

# Town of Lovettsville

## Town Council Minutes of Regular Meeting August 16, 2012

### Call to Order/Pledge of Allegiance

Mayor Robert Zoldos called the regular meeting of the Lovettsville Town Council to order at 7:32 PM on Thursday, August 16, 2012.

### Present at Meeting

- Mayor Robert Zoldos II
- Vice Mayor Mike Senate
- Council Member Jack Burden
- Council Member Tiffaney Carder
- Council Member Rodney Gray
- Council Member Jim McIntyre

### Staff

- Town Manager Keith Markel
- Town Attorney Elizabeth Whiting
- Town Clerk Harriet West

### Absent

- None

Mayor Zoldos led the assembly in the Pledge of Allegiance.

### Presentations

Mayor Zoldos and the Town Council presented a Proclamation to Mayor Elaine Walker and a Certificate of Appreciation to Deputy Sheriff Bryan Wacker in recognition of their service to the Town.

### Comments from the Public

Mayor Walker stated it was a pleasure to have served the Town and she looks forward to continuing to work with the Mayor and Town Council on projects that are underway.

### Community Presentations

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

Deputy Sheriff Anthony Cooper gave his report. There was one report of crime in the Lovettsville area this past month. There will be likely be another new community policing officer assigned to the Lovettsville area at the end of October.

#### B. Oktoberfest Committee

Councilman McIntyre gave an update on the location of the tent, vendors, and Kinderfest activities.

### Additions/Deletions/Modifications to the Agenda

Councilman McIntyre requested that an item be added to the agenda to discuss Oktoberfest funding.

Mayor Zoldos stated he had two discussion items to add to the agenda – the Economic Development Committee procedures and work plan and the Town Seal.

**Approval of Town Council Minutes**

A. Town Council Public Hearing and Regular Meeting – May 24, 2012

**Motion:** I move to approve the minutes of the May 24, 2012 Town Council Public Hearing and Regular Meeting as amended.

**By:** Council Member Burden

**Second:** Council Member Senate

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

**Nay:** None

**Abstain:** Council Members Gray and McIntyre

**Absent:** None

**Report from the Treasurer**

No report was presented.

**Staff Reports**

A. Project Manager Report

There was no report from the Project Manager.

B. Report from the Zoning Administrator

There were no questions regarding the Zoning Administrator's reports for June and July 2012.

C. Report from the Town Attorney

The Town Attorney reported the special elections have been scheduled for November 6, 2012.

D. Report from the Town Manager

Manager Markel's written report was distributed at the meeting. He noted the following:

- The house at 6 East Pennsylvania Avenue has been demolished and the Town is preparing the site for the Oktoberfest Committee as the location for the tent during Oktoberfest.
- Sanitary Sewer Line Smoke testing has been postponed again due to the wet weather.
- The elevated water tank was taken off-line overnight and the back-up equipment functioned properly. This is a dry run in preparation for taking the tank off-line while it is being painted.
- There is a special work session scheduled for next Thursday to discuss several utility-related issues.
- Council needs to set the time for the meeting scheduled for Saturday, September 8.
- The deadline for Town Council candidates to file for the November 2012 special election is August 17.
- Staff is working on scheduling a tour of the Town's facilities for new Council Members.

Council Member Burden asked if the fire department was able to do any training with the house that was demolished. Manager Markel stated the contractor's schedule did not allow time for the fire department to conduct any training.

Council Member McIntyre asked if staff had been able to obtain any cost estimates for adding a design to the water tower. Manager Markel stated he is working with the Mayor on the design, which can be added after the tank has been painted.

**Action/Discussion Items**

A. Journey Through Hallowed Ground Partnership

Beth Erickson, Vice President of The Journey Through Hallowed Ground Partnership (JTHG), provided background information on the national heritage area and national scenic byway, which covers 180 miles through four states and 15 counties. The objective of these efforts is to increase awareness of the remarkable historical, recreational, and cultural assets within the region to drive tourism. The initiative also includes educational components for students and teachers. Ms. Erickson noted they would like to have the Town of Lovettsville as a participant. Manager Markel stated there is no financial requirement to participate; however, member localities typically provide a small financial contribution to help sustain the JTHG's efforts. Staff recommends a \$500 contribution. Councilman Burden asked if \$500 was a

satisfactory amount and if this will be an annual contribution. Manager Markel stated the amount is up to each locality and it will be up to Council if they want to make it an annual contribution.

**Motion:** I move to adopt Resolution 2012-08-01 and allocate \$500 in funds in Fiscal Year 2013 to The Journey Through Hallowed Ground Partnership to assist them in the shared mission of the partnership.  
**By:** Council Member Senate  
**Second:** Council Member Burden  
**Aye:** Council Members Burden, Carder, Gray, McIntyre, and Senate  
**Nay:** None  
**Abstain:** None  
**Absent:** None

B. New Town Meadows Bond Release (Section 2A & 2B)

Manager Markel presented this item. Council is being asked to consider a request by the developer of New Town Meadows for final bond release for Sections 2A and 2B. The developer has completed both sections in their entirety and all of the roads in Sections 2A and 2B have been accepted into the Virginia Department of Transportation system. The portion that has not been accepted is the section of Lange Drive that was initially constructed in Loudoun County, and the County has since released the performance bond they were holding on this section of the road. Approximately seven acres, including Lange Drive was boundary line adjusted into the Town's jurisdiction in 2006 however, there is no performance bond in place for this section of Lange Drive. Staff recommends the Town withhold \$50,000 from the existing bond for Section 2B as a guarantee until VDOT accepts that portion of Lange Drive. Mayor Zoldos noted the Town Manager had reached out to the New Town Meadows Home Owners Association and Property Management Company and there were no issues or concerns raised that would impact the bond release process. Council Member Gray asked if there were any punch list items that still needed to be completed. Manager Markel stated that a damaged tree will be replaced in the fall when the weather is more suitable for planting and he will confirm the work on the removable bollards has been completed.

**Motion:** I move that Council accept approval warranty agreement and acceptance letter of credit number 2433; release of letter of credit number 598 for New Town Meadows Phase 2A.  
**By:** Council Member Senate  
**Second:** Council Member Gray  
**Aye:** Council Members Burden, Carder, Gray, McIntyre, and Senate  
**Nay:** None  
**Abstain:** None  
**Absent:** None

Mayor Zoldos called for a motion for Resolution 2012-08-003, Phase 2B.

**Motion:** I move to approve the attached resolution, as amended, for New Town Meadows Section 2B, bond reduction.  
**By:** Council Member McIntyre  
**Second:** Council Member Carder  
**Aye:** Council Members Burden, Carder, Gray, McIntyre, and Senate  
**Nay:** None  
**Abstain:** None  
**Absent:** None

C. Approval of Mayor and Town Council Rules and Procedures

Manager Markel presented this item. Council is being asked to consider amendments of existing Mayor and Town Council Rules and Procedures. Following discussion by Council and staff regarding the time frame for the appointment of Town Council members, this item was tabled so staff could revise this section based on requirements of the state statute.

D. Old Town Zoning District Update

Manager Markel presented this item. Council is being asked to begin the preliminary work to achieve the Comprehensive Plan Goal "Design a zoning district to be used in parts of the old downtown that would make it easier to establish businesses." The Planning Commission and staff are requesting permission to move forward with a community work session and survey in October 2012 to obtain public input for creating a new, opt-in zoning district for the Old Town District.

**Motion:** I move that Town Council direct staff to work with the Planning Commission to host an Old Town District Community Vision Workshop, to conduct a Community Survey of the Old Town District, and to report back findings to the Mayor and Town Council.

**By:** Council Member Carder

**Second:** Council Member Senate

Councilman Senate stated this is a great opportunity for citizens to upgrade their properties so they are viable for commercial and residential use.

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

**Nay:** None

**Abstain:** None

**Absent:** None

Mayor Zoldos stated it will be important to communicate the land owners' ability to "opt-in." The Town is offering opportunities and incentives for residents to be able to do more with their land.

E. Appointment of Town Council Member

**Motion:** I move to appoint Kimberly Allar to fill the vacancy on Town Council until the special election can be held in November of 2012.

**By:** Council Member Carder

**Second:** Council Member McIntyre

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

**Nay:** None

**Abstain:** None

**Absent:** None

F. Oktoberfest Funding

Councilman McIntyre requested \$5,000 from the special events budget to cover Oktoberfest expenses, including several new events. He stated they are expecting record revenues from sales and vendors this year but there are a number of obligations that will come due before the event. Councilman Burden asked if any of the funding will be returned. Councilman McIntyre stated any surplus revenue would be applied towards next year's Oktoberfest. Councilman Burden asked if staff had a status of what was in the special events budget. Manager Markel stated there is \$12,500 in the budget for all events and activities with the majority typically going towards Oktoberfest. Council discussed the need for continuing to allocate funding for Oktoberfest and MayFest with the expectation that these events will become self-sustaining in the future.

**Motion:** I move that the Town allocate \$5,000 from the special events line item in the budget for this Fiscal Year to Oktoberfest.

**By:** Council Member McIntyre

**Second:** Council Member Gray

Councilman Senate stated these events have the potential to carry themselves and they bring a lot of people here, which is good for business and good for the Town.

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

**Nay:** None

**Abstain:** None

**Absent:** None

G. Saturday Meeting Time

Council discussed potential times for the Town Council meeting on Saturday, September 8, 2012.

**Motion:** I move that Council hold the September 8 regular meeting from 9:00 AM to 11:00 AM.  
**By:** Council Member McIntyre  
**Second:** Council Member Senate  
**Aye:** Council Members Burden, Carder, Gray, McIntyre, and Senate  
**Nay:** None  
**Abstain:** None  
**Absent:** None

H. Create Standardization Between Committees

Mayor Zoldos introduced this item which would create standardization between the Town's committees. Each committee would have a set of procedures and a customized work plan, based on the Town Council's priorities. He distributed an example and noted this will need to be reviewed by the Town Attorney. They also need to come up with a new name for the Economic Development Advisory Committee that captures economic development and the Town in general, and can be used in the Town's marketing materials.

I. Town Seal/Code of Arms

Mayor Zoldos stated he would like to create a logo that incorporates the Town's history as a German settlement. He noted Manager Markel had previously suggested a hex symbol, which is uniquely German and American. The Mayor referenced elements of a local tombstone, which dates to the 1790s, and stated he would like the logo to be developed by residents of the Town. He asked Council to think about how to move forward with this.

Comments from the Mayor and Town Council

Councilman McIntyre stated he is very excited about Oktoberfest and added that the posters and rack cards came in today.

Councilwoman Carder stated they are getting lots of positive feedback from the Oktoberfest Face Book page. They have received confirmation that 8 Chains North winery will be a vendor.

Councilman Senate stated the Parks Committee recently visited the pavilion at Round Hill. They are also continuing to work on the maintenance building. These facilities will bring the Town closer together as residents get out and use them.

Mayor Zoldos reported on the following:


- He will be meeting with Loudoun County Economic Development on August 20.
- National Night Out was last week at the Community Center.
- Lovettsville Volunteer Fire and Rescue Company received its new fire engine.
- One of the reasons for visiting the Round Hill pavilion was to see the work of Fuog/InterBuild, the builder the Town will be using for its pavilion.
- Staff will be transitioning to a new, web-based format for the weekly email.
- The water tank will be painted with a solid color. There will be time to add a logo at a later date.
- The 9/11 Ride starts tomorrow and will be going from Hagerstown, to Frederick, to Leesburg. He stated it is a wonderful event to watch.
- The house next door has been demolished. The Town did offer it to the fire company for training purposes but it did not work out with the demolition contractor's schedule. There are some large holes where the tree stumps were removed. They hope to get a volunteer to help stabilize these areas in preparation for Oktoberfest.
- He received an email from Senator Black asking about political party representation and noted that since the Mayor and Town Council are elected in non-partisan races and it would be inappropriate for him to reply. He advised the Council Members to be mindful of this and the Hatch Act requirements if they receive a similar message.

- He is working on the document for the Town Manager evaluation and contractual review and will have that ready for Council action at a later date.

**Adjournment**

There being no further business before the Council, the meeting was adjourned at 9:31 PM.

Respectfully submitted,



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Harriet West, Town Clerk

Date Approved: October 11, 2012