

Town of Lovettsville

Town Council Minutes of Regular Meeting April 26, 2012

Mayor Elaine Walker called the regular meeting of the Lovettsville Town Council to order at 7:32 PM on Thursday, April 26, 2012.

Present at Meeting

- Mayor Elaine Walker
- Vice Mayor Robert Zoldos II
- Council Members Jack Burden
- Council Member Tiffaney Carder (arrived at 7:37 PM)
- Council Member Michael Senate
- Council Member Tim Sparbanie
- Town Manager Keith Markel
- Treasurer Lance Gladstone
- Town Clerk Harriet West

Absent

- Council Member Shaun Staley

Presentations

No presentations were scheduled.

Call to Order/Welcome/Pledge of Allegiance/Invocation

Mayor Walker led the assembly in the Pledge of Allegiance.

Comments from the Public

There were no comments from the public.

Community Presentations

A. Loudoun County Sheriff's Office

Loudoun County Deputy Sheriff Wacker reported on several incidents that had occurred since March 26, 2012 including one assault, one burglary, and one destruction of property. He made an arrest the previous night on Stocks Street. There were 33 traffic violations and one noise complaint. There have been several burglaries in the West end of the county, but nothing in the Town. Councilman Zoldos asked Deputy Sheriff Wacker if he had any suggestions for prevention. Deputy Sheriff Wacker stated if resident see anything suspicious they should report it.

B. Lovettsville Planning Commission

Manager Markel reported that the Planning Commission will be reviewing the Keena Preliminary Plat next week and that the Frye Conditional Use Permit will be considered on May 16, 2012 to allow the encroachment of the front room into the front yard setback.

C. Economic Development Advisory Committee

Councilwoman Carder reported the May 3, 2012 meeting may be rescheduled due to a conflict with the Town Council budget work session tentatively scheduled for the same date.

D. MayFest Committee

Councilwoman Carder reported that the Committee is working on a T-shirt design. They have received \$2,250 from sponsors to date. The next meeting is tentatively scheduled for Wednesday, May 2, 2012 at 7:30 PM at the library.

Councilman Senate reported there will be a fire engine procession preceding MayFest. They have invited companies from surrounding jurisdictions in Maryland, West Virginia, and Virginia, as well as all of Loudoun County. They have purchased 10 trophies. Councilwoman Carder thanked Councilman Senate for doing all this work for MayFest.

E. Lovettsville Volunteer Fire and Rescue Company

President William Mungovan spoke about the new sign for the fire station. They confirmed with Loudoun County that they are exempt from the County's sign ordinance. They will only use the sign to advertise Company business or emergency information, such as an Amber Alert. The lighting has been adjusted so that it is not too bright at night. The sign has helped increase the number of bingo patrons and donations.

He stated the fund drive letter, distributed last week, has brought in \$6,730. They have two upcoming fundraising events, a carwash in June and a Mud Run in July. He requested the Town's approval to hold the car wash at the fire station on June 9th. He also asked the Town to donate 6,000 gallons of water for the Mud Run, which would be used to spray off the contestants.

The new pumper is underway. They have a 60/40 split with the County and the Company is paying 60 percent of the cost. The money coming in from the fund drive will help pay for this. Their share is approximately \$300,000.

They have also applied for several grants for building renovation. They are working with a civil engineer to lay out the plans for the building.

Councilman Senate asked if they needed help with transporting the 6,000 gallons of water. Mr. Mungovan stated they have two tankers that will be used for transport.

Vice Mayor Zoldos stated that the Mud Run sounds like a lot of fun and should be a good fundraiser. Mr. Mungovan stated it has generated a lot of interest. He clarified that the Mud Run is for people, not vehicles.

Additions/Deletions/Modifications to the Agenda

Vice Mayor Zoldos suggested that the request from the Lovettsville Volunteer Fire and Rescue Company be added to the agenda.

Manager Markel reported there will be no Planning Commission appointment this evening.

Approval of Town Council Minutes

A. Town Council Public Hearing and Regular Meeting – February 9, 2012

Motion: I move that the Town Council approve the minutes of the Public Hearing and Regular Meeting of February 9, 2012 as modified.

By: Council Member Sparbanie

Second: Council Member Senate

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

Nay: None

Abstain: Council Member Burden

Absent: Council Member Staley

B. Town Council Regular Meeting – February 23, 2012

Motion: I move to accept the minutes of the February 23, 2012 Regular Meeting as presented.

By: Council Member Senate

Second: Council Member Carder

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

Nay: None

Abstain: Council Member Burden

Absent: Council Member Staley

Staff Reports

A. Report from the Zoning Administrator

Manager Markel presented the updated March 2012 report on behalf of the Zoning Administrator.

Mayor Walker asked about the status of the club house at Heritage Highlands. Manager Markel stated their zoning permit was approved and is good for one year. Councilman Burden stated Lennar presented the plans at a recent Home Owners Association meeting. They are working with the residents to determine what items are needed in the kitchen and exercise area. Mayor Walker asked if the meeting was with the new representatives from Lennar, or the old representatives. Councilman Burden stated it was both.

B. Project Manager Report

No report was presented. Manager Markel reported that the museum repairs have been underway for the past two weeks and work is nearly completed. He received good news from the Virginia Department of Rail and Public Transportation (VDOT) about tentative funding approval for the Berlin bike path project based on the request of \$420,000 for Phase 1.

C. Report from the Town Attorney

The Town Attorney had no formal report.

D. Report from the Town Manager

Manager Markel's discussed the upcoming Rain Barrel Workshop and the Arbor Day ceremony. He noted that the interview with the Planning Commission applicant had been rescheduled for May 10, 2012. He added that the post office has a new program in place for the bulk delivery of mail to every address in the 20180 zip code for \$340. This is something the Town may want to take advantage of for MayFest, Oktoberfest, and the summer movie series.

Report from the Treasurer

A. Financial Report – March 2012

Treasure Gladstone presented his report for March 2012.

Vice Mayor Zoldos asked if the reimbursement for repairs to the fire hydrant on East Broad Way was for 100 percent of the costs. Treasurer Gladstone stated that the reimbursement included labor and materials.

Mayor Walker asked about the generator repairs. Manager Markel stated the repairs were for routine maintenance.

Motion: I move to accept the March 2012 Treasurer's report as presented.
By: Council Member Sparbanie
Second: Council Member Senate
Aye: Council Members Burden, Carder, Senate, Sparbanie, and Zoldos
Nay: None
Abstain: None
Absent: Council Member Staley

Action/Discussion Items

A. Inova Resolution in Recognition of 100 Years of Service.

This item is to be presented at a later date.

B. Approval of Resolution for Not To Exceed Tax Rate and Fees

Manager Markel presented the Resolution which was distributed at the meeting. The Council was asked to approve the Resolution authorizing the Town Manager to advertize the budget and maximum rates and fees. He referenced the schedule of fees and the tentative advertisement that would be run in the newspaper for two consecutive weeks as required.

Mayor Walker called for discussion. Councilman Senate stated he expected there would be opportunity for further discussion before this was finalized and asked if there would be any problem if they wanted to make changes. Manager Markel stated they could make changes up until the budget was approved as long as any subsequent changes were lower than the proposed rates. He added that if there was any consideration of higher rates that decision would need to be made now so the advertisement could be changed.

Councilman Sparbanie asked about the amount of the water deposit. Manager Markel stated there is a \$50 deposit for water and a \$50 deposit for sewer, for a total of \$100.

Vice Mayor Zoldos reminded everyone that the rate fee proposed is the "not to exceed" fee which allows staff to hone down the numbers so that hopefully the tax rate or water/sewer rate can go down. The target is not three percent, it is below three percent.

Motion: I move to authorize the Town Manager to advertise the budget and maximum tax rates and fee changes as presented.

By: Council Member Senate

Second: Council Member Burden

Mayor Walker called for discussion. Councilman Sparbanie stated he understood the motion not to exceed the three percent rate increase but said they really need to be looking lower than three percent. Vice Mayor Zoldos asked Councilman Sparbanie for a counter proposal so they could move forward. Councilman Sparbanie suggested there should be no increase. Vice Mayor Zoldos stated the Council has a duty to the people in Town to make sure the water/sewer system stays solvent. Councilman Sparbanie stated that at a one percent increase, which is what the Town Manager proposed, they would still have a \$57,000 surplus to put towards those things, which is more than sufficient for this year. Vice Mayor Zoldos agreed it was sufficient for this year but stated the problem is the Town has a huge debt service on the water and sewer plant. It is wrong as stewards of the Town's water and sewer system to pretend that they can go with anything lower than at least a one percent increase. He added that the Town Manager and Project Manager said they would prefer a higher increase. Councilman Sparbanie stated he had asked during the budget discussions whether or not the surpluses the Town has had over the past several years were calculated into the out year projects and he was told they were not. We do not know what the out year projections are. We know they look bleak, but so do people's finances right now and asking them to pay three percent more is high and he does not agree with that. Vice Mayor Zoldos stated the amount of equipment and piping that needs to be fixed is staggering. Some of the pipe is 40 years old and could catastrophically fail at any time. They cannot pretend the infrastructure is fixed. If they do not at least keep up with inflation, they are designing a system that is going to fail. There being no further discussion, Mayor Walker called for the vote.

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

Nay: Council Member Sparbanie

Abstain: None

Absent: Council Member Staley

C. Appointment of Planning Commission Applicant
(This item is to be presented at a later date.)

D. Water Request From Fire & Rescue

Vice Mayor Zoldos stated that fire and rescue is supported by a mixture of funding from the Loudoun County Fire and Rescue Department and state pass-through funding, but most volunteer fire and rescue departments in Loudoun County are funded by fundraisers. These two fundraisers (the car wash and Mud Run) are unique. He is excited about the Mud Run, which is a 5K run over and through mud obstacles. The Town now has the ability to allow water to be used for these types of fundraisers.

Motion: I move that the Town of Lovettsville authorize the Lovettsville Volunteer Fire and Rescue Company to hold their car wash, using Town water, as well as to authorize them to use 6,000 gallons for the Mud Run.

By: Vice Mayor Zoldos

Second: Council Member Senate

Mayor Walker called for discussion. Councilman Burden stated 6,000 gallons of water would cost \$94 if it was used by a homeowner. He could not see any reason why Council would not approve this. Vice Mayor Zoldos stated this will enable them to raise thousands of dollars. Councilman Senate said they could use the 15,000 gallons in the in-ground tank but it has been there for 10 years so it is probably not that good. Mayor Walker stated the car wash will be run by the cadets. She did not know anything about the Mud Run until she attended the meeting. Due to the generosity of the Lutman family, it should be a fun day.

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

Information Items

No information items were presented.

Comments from the Mayor and Town Council

Councilman Senate stated he was happy they worked through the budget numbers. Although there is always room for debate, they have to think smart about the future, even if it is difficult.

Councilwoman Carder stated the Lovettsville Cooperative Market (Co-op) held a fundraising dinner last night at Market Table Bistro. As a result, they have two new members and raised \$1,150. The Co-op is working with Market Table Bistro to hold a farmers' market this summer beginning in June. The farmers' market will be held in the parking lot of Dr. Johnston's office. She will be promoting MayFest at two upcoming events, EcoPalooza in Brunswick and the Game Club's community yard sale.

Councilman Sparbanie stated he agrees with Councilman Senate that they have had a productive budget work session and, although they may have some differences of opinion, they are able to discuss things in a civil manner. He thanked Manager Markel for his work on the budget.

Vice Mayor Zoldos acknowledged Councilwoman Carder and the MayFest Committee for doing such a great job, especially with getting sponsors and donations. She has only encumbered \$2,300 of the funding the Town Council provided as seed money for MayFest. He stated that the Lovettsville Elementary Autism Program will hold a fundraising car wash at Andy's restaurant on Sunday. Andy's is donating the water. The money raised will be used to purchase iPad-style devices, which have been shown to help autistic children communicate. He added that the PTO playground is finished. This will allow people to use the track, while keeping an eye on their children at the playground. This will be a nice addition to the school and the Town. Lastly, he stated the Not To Exceed Rate they passed tonight is the highest possible rate, but everyone on the Council is very clear that they want to drop the rate. No one wants a three percent rate increase. As they continue to work on the budget over the next month, they will be able to get the rate down as low as possible. He wanted everyone to understand three percent is not the proposed rate, it cannot go any higher than that. If it was up to him, it would be zero percent as well as long as it would support the water/sewer system in the future.

Mayor Walker reported on the following:

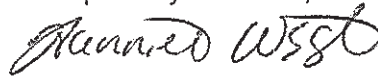
- The Health for Life Day sponsored by the Health Council of Loudoun County was a big success.
- Baseball Day in Lovettsville was also very successful and she appreciated the opportunity to throw out the first pitch.
- Mr. Eugene Scheel gave an interesting presentation on Lovettsville: The German Settlement as part of the Historical Society lecture series.
- The Candidates Forum on April 16, 2012 went well.
- She was invited to attend the landing of the space shuttle on April 17.
- The reception for retiring Town Clerk Judy Kromholz was very well attended and everyone had a nice time.

- The Planning Commission meeting and public hearing on the Town Center commercial development was held on April 18.
- The Parks Committee met with Mr. Good on April 19.
- She attended the Valor Awards Ceremony on April 20.
- She attended Virginia Transit's dedication of their new building in Purcellville. They will be providing more services to Western Loudoun. Purcellville is very proud of the facility and Lovettsville is benefitting from the services offered there.
- She mentioned several upcoming events including the Arbor Day Ceremony, Rain Barrel Workshop, Town elections on May 1, and the Planning Commission meeting on May 2. The Daisy Troop will be planting flowers at Town Hall on May 3.
- Supervisor Geary Higgins is tentatively scheduled to meet with the Town Council on May 7 about the Lovettsville Community Park. This is the meeting Councilman Staley requested.
- The next Town Council meeting is May 10.
- She received a thank you note from Ms. Dietz at the Western Loudoun Food Pantry thanking the Town for continuing to collect food for the Food Pantry.
- She received a phone call from the new representatives at Lennar regarding Heritage Highlands. They would like to meet with her as soon as possible – they are not aware of many of things going on in Town and things associated with the project at Heritage Highlands. She and the other Council members received a letter that the ground-breaking ceremony had been cancelled.
- The Inova Health proclamation will be added to the May 10 agenda.
- She read a letter into the record from Jack Waghorn, President, NVRetail, Inc. (Written Submission Attachment 1).

Adjournment

The meeting was adjourned at 8:44 PM.

Respectfully submitted,



Harriet West, Town Clerk

Date Approved: June 21, 2012

Attachments:

- I. Speaker Signup Sheet

Written Submissions to Council:

1. Jack Waghorn

County of Sonoma

Speaker Sign - Up Sheet Town Council Regular Meeting - April 26, 2012

Please Print.

Name and Association	Address	Topic	Email Address (Optional)

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.



Rec'd
4/25/12
Eww

Monday, April 23, 2012

Ms. Elaine Walker
Mayor
Town of Lovettsville
6 East Pennsylvania Avenue
Lovettsville, VA 20180

Re: Proffer Amendment for Lovettsville Town Center

Dear Mayor Walker,

As you are aware, NV Retail has withdrawn the Proffer Amendment for the Commercial development of the Lovettsville Town Center. I am writing this letter of explanation and request that it be read into the record of the Town Council Meeting of April 26, 2012.

For the past four years, NV Retail has designed buildings for the town center, applied for building permits and diligently attempted to lease the commercial portion of the Town Center. Within this time frame, we have undergone the worst economic collapse since the great depression which effectively halted retail leasing and development state wide.

Over this time period we have determined the following: the recession, the lack of viable retailers that were in the financial position to expand their store count and small population density in the Lovettsville area, all compounded to thwart our leasing and development efforts.

As a result, we came before the Planning Commission with a redesigned portion of the commercial core in the Town Center to have the first building along the Town Square to be constructed as a single story building, while maintaining the same architectural character as was originally approved in the 2006 two story design. Additionally, we requested the elimination of the least desirable commercial space located along Broad Way that was originally envisioned for the Post Office and library and replaced it with more appropriate residential lots.

Our company was willing to undertake a significant financial risk in the construction of the first building for Town Center based on the Planning Board's acceptance of the market driven conditions listed above.

Mayor Elaine Walker
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As stated at the meeting, we were willing to modify the architectural appearance of the single story building and modify the landscaping surrounding the rear of the building, per the Planning Board's suggestions.

However, from the preponderance of comments received at the Planning Board meeting, it was clear that the Planning Commission and Council Members speaking at the meeting did not share our vision for this project moving forward.

It was our hope that the construction of this first single story building would attract tenants, and build leasing momentum for the completion of the remainder of the Town Center commercial core. It is obvious that we are far apart on the main issue of the intensity of the commercial development and the "non-proffered" two story character of the buildings. The economic reality of reducing the amount of square footage in this project means that we will not achieve our original intended economic return on the development, and the town will not reach the anticipated tax base. However, to proceed with an overly intense project that will ultimately fail would be the worst scenario for all parties involved. Thus we have withdrawn our application for Proffer modifications for the foreseeable future.

Mayor Walker, your support, flexibility and tireless efforts to make the Town Center a reality are truly appreciated. I wish to express my sincere thanks to you and the outgoing Town Council for your support in the past.

Sincerely,



Jack Waghorn
President, NVRetail, Inc.

