

Town of Lovettsville

Town Council

Minutes of Public Hearing and Regular Meeting April 12, 2012

PUBLIC HEARING

The Lovettsville Town Council Public Hearing on LVSU 2011-0001 Administrative Approval of By-Right Subdivision Applications was called to order by Mayor Elaine Walker at 7:30 PM 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 Jack Burden, Tiffany Carder, Tim Sparbanie, Shaun Staley and Michael Senate.

The Mayor also introduced the Town Staff, including Town Manager Keith Markel, Zoning Administrator Melissa Hynes, Attorney Elisabeth Whiting, and Deputy Town Clerk Harriet West.

Absent

None

Explanation of Procedures and Opening of the Hearing

Mayor Walker read the public notice of this Public Hearing on LVSU 2011-0001 Administrative Approval of By-Right Subdivision Applications as it appeared in the *Purcellville Gazette* as shown in Attachment I.

Presentation

Manager Markel presented this item. He noted this is something that the Town has been talking about for the past several years. This would take those items that do not require any discretionary decision making by the Planning Commission and move them to the Zoning Administrator for approval. This will speed up the process and is common in many communities throughout Loudoun County and Virginia. This will make it easier to do business with the Town and relieve some of the burden on the Planning Commission. He noted that any preliminary plat would automatically go to the Planning Commission for their review, as well as any other plan that comes in that is requesting anything outside of what the ordinance requires.

Councilman Staley noted one person spoke out at the Planning Commission and felt this was too much power given to staff. He asked if there was any additional information about why the citizen felt that way. Manager Markel indicated that there was nothing he could clarify this evening.

Public Speakers

No one in the audience has signed up to speak on this topic (Attachment II: Speaker Sign Up Sheet). Mayor Walker asked if anyone wished to speak and no one did.

Declaration to Close the Public Hearing

Mayor Walker declared this public hearing closed at 7:37 PM.

Regular Meeting

Mayor Elaine Walker called the regular meeting of the Lovettsville Town Council to order at 7:37 PM on Thursday, April 12, 2012.

Present at Meeting

- Mayor Elaine Walker
- Vice-Mayor Robert Zoldos II

- Council Members Jack Burden, Tiffaney Carder, Tim Sparbanie, Shaun Staley, and Michael Senate.
- Town Manager Keith Markel
- Town Attorney Liz Whiting
- Zoning Administrator Melissa Hynes
- Town Treasurer Lance Gladstone (arrived at 9:07 PM)
- Deputy Town Clerk Harriet West

Absent

None

Call to Order/Welcome/Pledge of Allegiance/Invocation

Mayor Walker led the assembly in the Pledge of Allegiance.

Presentations

A. New Business Presentation for 34 East Broad Way – Tim Keena

Manager Markel presented this item. The Council is being asked to consider a request from the property owner and prospective tenant of 36 East Broad Way for a possible reduction in required off-street parking necessary for the proposed microbrewery

A microbrewery is a conditionally permitted use in the C-1 Zoning District. Since the term Brew Pub is not a term found in the Town of Lovettsville Zoning Ordinance; for these purposes Staff will be referring to this project as a Microbrewery/Restaurant. The Town of Lovettsville is currently using the following definition for a microbrewery: "A microbrewery is an establishment where the manufacturing of beer occurs in conjunction with one or more of the following uses: a restaurant and bar, a tasting room and/or a retail sales and service."

The property owner and prospective tenant have requested to address the Mayor and Town Council to discuss their concerns over the current parking requirements for their proposed use. Their intent is to informally gauge the Town's level of support for a possible reduction in parking requirements through a discussion of the project with the Town's elected officials.

Staff will determine the required parking by looking at the floor plan for the space and determine how many square feet will be used for the brewing (or the Manufacturing) of beer and how many square feet will be used for a restaurant. Looking at the Off-Street Parking Space Requirements – staff considers the brewing of beer to fall under the category of the "Manufacturing, Processing or Creating Goods & Merchandise" which uses the Parking Space requirement of 1 space per 400 SF of GFA and the remaining space will be considered the Restaurant which we will use the 7.5 spaces per 1,000 SF of GFA.

The final determination on parking requirements will be based on the applicant's final floor plan with square footage ratio of restaurant space to manufacturing of beer space.

The Mayor welcomed Tim Keena, the property owner and applicant. He stated he purchased 34 and 36 East Broad Way 14-16 years ago and has had the same people running their mortuary service there until last October/November, when they decided to work out of their Leesburg location. The building was built in approximately 1939 and has been run as a funeral home. He further stated it is an old building and is not set up for too many standards and that is why he is trying to get a feel for if he should proceed with a new business moving in to the structure. He was approached by Scott Young about running a microbrewery. He stated there are three problems as it stands right now – parking, the water meter does not meet the current requirements (there is one meter for the funeral home and the adjoining house), and phasing it in as a restaurant while the business is waiting for the state and federal approvals to operate microbrewery.

Scott Young thanked the Council for the opportunity to speak to them. He stated that the business model of what he would like to do is more along the lines of a winery. He noted the challenges are getting the water split out between the two properties and providing enough parking.

Mr. Keena noted the parking lot currently has 8 spaces and they would need 10 the way the business is currently designed. They would ask for relief on the water meter right away since the cost is a minimum of \$20,000. They will also have to reconfigure the bathrooms for handicapped use. Manager Markel explained that the meter size would be determined by usage and fixture counts. He also noted that the ordinance requires more parking than is available now.

Mr. Young stated he had made modifications to the layout of the restaurant to minimize the parking spots necessary and he has gotten it down from 15 to 10 required spaces.

Councilman Senate asked Mr. Young what is his plan if he is successful? Mr. Young responded that he could be open in 60 days as a normal restaurant and they would sell their own gourmet non-alcoholic root beer and birch beer. After the alcohol production license is granted, then they would produce their own beer.

Councilman Senate noted that if the business is really successful there will be more than 10 cars and he does not want to see the parking hamper business. He asked if the house next door is part of the business. Mr. Keena stated that no, it is not.

Manager Markel noted that the ordinance allows for shared parking agreements if the shared parking spaces are within 300 feet of the business that needs the parking spaces. He further noted that hopefully this will be the start of future endeavors to partner with private land owners to provide parking relief for businesses in this part of Town.

Mr. Young stated that they are limited by the size of the building so they would probably never have that many cars.

Councilman Zoldos noted that the Zoning Administrator had come up with some ideas to address the parking issue, if the owner wanted to do that. Administrator Hynes stated there may be an opportunity to work with other property owners in the area to develop more areas for parking. Manager Markel also noted there is no on-street parking nearby so they need to address the parking on the front end of the process.

Councilman Sparbanie stated he had no concerns about the parking or the phasing issue but asked what they were asking for regarding the water meter. Mr. Keena stated he did not have the answer to that yet.

Councilman Staley asked how the house and the business would be served with water. Mr. Keena stated that the water will be split out between the house and the business, he just was not sure how quickly. Mr. Young stated the minimum cost is \$20,000 and that is a lot to come up with.

Mayor Walker noted there is another business in Town where there are multiple businesses on one water meter. The water is then separated inside the building. Councilman Senate stated this is the fastest and cheapest approach in the beginning and is fairest to renters. He believes they can put this together because they want new businesses in Town.

Councilman Staley stated there was a lot of excitement about this and that they have received emails in support of the brewery. Obviously there are some concerns and some of the constraints can be difficult to meet. His suggestion is to get together with staff to see if there can be some type of agreement that could be worked out. He added that this should be done sooner, rather than later, since they have someone who is excited about starting a business in Town. Mayor Walker noted that a work session may be in order.

Councilman Sparbanie noted that this presentation was on the agenda for March 22, 2012 and he asked why it was withdrawn. Mr. Keena explained that originally Mr. Young felt things were insurmountable and that he had a location in Purcellville that meets the criteria but was probably more expensive. Mr. Keena stated he had received a telephone call from a Council Member inviting them back. Councilman Sparbanie stated they were excited about this business.

Councilman Staley asked if there were deadlines they needed to be aware of for planning purposes.

Councilman Zoldos responded that the first step for them is the Conditional Use Permit and designing in the possible parking and water meter relief inside that process. He stated he thought what the potential business owner and property owner wanted tonight is exactly what they have gotten, excitement around the Council, and a feel that if they put the time and effort in it will not be stopped by one technicality, it would have to be several things that cannot be worked out.

Councilman Sparbanie asked if they had been in contact with the Department of Health and Loudoun County. Mr. Young stated he had talked to them about the big things but most of them depend on location.

Comments from the Public (Attachment 1: Speaker Sign Up Sheet)

Vice-Mayor Zoldos read the rules for public comment. Mayor Walker introduced each speaker in the order in which they had signed up to speak.

Mr. Christopher Zeigler (26 Tritapoe Place) spoke on behalf of the New Town Meadows Home Owners Association about neighborhood fences. He stated he is the Chairperson for Covenants Committee for New Town Meadows and that they have received some complaints about some fences his committee has approved. The current fence height limit throughout the whole Town is three feet, but they have approved some that are five and six feet. A lot of the neighbors do not like the look of this. He would like the Town to consider increasing this height limit for corner lots in neighborhoods. He provided a drawing of design guidelines for a four-foot fence that would not obstruct views. Mayor Walker asked if he had spoken to the Zoning Administrator about this issue. Mr. Zeigler stated that he had not spoken to the Zoning Administrator, but he had spoken to a couple of Council Members. Councilman Staley stated he lived in the subdivision and could speak to this issue. He stated he could see why some of the neighbors would complain. There were also questions about a fence that was approved five years ago. The fence could potentially be a safety hazard when you come around corners. There is a case to be made there but he is not sure what the requirements are with the Virginia Department of Transportation.

Mr. Mike McPeak (16 South Berlin Pike) spoke on behalf of the Lovettsville Game Protective Association about the annual carnival. He sent a letter about a month ago to Keith Markel about the annual carnival, which will be held June 19-23, 2012. The carnival operator needs to do their tear down between 10:00 PM on Saturday, June 23 and 4:30 AM on Sunday, June 24. They are requesting a waiver to conduct the tear down between those hours. As requested last year, they notified adjacent property owners, moved the generators further from the property lines, and moved the tenant housing for the carnival operators. He stated that instead of getting complaints, last year they got several thank yous. They are requesting a waiver again for the tear down this year. Councilman Sparbanie noted that after they approved the waiver last year, they got a request from a neighbor two weeks later asking them not to approve it. He asked if they had been in contact with the neighbors again this year. Mr. McPeak stated that they notified all of the neighbors this year and that they had received no comments. Manager Markel noted that the request not to approve the waiver was from last year, not this year. Mayor Walker asked if the letters had been sent and how were they mailed. Mr. McPeak confirmed the letters had already been sent and that they were sent by regular mail.

Community Presentations

A. Lovettsville Community Center

Manager Markel reported that the Director of the Community Center was unable to attend but that they do have the movies selected for the summer series and they are posted on the Town's website. He added that sponsorship letters will be going out shortly to encourage participation from the local business community and nonprofits.

B. Lovettsville Planning Commission

Manager Markel reported that the Planning Commission's meeting earlier this month was cancelled and they will be meeting again next week.

C. Economic Development Advisory Committee

Councilman Staley reported that the last meeting cancelled due to lack of participation. He added they will be making changes with how they approach membership.

D. MayFest

Councilwoman Carder reported that their meeting this past Tuesday went well. She is pleased to report revenues of \$1,150 so far. There are 30 confirmed vendors, including three wineries. She noted that thanks to Jim McIntyre, Corcoran Vineyards will be a Silver Sponsor. She added that Council Member Zoldos talked to the owner of Loudoun Party Rentals and they will be giving the Town a good deal on the obstacle course and possibly a moon bounce. She stated she is also checking on a slide and face painter for the family fun zone. She thanked each of the many volunteers who are helping facilitate calling on other businesses and coordinating various events. For the awards, the committee decided to present trophies to the first place winners and ribbons for second and third place winners. They will have an Olympic-style podium for the winners and ribbons for random prizes will also be awarded. She concluded by stating she has an awesome team and there are a lot of good ideas still being generated. The next meeting will be on April 24.

Mayor Walker asked if anyone else wished to speak. There were no additional speakers at this time.

Additions/Deletions/Modifications to the Agenda

None

Minutes

No minutes were submitted.

Report from the Treasurer

No report was submitted.

Staff Reports

A. Report from the Zoning Administrator

No report was submitted.

B. Report from the Project Manager

No report was submitted.

C. Report from the Town Attorney

The Town Attorney had no formal report.

D. Report from the Town Manager

Manager Markel referred to his written report. He noted that the museum repairs are underway and he referenced a number of upcoming events on the calendar. He also stated they have received an application for one of the vacancies on the Planning Commission and will be scheduling an interview soon.

Councilman Sparbanie asked about the conflict between the developer and the Virginia Department of Transportation (VDOT) on Lange Drive. Manager Markel explained that this has to do with three design issues that have been raised that do not meet VDOT standards – the tie-in connection, the grade for the handicapped ramp, and the crown in road.

A. Game Club Carnival

Manager Markel presented this item. Council is being asked to consider a request by the Lovettsville Game Protective Association to allow for extend time during the overnight hours following the last day of the carnival to disassemble and remove their carnival equipment.

He explained that over the years the Lovettsville Game Protective Association (Game Club) has held a summer carnival on their property located at 16 South Berlin Pike. This event consists of food vendors, amusement rides, games, and entertainment. The carnival is typically held for less than a week and operates from early evening to 10:00 pm.

According to Town records, the property is zoned R-1, Residential. The carnival use, like many of the uses on this property has become an historical non-conforming use. Because of the unique and limited

nature of these special events, it has become customary for the Game Club to request special permission from the Town to host these events. The Town has granted these requests with the condition that specific requirements be met to ensure the safety and enjoyment of the participants and the adjacent property owners.

Because of scheduling contracts with the carnival ride concessioner last year, the Game Club came before the Town Council to ask that the amusement rides be deconstructed during the overnight hours following the last night of the carnival. Previously, the Town had required that all public activity cease by 10:00 pm and that all deconstruction activity cease by 12:00 am on the last night of the carnival. The operators of the amusements were allowed to begin deconstruction after 8:00 am the following morning.

The Game Club has notified the Town that again this year the schedule constraints make it so the rides need to be deconstructed during the overnight hours after the last night. The Game Club is again seeking the Town Council's permission to allow the carnival ride concessioner to deconstruct their equipment during the overnight hours following the last day of the carnival. This would mean activity would take place all night long from after the carnival ends on Saturday, June 23, through the morning of Sunday the 24th.

The Town Council approved a similar request last year with several conditions including the following:

1. All disassembly and removal of equipment and rides may take place on site from the close of the carnival on Saturday the [23rd] through [4:30 am] the following morning. During this time an officer with the Game Protective Association must be on site to supervise the activities and serve as a direct point of contact should any concern arise.
2. All adjacent property owners must be notified in advance by the Association as to the date and times of the carnival. A LGPA contact name and number should also be provided to adjacent property owners should they have any concerns.

Manager Markel noted that the Town did not receive any complaints from adjacent property owners following last year's event and staff has no objection to the request of the Game Club, so long as the same conditions as last year are followed for this event. There is only one change and that is that deconstruction is to take place up until 4:30 AM this year, rather than 3:30 AM.

Mayor Walker asked how far ahead of time are they going to set up their equipment. Last year, she thought it was about a week ahead. Manager Markel stated that he did not ask, but Council could make it a condition of approval. He added that the equipment usually trickles in from other events during the week.

Councilman Burden asked if the representative had seen the draft letter and agreed to abide by all of conditions. Manager Markel responded that this is the standard form that has been used for at least the past six years.

Motion: I move to allow the Lovettsville Game Protective Association to host their annual carnival the week of June 19 through June 23rd and permit their amusement ride concessioner to deconstruct their equipment during the overnight hours immediately following the last day of the carnival, June 23, 2012 so long as they abide by the conditions as established by the Town of Lovettsville in the attached draft letter.

By: Council Member Sparbanie

Second: Council Member Burden

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

Nay: None

Abstain: None

Absent: None

Councilman Staley stated he was glad to hear that they sent out letters before they came in for approval this year. Councilwoman Carder added that they had a lot of success last year and she is happy to see the carnival again.

B. Small Business Week Event

Administrator Hynes presented this item. Council is being asked to consider a proposal to celebrate National Small Business Week by hosting a "Growing Your Small Business Forum" as an event to recognize the importance of small businesses and new entrepreneurial start-ups in the Lovettsville Area.

National Small Business Week is May 20-26, 2012 and has been recognizing the special impact made by outstanding American entrepreneurs and small business owners since 1963. The Town of Lovettsville is a member of the Loudoun County Small Business Assistance Group and has been working with this group to learn more about the small business and entrepreneur service providers located in Loudoun County.

The forum would offer attendees the opportunity to learn what resources exist out of the Loudoun Small Business Development Center, the Loudoun County Department of Economic Development and other local small business service providers.

The forum would also be a great occasion for business owners and prospective business owners to gain information on strategic business growth and start-up business initiation. It also provides the Town of Lovettsville an opportunity to show their support for small business owners and entrepreneurs in the Lovettsville Area.

The proposed venue would be the Lovettsville Community Center and would be set-up as a coffee and pastry style breakfast on May 22, 2012 from 9:00 am to 10:30 AM. The Loudoun County Small Business Assistance Resource Team has offered to provide three guest speakers that would speak for about 10 minutes each about the resources available for local small business owners and entrepreneurs; as well provide information packets to hand out to attendees.

Staff recommends the Town Council direct staff to organize the "Growing Your Small Business Forum." Staff also recommends that the Mayor and Town Council declare the week of May 20-26, 2012 "National Small Business Week" through Proclamation.

Motion: I move to direct staff to organize the "Growing Your Small Business Forum" during National Small Business Week in support of the local business community and local entrepreneurs.

By: Council Member Senate

Second: Council Member Carder

Mayor Walker called for discussion. Councilman Staley stated this would be perfect if Economic Development Advisory Commission (EDAC) could participate. It would help build momentum for that group and hopefully they could do more things like this. Councilman Zoldos agreed it would be great exposure for EDAC members. Councilman Sparbanie thanked Administrator Hynes for the great idea. Councilwoman Carder asked if there was a way to give the event visibility at MayFest, such as a banner saying "Grow your small business in Lovettsville." Administrator Hynes agreed that was a good idea and noted that none of the other small towns are doing anything for National Small Business Week so Lovettsville will be used as a model for the other towns. Councilman Burden stated he hope there was an aggressive plan to notify people because turnout has been poor at other events. Administrator Hynes stated she will be working with Loudoun Business Association (LBA) and reaching out to those businesses in the Town, as well as those in the surrounding area. Manager Markel noted that Administrator Hynes had reached out to all of the officers of the LBA but they had not responded. Councilman Senate stated that when he was involved with the LBA there were well over 100 small businesses in the LBA. He added that those people have not gone away so there should be a way to get their information. Councilman Staley noted that it would be a nice way to get Mr. Young of the microbrewery involved in the Town. Administrator Hynes noted that he will be invited. There being no further discussion, Mayor Walker called for the vote.

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

Nay: None

Abstain: None

Absent: None

C. LVSU 2011-0001 Administrative Approval of By-Right Subdivision Applications

Manager Markel stated he was happy to answer any questions on this issue and noted that Councilman Burden was involved at the Planning Commission level and could answer questions as well since they discussed this issue heavily. There was unanimous support by the Planning Commission and staff supports it as well. He added that Town Attorney had prepared the draft ordinance.

Motion: I move that the Lovettsville Town Council adopt the proposed changes to the Subdivision Ordinance LVSU 2001-0001 By-Right Development Application Approval and Design Standards Administration.

By: Councilman Senate

Second: Councilman Burden

Mayor Walker called for discussion. Councilman Senate noted that a lot of his time on the Planning Commission was taken up with By-Right situations for things that were already allowed. The proposed changes bring a more modern look to the Town's government. Councilman Staley stated that By-Right means that you have the right to do this provided you are following this ordinance. He added he is still concerned about how to alleviate the comment expressed at the Planning Commission Public Hearing that this gives staff too much power. He added that it is important to explain to the public what it really means. Councilman Senate agreed and stated many people do not understand the By-Right rules in the Commonwealth, but they are fairly clear and straightforward. He added that there are still enough controls in place and that this will help businesses and developers get their businesses or developments started that they have had approved for some time. Councilman Zoldos stated that this will allow the Planning Commission to more effective and efficient so they can focus on new things that come up much faster. There being no further discussion, Mayor Walker called for the vote.

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

Nay: None

Abstain: None

Absent: None

D. Civil War Trails Sign

Manager Markel presented this item. The Council is being asked to consider appropriating funds to support a new Civil War Trails sign in Town. He explained that, on March 22, 2012, Jim Morgan with the Loudoun County Civil War Sesquicentennial Committee and Ed Spannaus with the Lovettsville Historical Society addressed the Mayor and Town Council on the possibility of developing a second Civil War Trails sign within the Town Limits. The first sign was dedicated in the spring of 2010 in the Town Square and described the service of the Loudoun Independent Rangers in the area during the War. Mr. Morgan and Mr. Spannaus suggested a new sign at the location of the old hotel in Lovettsville that was located at the intersection of East Broad Way and Loudoun Street. The sign could describe both Union and Confederate troop movements through Lovettsville.

The location of the sign could be located near the parking lot at the corner; however the property owner has not been approached about locating the sign on his private property. If an agreement cannot be reached, the sign could be located next to the existing sign in the Town Square.

The same grant support for the cost of the sign that was in place for the first sign is still available. If the Town chooses to support this project, the Town would pay \$650 towards the cost of sign (1/3 the total cost of the sign and installation). Funds for this sign could be allocated from the Town's Beautification line item.

Motion: I move that Town Council direct staff to work with the Lovettsville Historical Society and the Loudoun County Civil War Sesquicentennial committee to develop a second Civil War Trails sign and support the sign's construction with a contribution of \$650 once a suitable location has been determined.

By: Council Member Staley

Second: Council Member Carder

Mayor Walker called for discussion. Councilman Burden expressed his concern that putting the sign in the center of town is not the right answer. He noted there will be construction on Broad Way and there is

no room for dedicated parking, which is required. He suggested the right place to put it is on the Square, where there is parking. It could be placed next to the other one where people will see it. His concern with the motion is who determines and approves the final location. If the Council has final approval on the location, then he is okay with it. He further stated that after the construction on Broad Way is completed it could be moved there, if there is a suitable place to put it.

Manager Markel stated the proposed location, the parking lot where the old hotel was standing, is the most historically accurate but it certainly has its limitation. If the property owner does not want the sign to be located there, then it could be located to Town Square. The signs are lightweight and can be easily moved. Staff recommends to let the Civil War Trails representatives and Sesquicentennial committee pursue locating it where they feel it is most historically appropriate and if that does not work out then the Town could offer the Town Square as a fall back location. Councilman Burden asked if the Town Council will approve the final location. Manager Markel responded that the way the motion is worded, the Civil War Committee would be responsible for locating the site, getting any necessary easements, and setting up the agreement with the property owner. The Town would just be providing the financial support unless Council wanted to have decision-making power on the exact location. Councilman Burden suggested a friendly amendment be added to the end of the motion "***once a location has been determined and approved by the Town Council.***" He clarified that the Council will not determine the location but will approve it. The revised motion was accepted by Council Members Staley and Carder. There being no further discussion, Mayor Walker called for the vote.

Aye: Council Members Burden, Carder, Senate, Sparbanie, Staley, and Zoldos
Nay: None
Abstain: None
Absent: None

E. Credit Card Policy

Manager Markel presented this item. Council is being asked to consider establishing a Town Credit Card account for official Town business. The Town currently does not have a credit card for official Town business. When purchases are needed for emergency items, official travel, or for on-line orders, many times Town staff must use their own personal credit cards to make purchases and then request reimbursement from the Town. This practice of putting large ticket items on private accounts is not the preferred method for Town accounting purposes.

Manager Markel is proposing that the Town apply for a credit card through its primary banking partner, BB&T to establish a credit card account. BB&T can offer a business account card with no fees to be paid by the Town that includes on-line banking control programs that will allow Town administration to add or delete user accounts, monitor spending, and set maximum daily charges. At the Town Council meeting on March 8, 2012 staff was directed to develop a draft Credit Card Policy and return to Council for their approval before establishing any accounts. Manager Markel contacted the Virginia Municipal League (VML) for any draft text and training or safety programs associated with municipal credit card use and learned that VML does not have documents or programs in place related to this topic. However, they did provide Purcellville's Credit Card Policy, which was used to help create Lovettsville's draft policy. This policy provides the necessary safeguards to protect the Town's financial interests. He also provided a draft staff acknowledgement form, which will be completed by all staff that will have use of the Town credit card.

Councilmember Carder asked if there was a need to define what "immediate disciplinary action" meant. Manager Markel stated it was left open based on the severity of the offense but offered to explore this further if Council felt more detail was needed. Attorney Liz Whiting stated that the draft policy serves the Town well as is. Manager Markel noted that the Town Attorney had reviewed the draft policy and provided two minor edits. Mayor Walker noted that the draft policy references "Town employees" and asked if this would apply to employees only, or if it also covered Town officials who incur expenses on behalf of the Town. The Town Attorney stated that would be a policy call, not a legal one, and it was up to the Council who they want to be covered. She added that, as written, the draft policy would only cover staff/employees, not appointed or elected officials, unless it was amended. Mayor Walker stated she would continue to get reimbursed for purchases she makes on behalf of the Town. Councilman Sparbanie noted that the last paragraph states "the Town Manager will investigate all reports of employee

misuse” and he asked who would investigate the Town Manager, if found to do be doing something wrong. Manager Markel responded that would be handled by the Town Council. The Town Attorney noted that the policy is sufficient as written. Councilman Zoldos asked about the training related to the policy and stated he would prefer to see something on the back pages that states the Town Manager has reviewed this policy with the employee. This will help prevent misuse of the credit card. He gave an example that is common in other governments when the credit card is used for a hotel room while on travel and having incidental charges applied by accident. This needs to be explained to people because they can be easily missed when using someone else’s credit card. The Town Attorney suggested having written documentation of what the request is for and getting it approved in advance, with a safety valve for emergency acquisitions. Councilman Zoldos stated he did not think an additional hurdle was needed as long as the information on appropriate use of the credit card was communicated to staff, perhaps as part of new employee orientation. Councilman Staley asked how procurement issues and laws pertain to the credit card. The Town Attorney stated that the limit for the credit card use is set so low that it would not trigger a bid process. Councilman Burden stated that as he understands the policy, there will be one credit card that will be locked up and only used for specific purposes. He added that while the card could be used to pay for conference fees, he doubted it would be used to pay for hotel costs. Manager Markel noted that the policy states the credit card will only be used when other options are not available. He added that more and more places are credit card oriented and that the use of the card will greatly speed things up. Councilman Burden added that with the daily limits and the limited access to the card, he is comfortable with staff’s recommendation. There being no further discussion, Mayor Walker called for the vote.

Motion: I move that the Town adopt the draft credit card policy and direct the Town Manager to move forward with implementing the policy and establishing a credit card account for the Town.

By: Council Member Senate

Second: Council Member Carder

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

Nay: None

Abstain: None

Absent: None

F. Drought Ordinance

Manager Markel presented this item. The Council is being asked to consider adopting a Drought Ordinance to be included as part of the Town Code. The Town, in cooperation with the Northern Virginia Regional Commission (NVRC), developed and adopted the regional water supply plan. A component of this plan is to implement a Drought Ordinance to be included in the Town Code. This Ordinance would govern the regulatory and enforcement steps taken by the Town during a time of drought, when water supplies are seriously threatened.

The draft Drought Ordinance text was provided to the Town by the NVRC and has been modified slightly to conform to the Town of Lovettsville. The ordinance breaks down drought conditions into three different stages, from least severe to most severe, and authorizes the Town Manager to implement the conservation and restriction measures. The restrictions get more severe as drought conditions worsen.

Staff recommends the Council review the proposed Drought Ordinance draft text and provide direction to staff on any issues or modifications they may have before the final draft is brought back for adoption.

Councilman Zoldos stated he has the same comment that he has made before when it comes to drought and drought prevention and that is that the Town should not put out its voluntary water restriction signs and leave them out constantly. The signs should only be used when the climate actually call for them. Manager Markel agreed that they should only be used when needed, otherwise they become meaningless for the public. Mayor Walker noted that there have been times when the yellow signs were out and the Town should have had the red ones out, but that was when there were three very small wells. There being no further discussion, Mayor Walker called for the vote.

Motion: I move that Town Council direct staff to bring back the draft Drought Ordinance text

[none] in final form for approval by the Town Council.

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

Councilmember Senate noted that the Eastern shore of Maryland and Virginia is already in drought conditions this year and we are in line to follow them if we do not get additional rain soon.

G. Appointment of Town Clerk

Manager Markel presented this item. The Council is being asked to consider appointing a Lovettsville Town Clerk. The Town has recently hired Harriet West to serve as the new Administrative Assistant and Town Clerk. She began her fulltime employment with the Town on Monday, March 26, 2012. At the Council meeting held on March 22, 2012 Ms. West was appointed Deputy Clerk for the Town. With Judy Kromholz's formal retirement on March 30, 2012, I recommend that Ms. West be appointed Town Clerk effective immediately.

Motion: I move to appoint Harriet West as Town Clerk for the Town of Lovettsville effective immediately.
By: Council Member Carder
Second: Council Member Sparbanie
Aye: Council Members Burden, Carder, Senate, Sparbanie, Staley, and Zoldos
Nay: None
Abstain: None
Absent: None

Information Items

Manager Markel noted Council needs to set up an interview time for the Planning Commission applicant. The interview was scheduled for Thursday, April 26, 2012 at 6:30 PM.

Comments from the Mayor and Town Council

Councilman Zoldos mentioned that baseball opening day was coming up on Saturday and includes activities from morning to dusk, including a procession, first pitches from the Mayor and other VIPs, little league games throughout the day, and a movie on the outfield. He stated that Danner Day was packed and raised a lot of money for the Danner family. He noted the Town is under red flag warning and no burning is allowed outside in the County (outside burning is never allowed in the Town limits). Lastly, Councilman Zoldos noted he reached out to Mr. Keena and Mr. Young about the Brew Pub and encouraged them to meet with staff to see if something could be worked out. He joined them at the meeting but did not offer any input. He also got a tour of the former funeral home. He does not think the differences between what the Town is requiring and what they want to do are insurmountable but they do need to be careful about not setting a negative precedent for businesses in Town to hurt the neighbors. He believes there is an opportunity to move this forward.

Councilman Sparbanie welcomed Harriet West and said goodbye to Judy Kromholz. He stated he was really excited about the possibility of the Brew Pub and he hoped they could make that work. He also stated he was looking forward to baseball opening day.

Councilman Staley said since the fence issue was brought up he would like to see Council look into this to see what could be done and talk to the Virginia Department of Transportation. He echoed Councilman Sparbanie and Zoldos' comments as well. He then read a statement into the record about events surrounding the recent meeting before the Board of Supervisors regarding funding for the Lovettsville Community Park (Written Submissions Attachment 1). He felt this was important to bring up because he has been approached by people throughout the community and it is hard to answer their questions when he does not know what happened. He contacted Supervisor Higgins for additional information. The Supervisor offered to meet with Town staff, the Council, the Parks Committee, and the public to explain what had occurred. He suggested Council take Supervisor Higgins up on his offer to have these

discussions. He felt it was fair for people to question why the budget was reduced from \$12 million to \$9 million and to understand what changes were needed to make that happen. He stated this was hard to bring forward but he felt it was necessary as he felt the rules Council had agreed to had been broken by Councilman Sparbanie.

Councilwoman Carder read a statement into the record about events surrounding the recent Rally for the Park meeting before the Board of Supervisors, closed sessions, open and transparent government, and the Economic Development Advisory Committee (Written Submissions Attachment 2).

Councilman Burden expressed appreciation for work that was done by the Town Council during the meeting with the Board of Supervisors regarding the County's proposed funding for the Lovettsville Park. He stated that even though it was not done jointly, there was success in getting it to move forward and that they now need to look ahead and see how they can get the \$3.3 million in funding for the park back. He feels that can be done with the right plan and with a joint effort by the Council, citizens, and the Board of Supervisors working together in a coordinated manner.

Mayor Walker welcomed Harriet West and stated she looked forward to working with her. She then reported on the following:

1. This coming Saturday will be a busy day and she looks forward to throwing out the first ball for baseball opening day.
2. Saturday is also Loudoun Health for Life Day which will be held at Cascades Library and will focus on health and wellness.
3. She was also concerned about the turn out for the VDOT public hearing for the Berlin Pike bike path. The bike path is moving forward and last night was the first step with the design public hearing. The meeting went well and people got their questions answered. She wanted to clear the record about confusion regarding the bike path starting at the South end of Town, rather than the North end. When the bike path project was conceived 15 years ago, it was a matter of running it from South to North or North to South. At the time, there were safety concerns about people walking and pushing baby carriage in the highway to pay bills at the Town Office because they had no other form of transportation. The Council at the time thought it would be nice to have a pathway. They decided to start the project at the South end of Town at the same time as the retirement community was being planned. One of proffers she asked for from developer of retirement community was to build a bike path in front of their property and have it connect to the Town's bike path, which they agreed to do. Fifteen years later they only have the funding to build half of the bike path; however, the retirement community is still building out and will have 160 residents who can use this path. This is the history behind the project and the reason they did not start at the North end of Town.
4. She has a letter from VDOT that she has to respond to regarding their six-year plan and she needs suggestions from Council about what to include. She will be submitting comments regarding improvements for Route 9, which is a narrow road with lots of traffic.
5. She received a nice letter from Eugene Scheel, a noted national historian, about his recent appointment to the Loudoun County Planning Commission.
6. The Lovettsville Veterans Memorial nomination was not selected by the Signatures of Loudoun.
7. She received a flyer on her mailbox, "Don't Metro Loudoun," which was labeled as a Lovettsville Town Hall Meeting. She does not know who sent the flyer out but it has caused a lot of confusion. She asked that if anyone has any association with the "Don't Metro Loudoun" group that they be asked not to reference Lovettsville the next time. Councilman Burden stated he attended the meeting and brought this up as a problem for the Town with the person spearheading it. He suggested that, in the future, they call it the NOVA Town Hall Meeting at the firehouse in or near Lovettsville.
8. The groundbreaking event for the Heritage Highland's Community Center will be held on the morning of Friday, April 27, 2012. This is a long-awaited project and everyone is invited to attend.
9. There will be thank you event for Judy Kromholz next Tuesday evening at Town Hall.
10. The Historical Society is having a lecture at St. James on Sunday at 2:00 PM as part of their monthly lecture series.
11. The Candidates Forum is Monday evening at the Fire & Rescue Station.

12. The Planning Commission is meeting Wednesday evening and the Parks Committee meeting is on Thursday evening.
13. The Arbor Day Ceremony will be held on Friday, April 27th at the Town Green.
14. The Rain Barrel Workshop is on Monday, April 30th.
15. She received an important letter from Congressman Wolf about the Lyme Disease Forum that will be held at George Washington University on May 1st. She noted that Lyme Disease is very prevalent in the County.
16. She was out of town for Danner Day and the meeting with the Board of Supervisors. She was taken aback by comments received tonight. When the park was acquired, only Councilman Zoldos was here at that time and he knows the history of the Lovettsville Community Park. There are a lot of people who can take credit for this park. She and Councilman Zoldos attended every meeting, they established the Committee, and they attended many, many Board meetings to get funding. Credit goes back many, many years for this park. When appearing before the Board of Supervisors, the only time she has spoken for the Council has been in good faith, such as "The Lovettsville Town Council appreciates all you have done for us." The Town has worked very hard to get the park and, again, she is taken aback by the comments heard tonight. She added that when she made her statements a couple of months ago about what she understood was out there regarding "secret meetings," she was chastised for this (by Mr. Sparbanie). She stated she is Mayor until June 30th and she cares very much about the remarks that are made unjustly. She has been here for a long time and knows there are no secret meetings.

Adjournment

The meeting was adjourned at 9:53 PM

Respectfully submitted,



Harriet West, Deputy Town Clerk

Date Approved: May 24, 2012

Attachments:

- I. Public Hearing Notice from *Purcellville Gazette*
- II. Speaker Sign Up Sheet

Written Submissions to Council:

1. Council Member Shaun Staley
2. Council Member Tiffany Carder

**Notice of Public Hearing
Lovettsville Town Council**

The Lovettsville Town Council will hold a public hearing on the following item at their meeting on April 12, 2012 at 7:30pm at the Lovettsville Town Hall, 6 East Pennsylvania Avenue:

LVSU 2011-0001, Modifications to the review and approval process for applications governed by the Subdivision Ordinance. To amend various sections of the Town of Lovettsville Subdivision Ordinance to redefine the review and approval roles of the Planning Commission and Zoning Administrator for subdivision and development applications. In many cases, by right approvals will be transferred from Planning Commission approval to the Zoning Administrator's approval. All preliminary plat applications along with all subdivision and development applications that request a variation to Town requirements will be reviewed by the Planning Commission.

The draft text being considered is available for review at the Town Hall between the hours of 9AM and 3PM weekdays or by special appointment, holidays excepted. Call 540-822-5788 for more information or visit www.lovettsvilleva.gov.

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Town of Lovettsville

Speaker Sign - Up Sheet

Town Council Public Hearing and Regular Meeting - April 12, 2012

Please Print.

Name and Association	Address	Topic	Email Address (Optional)*
Christopher Zeigler NTM Host	26 Tritapoe Pl.	Neighborhood Fences	ctzeigler@gmail.com
Mike McPeak Loudwater Game Protection Assoc	16 S Berlin Pike	Annual Carnival	zionmike99@hotmail.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.

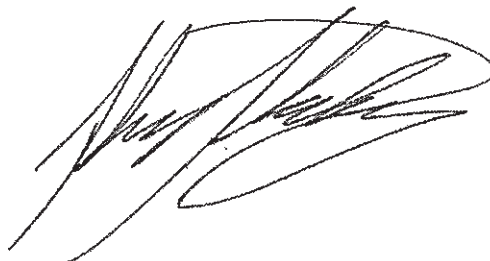
* If you provide your email address, you will be added to the Town Council & Planning Commission Meetings Notification List.

One of Councilman Sparbanie's supporters sent a letter to the editor to the Loudoun Times Mirror and the Leesburg Today titled, "A partnership for progress," thanking him for his work. The author writes, "I want to personally commend Lovettsville Town Council member Tim Sparbanie for working with members of the Loudoun County Board of Supervisors to obtain funding for the Lovettsville Park. This past Tuesday he personally met with eight of the county supervisors and worked with them on the details of the project scope and a funding solution that most were comfortable with." As evidenced by the letter to the editor, citizens obviously believe that Councilman Sparbanie was representing the Town in this matter. The letter also implies that he negotiated the amenities in the park. This letter and the events I witness lead me to believe that Councilman Sparbanie violated section "V. Conduct of Council Members," item "3. Representation" in the "Rules and Procedures For meetings of the Mayor and Town Council of the Town of Lovettsville, Virginia" last amended April 28, 2011.

These are the events I witnessed in the weeks leading up to the violation. In the last Town Council meeting, Councilman Zoldos reported the current state of the Lovettsville regional park from one of the recent Board of Supervisors meetings. Town Council discussed the issue and identified a phased solution. A motion was made to support a phased approach and it passed unanimously. The following week the Board of Supervisors had a meeting to discuss the budget and the capital improvement plan. This is when I learned of the violation of the rules. Councilman Sparbanie spoke during the public comment time. At that time he mentioned he met with eight of the nine supervisors which surprised me. Later in the meeting the Board of Supervisors took a ten minute recess before starting their own discussions. At that time Councilman Sparbanie approached Scott Dockum, Tom Ciolkosz and myself. He informed me that Supervisor Higgins was going to bring up a motion to accelerate the park as he did last time. Then Supervisor Buona would bring up a friendly amendment to reduce the park budget from twelve million dollars to nine million dollars. Councilman Sparbanie proceeded to say that he thought it could pass and it needed one more vote and went in to more details about that. He also mentioned that earlier in the day he met with the Planning and Construction Offices about building the park to see if it could be built for nine million dollars. Councilman Sparbanie said that he thought it was critical to get the price down to get the necessary votes. Mr. Dockum and I were amazed that he knew all of these details before the Board's debate. I asked Councilman Sparbanie what happens if we can't build everything in the park for nine million dollars. He said it doesn't get built. I asked if we could come back for more money to finish the park. He said it was unlikely as it would have to go back to bond. During our conversation he mentioned that the cost savings were due to straightening the road, reducing or eliminating the water feature, and saving money in construction costs by accelerating the project. When the Supervisors came back from recess, everything that Councilman Sparbanie said that would happen, did happen. After the vote I left the chambers and ran in to several people talking about the park, including Diane Ryburn, the Director of Parks & Rec who noted she was unaware of some of these changes.

It is clear to me that Councilman Sparbanie acted unilaterally. He has claimed that he did not speak for Town Council. If he was not speaking for Town Council or the Town, who was he representing? Would an ordinary citizen be able to have ready access on the day of a board meeting to eight of the nine supervisors unless they were representing a Town in Loudoun County? Was it clear to the Supervisors that they were meeting with an ordinary citizen and not a Town Councilman? Would the Planning and Construction Offices meet with an ordinary citizen to discuss the park construction and costs especially hours before a board meeting? Councilman Sparbanie has stated that Town Council has held secret meetings, but he recently revised his statement to say, "too many decisions are made behind closed doors." Councilman Sparbanie met with eight of the nine Supervisors and did not inform the Lovettsville Mayor or acting Mayor, Lovettsville Town Council, or the Lovettsville Park Committee that these discussions were occurring. These meetings were not announced nor public. I would not call that "Open & Accountable Government." I can't say that Councilman Sparbanie negotiated the amenities in the park because the discussions weren't public; we will never know what was said. What I do know, is that what transpired was not what Town Council supported and the park lost amenities. Since the meeting I learned that the amphitheater was cut from the park. I heard it was because the Town was building an amphitheater. This is false, the Town is only building bandstand in the Town Green. The construction of the bandstand was a recent action by Town Council. How did the Board of Supervisors know this, especially since the Town wasn't contacted for information?

I feel that the actions of Councilman Sparbanie undermined the Lovettsville Mayor, the Lovettsville Town Council and their unanimous action for the phased approach for the park. His actions also undermined the Lovettsville Park Committee and the hard work they have put in over the years. I believe Councilman Sparbanie's actions have caused damage in the community and are inexcusable. I'm very happy to see the park move forward, but I'm concerned at what cost. The amphitheater? The water feature? The dog park? What else?

A handwritten signature in black ink, appearing to be "Scott Dockum", written in a cursive style.

Upon taking the oath of office, whether one is appointed or elected, a Town Council member solemnly swears to "faithfully and impartially discharge the duties upon him or herself as a member of the Town Council for the Town of Lovettsville, Commonwealth of Virginia according to the best of his/her ability. So help you God" One of those duties to be discharged faithfully is following the rules of communication as established by this governing body. To wit, Section 5.3 of the rules and procedures for meetings of the Mayor and Town Council as last amended on April 28, 2011 states: "When the Mayor or a Town Council Member appears before any other governmental agency, organization, or media to give a statement on an issue affecting the Town, the Mayor or Town Council Member shall first identify the adopted position of the Body with respect to that subject, if any. Thereafter, the Mayor or Town Council member may provide a statement of personal opinion or comment (including a minority or opposing viewpoint) provided the Town Council Member expressly acknowledges that such statements do not represent the position of the Town." This section draws a very clear line between how one represents the Council and how one represents oneself. An email sent out by Council Member Tim Sparbanie on April 1, 2012 to undisclosed recipients states, "I have been working with Supervisor Geary Higgins over the past few months on a plan to move up the funding in the county capital budget." Next, Councilman Sparbanie invites everyone to join the Town Council at the Rally for the Park that was held at the last Board of Supervisors' meeting. First, I question the statement of working "on a plan to move up the funding in the County capital budget." What was the plan? Who was consulted? Why was the plan not brought before the Town Council, especially since the process apparently took months? Why wasn't the plan brought before the Parks Planning Committee, a Committee composed of representatives for various organizations working together to design the park? Relationships are to be built with other Town Council Members in addition to the relationships built with the Board of Supervisors. Second, as all of you know, I am an English teacher, and the one rule English teachers tout as a rule not to be broken is: Do not plagiarize. Whether one quotes directly or simply paraphrases from another source, he or she must cite the source. The actual invitation to join the rally should have received acknowledgement as being taken from the weekly email Judy sent in which Council Member Zoldos was given authority to write. This is NOT to say that Councilman Sparbanie did not have the permission of the Council to share the invitation. I only point out that he should have given proper credit for the organization of the rally and the invitation.

Additionally, I object to the charge Councilman Sparbanie has made against the Town Council for having too many closed sessions; ^{secret meetings or} which in turn, he has used to ^{such an amount he sent around} imply I and other members of the Council have been dishonorable in dealing with business before the Town. Since Councilman Sparbanie has been on the Council, there has been a motion to go into closed session ten times. Three of those meetings the motion to go into closed session was made by Councilman Sparbanie. For one additional meeting, Councilman Sparbanie seconded the motion to go into closed session. **For all ten of the closed sessions**, Councilman Sparbanie affirmed that only business covered and protected by the Commonwealth of Virginia's laws was discussed. Thus, he affirmed that the closed session was necessary for purposes of

discussing acquisition of property, personnel matters, and any potential lawsuits. To assert that there are too many closed sessions or that there are secret meetings is to willfully undermine the confidence of citizens in their representatives and to destroy the collaborative efforts of this Town Council to bring to fruition projects and ideas that benefit the entire town.

Open and transparent government has been maintained by this Town Council. Councilman Sparbanie has affirmed on public record that the closed sessions have been necessary to protect the interests of the Town and its citizens. More recently, I conducted research for establishing a Facebook Page, and this Town Council voted to establish it. Council Member Staley at the last Town Council meeting moved to buy banners or sandwich boards to be placed in the Town Square in order to announce meetings via another avenue, and this Town Council voted to support the motion. These measures are in addition to the Town's website and the weekly emails sent out by the Town Clerk. Furthermore, Councilman Staley and I have worked hard to establish the Economic Development Advisory Committee to establish a means of communication with various sectors of the community for economic development purposes, and this Town Council voted to establish and support it. Thus, I also question Councilman Sparbanie's motives in making a Mayor's Business Round Table Discussion a part of his platform. What is the difference between his proposal for a round table and the Economic Development Advisory Committee that has been created? If there is a difference, I would like to know exactly what the differences are, and if there is no difference, I want to know again why Councilman Sparbanie is trying to undermine the efforts of other Council members.

I am heartened by the fact Councilman Sparbanie has said his hero is Abraham Lincoln. One of the many characteristics former President Lincoln is known for is honesty. Honesty is all that I ask for from Councilman Sparbanie. I only want "the truth and nothing but the truth. So help you God."

Tiffany D. Carder

From: Tim Sparbanie <friendsoftimsparbanie@gmail.com>

Date: April 1, 2012 2:27:49 PM EDT

To: timspar1 <timspar1@aol.com>

Subject: Rally for the Park



Dear Friends and Neighbors,

As most of you know, I have been working with Supervisor Geary Higgins over the past few months on a plan to move the funding up in the county Capital budget so that we can get our Lovettsville Park open ASAP. Last week, the Board of Supervisors voted to deny that change. Supervisors Geary Higgins, Janet Clarke and Ken Ried all voted with Lovettsville, but the measure did not pass. We still have another opportunity to talk with the full board. This is an excellent example of why our leaders need to work with the county Supervisors. It is in building these relationships with all the supervisors that we can get our priorities accomplished for Lovettsville.

That being said, please join the entire Lovettsville Town Council for a Rally for the Park on Tuesday, April 3rd. Details are as follows:

Rally for the Park at Board of Supervisors Meeting – Tuesday, April 3rd – 5:00 PM at 1 Harrison Street – Board Room

Please join Lovettsville's Town Council in a show of support for the Lovettsville Community Park (the approved, but not yet built 91 Acre Park on the east side of Town) at the Board of Supervisor's final Public Hearing before they adopt the County's Capital Improvement Plan.

The Board meeting will take place this coming Tuesday night, April 3rd. The first public speakers will be heard at 6:00pm and speaker sign-in starts at 5:00pm. Please do not feel you have to speak – we want to show by our presence that the citizens of Lovettsville need this Park sooner rather than later.

The Town Council is asking that those attending to wear red shirts such as the "My Heart's in the Park" shirts made famous by the "Pennies for the Park" group. Those on sports teams could wear their uniform and equestrian members could wear their riding gear. The Town wants to showcase all of those hopeful users of the park to show the solidarity of the Lovettsville area citizenry.

As always, if you ever have any questions, please feel free to contact me.

All my best,
Tim

www.Sparbanie4Mayor.com