

Town of Lovettsville

Town Council Minutes of the April 28, 2016 Regular Meeting and Public Hearing

Call to Order/Pledge of Allegiance

Mayor Zoldos called the Regular Meeting of the Lovettsville Town Council to order at 7:30 p.m. on April 28, 2016 at the Lovettsville Town Hall, 6 East Pennsylvania Avenue, Lovettsville, VA.

Council Members Present

- Mayor Robert Zoldos II
- Council Member Kimberly Allar
- Council Member Tiffany Carder
- Council Member Rodney Gray
- Council Member Jennifer Jones
- Council Member James McIntyre

Council Members Absent

- Vice Mayor Michael Senate

Staff Present

- Town Manager Laszlo Palko
- Town Attorney Elizabeth Whiting
- Zoning Administrator Joshua Bateman
- Town Clerk Harriet West

Mayor Zoldos recognized Planning Commission Chairman Frank McDonough, who was in the audience.

Mayor Zoldos said there would not be a closed session.

Pledge of Allegiance

Mayor Zoldos led those assembled in the Pledge of Allegiance.

Presentations

There were none.

Comments from the Public

Mayor Zoldos called for comments from the public. Councilwoman Jones read the rules for public comment.

Lindsay Mohler, 38768 Fry Farm Road, said she was here to inform the Council about the (Loudoun County) Planning Commission's approval of an AT&T facility on Short Hill Mountain. She said Lovettsville area residents did not have proper notice about a facility that will impact them. She has been in touch with the Board of Supervisors and Supervisor Higgins. She asked the Town Council to present a Resolution to the Board of Supervisors requesting that the proposed facility comply with the rural area zoning plan. She said the developer should be required to meet certain performance standards and that the view shed should not be negatively impacted. She urged the Town Council to go to the County's website to review all of the documents. The Mayor and Council discussed the proposed facility with Ms. Mohler. Mayor Zoldos said he just emailed Geary Higgins asking for an update on this issue. Mayor Zoldos proposed taking a recess during tonight's meeting to research this further and pass a Resolution asking the Board of Supervisors to defer action on this until the Council has had time to meet with the County. There was no objection from the Council.

Community Presentations

There were none.

Town Commission and Committee

A. Lovettsville Planning Commission

Chairman McDonough presented a written report. There were no questions from the Council.

B. Parks Committee

There was no report.

C. We're In Committee

Councilwoman Carder reported on the Business Expo, the upcoming meeting, the advertisement in the Western Loudoun Arts Studio Tour booklet, and the summer concert series.

D. Information Flow Committee

Councilman McIntyre said there were no updates.

E. MayFest Committee

Councilwoman Carder reported on vendors, entertainment, and the cornhole tournament.

F. Memorial Day

Councilwoman Allar said she needed help with set up on the morning of the ceremony.

G. Oktoberfest Committee

Councilman McIntyre reported on entertainment, the scope of involvement with events coordinator, and the meeting with Loudoun County Emergency Management and the Sheriff's Office to work out the safety issues.

Additions/Deletions/Modifications to the Agenda

The following items were added to the agenda:

- Arbor Day Proclamation
- AT&T Short Hill Resolution

Minutes

A. July 16, 2015 Regular Meeting

Motion: I move to accept the Town Council minutes the July 16, 2015 Regular Meeting, as amended.

By: Council Member Jones

Second: Council Member McIntyre

Aye: Council Members Carder, Gray, Jones, and McIntyre

Nay: None

Abstain: Council Member Allar

Absent: Vice Mayor Senate

B. August 6, 2015 Regular Meeting

Motion: I move to accept the minutes of the August 6, 2015 Regular Meeting as presented.

By: Council Member McIntyre

Second: Council Member Carder

Aye: Council Members Allar, Carder, Jones, and McIntyre

Nay: None

Abstain: Council Member Gray

Absent: Vice Mayor Senate

Monthly Financial Report

There was no report.

Staff Reports

There were no reports.

Action/Discussion Items

A. LVZA 2016-0003: Planning and Zoning Compliance for Public Uses and Facilities

Zoning Administrator Bateman presented this item. The Council is being asked to conduct a public hearing to amend Article VIII of the Zoning Ordinance and vote on whether to adopt the amendment.

Mayor Zoldos closed the regular meeting at 7:54 p.m. and opened the public hearing. Councilwoman Jones read the notice for public hearing. Zoning Administrator Bateman briefed the Council on this item. He noted that the purpose of the proposed amendment is to bring the Town's ordinance in compliance with the Code of Virginia.

Mayor Zoldos called for comments from the public. There were none. The Mayor closed the public hearing at 7:57 p.m. and reopened the regular meeting.

Motion: I move to adopt Ordinance No. 2016-04-0002 approving the attached amendment to Article VIII of the Zoning Ordinance as presented (Attachment 1).
By: Council Member Jones
Second: Council Member McIntyre
Aye: Council Members Allar, Carder, Gray, Jones, and McIntyre
Nay: None
Abstain: None
Absent: Vice Mayor Senate

B. Arbor Day Proclamation

Motion: I move to accept the Proclamation observing Arbor Day (Attachment 2).
By: Council Member McIntyre
Second: Council Member Carder

The Mayor and Council read the Proclamation aloud.

Aye: Council Members Allar, Carder, Gray, Jones, and McIntyre
Nay: None
Abstain: None
Absent: Vice Mayor Senate

Zoning Administrator Bateman discussed plans for the Arbor Day Ceremony.

The Mayor and Council took a brief recess at 8:03 p.m. to research the AT&T Short Hill Mountain Application. The meeting resumed in open session at 8:17 p.m.

C. AT&T Short Hill Mountain Application

Mayor Zoldos read aloud Resolution 2016-04-0004: Request to Loudoun County Board of Supervisors to Defer a Vote on CMPT-2016-0001 AT&T Telecommunications Expansion Until Town of Lovettsville Has Had Time to Review the Application and Provide Comment.

Motion: I move to accept Resolution 2016-04-0004.
By: Council Member Carder
Second: Council Member Gray
Aye: Council Members Allar, Carder, Gray, Jones, and McIntyre
Nay: None
Abstain: None
Absent: Vice Mayor Senate

C. Budget- Not to Exceed Vote and Fiscal Policy Revision

Town Manager Palko presented this item. The Council is being asked to determine and vote for the FY 17 Not to Exceed Tax/Fee and Spending Rates and to begin revising the Fiscal Policy based on selecting a Budget Option. Manager Palko said there is no change to the General Fund and noted the completion

of the increase in utility rates based on last year's plan. He discussed two options for the allocation of the \$23,000 surplus.

- Option 1 - \$10,000 for administration costs and \$13,000 for capital projects funds.
- Option 2 - \$23,000 for capital and engineering program.

Manager Palko provided an update on the personal property taxes and said the Town no longer qualifies for reimbursement from the Commonwealth. The Council would need to work with the Town's representatives to take this through the General Assembly. He noted this revenue option is not feasible for this year.

Manager Palko provided updated information on the FTE (Full Time Equivalent) analysis requested by the Council and noted the following:

- The average number of residents served by 1 FTE across the other towns in Loudoun is 253; excluding Leesburg (which has a large economy of scale), that number decreases to 110. Each FTE in Lovettsville is serving 199 residents.
- Looking at just General Fund FTEs across all the towns, 307 residents are served by 1 FTE; excluding Leesburg, 149 residents are served by 1 General Fund FTE. For Lovettsville, 1 General Fund FTE serves 311 residents.
- Based on the equalized number of FTEs using the population count, land size, Lovettsville's current FTE count, and the estimated FTE counts for all other jurisdictions, Lovettsville should have 20.5 total FTEs or 13.9 General Fund FTEs; compared to the Town's current total 9.4 FTEs or 6 General Fund FTEs, including the part-time Economic Development Coordinator. Excluding Leesburg, the Town should have 23.8 total FTEs or 15.8 General Fund FTEs.
- The analysis is based on 2014 population data for each jurisdiction; FTEs are based on the staff directories on each town's website.
- The equalized number of FTEs for Lovettsville is 19.7 based on land and population.
- The Town of Middleburg has 14 FTEs for 781 people and the town is 0.6 square miles.
- Leesburg and Purcellville have significant economies of scale.

Manager Palko compared the Town's FTEs to other towns including Purcellville, Round Hill, and Hamilton. He then discussed his priorities for staff support/capacity for accomplishing the Council's goals while still maintaining a "lean and mean" organization. He noted these are his priorities at this time but the time frame for specific initiatives could be moved up or get pushed back, as needed.

- FY 17- New financial software system to replace the current outdated system.
- FY 18- Open.gov and minutes support to the Planning Commission.
- FY 19- Additional hours for Events Coordinator to include business support in place of the Economic Development Coordinator. The Town Manager will be responsible for economic development.
- FY 20- HR market study to evaluate pay and a full-time customer service representative.
- FY 21- Compensation adjustments based on the results of the HR market study.
- FY 22- Department of Public Works FTE and other support as needed.
- FY 23- Financial consulting support to implement processes identified in the audit, such as quarterly or annual financial statements, to help with the Town's credit rating.
- FY 24 and FY 25 – Partner with other Town's for shared information technology support and public affairs.

Mr. Palko said this is an example of the things the Town needs to do and the timing to get them done. Based on the FTE analysis, he anticipates adding 3.5 General Fund FTEs over 10 years. This would bring the Town's number of General Fund FTEs to 9.5. He reminded the Council the current average for the other towns is 13.9 General Fund FTEs and when you exclude Leesburg, it's 15.8. He noted the Town can continue to grow the FTE count to support residents while maintaining a lean and efficient organization.

Manager Palko responded to questions from the Mayor regarding the addition of public works staff and said he would have to do further analysis for providing this support internally versus hiring contractors. He responded to additional questions regarding fiscal policy, the utility fund, personal property taxes, and trash fees.

Mayor Zoldos said personal property taxes are not viable for FY 17; they would have to meet with the Town's delegate and senator and, if they support it, it would go before the General Assembly next January. Mayor Zoldos explained there are really eight options before the Council tonight – Options 1, 2, 3, and 4; and with or without new revenue. He explained the only increases currently being considered for FY 17 are the increases in the water/sewer rates so they can finally balance the Utility Fund; next year there will be much lower rate increases. He said they are looking at two things tonight – which budget option, with or without new revenue, and the Not-to-Exceed Spending Rate.

In response to a question from Councilman McIntyre regarding diversification of revenue in FY 17, Manager Palko said he agrees in diversification of revenue but the priority this year is to balance the Utility Fund.

Town Attorney Whiting suggested modifying the draft motion before the Council to say "I further move to advertise the attached schedule of fees," rather than "I further move to approve the attached schedule of fees."

Manager Palko responded to a question from Councilman Gray regarding the budget for the capital fund.

Mayor Zoldos called for additional questions from the Council. Hearing none, he called for a motion.

Motion: I move to adopt Budget Option #3, with new revenues, to invest in building the Town's Capital Infrastructure and Staff Support Capacity to better serve Council and our residents for existing programs. I further move to allocate the forecasted FY 17 surplus evenly between categories. I further move to advertise the attached schedule of fees.

By: Council Member Jones
Second: Council Member Carder

Manager Palko noted the surplus is not being allocated evenly, but rather he is allocating \$13,000 to the capital fund and \$10,000 for staff support. Attorney Whiting suggested referencing what is actually in the budget advertisement. Council Members Jones and Carder accepted the amendment of the motion. Councilman Gray said they should go with Option 1 this year and then reassessing what the options are for next year. He said they should hold off on additional staff support while they are still in a transition year. Councilwoman Allar noted the staff support for this year is not a new employee, it's for a financial system. Manager Palko said the budget line item is for financial software and other equipment. Mayor Zoldos clarified that this is being described as staff support. The Council discussed a better way to discuss "staff support." Manager Palko prepared a revised motion based on the discussion. Councilwoman Jones questioned the need to modify the motion and said she did not wish to change her motion. Councilwoman Jones then withdrew her motion and Councilwoman Carder withdrew her second.

Councilwoman Allar then made the following motion:

Motion: I move to advertise Budget Option #3, with new revenues option, to invest in building the Town's Capital Infrastructure and Staff Support Capacity to better serve Council and our residents for existing programs. I further move to allocate the forecasted FY 17 surplus between categories per the FY 17 Budget Advertisement. In FY 17, Staff Support Capacity is defined as a new Financial System. I further move to advertise the attached schedule of fees.

Second: Council Member Gray

Councilman McIntyre suggested clarifying that there will be no new revenues in FY 2017. Following further discussion, the motion was amended as shown below, and accepted by Council Members Allar and Gray.

Motion: I move to advertise Budget Option #3, with new revenues option, to invest in building the Town's Capital Infrastructure and Staff Support Capacity to better serve Council and our residents for existing programs. I further move to allocate the forecasted FY 17 surplus between categories per the FY 17 Budget Advertisement. In FY 17, Staff Support Capacity is defined as a new Financial System. I further move to advertise the attached schedule of fees which includes no increases to General Fund Fees and Rates.

Aye: Council Members Allar, Carder, Gray, Jones, and McIntyre

Nay: None

Abstain: None

Absent: Vice Mayor Senate

Information Items

None

Comments from the Mayor and Town Council

Councilman McIntyre said he hoped to see everyone at the Community Center on Tuesday.

Mayor Zoldos said he received an email from the Loudoun County Fire Chief who said he had been told by a Council Member that the Town was annexing the fire station. Mayor Zoldos said he would respond to the Chief and let him know that is incorrect and that this body has never discussed annexing the fire station. Mayor Zoldos noted that the Town's annexation plan talks about commercial property and that the Town has been approached by the owners of two potential sites for annexation, one is behind the Community Center and the other is across from the fire station. The Mayor said if the fire station approached the Council about being brought into Town, he sees the value of that to the Town. Mayor Zoldos said the Town's annexation plan has just been submitted to the County for their acceptance.

Closed Session

There was no closed session.

Adjournment

There being no further business before the Council, the meeting was adjourned at 9:19 p.m.

Respectfully submitted,



Harriet West, Town Clerk

Date Approved: January 26, 2017

Attachments:

1. Ordinance No. 2016-04-0002
2. Arbor Day Proclamation
3. Resolution 2016-04-0004

Town of Lovettsville

Ordinance No. 2016-04-0002: AMENDMENT TO THE ZONING ORDINANCE TO REQUIRE COMPLIANCE WITH THE COMPREHENSIVE PLAN FOR PUBLIC USES AND FACILITIES

MOTION: Jones

SECOND: McIntyre

WHEREAS, Article VIII of the Zoning Ordinance contain General Regulations applicable to certain uses in the Town's zoning districts; and

WHEREAS, §15.2-2232 of the Code of Virginia requires that public facilities and uses be consistent with the Town's adopted comprehensive plan; and

WHEREAS, the Town Council on February 11, 2016 adopted Resolution 2016-02-0002 initiating an amendment to Article VIII of the Zoning Ordinance of the Town of Lovettsville in order to require that public facilities and uses be consistent with the comprehensive plan, and referred zoning amendment LVZA 2016-0003 to the Planning Commission for its recommendation; and

WHEREAS, the Planning Commission conducted a public hearing on the proposed amendment on April 6, 2016, pursuant to notice given in accordance with Va. Code Section 15.2-2204, and subsequently recommended approval of the amendment to the Town Council in order to clarify the zoning provisions applicable to public facilities and to ensure that such facilities be consistent with the comprehensive plan; and

WHEREAS, the Town Council conducted a public hearing on the proposed amendment on April 28, 2016 and has determined that adoption of the proposed amendment will promote the health, safety and welfare of the citizens of the Town and is consistent with the public necessity, convenience, general welfare, and good zoning practices generally.

NOW, THEREFORE, BE IT ORDAINED that Article VIII the Zoning Ordinance of the Town of Lovettsville be amended as set forth in the attachment hereto.

BE IT FURTHER ORDAINED that the Zoning Administrator and Town Attorney are hereby authorized to make corrections of misnumberings or misspellings found in the said attachment without further action by the Council.

VOTE:

Ayes: Allar, Carder, Gray, Jones, and McIntyre

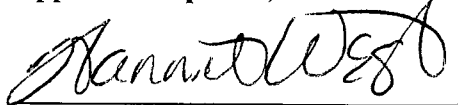
Nays: None

Abstentions: None

Absent for Vote:

Vice Mayor Senate

Approved: April 28, 2016


HARRIET WEST, TOWN CLERK


ROBERT ZOLDOS, MAYOR

The German Settlement



- Whereas,* In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and
- Whereas,* this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and
- Whereas,* Arbor Day is now observed throughout the nation and the world, and
- Whereas,* trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife, and
- Whereas,* trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and
- Whereas,* trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and
- Whereas,* trees, wherever they are planted, are a source of joy and spiritual renewal.
- Therefore, I,* Robert Zoldos II, Mayor of the Town of Lovettsville, do hereby proclaim April 29, 2016 as

Arbor Day

In the Town of Lovettsville and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

Further, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

Signed,

Robert Zoldos II, Mayor

Date

Town of Lovettsville

Resolution 2016-04-0004: REQUEST TO LOUDOUN COUNTY BOARD OF SUPERVISORS TO DEFER A VOTE ON CMPT-2016-0001 AT&T TELECOMMUNICATION EXPANSION UNTIL TOWN OF LOVETTSVILLE HAS HAD TIME TO REVIEW THE APPLICATION AND PROVIDE COMMENT

MOTION: Carder
SECOND: Gray

WHEREAS, the Loudoun County Planning Commission approved AT&T application CMPT-2016-0001 on Monday April 25th, 2016 to allow for construction of a 160,000 square foot communications building on Short Hill Mountain; and

WHEREAS, the Loudoun Board of Supervisors (BOS) has sixty (60) days after the Commission has acted to either ratify or overrule the Commission's decision by a vote of a majority of the membership thereof; and

WHEREAS, the Town Council of Lovettsville was just made aware of this in past 24 hours.

THEREFORE BE IT RESOLVED, that the Town Council of Lovettsville requests that the Loudoun County Board of Supervisors defer a vote on CMPT-2016-0001 until the Town Council of Lovettsville has had adequate time to review and comment on the application.

VOTE:

Ayes: Allar, Carder, Gray, Jones, and McIntyre

Nays: None

Abstentions: None

Absent for vote: Senate

Approved: April 28, 2016


Robert J. Zoldos II, Mayor

CERTIFIED:


Harriet West, Town Clerk

The German Settlement