

# Town of Lovettsville

## Town Council Minutes of the October 12, 2017 Regular Meeting and Public Hearing

### Call to Order/Pledge of Allegiance

Mayor Zoldos called the meeting to order at 7:11 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 Tiffaney Carder
- Council Member Kimberly Allar
- Council Member Nate Fontaine

### Council Member Absent

- Council Member Rob Gentile

### Closed Session

Mayor Zoldos said the Council would be going into closed session prior to the regular meeting. Vice Mayor Carder made the following motion:

**Motion:** I move that the Lovettsville Town Council convene in closed session pursuant to Va. 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, in order to secure the use of real property to meet the operational needs for Town offices; and pursuant to section 2.2-3711A1 for 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, for the discussion of performance review of specific Town employees and options for reconfiguring the staffing of Town operations; and thereafter reconvene in open session for action as appropriate.

**Second:** McIntyre

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

**Nay:** None

**Abstain:** None

**Absent:** Gentile

The Mayor and Council and Interim Town Manager Finz met in closed session in the trailer adjacent to the Town Hall. Following the closed session they returned to the council chambers and reconvened in open session at 7:53 p.m.

### Certification of the Closed Session

Mayor Zoldos read the Certification of Closed Session aloud: Do you certify that to the best of your knowledge (1) only public business matters lawfully exempted from open meeting requirements under this chapter and (2) 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? Council Members McIntyre, Senate, Carder, Allar, and Fontaine certified to the above.

**Staff Present**

- Town Clerk Harriet West
- Interim Town Manager Sam Finz
- Town Treasurer Lance Gladstone
- Project Manager Karin Fellers
- Zoning Administrator Joshua Bateman
- Customer Service/Administrative Specialist Lisa Mullen

Planning Commission Chairman Frank McDonough 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. There were none.

**Community Presentations**

A. Loudoun County Sheriff's Office

Deputy Moats reported on the DEA National Drug Take Back day that is scheduled this year at the Town Hall on Saturday, October 28, 2017 from 9:00 a.m. to 1:30 p.m.

B. Lovettsville Volunteer Fire and Rescue Company

Mayor Zoldos reported on a discussion he had with fire and rescue personnel regarding the recent house fire in Lovettsville and the concerns from residents about the response time and the tactical operations. He further mentioned the concerns of the County fire and rescue department and if there was a need for the Town to host a Town Hall meeting to address the public's concerns. Mayor Zoldos said the family has found a rental and he read a note from them thanking the community for its support and saying they didn't need anything at this time. The Mayor mentioned the fire and rescue open house is October 15.

C. Lovettsville Community Center

There was no report

D. Lovettsville Library

Vice Mayor Carder reported on the upcoming events at the Library and asked the Town to participate in the pumpkin painting contest.

**Planning Commission Report**

Planning Commission Chair McDonough reported on the Town Square Master Plan survey, adjustments to the commercial and industrial zoning districts, and the transportation master plan and utilities plan.

**Committee Reports**

A. Events Committee and Subcommittees

Council Member McIntyre reported that the events working group is meeting next week. He thanked staff for their support during Oktoberfest. He reported on the number of volunteers, beer sales, and community donations and said the final report will be presented in November.

- Love America – There was no report.
- Love Winter – Councilwoman Allar reported on the free booth space at Christkindlmarkt on December 2 and 3. She asked for volunteers to help staff the event and to provide information for the Town's events.

- Love Spring – Vice Mayor Carder said she likes the partnership and cross promotion of events and she reported on the next MayFest meeting. She noted there are three upcoming events for Love Winter.

**B. Business & Tourism Committee**

Vice Mayor Carder reported on the Brunswick Business Expo on November 9 from 5:00-9:00 p.m. and said she needs help staffing the Town's table.

**C. Parks & Beautification Committee**

Councilmember Senate reported on ornament sales at the fire and rescue open house and Christkindlmarkt.

**D. Infrastructure Committee**

There was no report.

**E. Information Flow Committee**

There was no report.

**Additions/Deletions/Modifications to the Agenda**

There were none.

**Minutes**

**A. February 4, 2017 Mayor and Town Council Annual Retreat**

**Motion:** I move to accept the minutes of the February 4, 2017 meeting.

**By:** Carder

**Second:** Senate

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

**Nay:** None

**Abstain:** None

**Absent:** Gentile

**B. February 9, 2017 Town Council Regular Meeting and Joint Public Hearing with the Lovettsville Planning Commission**

**Motion:** I move to approve the minutes of the February 9, 2017 regular meeting and joint public hearing with the Lovettsville Planning Commission.

**By:** Carder

**Second:** McIntyre

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

**Nay:** None

**Abstain:** None

**Absent:** Gentile

**C. February 23, 2017 Town Council Regular Meeting**

**Motion:** I move to approve the minutes of the February 23, 2017 regular meeting.

**By:** Carder

**Second:** Allar

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

**Nay:** None

**Abstain:** None

**Absent:** Gentile

**D. March 9, 2017 Town Council Regular Meeting**

**Motion:** I move to approve the minutes of the March 9, 2017 regular meeting.

**By:** Carder

**Second:** Senate

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

**Nay:** None  
**Abstain:** None

E. March 16, 2017 Town Council Special Meeting

**Motion:** I move to approve the minutes of the March 16, 2017 special meeting.  
**By:** Carder  
**Second:** McIntyre  
**Aye:** McIntyre, Senate, Carder, Allar, and Fontaine  
**Nay:** None  
**Abstain:** None  
**Absent:** Gentile

F. March 23, 2017 Town Council Regular Meeting

**Motion:** I move to approve the minutes of the March 23, 2017 regular meeting.  
**By:** Carder  
**Second:** McIntyre  
**Aye:** McIntyre, Senate, Carder, Allar, and Fontaine  
**Nay:** None  
**Abstain:** None  
**Absent:** Gentile

G. March 29, 2017 Town Council Special Meeting

**Motion:** I move to approve the minutes of the March 29, 2017 special meeting.  
**By:** Carder  
**Second:** Allar  
**Aye:** McIntyre, Senate, Carder, Allar, and Fontaine  
**Nay:** None  
**Abstain:** None  
**Absent:** Gentile

H. September 14, 2017 Town Council Regular Meeting and Public Hearing

**Motion:** I move to approve the minutes of the September 14, 2017 meeting.  
**By:** Carder  
**Second:** Fontaine  
**Aye:** McIntyre, Senate, Carder, Allar, and Fontaine  
**Nay:** None  
**Abstain:** None  
**Absent:** Gentile

**Staff Reports:**

A. August 2017 Financial Report

Treasurer Gladstone presented the August 2017 financial report. Mr. Finz presented information on the August 2017 reserve balances, and FY 18 net operating costs and revenues. He said that overall the Town is in a strong financial position in terms of reserves that meet the Town's fiscal policy, and the Town will continue building reserves in FY 17 and FY18. He then presented his analysis of revenue versus expenses per household for FY 2017 which shows that there is an estimated per household short fall of \$825, suggesting more money is being spent to provide services to residential households than is being collected in revenue. He noted that economic development revenue from businesses in the Town is critical in order to close the revenue versus expenditure gap.

B. Town Manager Report

Mr. Finz reported on the progress made with the auditors, and the review of financial system changes. He summarized the recent events group meetings and discussed the upcoming meeting to discuss committee structure. He then gave an update on the water/sewer master plan and the transportation master plan, which will be completed early next year. Lastly, he discussed the Town's code enforcement efforts. He noted that he is recommending that the Town Manager, or his designee, be designated as

the code enforcement officer. He also said he would like to revisit the Sheriff Office's support to the Town.

**Action/Discussion Items:**

**A. Fiscal Year Capital Improvement Public Hearing**

Mayor Zoldos opened the public hearing at 8:45 p.m. Vice Mayor Carder read the notice of public hearing. Mr. Finz presented this item. The Council is being asked to approve Ordinance 2017-10-0001 amending the FY18 Capital Budget (Attachment 1). Mayor Zoldos called for comments from the public. Hearing none, Mayor Zoldos closed the public hearing at 8:47 p.m. Councilman Senate made the following motion:

**Motion:** I move that the Town Council approve Ordinance 2017-10-0001 as shown.  
**Second:** McIntyre  
**Aye:** McIntyre, Senate, Carder, Allar, and Fontaine  
**Nay:** None  
**Abstain:** None  
**Absent:** Gentile

**B. Selection of Engineers for the E. Broad Way Phase 2A Improvements Project**

Ms. Fellers presented this item. The Council is being asked to select engineers for design and inspection/construction management support for East Broad Way Phase 2A and to approve a scope of services for the initial design work. Following discussion, Councilman Senate made the following motion:

**Motion:** I move that Town Council approve the Scope of Services for Engineering Design Phase 2A East Broad Way Improvements Project dated September 8, 2017 revised September 25, 2017, and authorize the Town Manager to sign the paperwork once in final form.  
**Second:** Carder  
**Aye:** McIntyre, Senate, Carder, Allar, and Fontaine  
**Nay:** None  
**Abstain:** None  
**Absent:** Gentile

**C. Resolution to Approve the FY19 CIP Request for Loudoun County Funding**

Ms. Fellers presented this item. The Council is being asked to consider adoption of a resolution in support of the Town's request for funding from the County for the priority project in the FY19 CIP. Councilman Fontaine made the following motion:

**Motion:** I move that the Council adopt Resolution 2017-10-0001 (Attachment 2) in support of the funding request to Loudoun County and furthermore that the Town Council authorize the Interim Town Manager to forward the completed funding request packet to the County.  
**Second:** Carder  
**Aye:** McIntyre, Senate, Carder, Allar, and Fontaine  
**Nay:** None  
**Abstain:** None  
**Absent:** Gentile

**D. Lovettsville Square (Commercial Phase 1) Site Plan – Bond Release Request**

Mr. Bateman presented this item. The Council is being asked to approve a request from the owner/developer to release the bond for public improvements recently completed in Lovettsville Square (Commercial Phase 1). Councilman Senate made the following motion:

**Motion:** I move to adopt Resolution 2017-10-0002 (Attachment 3) approving the requested release of the performance agreement and bond for Lovettsville Town Center Section 3 and accepting the attached warranty agreement and maintenance bond in the amount of \$37,079.20 guaranteeing all work, materials, and installation for a period of

one year from October 12, 2017.

**Second:** McIntyre

A discussion ensued regarding the replacement of the trees and grass. Mr. Bateman said the items were under \$1,000 and are covered by warranty so he did not see any need to delay releasing the bond.

**Aye:** McIntyre, Senate, Carder, Allar, and Fontaine  
**Nay:** None  
**Abstain:** None  
**Absent:** Gentile

**E. Use of Town Seal and Town Logo/Branding Materials**

Ms. West presented this item. The Council is being asked to amend the Town Code to establish provisions regarding the use of the Town Seal and the Town Logo/Branding Materials, and to approve the policy and application for the use of the Town Logo/Branding Materials. A discussion ensued regarding minor changes to the proposed code amendment and policy. The Mayor and Council noted that the correct tag line should be "German Roots, American Heart." Following discussion, Councilman McIntyre made the following motion:

**Motion:** I move to approve Ordinance 2017-10-0002: Amendment to the Town Code to add Sec. 1-13 Town seal and Sec. 1-14 Use of Town Seal and Town Logo/branding materials as amended (Attachment 4). Furthermore, I move to approve the Policy and Application for Use of Town Logo/Branding Materials as amended, and to authorize the Town Manager to approve or deny applications for use of these materials on a case-by-case basis.

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

**Discussion Item:**

**A. Request Staff to Prepare Standards of Conduct Policy**

Mayor Zoldos distributed a draft Code of Ethics and Standards of Conduct based on concerns about conduct by Town officials. The VML (Virginia Municipal League) attorney advised adopting a code of conduct and standards of conduct, which can then be enforced through censure or possible removal from office. Mayor Zoldos noted this would apply to elected officials, appointed officers, volunteers, and staff. Staff will review other examples provided by VML and bring this back for the Council's consideration on October 26. In addition, the Council agreed to conduct the good governance training with VML on November 2 at 7:00 p.m.

**Information Items**

The Council briefly reviewed and discussed the following information items:

- A. VDOT Acceptance of N. Church Street
- B. Miss Utility Update
- C. Fire Station Annexation
- D. Lost/Damaged Tools during Oktoberfest
- E. Traffic Study

**Comments from the Mayor and Town Council**

Councilman McIntyre spoke about the presentation at the VML Conference. Mayor Zoldos discussed the presentation and the very positive responses they received from attendees.

Councilman Senate discussed the recent house fire in Town. He said everyone there did a fine job.

Vice Mayor Carder said there have been several tragedies in Town recently but the Town has come together to help one another, and she'd like to see more of that. She said there has also been a lot of divisiveness recently and the way we treat each other in times of need is how we need to treat each other every day. She said there are great things happening in Town, including the new 1836 restaurant, Back Street Brews, The Painted Pig, Heather's Kid's Daycare, and Bonkers for Beans.

Councilwoman Allar said it is great to see the community excited about the new businesses.

Councilman Fontaine said that a representative from Envision Loudoun is available to speak to the Council.


Mayor Zoldos reported on The Painted Pig ribbon cutting, concerns about the fire and rescue response time, the VML conference presentation, and the next TANV quarterly meeting.

Councilman Senate asked about VDOT's completion of the paving at the end of S. Loudoun Street. Mr. Finz said staff would look into this.

**Adjournment**

There being no further business before the Council, the meeting was adjourned at 9:51 p.m.

Respectfully submitted,



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Harriet West, Town Clerk

Date Approved: October 26, 2017

**Attachments:**

1. Ordinance 2017-10-0001
2. Resolution 2017-10-0001
3. Resolution 2017-10-0002
4. Ordinance 2017-10-0002

# Town of Lovettsville

## Ordinance 2017-10-0001: APPROVE CAPITAL BUDGET AMENDMENT FOR FISCAL YEAR ENDING JUNE 30, 2018

**MOTION: SENATE**  
**SECOND: MCINTYRE**

**WHEREAS**, the budget, capital improvement plan (CIP), and tax rates for the fiscal year ending June 30, 2018 were reviewed and adopted on June 8, 2017 by the Town Council; and

**WHEREAS**, the town has updated end of year results for the Fiscal Year ending on June 30, 2017, determining surpluses; and

**WHEREAS**, the Town Council has reviewed the proposed amendment to the budget and CIP based on the allocation of these surpluses and deems their approval to be in the best interest of the Town and its citizens; and

**WHEREAS**, notice of the proposed budget amendment was advertised in the Purcellville Gazette on October 29, 2017 in accordance with the requirements of Va. Code section 15.2-2507.

**IT IS ACCORDINGLY ORDAINED** by the Town Council of the Town of Lovettsville as follows:

1. The proposed FY18 CIP Amendment are approved as presented, as depicted in Tables 5 and 6 attached hereto.
2. Appropriations are hereby made for the fiscal year ending June 30, 2018, in the amounts shown to the categories and accounts therein for the general and utility funds.
3. There are no changes to the tax rates, user charges, and fees.

**VOTE:**

**AYES: MCINTYRE, SENATE, CARDER, ALLAR, AND FONTAINE**

**NAYS: NONE**

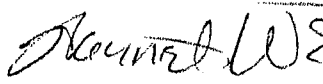
**ABSTENTIONS: NONE**

**ABSENT FOR VOTE: GENTILE**

**APPROVED: October 12, 2017**

  
\_\_\_\_\_  
**Robert Zoldos II, Mayor**

**CERTIFIED:**

  
\_\_\_\_\_  
**Harriet West, Town Clerk**

*The German Settlement*



# Town of Lovettsville

RESOLUTION 2017-10-0001:

TO REQUEST THAT THE COUNTY OF LOUDOUN PROVIDE FUNDING SUPPORT TO THE TOWN OF LOVETTSVILLE CAPITAL IMPROVEMENT PLAN

**MOTION: FONTAINE**

**SECOND: CARDER**

**WHEREAS**, the Town Council reviewed and adopted a Capital Improvement Plan and Budget on June 8<sup>th</sup> 2017, and

**WHEREAS**, the Town received a letter from the Director of Management and Budget, Loudoun County soliciting Town requests for County Capital Improvement Program funding support for Lovettsville Capital Projects; and

**WHEREAS**, the letter recommends projects that benefit the County in terms of Pedestrian transportation improvements; and

**WHEREAS**, the letter requests a formal copy teste from the Town Council endorsing the funding request to the County for CIP funding; and

**WHEREAS**, the Town of Lovettsville is seeking funding support for its East Broad Way Phase 2A Improvements Project Phase 2A which the Town has already funded the Phase I portion, and

**WHEREAS**, the East Broad Way Phase 2A Improvements Project provides the Town Center including most of the Town's residents with Pedestrian access to County Facilities including the Library, Community Center and future County Park which do not currently have pedestrian access to; and

**WHEREAS**, the East Broad Way Phase 2A Improvements Project provides pedestrian access to job opportunities along the Town's "Main Street" and new Town Square; and

**WHEREAS**, the East Broad Way Phase 2A Improvements Project provides needed infrastructure support to local businesses to support economic growth and tourism; and

**WHEREAS**, the County approved \$150,000 to begin the Concept Design work for East Broad Way Phase 2A Improvements Project,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town of Lovettsville requests that the Loudoun County Board of Supervisors provide funding support for these projects, in the amount of \$180,000 for FY19 and an additional \$647,573 towards the completion of the project through construction.

*The German Settlement*

**VOTE:**

**Ayes: MCINTYRE, SENATE, CARDER, ALLAR, AND FONTAINE**

**Nays: NONE**

**Abstentions: NONE**

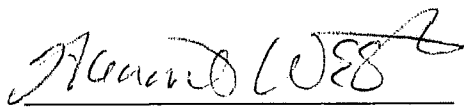
**Absent for Vote: GENTILE**

**APPROVED: October 12, 2017**



**Robert Zoldos II, Mayor**

**CERTIFIED:**



**Harriet West, Town Clerk**

# Town of Lovettsville

## Resolution 2017-10-0002: RELEASE OF PERFORMANCE BOND FOR LOVETTSVILLE SQUARE COMMERCIAL CENTER

**MOTION: SENATE**

**SECOND: MCINTYRE**

**WHEREAS**, Lovettsville Square, LLC (hereinafter "the applicant") entered into an Agreement dated August 20, 2015 requiring it to construct certain public improvements within the project known as Lovettsville Square and obtain acceptance of said improvements by the Town, state agencies, local government departments or agencies, and other applicable public authorities upon completion by the applicant and inspection and acceptance thereof by the Town, and provided as security Performance Bond No. 41289602 issued by Platte River Insurance Company; and

**WHEREAS**, the applicant has completed the public improvements in Lovettsville Square as required by the approved plans and the subdivision ordinance of the Town of Lovettsville and is requesting acceptance by the Town of applicable public improvements; and

**WHEREAS**, the applicant has executed a warranty agreement secured by a maintenance bond guarantying said public improvements for a period of twelve (12) months from the date of acceptance of the public improvements by the Town Council; and

**WHEREAS**, pursuant to Section 30-35 of the Subdivision Ordinance and §15.2-2245 of the Code of Virginia, following final inspections by Town staff and the Town's engineering consultant, the zoning administrator has determined that the public improvements are indeed complete and comply with the design and installation standards of the subdivision and zoning ordinances, and have been constructed in accordance with the approved plans.

**NOW, THEREFORE, BE IT RESOLVED** that the Lovettsville Town Council hereby accepts the public improvements in the Lovettsville Square Commercial Center subject to the Performance Agreement previously approved, as applicable, and hereby acknowledges that the obligations of the applicant under the Agreement have been satisfied. Accordingly, the Town Council approves and accepts from the applicant the Warranty Agreement and Maintenance Bond in the amount of \$37,079.20 required by Section 30-35(d) of the Subdivision Ordinance once said warranty agreement and maintenance bond have been submitted by the applicant to the Town in a form acceptable to the Town Attorney.

**VOTE:**

**AYES: MCINTYRE, SENATE, CARDER, ALLAR, AND FONTAINE**

**NAYS: NONE**

**ABSTENTIONS: NONE**

**ABSENT FOR VOTE: GENTILE**

*The German Settlement*

**APPROVED: October 12, 2017**



**ROBERT ZOLDOS II, MAYOR**

**CERTIFIED:**



**HARRIET WEST  
TOWN CLERK**

# Town of Lovettsville

**Ordinance 2017-10-0002: AMEND TOWN CODE TO ADD SECTIONS 1-13, TOWN SEAL AND TOWN LOGO, AND 1-14, USE OF TOWN SEAL AND TOWN LOGO/BRANDING MATERIALS, AND TO APPROVE A POLICY FOR ALLOWING USE OF LOGO AND BRANDING MATERIALS**

**MOTION: MCINTYRE**

**SECOND: CARDER**

**WHEREAS**, the Lovettsville Town Council has developed designs for an official Town seal and Town logo and has invested in the development of branding materials and potential branding campaigns in order to promote the Town, its citizens, businesses, amenities and environment as providing unique experiences for visiting, residing, starting a business and starting a family, as authorized by Va. Code section 15.2-940; and

**WHEREAS**, the Town Council deems it appropriate to formally adopt the seal and logo and to prescribe rules for their use and to make the logo and branding materials available for non-governmental use consistent with the purposes for their creation; and

**WHEREAS**, the Town Council deems amendment of the Town Code to add **Sections 1-13, Town seal and Town logo, and 1-14, Use of Town seal and Town logo/branding materials**, and to approve a policy governing use of the logo and branding materials as promoting the interests of the Town and its citizens.

**NOW, THEREFORE, BE IT ORDAINED** that the Town Code be amended to add Sections 1-13, Town seal and Town logo, and 1-14, Use of Town seal and Town logo/branding materials, effective immediately, and a policy entitled "Town of Lovettsville Policy for Use of Town Seal and Branding Materials" be approved, both as set forth in the attachment to this ordinance.

**VOTE:**

**AYES: MCINTYRE, SENATE, CARDER, ALLAR, AND FONTAINE**

**NAYS: NONE**

**ABSTENTIONS: NONE**

**ABSENT FOR VOTE: GENTILE**

**APPROVED: October 12, 2017**

  
**ROBERT ZOLDOS II, MAYOR**

**CERTIFIED:**

  
**HARRIET WEST, TOWN CLERK**

*The German Settlement*

