

Town of Lovettsville

Town Council Minutes of the May 12, 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 May 12, 2016 at the Lovettsville Volunteer Fire and Rescue Company, 12837 Berlin Turnpike, 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

Council Members Absent

- Council Member Rodney Gray

Staff Present

- Town Manager Laszlo Palko
- Town Engineer Karin Fellers
- Zoning Administrator Joshua Bateman
- Town Attorney Elizabeth Whiting

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

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. Vice Mayor Senate read the rules for public comment.

Tom Ciolkosz, came forward to speak about the environment and safety concerns in the Town and to make sure the Town is speaking with County staff. He referenced an incident in Hinkley, California that resulted in the water being contaminated by a public utility and the effects this had on that town. He noted that AT&T has a conditional use permit filed with the County to construct a 160,000 square foot facility within three miles of the Town.

Community Presentations

There were none.

Town Commission and Committee

A. Lovettsville Planning Commission

Chairman McDonough reported that the Planning Commission will conduct in-service training at their next meeting.

B. Parks Committee

Vice Mayor Senate said the Parks Committee is working on the design of the clock faces.

C. We're In Committee

Councilwoman Carder gave an update on the concert series schedule.

D. Information Flow Committee

There was no report.

E. MayFest Committee

Councilwoman Carder gave an update on final preparations for MayFest.

F. Memorial Day

Councilwoman Allar gave an update on the Memorial Day Ceremony and noted that Jack Burden will be the keynote speaker.

G. Oktoberfest Committee

There was no report.

Additions/Deletions/Modifications to the Agenda

Manager Palko asked to have an agenda item added to discuss the bike station. There was no objection.

Minutes

There were none.

Quarterly Financial Report

Manager Palko referenced the quarterly financial report that had been distributed. There were no questions from the Council.

Staff Reports

Manager Palko said he registered for the Annual City Manager's Conference in June and would not be present at the June 9, 2016 Town Council meeting.

Action/Discussion Items

A. Public Hearing: LVCU 2016-0001 Application for a Conditional Use Permit to Establish a Convenience Store with Fuel Sales in the C-2 District

Mayor Zoldos explained the procedures for the public hearing. He closed the regular meeting at 7:42 p.m. and opened the public hearing.

Zoning Administrator Bateman gave a presentation on the application and noted some corrections to his staff report. He reviewed the background for the project, including a public input meeting held by the applicant; several design options that have been considered; and two zoning amendments resulting from this application. The proposed project is a convenience store, which the Town now has a definition for, and includes the retail sale of fuels, which is now a conditional use. He noted that the purpose of the conditional use is to impose conditions that address the impacts on the public. Mr. Bateman reviewed the layout and configuration of the "home plate option," building elevations, architectural features, landscaping, and fueling system. He discussed federal and state regulations for underground storage tanks and the Town's well head protection plan. He noted that the proposed fueling system is located outside of the Town's nearest well head protection zone. He further discussed the traffic impact study the applicant was required to submit to the state and noted there is no conspicuous change to the level of service in the future with the development of this project. Mr. Bateman noted that the applicant will be making improvements to N. Church Street that may be required to bring the road up to VDOT standards. He further noted that the applicant will be making bicycling/pedestrian improvements to the VDOT right-of-way. Mr. Bateman also discussed streetlights, site lighting to minimize glare, signage, the conceptual landscape plan, and the conceptual storm water management strategy. He noted that by July 2017, the Town will have to adopt its own storm water management inspection program. Lastly, Mr. Bateman stated that the project complies with nine out of ten of the Town's Comprehensive Plan policies.

Kimberlee Welsh Hise, Land Use Planner with Walsh, Colucci, said she was representing 7-Eleven Corporation with their conditional use permit application for a convenience store with fuel sales in the C-2

District. She discussed the problems with the existing facility and how these would be addressed with the new store. She discussed the impact to Town revenues through real estate taxes, business licenses, and meals tax and noted the forecasted revenue over the next five years is \$94,721, a 70% increase. She said the proposed store is in substantial compliance with the Town's Comprehensive Plan. Ms. Hise introduced David Peterson, who discussed the fuel tanks safety features. Ms. Hise then discussed the benefits to the community and the Town. She noted that the franchisee had collected more than 600 signatures in support of the application, included more than 200 Town residents. She said the new store will potentially provide 10-15 jobs and improve the site tremendously.

Mayor Zoldos called for comments from the public and noted that the Council will not be taking action on this tonight. Vice Mayor Senate read the rules for public comment.

Bob Cornwell, 37 Harpers Mill Way, spoke in favor of the new store. He said if the Town wants new business to come in, they can't put too many restrictions on them.

Peggy McElligott, 12106 Mountain Road, expressed her concerns about the hazards of having a gas station next to Town Square where children and others gather. She said the fumes contain chemicals that cause cancer and can impact pregnant women. She referenced a town in California that had a protracted battle over installing gas pumps for these reasons and she urged the Council to consider the health implications.

Larry Anderson, 41 Harpers Mill Way, said he is 100% in support of the 7-Eleven. He said 7-Eleven has done a credible job of addressing the concerns that have been brought up in the last several meetings. As far as health concerns, he would not want to do anything to jeopardize his family; he lost his wife to cancer and he has 11 grandchildren and great-grandchildren who live in the area. He thinks it's perfectly safe; everything he has read indicates there is no problem with a gas station going in unless you live in the gas station. He's looking forward to them opening up with a new facility. With his remaining time, Mr. Anderson encouraged those in attendance to volunteer at the fire department.

Elaine Walker, 40 S. Berlin Pike, said this facility will be built in the Town's historic district, near the East Broad Way Streetscape, and across the street from the Town Center and a highly-respected Veterans' Memorial. She said the Town negotiated for many months with U.S. Postal Officials for a nice building and now the canopy and gas pumps will be directly in front of this beautiful facility. She said that no matter what the canopy looks like as a concept drawing, it will not look like that when it's built. She also expressed concerns about spillage and the process for notifying the Town. She noted that questions had been raised tonight regarding exceptions and modifications and asked the Council to think about all of those things.

Jack Burden, 16 Harpers Mill Way, said he has been to all of the input sessions and public hearings and talked to many people about this matter. It's his contention that they have asked all the questions and received good answers. He supports a larger building with more products and fuel pumps and said an expanded store will be a welcome addition to the retail situation in Lovettsville. He said proper landscaping and proper design of the signage, in conjunction with the current drainage ditch project, will greatly improve the look of the North East corner of the Town Square.

Patricia Rostkowski, 13079 April Circle, spoke on behalf of the International Dark-Sky Association. She reviewed best practices for dark skies as it relates to proposed lighting for this facility.

John Hunter, Lutheran Church Road, asked about traffic and delivery trucks at the 7-Eleven. A representatives from 7-Eleven said they will not block access to parking; fuel deliveries will be made north of the canopy and food/drink deliveries will be made through the front.

Chris Hornbaker said he had previously asked several questions about the impact of closing the store for several months on Town revenue and that he did not see that in the update. He said he would still appreciate seeing the information.

David Hornbaker, said he is not a Lovettsville resident but wanted to present the Town with information to consider based on his experience as a contractor. He said the trees shown on the landscaping plan will not meet VDOT site distance easements. He said the Town will also incur a job making sure the oil/water separators are maintained. As an outsider, he said the Town could benefit from a new store.

Mayor Zoldos responded to a question from the audience about separating the approval of the store from the gas pumps. He said the applicant has made it clear there will not be a new store without the gas pumps.

A member of the audience asked the representatives from 7-Eleven if there is a secondary containment system in case of a spill during a delivery. David Peterson explained the process and safety features for fuel deliveries. Mr. Peterson responded to questions from the Mayor and Councilman McIntyre about procedures for responding to fuel spilled by customers. He noted there are emergency cut off measures in place for the pumps and that store personnel have a spill kit. They are also required to call for cleanup assistance for spills over one gallon and to notify the fire department if the spill is more than 15 gallons. He added that 7-Eleven also requires everyone who operates the gas register to be trained on what to do if there is a spill. Mr. Peterson responded to a question from a member of the audience about the potential for seepage through concrete and said this has not been a problem based on the facilities he has seen.

Zoning Administrator Bateman responded to a question from Council Member Jones about the cost to the Town for maintaining the VSMP permit. Mr. Bateman said the Town will have to do that analysis when the Council decides how to maintain VSMPs in general, including the Town Center storm water pond, the New Town Meadows storm water pond, and the infiltration trenches put in at the Cooper Run subdivision. Town Engineer Fellers clarified that the Town will not necessarily be doing the maintenance, but will oversee ensuring that the maintenance is done by the 7-Eleven, the Lovettsville commercial center, and the HOAs. Ms. Fellers said this is similar to the Town's FOG (Fats, Oils, and Grease) program and cross-connection inspection program. Councilwoman Jones said she wanted to make sure the Town is able to charge sufficient fees to cover the costs for things the Town will have to maintain.

Mayor Zoldos closed the public hearing at 8:45 p.m. and the Council took a brief recess. The Mayor reconvened the regular meeting at 8:50 p.m.

B. Bike Station in VDOT Right-of-Way

Project Manager Fellers presented this item. The Council is being asked to provide direction to staff on the bike station site plan location and agreement for submittal to VDOT.

Ms. Fellers said VDOT will consider putting the bike station in the right-of-way if the Town submits a site plan and agreement, referred to as a covenant. She showed two proposed layouts for the bike station elements and noted there are limitations due to underground pipes and overhead wires. Town Manager Palko said staff recommends Area A because it is closer to the future sidewalk and is more in line with the Town's goals to beautify the Town Square. Ms. Fellers said the covenant states that the Town will maintain the equipment. She noted the Town has been mowing this area because VDOT and the HOA were not maintaining the area. Staff discussed how the site would link to the 7-Eleven.

Motion: I move to direct Staff to pursue locating the Bike Station on VDOT Right-of-Way by forwarding the draft Bike Station Site Plan locating the station within Area A and the draft Covenant of Perpetual Maintenance, as is, once in a form acceptable to the Town Attorney, to VDOT for their review and authorize Town Staff and the Town Attorney to negotiate with VDOT on their behalf to finalize the Site Plan and Covenant before bringing back to Town Council for final approval. I further authorize the Town Staff to continue to mow and maintain the VDOT right away at the Town Manager's discretion.

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

Abstain: None
Absent: Council Member Gray

B. Clock Tower Faces

Vice Mayor Senate and Project Manager Fellers presented this item. The Council is being asked to consider approving the Clock Tower faces recommended by the Parks Committee and moving forward with installation.

Vice Mayor Senate said the Parks Committee has spent a lot of time designing the four clock faces and selecting colors that match the rest of the Town's color patterns. He then showed images of the clock face designs recommended by the Parks Committee. Town Manager Palko said the cost of buying the four clock faces separately is \$20,000 for the first one and then each additional face is \$12,000. Mr. Palko noted that if they purchase them all at once, the cost is \$45,000; which is a significant savings. Project Manager Fellers pointed out that on the screen, it looks like the gold letters do not show up; however, the representative from the company designing the clock faces said the gold letters stand out more than they appear to in the rendering. She also noted that the clock faces will look different at night compared to during the day because they will be illuminated from behind. She is working with the designer on getting a photograph of a clock face at night and noted that he wanted to make sure the Council understood they will look different at night.

In response to questions from the Council, Vice Mayor Senate and Project Manager Fellers discussed the cost of the clock faces. They noted that the clock face elements are essentially all alike so the cost is cheaper. There are also cost savings for delivery and installation if all four faces are purchased at the same time. Ms. Fellers noted that the internal controls for the distleflink and glockenspiel can be installed at a later date so that cost is not reflected in the clock face costs.

Following further discussion, Mayor Zoldos said they had originally discussed having six or eight designs that they could share with the public and let them decide. He said there are two reasons for this - to get input on what the public would like to see and to assist with fundraising. He explained the idea was to have a different clock face on each side so they all look different; however, they are now down to essentially the same clock in order to keep costs down. The Mayor suggested tabling this item tonight, coming back with a few different color variations, and putting it on Survey Monkey so the public can make the decision. He said his recommendation is based on a comment he received tonight from Jack Burden, who said "We all have to live with this. I thought we were going to have a public hearing." The Mayor noted that gaining more public support on the selection of the designs would help with fundraising efforts to help pay for the clock faces. Following further discussion, the Council agreed to table this item and bring it back for further discussion at the next Town Council meeting.

C. Fiscal Policy Review

Town Manager Palko presented this item. He said the Council will be working on this over the next few weeks and voting on it when the budget is approved. There were no questions or changes from the Council.

Information Items

There were none.

Comments from the Mayor and Town Council

Councilwoman Carder said she was really proud of her MayFest Committee.

Mayor Zoldos reported on the following:

- He has met with representatives of the fire station over the past couple of weeks and talked to Chief Tobia, Assistant Fire Chief of Loudoun for Support Services. One of the things the fire station would like to do is to keep the front of the building and use it for retail; however, the County will not authorize the retail space and there may also be problems with using it as a free standing assembly. The Mayor said bringing the fire station into the Town would be beneficial to the fire station and to the Town. He said that Chief Tobia's concern was that this may slow down building the new fire station.

The Mayor said he and the Town Manager will look at this to see if they can make it happen concurrently.

- Principal Forcino will be retiring at the end of the year and her retirement party is in May. He will prepare a proclamation from the Town.
- He received a response from Delegate LaRock and VDOT regarding the noise complaint received about the use of engine brakes (Jake Brakes) on trucks entering Town. The Town cannot restrict the use of engine brakes on VDOT roads.
- He received information from Supervisor Higgins' office that there will be a Town Hall meeting on the AT&T Short Hill Mountain facility at the Game Club on May 23 at 7:00PM. Councilman McIntyre said this meeting is being conducted by the applicant.
- The fine arts gala at Woodgrove High School will be held on May 13 and he will be the M.C. for the live auction.

Closed Session

There was no closed session.

Adjournment

There being no further business before the Council, the meeting was adjourned at 10:16 p.m.

Respectfully submitted,



Harriet West, Town Clerk

Date Approved: March 9, 2017

Attachments:
None