

# Town of Lovettsville

## Town Council Minutes of the April 27, 2017 Special Meeting

### Call to Order/Pledge of Allegiance

Mayor Zoldos called the meeting to order at 7:30 p.m. The meeting was held at the Lovettsville Town Hall, 6 East Pennsylvania Avenue, Lovettsville, VA.

### Council Members Present

- Mayor Robert Zoldos II
- Council Member Jim McIntyre
- Council Member Mike Senate
- Vice Mayor Tiffany Carder
- Council Member Kim Allar
- Council Member Jennifer Jones

### Council Member Absent

- Council Member Rob Gentile

### Staff Present

- Town Clerk Harriet West
- Town Manager Laszlo Palko
- Town Attorney Elizabeth Whiting

Planning Commission Chairman Frank McDonough was in the audience.

### Pledge of Allegiance

Mayor Zoldos led those assembled in the Pledge of Allegiance.

### Presentations

**David Grainger**, with the Northern Virginia Rods and Classic Cars Club, addressed the Council about a "Cars in the County" show his organization would like to hold on the Town Hall property in August. Mr. Grainger discussed how the event would be organized and the benefits to the Town. Following discussion, the Council agreed to have the Town Manager work out the details with Mr. Grainger and to bring this item back to the Events Committee.

### Comments from the Public

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

**Stacy Evans** spoke about the long-standing, ongoing issues she has been having with the tarp fence, signs, debris, and abandoned vehicles on her neighbor's property. She distributed copies of her complaints to the County and the responses she received. Mr. Palko discussed the County's responsibility for enforcement action. Attorney Whiting discussed the Town's Code regarding inoperable vehicles and her efforts to work with the County on enforcement. A lengthy discussion ensued regarding the County's responsibility for enforcement of the County code inside the Town and the need for the Town to be able to enforce its own codes.

**Chris Hornbaker**, 15 Black Forest Lane, spoke on behalf of the Town Center HOA. He discussed the Town's ordinances related to zoning violations, enforcement, and penalties. He also discussed the need to get the County to enforce the sections of the County code that have been adopted by the Town, including abandoned vehicles and nine other chapters which he referenced. He said he looked forward to working with the Town to work through these issues.

In response to a question from Mayor Zoldos, Attorney Whiting explained that the Town has a cooperative enforcement agreement with the fire marshal and animal control to provide enforcement within the Town so there are no gaps in service. She noted that if the County has the authority for

enforcement, and the Town is paying the taxes for it, then why can't the Town get the benefit of enforcement now? A discussion ensued regarding options for getting the County to take action, including working through the Board of Supervisors or hiring a Deputy Sheriff on a limited basis. Mr. Palko recommended having a work session after the budget process to discuss code enforcement.

**Action/Discussion Items:**

**A. Setting Not To Exceed Tax Rate Schedule and Budget Limits**

Mr. Palko presented this item. The Council is being asked to select the "Not to Exceed" tax rate schedule and budget limits and to authorize the Town Manager to move forward with advertising the Schedule of Fees and Budget Limits for Public hearing on May 18, 2017.

Mr. Palko briefly recapped the presentation given by VML the previous evening. He said that real estate tax revenues constituted roughly 50 percent of the Town's revenues and he noted that most other localities have more diverse sources of revenues. He stressed that revenue diversification is critical for strong growth.

The Council Members stated their preferred budget options:

- Councilman McIntyre said he supports the Town Manager's recommended budget primarily for what it does for the CIP (Capital Improvements Project) timeline.
- Councilman Senate also said he agrees with Councilman McIntyre and supports the Town Manager's recommended budget.
- Vice Mayor Carder said she is in favor of the Town Manager's recommended budget because it supports public safety and economic development. She said the Town used to have sidewalks and her goals has always been to bring sidewalks to Town.
- Councilwoman Allar said she is in agreement with the Town Manager's budget because it's a public safety issue and the Council needs to finish what it started. She noted the Town Manager has worked hard with the County to get the matching grant; the County is investing in the Town and they need to invest in the Town as well. The Council can't say it wants to do all of these things and then not budget for them.
- Councilman Jones said she concurs with the Town Manager's budget.

Mayor Zoldos asked if any of the Council Members support the 0.50 percent increase in meals tax; none were. Mr. Palko said the increase in meals tax could be used to offset part of the trash fee; however, he noted that increasing the meals tax alone does not address the diversification goal. A discussion ensued about options for diversifying revenues.

Mayor Zoldos summarized the Town Manager's recommended budget which includes the following options for the Not-to-Exceed rates: a 21 cent tax rate, a 10% trash fee in FY 18 escalating to 50% in total over five years, or no additional raises in taxes or fees. A discussion ensued about not increasing the trash fee in future years if economic development is strong. Mayor Zoldos said he understands the need to diversify but he is not in favor of new fees. Following further discussion, Councilman McIntyre made the following motion:

**Motion:** I move to authorize the Town Manager to advertise the attached schedule of fees and budget for public hearing on May 18, 2017 as presented (Attachment 1).

**Second:** Senate

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

**Nay:** None

**Abstain:** None

**Absent:** Gentile

**B. Town Code Inoperable Vehicles**

This item was rescheduled for May 11, 2017.

**C. Proclamation for Eagle Scouts**

The Council agreed that Vice Mayor Carder would present the proclamation in the Mayor's absence.

**Information Items**

There were none.

**Comments from the Mayor and Town Council**

Councilman Senate asked about having the wells checked due to drought conditions. Mr. Palko said he has issued a drought watch and the Town wells have been checked and are functioning.

**Adjournment**

There being no further business before the Council, the meeting was adjourned at 9:00 p.m.

Respectfully submitted,



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Harriet West, Town Clerk

Date Approved: November 16, 2017

Attachments:

1. FY 18 Schedule of Fees and Budget

# Town of Lovettsville

## SCHEDULE OF FEES – FY 2018 BUDGET

ADOPTED JUNE XX, 2016

### GENERAL FUND

Real Estate Tax: \$0.21 / \$100 assessment

*Elderly/Disabled Real Estate Tax discount is 100% for qualifying residents*

Meals Tax: 3.0% on gross receipts

Cigarette Tax: \$0.40 per pack

Transient Occupancy Tax: 5% of gross receipts

Vehicle License Tax: \$25.00 per car/truck 16.00 per motorcycle (no change)

Business License:

| Type                              | Fee/Tax   |
|-----------------------------------|---|
| All Businesses Except Contractors | Fee of \$30.00 for gross receipts up to \$20,000.00 and a Tax of \$0.17/\$100 for gross receipts over \$20,000.00                   |
| In-Town Contractors               | Fee of \$30.00 for gross receipts up to \$20,000.00 and a Tax of \$0.16/\$100 for gross receipts over \$20,000.00                   |
| Out-of-Town Contractors           | No charge for work valued under \$25,000.00 annually; Fee of \$30.00 plus a Tax of \$0.16/\$100 for gross receipts over \$25,000.00 |

| Application Fees: | <i>Type:</i>                           | <i>Fee:</i>   |
|-------------------|--|---|
|                   | Zoning Permit – Minor                  | \$75  |
|                   | Zoning Permit – Major                  | \$150   |
|                   | Pool (fence included)                  | \$100   |
|                   | Zoning Determination Letter            | \$75  |
|                   | Demolition Permit                      | \$50  |
|                   | Rezoning/Zoning Map Amend.             | \$750* for first acre + \$250* for each additional acre |
|                   | Proffer Amendment                      | \$500   |
|                   | Ordinance Amendment                    | \$150*  |
|                   | Home Occupation Permit                 | \$50  |
|                   | Zoning Certificate (conversion of use) | \$75  |
|                   | Sign Permit – Permanent                | \$75 (up to three signs)                                |
|                   | Sign Permit – Temporary                | \$25 (per sign)   |
|                   | Preliminary Plat                       | \$300 + \$15 per lot                                    |
|                   | Preliminary Plat Amendment             | \$250   |
|                   | Final Plat                             | \$500 + \$25 per lot                                    |
|                   | Final Plat Amendment                   | \$250   |
|                   | Boundary Line Adjustment               | \$250   |
|                   | Minor Subdivision                      | \$300 + \$15 per lot                                    |
|                   | Preliminary Site Plan                  | \$1,000 + \$50 per acre                                 |
|                   | Final Site Plan                        | \$1,000 for first acre + \$50 for each additional acre  |
|                   | Preliminary/Final Site Plan            | \$1,000 for first acre + \$50 for each additional acre  |
|                   | Construction Plan                      | \$1,000 for first acre + \$25 for each additional acre  |
|                   | Conditional Use Permit                 | \$350*  |

Adopted June XX, 2016

# Town of Lovettsville

|  |                           |
|--|---------------------------|
| Variation /Waiver                                    | \$100* per section varied |
| Occupancy Permit                                     | \$75                      |
| Bond Reduction                                       | \$100 per reduction       |
| Bond Release   | \$150                     |
| Street Acceptance (VDOT Maintenance)                 | \$150                     |
| BZA Variance/Appeal                                  | \$100*                    |
| <u>Subdivision/Site Plan Engineering &amp; Legal</u> | <u>\$3,000</u>            |
| <u>Consultant Review Deposit Fee**</u>               |                           |

\*: additional charges for advertising and/or adjacent property owner notification will be billed to the applicant  
 Applicants are responsible for all base fees as well as any engineering or Town Attorney Review Costs

\*\*: As required by Section 30-37 of the Town Code for subdivision construction drawings and development site plans. If actual costs differ from amount deposited, the excess shall be paid by the applicant to the Town or difference refunded to the applicant, as applicable.

All civic, charitable, and religious organizations having non-profit status are exempt from application fees.

*Taxes are authorized by VA Code 58.1. Fees are authorized by Code of Virginia Sections 15.2-2241 and 15.2-2286.*

## **UTILITY FUND:**

*All rates reflect quarterly charges*

Trash & Recycling Collection Fee: \$4.95

Minimum Water/Sewer Bill: ~~\$1359.24~~<sup>18</sup> for up to 6,000 gallons

Water User Rate: ~~\$8.96~~<sup>70</sup> per thousand gallons

Sewer User Rate: ~~\$14.23~~<sup>13</sup>~~.82~~ per thousand gallons

Sewer Only Customers: Fixed Rate of ~~\$118.60~~<sup>5</sup>~~.15~~

Out of Town Water/ Sewer Customers charged 250% the in-town rate.

Penalty for Late Payment: 10%

Virginia Department of Health Waterworks Technical Assistance Fund: Set by VDH

Water Cutoff Charge: \$30

Fire Sprinkler Fee of \$20 per quarter for facilities with a fire sprinkler system connected to Town Water

Availability Tap refund processing charge: \$50.00

Fats, Oils and Grease Permit Fee: \$25

Flushing Hydrant Maintenance Fee: \$500 per year

### Water and Sewer Inspection Fees:

| Type                         | Fee   |
|------------------------------|---|
| Main Inspection Fee          | \$1.90 x linear foot of Water Main + \$2.15 x linear foot of Sewer Main + \$300 for Beneficial Use Inspection + \$300 Final Inspection  |
| Lateral Inspection Fee       | \$150 per connection- charged with Zoning Permit for the building   |
| Line Record Drawing Fee      | \$1,350 + \$1.25/linear foot of Water Main + \$1.50/linear foot of Sewer Main   |
| <u>Water Modeling Fee</u>    | <u>Engineering Reimbursable- cost to update water model to include new water lines and provide required information to VDH for their review and approval; component of Engineering Deposit.</u> |
| <u>Hydrant Flow Test Fee</u> | <u>\$100 + provide needed testing equipment</u>   |
| <u>Lateral Upgrade Fee</u>   | <u>\$100 + Cost of meter (when an existing connection upgrades to a larger size meter)</u>  |

# Town of Lovettsville

Deposit for new water and sewer accounts:

| Type of Connection                | Water    | Sewer    |
|-----------------------------------|----------|----------|
| Residential (within Town limits)  | \$50.00  | \$50.00  |
| Residential (outside Town limits) | \$100.00 | \$100.00 |
| Non-Residential                   | \$100.00 | \$100.00 |

Water Connection: \$1,000

Sewer Connection: \$1,000

Availability Fees, Maximum Allowable Usage and Meter Fee:

| Meter Size | Maximum Allowable Usage (GPD) | Water Availability Fee* | Wastewater Availability Fee* | Meter Fee            |
|------------|-------------------------------|-------------------------|------------------------------|----------------------|
| 5/8"       | 500                           | \$8,100                 | \$11,900                     | \$0                  |
| 3/4"       | 750                           | \$12,150                | \$17,850                     | \$0                  |
| 1"         | 1,250                         | \$20,250                | \$29,750                     | Cost of meter + \$20 |
| 1 1/2"     | 2,500                         | \$40,500                | \$59,500                     | Cost of meter + \$20 |
| 2"         | 4,000                         | \$64,800                | \$95,200                     | Cost of meter + \$20 |
| 3"         | 8,000                         | \$129,600               | \$190,400                    | Cost of meter + \$20 |
| 4"         | 12,500                        | \$202,500               | \$297,500                    | Cost of meter + \$20 |

\*Upgrades from a smaller meter size will equal the difference between the new availability fee and the current availability worth of the existing meter size.

Excess Use Surcharge for Water: Two times the water rate for all usage above the Maximum Allowable Usage for a billing period.

Excess Use Surcharge for Sewer: Two times the sewer rate for all usage above the Maximum Allowable Usage for a billing period.

Failure to Upgrade Meter Fine – First Offense: \$100.00

Failure to Upgrade Meter Fine – Second Offense: \$200.00

Failure to Upgrade Meter Fine – Third Offense: \$300.00

Water Theft Fines:

|                                  |            |
|----------------------------------|------------|
| First Offense Fine               | \$500.00   |
| Second Offense Fine              | \$1,000.00 |
| Third or Subsequent Offense Fine | \$2,000.00 |

Reward for Successful Notification and Capture of Water Theft in Progress:

|                                      |                |
|--------------------------------------|----------------|
| Town Water and Sewer Account Holders | \$50.00 Credit |
| Non-account Holders                  | \$50.00 Check  |

Fine for Failure to Follow Water Emergency Rules and Regulations: \$500.00 each offense

Frye Court Service District Tax (per VA Code Section 15.2-2400 et seq.): \$0.275 per one hundred dollars (\$100.00) of assessed value for taxable real estate (exclusive of improvements).

*These actions are authorized by the Code of Virginia Section 15.2-2111, 15.2-2143 (Water) and Sections 15.2-2111, 15.2-2119 (Sewer)*

Charge for all returned checks: \$25.00 plus \$5.00 bank charge