

# Town of Lovettsville

## Town Council Minutes of the September 5, 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 September 5, 2013 at the Lovettsville Town Hall, 6 East Pennsylvania Avenue, Lovettsville, VA.

### Council Members Present

- Mayor Robert Zoldos II
- Vice Mayor Senate
- Council Member Kimberly Allar
- Council Member Tiffany Carder
- Council Member Rodney Gray
- Council Member James McIntyre (arrived at 7:45 p.m.)

### Council Members Absent

- Council Member Jack Burden

### 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 Senate read the rules for public comment.

Chad Tyson, 25 Hammond Drive, came forward to speak about getting the Town's ordinance for fences amended. He recently moved to Town Center and when he came into Town Hall to get a fence permit, he was told that 36-inches is the maximum allowable fence height for corner lots. He has driven through his neighborhood and has noticed multiple properties that have fences higher than 36-inches on pipe stems, corner lots, and front yards. He was curious why the ordinance was changed to 36-inches. A three-foot fence on a corner lot creates a safety issue for children and pets and does not provide the kind of security he is looking for. He wanted to find out what could be done to amend the ordinance so corner lots and pipe stems could have fences higher than 36-inches.

Mayor Zoldos said this issue has been brought up a couple of times before at Home Owners Associations (HOA) meetings he has attended. The main reason for the fence height requirements on corner lots is for sight-line for driving.

Mr. Tyson said his HOA allows four-foot fences.

The Mayor thanked Mr. Tyson for bringing this up and said this is something that the Council may want to reconsider.

### Closed Session

Mayor Zoldos announced that there would be no closed session.

### **Community Presentations**

#### **A. Lovettsville Library**

Catherine Hall gave an update on upcoming activities at the library including a weekly program for homeschoolers and "Library Card Sign-up Month" in September.

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 updates on the "Wild on the Green" Town picnic and construction at Quarter Branch Park.

#### **C. "We're In" Committee**

Councilwoman Carder gave updates on the upcoming brown bag lunches, the "We're In!" booth at Oktoberfest, the Brunswick Business Expo in October, and the first "We're In!" e-newsletter.

#### **D. Oktoberfest Committee**

Councilman McIntyre gave an update on the Oktoberfest preparations including sponsorships, vendors, the Royalty Competition, and food vendors. Sponsorships are 44% above last year's levels and they have secured a sponsor for Kinderfest so all of the games and rides will be free.

Mayor Zoldos said that the Upper Loudoun Youth Football will be a new sponsor this year.

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

There were no changes to the agenda.

### **Minutes**

No minutes were presented.

### **Report from the Treasurer**

There was no report from the Treasurer.

### **Staff Reports**

#### **A. Report from the Project Manager**

Manager Markel referenced the new format for the Project Manager's Report. There were no questions from the Council.

#### **B. Report from the Zoning Administrator**

There was no report from the Zoning Administrator.

#### **C. Report from the Town Attorney**

Attorney Whiting said she has been working with Staff on the East Broad Way Streetscapes Project and the codification of the Town's ordinances.

#### **D. Report from the Town Manager**

Manager Markel gave updates on smoke testing and repairs to the sidewalk on the Town Square. The Tree & Environment Board will be working on several new initiatives including a tribute tree program and a tree survey.

### **Action/Discussion Items**

#### **A. National Preparedness Month Resolution**

Mayor Zoldos presented this item. He discussed the importance of emergency preparedness at the individual level and then called for a motion.

**Motion:** I move to accept Resolution 2013-09-001: Designating September 2013 as "National Preparedness Month."  
**By:** Vice Mayor Senate  
**Second:** Council Member Carder

Vice Mayor Senate read the Resolution. The Mayor noted that self-preparedness and awareness are two things that can help residents stay safe. Mayor Zoldos called for discussion. Hearing none, he called for the vote.

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

**B. Discussion with Property Owners of 5 North Berlin Pike on Development Requirements**

Manager Markel introduced Malcolm and Pamela Baldwin, the property owners and developers of 5 North Berlin Pike, who wished to discuss their concerns about the Town's subdivision requirements with the Mayor and Council.

Malcolm Baldwin said that ever since the Council approved the commercial rezoning at 5 North Berlin Pike, they have been working closely with Manager Markel on ways to subdivide the lot. He wanted to discuss why they are seeking approval for a minor subdivision and some the issues the Council needs to be aware of. He said that the cooperative grocery and coffee shop would be tremendous assets to the Town. The coffee shop would be owned and managed by Jeannie Carlson and Colton Seal.

Mr. Baldwin said they are seeking subdivision of the property because it would allow the owners of the coffee shop to own it and operate it independently. The remaining property would be something the Lovettsville Cooperative Grocery could afford. It would also allow them (the Baldwins) to generate some income so they can do the improvements that will be required for the minor subdivision approval. The project is not viable without the subdivision. He added that this will also allow protection for the property adjacent to them, the African-American church and cemetery, which is a major asset to Lovettsville.

Colton Seale, 40140 Quarter Branch Road, said that he and Jeanne (Colton) are excited about the chance to bring the coffee shop to Lovettsville. The coffee shop will also serve as a community meeting space and commercial kitchen. Turning the existing building into a coffee shop will require substantial funding. The best source of funding is the Small Business Administration's 504 loan program for owner/operators of small businesses. The best course of action is to subdivide the property so he and Jeanne can become the owners of the site that will become the coffee shop.

Mark Jeffries, consulting engineer, said he has been working with the Baldwins and Jeannie and Colton on this project. They have had several meetings with the Town Manager to discuss the Town's requirements for the subdivision and frontage improvements. The bond estimates for the frontage improvements are \$60,000 for infrastructure that would be required under the current Town regulations to subdivide the property. They would like to see what they can do to avoid that expense in order to make the project a reality.

Mr. Baldwin said they had proposed to donate \$5,000 to the Town for the construction of the bike path in front of the property. The \$60,000 for frontage improvements is not something they had anticipated and would kill their project; therefore, they would like to discuss seeking a waiver for this requirement.

Pamela Baldwin said this was a shock when they first heard about the frontage improvement requirements. They knew the bike path was coming and they wanted to make a small contribution to it; however, it never occurred to them that they would be required to provide an urban-type street front with gutters, sidewalks, storm drains, and storm sewers. None of that exists anywhere along Berlin Pike, even at the commercial properties across the street. She was skeptical that any of those improvements would happen in the foreseeable future. She also wondered if these improvements would interfere with the access road to the neighboring property, the African Methodist Episcopal Church.

Colton Seale said the cost of the frontage improvements would put their break-even point back three years.

Pamela Baldwin said there is no way that they or the Co-Op could come up with an additional \$60,000. If the requirement remains, the project would not become a reality.

Malcolm Baldwin noted that there would be no requirement for frontage improvements if the property is not subdivided.

Attorney Elizabeth Whiting said that the site plan ordinance requires the frontage improvements.

Pamela Baldwin asked for guidance on seeking a waiver. Malcolm Baldwin said they were seeking a cooperative, public-private partnership because this is something that will benefit the Town.

Mayor Zoldos asked if there were any questions from the Council Members. Hearing none, he said there is another subdivision on North Berlin Pike that will be required to meet the same frontage requirements. He suggested that the Town Manager and Town Attorney identify options that Council could consider to keep the project moving forward.

Following further discussion, Mayor Zoldos called for a motion.

**Motion:** I move to direct the Town Manager and Town Attorney to inventory options in the Zoning and Subdivision Ordinances for relief from standards; the basis for each such approval; and to inventory properties potentially impacted by a precedent set from waivers or variations that are requested on this application.

**By:** Council Member Carder

**Second:** Vice Mayor Senate

Mayor Zoldos called for discussion. Councilman McIntyre said this is the right step to take. Hearing no further discussion, the Mayor called for the vote.

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

**Nay:** None

**Abstain:** None

**Absent:** Council Member Burden

#### **Information Items**

There were none.

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

Councilman McIntyre said that "We're In!" will have a booth at Oktoberfest to promote business and tourism.

Councilman Gray said he witnessed a driver pass a school bus that was stopped on Rt. 287 with its lights on. He reminded everyone to please watch out for the school buses.

Vice Mayor Senate said that the local Western fire and rescue companies have put together the MCSU (Mass Casualty Supply Unit) program and more than 150 people were trained in running and operating a MCSU.

Councilwoman Carder said she attended the Town picnic and has noticed other people enjoying the Pavilion. The Lovettsville Library is a great resource for the community and her daughters are enjoying attending pre-school and kindergarten at the Community Center and Lovettsville Elementary School. "We're In!" is doing well and she is looking forward to Oktoberfest.

Councilwoman Allar said the "Wild on the Green" Town picnic was very successful. She thanked the Lions Club for preparing the food, the Thai food truck for donating additional food, and Andy's restaurant for providing additional water. She is still getting compliments and requests to do this more often.

Mayor Zoldos gave updates on the following:

- He thanked Councilwoman Allar for organizing "Wild on the Green" and said it was a perfect first year for this event.
- He and Staff met with representatives from Fuog about the outstanding issues with the Pavilion. Fuog will provide additional information about how they will fix some of the major concerns.
- He met with Supervisor Higgins to discuss land development and schools.
- He met with a resident of Heritage Highlands to discuss maintenance of the grounds and other concerns that residents have. As a result, he and Town Staff will be meeting with a representative from Lennar to try to work out the residents' concerns.
- He responded to a concern expressed on the Lovettsville Moms Facebook page about the poles on Locust Street, which are in the process of being replaced.
- He attended the Tree & Environment Committee Meeting. The Master Gardeners are interested in working with the Town through this committee.
- The Facilities Committee toured the Brunswick Town Office, which is an old bank that has been recently renovated, and came away with some good ideas for the Lovettsville Town Hall expansion.
- The Oktoberfest Security & Safety Work Group met to finalize communications between the Loudoun Amateur Radio Group, Lovettsville Fire and Rescue, and the volunteers.
- He will be hosting a PTO fundraiser at the Harmony Middle School.
- The September 11 Remembrance Ceremony will be held on the Town Square from 8:30-10:30 a.m. and will be similar to last year's events.
- Movie on the Green is next Friday night. They will be showing "The Lorax."
- He will be serving as the Master of Ceremonies for the Lovettsville/Waterford Ruritan Barn Dance on September 21.
- He asked the Council Members to consider the corner lot fencing standard that was brought up tonight. This will be considered at the next Town Council meeting for a possible review by the Planning Commission.

**Closed Session**

There was no closed session.

**Adjournment**

There being no further business before the Council, the meeting was adjourned at 8:39 p.m.

Respectfully submitted,



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Harriet West, Town Clerk

Date Approved: December 19, 2013

Attachments:

None