

# Town of Lovettsville

## Town Council Minutes of Regular Meeting July 26, 2012

### Call to Order/Pledge of Allegiance

Mayor Robert Zoldos called the regular meeting of the Lovettsville Town Council to order at 7:31 PM on Thursday, July 26, 2012.

### Present at Meeting

- Mayor Robert Zoldos II
- Council Member Jack Burden
- Council Member Tiffaney Carder
- Council Member James McIntyre
- Council Member Michael Senate
- Town Manager Keith Markel
- Project Manager Karin Fellers
- Town Clerk Harriet West

### Absent

- Council Member Rodney Gray
- Town Attorney Elizabeth Whiting

### Audience

Former Mayor Elaine Walker

Mayor Zoldos led the assembly in the Pledge of Allegiance.

### Presentations

No presentations were scheduled.

### Comments from the Public

Councilman Burden read the rules for speaking before the Council. Mayor Zoldos called upon the speakers in the order in which they had signed up to speak (Attachment 1).

**Mayor Elaine Walker**, 40 S. Berlin Pike, read a statement for the record (Written Submissions to Council 1). She officially thanked everyone for the wonderful reception. She stated it was an honor to have served the Town and she offered her assistance to the Council.

**Drew Fieger**, 24 Barbara Ellen Place, stated he was requesting a text amendment to the zoning regulations regarding the three-foot fence height limit for corner lots. He stated the three-foot height limit has a lot of safety issues because it does not deter trespassers, intruders, or unwanted animals, and it is easy for his small children to get out. He requested that the height limit be increased to four feet.

### Community Presentations

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

Loudoun County Deputy Sheriff Cooper stated he has assumed Deputy Wacker's community policing position for Lovettsville. He reported that for the month of July there was a larceny reported on Joel Way and storm damage in Town. He added the Sheriff's Office has been conducting surveillance for two weeks related to the break-ins at Route 9 and Sagle Road.

#### B. Lovettsville Community Center

Elizabeth Bracey gave a report on the Community Center's statistics and events (Written Submissions to the Council 2). She noted there was an eight percent increase in overall center attendance this summer, including a significant increase in teenage and senior users. The pool was closed for nearly eight days

due to water/sewer issues at the bath houses, a power outage, and broken glass in the pool. This resulted in lost revenue of more than \$33,000.

**C. Lovettsville Planning Commission**

Manager Markel reported the Planning Commission is working on the development of the new zoning district for the old part of Town.

**D. Economic Development Advisory Committee**

Councilwoman Carder stated EDAC is working on scheduling a visioning workshop that will be open to the public. The purpose is to attract and retain businesses here in Lovettsville.

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

Councilwoman Carder asked that an item be added to the agenda to appoint a Town Council member to EDAC.

Councilman Burden requested that Item A, Selection of Vice Mayor, be delayed until all of the Council Members were present.

**Approval of Town Council Minutes**

**A. Town Council Regular Meeting - May 10, 2012**

Motion: To accept the minutes of the May 10, 2012 Regular Town Council Meeting as presented.

By: Council Member Senate

Second: Council Member Carder

Aye: Council Members Burden, Carder, and Senate

Nay: None

Abstain: Council Member McIntyre

Absent: Council Member Gray

**Staff Reports**

**A. Project Manager Report**

There were no questions regarding Project Manager Feller's written report dated July 19, 2012.

**B. Report from the Zoning Administrator**

There was no written report from the Zoning Administrator.

**C. Report from the Town Attorney**

There was no formal report from the Town Attorney.

**D. Report from the Town Manager**

Manager Markel's written report was distributed at the meeting. He noted he has been working with the Project Manager and Town Attorney on staff's draft of the Water and Sewer Ordinance. He commended Loudoun Water for their excellent response during the storm on June 29. He is working with the Ruritan Club on replacing the flag pole, which was damaged during the storm.

**Report from the Treasurer**

Treasurer Gladstone reviewed the May 2012 Financial Report.

Motion: To accept the revenue reports for May 2012 as presented.

By: Council Member Senate

Second: Council Member Burden

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

Nay: None

Abstain: None

Absent: Council Member Gray

**Action/Discussion Items**

**A. Selection of Vice Mayor**

This item will be rescheduled for a future meeting when all Council Members are present.

**B. PHRA Scope for East Broad Way**

Project Manager Fellers presented this item. Council is being asked to approve a Scope of Service to provide engineering services for the Phase I Broad Way Sidewalk Design Stage 3 to complete permitting and land acquisition and provide construction management services. She noted the Scope of Services includes everything that will be needed to complete the construction, including potentially modifying the designs slightly based on input from homeowners.

Motion: I move that the Town Council approve the Scope of Services titled *Permitting and Construction Services for Phase I, Stage 3 East Broad Way Sidewalk* and dated May 14, 2012 and revised July 19, 2012 for a not to exceed without written authorization cost of \$165,000 plus an estimated \$5,000 for reimbursables and a contingency of \$20,000 and to authorize the Mayor or Town Manager to sign the appropriate paperwork once in a form acceptable to the Town Attorney.

By: Council Member Carder

Second: Council Member Senate

Project Manager Fellers noted that construction inspection is not included in the price. Staff's recommendation is to speak with other firms about providing the inspection services.

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

Nay: None

Abstain: None

Absent: Council Member Gray

**C. Berlin Bike Path Resolution**

Project Manager Fellers presented this item. Council is being asked to approve a resolution endorsing the project Public Hearing Plans presented in March 2012 to meet the Public Hearing Requirements.

Motion: I move that Town Council approve Resolution 2012-07-01 to endorse the Lovettsville Pedestrian/Bike Path Public Hearing Plans.

By: Council Member Burden

Second: Council Member McIntyre

Aye: Council Members Burden, Carder, McIntyre, Senate

Nay: None

Abstain: None

Absent: Council Member Gray

**D. Demolition of 8 Pennsylvania Avenue Contract**

Project Manager Fellers presented this item. Council is being asked to select a contractor for demolition of the building at 8 Pennsylvania Avenue. The Town received two bids and one was much lower than the other. Staff received good referrals from the firm that submitted the lowest bid. The goal is to have the building demolished in time for Oktoberfest. Councilman Burden asked how the diversion rate will be measured. Project Manager Fellers stated this was not specified in the Request for Proposals but she will work with the contractor about reporting this information. Councilman McIntyre asked if there was a timeline for the demolition. Project Manager Fellers stated they are operating on a two-month deadline, but will try to get it done sooner. Councilman Senate asked if there are any materials in the home that would require special handling, such as asbestos. Project Manager Fellers stated asbestos testing was done and a low amount was found in the window caulking. It is below EPA thresholds and does not require special disposal but it will require special protection for the workers who are removing the windows.

Motion: I move that Town Council select United Wreckers & Excavators, Inc as the apparent low bidder to complete the demolition of the building at 8 Pennsylvania Avenue for a cost of

\$10,865 with a contingency of \$4,000 and authorize the Mayor or Town Manager to sign the paperwork once in an acceptable form.

By: Council Member McIntyre

Second: Council Member Carder

Mayor Zoldos stated that Lovettsville Fire & Rescue asked about doing destructive training before the house was demolished. He asked Project Manager Fellers to see if that was possible. Staff would look into whether the schedule would allow such activity.

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

Nay: None

Abstain: None

Absent: Council Member Gray

E. Water Tank Paint Color Selection

Project Manager Fellers presented this item. Council is being asked to select the paint color for the elevated water tank. Council reviewed and discussed the various paint colors and possible design options. Council moved on to other agenda items and returned to this discussion at 9:05 PM. Following further discussion, Manager Markel recommended that Council select a default color now, with the understanding they may be able to discuss this further next week. He added they may be able to use vinyl letters for text or a logo.

Motion: I move that Town Council select color "Clear Sky" for painting the elevated tank.

By: Council Member McIntyre

Second: Council Member Carder

Aye: Council Members Carder, McIntyre, and Senate

Nay: None

Abstain: Council Member Burden

Absent: Council Member Gray

F. BB&T Account Information Update

Manager Markel presented this item. He distributed a draft letter of request prepared by the Town Treasurer asking for modifications to each of the Town's accounts and to the master Business Resolution to reflect the new Town leadership.

Motion: I move to direct the Town Manager to forward the attached letter of request to BB&T so the Town's Business Resolution and Signature Cards will be updated with the appropriate leadership and contact information.

By: Council Member Senate

Second: Council Member McIntyre

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

Nay: None

Abstain: None

Absent: Council Member Gray

G. Appointment of Council Member to Parks Committee

Manager Markel presented this item. Council is being asked to consider appointing a member of Town Council to serve as a voting member of the Parks Committee.

Motion: I move to appoint Council Member Burden to serve as a voting member of the Town's Parks Committee.

By: Council Member Carder

Second: Council Member McIntyre

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

Nay: None

Abstain: None

Absent: Council Member Gray

H. Adopt FY 2013 Meeting Calendar

Mayor Zoldos presented this item. Council is being asked to set the meeting calendar for July 2012 through June 2013. Mayor Zoldos proposed conducting four meetings on Saturdays throughout the year in order to allow for better accessibility to the public. The specific dates include September 8, 2012; December 8, 2012; March 16, 2013, and June 15, 2012. He also proposed changes to the August meeting dates. Councilwoman Carder asked what time the Saturday meetings will be held. Mayor Zoldos stated he anticipated the meetings would be held in the morning, from 9:00 AM to 12:00 PM. Councilwoman Carder stated Saturday mornings are busy for most people. Following further discussion, Mayor Zoldos proposed meeting in the morning on Saturday, September 8. Times for the subsequent Saturday meetings will be determined at a later date.

Motion: I move to approve the draft Lovettsville Town Council meeting calendar as amended.  
By: Council Member Burden  
Second: Council Member Senate  
Aye: Council Members Burden, Carter, McIntyre, and Senate  
Nay: None  
Abstain: None  
Absent: Council Member Gray

Mayor Zoldos thanked the Council Members for agreeing to schedule the Saturday meetings.

I. Review and Approval of Mayor and Council Rules and Procedures

Mayor Zoldos suggested this agenda item be scheduled for a work session so Council could discuss procedures for the appointment of new Council Members and Planning Commission members. Councilman Burden noted the deadline for filing for the November 2012 special election is August 17. Mayor Zoldos suggested moving ahead with the current applicant. Council agreed to conduct the work session to discuss the Rules and Procedures on August 2, 2012.

J. Applications for Town Council Vacancy

Manager Markel presented this item. He stated they had received one application for the opening on Town Council. He asked Council for direction in scheduling an interview with the applicant or leaving the position open. Council directed staff to schedule the interview on August 16, 2012 at 6:30 PM prior to the Town Council Regular Meeting.

K. Appoint Town Council Member to the Economic Development Advisory Committee

Councilwoman Carder stated that with the expiration of Councilman Staley's term, Council needs to appoint another Council Member to serve on EDAC. She stated she would be happy to serve as Council's representative to EDAC, unless someone else wished to serve. Councilman Burden stated he thought Council was going have a work session to discuss this. Mayor Zoldos stated they need to assign someone to EDAC now since Councilman Staley is no longer on the Town Council.

Motion: I move to appoint Councilwoman Carder to EDAC.  
By: Council Member Senate  
Second: Council Member McIntyre  
Aye: Council Members Burden, Carder, McIntyre, and Senate  
Nay: None  
Abstain: None  
Absent: Council Member Gray

L. Proclamation for Mayor Elaine Walker

Mayor Zoldos presented this item. The Council read the Proclamation for Mayor Elaine Walker (Attachment 2).

Motion: I move to approve the Proclamation.  
By: Council Member Carder  
Second: Council Member Senate  
Aye: Council Members Burden, Carder, McIntyre, and Senate



Nay: None  
Abstain: None  
Absent: Council Member Gray

**Information Items**

No information items were presented.

**Comments from the Mayor and Town Council**

Councilman McIntyre gave an update on Oktoberfest. He stated the Committee has been fantastic to work with. They have added two new things this year, a Royalty Competition, to select the King and Queen of Oktoberfest, and a Home Brew Competition. They will also be adding a Mariachi band on Saturday night. He has been in touch with Scott Young and the brew pub is scheduled to be open before September 1, 2012. Councilwoman Carder stated the Town's Facebook page for Oktoberfest is up.

Councilwoman Carder reported that the Lovettsville Co-Operative Market will be conducting several events in August including a pool party and barn dance. All proceeds go to opening a grocery store in Lovettsville.

Councilman Senate reported that the Parks Committee and Town staff have been working on the maintenance facility for the Quarter Branch Park and the Walker Pavilion. Both projects have come a long way and they are now talking to builders.

Mayor Zoldos reported on the following:

- He wrote a letter to the Loudoun County Board of Supervisors regarding the sidewalk project on East Broad Way. Mayor Walker attended the public hearing and read the letter into the record.
- There are two new businesses that will soon open in town, the brew pub and a spa/hair salon.
- He contacted the Sheriff about the long-term plan for community policing. Major Tate has offered to discuss this with him further.
- Mayor Walker's retirement celebration was big success and donations covered all of the expenses.
- He attended the Community Center's Cardboard Regatta and he hopes the Town can help promote this next year.
- He commended Councilman McIntyre and Councilwoman Carder for their outstanding work chairing the Oktoberfest and MayFest Committees.
- He encouraged everyone to attend National Night Out on August 7 at 6:30 PM.
- The Elementary School playground has been open for awhile and it is a great facility.

**Adjournment**

The meeting was adjourned at 9:26 PM.

Respectfully submitted,



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Harriet West, Town Clerk

Date Approved: September 20, 2012

Attachments:

1. Speaker Sign Up Sheet
2. Proclamation for Mayor Elaine Walker

Written Submissions to Council:

1. Mayor Elaine Walker
2. Elizabeth Bracey

# Town of Lovettsville

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

Please Print.

Name and Association	Address	Topic	Email Address (Optional) <sup>1</sup>
Same Water	40 S. Bedwin Pike	Water Shoreline	
Plew Fleg	24 Barbara	fence	

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

## Proclamation

### *In Honor of Mayor Elaine Walker*

*Whereas*, Mayor Elaine Walker has served the Town of Lovettsville with distinction as Mayor for twenty two years; and

*Whereas*, Mayor Elaine Walker has served the Town of Lovettsville with distinction as a member of the Lovettsville Town Council for ten years; and

*Whereas*, Mayor Elaine Walker has dedicated her public life to the service of the residents of Lovettsville and the citizens of Loudoun County; and

*Whereas*, Mayor Elaine Walker served on countless boards and committees acting as an ambassador for the Town of Lovettsville and the surrounding area; and

*Whereas*, through her determination and tireless efforts Mayor Elaine Walker has guided the Town of Lovettsville through a period of significant growth and development that has enhanced the community and improved the quality of life.

*Now, Therefore Be It Resolved*, that the Mayor and Town Council of the Town of Lovettsville adopt this proclamation in honor of Mayor Elaine Walker; and

*Be It Further Resolved*, that the Town shall recognize Mayor Elaine Walker's hard work and accomplishments by dedicating the new Town Pavilion in her honor. The "WALKER PAVILION" will stand as a lasting tribute to her commitment and steadfast support of the Town of Lovettsville.

Adopted this 26<sup>th</sup> Day of July, 2012.

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Robert Zoldos II, Mayor



Public Comment to the Town Council – July 26, 2012:

It is so good to be able to be here this evening for the first meeting of the new administration.

I wanted to come this evening to officially thank you all sincerely for a wonderful reception on Sunday. It was a humbling experience for me, as it was probably the first time I was completely surprised. In the past, I was always the person who was helping to plan such events, but this time, I was given the date, time, and place, and was invited to be there. What wonderful memories I have of that day. And what memories I have of my time in office. It was indeed an honor to have served.

I do not plan to “retire” and do nothing. This time in my life will lead to new and different things. I offer my assistance to you for anything that I can do for the Town. To the newly elected officials who have not served in this capacity before – it will be a new life for you. To those who are returning, you already know what to expect, and I am sure you will continue to be good stewards of the Town. To the new Mayor – you have a great Staff who will assist you in any way that they can. I know you will provide magnificent leadership to our Town, and will continue to make Lovettsville the greatest Town.

## Lovettsville Community Center

Report to Town Council 7/26/12

### Fiscal Year reporting

- Center Attendance 64,874 (178 ave. daily users) 8% increase over FY 11  
33,998 adults  
16,620 preschool  
9,912 elementary  
2,023 teens 55% increase over FY11  
1,460 seniors  
501 total recorded volunteer hours by 204 volunteers
- Pool attendance 22,719 users 8% increase over FY11  
Elementary is highest percentage of users at pool  
1128 total seniors in 3 months vs. 2023 all year at Center!  
Up from FY11 = 785 seniors 43% increase
- Center budget  
\$15,322 over revenue goal  
12% of expenditures (instead of goal of 8%)
- Pool Budget  
56.5 % cost recovery (goal was 68.5 %)
- PS & childcare are revenue neutral

### Summer Statistics

- Summer participation so far in Center activities  
128 unique families, 263 classes (average of 2 classes per family so far)  
57% male participants, 43% female participants  
9 zipcodes  
81% Lovettsville, 10% Purcellville/Hillsboro, 3% Gainesville
- Summer participation in classes/programs at pool  
203 unique families  
44% male, 56% female  
12 zipcodes, ½ are out of county
- Special events  
3 movie nights  
3-day Independence Day events (approx 3,000 over 3 days)  
4 family pool nights  
3 swim meets  
Cardboard Boat Regatta

- Pool problems:  
Water/sewer system failed to bath houses – closed for 4 days  
El Derecho – no power – closed for 1 day  
Glass in the pool – drain and fill – closed for 2 ½ days \*\*\*\*\*Thank you to Fire & Rescue vols!!!  
Estimated cost of these: \$33,500 (including lost revenue)
- Looking ahead:  
Luau August 1  
National Night Out August 7  
Cool Runnings August 10  
Fall Registration August 16  
SDD August 21  
Dog Swim Sept 8