

# Town of Lovettsville

## Town Council Minutes of the April 24, 2014 Regular Meeting

### Call to Order/Pledge of Allegiance

Mayor Robert Zoldos II called the Regular Meeting of the Lovettsville Town Council to order at 7:36 p.m. on April 24, 2014 at the Lovettsville Town Hall, 6 East Pennsylvania Avenue, Lovettsville, VA.

### Council Members Present

- Mayor Robert Zoldos II
- Vice Mayor Michael 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
- Project Manager Karin Fellers
- Treasurer Lance Gladstone
- Town Clerk Harriet West

### Pledge of Allegiance

Mayor Zoldos led those assembled in the Pledge of Allegiance.

Mayor Zoldos called for a moment of silence in honor of Paul Camgeni who passed away recently. The Mayor said Paul was a true friend of the Town and was most recently know as the King of Oktoberfest. He was also a long time member of the volunteer fire company and was involved in many other things in Town.

Mayor Zoldos said the Council would be going into closed session to discuss the East Broad Way Streetscapes Project and the Town's contract with Loudoun Water. The Mayor said there would be a budget work session following the closed session.

### Presentations

#### A. Fuog/Interbuild – National Frame Building Award for the Walker Pavilion

John Fuog and Tom Miller, co-owners of Fuog/Interbuild, presented the Mayor and Council with a first-place award given by the National Frame Building Association for the Walker Pavilion. Mr. Fuog said he is extremely honored to have worked with the Town on this project.

#### B. Lovettsville Garden Club Update

There was no presentation.

### Comments from the Public

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

### Community Presentations

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

Deputy Cooper said Deputy LoPreto has been out for the past two weeks. Deputy Cooper said he has been working in South Riding for the past year and has just returned to Western Loudoun. Mayor Zoldos said baseball opening day is Saturday and that one of the deputies is usually in attendance. Council Member Burden thanked Deputy Cooper for attending the Planning Commission public hearing on April 23, 2014.

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 said the Parks Committee will begin regular meetings again in May. They will be working on enhancements to the Town's parks.

#### **C. MayFest Committee**

Councilwoman Carder gave an update on sponsors and vendors. She said the flyers and posters are done and that MayFest will have a presence at Volunteer Fest and baseball opening day.

#### **D. We're In Committee**

Manager Markel gave an update on the business directory. Councilman McIntyre said he is working on an advertisement for the Western Loudoun Artists Studio Tour booklet promoting restaurants in Town. Mayor Zoldos said this is also a good time to get We're In involved with local swim meets.

#### **E. Oktoberfest Committee**

Councilman McIntyre said work on the website is almost completed.

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

Mayor Zoldos said they would be tabling the Employee Policy Manual discussion so the Town Attorney can review the document. The Mayor called for additional changes to the agenda. There were none.

### **Minutes**

#### **A. Town Council Regular Meeting – March 13, 2014**

**Motion:** I move to accept the minutes of the March 13, 2014 Regular Meeting as amended.

**By:** Council Member McIntyre

**Second:** Council Member Carder

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

**Nay:** None

**Abstain:** None

**Absent:** None

#### **B. Town Council Regular Meeting – March 27, 2014**

**Motion:** I move to accept the minutes of the March 27, 2014 Regular Meeting as amended.

**By:** Vice Mayor Senate

**Second:** Council Member Gray

**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 February 2014 Financial Report.

**Motion:** I move to accept the February 2014 Financial Report.

**By:** Council Member Gray

**Second:** Vice Mayor Senate

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

**Nay:** None

**Abstain:** None

**Absent:** None

**Staff Reports**

A. Report from the Project Manager

There was no report.

B. Report from the Zoning Administrator

There was no report.

C. Report from the Town Attorney

There was no report.

D. Report from the Town Manager

Manager Markel gave updates on the repair on S. Berlin Pike, the Community Center meeting on May 8, 2014, and the Arbor Day Ceremony.

**Action/Discussion Items**

A. Lyme Disease Awareness Month Proclamation

Mayor Zoldos said Dr. Goodfriend with the Loudoun County Department of Health had asked that the Town Council issue this proclamation and share the information with the Town. The Mayor called for a motion to accept the proclamation.

**Motion:** I move to accept Resolution 2014-04-0001: 2014 Lyme Disease Awareness Month Proclamation (Attachment 1).

**By:** Council Member McIntyre

**Second:** Council Member Carder

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

**Nay:** None

**Abstain:** None

**Absent:** None

B. Game Club Carnival Approval

Manager Markel presented this item. The Council is being asked to consider a request by the Lovettsville Game Protective Association to allow for extended time during the overnight hours following the last day of the carnival to disassemble and remove their carnival equipment. Manager Markel said this is identical to what the Game Club has requested the past several years. He said the Town has not received any complaints and that he recommended approval.

Mayor Zoldos said this has come before the Council the past couple of years since it could impact adjacent neighbors overnight. Council Member Gray said, as a close neighbor of the Game Club, he never hears the carnival staff disassembling and removing the equipment overnight.

The Mayor and Council Members discussed having the Town Manager approve this request in the future unless there are complaints and the neighbors are being disturbed. Vice Mayor Senate said the past couple of years have been great but it could become a problem if the carnival vendor were to change. Following further discussion, Mayor Zoldos called for a motion.

**Motion:** I move to allow the Lovettsville Game Protective Association to host their annual carnival the week of June 17 through June 21 and permit their amusement ride concessioner to deconstruct their equipment during the overnight hours immediately following the last day of the carnival, June 21, 2014 so long as they abide by the conditions as established by the Town of Lovettsville in the attached draft letter.

**By:** Council Member Gray

**Second:** Council Member McIntyre

Mayor Zoldos called for discussion. Councilwoman Carder said this is a wonderful event and the community looks forward to it. Councilman Gray said there have been no complaints in the past two years. Councilman McIntyre said there is no reason not to approve the Game Club's request as long as they abide by the conditions. Mayor Zoldos said he is comfortable leaving the approval process as

it is. Hearing no further discussion, Mayor Zoldos called for the vote.

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

C. FY 2015 Rates and Fees Approval to Advertise Not to Exceed Limits

Manager Markel presented this item. The Council is being asked to approve the advertising of the not to exceed tax rate and fees. Manager Markel said he recommends maintaining the real estate tax rate at \$0.21 per \$100 of assessed value. The only changes are to water and sewer rates following the guidelines set forth in the rate study adopted by the Town Council last year. The rates would increase by 3% percent on water and 6% on sewer for a combined weighted average of 4.8% increase for the total. The minimum quarterly water/sewer bill would increase from \$99.28 to \$104.05. Those are the only changes being proposed.

**Motion:** I move that the Town Council adopt Resolution 2014-04-0002 to advertise the not to exceed tax rate and fees as attached (Attachment 2).  
**By:** Council Member Burden  
**Second:** Council Member Allar

Mayor Zoldos called for discussion. Vice Mayor Senate said it was appropriate to hold the tax rate at this time and that he supports the increase to keep the water/sewer system running based on the consultant's recommendation to the Council. Councilman McIntyre said the fact that they can keep the tax rate the same while everything else is increasing in cost can be attributed to the budget prepared by the Town Manager. Hearing no further discussion, Mayor Zoldos called for the vote.

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

D. 2 West Broad Way Water Bill Reduction Request

Manager Markel presented this item. The Council is being asked to consider a request from the homeowner at 2 West Broad Way to reduce her water bill following a leak in the service lateral. Manager Markel said the leak was discovered by Town staff and brought to the homeowner's attention. The leak resulted in an excessive use of water, over 60,000 gallons, which would have cost more than \$1,000. Since the leak occurred outside of the home and did not go through the sewer plant, staff applied a credit for the sewer portion of the bill, reducing the amount due to approximately \$485. The homeowner is citing this as a financial hardship and asking the Council for a further reduction in her bill. Manager Markel said he offered the resident the option to make payment arrangements if the Council was unable to reduce the bill further.

The Council and staff further discussed allowing residents to make payment arrangements in situations where there is a catastrophic water leak. Mayor Zoldos suggested establishing a formal policy that would allow for payment plans over a two-year period in the case of a catastrophic event. The Council also discussed defining catastrophic usage based on a percentage of the average bill and directed the Town Manager to develop a draft policy. Hearing no further discussion, Mayor Zoldos called for a motion regarding this item.

**Motion:** I move that the Town Council refrain from making any further adjustment to the utility bill for the Property Owner at 2 West Broad Way other than allowing repayment over a two-year term due to the catastrophic nature of this event.  
**By:** Vice Mayor Senate  
**Second:** Council Member McIntyre

Mayor Zoldos called for discussion. Councilwoman Allar asked what happens if someone moves

before the end of the two-year period. Staff explained there is a process in place for collecting the final payment from the current owner/renter or the subsequent owner.

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

E. Employee Policy Manual

This item was tabled so the Town Attorney could review the document.

Information Items

There were none.

**Comments from the Mayor and Town Council**

Councilman McIntyre reminded everyone about the Murder Mystery Dinner Theatre fundraising event at the Lovettsville Library on May 3, 2014.

Vice Mayor Senate thanked Town staff for putting together a good meeting at the Community Center on April 23, 2014 for the Planning Commission public hearing.

Councilwoman Carder discussed the good events going on in Town including Eggstravaganza and the Game Club Fishing Derby.

Councilwoman Allar said her son was excited to have been included in the Brunswick newspaper coverage for Eggstravaganza.

Councilman Burden thanked Manager Markel for following up with Lennar to resolve a homeowners' problem at Heritage Highlands.

Mayor Zoldos gave updates on the following:

- The Lovettsville Illumination Team will be doing light meter readings tonight to help determine the lighting requirements for East Broad Way.
- The passing of Paul Cangemi is a huge loss to the Town and he will be missed.
- Eggstravaganza was very successful and required a minimal amount of set up time. This was a great partnership between the Town and the Lovettsville-Waterford Ruritan Club.
- He attended the rain barrel workshop.
- Upcoming events including the Arbor Day Ceremony, Baseball Opening Day, and Volunteer Fest.

**Closed Session**

Vice Mayor Senate made a motion for the Lovettsville Town Council to convene in closed session to discuss the possible acquisition of real property, the East Broad Way Streetscape Project, and the Loudoun Water contract (Attachment 3).

**Motion By:** Vice Mayor Senate  
**Second:** Council Member McIntyre  
**Aye:** Council Members Allar, Burden, Carder, Gray, McIntyre, and Senate  
**Nay:** None  
**Abstain:** None  
**Absent:** None

The Mayor and Council went into closed session at 8:50 p.m. and reconvened in open session at 9:37 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 and that 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.

**Adjournment**

There being no further business before the Council, the regular meeting was adjourned at 9:35 p.m. The Mayor and Council moved into a budget work session following the regular meeting,

**Budget Work Session**

Manager Markel discussed the utility budget. He noted increases in revenue resulting from changes in the water and sewer rates, connections fees from 28 projected new units, and reimbursements from Loudoun Water and legal fees. In response to questions from the Council, Manager Markel gave an update on the Keena Development and discussed enhancements to improve the safety of the existing pump station on Frye Court and establishing the reserve fund. He also discussed changes in expenditures, including benefits for the new utility employees, legal services, sludge hauling/disposal, and radio read meters. The total estimated budget is \$866,630, which is the highest the Town has ever had.

Staff reviewed the Capital Improvement Plan (CIP) including Phase 1 and 2 of the East Broadway Streetscapes Project; South Loudoun Street improvements; the Berlin Pike Bike Path, which also includes curb/gutter and storm water management; South Church Street improvements; Town Hall expansion; Quarter Branch Park enhancements; Town Square development; Town Green development, Storm Ditch Improvements North of Town Square; a Storm Water Management Plan; and a Downtown Parking Lot project utilizing the space that the Town purchased next to Town Hall. Mayor Zoldos suggested setting aside funding in the out years for additional land acquisition to be used for parking. Staff discussed the remaining CIP projects including installing a driveway and curb cut at Potterfield drive to provide truck access to the elevated water tank, replacing water lines along East Broad Way, constructing a new water tower in the out years, adding additional VFDs at each filter house, and improvements to the wastewater treatment plant.

**Volunteer Fest**

Mayor Zoldos said that it was just announced that Paul Cangemi's funeral was scheduled for Sunday at 2:00 p.m. He suggested that Volunteer Fest be rescheduled since many of those who would have attended Volunteer Fest will be at Mr. Cangemi's funeral. There was no objection from the Council.

**Light Survey of Town**

The Mayor, several Council Members, and the Project Manager left Town Hall at 10:39 p.m. to check street lighting levels at various locations in Town.

Respectfully submitted,



Harriet West, Town Clerk

Date Approved: September 11, 2014

Attachments:

1. Resolution 2014-04-0001: 2014 Lyme Disease Awareness Month Proclamation
2. Resolution 2014-04-0002: Authorize Town Manager to Advertise Budget and Maximum Tax Rates and Fee Changes
3. Closed Session Motion

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## Resolution 2014-04-0001: 2014 Lyme Disease Awareness Month Proclamation

**MOTION:** McIntyre

**SECOND:** Carder

**WHEREAS**, the health and safety of all Lovettsville residents is important to the happiness, prosperity and well-being of our Town's families and communities; and

**WHEREAS**, according to the Centers for Disease Control and Prevention (CDC), Lyme disease is the most commonly reported vector-borne illness in the United States; and

**WHEREAS**, 165 new cases of Lyme disease were reported in Loudoun County in 2013; and

**WHEREAS**, the CDC estimates that the total number of people diagnosed with Lyme disease in the United States is roughly 10 times higher than the yearly reported number of cases and that many more cases may go undiagnosed each year; and

**WHEREAS**, in 2013 Loudoun County's "Loudoun Targets Lyme" initiative was recognized by the Virginia Association of Counties for being a model local government program; and

**WHEREAS**, the Loudoun Lyme Disease Commission has been actively addressing the Board of Supervisors 10 Point Plan to Mitigate Lyme Disease in Loudoun County; and

**WHEREAS**, Lyme disease is almost always caused by the bite of an infected black legged tick and is caused by a type of bacteria that gives early symptoms, such as a bulls-eye rash, fever, aching muscles, headache, and fatigue; and

**WHEREAS**, checking for ticks and proper tick removal are imperative, and if done correctly and promptly, can aid in the prevention of the disease;

**NOW, THEREFORE, BE IT RESOLVED** that the Lovettsville Town Council hereby proclaims May 2014 as LYME DISEASE AWARENESS MONTH in the Town of Lovettsville.

**VOTE:**

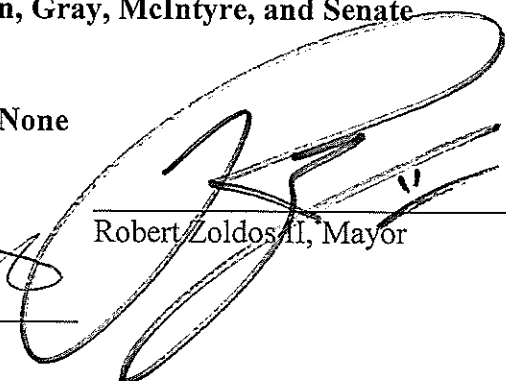
**Ayes:** Allar, Carder, Burden, Gray, McIntyre, and Senate


**Nays:** None

**Abstentions:** None

**Absent for vote:** None

**Approved:** April 24, 2014

  
Robert Zoldoski, Mayor

Attest:   
Harriet West, Town Clerk

*The German Settlement*

# Town of Lovettsville

## Resolution 2014-04-0002: AUTHORIZE TOWN MANAGER TO ADVERTISE BUDGET AND MAXIMUM TAX RATES AND FEE CHANGES

**Motion: Burden**

**Second: Allar**

**Whereas**, Va. Code section 15.2-2506 requires the Town to advertise (once) a synopsis of the proposed FY 2015 budget and the maximum tax rates proposed therein and to conduct a public hearing at least seven days prior to adoption of the budget; and

**Whereas**, Va. Code section 15.2-107 requires that the adoption or increase of certain fees or charges, including water and sewer availability charges assessed pursuant to section 5.12 and 5.17 of the water and sewer ordinance, to be advertised (twice), giving the percentage or actual change and making reference to the authority by which such fee or charge is imposed.

**Now, therefore, be it resolved** that the Lovettsville Town Council hereby authorizes the Town Manager to advertise a public hearing on the proposed budget to be conducted May 22, 2014 at 7:30pm, with maximum tax rates and fees as shown on the attached Draft FY 2015 Schedule of Fees.

**Vote:**

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

**Nays: None**


**Abstentions: None**

**Absent for vote: None**

**Approved: April 24, 2014**

  
\_\_\_\_\_  
**Robert Zoldos II, Mayor**

**Attest:**

  
\_\_\_\_\_  
**Harriet West, Town Clerk**

*The German Settlement*



# Town of Lovettsville

## VIRGINIA FREEDOM OF INFORMATION ACT Resolution: AUTHORIZE CLOSED SESSION

Date: 4/24/2014

Time: 8:50

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] *THE EAST BROAD WAY STREETSCAPE PROJECT + LOUSON WATER CONTRACT.*

And thereafter reconvene in open session for action as appropriate.

SECOND: *SIM MCINTYRE*

VOTE:

Ayes: *MCINTYRE, GRAY, SENATE, CARVER, ALLAN, BURDEN*  
Nays: *NONE*  
Abstentions: *NONE*  
Absent for vote: *NONE*

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:”

*4/24/14*, 2014 at *9:37* PM

Certified:

