

# Town of Lovettsville

## Town Council Minutes of the August 7, 2013 Special Closed Session Meeting

### Call to Order

Mayor Robert Zoldos II called the Special Closed Session Meeting of the Lovettsville Town Council to order at 7:31 p.m. on August 7, 2013 at the Lovettsville Town Hall, 6 East Pennsylvania Avenue, Lovettsville, VA.

### Council Members Present

- Mayor Robert Zoldos II
- Council Member Kimberly Allar
- Council Member Jack Burden
- Council Member Tiffaney Carder
- Council Member Rodney Gray
- Council Member James McIntyre

### Council Members Absent

- Vice Mayor Mike Senate

### Staff and Others Present

- Town Manager Keith Markel
- Town Attorney Elizabeth Whiting
- Project Manger Karin Fellers
- Al Doran and Bill Bryant, KDR

### Closed Session

The Mayor and Council went into closed session at 7:33 p.m. (Attachment 1). The Council came out of closed session at 10:24 p.m. All Council Members certified that only public business matters lawfully exempt from the open meeting requirements under the Virginia Freedom of Information Act were discussed. No action was taken after coming out of closed session.

### Adjournment

There being no further business before the Council, the meeting was adjourned at 10:24 p.m.

Respectfully submitted,



Harriet West, Town Clerk

Date Approved: August 22, 2013

### Attachments:

1. Closed Session Resolution

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## VIRGINIA FREEDOM OF INFORMATION ACT

### Resolution: AUTHORIZE CLOSED SESSION

Date: 08/01/13

Time: \_\_\_\_\_

MOTION BY: Tiffany Carder

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I move that the Lovettsville Town Council convene in closed session pursuant to Va. Code section 2.2-3711 A

1. 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; and evaluation of performance of departments or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals,

③ 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,

4. The protection of the privacy of individuals in personal matters not related to public business,

5. Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community,

6. Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected,

7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; or consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel [For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter],

19. Discussion of plans to protect public safety as it relates to terrorist activity and briefings by staff members, legal counsel, or law-enforcement or emergency service officials concerning actions taken to respond to such activity or a related threat to public safety; or discussion of reports or plans related to the security of any governmental facility, building or structure, or the safety of persons using such facility, building or structure,

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29. Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body,

33. Discussion or consideration of confidential proprietary records and trade secrets excluded from this chapter pursuant to subdivision 18 of § 2.2-3705.6,

40. Discussion or consideration of records excluded from this chapter pursuant to subdivision 3 of § 2.2-3705.6 [Confidential proprietary records, voluntarily provided by private business pursuant to a promise of confidentiality from a public body, used by the public body for business, trade and tourism development or retention; and memoranda, working papers or other records related to businesses that are considering locating or expanding in Virginia, prepared by a public body, where competition or bargaining is involved and where, if such records are made public, the financial interest of the public body would be adversely affected],

→ with regard to ~~[person, issue or property subject of discussion]~~ acquisition of right-of-way of property interests in conjunction with construction of E. Broad Way improvements. And thereafter reconvene in open session for action as appropriate.

SECOND: Jim McIntyre

VOTE:

Ayes: ALLAR, BURDEN, CARDER, GRAY, MCINTYRE

Nays: 0

Abstentions: 0

Absent for vote: SENATE

Roll-call poll by presiding official:

"Do you certify to the best of your knowledge that (i) only public business matters lawfully exempted 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 by the Lovettsville Town Council?"

When polled as to whether (i) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act 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 closed meeting, the following members stated "Aye:"

AUG. 7, ~~2011~~ at 10:24 PM  
2013

Certified:

