

# Town of Lovettsville

## Town Council Minutes of the March 21, 2013 Regular Meeting

### Call to Order/Pledge of Allegiance

Mayor Robert Zoldos called the Regular Meeting of the Lovettsville Town Council to order at 7:30 p.m. on Thursday, March 21, 2013 at the Lovettsville Town Hall, 6 East Pennsylvania Avenue, Lovettsville, VA.

### Present at Meeting

- Mayor Robert Zoldos II
- Vice Mayor Mike Senate
- Council Member Kimberly Allar
- Council Member Jack Burden
- Council Member Rodney Gray
- Council Member James McIntyre
- Council Member Tiffany Carder (arrived at 7:32 p.m.)

### Staff

- Town Manager Keith Markel
- Town Attorney Elizabeth Whiting
- Town Clerk Harriet West
- Project Manager Fellers (arrived at 7:52 p.m.)
- Treasurer Lance Gladstone (arrived at 8:37 p.m.)

### Absent

- None

### Audience

Former Mayor Elaine Walker

### Pledge of Allegiance

Mayor Zoldos led those assembled in the Pledge of Allegiance.

### Presentations

Ms. Emily Tomlinson, representing Girls Scout Troop 1434, came before the Council to ask where they could show the water-conservation video they made for their Wonders of Water Badge. Following discussion by the Mayor and Council it was agreed that video could be shown at the Movies on the Green and at MayFest.

### Comments from the Public

Mayor Zoldos called for comments from the public. There were none.

### Community Presentations

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

Deputy Sheriff Lopreto reported on the following:

- He responded to a report of a homeless person in Town. The individual was transported to Leesburg.
- He will be bringing the sign board to Town on April 3. It will display a message reminding residents to lock their cars and homes.

Deputy Lopreto and the Council discussed setting up a safety checkpoint in Town to check for driver's licenses and vehicle decals. Mayor Zoldos thanked the Deputy for spending so much time in the Town.

Lovettsville Volunteer Fire and Rescue Company

Elaine Walker reported on the Mud Run fundraiser, which will be held on Saturday, June 29, and the recent team building seminar. Mayor Zoldos and Mrs. Walker discussed offering reduced rates to make it more affordable for families to participate in the Mud Run.

B. Lovettsville Community Center

There was no report.

C. Lovettsville Library

There was no report.

**Town Commission and Committee Reports**

A. Lovettsville Planning Commission

Mayor Zoldos reported that the Planning Commission met on March 20 and recommended approval of the rezoning request for 5 North Berlin Pike. The proposed use is a coffee shop and future site of the Lovettsville Cooperative Market. The rezoning request, which includes several proffers, will be coming before the Town Council for final consideration in April.

Manager Markel said the Planning Commission also recommended approval of reduced landscape requirements for 5 North Berlin. He added that most of the Commissioners will be completing the training for the Certified Planning Commissioner Program next week.

B. Parks Committee

Vice Mayor Senate said work in the Walker Pavilion is underway and that it should be completed in time for MayFest. The committee will be meeting on March 22 at 9:00 a.m. to make the final color and materials selections for the Quarter Branch Park facility.

C. "We're In" Committee

Manager Markel gave an update on the next meeting and follow up with a candidate who expressed an interest in serving as Chair of the committee.

D. MayFest Committee

Councilwoman Carder gave an update on vendors, sponsors, and the next meeting date. The committee will be requesting \$2,000 to cover expenses, including costs for advertising and the ABC license to sell beer. Three of the four bands have been booked.

E. Oktoberfest Committee

Councilman McIntyre gave an update on the recent committee meeting. All of the team leaders are in place. They have booked the Alpine Dancers. The committee treasurer is working on the budget and the committee does not expect to be requesting any money from the Town Council to support the event. The vendor fees and sponsorship levels will be the same as last year.

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

Mayor Zoldos asked if there were any changes to the agenda. There were none.

Mayor Zoldos announced the Council would be going into Closed Session. Manager Markel said the purpose would be to discuss the expansion of Town Hall and consideration of the acquisition of other real property for potential sites.

**Minutes**

A. Town Council Regular Meeting – January 24, 2013

**Motion:** I move to approve the minutes of the Regular Meeting of January 24, 2013 as amended.

**By:** Council Member Allar

**Second:** Council Member McIntyre

Mayor Zoldos called for discussion. Hearing none, he called for the vote.

**Aye:** Council Members Allar, Burden, Carder, Gray, McIntyre, and Senate  
**Nay:** None  
**Abstain:** None  
**Absent:** None

**Staff Reports**

A. Report from the Town Attorney

There was no report from the Town Attorney.

B. Report from the Town Manager

Manager Markel had nothing new to present.

C. Report from the Zoning Administrator

Councilwoman Allar asked about the permit/application for 111 Eisentown Drive and said she thought all of the addresses in Town were two digits. Manager Markel said this is one of the few properties in Town that has required three digits due to the length of Eisentown Drive. Mayor Zoldos said, for the record, that's progress, having three digit numbers.

D. Report from the Project Manager

There was no report from the Project Manager.

**Action/Discussion Items**

Mayor Zoldos asked if there were any Action/Discussion Items. There were none.

**Information Items**

A. Presentation of Town Manager's Recommended FY 2014 Budget and Capital Improvement Plan  
Manager Markel presented this item. He gave a PowerPoint presentation on the budget requirements and process, general fund revenue and expenditures, utility fund revenues and expenditures, capital budget, and projects in the FY 2014-2018 Capital Improvement Plan. The recommended FY 2014 budget is \$1,519,575 with \$718,475 allocated for the General Operating Fund and \$801,100 for the Utility Operating Fund. There are no proposed changes in the Town's real estate tax or other fees; however, Staff is recommending a 5% user increase in water/sewer rates based on the results of the recent water and sewer rate study. The capital budget includes nine projects scheduled for funding in FY 2014. They include Phase 1/East Broadway Streetscape Project, Phase 1/Bicycle & Pedestrian Path, Lovettsville Town Hall Expansion, Quarter Branch Park/Facility, Town Square Development, Town Green Development, Storm Ditch Improvement on North Berlin Pike, Water Tower Repair (mixer), and Water Facility Improvements (SCADA System). Other project included in the Capital Improvement Plan beyond FY 2014 include Phase 2/East Broadway Streetscape Project, Streetscape Improvement/South Loudoun Street, South Church Street Improvements, Storm Water Management Plan, Water Line Replacement, New Water Tower, and Water Facility Improvements.

Mayor Zoldos called for questions from the Council. There were none.

**Report from the Treasurer**

The Treasurer gave the Financial Report for January 2013. He noted the Town is still working with Loudoun Water to resolve the three outstanding invoices.

Councilman Gray asked about the Sprint lease payments for the elevated water tank. Project Manager Fellers explained that the Nextel lease payments and penalties have been received. The Sprint antennas are being installed now and they should have the outstanding payment for the rate increase later this month.

Vice Mayor Senate asked why most of the revenue for the general fund comes in over a two-month period. Manager Markel said this reflects real estate taxes payments, which are collected at the end of the year.

Councilman Burden asked about the debt payment for the East Broad Way Streetscape loan. Manager Markel said the loan is primarily for the East Broad Way Streetscape Project, but that it can be used for other Town capital projects. The bank is holding the money and the Town receives a small amount of interest. The intent is to use the funds within three years.

Mayor Zoldos asked if there were any additional questions. Hearing none, he called for a motion.

**Motion:** I move to accept the report from the Treasure for the January 2013 Financial Report.  
**By:** Vice Mayor Senate  
**Second:** Council Member Gray

Mayor Zoldos called for discussion. Hearing none, he called for the vote.

**Aye:** Council Members Allar, Burden, Carder, Gray, McIntyre, and Senate  
**Nay:** None  
**Abstain:** None  
**Absent:** None

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

Councilman Burden gave an update on fundraising for the Lovettsville Union Cemetery. He asked to include the information in the Friday email one more time. There was no objection from the Council.

Councilwoman Carder said there was a lot of concern about the well-being of the homeless person Deputy Lopreto spoke of and that social media was used to let residents know about support services available through local churches and the food bank. She said this is another example of how great the Town is. She added that the Lovettsville Fire Station is offering exercise classes on Tuesdays and Thursdays evenings and that the cost is \$10 per class. The Community Center Advisory Board will hold a 5K fun run the last weekend in April. She invited the other Council Members to join her and the members of the local running group. She attended the Community Center's pre-school art show, which benefits the pre-school scholarship fund. She also attended the Library Teen Advisory Board's egg hunt and story time. She thanked Councilman McIntyre for his help with MayFest and for all of the work he does for Oktoberfest.

Councilman Gray spoke about the "Thank you for shopping local" signage he observed in several stores on a recent trip to Winter Park, Colorado. He said it was a very effective way to promote local business.

Vice Mayor Senate said it was great to see the projects underway in Town. He mentioned *The Washington Post* article which stated Lovettsville is one of the best places to live comfortably and happily in Northern Virginia.

Mayor Zoldos gave an update on Volunteer Fest.

#### **Closed Session**

**Motion:** I move that the Lovettsville Town Council convene in closed session pursuant to Va. Code section 2.2-3711 A, for a discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where the discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body with regard to the expansion of the Town Hall; and thereafter reconvene in open session for action as appropriate.  
**By:** Vice Mayor Senate  
**Second:** Council Member McIntyre

Mayor Zoldos called for discussion. Hearing none, he called for the vote.

**Aye:** Council Members Allar, Burden, Carder, Gray, McIntyre, and Senate  
**Nay:** None  
**Abstain:** None  
**Absent:** None

The Mayor and Council took a five minute recess and then went into Closed Session at 9:00 p.m. and came out of Closed Session at 10:18 p.m.

Upon a roll-call poll by Mayor Zoldos, all Council Members certified that: 1) only public business matters lawfully exempt for the open meetings requirements under the Virginia Freedom of Information Act and 2) 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 (Attachment 1).

**Adjournment**

There being no further business before the Council, the meeting was adjourned at 10:18 p.m.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Harriet West", written over a horizontal line.

Harriet West, Town Clerk

Date Approved: June 13, 2013

Attachments:

1. Resolution: Authorized Closed Session

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## VIRGINIA FREEDOM OF INFORMATION ACT

### Resolution: AUTHORIZE CLOSED SESSION

Date: 03/21/13

Time: 9:00PM

MOTION BY: Mike Senate

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,

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],

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,

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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~~] *expansion of the Town Hall;*

And thereafter reconvene in open session for action as appropriate.

## SECOND:

### VOTE:

Ayes: 6  
Nays: 0  
Abstentions: 0  
Absent for vote: 0

### 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:”

21 March, 201<sup>3</sup> at 10:18 PM

Certified:

*Keth Wahl*