

Ayes: Carder, Coleman, Senate, Sparbanie, Staley, Zoldos

Nays: None

Abstentions: None

Absent for vote: None

APPROVED January 26, 2012

  
JUDY KROMHOLZ, TOWN CLERK

  
ELAINE WALKER, MAYOR

*The German Settlement*

Section 7-5 SIGN STANDARDS

\* \* \*

B. Standards by Sign Type

\* \* \*

(18) Monument.

i. Maximum Height: Ten (10) feet for sites with multiple Businesses; and six (6) feet for sites with single businesses and residential subdivisions.

\* \* \*

(19) OPEN sign. One OPEN sign is permitted per business, per street frontage. Sign area shall not exceed 1.5 square feet (See Section 7-5A.(8), ~~General, Sign Illumination for illumination~~ (iii) of for OPEN signs. (No permit required.)

Section 7-6 SIGNS IN RESIDENTIAL DISTRICTS

A. Residential Developments. Standards apply to residential communities or subdivisions that are developer-owned or that have homeowners associations and to the common areas within these communities or subdivisions. These standards do not apply to individual lot within such communities or subdivisions.

(1) One (1) monument sign showing only the name of the community or subdivision per external street entrance into the community. No other type of sign is permitted in this location, except for temporary signs, as described in (iv) of this section. [Note that this should be (4) not (iv).]

(2) The height of the sign shall not exceed ~~five (5)~~ six (6) feet from the ground.

\* \* \*

B. Non-Residential Uses in Residential Districts.

(1) Types of signs permitted. ~~:- wall, monument, projecting, flag, portable.~~ Flag, Monument, Pole, Portable, Projecting, and Wall. No more than one (1) sign of any type sign per lot.

(2) Number of signs: one (1) per street frontage; two (2) per lot.

\* \* \*

Section 7-7 SIGNS IN COMMERCIAL AND LIGHT INDUSTRIAL DISTRICTS

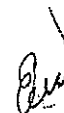
\* \* \*

- C. Signs for Multiple Business Developments. The following sign standards apply to all lots (or multiple contiguous lots under the same ownership) with multiple businesses; including office parks, light industrial parks and shopping centers.

\* \* \*

- (3) Types of signs permitted: ~~Wall, monument, projecting, awning, portable, or canopy.~~ Awning. Canopy. Flag. Monument. Pole. Portable. Projecting. and Wall.

\* \* \*



# Town of Lovettsville

Ordinance No. 2012-01-002

APPROVE LVZA 2011-0006, AMENDING SECTIONS 3-13, MIXED USE BUSINESS DISTRICT C-2 AND 3-14, LIGHT INDUSTRIAL DISTRICT I-1, TO PERMIT CONTRACTOR OFFICES WITH OUTDOOR STORAGE

MOTION: Senate

SECOND: Coleman

WHEREAS, staff determined that contractor office uses with outdoor storage was deleted inadvertently during recodification of the Light Industrial District uses and also recommended consideration of such use for the Mixed Use Business District C-2; and

WHEREAS, the Town Council referred the matter to the Planning Commission for its recommendations; and

WHEREAS, the Lovettsville Town Council and Lovettsville Planning Commission conducted public hearings on the proposed amendments January 26, 2012, and January 4, 2012, respectively, pursuant to notice given in accordance with the requirements of Va. Code section 15.2-2204; and

WHEREAS, the Planning Commission recommended approval of the amendments January 4, 2012; and

WHEREAS, the Town Council has determined that the proposed amendments are consistent with good zoning practice and that the health, safety and welfare of the Town and its citizens will be promoted by adoption of the text revisions.

NOW, THEREFORE, BE IT ORDAINED by the Lovettsville Town Council that sections 3-13, Mixed Use Business District C-2, and 3-14, Light Industrial District I-1 of the Zoning Ordinance be amended as set forth in the text attached hereto.

VOTE:

Ayes: Carder, Coleman, Senate, Sparbanie, Staley, Zoldos

Nays: None

Abstentions: None

Absent for vote: None

APPROVED January 26, 2012

  
JUDY KROMHOLZ, TOWN CLERK

  
ELAINE WALKER, MAYOR

*The German Settlement*



Section 3-13 MIXED USE BUSINESS DISTRICT C-2

\* \* \*

(c) CONDITIONALLY PERMITTED USES

The following uses may be permitted within the C-2 district, Conditional Use Permit process and criteria as established in this Ordinance.

\* \* \*

(ix) Contractor office in a permanent building with indoor and outdoor storage of related equipment, materials and vehicles.

\* \* \*

Section 13-14 LIGHT INDUSTRIAL DISTRICT I-1

\* \* \*

(f) PERMITTED USES:

\* \* \*

(xviii) Contractor office in a permanent building with indoor and outdoor storage of related equipment, materials and vehicles.

\* \* \*



# Town of Lovettsville

RESOLUTION 2012-01-000\_: RESOLUTION TO SUPPORT THE CONSTRUCTION OF A TOWN BANDSTAND IN THE TOWN GREEN

MOTION:

SECOND:

WHEREAS the Town of Lovettsville along with the Developer of the Lovettsville Town Center Community has planned for a permanent bandstand structure in the Town Green since 2005, and

WHEREAS the Town of Lovettsville has identified this structure as a project in the Capital Improvements Plan since 2007; and

WHEREAS the Town of Lovettsville recognizes the significant contribution this structure will make to the quality of life of Lovettsville citizens and the greater Lovettsville community by providing low or no cost family friendly activities; and

WHEREAS the Town of Lovettsville believes that by promoting more special events in the Town Green, the current and future businesses of Lovettsville will benefit from increased activities; and

WHEREAS the Town of Lovettsville recognizes that this structure will be a signature landmark in the community for years to come and therefore wishes to engage the expertise of an architect to assist in the planning, sighting, and design selection of this structure; and

WHEREAS the development and construction of this structure will be of significant interest to local residents and public input on the proposed concept designs will make a valuable contribution to the project.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Lovettsville endorses the planning, design and construction of the Town Green Bandstand.

BE IT FURTHER RESOLVED that the Town Council of the Town of Lovettsville direct the Parks Committee to continue their efforts by contracting the services of a qualified architect to begin the planning and design process and solicit citizen ideas and recommendations through at least one community input meeting.

BE IT FURTHER RESOLVED that funds for the planning, design, engineering and construction of this structure will come from the General Fund and General Reserve Funds from the Town of Lovettsville, in a total amount not to exceed \$150,000.

VOTE:

AYES:

NAYS:

ABSTENTIONS:

ABSENT FOR VOTE:

Adopted this \_\_\_\_ day of February, 2012

\_\_\_\_\_  
Elaine Walker, Mayor

Attest:  
\_\_\_\_\_

TABLED

# Town of Lovettsville

## VIRGINIA FREEDOM OF INFORMATION ACT

### Resolution: AUTHORIZE CLOSED SESSION

Date: 01/26/2012

Time: 11:15

MOTION BY: Bob Zoldos

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

- 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, *regarding the Planner / zoning Administrator position; and*
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.]~~ *with regard to an appeal by Patsy and Oliver Frye of a decision by the Board of Zoning Appeals.*
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: T. Sparbanic

VOTE:

Ayes: B. Zoldos - T. Sparbanic - S. Steley - T. Corder  
Nays: none  
Abstentions: none  
Absent for vote: none

[M. Jenate - C. Coleman

Roll-call poll by presiding official:

Note: Tiffany Corder left at 11:58 PM.

"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:"

1/27, 2017<sup>2</sup> at 12:00 Midnight PM

Certified:

Tina W. [Signature]  
Mayor

