

Town of Lovettsville

Town Council Minutes of the October 20, 2016 Regular Meeting

Call to Order/Pledge of Allegiance

Mayor Robert Zoldos II called the regular meeting to order at 7:30 p.m. The meeting was held at the Town Office, 6 East Pennsylvania Ave, Lovettsville, VA.

Council Members Present

- Mayor Robert Zoldos II
- Council Member Kimberly Allar
- Vice Mayor Tiffaney Carder
- Council Member Jennifer Jones
- Council Member James McIntyre
- Council Member Mike Senate

Council Members Absent:

- Council Member Rob Gentile

Staff Present

- Town Manager Laszlo Palko
- Project Manager Karin Fellers
- Town Attorney Elizabeth Whiting
- Town Clerk Harriet West

Pledge of Allegiance

Mayor Zoldos led those assembled in the Pledge of Allegiance.

Presentations

A. Elizabeth Hodge and Simon Lee, Volunteers of America Chesapeake

Beth Hodge gave a presentation on the services available through the Loudoun Homeless Services Center and Simon Lee provided information on two upcoming events to benefit homeless families and wounded veterans.

Comments from the Public

Mayor Zoldos called for comments from the public. Vice Mayor Carder read the rules for public comment.

Stacey Evans, 16 S. Loudoun Street, said she is trying to find out the status of the partition and her concerns about the discussion at the recent Town Council meeting. Town Attorney Whiting said she is working on an enforcement mechanism for the zoning issue that will comply with the State Code. Mayor Zoldos responded to Ms. Evans' concerns about "sidebar" conversations during Council meetings.

Marcia Fuqua, 10 S. Loudoun Street, spoke about the fence issue, a high water bill she recently received for 20,700 gallons of water, and the Lovettsville Co-op. Town Attorney Whiting responded to the fence issue. Following discussion, the Council directed the Town Manager to look into the issue regarding Ms. Fuqua's water bill. Mayor Zoldos clarified that the Co-op is not run by the Town.

Community Presentations

A. Lovettsville Library

Vice Mayor Carder reported on upcoming events at the Library.

Town Commission and Committee Reports

A. Lovettsville Planning Commission

Chairman Frank McDonough reported on the upcoming public hearing on the Comprehensive Plan, plans to amendments to the sign ordinance to bring the Town into compliance with the Supreme Court decision,

and the upcoming Planning Commissioner training in Northern Virginia. He noted he will soon be appointed to the County's Traffic Information Safety Council, representing the Catoctin District.

Events Committee

Councilman McIntyre reported on year-round sponsorships, contractor requests for quotes, and the meeting on October 22 to inventory the barn and test sound equipment. The Council Members reported on their respective events subcommittees. Mayor Zoldos asked the Council Members to update the Community Calendar.

B. Business & Tourism Committee

Councilwoman Jones gave updates on plans to market businesses at Town events, developing the Town's brand, the Brunswick Business Expo, and the next committee meeting.

C. Parks & Beautification Committee

Councilman Senate reported on the ornaments and putting up holiday decorations.

Infrastructure, Environment & Utilities Committee

Town Manager Palko said the wellhead protection committee met to develop a list of priorities.

D. Information Flow Committee

Councilman Senate said that the committee has not met yet.

Additions/Deletions/Modifications to the Agenda

Manager Palko noted that the Subdivision Ordinance listed as Item C under Action/Discussion Items should be an Information Item.

Minutes

A. November 12, 2015 Regular Meeting

Motion: I move to accept the minutes of the November 12, 2015 regular meeting as amended.
By: Carder
Second: Allar
Aye: McIntyre, Senate, Carder, Allar, and Jones
Nay: None
Abstain: None
Absent: Gentile

B. November 19, 2015 Regular Meeting

Motion: I move to accept the minutes of the November 19, 2015 regular meeting as presented.
By: McIntyre
Second: Jones
Aye: McIntyre, Senate, Carder, Allar, and Jones
Nay: None
Abstain: None
Absent: Gentile

Staff Reports

A. Report from the Town Engineer

There was no report.

B. Report from the Zoning Administrator

The Zoning Administrator presented a written report. The Town Manager provided an update on the meeting with the fire company regarding the Town's Annexation Policy. He said the Lovettsville Volunteer Fire and Rescue Company is working with the County to finalize the location.

C. Report from the Utility Supervisor
There was no report.

D. Report from the Town Attorney
There was no report.

E. Report from the Town Manager
There was no report.

Action/Discussion Items

A. License Agreement for Use of Clock Tower

Town Engineer Fellers presented this item. The Council is being asked to consider approving the Clock Tower License Agreement and authorizing the Mayor to sign it. Mayor Zoldos said he is concerned about the Town giving away any of its rights and he felt the 60-year term is not sufficient. Town Attorney Whiting discussed the conditions of the proffer versus the terms of the agreement and explained that the proffer stays on the land even if the license agreement terminates. Following a lengthy discussion the Mayor suggested that the Council go into closed session to discuss this item further. Vice Mayor Carder made the following motion:

Motion: I move that the Lovettsville Town Council convene in closed session pursuant to Virginia Code Section 2.2-3711A3 for 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, with regard to a proposed license agreement with Lovettsville Square LLC for installation of clock faces, distelfink, cuckoo, bell chimes, and glockenspiel in a clock tower located at 20 Town Square; and thereafter reconvene in open session for action as appropriate.

Second: Jones
Aye: McIntyre, Senate, Carder, Allar, and Jones
Nay: None
Abstain: None
Absent: Gentile

The Council went into closed session at 9:07 p.m. and reconvened in open session at 10:21 p.m.

Mayor Zoldos read the following Certification of Closed Session aloud: Do you certify that to the best of your knowledge (i) only public business matters lawfully exempt 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. Mayor Zoldos noted that Councilwoman Jones left during the closed session (10:05 p.m.). Council Members McIntyre, Senate, Carder, and Allar certified to the above.

Mayor Zoldos said the Council would not be taking any action at this time with regard to this item.

B. Approval of Performance Bond for 7-Eleven

Town Manager Palko presented this item. The Council is being asked to consider acceptance of the performance bond for installation of public improvements for the new 7-Eleven convenience store located at 1 East Broad Way. Councilman McIntyre made the following motion:

Motion: I move to approve Resolution 2016-10-001, as attached, to accept the performance agreement and bond for the new 7-Eleven convenience store at 1 East Broad Way in the amount of \$68,000.

Second: Carder
Aye: McIntyre, Senate, Carder, and Allar
Nay: None
Abstain: None

Absent: Gentile and Jones

Information Items

A. Omnibus Subdivision Ordinance Amendment

Town Manager Palko presented this item. The Council is being asked to review the amendments to the Omnibus Subdivision Ordinance recently recommended by the Planning Commission prior to the public hearing scheduled for November 3, 2016.

Comments from the Mayor and Town Council

Councilman Senate said he is excited about new businesses moving into Town.

Vice Mayor Carder said she is looking forward to Halloween.

Mayor Zoldos reported on the following:

- He attended PTO bingo at the Lovettsville Elementary School.
- Upcoming meetings include the ribbon cutting for the Sheriff's Office Western Loudoun Station, the Planning Commission Public Hearing on the Comprehensive Plan, the Lovettsville Fire & Rescue Company's 50th Anniversary Banquet, the Town Council Retreat, the VML Legislative Update, the Brunswick Business Expo, and the TANV meeting.
- The online Community Events Calendar has been created.
- The Town has received 15 responses to the S. Church Street renaming.
- He would like the Town to give a presentation at the 2017 VML conference.
- COLT (Coalition of Loudoun Towns) will be focusing on broadband and economic development between the towns.

Adjournment

There being no further business before the Council, Mayor Zoldos adjourned the meeting at 10:41 p.m.

Respectfully submitted,



Harriet West, Town Clerk

Date Approved: June 29, 2017

Attachments:

1. Resolution 2016-10-001

Town of Lovettsville

Resolution: 2016-10-001: APPROVING BOND SECURING PUBLIC IMPROVEMENTS FOR THE PROPOSED 7-ELEVEN CONVENIENCE STORE AT 1 EAST BROAD WAY

MOTION: McIntyre
SECOND: Carder

WHEREAS, 7-Eleven, Inc. has submitted for approval a site plan for a new convenience store with fuel sales at 1 East Broad Way in the Town of Lovettsville and desires to commence construction of site improvements; and

WHEREAS, the Town has forwarded the plan to and received comments from reviewing agencies, and all such comments have been addressed by the applicant through revisions to the site plan; and

WHEREAS, the Town's engineering consultant, Christopher Consultants, Ltd., has reviewed the site plan and bond estimate and agrees that the amount of the bond securing proper installation of the public improvements is \$68,000.00 provided that the appropriate performance agreement is entered setting a completion date not later than 12 months from October 4, 2016 and secured by surety acceptable to the Town.

NOW, THEREFORE, BE IT RESOLVED that the Lovettsville Town Council hereby approves the recommendation of the Town's engineering consultant referenced above and authorizes the Mayor to sign the performance agreement and bond when tendered in a form acceptable to the Town Attorney.

VOTE:

Ayes: Allar, Carder, McIntyre, and Senate

Nays: None

Abstentions: None


Absent for Vote: Gentile and Jones

APPROVED: October 20, 2016



ROBERT ZOLDOS, MAYOR

CERTIFIED:



HARRIET WEST, TOWN CLERK

The German Settlement