

# Town of Lovettsville

## Town Council Minutes of the July 24, 2014 Special Meeting and Regular Meeting

### Special Meeting

Mayor Robert Zoldos II called the Regular Meeting of the Lovettsville Town Council to order at 6:45 p.m. on July 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 Tiffany Carder (arrived at 6:50 p.m.)
- Council Member Jennifer Jones (arrived at 7:00 p.m.)
- Council Member James McIntyre

### Absent

- Council Member Rodney Gray

### Staff Present

- Town Manager Keith Markel

Pursuant to Virginia Code Section 2.2-3711A, the Mayor and Town Council went into closed session at 6:45 p.m. to interview an applicant for the Planning Commission (Attachment 1). Planning Commission Chairman Joe Mueller was also present.

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

The Mayor and Council reconvened in open session at 7:30 p.m. All Council Members present 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 were heard, discussed, or considered in the meeting by the Lovettsville Town Council. No action was taken following the closed session.

### Regular Meeting – Call to Order/Pledge of Allegiance

Mayor Robert Zoldos II called the Regular Meeting of the Lovettsville Town Council to order at 7:31 p.m. on July 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 Tiffany Carder
- Council Member Jennifer Jones
- Council Member James McIntyre

### Absent

- Council Member Rodney Gray

Staff Present

- Town Manager Keith Markel
- Treasurer Lance Gladstone (arrived at 7:34 p.m.)
- Town Clerk Harriet West

Audience

Several members of the local Boy Scout Troop were present.

Pledge of Allegiance

Mayor Zoldos asked the Boy Scouts to lead those assembled in the Pledge of Allegiance.

Presentations

There were none.

Comments from the Public

There were none.

Community Presentations

There were none.

Town Commission and Committee Reports

A. Lovettsville Planning Commission

Chairman Mueller reported that the Planning Commission completed the review of the codified Code and they are awaiting the Town Council's appointment of new Commission members. Mayor Zoldos said the Town Council may go into closed session tonight to select the new Commission members.

B. Parks Committee

Vice Mayor Senate gave updates on the Town information sign and mowing a running/walking path at Quarter Branch Park.

C. We're In Committee

Councilwoman Carder gave an update on the signing of the Potomac Partnership resolution which will take place on July 25 near the bridge. The resolution will be signed by Mayor Zoldos and Mayor Tome, City of Brunswick. The next We're In meeting will be held on August 6 at 6:00 p.m.

D. Oktoberfest Committee

Councilman McIntyre gave updates on the rack cards, posters, security, and vendors.

Additions/Deletions/Modifications to the Agenda

Mayor Zoldos added the following items to the agenda:

- Town picnic
- Economic development position
- Planning Commissioner appointments

Minutes

A. Town Council Special Meeting – April 10, 2014

**Motion:** I move to approve the minutes of April 10, 2014 minutes as amended.

**By:** Council Member Carder

**Second:** Council Member McIntyre

**Aye:** Council Member Allar, Carder, McIntyre, and Senate

**Nay:** None

**Abstain:** Council Member Jones

**Absent:** Council Member Gray

**Report from the Treasurer**

Treasurer Gladstone presented the May 2014 Financial Report.

- Motion:** I move to accept the May 2014 Financial Report as presented.  
**By:** Council Member McIntyre  
**Second:** Vice Mayor Senate  
**Aye:** Council Member Allar, Carder, Jones, McIntyre, and Senate  
**Nay:** None  
**Abstain:** None  
**Absent:** Council Member Gray

**Staff Reports**

A. Report from the Project Manager

There was no report from the Project Manager. Councilman McIntyre asked about the final easement for the storm water runoff. Manager Markel said the offer packet is being finalized.

B. Report from the Zoning Administrator

There was no report from the Zoning Administrator.

C. Report from the Town Attorney

The Town Attorney was not present. There was no report.

D. Report from the Town Manager

Manager Markel referenced his written report. Councilwoman Carder asked about the status of the proffers from NVRetail. Manager Markel said he recently spoke with Judd Bostian and is awaiting their third submission of the proffers.

Councilwoman Jones asked about the status of the East Broad Way project. Manager Markel said the utility poles will be relocated over the next four months. Councilwoman Jones also asked about the status of the County park. Manager Markel said he has no new information. Mayor Zoldos said he will ask the County for an update.

**Action/Discussion Items**

A. Planning Commission Membership – Planning Commission Public Hearing Authorization

Manager Markel presented this item. The Council is being asked to consider an amendment to Section 42-28 of the Town Code to modify the composition of the Town's Planning Commission.

Section 42-28 of the Town Code states that: "A member of the Town Council shall serve as a nonvoting member of the Planning Commission." Staff recommends that the Town amend this section to remove the word "shall" and replace it with the word "may". This reflects the current practice of having a Council Member serve as a liaison between the Planning Commission and the Town Council.

- Motion:** I move that the Town Council authorize the Planning Commission to schedule a Public Hearing to amend Section 42-28 of the Town Code and provide their findings and recommendation back to the Town Council.  
**By:** Vice Mayor Senate  
**Second:** Council Member McIntyre  
**Aye:** Council Member Allar, Carder, Jones, McIntyre, and Senate  
**Nay:** None  
**Abstain:** None  
**Absent:** Council Member Gray

B. Landscape Ordinance Amendments – Planning Commission Public Hearing Authorization

Manager Markel presented this item. The Council is being asked to consider authorizing the Planning Commission to move forward with a public hearing and recommended text modifications to amending "Article X: Landscape, Buffering and Screening" of the Zoning Ordinance in order to adopt the recommendations of the Parks and Environment Board.

Manager Markel said the Master Gardeners were asked to review the ordinance and provide feedback. They identified some trees that are not appropriate for the Town and the Planning Commission would like to move forward with a public hearing to consider the changes. He noted that this would be a two-phased approach. The first phase would be to correct the misspellings of some of the Latin names and remove the trees that are not appropriate. The second phase would require a longer, more technical review of landscaping buffers and the landscape triggers in the development process.

**Motion:** I move that the Lovettsville Town Council authorize the Lovettsville Planning Commission to hold a Public Hearing to receive comment on proposed Phase One modifications to 'Article X: Landscape, Buffering and Screening' of the Zoning Ordinance and provide a recommendation back to Town Council for consideration and possible action. I further move that the Planning Commission begin work on the Phase 2 recommendations as their schedule permits.

**By:** Council Member Jones

**Second:** Council Member Carder

**Aye:** Council Member Allar, Carder, Jones, McIntyre, and Senate

**Nay:** None

**Abstain:** None

**Absent:** Council Member Gray

#### C. Town Council Assignments

Mayor Zoldos presented this item. He distributed copies of the Town organization chart and committee/event assignments and explained that this is intended to better define key activities and responsibilities.

The Mayor and Council discussed the committee structure, including several new proposed committees, and designating Council Members to serve as liaisons to various community organizations. Mayor Zoldos said he would bring this back as an action item at the next meeting.

#### D. Staff Picnic

Manager Markel discussed plans for the staff picnic at the Community Center.

#### E. Economic Development/Events Position Discussion

Councilwoman Carder introduced the concept for a part-time position to provide staff support for We're In. Areas of support needed to carry out the Town's economic development vision include:

- preparing the monthly newsletter and business spotlights;
- creating and maintaining a community events calendar;
- promoting and supporting local businesses;
- preparing the business directory;
- providing general staff support to the We're In Committee;
- coordinating the spring small business forum;
- developing the green thumb awards;
- initiating the Concerts on the Green summer series;
- serving as the business liaison to the Town's brick/mortar and home bases businesses;
- attending county economic development forums/meetings;
- representing Lovettsville at the Brunswick fall business forum;
- providing logistical support for Town events (obtaining permits);and
- promoting Lovettsville at Oktoberfest, MayFest, and Movies on the Green.

Mayor Zoldos said that the next steps will be to codify this into an actual job description and identify funding, which may mean cutting something else from the budget. He explained that the former Zoning Administrator use to perform these duties but she recently left to accept another position. He said the Town now has the opportunity to create a part-time position to do these things.

**Information Items**

Mayor Zoldos said that he will be working with the Town Manager and Town Attorney on changes to the Town's Charter. He explained that the changes will have to be approved by the State House of Delegates and Senate.

**Comments from the Mayor and Town Council**

Councilwoman Jones said she attended The Immortals concert. She thanked Councilwoman Carder for organizing the event. Councilwoman Jones said she would like to work with Oktoberfest to have a Volunteer Fest booth at the event.

Councilwoman Allar said her family enjoyed the recent Movie on the Green. She reminded everyone that Wild on the Green, the Town picnic and kickball game, will be held on August 24.

Councilwoman Carder said We're In will have a booth at Wild on the Green. She noted there were a lot of people at the Movie on the Green. She said that rain kept some people away from The Immortals concert, but she would like to have them back next year.

Councilman McIntyre said Oktoberfest would be willing to work with Councilwoman Jones to include information about community organizations in the booklet and to promote local groups and volunteerism. He said he was encouraged to hear that someone who had been opposed to the new Community Center several months ago is now supportive of some of the recommendations, such as reusing elements from the old building and incorporating the class rooms into the new building. He said the Lovettsville Cooperative Market Barn Dance will be held on Saturday evening at George's Mill Farm. The event is free for members and \$5.00 for nonmembers.

Mayor Zoldos reported on the following:

- He will include an update on the bike trail and Town Code codification in this week's Friday email.
- The Town's new utilities section is doing well and the new Town vehicles will soon be clearly marked.
- The Loudoun Easy Riders, a group of concerned parents, has been meeting with County officials to discuss their concerns about busing Lovettsville children to the middle school and high school. They are interested in setting up a shuttle system and will be meeting with Supervisor Higgins in the near future.
- He invited everyone to attend the Potomac Partnership signing tomorrow.
- The Movie on the Green was a huge success. It was the biggest turnout they have ever had with approximately 500 people attending the movie *Frozen*.
- He noted several upcoming events including the County's Household Hazardous Waste collection day at the Lovettsville Elementary School on Saturday; a Town Council work session on Fats, Oils, and Grease next week; and National Night Out on August 5 at the Community Center.
- The Town information sign is moving forward and the Town Seal is being digitized.
- He attended the Concert on the Green.
- He addressed the concern raised at the last Town Council meeting regarding a meeting between the Town Manager and County staff to discuss the Community Center. The concern was that the Town Manager attended a meeting with County staff and did not report it to the Council. Mayor Zoldos said he had looked into this and found the Town Manager had done nothing wrong. Mayor Zoldos said this was a fact finding meeting from the County to the Town. The Town Manager addressed the County's questions and there was no action taken by the Town.

**Closed Session**

Pursuant to Virginia Code Section 2.2-3711A, the Mayor and Town Council went into closed session at 8:57 p.m. to discuss Planning Commission appointments (Attachment 2).

**Motion By:** Vice Mayor Senate  
**Second:** Council Member McIntyre  
**Aye:** Council Member Allar, Carder, Jones, McIntyre, and Senate  
**Nay:** None  
**Abstain:** None

**Absent:** Council Member Gray

The Mayor and Council reconvened in open session at 9:37 p.m. All Council Members present 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 were heard, discussed, or considered in the meeting by the Lovettsville Town Council. Mayor Zoldos then called for a motion.

Planning Commission Appointments

**Motion:** I move that the Lovettsville Town Council appoint Dorri Morin to fill the unexpired term of Deborah Miller, with a term to expire on June 30, 2015 and Tom Ciolkosz to fill the unexpired term of Jennifer Jones, with a term to expire June 30, 2017.

**By:** Council Member McIntyre

**Second:** Council Member Carder

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

**Nay:** Council Member Allar and Jones

**Abstain:** None

**Absent:** Council Member Gray

Adjournment

There being no further business before the Council, the meeting was adjourned at 9:39 p.m.

Respectfully submitted,



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Harriet West, Town Clerk

Date Approved: December 11, 2014

Attachments:

1. Closed Session Motion (6:45 p.m.)
2. Closed Session Motion (8:57 p.m.)

# Town of Lovettsville

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

Date: 07/24/14

Time: 18:45

Note We're in

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,

# 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]

And thereafter reconvene in open session for action as appropriate.)

SECOND: Jim  
VOTE:

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

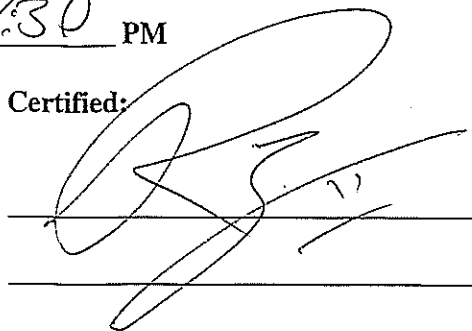
## Roll-call poll by presiding official:

"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:"

7/24, 2014 at 07:30 PM

Certified:



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# Town of Lovettsville

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

Date: 07/24/14

Time: 20:57

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]~~

*Planning Commission  
Appointments*

And thereafter reconvene in open session for action as appropriate. **[STOP]**

SECOND: *Jim*  
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:"

*7/24*, 2014 at *9:37* PM

Certified:

