

Town of Lovettsville

Town Council

Minutes of Public Hearing and Regular Meeting November 18, 2010

Mayor Elaine Walker convened the regular meeting of the Lovettsville Town Council at the Lovettsville Elementary School (49 South Loudoun Street) on Thursday, November 18, 2010 at 7:30 PM.

Present at Meeting

- Mayor Elaine Walker
- Vice Mayor Robert Zoldos II
- Council Members Tiffaney Carder, Charlotte Coleman, Scott Dockum, Michael Senate
- Town Manager Keith Markel

Absent

- Council Member Shaun Staley

Special Program honoring American Education Week

Mayor Walker welcomed everyone in attendance and introduced the Council and Town Staff members. The Lovettsville Elementary School Chorus, under the direction of Sarah Stillman, performed two songs. Mayor Walker explained the American Education Week Proclamation and each Council member read a section aloud (Attachment I: Proclamation). The Mayor asked for a motion.

Motion: I move to adopt the American Education Week Proclamation as presented.

By: Vice Mayor Zoldos

Second: Council Member Dockum

Aye: Council Members Carder, Coleman, Dockum, Senate, Zoldos

Nay: None

Abstain: None

Absent: Council Member Staley

The proclamation was presented to Principal Forcino. Mayor Walker called for a brief recess.

PUBLIC HEARING

The Lovettsville Town Council Public Hearing on was called to order by Mayor Elaine Walker at 7:58 P.M. at the Lovettsville Elementary School, 49 South Loudoun Street, Lovettsville, VA 20180.

Welcomes and Introductions

Mayor Walker welcomed the citizens attending the meeting.

The Mayor introduced Vice Mayor Robert Zoldos II and Council Members Tiffaney Carder, Charlotte Coleman, Scott Dockum, and Michael Senate. The Mayor also introduced the Town Staff, including Town Manager Keith Markel.

Absent: Council Member Shaun Staley

Explanation of Procedures and Opening of the Hearing

Mayor Walker led the attendees in the Pledge of Allegiance. She then read the public notice of this Public Hearing on the proposed Lovettsville Pedestrian/Bike Path project grant application to the Virginia Department of Transportation Enhancement Program as it appeared in the *Purcellville Gazette* (Attachment II).

Presentation

Town Staff made a brief presentation on the background of this item.

Public Speakers

No member of the public had signed up to speak on this issue (Attachment III: Sign in Sheet). Mayor Walker asked if any member of the public wished to speak on this issue and no one wished to speak.

Declaration to close the Public Hearing

Mayor Walker stated that this issue would be open for comments for an additional ten days and declared this Public Hearing closed at 8:02 PM.

REGULAR MEETING

Mayor Elaine Walker reconvened the regular meeting of the Lovettsville Town Council at the Lovettsville Elementary School on Thursday, November 18, 2010 at 8:02 PM.

Community Presentations

A. Loudoun County Sheriff's Office

Loudoun County Deputy Sheriff Mertz-Myers presented her monthly report. She had no major issues to report. Town Council commented that the juveniles that ride their bikes and skateboards in Town are still posing a safety concern because of their continued playing in the street, especially late at night. Council members asked if the Town could impose a curfew that the Sheriff's office could enforce. Deputy Mertz-Myers stated that she will discuss this possibility with her department and the Town Manager. There are code provisions that need to be reviewed. She suggested that the Town consult the Leesburg Town Ordinance concerning the curfew they currently have in place.

Recess

Mayor Walker asked for a motion to recess.

Motion: To recess the Lovettsville Town Council meeting of November 18, 2010 at the Lovettsville Elementary School and immediately reconvene at the Lovettsville Town Hall.

By: Council Member Coleman

Second: Council Member Senate

Aye: Council Members Carder, Coleman, Dockum, Senate, Zoldos

Nay: None

Abstain: None

Absent: Council Member Staley

Reconvene

Mayor Walker reconvened the Lovettsville Town Council at the Lovettsville Town Hall at approximately 8:20 PM.

Present at Meeting

- Mayor Elaine Walker
- Vice Mayor Robert Zoldos II
- Council Members Tiffany Carder, Charlotte Coleman, Scott Dockum, Michael Senate
- Town Manager Keith Markel
- Town Attorney Elizabeth Whiting *{arrived at 8:35 PM}*
- Town Treasurer Lance Gladstone
- Project Manager Karin Fellers
- Town Clerk Judy L. Kromholz

Absent

- Council Member Shaun Staley

Audience

Among those present in the audience were Cliff Walker, Planning Commissioner Jack Burden, and Don Beery and Tracey Senate represented the Lovettsville Volunteer Fire and Rescue Department.

Community Presentations

A. Lovettsville Volunteer Fire and Rescue Department

President Don Beery updated the Council on the larger tanker that was provided by the County for use at the Lovettsville station and reported that their new brush truck is being prepared to go into service.

Rescue Chief Tracey Senate gave the operational report for fire and rescue. There were no questions from the Council. *{President Beery and Chief Senate left at 8:41 PM}*

B. Planning Commission

Planning Commission Vice Chairman Jack Burden reviewed the Planning Commission and Comprehensive Plan Advisory Committee activity for the prior month. There were no questions from the Council.

Comments from the Public

No member of the public had signed up to speak.

Additions/Deletions/Modifications to the Agenda

The bond reduction request for New Town Meadows Sections 2A and 2B was postponed and will be rescheduled when appropriate.

Presentations

No presentations were scheduled.

Approval of Town Council Minutes

No minutes were presented

Report from the Treasurer

A. Financial Report – September 2010

Treasurer Gladstone presented his report for September 2010. There were no questions on either the General or Utility Funds. Councilman Dockum thanked Treasurer Gladstone for getting the reports up to date.

Motion: To approve the September 2010 Treasurer's report as presented.

By: Council Member Senate

Second: Council Member Carder

Aye: Council Members Carder, Coleman, Dockum, Senate, Zoldos

Nay: None

Abstain: None

Absent: Council Member Staley

Staff Reports

A. Report from the Zoning Administrator

The Council had no questions concerning Administrator McGregor's report for October 2010.

B. Report from the Project Manager

Project Manager Fellers presented her report dated November 18, 2010. There were no questions from the Council.

C. Report from the Town Attorney

The Town Attorney had no formal report.

D. Report from the Town Manager

Manager Markel distributed his report at the meeting. The Council had no questions.

Consent Agenda

There were no items on the consent agenda.

Action/Discussion Items

A. Loudoun Wireless

Manager Markel presented this item. At the September 30, 2010 Town Council meeting, the Council granted Loudoun Wireless an additional 60 days beyond the 30 days provided for in the contract to terminate service and remove equipment from the Town's elevated water tank. This extension permitted Loudoun Wireless to remain on the tank until December 14, 2010.

Loudoun Wireless is asking for an additional 30 days to be added to the 60 day extension to allow more time to "move customers, create new systems and reduce the number of current customers that are adversely affected". If granted, the additional 30 days would permit them to keep their equipment on the tank until January 13, 2011. Loudoun Wireless has proposed paying \$1,200 for the additional 30 day extension. They are paying \$2,400 for the previously approved 60 day extension.

Motion: I move that the Lovettsville Town Council allow Loudoun Wireless an additional 30 days beyond the 30 days provided in the existing contract and the 60 day extension approved on September 30, 2010 for the discontinuance of service and full removal of equipment from the Town's elevated storage tank. With the approval of an additional 30 days, the new final date for equipment removal will be January 13, 2011.

By: Council Member Dockum

Second: Council Member Coleman

Mayor Walker called for discussion. Councilman Dockum asked if this would interfere with the Town negotiating a new contract with another vendor. Manager Markel stated that the availability analysis has not been completed; therefore negotiations are not being delayed at this time. There being no further discussion, Mayor Walker called for the vote.

Aye: Council Members Carder, Coleman, Dockum, Senate, Zoldos

Nay: None

Abstain: None

Absent: Council Member Staley

B. Community Development Block Grant (CDBG) Grant Application

Project Manager Fellers presented this item. She explained that the Town has been successful in obtaining funding from CDBG for the design of the first phase of the Broad Way Sidewalk Project from Park Place to the Community Center. That design is complete and the plans are being forwarded to VDOT for review. CDBG is now taking applications for funding for Fiscal Year 2012.

She explained that the Town has two options for funding requests for CDBG. As the Town nears the construction stage for Phase I sidewalk, it would be possible to request funding to support the construction of that sidewalk. Because of the many requests combined with limited Federal funds given to the County for distribution under the CDBG program, the typical individual grants awarded are not extremely large. The Town's last funding award was for \$80,000 which was considered one of the larger recipient amounts. Therefore, possible grant funding for construction would cover only a part of the total construction costs. Unfortunately, CDBG funds come from the Federal Government and have several "strings" attached. Use of these funds for construction would require an Environmental Assessment which could take some time and could delay the construction of the project. It will also cost additional engineering funds to complete (estimated to be \$5,000-\$10,000). The CDBG funding also requires all contractors working on the project to meet the wage rates set by the Davis Bacon Act. These wages can be substantial and might increase the total cost of the project. Until the project is bid, it is unclear exactly how much the cost increase for the project would be. Leesburg has stated that they do not believe the Davis Bacon Act requirement has changed their bid prices much but says it does add more paperwork requirements which cause complaints from the contractor.

The use of CDBG funds for the design work of a project is much more straight forward. As Town Council has expressed interest in moving forward with the other segment of Broad Way between Park Place and Church Street (connecting Lake View Village Townhomes with the Post Office, current and future commercial development and the County Library), another option for the Town would be to request CDBG funding to complete the engineering for this Phase II segment. It is unclear how CDBG decision makers will view the Town's request for more funding for design when the first segment designed with their funds has not yet been constructed but the Town can certainly show that the project is moving forward. If funding is not granted this year, perhaps having applied this year will improve the Town's chance for next year.

The resolution is a required element of the funding application. Resolutions for both possible funding requests are included for Town Council's consideration.

Manager Markel noted that the Town would be pushing the time limits for being able to construct improvements if the decision of the Council is to apply for construction funding rather than design funding for Phase II. Councilwoman Coleman asked if doing the Phase II design would be an advantage in

minimizing costs, especially utility placement costs, during construction of both phases. Project Manager Fellers and Councilman Senate agreed that that this could present an advantage.

Motion: I move that Town Council direct staff to apply to CDBG for funding to complete Phase II Broad Way Sidewalk Design from Park Place to Church Street and approve Resolution 2010-11-01 (Endorsing the application for Community Development Block Grant funds to assist in Phase II sidewalk improvements along East Broad Way between Park Place and North Church Street for Access to the Lovettsville Library, Post Office, and Current and Future Commercial Areas etc.) to be included in the Application for CDBG funding for the Broad Way Sidewalk Project.

By: Vice Mayor Zoldos

Second: Council Member Senate

Mayor Walker called for additional discussion. The Council directed staff to include the costs of engineering from in front of the old post office to the Town Square. While this portion of the sidewalk would not qualify under the middle/low income requirements of CDBG, it would underscore the Town's commitment to completing this project. There being no further discussion, Mayor Walker called for the vote.

Aye: Council Members Carder, Coleman, Dockum, Senate, Zoldos

Nay: None

Abstain: None

Absent: Council Member Staley

C. VDOT Safety-Lu Grant Application

Manager Markel presented this item. He explained that as the Bike Path design moves forward, the Town is applying for additional funds needed to complete Phase II of the Bike Path construction. Based on initial cost estimates, it appears that the already awarded funding will provide for an initial Phase of construction. The intention of this application is to request the additional funds estimated to be necessary to complete an additional Phase of construction. Staff is awaiting information from VDOT and their engineers as to what that amount might be and for what portion of the trail it is expected to complete. It is not necessary to know the amount that the Town will be requesting in the application in order to adopt the resolution. He explained that as part of the application process, it is necessary for the governing body of the requesting community to pass a resolution. This resolution has specific elements required by VDOT where the Town recognizes the Bike Path project, agrees to pay a minimum of 20 percent of the total cost, agrees to enter into an amended agreement for VDOT to administer the project and agrees to reimburse any funds VDOT provides if the Town cancels the project at some point in the future after funds are received by the locality.

Motion: I move that the Town Council adopt a resolution to accompany the Enhancement Funding Application for Phase II of the Berlin Pike Pedestrian and Bicycle Path Attachment V

By: Council Member Dockum

Second: Council Member Carder

Aye: Council Members Carder, Coleman, Dockum, Senate, Zoldos

Nay: None

Abstain: None

Absent: Council Member Staley

D. PHRA Scope for East Broad Way Project

Project Manager Fellers presented this item. Council is being asked to approve a Scope of Services to provide engineering services for the Phase I Broad Way Sidewalk Design during permitting and construction and provide direction on possible water line replacement and underground placement of some of the utilities. The Town was successful in obtaining Community Development Block Grant funds (\$80,000 plus Town match of \$20,000) to design sidewalk along East Broad Way between Park Place and the Lovettsville Community Center (Phase I of the Broad Way Sidewalk Project). The Town hired PHR+A to complete the design and at this time, the design is poised to be sent to VDOT review and PHR+A's original scope of services has been completed. As the original scope only took the project through design, it is necessary to develop a new scope to include bringing the project through the permitting and construction stages.

Since the beginning of the project, it has always been a desire of the Town to eliminate the overhead utilities on Broad Way. Unfortunately, cost estimates developed during the Streetscape Master Plan

development were so high that expectations of being able to bury everything were lost. During the design of Broad Way, staff continued to express an interest in at least burying the service lines crossing the streets to the homes or placing conduits for future underground activities later. The engineer has developed a scope of services to provide the permitting and construction support necessary to bring the Phase I Sidewalk project to completion. Their draft scope of services includes the following main areas:

1. Develops the ROW Acquisition and Easement Plats
2. Provides design for water line replacement
3. Provides Support for plan review and permitting
4. Develops bid documents and supports the bidding process.
5. Provides Construction Administration support.

PHR+A has identified that the water line is currently underneath Broad Way and is recommending replacement of the line and the laterals as part of this construction project. A memo providing their reasons for this recommendation will be distributed at the meeting. They have indicated that the design work needed to add the water line replacement activities to the plans will take 2-3 weeks of work and therefore will not greatly delay the submission of the plans to VDOT if they receive go ahead from Town Council soon. Many of the items listed above have estimated costs as Not to Exceed. The Town will be billed only the hours needed but will not be billed for additional hours beyond the identified Not to Exceed costs provided in the scope. The total Not to Exceed cost for this support is \$131,100 plus reimbursables estimated at \$5,000. It should be noted that this cost does not include on-site inspection support or the cost for testing. This additional cost will be substantial but is critical to ensuring the success of the project. For budget purposes the testing cost is estimated at a range of \$45,000 - \$55,000. The inspections will be very dependent on the length of the construction phase and will be determined once construction times are determined. In addition to the services provided by PHR+A, there is also the possible need for utility relocation support as well as appraisal and negotiation support for acquisition of ROW and easements. These activities can be provided by specialty consultants and will be discussed separately. During the design process, it was identified that all the Verizon poles on the North side of the street were going to require relocation. As the poles are within the ROW, there is a good possibility that the cost to relocate them may be the responsibility of Verizon; however additional research is needed to verify this. If the Town were to choose to underground the utilities, there may be an opportunity for the Town to ask Verizon to apply the cost of relocating the poles above ground towards the underground cost, thus decreasing the overall cost to underground the utilities. Staff saw this as a possible opportunity for the Town to underground at least some of the utilities without "breaking the bank". A specialty consultant will be necessary to help the Town evaluate this possibility, develop cost estimates and determine the responsibility of the utility companies and is part of the utility relocation support that will be discussed with Town Council separately.

Motion: I move that the Town Council approve the Scope of Services titled *Permitting and Construction Services for Phase I Broad Way Sidewalk* and dated 11/1/10 revised 11/16/10 not to exceed \$131,100 plus an estimated \$5,000 for reimbursables and a contingency of \$15,000 and authorize the Mayor or Town Manager to sign the appropriate paperwork once in a form acceptable to the Town Attorney.

By: Council Member Senate

Second: Council Member Carder

There being no further discussion, Mayor Walker called for the vote.

Aye: Council Members Carder, Coleman, Dockum, Senate, Zoldos

Nay: None

Abstain: None

Absent: Council Member Staley

Information Items

No information items were presented.

Comments from the Mayor and Town Council

Councilman Dockum reported that the post-event Oktoberfest meeting went well and that Lovettsville Pizza and Subs and Andy's Restaurant both reported record receipts during the event.

Councilman Senate reported that the new tanker at The Lovettsville Fire and Rescue Department will be dropping water on a daily, weekly and monthly maintenance schedule. He noted that refilling might require coordination with the Town. President Beery stated that the water could be dumped into the

dump tank and then reuse as much of that water as possible to refill the truck. Manager Markel suggested giving them a meter for the hydrant when they refill.

Councilwoman Coleman thanked everyone who attended the Veterans Day ceremonies.

Mayor Walker reported on the following:

- The Board of Zoning Appeals held their annual meeting. She thanked Attorney Whiting for attending.
- Loudoun Places met at the old Waterford School.
- Along with Manager Markel and Supervisor Kurtz, she met with representatives from Congressman Wolf's office concerning the PATH project.
- She attended the Open House held by Dominion Power concerning the rebuild of the existing power line north of Town.
- She reported that the Veterans Day program was well attended and thanked Councilwoman Coleman for providing the flags and poppies that were handed out to the attendees.
- She attended the Excellence in Education banquet.
- She invited everyone to attend the Community Inter-denominational Thanksgiving service at the Lovettsville Fire Station on Tuesday, November 23rd at 7:00 PM.

Manager Markel reminded the Mayor and Council that the December meetings will be on the 9th and the 16th.

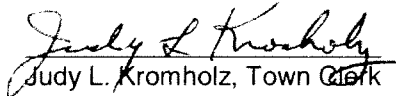
Adjournment

The Council went into closed session at 10:17 PM (Attachment VI: Closed Session Motions).

The Council came out of closed session at 11:34 PM and the Mayor read the certification that only lawfully exempted topics were discussed during the closed session. All council members certified this to be true.

The meeting adjourned at 11:36 PM.

Respectfully submitted,


Judy L. Kromholz, Town Clerk

Date Approved: February 10, 2011

Attachments:

- I. Proclamation – American Education Week
- II. *Purcellville Gazette* Advertisement of Public Hearing
- III. Speaker Sign in Sheet
- IV. Resolution 2010-11-01: Endorsing the application for Community Development Block Grant funds to assist in Phase II sidewalk improvements along East Broad Way between Park Place and North Church Street for Access to the Lovettsville Library, Post Office, and Current and Future Commercial Areas etc.
- V. VDOT Resolution for Bike Path
- VI. Closed session resolutions

Town of Lovettsville

RESOLUTION AMERICAN EDUCATION WEEK NOVEMBER 15-19, 2010

WHEREAS, during the week of November 15-19, 2010, citizens throughout the United States are celebrating the observance of American Education Week in appreciation of the important contributions of America's public and private educational systems to the strength of our Communities and our Nation; and

WHEREAS, speaking in behalf of the citizens of the Town of Lovettsville, the Mayor and Members of the Town Council are especially proud of our own Lovettsville Elementary School, the Students, the Principal, Teachers and Staff, and are pleased with the exceptional relationship between our School and our Town; and

WHEREAS, every citizen of Loudoun County can be justifiably proud of the outstanding accomplishments of the students in Loudoun County Public Schools whose average achievement test scores consistently rank high among the 133 School Divisions of the Commonwealth of Virginia; and

WHEREAS, the quality of instructional programs and services in the seventy-nine public schools in Loudoun County that serve over 63,000 students in Kindergarten through High School, and enhances not only the growth and potential of the individual student, but also helps to ensure the strength and viability of the Loudoun Community as a whole; and

WHEREAS, informed community support for all of Loudoun's educational programs is essential to continue to provide Loudoun students with the best education possible, which will enable these students to lead productive and useful lives as contributing citizens of this Town, this County, this Nation, and the World.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Members of the Town Council of the Town of Lovettsville encourage all Loudoun citizens to visit their schools during American Education Week, and at other times throughout the school year, to see for themselves the superior quality of teaching and learning in the fastest growing public school district in the Commonwealth of Virginia.

Adopted this 18th day of November 2010.

ELAINE WALKER, MAYOR

The German Settlement



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Public Hearing/Legal Notices

INVITATION FOR BID Purcellville Town Hall Renovations

The Town of Purcellville is requesting bids from Contractors interested in providing general construction renovation services for the Purcellville Town Hall located at 221 South Nursery Avenue, Purcellville, VA 20132. The project includes, but is not limited to site work, interior renovation, exterior renovations and an elevation. Download the Invitation for Bid (IFB) at the website <http://www.purcellvilleva.gov>, or contact Capital Projects & Engineering Manager at contracts@purcellvilleva.gov or 540-751-2327. Bids will be accepted until November 19, 2010 at 2:00 PM, at the Town of Purcellville offices located at 130 East Main Street, Purcellville, Virginia 20132.

A mandatory pre-bid conference will be held on November 2, 2010 at 10:00 AM and on November 12, 2010 at 10:00 am in the Town of Purcellville offices located at 130 East Main Street, Purcellville, Virginia 20132. Attendance is only one of the mandatory pre-bid conference is required.

Contractors may receive one set of Contract Documents at no charge at the Town Hall. All others may obtain Contract Documents from Purcellville Copy located at 125 First Road, Suite 3-A, Purcellville, VA 20132, 540-338-7527, at actual printing cost. Business Hours for Purcellville Copy are: Monday through Friday from 8:30AM to 5:30PM.

Advertisement 4

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Administered by Loudoun County Area Agency on Aging, Loudoun County Department of Parks, Recreation & Community Services



On or Off the W&OD

Lost in the Sahara
By Mike Moye

The Marathon Des Sables is one of the most challenging footraces on earth with the 26th edition of the race scheduled for April 1, 2011. The date is not without irony. Many think those who compete in such an extreme event are foolish. Still, more than 1,000 adventurers have competed in the race since its origin in 1986, 30% of them repeat competitors.

The race distance is 515 miles (243 kilometers) and is run over 6 days. Competitors are required to be self-sufficient for each leg of the race, carrying everything they may need (food, clothes, sleeping bag, medical kit) on their back. Water is rationed at the various checkpoints and all are warned never to leave a checkpoint without their ration. During the day, temperatures can reach 120 degrees and then fall below freezing at night. Each runner is given an electronic transponder which will be used to log accurate checkpoint arrival times, but more importantly can be used to

locate someone who doesn't show up at a checkpoint. It wasn't always so.

In 1994, a 39 year old Italian policeman by the name of Mauro Prospeni was one of 137 entrants who aspired to finish the grueling course over the sands of the Sahara. He was having a good race, and on the fourth and longest leg of the race (50 miles) he had secured seventh place. The temperature, though, had climbed to about 115 degrees and began whipping up a sandstorm as the superheated surface air rose and surrounding air moved in to replace it.

Prospeni, soldered on, unaware that officials had suspended that day's run, but he soon found that he could no longer battle against the swirling sand that was cutting into his skin and making his breathing almost impossible. He found a bush, wrapped a towel around his face and hunkered down. He had to move several times, otherwise he would be buried by the sand as it began to pile around him. He spent the night this way. The storm finally broke in the morning.

With just sand for as far as he could see in any direction, Prospeni had no idea which way to turn, and, of course, he had no electronic transponder to guide any rescue that might be raised to find him. The marauder instructed competitors to stay put if they became lost and wait to be found, so he waited.

A helicopter appeared. He waved frantically, but it went on without noticing. He waited some more, but at the dawn of the second day he decided he had to find a way out of the burning sun or he would die. He was no longer competing. He was surviving.

"All I could think about was that I was going to die," he later told an interviewer. "I once heard that dying of thirst was the worst possible fate. One of the first things Prospeni did was to urinate in his canteen. He knew that the first urination would be the cheapest, the most drinkable. In survival mode, a person cannot afford to be fastidious. Over the course of the next three days, he sipped sparingly and wandered aimlessly, rapidly becoming dehydrated."

Notice of Public Hearing Town of Lovettsville - VDOT Safety-Lua Grant Application

The Lovettsville Town Council will hold a Public Hearing on Thursday, November 18, 2010 at 8:00 PM at the Lovettsville Elementary School, 49 South Loudoun Street, to receive comment on the proposed Lovettsville Pedestrian/Bike Path project grant application to the Virginia Department of Transportation Enhancement Program. Information on the Pedestrian/Bike Path and the grant application may be reviewed in the Town Office, Monday through Friday, 9:00 AM to 3:00 PM, holidays excepted and by special appointment. For more information please call the Town Hall at (540) 823-5788 or visit www.lovettsvilleva.gov.

Town of Lovettsville

RESOLUTION 2010-11-01: Endorsing the application for Community Development Block Grant funds to assist in Phase II sidewalk improvements along East Broad Way between Park Place and North Church Street for Access to the Lovettsville Library, Post Office, and Current and Future Commercial Areas etc.

MOTION: Zoldos

SECOND: Senate

WHEREAS, pedestrian safety and accessibility are important objectives for the Town of Lovettsville; and

WHEREAS, the Town of Lovettsville has developed a Streetscape Master Plan for the Town, including the East Broad Way corridor; and

WHEREAS, the Town is eligible for a Community Development Block Grant that could be used to fund sidewalk improvements between Park Place and North Church Street in order to gain access to the Lovettsville Library, Bank, Post Office and current and future Commercial areas; and

WHEREAS, the Mayor and Town Council are committed to providing pedestrian improvements along Broad Way to increase the safety and accessibility for all of their citizens; and

WHEREAS, the Lovettsville Library is a valuable community partner that provides quality educational activities as well as offering books, music, movies and more for all community residents, and should be safely accessible to all members of the community.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Town Council of the Town of Lovettsville as follows:

1. The Mayor and Town Council endorses this application for the Community Development Block Grant to assist in the funding of Phase II sidewalk design and engineering along East Broad Way to connect the Lovettsville Library, Post Office, etc. with the Lake View Village neighborhood along Park Place.
2. The Mayor and Town Manager are authorized to execute any and all of the documents associated with the grant.
3. The Town of Lovettsville agrees to meet the necessary 10 percent funding participation as required by the Community Development Block Grant program.

VOTE:

Ayes: Carder, Coleman, Dockum, Senate, Zoldos


Nays: None

Abstentions: None

Absent for vote: Staley

Approved November 18, 2010


Elaine Walker, Mayor

Certified: 
Judy L. Kromholz, Clerk

The German Settlement

Town of Lovettsville

RESOLUTION

WHEREAS, in accordance with Commonwealth Transportation Board Construction allocation procedures, it is necessary that a request by resolution be received from the local government or state agency in order that the Virginia Department of Transportation Program establish an enhancement project in the Town of Lovettsville.

WHEREAS, the Town of Lovettsville has entered into an agreement with the Virginia Department of Transportation whereby the Virginia Department of Transportation will provide oversight that ensures the project is developed in accordance with all state and federal requirements for design right of way acquisition, and construction of a federally funded transportation project.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Lovettsville requests the Commonwealth Transportation Board establish a project for the improvement of Lovettsville Pedestrian/Bike Path.


BE IT FURTHER RESOLVED, that the Town of Lovettsville hereby agrees to provide a minimum 20 percent of the total cost for planning and design, right of way, and construction of the project.

BE IT FURTHER RESOLVED, that the Town of Lovettsville agrees to enter into an amended agreement with the Virginia Department of Transportation whereby the Virginia Department of Transportation will provide oversight that ensures the project is developed in accordance with all state and federal requirements for design right of way acquisition, and construction of a federally funded transportation project.

BE IT FURTHER RESOLVED, that if the Town of Lovettsville subsequently elects to cancel this project, the Town of Lovettsville hereby agrees to reimburse the Virginia Department of Transportation (Department) for the total amount of costs expended by the Department through the date the Department is notified of such cancellation. The Town of Lovettsville also agrees to repay any funds previously reimbursed that are later deemed ineligible by the Federal Highway Administration.

Adopted this 18th day of November, 2010

By: 
Elaine Walker, Mayor

Attest: 
Judy L. Kromholz, Town Clerk

The German Settlement

Town of Lovettsville

VIRGINIA FREEDOM OF INFORMATION ACT Resolution: AUTHORIZE CLOSED SESSION

Date: 11/18/2010

Time: 10:

MOTION BY: Bob Zoller

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 ^{East Broad Way Project and particular public officers or employees} ~~[person, issue or property subject of discussion]~~

And thereafter reconvene in open session for action as appropriate.

SECOND: C. Coleman

VOTE:

Ayes: B. Zeldes, S. Dechen, T. Carter, M. Senter, C. Coleman
Nays: none
Abstentions: none
Absent for vote: S. Staley

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:"

November 18, 2010

Certified:

S. Dechen
Mayor