

Town of Lovettsville

Town Council Minutes of the October 23, 2014 Regular Meeting and Public Hearing

Call to Order/Pledge of Allegiance

Mayor Robert Zoldos II called the Regular Meeting of the Lovettsville Town Council to order at 7:30 p.m. on October 23, 2014 at the Lovettsville Town Hall, 6 East Pennsylvania Avenue, Lovettsville, VA.

Closed Session

Mayor Zoldos announced the Council would be going into closed session at the end of the meeting to discuss the Town's sewer treatment plant.

Pledge of Allegiance

Mayor Zoldos led those assembled in the Pledge of Allegiance.

Council Members Present

- Mayor Robert Zoldos II
- Vice Mayor Michael Senate
- Council Member Kimberly Allar
- Council Member Tiffany Carder
- Council Member Rodney Gray
- Council Member Jennifer Jones
- Council Member James McIntyre

Staff Present

- Interim Town Manager Samuel Finz
- Town Attorney Elizabeth Whiting
- Project Manager Karin Fellers
- Zoning Administrator Joshua Bateman
- Town Clerk Harriet West

Presentations

A. Colonel Wesley Fox Young Marines – Red Ribbon Week Proclamation

The Mayor and Council read aloud the Red Ribbon Week Proclamation (Attachment 1). Mayor Zoldos asked the Young Marines if anyone would like to speak. Alex Loria explained the background for the Red Ribbon Week and thanked the Mayor and Council for the proclamation. Mayor Zoldos signed the proclamation and presented it to the Young Marines.

Motion: I move to accept the proclamation.

By: Council Member Jones

Second: Council Member Gray

Aye: Council Members Allar, Carder, Jones, Gray, McIntyre, and Senate

Nay: None

Abstain: None

Absent: None

Comments from the Public

Mayor Zoldos called for comments from the public. There were none.

Community Presentations

A. Lovettsville Fire and Rescue Company

Councilwoman Jones said the recent Open House was very successful. She reported that the station had 13 fire calls in September and 377 for the year. There were 28 rescue calls for September and 510 for the year.

B. Lovettsville Library

Councilman McIntyre reported that Ann-Marie Marchant has been selected as the new branch manager and she will be starting on November 6, 2014. There will be a gingerbread house decorating workshop and competition in December.

Town Commission and Committee Reports

A. Lovettsville Planning Commission

Commissioner Frank McDonough reported that the Planning Commission is working with the Zoning Administrator to redefine the R-3 Residential Zoning.

B. Parks Committee

Vice Mayor Senate said they are in negotiations with the vendor on pricing for the Town sign.

C. We're In Committee

Councilwoman Carder gave an update on the Potomac Partnership meeting between the Town of Lovettsville and the City of Brunswick.

D. Oktoberfest Committee

Councilman McIntyre said the committee had their wrap-up meeting last week and identified a few things to change for next year.

Additions/Deletions/Modifications to the Agenda

Mayor Zoldos called for changes to the agenda. There were none.

Minutes

No minutes were presented.

Report from the Treasurer

Interim Town Manager Finz said he has been reviewing the financial reports with the Treasurer and they will be taking steps to become more rigorous in making sure the Town does not overspend the budget. Mr. Finz said his assessment is that the Town is in good shape financially.

Motion: I move to accept the August 2014 Financial Report.
By: Council Member Gray
Second: Council Member Jones
Aye: Council Members Allar, Carder, Jones, Gray, McIntyre, and Senate
Nay: None
Abstain: None
Absent: None

Staff Reports

A. Report from the Project Manager

Project Manager Fellers reported that the utility pole at East Broad Way and S. Locust Street has been removed.

B. Report from the Zoning Administrator

Zoning Administrator Bateman said he would present his reports for September and October at the next Town Council meeting.

C. Report from the Town Attorney

There was no report.

D. Report from the Town Manager

There was no report.

Action Items

A. Charter Amendments – Public Hearing

Mayor Zoldos recessed the regular meeting and opened the public hearing at 7:50 p.m. Vice Mayor Senate read the rules for public comment. Councilwoman Carder read the notice of public hearing (Attachment 2).

The Town Attorney said that in the course of preparing all of the Town ordinances for codification, it became clear that the Town Charter had a number of sections that were badly out of date. As an example, all of the references to the state code Title on Counties, Cities, and Towns had been superseded in 1997 and needed to be updated. In addition, there were other special provisions that Town staff and officials found ambiguous. Attorney Whiting said it seemed to be a good time to go through the Charter and make recommendations to the Council to update it. She explained that the Charter is special legislation that has to be adopted by the Virginia General Assembly. This is the first amendment since she became the Town Attorney in 1999. Attorney Whiting then reviewed the proposed amendments to the Lovettsville Town Charter (Attachment 3) and explained the process for submitting the bill to the General Assembly.

Mayor Zoldos called for questions on the presentation. Hearing none, he called for comments from the public. There were none. Mayor Zoldos closed the public hearing and resumed the regular meeting at 8:05 p.m. The Mayor called for a motion.

Motion: I move that the Lovettsville Town Council approve the submission of the proposed Charter amendments, Resolution 2014-10-0001, as presented.
By: Vice Mayor Senate
Second: Council Member McIntyre

The Mayor asked the Council Members to read the Resolution aloud. Following the reading for the Resolution, the Mayor called for discussion. Hearing none, the Mayor thanked the Town Manager and Town Attorney for their work on the Charter amendments. Mayor Zoldos said they had already spoken to the Town's state delegation and once the public hearing was completed everything would be submitted to them. Hearing no further discussion, Mayor Zoldos called for the vote.

Aye: Council Members Allar, Carder, Jones Gray, McIntyre, and Senate
Nay: None
Abstain: None
Absent: None

B. Request to Proceed with Consideration of the Lovettsville Town Center Proffer Amendment

Zoning Administrator Bateman presented this item. The Council is being asked to discuss the applicant's desired approach and schedule for proceeding with consideration of the request by Lovettsville Square LLC to amend the approved proffers, Town Center Core Area designation, and concept plan for the Lovettsville Town Center rezoning application received in May 2014. The Zoning Administrator described two possible options for considering public input for the project:

1. The Planning Commission and Town Council would hold separate public hearings; or
2. The applicant would hold a community input meeting to discuss the project and then the Planning Commission and Town Council would hold a joint public hearing.

The applicant indicated they would prefer the second option. Staff is seeking direction from the Council on the dates and times of the meeting and how the Council would like the meetings conducted, including ways to maximize public participation. Following discussion, the Council agreed to conduct the community input meeting/open house on November 13 at 7:30 p.m. and the joint public hearing on November 19 at 7:30 p.m. Both meetings will be held at the Lovettsville Fire Station.

The Council discussed ways to inform the public including contacting the media, posting information on the Town's website and Facebook pages, including information in the Mayor's Message and Friday email, notifying Home Owners' Associations, and placing a banner on the Town Square. It was further agreed

that NVRetail will run the open house since they are the petitioner. Staff will provide a summary of the comments that are made at the open house.

C. Choose Retaining Wall Rustication Option for Broad Way Improvements Project

Project Manager Fellers presented this item. The Council is being asked to select rustication treatment for the retaining wall which will be rebuilt for the Broad Way Improvements Project. The Project Manager presented the three options that VDOT (Virginia Department of Transportation) allows for adding a pattern to concrete retaining walls to make them more attractive. Staff recommends the brick finish because it provides a more natural look than the other options. The Project Manager noted that VDOT will be responsible for maintaining the retaining wall.

Motion: I move that Town Council select the brick option for rustication of the retaining walls for the Broad Way Improvements Project.

By: Council Member Jones

Second: Council Member Carder

Aye: Council Members Allar, Carder, Jones, Gray, McIntyre, and Senate

Nay: None

Abstain: None

Absent: None

Discussion Items

There were none.

Information Items

There were none.

Comments from the Mayor and Town Council

Councilwoman Jones thanked Councilman McIntyre for letting Volunteer Fest participate in Oktoberfest. She said she looks forward to the process for hiring a new Town Manager, getting the retail area going, and seeing the utility poles being moved on East Broad Way. She thanked Mr. Finz for his help.

Councilwoman Allar said she attended the Potomac Partnership meeting and enjoyed speaking with the representatives from the City of Brunswick. She also noted what a great job Dominion Power is doing with the utility pole relocation on East Broad Way. She said the workers are very polite and it has been a good experience driving to the Community Center all of the time, even with the road being closed half the time.

Councilwoman Carder thanked all of the wonderful bakeries that contributed to the Potomac Partnership meeting. She gave an update on the Catoctin Holiday Art Tour in November which will feature many local artists. The We're In Committee donated funds to the tour as part of the Town's initiative to support local businesses and draw visitors to the area.

Vice Mayor Senate said he enjoyed the Potomac Partnership meeting and sharing information about how to support each other's businesses.

Councilman Gray gave an update on the Wintertainment Fest.

Councilman McIntyre thanked Mr. Finz for the work he has done on the Town Manager selection process.

Mayor Zoldos reported on the following:

- He attended a meeting of the Heritage Highlands HOA with Councilwoman Jones and Zoning Administrator Bateman on November 10. Lennar is making progress on addressing residents' concerns.
- The Walker Pavilion was rented for an event on October 12.
- The Fire House Open House was very well attended.
- The Potomac Partnership meeting was excellent.

- There are two bingo games October 10, one at the Lovettsville Elementary School and the other at the Game Club.
- The suggested hours for Halloween are 6:00-8:30 p.m.
- The Fire House Banquet is on November 1. He invited all of the Council Members to join him.
- Election Day is November 4.
- He would like to advertise for citizens to serve on various Town committees in the Friday email.
- There was a water leak on S. Loudoun Street earlier today. The leak was handled quickly, but he would like to see safety handled better, including requiring vendors to meet DOT standards for signage.

Closed Session

The Mayor and Council went into closed session at 8:55 p.m. to discuss possible litigation related to the wastewater treatment plant (Attachment 4). The Mayor and Council came out of closed session at 9:19 p.m. Council Members Allar, Carder, Gray, McIntyre, and Senate certified that only public business matters lawfully exempt from the open meeting requirements under the Virginia Freedom of Information Act were discussed and that only such public business matters as were identified in the motion were heard, discussed, or considered in the meeting by the Lovettsville Town Council. Mayor Zoldos noted that Councilwoman Jennifer Jones left the meeting prior to the closed session.

Adjournment

There being no further business before the Council, the meeting was adjourned at 9:20 p.m.

Respectfully submitted,



Harriet West, Town Clerk

Date Approved: November 20, 2014

Attachments:

1. Red Ribbon Week Proclamation
2. Notice of Public Hearing on Amendments to Town Charter
3. Lovettsville Town Charter, Proposed Amendments
4. Closed Session Motion

PROCLAMATION FOR The Colonel Wesley Fox Young Marines

MOTION: Jones

SECOND: Gray

WHEREAS, cities across America have been plagued by the numerous problems associated with alcohol, tobacco, and other drug use; and

WHEREAS, there is hope in winning the War on Drugs, and the hope lies in the hard work and determination of our communities to create a drug free environment; and

WHEREAS, local leaders, in government and in the community, know that the support of the people in the neighborhoods is the most effective tool they can have in their efforts to reduce use of alcohol, tobacco, and other drugs by Virginians; and

WHEREAS, success will not occur overnight, our patience and continued commitment to drug education and prevention are imperative; and

WHEREAS, the red ribbon was chosen as a symbol commemorating the work of Enrique "Kiki" Camarena, a Drug Enforcement Administration agent, who was murdered in the line of duty and has come to represent the belief that one person CAN make a difference; and

WHEREAS, the Red Ribbon Campaign was established by Congress in 1988 to promote this belief and encourage a drug-free lifestyle and involvement in drug prevention efforts; and

WHEREAS, October 23 - 31, 2014, has been designated National Red Ribbon Week calling on all Americans to show their support for a drug-free state by wearing a red ribbon and participating in drug-free activities during that week.

WHEREAS, the Col. Wesley Fox Young Marines value the health and safety of all our citizens; and

WHEREAS, substance abuse is particularly damaging to one of our most valuable resources, our children, and a contributing factor in the three leading causes of death for teenagers – accidents, homicides, and suicides; and

WHEREAS, it is the goal of Red Ribbon Week and the Young Marines to involve families, schools businesses, churches, law enforcement agencies and service organizations in all aspects of this campaign and establish an atmosphere that supports awareness, education and on-going initiatives to prevent illegal drug use; and

WHEREAS, the Red Ribbon Week Campaign theme promotes family and individual responsibilities for living healthy, drug-free lifestyles, without illegal drugs or the illegal use of legal drugs; and

WHEREAS, there are many activities planned during the Red Ribbon Week Campaign in these United States,

NOW, THEREFORE, BE IT RESOLVED that I, Mayor Bobby Zoldos, do hereby proclaim October 23 - 31, 2014, as Red Ribbon Week in this great Town of Lovettsville and encourage all citizens, businesses, public and private agencies, media, religious and educational institutions to wear and display red ribbons and participate in drug-free activities throughout that week, joining the rest of the state in promoting the Red Ribbon Celebration and a drug-free America.

VOTE:

Ayes: Allar, Carder, Jones, Gray, McIntyre, and Senate

Nays: None

Abstentions: None

Absent: None

Approved: October 23, 2014

Robert Zoldos II, Mayor

Attest:

Harriet West, Town Clerk

**HEARING NOTICE
N OF HAMILTON**

mission and Hamilton Town Council
g in the Town Office, located at 53 East
Virginia on October 20, 2014 at 7:00
omments on two items: 1) Waiver of
r site plan HAML-2007-0002 and 2)
o Realign Fiber Optic Cable. Both items
the Town at 41 South Rogers Street,
fied in Loudoun County Land Records
///89B and Parcel Identification Number

lan for the installation of
ent owned by Sprint which was approved
ommission on September 19, 2007. The
as among the requirements for approval
s concerned that the landscaping, if
ly concern and interfere with the Town's
j utility lines at the site:

ption application for installation of
ipment that was approved by the
ugust 28, 2013. The application included
cable. The Town has since determined
posed fiber optic cable is necessary to
own's existing utility lines.

g these two items is available for review
53 East Colonial Highway, Hamilton,
0 PM, Monday through Friday, holidays

ay appear and present their views

ommission will hold a special meeting to
ately following the public hearing. The
n Town Council meeting will take place
f the Planning Commission meeting

ommission Chairman

**Notice of Public Hearing
Lovettsville Town Council**

The Lovettsville Town Council will hold a public hearing on amendments to the Town Charter at their meeting on October 23, 2014 at 7:30pm at the Lovettsville Town Hall, 6 East Pennsylvania Avenue.

The amendments are intended to update the description of the corporate limits of the town to reflect boundary line adjustments made in 1985 and 2006; update cross-references to the Code of Virginia; conform procedures for utility rate and regulation changes to current Code requirements; provide for participation to the greatest extent permitted by law by persons appointed to fill vacancies in the office of council member or mayor; clarify the mayor's authority to make appointments; clarify the term of the vice-mayor; conform the minimum council meeting schedule to that required by law; clarify that appointed town officers generally serve at the pleasure of the town council; and clarify provisions permitting dual office-holding.

The charter amendments being considered are available for review at the Town Hall between the hours of 8:30am and 4:30pm weekdays or by special appointment, holidays excepted. Call 540-822-5788 for more information or visit www.lovettsvilleva.gov. In the event the meeting is cancelled, the public hearing will be convened at the next regular scheduled meeting at the same time and place.

Notice of ABC Licence

Virginia Winery Distribution Company, trading as VWDC, 23876 Champe Ford Road, Middleburg, VA 20117.

The above establishment is applying to the VIRGINIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL for a Virginia Wine Wholesaler's license to sell or manufacture alcoholic beverages, Randy Phillips, Chairman.

NOTE: Objections to the issuance of this license must be submitted to ABC no later than 30 days from the publishing date of the first of two required newspaper legal notices. Objections should be registered at www.abc.virginia.gov or 800-552-3200.



Lovettsville Town Charter

Sec. 1.1. Incorporation.

The inhabitants of the territory comprised within the present limits of the Town of Lovettsville, as such limits are now or may hereafter be altered and established by law, shall constitute a body politic and corporate, to be known and designated as the Town of Lovettsville, Virginia, and as such shall have perpetual succession, may sue and be sued, plead and be impleaded, contract and be contracted with.

Sec. 1.2. Corporate limits.

The corporate limits or boundaries of the town are those established in Deed Book 6M at Page 406, et seq., of the land records of Loudoun County, Virginia, as extended by the annexation decree of the Circuit Court of Loudoun County, Virginia, entered on March 27, 1973, of record in the Clerk's Office of the Circuit Court for Loudoun County in Common Law Order Book 33 at Page 21, Deed Book 572 beginning at Page 545, by Final Order entered June 12, 1995, of record in the Clerk's Office in Common Law Order Book 102 at Page 0263 in At Law No. 16467 and in Deed Book 1371 at page 1964 et seq., and by Final Order entered December 22, 2006 in CL 43628, recorded among the land records of Loudoun County as Instrument Nos. 20070104-0000612 and 20070315-0019694, and the plat as 20070315-0019695, and by any orders of the Circuit Court of Loudoun County heretofore or hereafter entered.

Sec. 1.3. Corporate seal.

The town may provide for the adoption of its corporate seal, which it may alter, amend or renew at its pleasure.

Sec. 2.1. In general.

The Town of Lovettsville shall have and may exercise all the powers and privileges conferred upon it by this charter, as well as all the powers and privileges conferred upon towns by the Constitution of Virginia and all other laws of the commonwealth. All powers set forth in chapter 48 9 of title 45-4 15.2 of the Code of Virginia, as now existing or as may be added to or amended from time to time, are hereby specifically conferred upon the Town of Lovettsville.

Sec. 2.2. Eminent domain.

Generally. The powers of eminent domain which may be exercised by municipal corporations under the provisions of title ~~15.4~~ 15.2 and title ~~25~~ 25.1 of the Code of Virginia are hereby conferred upon the town.

Sec. 2.3. Acquisition of land or interest therein for exchange with public utility company.

Whenever any public utility company owns any land or any easement, right-of-way or other interest in land which the town deems necessary and intends to acquire for any public purpose, which land, easement, right-of-way or other interest in land owned by such public utility company is devoted to a public use, the town may acquire by gift, purchase or by the exercise of its power of eminent domain additional or a like easement, right-of-way or interest in land adjacent to or approximately adjacent to such land needed and proposed to be acquired by the town. The town may then convey the same to the public utility company for use by such company in lieu of the land, easement, right-of-way or other interest in land theretofore owned by it but needed by the town. The condemnation of such land, easement, right-of-way or other interest in land to be conveyed to any public utility company shall be governed by the procedures prescribed in this charter.

Sec. 2.4. Water and sewer services.

- A. *Generally.* The town shall have the power and authority to acquire, establish, maintain, operate, extend and enlarge waterworks and sewage disposal plants within or without the corporate limits of the town; and to establish and enforce reasonable rates, rules and regulations for the use of same, any or all of which rates, rules and regulations the council may alter ~~at any~~ from time to time ~~without notice.~~
- B. *Rates.* In operating public water and sewer services, the town may charge a different rate for services furnished to customers outside the corporate limits of the town from the rates charged for similar services to customers within the corporate limits.
- C. *Unpaid charges.* The town may provide by ordinance that all unpaid water and sewer service charges and interest thereon shall constitute a lien on the real estate served by the water or sewer line through which the service is provided.

Sec. 2.5. Power to incur debts and contract loans.

- A. The council, within the limits of the constitution of this commonwealth and in accordance with the provisions of general law, may, in the name of and for the use of the town, contract loans or cause to be issued certificates of debt, notes or bonds.
- B. The council shall have the power to negotiate temporary loans, in anticipation of taxes, for the purpose of paying current expenses of the town, such loans to be evidenced by bonds or notes bearing interest at a rate permitted by general law for towns, and such bonds or notes shall be payable within one year from the date of issue out of the current revenue of the year in which the same are issued. No such temporary loan shall in the aggregate exceed 75 percent of the town's income of the previous year.
- C. All bonds and other evidences of indebtedness of the town shall be signed by the mayor and countersigned by the town clerk.

Sec. 3.1. Conduct of municipal elections.

All elections shall be conducted pursuant to and in accordance with the general laws governing the holding of elections in towns.

Sec. 3.2. Council.

- A. The legislative powers of the town shall be vested in a town council, composed of six members, who shall be elected as specified herein.
- B. Council members shall be elected to four-year terms, on the date specified by general law for municipal elections, in the manner herein provided:
 - i. Three council members shall be elected in the municipal elections held in 1984, and in municipal elections held every four years thereafter.

- ii. Three council members shall be elected in the municipal elections held in 1986, and in municipal elections held every four years thereafter.
- C. The council members so elected shall qualify and take office on July 1, following their election, and shall continue to serve until their successors are duly elected, qualify and assume office.
- D. Any person qualified to vote in town elections shall be eligible for the office of councilman.
- E. Vacancies in the council shall be filled for the unexpired term by a majority vote of the remaining members of the council from among the qualified voters of the town. For the purposes of this section, no distinction shall be made between a member elected to the council and a member who has been appointed to the council except as to voting on those matters set forth in Article VII, Section 7 of the Constitution of Virginia. Upon any matter except those matters set forth in Article VII, Section 7 of the Constitution of Virginia coming before the council, the votes of all members shall be of the same dignity, whether a member has been elected or appointed.
- F. The members of the council in office at the time of the passage of this Act shall continue until the expiration of the terms for which they were elected, or until their successors are duly elected, qualify and assume office.

Sec. 3.3. Mayor.

- A. Powers and duties.
 - 1. The mayor shall be the chief executive officer of the town and shall be recognized as the head of town government for all ceremonial purposes, the purpose of military law and the service of civil process; he shall have and exercise all power and authority conferred by general law on the mayors of towns not inconsistent

with this charter; he shall authenticate by his signature such documents as the council, this charter or the laws of the commonwealth shall require; and he shall perform such other duties consistent with his office as may be imposed by the council.

2. The mayor shall preside at all meetings of the council, but shall have no vote except in case of tie; he shall have the power to veto resolutions, acts and ordinances of the council, which resolutions, acts and ordinances may be passed over such veto by a two-thirds vote of the entire council; and he shall from time to time recommend to the council such measures as he may deem necessary for the welfare of the town.
3. Except as otherwise provided herein or by law, ~~The the~~ mayor shall have the authority to appoint such officers and ~~employees as specifically authorized herein or~~ committees as are necessary for the proper administration of the affairs of the town, but shall report each appointment to the council for confirmation at the next meeting thereof following any such appointment; the mayor shall see that the duties of the various town officers are faithfully performed, and he shall have the power to suspend any such officer for misconduct in office or neglect of duty until the next regular or special meeting of the council, when the decision of the council shall be final.

- B. Election. In each even-numbered year, on the date specified by general law for municipal elections, a mayor for the Town shall be elected for a term of two years. The person so elected shall so qualify and take office on July 1, following election. Mayors shall continue to serve until their successors are duly elected, qualify and assume office.

- C. Qualifications. Any person qualified to vote in town elections shall be eligible for the office of mayor.

- D. Vacancies. A vacancy in the office of mayor shall be filled for the unexpired term by a majority vote of the members elected to the council from among the qualified voters of the town. A member of the council shall not be qualified to fill a vacancy in the office of mayor. For the purposes of this section, no distinction shall be made between a person elected as mayor and a person who has been appointed as mayor except as to voting on those matters set forth in Article VII, Section 7 of the Constitution of Virginia. Upon any matter except those matters set forth in Article VII, Section 7 of the Constitution of Virginia coming before the council, the votes of all members shall be of the same dignity, whether a member has been elected or appointed.

- E. The mayor in office at the time of the passage of this Act shall continue in office until the expiration of the term for which he was elected, or until his successor is duly elected, qualifies and assumes office.

Sec. 3.4. Vice-mayor.

- A. The council ~~may~~ shall elect from among its members a vice-mayor, who shall preside at council meetings in the absence of the mayor. Election of the vice-mayor shall be made at the organizational meeting of the Council following the regular election of mayor and council members.
- B. In the event of the disability or absence of the mayor, his place may be filled and his duties discharged by the vice-mayor.

Sec. 3.5. Meeting.

- A. All meetings of the council shall be public, unless ~~an executive~~ a closed session is called according to law. No official action shall be taken by the council while in executive closed session.

- B. The council, by ordinance, shall adopt such rules as it may deem proper for the regulation of its proceedings and the time of its meetings. It shall hold at least one such regular ~~monthly meeting~~ meetings as may be required by § 15.2-1416 of the Code of Virginia. Special meetings may be called at any time by the mayor or by three members of the council, provided all members of the council are actually notified of such meeting.
- C. A majority of the council shall constitute a quorum for the transaction of business. Each member of the council shall have one vote.

Sec. 3.6. Compensation.

Compensation for members of the council and the mayor shall be set by the council. Any increases in the compensation of the mayor or members of the council may become effective during such mayor's or council member's term of office.

Sec. 4.1. Town officers.

- A. *Town clerk.* A town clerk shall be appointed who shall be the clerk of the council and shall keep the journal of its proceedings and shall record all ordinances and resolutions in a book or books kept for that purpose. All such records shall be public records, stored and filed at the town's offices and open to inspection at any time during the town's regular office hours. The town clerk ~~may be a resident of the town and shall serve for a term coincident with that of the mayor~~ at the pleasure of the town council.
- B. *Town treasurer.* A town treasurer shall be appointed who shall receive all money belonging to the town and keep correct accounts of all receipts from all sources and of all expenditures; he shall be responsible for the collection of all license fees, taxes, levies and charges due to the town and shall disburse the funds of the town as the council may direct. The town treasurer ~~may be a resident of the town and shall serve for a term coincident with that of the mayor~~ at the pleasure of the town council.

- C. *Town manager.* A town manager, in the discretion of the mayor and council, may be appointed who shall serve as the chief administrative officer of the town. The town manager ~~need not be a resident of the town and shall serve at the pleasure of the mayor and council.~~
- D. *Other town officers.* The mayor, in his discretion and with the approval of the council, may appoint a town attorney, a town zoning administrator and such other town officers as may be deemed appropriate. Such officers ~~need not be residents of the town and shall serve at the pleasure of the mayor and council, unless the council shall provide otherwise.~~
- E. *Duties, etc.* Each officer shall have such duties as are specified by the council not inconsistent with the constitution and general laws of the commonwealth and this charter, shall execute such bonds as may be prescribed by resolution of the council, and shall receive such compensation as the council may prescribe.

Dual office holding. The same person may be appointed to more than one office; provided, however, that no person may serve both as an officer of the town and as mayor or member of the council except as otherwise provided in this charter or by general law. (Acts 2005, ch. 533, § 1)

Sec. 4.2. Boards, commissions and committees.

- A. *Planning commission.* The council shall appoint a town planning commission which shall have such powers and duties as are provided by general law.
- B. *Board of zoning appeals.* The council shall appoint the members of the board of zoning appeals for the town, which shall consist of three or five members, and prescribe their terms of office and qualifications. The board of zoning appeals shall have such powers and duties as are provided by general law.

- C. *Committees.* The council, in its discretion, may establish such committees, whether standing or ad hoc, as it may deem appropriate, to study and report to the council on those matters referred to such committees by the council. The report of any such committee shall not be binding upon the council, but shall be advisory only.
- D. *Membership.* Except as otherwise provided by law, Members members of the council and the mayor are eligible to serve as members of any town commission, committee or group; ~~provided, however, that they shall have no vote in any official matter before any such commission, committee or group; although they may participate fully in all debate and discussion.~~ Members of the council and the mayor so serving shall be entitled to participate fully as voting members of such commission, committee or group except as otherwise provided by law.
- E. *Compensation.* The council may provide for compensation to such of their boards, commissions or committees performing special work to the extent that may be reasonable and fair.

Sec. 4.3. Fiscal control.

- A. *Fiscal year.* The fiscal year of the town shall begin on July 1, and end on June 30, ~~unless and until changed by ordinance.~~
- B. *Fiscal control; authority.* The council shall have the power to control and manage the fiscal affairs of the town and to make such ordinances, orders and resolutions relating to the same as it may deem necessary. After the close of each fiscal year, the council shall cause to be made an independent audit of the accounts, books, records and financial transactions of the town either by the auditor of public accounts of the commonwealth or by an independent certified public accountant to be selected by the council. The report of such audit shall be filed within such time as the council shall specify, and one copy thereof shall always be available for public inspection in the town's offices during the town's regular business hours.

Sec. 5.1. Continuity.

- A. All ordinances now in force in the Town of Lovettsville, not inconsistent with this charter, shall remain in force until altered, amended or repealed by the council.
- B. The present officers of the town shall continue in office at the pleasure of the council, or until their successors have been duly appointed.

Sec. 5.2. Historic districts.

Notwithstanding any other provision of law, the council may establish one or more historic districts within the town for the purpose of promoting the general welfare, education and recreational pleasure of the public through the perpetuation of those general areas, individual structures or premises which have been officially designated by the council as having historical or architectural significance. The establishment of historic districts shall be by amendment of the town's zoning ordinance and consistent with the purposes, criteria and procedures set forth in § ~~15.2-503.2~~ 15.2-2306 of the Code of Virginia.

Sec. 5.3. Severability.

If any part of this Act shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect or invalidate the remainder of the Act.

Town of Lovettsville

Resolution No. 2014-10-0001: APPROVE SUBMISSION OF PROPOSED CHARTER AMENDMENTS

MOTION: Senate

SECOND: McIntyre

WHEREAS, in connection with reviewing and updating ordinances in connection with the Town's recent enactment of a Town Code, the Lovettsville Town Council determined that it was appropriate to review the Town charter and propose amendments for adoption by the General Assembly pursuant to the provisions of Va. Code section 15.2-202; and

WHEREAS, notice of a hearing at which citizens had an opportunity to be heard on the proposed amendments was given in accordance with the said statute and the public hearing was held October 23, 2014; and

WHEREAS, the Town Council has determined that amendment of the Town Charter as proposed will be in the interest of the Town and its citizens.

NOW, THEREFORE, BE IT RESOLVED that the Lovettsville Town Council hereby approves a request on behalf of the Town of Lovettsville that the General Assembly amend its existing Charter in accordance with the proposed amended Charter attached hereto.

BE IT FURTHER RESOLVED the Mayor is authorized to sign all correspondence and documents reasonably required to process this request and submit two copies of this resolution, the proposed amended Charter and append a certified copies of the minutes showing the action taken on this proposal and the publisher's affidavit showing that the public hearing was advertised, to one or more members of the General Assembly representing the Town.

VOTE:

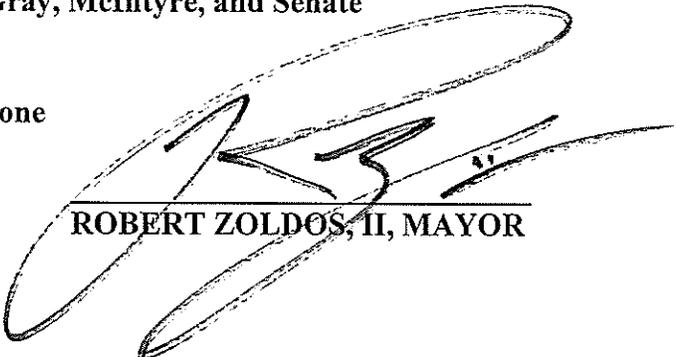
Ayes: Allar, Carder, Jones, Gray, McIntyre, and Senate

Nays: None

Abstentions: None

Absent for Vote: None

Adopted: October 23, 2014


ROBERT ZOLDOS, II, MAYOR

Certified:


CLERK TO THE COUNCIL

The German Settlement

Town of Lovettsville

VIRGINIA FREEDOM OF INFORMATION ACT Resolution: AUTHORIZE CLOSED SESSION

Date: 10-23-2014

Time: 21:00

MOTION BY: Michael Senate

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].~~

-over →

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,

Town of Lovettsville

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]~~ ^{issues regarding performance by English Construction Company of a}
~~contract for expansion of the waste water treatment plant~~
And thereafter reconvene in open session for action as appropriate.

SECOND: *McIntyre*

VOTE:

Ayes: *Allen, Candran, Gray, Jones, McIntyre, Small*

Nays:

Abstentions:

Absent for vote:

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:"

10/23, 2014 at 8:56 PM

Certified:

Hannah W. [Signature]