

Town of Lovettsville

Town Council Minutes of the June 13, 2013 Regular Meeting

Call to Order/Pledge of Allegiance

Mayor Robert Zoldos II called the Regular Meeting of the Lovettsville Town Council to order at 7:30 p.m. on Thursday, June 13, 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 Tiffaney Carder
- Council Member James McIntyre

Absent

- Council Member Rodney Gray

Staff

- Town Manager Keith Markel
- Town Attorney Elizabeth Whiting
- Project Manager Karin Fellers
- Treasurer Lance Gladstone (arrived at 7:38 p.m.)
- Town Clerk Harriet West

Pledge of Allegiance

Mayor Zoldos led those assembled in the Pledge of Allegiance.

Presentations

There were none.

Closed Session

Mayor Zoldos announced that the Council would be going into closed session to discuss the Town's waste water treatment plant.

Comments from the Public

Jennifer Jones, 24 Black Forest Lane, came forward to speak. She asked the Town Council to consider establishing design guidelines that can be used by the Planning Commission and Staff. She said the Town is growing and they need these guidelines for prospective new businesses.

Community Presentations

A. Loudoun County Sheriff's Office

Deputy Sheriff Lopreto gave an update on recent incidents reported in and around Town, including a larceny on Lovett Drive involving an unlocked vehicle and burglaries at West End Motors and the Bridge End Center. He said he is seeing fewer garage doors left open and it will help to get the 7-Eleven open 24 hours. He is continuing to work on speeding violations on West Broad Way. He suggested that the Town ask VDOT for a second 25 mile per hour sign near Spring Farm Drive.

Councilman McIntyre asked what is involved in getting a radar speed sign. Deputy Lopreto said the Town would have to purchase and maintain the sign. Mayor Zoldos said the Council had looked into this before and had been told by a former Deputy Sheriff that the signs were not a very effective deterrent for speeding. The Mayor also said the signs are expensive.

There were no other community presentations.

Town Commission and Committee Reports

A. Lovettsville Planning Commission

Manager Markel said the Planning Commission is meeting once a month for the summer. The Commission will be reviewing the Town's Comprehensive Plan at the meeting next week.

B. Parks Committee

Vice Mayor Senate said they hope to dedicate the Walker Pavilion soon. Manager Markel said the dedication is scheduled for Saturday, July 29.

C. "We're In" Committee

Mayor Zoldos gave updates on the recent "We're In" committee meeting, the selection and final design of the new Town seal, and the new Lovettsville Business and Community Directory. Manager Markel said "We're In" will also have a presence at the July 3rd parade.

D. MayFest Committee

Councilwoman Carder gave an update on MayFest. There were 62 vendors and 13 sponsors. The total revenue for 2013 was \$8,879.72 and expenses were \$7,725.23. They were able to cover all of their costs and will not need the \$2,000 provided by the Town. The MayFest Committee had a good de-briefing and most of the volunteers will be coming back next year. Councilwoman Allar has agreed to serve as Vice Chair next year. She said they will need more volunteers for set up. Mayor Zoldos asked if there will be an after-action report for the event. Councilwoman Carder said the vendor fees and the logo design will be the same. Some of the changes include stronger outreach to Brunswick, better layout, shorter hours, fewer bands (three instead of four), modifications to the race times, and T-shirts for event staff.

Mayor Zoldos thanked Councilwoman Carder and the MayFest Committee for doing such a great job. He asked if there were any questions from the Council.

Vice Mayor Senate suggested they start thinking now about how to handle parking and traffic, and consider closing the streets much earlier.

E. Oktoberfest Committee

Councilman McIntyre gave updates on logistics, safety, and trash/recycling collection.

Additions/Deletions/Modifications to the Agenda

Mayor Zoldos asked if there were any changes to the agenda. Hearing none, the Mayor said he would like to remove Item C (Discussion on Park Movie Equipment) because the Town Manager may have come up with a solution.

Minutes

A. Town Council Regular Meeting – March 16, 2013

Motion: I move to accept the minutes of March 16, 2013 as presented.

By: Vice Mayor Senate

Second: Council Member Allar

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

Nay: None

Abstain: Councilwoman Carder

Absent: Council Member Gray

B. Town Council Regular Meeting – March 21, 2013

Motion: I move to accept the minutes of the March 21, 2013 Regular Meeting as amended.

By: Council Member Carder

Second: Council Member McIntyre

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

Nay: None

Abstain: None

Absent: Council Member Gray

Report from the Treasurer

Treasurer Lance Gladstone presented the Financial Report for April 2013.

Mayor Zoldos asked if the Town is current on payments to Loudoun Water. Treasurer Gladstone confirmed the payments are up-to-date. Manager Markel said he has had several discussions with Loudoun Water about the outstanding invoices. He has received an explanation for the costs, which include materials, additional maintenance, and routine service. They are looking at an average of \$30,000 per month for Loudoun Water's services.

Councilwoman Allar asked if Bonnie's is current on the meals tax. Treasurer Gladstone said Bonnie's has been invoiced for the first quarter of 2013, but the bill has not been paid. He said he gave her until

mid-July to bring the payment current. Councilwoman Allar asked if the Thai food truck has had to pay meals tax yet. Treasurer Gladstone said their first payment was made in May 2013.

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

Motion: I move to accept the Treasurer's Report for April 2013 as presented.
By: Vice Mayor Senate
Second: Council Member Carder
Aye: Council Members Allar, Burden, Carder, McIntyre, and Senate
Nay: None
Abstain: None
Absent: Council Member Gray

Staff Reports

A. Report from the Project Manager

There was no written report from the Project Manager.

B. Report from the Zoning Administrator

There was no written report from the Zoning Administrator. Manager Markel said he will be serving as the Zoning Administrator while Melissa Hynes is on maternity leave.

C. Report from the Town Attorney

Attorney Whiting said she will be out of town the week of July 5-14, 2013.

D. Report from the Town Manager

Manager Markel gave updates on the code codification process and the Virginia Municipal League (VML) Town Section Meeting he attended on June 12, 2013. He distributed VML's summary of legislation affecting towns enacted in the 2013 session of the General Assembly. He noted a new provision for Council Members to attend meetings remotely and vote up to two times a year, if agreed to by fellow Council Members and provided there is a quorum of the Council in the location where the official meeting is taking place. There is no limit to the number of meetings that Council Members can attend remotely in the case of a medical emergency.

Manager Markel distributed and discussed his monthly report. He noted that things are moving forward with the site work and tree relocation for the Quarter Branch Park Facility. There were no questions from the Council.

Action/Discussion Items

A. FY 2014 Budget, CIP, Schedule of Fees Adoption

Manager Markel presented this item. He presented two ordinances related to the adoption of the FY 2014 Budget, Capital Improvement Plan, and Schedule of Fees and noted minor changes brought to his attention by Councilman Burden.

Mayor Zoldos asked if there any questions on the presentation. Hearing none, he called for a motion.

Motion: I move to adopt Ordinance 2013-06-001 to amend the Town of Lovettsville's Schedule of Fees to revise water and sewer user charges (Attachment 1).
By: Vice Mayor Senate
Second: Council Member Burden

Mayor Zoldos called for discussion. Vice Mayor Senate said the Town did this the right way and the revised fees are based on results of the water and sewer rate study. Hearing no further discussion, Mayor Zoldos called for the vote.

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

Mayor Zoldos called for a motion for Ordinance 2013-06-002.

Motion: I move to adopt Ordinance 2013-06-002 to approve the Budget and CIP, Adopt Tax Rates and Make Appropriations for Fiscal Year Ending June 30, 2014.
By: Vice Mayor Senate
Second: Council Member Burden

Mayor Zoldos called for discussion. Councilman McIntyre brought up the issue of the Council Members' compensation. He said the discussion has been put off a number of times because they did not have a full Council, which is the case tonight. He said he is opposed to any increase. There are five Council Members who have not completed a full term in office and four Council Members who have not completed one year in office; therefore, he did not feel it was appropriate to double the compensation.

Councilwoman Carder said the increase in compensation reflects all of the hard work the Council Members do on behalf of the Town, including the newer members. She asked if Councilman Gray had submitted a comment on this issue. Manager Markel said he did receive an email from Councilman Gray, which he forwarded to the Mayor. Mayor Zoldos read the email from Councilmember Gray asking the Mayor and Council to hold off on voting on this tonight because he is working and cannot attend the meeting. He further stated he is against this being passed.

The Town Attorney said the Council could approve the budget, except for the allocation of this specific line item, which could be acted on at a later date.

Mayor Zoldos called for further discussion. Councilwoman Allar said that as the newest member on the Council, it would be hard to say yes to increasing the compensation. When she ran for Town Council she did not know the Council Members were compensated. She said that with additional compensation she would be able to attend more meetings during the day because she could hire someone to take care of her children.

Vice Mayor Senate said when this issue was first brought up it was a way to make up for the output as a whole, not how long someone has served on the Council. All of the Council Members are actively involved in various Town events. He could not recall the last time the Council Members' compensation was increased. He said people should be paid on merit and that this Council is a meritorious group.

Councilman Burden said the compensation should be based on putting the time in, not how long someone has served on the Council. Personally, he would not raise the compensation at all. He considers it a volunteer service, but it is not that way for everybody. It may be easier to get people to serve on the Council if the compensation was higher.

Mayor Zoldos said that while increasing the compensation is problematic for many reasons, including the state of the economy, he has asked this Council to do more than they have ever done. If this passes, he asked the Council Members to put in the time by making the Town a focus point. The increase is based on the expectation that they will do more work. He said this is also a fairness issue and that serving on the Council should not be a financial disincentive for anyone. In the past, there have been Council Members who did not make the Town their focus. He stressed that the Council Members have to play an active role in the community.

Following further discussion with the Town Attorney about options for approving the budget without appropriating funds for the Town Council compensation line item, Vice Mayor Senate made the following friendly amendment:

Motion: I move to adopt Ordinance 2013-06-002 to approve the Budget and CIP, Adopt Tax Rates and Make Appropriations for Fiscal Year Ending June 30, 2014, with the exception of expenditure 104210.1002 Town Council Salaries (Attachment 2).

Councilman Burden accepted the friendly amendment.

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

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

B. Proposed FY 2014 Calendar

Manager Markel presented the revised FY 2014 Calendar. Mayor Zoldos called for a motion.

Motion: I move to accept the proposed FY 2014 Town Council meeting calendar as presented.

By: Vice Mayor Senate
Second: Council Member Carder

Mayor Zoldos called for discussion. Councilwoman Carder asked if the Town Council meeting scheduled for September 26, 2013 should be rescheduled since it was so close to Oktoberfest. The Council discussed changing the meeting dates to September 5 and September 19.

Councilwoman Carder and Mayor Zoldos also discussed the May 24, 2014 Town Council meeting date prior to MayFest, but agreed not to make any changes to the meeting schedule.

Vice Mayor Senate and Councilwoman Carder accepted the friendly amendment to change the Town Council meeting dates in September to the 5th and the 19th.

Mayor Zoldos asked if there was any additional discussion. Hearing none, he called for the vote.

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

C. Discussion on Park Movie Equipment

As noted previously, this agenda item was deleted.

Information Items

There were no information items.

Comments from the Mayor and Town Council

Councilman McIntyre said opening day for the Dolphins Swim Team is on Saturday morning.

Councilwoman Carder said she is looking forward to several upcoming events including the Lovettsville Game Club Carnival, the Western Loudoun Artists Studio Tour, and the Geocaching workshop at the Lovettsville Library. She suggested that they have a Town picnic on the Town Green.

Councilwoman Allar said she is thrilled to see the wonderful articles about Lovettsville in the local papers. She recently visited EarthWorks – it is a wonderful store and the owner had very nice things to say about the Town. She is looking forward to the Carnival and she and her children have been enjoying the summer reading program at the library.

Councilman Burden said the budget process was made easy by the Town Manager and staff.

Mayor Zoldos reported on the following:

- He congratulated the winner of the Lovettsville Oktoberfest Art competition.
- The Walker Pavilion dedication will be held on Saturday, July 29.
- The Independence Day celebration will be on July 3 from 5:30-9:30 p.m.
- The Co-op Farm Market is on Saturday mornings from 10:00 a.m. to 1:00 p.m. at Andy's.
- The Lovettsville Alumni Association's 96th Annual Banquet was last Saturday.
- The Cub Scouts will hold a flag retirement ceremony on the Town Square on June 14 in honor of Flag Day.
- The first Movie on the Green will be held on June 14. The movie, *National Treasure*, will be sponsored by the Lovettsville Lion's Club.
- Upcoming events include the Western Loudoun Artist Studio Tour (June 22-23), the Game Club Carnival (June 18-22), and the Lovettsville Volunteer Fire & Rescue Mud Run (June 29).

Closed Session

Mayor Zoldos called for a motion to go into closed session.

Motion: I move that the Lovettsville Town Council convene in closed session pursuant to Va. Code section 2.2-3711 A, 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 with regard to issues regarding construction of the Wastewater Treatment Plant expansion, and thereafter convene 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.

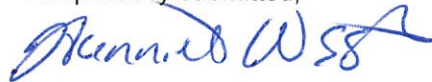
Aye: Council Members Allar, Burden, Carder, McIntyre, and Senate
Nay: None
Abstain: None
Absent: Council Member Gray

The Mayor and Council went into closed session at 8:55 p.m. and reconvened in open session at 10:02 p.m. Upon a roll-call poll by Mayor Zoldos, Council Members Allar, Burden, Carder, McIntyre, and Senate 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 3).

Adjournment

There being no further business before the Council, the meeting was adjourned at 10:02 p.m.

Respectfully submitted,



Harriet West, Town Clerk

Date Approved: August 8, 2013

Attachments:

1. Ordinance 2013-06-001: Amend Town of Lovettsville Schedule of Fees to Revise Water and Sewer User Charges
2. Ordinance 2013-06-002: Approve Budget and CIP, Adopt Tax Rates and Make Appropriations for Fiscal Year Ending June 30, 2014
3. Resolution: Authorized Closed Session

Town of Lovettsville

Ordinance 2013-06-001: AMEND TOWN OF LOVETTSVILLE SCHEDULE OF FEES TO REVISE WATER AND SEWER USER CHARGES

MOTION: Senate
SECOND: Burden

WHEREAS, the Town Council periodically reviews its schedule of charges and fees to establish practicable and equitable fees and charges for users of the public water supply and sewage disposal systems; and

WHEREAS, the Town contracted with Municipal and Financial Services Group to conduct a thorough evaluation of the Town's utility finances and expenses to develop a multi-year rate plan to ensure the Town's utility system is fiscally strong and able to provide its users with high quality water and sanitary sewer service; and

WHEREAS, the Town Council has determined it is fair and reasonable to increase the user rates 3 percent for water service and 6 percent for sewer service for fiscal year 2014.

WHEREAS, notice of the proposed changes has been given in accordance with the requirements of Virginia Code Section 15.2-107.

NOW, THEREFORE, BE IT ORDAINED that the Town's Schedule of Fees, be amended as set forth in the schedule attached hereto. This ordinance shall be effective after the 30th day of June, 2013.

VOTE:

AYES: Allar, Burden, Carder, McIntyre, and Senate

NAYS: None


ABSTENTIONS: None

ABSENT FOR VOTE: Gray

APPROVED: June 13, 2013


Robert Zoldos II, Mayor

CERTIFIED:



Harriet West, Town Clerk

The German Settlement

EXCERPT FROM THE FULL SCHEDULE OF FEES FOR FY 2014

UTILITY FUND:

All rates reflect quarterly charges

Minimum Water/Sewer Bill: \$99.28 (4.8% increase) (FY 13: \$94.73) for up to 6,000 gallons

Water User Rate: \$6.50 (3% increase) (FY: \$6.31) per thousand gallons

Sewer User Rate: \$10.04 (6% increase) (FY 13: \$9.47) per thousand gallons

Sewer Only Customers: Fixed Rate of \$83.61 (6% increase) (FY 13: \$78.88)

Out of Town Water/ Sewer Customers charged 250% the in-town rate.

Town of Lovettsville

Ordinance 2013-06-002: APPROVE BUDGET AND CIP, ADOPT TAX RATES AND MAKE APPROPRIATIONS FOR FISCAL YEAR ENDING JUNE 30, 2014

MOTION: Senate
SECOND: Burden

WHEREAS, the budget, capital improvement plan (CIP), and tax rates for the fiscal year ending June 30, 2014, have been prepared and reviewed by the Town Council; and

WHEREAS, a brief synopsis of the proposed budget and CIP and notice of a public hearing to be held in the Town office on May 23, 2013 at 7:30p.m. were published in the public notices section of the Purcellville Gazette on May 10, 2013; and

WHEREAS, a public hearing was in fact held at the time and place advertised at which citizens had the right to attend and state their views on the budget and tax rates.

IT IS ACCORDINGLY ORDAINED by the Town Council of the Town of Lovettsville as follows:

1. The proposed budget and CIP are approved as presented.
2. Appropriations are hereby made for the fiscal year ending June 30, 2014, in the amounts shown to the categories and accounts therein for the general and utility funds and Frye Court Service District fund, with the exception of expenditure 104210.1002 Town Council Salaries.
3. All outstanding operating encumbrances at June 30, 2013 are hereby reappropriated for the 2014 fiscal year to the same department and account for which they are encumbered in the previous year.
4. At the close of the fiscal year, all unencumbered appropriations lapse for budget items other than any capital projects and grants.
5. The tax rates and license fees for FY 2014 are hereby fixed at the levels shown in the attached schedule.
6. Water and Sewer rates shall be set as provided in the Town's Schedule of Fees, as amended by ordinance approved immediately prior hereto.
7. The tax rate for FY 2014 for the Frye Court Service District shall be fixed at \$0.275 per one hundred dollars (\$100.00) of assessed value for taxable real estate (exclusive of improvements).
8. Land use charges imposed as provided in the schedule of fees hereto attached, adopted by ordinance.

VOTE:

AYES: Allar, Burden, Carder, McIntyre, and Senate

NAYS: None

ABSTENTIONS: None

ABSENT FOR VOTE: Gray

APPROVED: June 13, 2013

CERTIFIED:


Harriet West, Town Clerk


Robert Zoldos II, Mayor

The German Settlement

Town of Lovettsville

VIRGINIA FREEDOM OF INFORMATION ACT Resolution: AUTHORIZE CLOSED SESSION

Date: 06-13-13

Time: 8:55pm

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],~~ — over →

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~~ issues regarding construction of the Wastewater Treatment Plant expansion
And thereafter reconvene in open session for action as appropriate.

SECOND: Jim McIntyre
VOTE:

Ayes: 5
Nays: 0
Abstentions: 0
Absent for vote: 1

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:"

June 13, 2013 at 10:02 PM

Certified: