

Town of Lovettsville

Town Council Minutes of the August 8, 2013 Regular Meeting and Public Hearings

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, August 8, 2013 at the Lovettsville Town Hall, 6 East Pennsylvania Avenue, Lovettsville, VA.

Present at Meeting

- Mayor Robert Zoldos II
- Vice Mayor Senate
- Council Member Kimberly Allar
- Council Member Jack Burden
- Council Member Tiffany Carder
- Council Member Rodney Gray
- Council Member James McIntyre

Staff Present

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

Pledge of Allegiance

Mayor Zoldos led those assembled in the Pledge of Allegiance.

Presentations

There were no presentations.

Comments from the Public

Mayor Zoldos called for comments from the public. Vice Mayor Mike Senate read the rules for public comments. Elaine Walker, 40 S. Berlin Pike came forward to speak (Attachment 1). She read a letter to the Mayor and Town Council thanking them for the dedication of the Walker Pavilion (Attachment 2).

Community Presentations

A. Loudoun County Sheriff's Office

Deputy Sheriff LoPreto gave a PowerPoint presentation on Sheriff's Office coverage in the Lovettsville area and the number of incidents reported in the first six months of the year in Western Loudoun. He said that the incidents reported in the Lovettsville area are relatively low compared to other parts of the County and most crimes are down compared to 2012. Residents can now report a crime online through the Sheriff's Office website. Deputy LoPreto said the best thing people can do to prevent criminal activity is to lock their cars and garages.

Mayor Zoldos thanked Deputy LoPreto for his participation in National Night Out. He expressed concern that Deputy Cooper had been re-assigned to another area and said he would speak with the Sheriff's Office about getting another Deputy assigned to the area.

There were no other community presentations.

Town Commission and Committee Reports

A. Lovettsville Planning Commission

There was no report.

B. Parks Committee

Vice Mayor Senate gave an update on the construction of the Quarter Branch Park Facility.

C. "We're In" Committee

Councilwoman Carder gave an update on upcoming events including a business mixer at Andy's in August and a brown bag lunch in September. "We're In" will also be participating in Oktoberfest and the Christmas Tree Lighting and they will be in charge of the "Light Up Lovettsville" Holiday Lighting contest and "Berserkle on the Squirkle."

Mayor Zoldos said the new Town Seal will be unveiled at Oktoberfest.

D. Oktoberfest Committee

Councilman McIntyre gave an update on preparations for Oktoberfest including food, vendors, games, and volunteers.

Additions/Deletions/Modifications to the Agenda

Mayor Zoldos asked if there were any changes to the agenda. Councilwoman Allar asked to add the Town Picnic to Action/Discussion Items.

Minutes

A. Town Council Regular Meeting and Public Hearing – May 23, 2013

Motion: I move to adopt the minutes of the Regular Meeting and Public Hearing of May 23, 2013 as amended.
By: Council Member Carder
Second: Vice Mayor Senate
Aye: Council Members Allar, Burden, Carder, Gray, McIntyre, and Senate
Nay: None
Abstain: None
Absent: None

B. Town Council May 30, 2013 Meeting Reconvened from May 23, 2013

Motion: I move to approve the Reconvened Meeting minutes of May 30, 2013 as presented.
By: Council Member Gray
Second: Council Member McIntyre
Aye: Council Members Allar, Burden, Carder, Gray, McIntyre, and Senate
Nay: None
Abstain: None
Absent: None

C. Town Council Regular Meeting – June 13, 2013

Motion: I move to accept the minutes of the June 13, 2013 Regular Meeting as amended.
By: Council Member Allar
Second: Council Member Carder
Aye: Council Members Allar, Burden, Carder, Gray, McIntyre, and Senate
Nay: None
Abstain: None
Absent: None

Report from the Treasurer

Treasurer Lance Gladstone presented the May 2013 Financial Report. He noted that Bonnie's restaurant is delinquent in paying their meals taxes again and he has imposed a bank lean for the first three months of the 2013. All of the outstanding Loudoun Water invoices have been paid.

Mayor Zoldos asked about the high expenditures with Loudoun Water. Manager Markel said the invoices reflect billing practices, purchase of actual goods, and engineering/consultant support. He will be working with the new management at Loudoun Water on finalizing the new contract and monitoring expenditures. Hearing no further discussion, Mayor Zoldos called for a motion.

Motion: I move to accept the May 2013 Financial Report.

By: Council Member Carder

Second: Council Member McIntyre

Mayor Zoldos called for discussion. Vice Mayor Senate said he was concerned that this is the second time Bonnie's has been delinquent on the meals tax. Treasurer Gladstone said he will monitor this more closely. He noted that meals taxes are paid quarterly and that he has to wait 30 days after the due date before he can impose a lien. Councilman McIntyre asked if the lien was based on an estimate. Treasurer Gladstone said the lien amount was based on estimated taxes, an escalator, plus a 10% penalty.

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

Nay: None

Abstain: None

Absent: None

Staff Reports

A. Report from the Project Manager

Manager Markel gave updates on smoke testing of the sanitary sewer system and construction of the Quarter Branch Park Facility.

B. Report from the Zoning Administrator

Manager Markel said the Town received a preliminary plat for a new subdivision. The project will be presented to the Planning Commission next month after referral organization comments are received.

C. Report from the Town Attorney

There was no report from the Town Attorney.

D. Report from the Town Manager

Manager Markel gave updates on the code review process, the water leak on East Broad Way, and National Night Out.

Action/Discussion Items

A. LVCU 2013-0002 AT&T Telecommunications Equipment on the Elevated Tank (Public Hearing)

Presentation

Manager Markel presented this item. The Council is being asked to consider a request from AT&T to modify the existing communications equipment on the Town's elevated water tank.

Manager Markel reviewed the Applicant's request to install new equipment on the tank and the structural analysis completed by the Town's engineering firm. The Planning Commission held a public hearing on this item at their meeting on July 17, 2013. No public comments were received for or against the request. The Planning Commission voted unanimously to recommend approval of the Conditional Use Permit with the following conditions as presented by staff:

- 1) This approval is for equipment as shown on the Site Plan & Project Summary dated April 9, 2013; six (6) Remote Radio Heads and related cables; as well as two cabinets to be mounted inside the fenced, leased space on the ground near the elevated tank. (The three proposed antennas are a permitted use under the previous conditional use permit)
- 2) Antennas, cables and associated equipment located on or attached to the tank must be painted to match the color of the tank; except for the Remote Radio Heads (RRH), which will be enclosed in a colored covering to match the tank.
- 3) Regular maintenance activities for this facility shall be limited to the hours of 8:00 AM and 6:00 PM, Monday through Friday. For maintenance or replacement activity that requires entering the fenced in water tank area, the applicant shall notify the Town Office at least twenty four (24) hours in advance
- 4) No outdoor storage, other than what is shown on the site plan, shall be permitted in association with this use.

- 5) The proposed use shall be passive and will not generate noise, dust, light, glare, vibrations, traffic or odors.
- 6) The proposed use shall not interfere with area telephone, radio, television reception or the signal of other co-located communications equipment.
- 7) This Conditional Use Permit shall be co-ext with any lease entered between the applicant and the Town as owner of the real property on which the approved facilities are to be located. The Permit shall terminate upon expiration or termination of such lease.

Manager Markel said that the purpose of tonight's meeting is to accept comments from the public. The Council will take action on the Applicant's Conditional Use Permit once a new contract is agreed to by both parties.

Renee Frustaci, from AT&T, gave a brief PowerPoint presentation on the provisions of the current lease rights, the equipment that is actually installed, and the additional equipment that is being proposed.

There were no questions from the Council.

Public Hearing

Mayor Zoldos opened the public hearing for LVCU 2013-0002 at 8:23 p.m. Vice Mayor Senate read the Notice of Public Hearing (Attachment 3).

Mayor Zoldos called for comments from the public. Hearing none, he closed the public hearing at 8:25 p.m.

B. LVCU 2013-0003 7-Eleven Hours of Operation (Public Hearing)

Presentation

Manager Markel presented this item. The Council is being asked to consider a request from the 7-Eleven Convenience Store to allow the business to operate 24 hours a day, 7 days a week.

The owner of the 7-Eleven store, Pardip Sindu, recently requested that the Town Council consider modifying the existing Town Zoning Ordinance that required all Town businesses close to the public between the hours of 12:00 a.m. and 6:00 a.m. As a result, the Town recently modified the Zoning Ordinance to allow businesses to expand their hours of operation through a Conditional Use Permit.

Manager Markel reviewed the location of the store in relation to adjacent property owners. Staff feels that the store's location makes it appropriate to allow for expanded hours of operation, as the likelihood that any residential uses would be adversely impacted is very minimal. He also reviewed other factors used to evaluate the Applicant's request including public safety and convenience for residents.

The Planning Commission and Staff support the request to expand the current hours of operation for the 7-Eleven store to a full 24 hours a day with the understanding that the business operator will fully comply with all Town ordinance requirements along with the following recommended condition.

1. The Conditional Use Permit will be reviewed administratively each year. If violations are found, the Zoning Administrator will bring the permit back to the Planning Commission for their full review.

Public Hearing

Mayor Zoldos opened the public hearing at 8:30 p.m. Vice Mayor Senate read the Notice of Public Hearing (Attachment 3).

Mayor Zoldos called for comments from the public. Hearing none, he closed the public hearing at 8:32 p.m. The Mayor then called for a motion.

Motion: I move to adopt Ordinance 2013-08-001 approving Conditional Use Permit LVCU 2013-0003 to allow expanded hours for the 7-Eleven Convenience Store (Attachment 4).
By: Vice Mayor Senate
Second: Council Member McIntyre
Aye: Council Members Allar, Burden, Carder, Gray, McIntyre, and Senate
Nay: None
Abstain: None
Absent: None

C. HEAL Town Resolution

Manager Markel presented this item. The Council is being asked to consider adopting a resolution to participate as a Healthy Eating Active Living (HEAL) community with the Institute for Public Health Innovation. The goal is to have local governments play a more visible role in promoting healthy lifestyles by supporting greater access to healthy food and recreational opportunities. This can be as simple as promoting healthy restaurant options, farmers markets, along with bike trails and public parks; all things that are low cost or are projects that many communities already support.

Manager Markel reviewed the various aspects of the draft resolution noted the Town is already doing many of these things. The program requires minimal staff time, depending on the level of involvement a community makes to the HEAL program. It is non-binding and does not require ongoing participation.

Staff recommends that the Council pass the resolution to becoming a participating community for the coming year and reevaluate the Town's participation next year to evaluate if the program is of benefit to the community.

Mayor Zoldos said this would help with funding for sidewalks on Loudoun Street through Safe Routes to School and it allows the Town access to the HEAL farm market consultant.

Motion: I move that the Lovettsville Town Council adopt resolution 2013-08-001, as attached, to become a HEAL Town in partnership with VML and the Institute for Public Health Innovation (Attachment 5).
By: Vice Mayor Senate
Second: Council Member Carder

Mayor Zoldos called for discussion. Councilman Burden said the Town is already doing virtually everything called for in the resolution; however, it will still require staff time. Manager Markel said the resolution reflects activities that staff can handle.

Councilman McIntyre said he was excited to see some of the community groups, like the Lovettsville Garden Club and the Lion's Club, getting involved in these activities.

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

D. Town Center Section 2 VDOT Street Acceptance Resolution

Manager Markel presented this item. The Council is being asked to consider adopting a resolution in support of VDOT acceptance of the streets within Lovettsville Town Center Section 2.

Town Center Lovettsville LC (Elm Street Development), the developer of Lovettsville Town Center, has completed all necessary street improvements within Section 2 of the project to allow for the Virginia Department of Transportation (VDOT) to assume maintenance responsibilities of the road and related infrastructure. Now that road construction within Section 2 has been completed, the developer has asked that the Town formally request that VDOT assume maintenance responsibilities for the public streets. Streets in this section include portions of Black Forest Drive, Hammond Drive, Eisentown Drive, and Kimberly Kristin Way.

Motion: I move that Town Council adopt Resolution 2013-08-002, requesting VDOT accept the streets within Section 2 of the Lovettsville Town Center in to the Secondary Road maintenance system (Attachment 6).
By: Council Member Gray
Second: Council Member Carder
Aye: Council Members Allar, Burden, Carder, Gray, McIntyre, and Senate
Nay: None
Abstain: None
Absent: None

E. Town Center Section 4 Performance Bond Acceptance

Manager Markel presented this item. The Council is being asked to consider accepting a performance bond for the public improvements related to the development of Section 4 of the Lovettsville Town Center.

In order to begin installation of public infrastructure the developer must post a performance bond for the public improvements that will be installed as part of this section. The Town uses the Loudoun County bond worksheets to set bonding amounts for all public infrastructure. All parties agree with the bonding amount of 3,853,000 for the public improvements in Section 4, the final phase of the development.

Motion: I move to approve Resolution 2013-08-003, as attached, to accept the performance agreement and bond for Section 4 of the Lovettsville Town Center development (Attachment 7).
By: Vice Mayor Senate
Second: Council Member Burden
Aye: Council Members Allar, Burden, Carder, Gray, McIntyre, and Senate
Nay: None
Abstain: None
Absent: None

F. Town Council Compensation for FY 14

Manager Markel presented this item. The Council is being asked to review and decide the annual compensation for Town Council members for FY 2014. Manager Markel distributed an updated summary of town officials' annual compensation from surrounding localities for FY 2014.

Mayor Zoldos said they had been waiting until the full Council was present to take action on this item. He called for a motion.

Motion: I move that the Lovettsville Town Council modify the annual compensation to Town Council members to the new level of \$2,000 per year, to be paid in quarterly installments.
By: Vice Mayor Senate
Second: Council Member Carder

Mayor Zoldos called for discussion.

Vice Mayor Senate said there were really strong feelings in both directions on this issue. The original amount suggested was \$2,400. Unless someone wants to make a different motion or modify the motion, they should move forward.

Councilman McIntyre said that four of the six Council Members had served on the Council for one year and he did not feel it was appropriate to ask for more money.

Councilman Burden said it has more to do with what they do, not how long they have served. Every significant event in Town is led by the Council Members.

Councilman Gray said that the whole idea is to serve the Town. He is opposed to the increase for many reasons and would like to see the compensation remain the same.

Vice Mayor Senate said he has served on the Council for many years and initially there was no compensation. He considers it an honor to serve the Town.

Councilwoman Carder said she agrees with Councilman Burden and Vice Mayor Senate. The Council Members work really hard and it is an honor to serve the Town. She felt that \$2,000 was appropriate.

Councilwoman Allar said she did not sign on for the money. Considering the time requirements, she felt it does justify additional compensation, especially for future Council Member. They need to make it worth wanting to be on the Council.

Mayor Zoldos said he has been on the Council for many years and the demands of serving the Town have increased over that time. None of the Council Members decided to serve based on the compensation. The compensation should be set at a level that it does not cost the Council Members to serve the Town. He said if they raise the compensation, the Council Members need to understand that it is because they are requiring more of everyone.

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

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

G. Town Community Picnic and Kickball Game

Councilwoman Allar presented this item. She is requesting that the Council conduct a Town picnic and kickball game on the Town Green. The idea is to have a "meet and greet" with the Mayor and Town Council and Planning Commission. They would need \$200 for food. The Lion's Club would prepare and serve food. The proposed date is August 25 from 4:00 to 7:00 p.m.

Mayor Zoldos said the former Chair of the Planning Commission, Michael Wild, used to conduct something similar each summer. The Mayor and Council discussed calling the event "Wild on the Green," in honor of Mr. Wild, who passed away several years ago.

Motion: I move that the Town Council approve an amount not to exceed \$200 to fund the first annual "Wild on the Green" picnic and kickball game.
By: Council Member Allar
Second: Council Member McIntyre
Aye: Council Members Allar, Burden, Carder, Gray, McIntyre, and Senate
Nay: None
Abstain: None
Absent: None

Information Items

There were none.

Comments from the Mayor and Town Council

Councilwoman Allar thanked the Mayor and Council for supporting Wild on the Green. She said she attended National Night Out and thought it was a great event.

Councilwoman Carder said she also attended National Night Out.

Councilman Senate said he was unable to attend National Night Out because he was attending EMS training. He said the Town really seems to be bustling.

Councilman Gray discussed the dedication of the Walker Pavilion, a free football camp for kids that he recently attended, and the recent Movie on the Green.

Councilman McIntyre gave an update on the Lovettsville Dolphins swim team.

Mayor Zoldos reported on the following:

- He recently attended a meeting at Heritage Highlands to discuss resident's concerns.
- He thanked everyone for their support of National Night Out.
- Set up for the next Movie on the Green is 7:00 p.m.
- There were 33 people at the last Neighborhood Watch meeting. The topic was "Introduction to policing". The next meeting will be in November.
- He and the Town Manager met with several residents to explain the public school siting process.
- He and Councilman McIntyre met with representatives from Visit Loudoun to discuss grant opportunities for Oktoberfest and other events in Town.
- He attended the geocaching event at the library.
- He thanked everyone for attending the Walker Pavilion dedication.
- He thanked the Council and Staff for all of the work they have been doing.

Closed Session

The Mayor and Council went into closed session at 9:30 p.m. (Attachment 8). The Council came out of closed session at 10:08 p.m. All Council Members certified that only public business matters lawfully exempt from the open meeting requirements under the Virginia Freedom of Information Act were discussed. No action was taken coming out of closed session.

Adjournment

There being no further business before the Council, the meeting was adjourned at 10:09 p.m.

Respectfully submitted,



Harriet West, Town Clerk

Date Approved: October 10, 2013

Attachments:

1. Speaker Sign Up Sheet
2. Letter from Elaine Walker regarding dedication of the Walker Pavilion
3. Notice of Public Hearing
4. Ordinance 2013-08-001: Approving Conditional Use Permit LVCU 2013-0003 To Allow Expanded Hours for the 7-Eleven Convenience Store
5. Resolution 2013-08-001: Setting Forth Lovettsville's Commitment to Promoting a Healthy Community
6. Resolution 2013-08-002: To Request the Virginia Department of Transportation Add Lovettsville Town Center, Section 2 for Addition to Secondary Road System Maintenance Under Section 33.1-82, Code of Virginia
7. Resolution 2013-08-003: Approving Bond Securing Public Improvements In Lovettsville Town Center Section 4
8. Closed Session Resolution

Town of Lovettsville

Speaker Sign - Up Sheet

Town Council Regular Meeting and Public Hearings - Thursday, August 8, 2013

Please Print.

Name and Association	Address	Topic	Email Address (Optional) ¹
James Watson	40 S. Rardin Pike	Thank You!	

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.

¹ If you provide your email address, you will be added to the Town Council & Planning Commission Meetings Notification List.

CLIFF and ELAINE WALKER
40 South Berlin Pike
Lovettsville, VA 20180

August 8, 2013

The Honorable Robert Zoldos II
Members of the Lovettsville Town Council
P.O. Box 209
Lovettsville, VA 20180

Dear Mayor Zoldos and Town Council:


I wish to take this opportunity to thank you once again for dedicating the Pavilion in the Town Green to me. The presentation of the plaque last year at my Retirement Reception, seeing all of the development plans, the groundbreaking, the signing of the roof trusses, the placement of the evergreen on the roof, the Mayfest Celebration, the movies, and finally after three attempts, the formal dedication are all memories I will cherish forever.

Much appreciation is extended to Town Manager Keith Markel and Project Manager Karin Fellers for their diligent watch and very careful work of overseeing each and every detail. The Parks Committee, chaired by Councilman Mike Senate, met regularly to ensure the facility would be completed by our annual Mayfest Celebration.

It is my wish that the Walker Pavilion, along with the Town Green, will be used for many occasions -- concerts, celebrations of holidays, festivals, movies, family reunions, luncheons, and even weddings. As I said in my remarks at the Dedication Ceremony, the area of the Town Square and Town Green is the "Crown Jewel" of the Town. What a beautiful setting and what a way to showcase the Town of Lovettsville.

My family joins me in thanking you sincerely for this recognition. The honor that you have bestowed upon me is priceless.

Sincerely,



Elaine Walker

**Notice of Public Hearing
Lovettsville Town Council**

The Lovettsville Town Council will hold a public hearing on the following items at their meeting on Thursday, August 8, 2013 at 7:30pm at the Lovettsville Town Hall, 6 East Pennsylvania Avenue:

LVCU 2013-0002 14A Quarter Branch Road

Consider a request by AT&T Wireless, for approval of a Conditional Use Permit to Section 3-3 (c)(xi) of the Lovettsville Zoning Ordinance, to allow for the installation of wireless communications equipment as a conditionally permitted use. The parcel is located at 14 A Quarter Branch Road and is identified as Loudoun County PIN 333-45-9227.

LVCU 2013-0003 1 East Broad Way (7-11 Hours of Operation)

Consider a request from Pardip Sidhu, for approval of a Conditional Use Permit pursuant to Section 3-11(d) of the Lovettsville Zoning Ordinance, to allow for the 7-11 convenience store to expand its hours of operation to be open twenty-four (24) hours a day, seven (7) days a week. The parcel is located at 1 East Broad Way and is identified as Loudoun County PIN 369-10-9147.

The applications and related documents being considered are available for review at the Town Hall between the hours of 8:30am and 4:30pm weekdays, or by special appointment, holidays excepted. Call 540-822-5788 for more information or visit www.lovettsvilleva.gov.

July 19, 2013

WWW.PURCELLVILL

Town of Lovettsville

**Ordinance 2013-08-001: APPROVING CONDITIONAL USE PERMIT LVCU 2013-0003
TO ALLOW EXPANDED HOURS FOR THE 7-ELEVEN
CONVENIENCE STORE**

MOTION: Senate

SECOND: McIntyre

WHEREAS, Sidhuhindsa Inc., filed an application for a conditional use permit to allow the 7-Eleven Convenience Store located at 1 East Broad Way to increase its hours of operation so that could operate twenty-four hours a day, seven days a week; and

WHEREAS, following a public hearing on said application by the Planning Commission on July 17, 2013, pursuant to notice as required by Va. Code Section 15.2-2204, the Planning Commission forwarded its recommendations for approving said application, subject to certain conditions; and

WHEREAS, the Town Council has concluded that approval of a Conditional Use Permit in accordance with the condition set forth below is consistent with the health, safety and welfare of the citizens of the Town and comports with good zoning practice.

NOW, THEREFORE, BE IT ORDAINED by the Lovettsville Town Council that the Conditional Use Permit No. LVCU 2013-0003, for increasing the hours of operation for the 7-Eleven Convenience Store located at 1 East Broad Way (property identification 369-10-9147), be approved in accordance with Section 3-11 (d) of the Lovettsville Zoning Ordinance, subject to the following condition:

The Conditional Use Permit will be reviewed administratively each year. If violations to the Zoning Ordinance are found, the Zoning Administrator will bring the permit back to the Planning Commission for their full review.

VOTE:

Ayes: Allar, Burden, Carder, Gray, McIntyre, and Senate

Nays: None

Abstentions: None

Absent for Vote: None

APPROVED: August 8, 2013

CERTIFIED:


Robert Zoldos II, Mayor



Harriet West, Town Clerk

The German Settlement

Town of Lovettsville

RESOLUTION 2013-08-001: SETTING FORTH LOVETTSVILLE'S COMMITMENT TO PROMOTING A HEALTHY COMMUNITY

MOTION: Senate

SECOND: Carder

WHEREAS, the Town of Lovettsville has the ability to affect the health of its residents through planning, public facilities, and promoting a healthy community; and

WHEREAS, planning and constructing a built environment that encourages walking, biking, and other forms of physical activity can promote health; and

WHEREAS, high rates of costly chronic disease among both children and adults are correlated to environments with few or no options for healthy eating and active living; and

WHEREAS, more than half of Virginia's adults are overweight or obese and therefore at risk for many chronic conditions including diabetes, heart disease, cancer, arthritis, stroke, and, hypertension; and

WHEREAS, one in three youth in Virginia is overweight or obese; and

WHEREAS, the current generation of children are expected to have shorter lives than their parents due to the consequences of obesity; and

WHEREAS, the annual cost to Virginia—in medical bills, workers compensation and lost productivity— for overweight, obesity, and physical inactivity exceeds \$3 billion;

WHEREAS, supporting the health of residents and the local workforce would decrease chronic disease and health care costs and increase productivity; and

NOW, THEREFORE, LET IT BE RESOLVED that the Lovettsville Town Council hereby recognized that the Town has a role in promoting and encouraging opportunity for physical activity and access to affordable, healthy foods so that residents can continue to enjoy a high quality of life and healthy, active, and productive lives. To that end, [name of city/town] adopts this Healthy Eating Active Living resolution:

I. Built Environment

BE IT FURTHER RESOLVED that the Town of Lovettsville should make every effort to:

1. Prioritize capital improvements projects to increase the opportunities for physical activity;
2. Plan and construct a built environment that encourages walking, biking and other forms of physical activity;
3. Continue addressing walking and biking connectivity between residential neighborhoods and schools, parks, recreational resources, and retail;
4. Continue to expand community access to indoor and outdoor public facilities through joint use agreements with the Elementary School, Community Center and other partners;
5. Include healthy goals and policies related to physical activity in the Comprehensive plan update and specific area plans;
6. Revise Comprehensive Plan and zoning ordinances to increase opportunities for physical activity wherever comprehensive and whenever possible, including complete streets policies, and compact, mixed-use and development;

The German Settlement

II. Workplace Wellness

BE IT FURTHER RESOLVED that in order to promote wellness within the Town of Lovettsville, and to set an example for other businesses, the Town of Lovettsville pledges to adopt and implement a workplace wellness policy that will:

1. Establish physical activity breaks for meetings over one hour in length where practical;
2. Accommodate breastfeeding employees upon their return to work;
3. Continue to promote water consumption in the workplace and at meetings.

III. Healthy Food Access

BE IT FURTHER RESOLVED that the Town of Lovettsville should make every effort to:

1. Facilitate the siting of and encourage a Farmers' market to increase access to affordable, healthy food including fresh fruits and vegetables by providing direct access for growers to sell to the community;
2. Provide public-owned land to create a community garden;
3. Encourage community groups to cultivate certain plots for community benefit by providing a determined area at no- or low-cost;

IV. Implementation

BE IT FURTHER RESOLVED that each calendar year, the Mayor and Town Council shall review progress on steps taken to implement the Resolution as part of the Town Annual Report

BE IT FURTHER RESOLVED that Lovettsville Staff shall work with HEAL Cities & Towns Campaign Staff to explore HEAL policies and to identify those policies that are suitable for the Town's unique local circumstances.

BE IT FURTHER RESOLVED Staff will report back to this Council with recommendations not later than six months from the date of this Resolution's adoption.

VOTE:

Ayes: Allar, Burden, Carder, Gray, McIntyre, and Senate

Nays: None

Abstentions: None

Absent for Vote: None

APPROVED: August 8, 2013



Robert Zoldos II, Mayor

CERTIFIED:



Harriet West, Town Clerk

Town of Lovettsville

**RESOLUTION 2013-08-002:
TO REQUEST THE VIRGINIA DEPARTMENT OF TRANSPORTATION ADD
LOVETTSVILLE TOWN CENTER, SECTION 2 FOR ADDITION TO SECONDARY SYSTEM
MAINTENANCE UNDER SECTION 33.1-82, CODE OF VIRGINIA**

MOTION: Gray

SECOND: Carder

WHEREAS, the Town of Lovettsville has authority pursuant to Section 33.1-82, Code of Virginia, to add mileage to the secondary system that conforms to specific requirements established by the 2005 Subdivision Street Requirements of the Virginia Department of Transportation addressing right of way widths and the condition of streets to be added to the secondary system; and

WHEREAS, the Town of Lovettsville or another development entity is responsible for the provision of surety, maintenance fees, and administrative cost recovery fees required by the 2005 Subdivision Street Requirements for all mileage to be added to the secondary system pursuant to Section 33.1-82, Code of Virginia; and

WHEREAS, Town Center Lovettsville, LC, the developer of the Lovettsville Town Center Development has posted a surety in the form of an irrevocable letter of credit with the Virginia Department of Transportation for any first year maintenance issues.

NOW, THEREFORE, BE IT RESOLVED, the Lovettsville Town Council requests the Virginia Department of Transportation add the street(s) described in the attached additions form AM-4.3 to the secondary system of state highways, pursuant to Section 33.1-82, Code of Virginia, and the Department's Subdivision Street Requirements.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Permits Manager for the Virginia Department of Transportation.

VOTE:

Ayes: Allar, Burden, Carder, Gray, McIntyre, and Senate

Nays: None

Abstentions: None

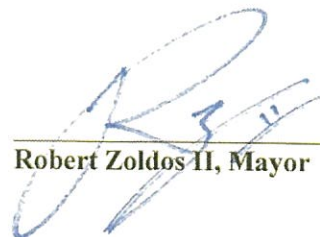
Absent for Vote: None

ADOPTED: August 8, 2013

CERTIFIED:



Harriet West, Town Clerk



Robert Zoldos II, Mayor

The German Settlement

Town of Lovettsville

Resolution: 2013-08-003: APPROVING BOND SECURING PUBLIC IMPROVEMENTS IN LOVETTSVILLE TOWN CENTER SECTION 4

MOTION: Senate

SECOND: Burden

WHEREAS, Town Center Lovettsville LC., has received approval of construction plans for Lovettsville Town Center Section 4 and desires to commence construction of site improvements in accordance with such approval; and

WHEREAS, the Town's engineering consultant, Christopher Consultants, Ltd., has reviewed the construction plans and agrees that the amount of the bond securing proper installation of the public improvements required with construction of Section 4 improvements is \$3,853,000 provided that the appropriate performance agreement is entered setting a completion date not later than [24 months maximum] and secured by surety acceptable to the Town.

NOW, THEREFORE, BE IT RESOLVED that the Lovettsville Town Council hereby approves the recommendation of the Town's engineer referenced above and authorizes the Mayor and Town Attorney to sign the performance agreement and bond as appropriate when tendered in a form approved by the Town Attorney.

VOTE:

Ayes: Allar, Burden, Carder, Gray, McIntyre, and Senate

Nays: None

Abstentions: None

Absent for Vote: None

APPROVED: August 8, 2013



Robert Zoldos II, Mayor

CERTIFIED:



Harriet West, Town Clerk

The German Settlement

Town of Lovettsville

VIRGINIA FREEDOM OF INFORMATION ACT Resolution: AUTHORIZE CLOSED SESSION

Date: August 8, 2013
Time: 9:30 PM

MOTION BY: Mike Serate

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,

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]~~ ^{negotiating a lease w/ AT+T Wireless for use of the water tank}
~~for telecommunications purposes~~

And thereafter reconvene in open session for action as appropriate.

SECOND: Jack Burden

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:"

August 8, 2012 at 10:08 PM

Certified:

