

# Town of Lovettsville

## Town Council

### Minutes of Public Hearing and Regular Meeting May 24, 2012

#### PUBLIC HEARING

The Lovettsville Town Council Public Hearing on the Proposed Operating and Capital Budget for Fiscal Year 2013 and the Proposed Capital Improvement Plan for Fiscal Years 2013-2017 was called to order by Mayor Elaine Walker at 7:30 PM on May 24, 2012 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, Council Members Jack Burden, Tiffany Carder, Shaun Staley, and Michael Senate.

The Mayor introduced the Town Staff, including Town Manager Keith Markel, Town Attorney Elizabeth Whiting, Town Clerk Harriet West, and Town Treasurer Lance Gladstone (arrived at 7:32 PM).

#### Absent

Council Member Tim Sparbanie

#### Explanation of Procedures and Opening of the Hearing on the Proposed Operating and Capital Budget for Fiscal Year 2013 and the Proposed Capital Improvement Plan for FY 2013-2017

Mayor Walker read highlights of the public notice for this public hearing as it appeared in the *Purcellville Gazette* (see Attachment 1).

#### Presentation

Manager Markel presented highlights of the proposed budget. He noted that the next step will be to schedule a budget work session to discuss the proposed budget further, including any points brought up during the public hearing. Council will need to decide the real estate tax rate and water and sewer rates for the coming year, as well as the application fees. They will also need to finalize the line item allocations for projects in the FY 2013 Capital Improvement Plan. He added that Council is scheduled to adopt the Budget, Schedule of Fees and Capital Improvements Plan on June 21, 2012.

#### Public Speakers

Vice Mayor Zoldos explained the Public Hearing Speaker procedures. Mayor Walker introduced each speaker in the order in which they had signed up to speak.

- **Cheryl Miller** of 16 Tritapoe Place came forward to speak. She stated this is her fifth year working on the Oktoberfest Committee and her third year as the Treasurer. She thanked the Council for their generosity in past years. She stated that as Oktoberfest grows, so does their budget. Most of the income comes from sponsors and vendors. They are working hard to find new sponsors and vendors. She has sent applications to nearly 700 possible sponsors, vendors, and friends. They will be moving the main tent this year due to safety issues and this may increase the costs for security. It has also been suggested that they add another trolley, which will cost approximately \$1,000. They did not bring in enough income last year to cover their cost, but they were able to meet expenses by cutting costs and using funding left over from the previous year. As a result, they are starting out with almost \$1,000 less than they had the last year. They raised their vendor fees this year in order to bring in more income. She stated that Oktoberfest is a great boost to the Town and she asked Council to please keep them in mind when they consider the budget for Fiscal Year 2013.

#### Closing Comments

Mayor Walker again asked if there were any more speakers and there were none.

**Declaration to close the Public Hearing**

Mayor Walker declared this Public Hearing closed at 7:50 PM.

**REGULAR MEETING**

Mayor Elaine Walker called the regular meeting of the Lovettsville Town Council to order at 7:50 PM on Thursday, May 24, 2012.

**Present at Meeting**

- Mayor Elaine Walker
- Vice Mayor Robert Zoldos II
- Council Members Jack Burden, Tiffany Carder, Shaun Staley, and Michael Senate
- Town Manager Keith Markel
- Town Attorney Liz Whiting
- Town Treasurer Lance Gladstone
- Town Clerk Harriet West

**Absent**

- Council Member Tim Sparbanie

**Audience**

Council Member Elect Jim McIntyre.

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

Mayor Walker led the assembly in the Pledge of Allegiance.

**Comments from the Public**

Mayor Walker called for comments from the public. There were none at this time.

**Community Presentations**

A. Lovettsville Volunteer Fire and Rescue Company

Council Member Senate stated that the Lovettsville Fire and Rescue Company has committed for MayFest on Saturday.

B. Lovettsville Community Center

Manager Markel stated that the first movie of the summer series begins on June 8, 2012 on the Town Green.

C. Economic Development Advisory Committee (EDAC)

Council Member Staley stated he attended the Town's Small Business Workshop and that he will be sharing the information with the EDAC Committee at their next meeting.

D. MayFest

Council Member Carder stated that MayFest is Saturday. They brought in \$3,900 in income from 19 sponsors and they have also had a lot of help with in-kind donations. Expenses, which include T-shirts, are \$4,490. They will have approximately 50 booths on the Green. She stated that the volunteers are an awesome team. The event has received great coverage in *Leesburg Today* and the *Purcellville Gazette*.

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

Manager Markel stated he had two items to add to the agenda:

- Discussion Item B. Metrorail Funding
- Action Item C: Parking Opportunities for Residentially Zoned Districts

Vice Mayor Zoldos requested that Oktoberfest be added as Discussion Item D.

Council Member Staley requested that EDAC Leadership be added as Discussion Item E.

**Presentations**

No presentations were scheduled.

**Approval of Town Council Minutes**

A. Town Council Public Hearing and Regular Meeting – April 12, 2012

**Motion:** To approve the minutes of the April 12, 2012 Town Council Public Hearing and Regular Meeting as corrected.  
**By:** Council Member Staley  
**Second:** Council Member Carder  
**Aye:** Council Members Burden, Carder, Senate, Staley, and Zoldos  
**Nay:** None  
**Abstain:** None  
**Absent:** Council Member Sparbanie

**Report from the Treasurer**

A. Financial Report – April 2012

Treasurer Gladstone presented his report for April 2012. Mayor Walker referred to the \$7,114 from water tower antenna leases and asked how often the Town receives those payments. Treasurer Gladstone stated the Town receives three checks each month, including two checks from Sprint/Nextel and one check from AT&T. Mayor Walker asked if the Town charges a fee if the payment is late. Treasurer Gladstone stated he has not been charging a late fee because it does not happen that often. Town Attorney Whiting stated the current leases do not have provisions for a late fee; however, the new contract she drafted does include a late fee. Mayor Walker stated the original lease had a late fee. Attorney Whiting stated that none of the leases are identical. There being no further questions, Mayor Walker called for the vote.

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

**Staff Reports**

A. Report from the Project Manager

There was no report from the Project Manager. Manager Markel thanked Project Manager Fellers for all of her work getting the pavers installed for the dedication on Memorial Day and for preparing the Town's application for the Virginia Municipal League achievement award for the Veterans Memorial.

B. Report from the Zoning Administrator

There was no report from the Zoning Administrator. Manager Markel thanked Administrator Hynes for her work on the first Lovettsville Small Business Breakfast, which was very successful. Councilman Senate stated there was a lot of interest in businesses for Lovettsville. He is hopeful that will stimulate interest in EDAC and perhaps continuing the Lovettsville Business Association.

Councilman Burden noted that as wonderful as the event was on Monday, he read in the newspaper on Wednesday that the Lovettsville Business Association has disbanded. He noted that this leaves a big hole in communication. Mayor Walker stated that Zoning Administrator Hynes reached out to them for the business breakfast and got no response.

Vice Mayor Zoldos stated that Monday's event shows there is an excellent opportunity now to form something new with the Town's support.

Councilman Senate stated that the business association has a strong charter which could be transferred to another group. He noted that the LBA had more than 180 members and now they are down to zero.

He added that there were 30 people at the small business breakfast, which is more than they had when they started the LBA.

Councilman Staley stated there was discussion about getting the website and contact information from the LBA and they will be discussing this at the next EDAC meeting.

Councilwoman Carder stated Purcellville is a good model for how the Town can work with local business organizations.

Mayor Walker noted that the Town and the LBA did work very closely together.

C. Report from the Town Attorney

The Town Attorney had no formal report.

D. Report from the Town Manager

Manager Markel reported on the following:

- The hydrant that was replaced is being worked on to repair a leak.
- The audit report has been distributed to Council members.
- The Historic District Public Hearing was held on May 15<sup>th</sup>. That project is moving forward and they are hoping for a positive outcome in June. The insurance issues that were brought up at the public hearing have been investigated and it has been found that the major insurance companies the Town talked with do not have any issue with homes being located in a national register historic district..
- He thanked Councilman Senate and Vice Mayor Zoldos for the safety enhancements to the Town's truck.

**Action/Discussion Items**

A. FY 2013 Budget, Rates and Fees and CIP

Manager Markel stated Council could either discuss this tonight or he could schedule a special work session before the planned adoption on June 21<sup>st</sup>. Vice Mayor Zoldos asked if there was already a work session scheduled just to address the budget. Manager Markel stated there was not but suggested either May 31<sup>st</sup> or June 7<sup>th</sup>. Vice Mayor Zoldos suggested scheduling the budget work session on May 31<sup>st</sup>. Mayor Walker and the other Council Members present agreed.

B. Metrorail Funding

Manager Markel provided a copy of the presentation prepared by Mr. Tim Hemstreet, County Administrator, for the Loudoun County Board of Supervisors regarding funding scenarios for the extension of the Metrorail Silver Line into Loudoun County. The County is seeking feedback from other towns regarding interest and support for the different funding options. Manager Markel stated this is a very costly project and the funding sources have shifted, placing more of a financial burden on the County. The County has proposed several different options, including gas tax funds, a commercial/industrial tax, and/or a rail tax district within a mile or two of the Metrorail stations. He added that County Administrator Hemstreet is available to meet with Council if they would like additional information.

Councilmember Burden asked when the County needed the Town's feedback. Manager Markel stated within the next several weeks.

Vice Mayor Zoldos asked if it would be possible for someone to explain the funding options to Council. He stated that Lovettsville is in a unique position because the Town does have access to rail (referring to the MARC train service in Brunswick). He added that of all of the towns in Loudoun, Lovettsville probably needs it the least due to the close proximity of the train. He added that the rail tax district makes good sense but, if the Town supports just that option, it looks like they want the rest of the County to pay for it. Without understanding all of the possibilities, he does not see how Lovettsville can heavily support anything that would raise taxes in Loudoun County when there is already a good option here.

Attorney Whiting suggested they ask the County how the existing businesses prosper from the Route 28 overlay tax district. She stated many businesses were negatively affected because their entrances got blocked by the interchanges.

Mayor Walker asked if Mr. Hemstreet, or someone from his office, was willing to meet with the Council and if the other six towns were being asked to do the same thing. She also asked if Mr. Hemstreet is expecting a resolution. Manager Markel stated this was informal and the County is just looking for the Town's feedback. He stated he would try to schedule the presentation on May 31<sup>st</sup>.

Councilman Staley stated he had a concern about how this impacts the Town and the surrounding area. He wanted to get feedback from others because it impacts everyone in the area. He urged the Council to do more research and to be cautious going forward.

Councilman Senate stated what most people seem to be concerned about is that their property taxes could increase anywhere from \$0.17 to \$0.20 per hundred as a way to pay for this. In addition, those in the rail zone will pay more. He stated he had been running a business on Route 28 that almost went out of business due to the special tax rate and the closure of entrances and exits to the buildings. Council needs to be very cautious and listen to people in Town and the surrounding area, and to get that information to the Board of Supervisors. He stated that people in the western end of the County are probably not going to drive 25-30 miles to get on a train, when they can get on a train three miles away. They need to look for information and they have to have hard facts.

Councilman Burden stated he has been approached by several people and he has gotten different feedback. His concern is that it will be difficult to get a good assessment by just talking to a few neighbors. He is leery about giving the County any type of feedback because it would be difficult to get a consensus of the community in two or three weeks.

Mayor Walker stated she did not think it would hurt to listen. She stated, for the record, that this is the first time the towns have been invited to provide feedback. She serves on the Economic Development Commission representing the seven incorporated towns in Loudoun County and has heard about rail to Dulles for many, many years. The Economic Development Commission has voted always to support rail to Dulles. When the vote came up to support Phase 2, she abstained because she had not met with the other incorporated towns and the Lovettsville Town Council to get their input. She did not vote because she had not discussed it with the other Mayors. This was at least two years ago so this is the first time the towns have been asked to provide any feedback. She agreed it is a short period of time to digest all of this and to know what has been proposed, the changes, and the expense. She added that the expenses have change many times over the years.

Vice Mayor Zoldos stated the answer may be not to take a side on this issue. They need to listen to others but at the same time it may not be in the best interest of the Town. Council's job is to be stewards of the Town and while there are many indirect benefits, there are no direct benefits to the Town. He added they will know more when they meet with the County.

Mayor Walker stated there is a big difference between not taking a side and opposing a project. They can listen but it does not mean they have to take a stand one way or the other. She stated they certainly would not want to oppose project that may be good for other communities in the County.

#### C. Explore Public Parking Lots

Manager Markel presented this item on behalf of Zoning Administrator Hynes. Council is being asked to allow staff and the Planning Commission to explore parking opportunities in residentially zoned districts. Currently, none of the residentially districts allow public parking lots.

Councilman Staley asked if property owners already have the ability to have residential property rezoned commercial, and then turn it into a parking lot. Manager Markel stated some rezonings would be easier than others based upon what the Comprehensive Plan calls for, what the adjacent properties are, and who the parking lots would serve. Councilman Staley asked if this was making more work than is needed. Manager Markel stated it was worth looking into.

**Motion:** I move that Town Council direct staff to work with the Planning Commission to explore East Broad Way public parking opportunities, and report back to the Town Council with their recommendations.

**By:** Council Member Senate

**Second:** Council Member Carder

Councilman Senate stated that parking lots in general do not make any money and the property owner still has to pay taxes on the land every year. He added that, in this case, it involves smaller areas of real estate and the opportunity should be presented to those property owners. There being no further discussion, Mayor Walker called for the vote.

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

**Nay:** None

**Abstain:** None

**Absent:** Council Member Sparbanie

#### D. Oktoberfest

Vice Mayor Zoldos stated he had been approached by several members of the Oktoberfest Committee who have concerns for the Committee's future. He noted that the term for the current Chair is ending. The custom of the Council has been for a member of the Town Council to Chair the Committee. He suggested appointing a new Chair, either someone who is currently serving on the Council or will be as of July 1<sup>st</sup>. He asked Manager Markel if he had spoken with the current Chair to confirm he does not expect to continue. Manager Markel stated he had spoken with the current Chair and he is happy to transition to the new person who was appointed. Vice Mayor Zoldos stated his recommendation is to move forward now and appoint Council Member Elect Jim McIntyre as the 2012 Oktoberfest Committee Chair.

**Motion:** I move that Council appoint Jim McIntyre interim Oktoberfest Chairman until such time as July 1, 2012 when he will become permanent Oktoberfest Chairman.

**By:** Council Member Senate

**Second:** Motion died for lack of a second

Vice Mayor Zoldos stated that the interim tag could hinder Mr. McIntyre's effectiveness as the Oktoberfest Committee Chair. Councilman Senate stated the only reason he brought that up was because they had just discussed that the Chairman had to be a sitting member of the Council. Vice Mayor Zoldos clarified that he said it had been the custom of the Council, rather than an actual rule. Councilman Senate stated he did not know if it was an actual rule but it had been that way ever since he had been on the Council. Mayor Walker stated it had only been that way for the past three years.

Attorney Whiting stated that, as a point of order, unless the Council had received a resignation from the sitting Chair, they did not have a position to fill. She stated Council could make an appointment as Chairman Elect, effective upon receipt of a resignation from the sitting Chair. Mayor Walker stated the sitting Chair was not appointed, he just assumed he would serve as Chair of Oktoberfest again this year. Attorney Whiting stated that in Virginia, you serve until you resign or are replaced by someone who qualifies as your replacement.

Councilman Burden stated he is uncomfortable assuming that the sitting Chair will resign without the Mayor or Vice Mayor talking to him. Before Council makes a motion someone should contact him about writing a letter of resignation and the appointment can be made at the next meeting.

Councilwoman Carder stated she keeps hearing how Oktoberfest is behind and she wants to form a motion that will be the most time effective. Councilman Burden stated until the sitting Chair resigns they cannot do anything.

Mayor Walker stated there was an Oktoberfest Committee meeting Monday night and there were decisions that needed to be made. Jim McIntyre is a Council Member Elect. It was stated at the last public meeting that Mr. McIntyre was willing to assume this position. Councilwoman Carder asked if Councilman Sparbanie was at the last Oktoberfest meeting. Mayor Walker stated he was not.

Councilman Burden stated during the last public meeting Councilman Sparbanie mentioned three people who could replace him as Chair – Councilman Burden, Rodney Gray, or Jim McIntyre. After the meeting, Councilman Burden spoke to Councilman Sparbanie and explained there is nothing in Council's rules that says they have to be a Council Member. He suggested to Councilman Sparbanie that he talk to Vice Mayor Zoldos directly about the transition.

Councilman Staley stated he had talked to Councilman Sparbanie a couple of times and he made it perfectly clear that he was not going to run Oktoberfest again. Councilman Staley stated he did not want there to be any confusion about Oktoberfest. He agreed with Councilman Burden's suggestion that Council make this an agenda item for next Thursday and that in the meantime someone contact Councilman Sparbanie directly to see what his intentions are. If he does intent to resign, then he needs to make that clear in writing.

Vice Mayor Zoldos stated it would be nice for Councilman Sparbanie to be at MayFest to meet with the vendors and speak with them about Oktoberfest. Vice Mayor Zoldos stated there are two issues. The first is the resignation, which Council can get handled by next Thursday. The second issue is determining if the Oktoberfest Chair has to be a Town Council Member. This is something Council will have to take up. There had been some issues with Oktoberfest several years ago and the only way Council felt comfortable was to have someone who was part the Town Council be involved and report back to them directly. He added he thought this was more of a custom than a rule. He suggested they make it an action item for next Thursday and in the meantime he will follow up with Councilman Sparbanie.

Mayor Walker asked Mr. McIntyre if he would be the ambassador at MayFest to seek additional vendors for Oktoberfest. Mr. McIntyre indicated he would.

#### E. Economic Development Advisory Committee

Councilman Staley stated the next Economic Development Advisory Committee (EDAC) meeting will be his last meeting. Council needs to consider transferring that leadership role as well and it would be good to have the newly appointed person attend the next EDAC meeting. With the new Council Members coming on board, he did not know if there was anyone slated for this position. He suggested Councilwoman Carder since she has been involved with EDAC.

Mayor Walker asked when EDAC meets again. Councilman Staley stated their next meeting is June 7<sup>th</sup> at 7:30 PM. They do need a Town Council member on EDAC because it is in Council's rules. He stated he will plan on resigning after that meeting.

Vice Mayor Zoldos stated the best course of action is to wait until after July 1<sup>st</sup>, when the new Council is in place. Councilman Staley stated his concern is they have several people appointed who are not interested in continuing to serve, or whose terms expire July 1st and they need to be reappointed. Mayor Walker asked if they would continue to serve anyway. Attorney Whiting stated that Virginia follows the holdover rule, so for advisory committees, members continue to serve until their replacement is appointed. She stated this would not apply to Council Members who are no longer in office. She stated that the Chair should keep track of the terms and notify the Council when the terms expire. The Town Clerk can follow up to see if the members are willing to be reappointed, or not. She stated it would be appropriate for Councilman Staley to start the inquires on those members whose terms are ending soon to see if they are willing to be reappointed, and to provide that information to the Council and the Town Clerk so they know to put it on the agenda and to put notices out to recruit, if needed.

Vice Mayor Zoldos stated they could invite all of the new Council Members to the next EDAC meeting and use it as a visioning session. Councilman Staley stated he just wants to make sure it gets transitioned properly. He sees them revamping the membership but does not want to lose some of the great people on the Committee. Vice Mayor Zoldos asked Councilman Staley if he had considered staying on as a non-Council member. Councilman Staley said he had considered staying on as a contributing member.

Councilwoman Carder stated that the important thing is to pick a date for the vision workshop and to invite EDAC members, interested Council members, and others with an interest in economic

development. Councilman Staley asked Vice Mayor Zoldos to contact him with a date for scheduling the meeting.

### **Information Items**

Manager Markel discussed potential dates for the swearing in of the newly elected. Council asked Manager Markel to schedule the swearing in ceremony on June 12<sup>th</sup> at 7:30 PM.

### **Comments from the Mayor and Town Council**

Councilman Burden read a written statement regarding the Town's Memorial Day and Veterans Day celebrations (Written Statement 1).

Councilman Senate had no comments.

Councilwoman Carder stated they will have a collection for the local Food Pantry at MayFest and that the Lion's Club will also be providing health screenings. She resigned from the Board of the Lovettsville Cooperative Market because her responsibilities on the Town Council are taking up more and more of her time, which she is happy to do because she is passionate about the work she does for the Town.

Councilman Staley stated MayFest is a brand new event. There have been a lot of in-kind donations and one-time expenses, but Councilwoman Carder is really only \$500-\$600 shy of having the event pay for itself. They have talked about having events essentially bankrolling themselves in future and getting to a point where they are self-sustaining. He stated it was great to see a new event come online that is almost self-funded.

Vice Mayor Zoldos stated that MayFest has been successful because of the volunteers, but mostly because of the Chair – Councilwoman Carder. He thanked Councilman Burden for his comments about Memorial Day and stated he would like to speak to him off line. The pool grand opening is Saturday. He asked where they are with the Town welcome sign. Councilman Staley and Senate stated they were working on it. Vice Mayor Zoldos thanked staff for addressing the concerns raised about the historic district discussion, especially the insurance issue. He stated that, speaking for himself personally, he had no intent to do anything more than the voluntary district. It allows flexibility to go after some help to redo your building. Council did not want anything stricter in the Town. It is the perfect blend of something that is honorary, that does not have any real requirements, or any of the negatives. It sets the Town apart from other towns that don't have a historical area, without any of the negatives that the overlay districts have. He understands the concerns that were brought up that Council could change their position in the future, but he has no intention of going any farther than the honorary district.

Mayor Walker reported on the following items:

- The Parks Committee has been meeting regularly to discuss the Quarter Branch Park and the Town Center. She thanked Councilwoman Carder for allowing the Parks Committee to conduct several meetings in her home.
- She met with INOVA officials at the new facility in Town. The facility is beautiful and is ready to go and INOVA is close to having someone on board. She also took them on a tour of the Town and they were surprised to see number of new homes and developments.
- She applauded Zoning Administrator Hynes for her work on the Small Business Breakfast. It was a great event and she received many positive comments from the participants.
- She thanked Project Manager Fellers for her work on the application to the Virginia Municipal League.
- The next meeting of the Oktoberfest Committee is June 4<sup>th</sup>. She thanked Cheryl Miller for all of her work.
- She and Vice Mayor Zoldos met with representatives from Congressman Wolf's office.
- She attended the Virginia Municipal League section meeting with Vice Mayor Zoldos, Councilman Senate, and Manager Markel.
- MayFest is Saturday and the Memorial Day Ceremony is on Monday.
- She attended the Ruritan Club dinner in celebration of their 20<sup>th</sup> anniversary. She read the letter she wrote on behalf of the Town Council (Written Statement 2) and recounted a funny story they told about the installation of the flag pole. She stated this is a civic organization that has contributed



greatly to the Town in both time and materials. They are a hard working group of people and she appreciates the support they have given to the Town.

- The meeting with Geary Higgins is scheduled for June 14<sup>th</sup>.
- She was unable to attend the Historic District Public Hearing and the Planning Commission meeting due to being out of Town.
- She stated she would speak with Councilman Burden about his comments and the agenda she has prepared for the Memorial Day Ceremony.

**Comments from the Public**

There were no comments from the public at this time.

The Council took a brief recess at 9:43 PM and the meeting resumed at 9:55 PM.

**Closed Session**

The Mayor and Council went into closed session at 9:55 PM and came out of Closed Session at 11:14 PM. All council members verified that only public business matters lawfully exempt for the open meeting requirements under the Virginia Freedom of Information Act were discussed (Attachment III: Closed Session Motions).

**Regular Meeting - Continued**

Council resumed the Regular Meeting at 11:14 PM.

- Motion:** I move that Town of Lovettsville renew its contractual relationship with American Disposal Services for refuse and recycling services based on the terms established in the existing contract between American Disposal and the Town of Purcellville, as amended for the Town of Lovettsville, and direct the Mayor and Town Manager to sign the updated contract in a form acceptable to the Town Attorney.
- By:** Vice Mayor Zoldos
- Second:** Council Member Senate
- Aye:** Council Members Burden, Carder, Senate, Staley, and Zoldos
- Nay:** None
- Abstain:** None
- Absent:** Council Member Sparbanie

Mayor Walker asked if there was any further business to come before the Town Council. Councilwoman Carder stated that the Farmers Market will be held on June 3<sup>rd</sup> at Dr. Johnson's parking lot.

**Adjournment**

There being no further business before the Town Council, the meeting was adjourned at 11:16 PM.

Respectfully submitted,



Harriet West, Town Clerk

Date Approved: August 16, 2012

Attachments:

- I. Public Hearing Notice from Purcellville Gazette
- II. Speaker Sign Up Sheet
- III. Closed Session Motion

Written Submissions to Council:

1. Councilman Jack Burden
2. Mayor Walker

**TOWN OF LOVETTSVILLE**  
**NOTICE OF PUBLIC HEARING**  
**PROPOSED OPERATING & CAPITAL BUDGET FOR FISCAL YEAR 2013 BUDGET**  
**And**  
**PROPOSED CAPITAL IMPROVEMENT PLAN FOR FY 2013-2017**

A PUBLIC HEARING on the proposed Operating and Capital Budget for FY 2013 and the Capital Improvement Plan (CIP) for FY 2013-2017 will be held at the Lovettsville Town Hall, 6 East Pennsylvania Avenue, Lovettsville, VA on Thursday, May 24, 2012, at 7:30 p.m., at which time all interested citizens will be heard. Copies of the full text of the Proposed FY 2013 Budget and FY 2013-2017 CIP may be examined at the Town Hall from 9:00 a.m. to 3:00 p.m., Monday through Friday, holidays excepted or on the Town's website at [www.lovettsvilleva.gov](http://www.lovettsvilleva.gov).

<b>GENERAL FUND – OPERATING BUDGET</b>			
<b>REVENUE</b>		<b>EXPENDITURES</b>	
Property Taxes	\$ 408,480	Personnel Services	\$328,531
Other Taxes	262,500	Contractual Services	182,000
Permits/Fees/Licenses	11,150	Technology Services	9,200
Reimbursements and Other Revenue	16,200	Repair & Maintenance	22,992
		Utilities	17,570
		Parks	31,500
		Communications	4,900
		Insurance	6,000
		Activities Support	26,500
		Dues	3,000
		Travel & Training	13,600
		Refunds	5,000
		Supplies and Advertising	6,350
		Capital Transfer	41,187
<b>TOTAL REVENUE</b>	<b>\$698,330</b>	<b>TOTAL EXPENDITURES</b>	<b>\$698,330</b>

<b>GENERAL FUND – CAPITAL BUDGET</b>			
<b>REVENUES</b>		<b>EXPENDITURES</b>	
General Fund Reserve	\$369,093	Broad Way Streetscape	\$350,000
TEA-21 Grant and Town Match	331,000	Bicycle/Pedestrian Path	331,000
Transfer from Operational Budget	41,186	Lovettsville Town Hall	40,000
Meals Tax	60,000	Quarter Branch Park/Support Fac.	100,000
Cigarette Tax	18,000	Town Green Development	150,000
Interest on Reserve Funds	10,200	Storm Ditch Improvement	60,000
VML/VACo Loan Proceeds	350,000	Debt Service Payment	148,479
<b>TOTAL REVENUE</b>	<b>\$1,179,479</b>	<b>Total Expenditures</b>	<b>\$1,179,479</b>

<b>UTILITY FUND – OPERATING BUDGET</b>			
<b>REVENUES</b>		<b>EXPENDITURES</b>	
Water & Sewer Service*	\$574,158	Personnel Services	\$48,668
Connection Fees	48,000	Contractual Services	319,200
Frye Ct Tax District**	2,500	Sewer Repair & Maintenance	115,512
Reimbursements	10,980	Water Repair & Maintenance	97,390
Water Tower Leases	85,000	Utilities	54,150
Penalties, Reconnect, Grants, Misc.	11,150	Communications	3,000
		Liability Insurance	9,500
		Vehicle / Miscellaneous	4,400
		Sewer Supplies & Equipment	10,700
		Water Supplies & Equipment	14,500
		Capital Transfer	54,768
<b>TOTAL REVENUES</b>	<b>\$731,788</b>	<b>TOTAL EXPENDITURES</b>	<b>\$731,788</b>

UTILITY FUND – CAPITAL BUDGET			
REVENUES		EXPENDITURES	
Sewer Fund Reserve	\$152,981	Water Tower Repair	\$6,000
Water Fund Reserve	45,500	Water Facility Improvements	85,000
Water Tower Reserve	45,900	Sewer Debt Payment – 1&2	183,960
Sewer Tap Fees	285,600	Water Debt Payment – Park Pl.	44,129
Water Tap Fees	8,100	Sewer Debt Payment – 3	261,615
Interest on Investments	21,300	Sewer Debt Payment – I&I	33,444
Transfer from Operational Budget	54,767		
<b>TOTAL REVENUES</b>	<b>\$614,148</b>	<b>TOTAL EXPENDITURES</b>	<b>\$614,148</b>

\*Each water customer will be assessed a waterworks operation fee up to \$2.05 for the 2013 fiscal year. This fee will be paid directly by the Town to the Virginia Department of Health for the Waterworks Technical Assistance Fund.

\*\*Based upon proposed tax rate of \$0.275 per \$100.00 assessed land value for Frye Court residents only.

05/08/12

## Town of Lovettsville Proposed Rate and Fee Changes for Fiscal Year 2013

A Public Hearing on the proposed rates and fees for Fiscal Year 2013 will be held at the Town Hall, 6 East Pennsylvania Avenue, on Friday, May 24, 2012 at 7:30p.m. at which time all interested persons will be heard. A full version of the rate and fee schedule along with the proposed changes below are available for review on the Town's website at [www.lovettsvilleva.gov](http://www.lovettsvilleva.gov) or at the Town Hall between the hours of 8:30a.m. and 4:30p.m., Monday through Friday, holidays excepted.

PROPOSED NEW/ADJUSTED RATES AND FEES (NOT TO EXCEED)																																												
<b>General Fund:</b>																																												
<i>New Application Fee Categories or Changes to Current Rates</i>																																												
Pool Permit (including Fence)		\$100.00																																										
Zoning Determination Letter		\$75.00																																										
Demolition Permit		\$50.00																																										
Proffer Amendment		\$500.00																																										
Preliminary Plat Amendment		\$250.00																																										
Final Plat Amendment		\$250.00																																										
Variation / Waiver		\$100.00*																																										
Occupancy Permit		\$75.00																																										
BZA Variance /Appeal		\$250.00*																																										
*- additional charge for advertising and/or adjacent property owner notification will be billed to the applicant																																												
All other rates and fees associated with the General Fund that are not listed above remain unchanged from FY 2012. These rates and fees are authorized by Code of Virginia Sections 15.2-2241 and 15.2-2286.																																												
<b>Utility Fund:</b>																																												
Minimum Water and Sewer Bill: \$95.19 for up to 6,000 gallons per quarter (\$92.42 for FY 2012 – increase of 3%)																																												
Water User Rate: \$6.34 per thousand gallons (\$6.16 in FY 2012 – increase of 3%)																																												
Sewer User Rate: \$9.52 per thousand gallons (\$9.24 in FY 2012 – increase of 3%)																																												
Sewer Only Customers: Fixed rate of \$79.27 (\$76.96 in FY 2012 – increase of 3%)																																												
Deposit for new water and sewer accounts:																																												
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Availability Fees, Maximum Allowable Usage and Meter Fee:																																												
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*Upgrades from a smaller meter size will equal the difference between the new availability fee and the current availability worth of the existing meter size.																																												
Failure to Upgrade Meter Fine – First Offense: \$100.00																																												
Failure to Upgrade Meter Fine – Second Offense: \$200.00																																												
Failure to Upgrade Meter Fine – Third Offense: \$300.00																																												

Water Theft Fines:

First Offense Fine	\$500.00
Second Offense Fine	\$1,000.00
Third or Subsequent Offense Fine	\$2,000.00

Reward for Successful Notification and Capture of Water Theft in Progress:

Town Water and Sewer Account Holders	\$50.00 Account Credit
Non-account Holders	\$50.00 Check

Fine for Failure to Follow Water Emergency Rules and Regulations: \$500.00 each offense

Availability Tap refund processing charge: \$50.00

All other utility rates and fees remain unchanged from FY 2012

*These rates and charges are authorized by the Code of Virginia Sections 15.2-2111, 15.2-2143 (Water) and Sections 15.2-2111, 15.2-2119 (Sewer)*

# Town of Lovettsville

## Speaker Sign - Up Sheet

### Town Council Public Hearing and Regular Meeting - May 24, 2012

Please Print.

Name and Association	Address	Topic	Email Address (Optional) <sup>1</sup>
CHERYL MILLER - OXTON FOREST	16 TRITAPAE PL	BUDGET	

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

## VIRGINIA FREEDOM OF INFORMATION ACT Resolution: AUTHORIZE CLOSED SESSION

Date: May 24, 2012

Time: 9:55 PM

MOTION BY: B. Z. Adams

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

- ① Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; and evaluation of performance of departments or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals, *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.~~ *X (next page)*
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]~~ <sup>[Amendment of contract of American Disposal Services]</sup>

And thereafter reconvene in open session for action as appropriate.

SECOND: M. Senate  
VOTE:

Ayes: Zolner, Staley, Cardee, Senate, Bunden  
Nays:  
Abstentions:  
Absent for vote: Spaulding

Roll-call poll by presiding official:

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

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

May 24, 2012 at 11:14 PM

Certified:

Elaine Weller  
Mayor



✓

**For the Record – 23 May 2012:**

After the Memorial Day Celebration on the Town Square last year, I was made aware of some residents discomfort with the by-name introductions of Town Government members as if this were a campaign event. One disgusted veteran actually left the event when the Town Council members were introduced.

While I feel that invited guests, including county or state elected officials, should be acknowledged, I also agree with the residents who feel that it is inappropriate to individually introduce the Town Council members, Planning Commissioners, and Town staff simply because they are in attendance during the Memorial Day and Veterans Day celebrations on the Town Square.

That does not mean the Town staff and others should not be acknowledged for their efforts to make these celebrations the wonderful events they are for the Town of Lovettsville.

For example, those individuals and organizations responsible for the successful “paver” program should be acknowledged for their efforts but not every member of the Town Government should be introduced.

We should keep the Memorial Day and Veterans Day celebrations focused on those we should rightly honor – The Veterans.

Jack Burden

Veteran and Town Council Member

# Town of Lovettsville

May 19, 2012

TO THE LOVETTSVILLE-WATERFORD RURITAN CLUB:

In behalf of the members of the Town Council of the Town of Lovettsville, I wish to take this opportunity to extend sincere congratulations on this special occasion and celebration of your 20<sup>th</sup> Anniversary.

Words are not adequate to express my appreciation for all of the support you have given the Town of Lovettsville during these twenty years. When I became Mayor, I had always wished for a "Welcome to Lovettsville" sign at the entrance to our Town. After many meetings with Virginia Department of Transportation, I was finally given permission for a sign to be placed on their property at the intersection of Berlin Pike and Loudoun Street. Shortly thereafter, I came to your meeting and shared my success story with VDOT, and asked if you could help with the sign. Immediately, your members responded positively, and the construction team, led by John Payne, began their work. The sign remains in place today, and we remain very proud of the area.

Next came the construction of the Town Square by Elm Street Development, built to calm traffic and promote a more pedestrian friendly ability to cross a busy highway from East to West, and provide a park-like area for our citizens. Once again, I attended a meeting and was offered a thirty-five foot flag pole and flag for our new Town Square.

On the day of the installation of the flag pole, some members, including Bob Carr, John Payne, and the late John Stowers, discussed building a memorial to veterans in the Square. Many meetings and much discussion ensued, and finally in 2011, the Town Council approved a plan for the Veterans Memorial which was constructed in less than two months. The Memorial was dedicated on November 11, 2011 (11/11/11 at 11:00 A.M.). This Ruritan Club came forth once again, and provided five beautiful bronze plaques that adorn the stone pillars of the Memorial, representing the five military branches of service, as well as an Eagle Paver in a walkway.

It is my pleasure to share these memories with you all today, and to tell you once again how grateful I am for all of your contributions, both in time and materials, to the Town of Lovettsville. To be invited to be with you as you celebrate your 20<sup>th</sup> Anniversary is an honor. May the flag always fly with respect and dignity, and may the Memorial provide a location for honoring and reflecting on all veterans with reverence.

Sincerely,



Elaine Walker  
Mayor

*The German Settlement*