

Town of Lovettsville

Town Council

Minutes of Public Hearing and Regular Meeting October 27, 2011

SPECIAL MEETING – CLOSED SESSION

Mayor Elaine Walker called the special meeting of the Lovettsville Town Council to order at 6:36 PM on Thursday, October 27, 2011.

Present at Meeting

- Mayor Elaine Walker
- Council Members Tiffany Carder, Charlotte Coleman, Tim Sparbanie, Michael Senate
- Council Member Shaun Staley arrived at 6:45 PM
- Town Manager Keith Markel
- Dr. Sam Adamo, Loudoun County School Staff
- Jennifer Bergel, Loudoun County School Board Member Catoclin District

Absent

- Vice Mayor Robert Zoldos II
- Town Clerk Judy L. Kromholz

Motion: I move the Town Council go into Closed Session.
By: Council Member Coleman
Second: Council Member Senate
Aye: Council Members Carder, Coleman, Senate, Sparbanie
Nay: None
Abstain: None
Absent: Council Members Staley, Zoldos

The group came out of closed session at 7:32 PM.

All council members certified that only public business matters lawfully exempt for the open meeting requirements under the Virginia Freedom of Information Act were discussed (Attachment I)

Let the record reflect that no vote was taken following the Closed Session.

PUBLIC HEARING

The Lovettsville Town Council Public Hearing on the VDOT Safety-Lu Grant for the proposed Lovettsville Pedestrian/Bike Path was called to order by Mayor Elaine Walker at 7:35 PM at the Lovettsville Town Hall, 6 East Pennsylvania Avenue, Lovettsville, VA 20180.

Explanation of Procedures and Opening of the Hearing

Mayor Walker read the public notice of this Public Hearing as it appeared in the *Purcellville Gazette* as shown in Attachment II.

Public Speakers (Attachment III: Speaker Sign in Sheet)

There was no public comment.

Declaration to close the Public Hearing

Mayor Walker declared this Public Hearing closed at 7:44 PM.

REGULAR MEETING

Mayor Elaine Walker called the regular meeting of the Lovettsville Town Council to order at 7:45 PM on Thursday, October 27, 2011.

Present at Meeting

- Mayor Elaine Walker
- Council Members Tiffaney Carder, Charlotte Coleman, Tim Sparbanie, Shaun Staley, Michael Senate
- Town Manager Keith Markel
- Town Attorney Liz Whiting
- Zoning Administrator Steve McGregor
- Town Treasurer Lance Gladstone

Absent

- Vice Mayor Robert Zoldos II
- Town Clerk Judy L. Kromholz

Call to Order/Welcome/Pledge of Allegiance/Invocation

Mayor Walker led the assembled in the Pledge of Allegiance.

Presentation to the Young Marines

Mayor Walker recognized Carl Christensen and presented him with the Young Marine Proclamation adopted by the Council which recognized the Young Marines and Red Ribbon Week (Attachment IV: Proclamation for the Young Marines).

Comments from the Public

There were no comments at this time.

Community Presentations

A. Lovettsville Planning Commission

Planning Commission Vice Chairman Jack Burden provided an update to the Town Council on the Planning Commission's activities that included approving the Town Center Section 4 Construction Plans, Town Center Section 3 Record Plat, and the change of use at 4A South Church Street to allow a Montessori school. Vice Chairman Burden stated that he has been concerned for some time about commercially zoned sites in residential districts; noting that in a number of cases applicants have withdrawn because of the buffering requirements.

B. Economic Development Advisory Committee

Councilman Staley announced that the first meeting of the EDAC will be on November 3, 2011.

C. Loudoun County Sheriff's Office

Loudoun County Deputy Sheriff Wacker provided an update on activities in Town. He emphasized that his statistics covers the Lovettsville zip code, not just the Town. He reported that in the last few weeks there has been one burglary and zero crimes against persons. Patrols have increased in the area. He has been working on resolving the problems at the Library and on refining the County policy on actions to be taken at County Libraries. He has been informed by his chain of command that the Sheriff's Office was informed by the County Attorney that it cannot enforce a Town ordinance on curfew. There are ongoing discussions on this issue. Manager Markel and Attorney Whiting are working on preparing an omnibus adoption of County Ordinances in this area by the Town.

Additions/Deletions/Modifications to the Agenda

Councilman Staley added the appointment of EDAC members to the agenda.

Approval of Town Council Minutes

A. Town Council Regular Meeting - July 14, 2011

Councilman Staley asked that these minutes be tabled because he had not yet been able to review the tape.

Report from the Treasurer

A. Treasurers Report – August 2011

Treasurer Gladstone presented his report for August 2011. Councilman Sparbanie asked about transfer from the money market funds and Treasurer Gladstone and Manager Markel explained how the money market account yields slightly more interest and is used to hold funds received in 'high income' periods

such as when real estate taxes are paid and then accessed in low income months. Councilman Sparbanie asked about the payment to Augustine Plumbing to relocate water meters from basements to front yards. Councilman Sparbanie stated that a resident on Oakfield Drive had a leak that he believed was related to the meter removal. The resident stated that Augustine Plumbing was not able to come out to make the repair so the homeowner called another plumber. Manager Markel stated that he would look into the issue.

Motion: To approve the August 2011 Treasurer's report as presented.
By: Council Member Sparbanie
Second: Council Member Senate
Aye: Council Members Carder, Coleman, Senate, Sparbanie, Staley
Nay: None
Abstain: None
Absent: Vice Mayor Zoldos

Staff Reports

A. Report from the Project Manager

Manager Markel reported that the construction of the Veterans Memorial was on schedule, despite weather problems.

B. Report from the Town Attorney

The Town Attorney had no formal report.

C. Report from the Town Manager

Manager Markel distributed a draft letter concerning support for Lovettsville Park Development. Councilman Sparbanie asked if it would be appropriate to include a request for County funding of the bike path and Mayor Walker explained that the County is already supporting that project through their allocation of the Gas Tax Funds. Manager Markel noted that the letter is being prepared in response to the County's scheduling of capital funds for enhancing County owned properties.

Manager Markel reported that the Town truck should be delivered next week.

Action/Discussion Items

A. Bike Path Resolution

Manager Markel presented this item. Council is being asked to adopt a Resolution that is required as part of the VDOT Enhancement Funding Application. He explained that as the Bike Path design moves forward, the Town is applying for additional funds needed to complete Phase 1 of the Bike Path (Path) construction. The Town received \$220,000 in Enhancement grant initially for the project and has used \$13,067 of the Loudoun County Gas Tax money and has provided \$55,000 in matching funds for the original enhancement grant. The Town then requested and was awarded an additional \$542,000 in funds through the 2011-2012 funding process. The Town will use another \$135,500 from the LC Gas Tax as the matching funds. At that time, the estimates from VDOT indicated that with this additional funding, the Town would have sufficient funding to complete Phase 1 construction (from the southern end of Town connecting to the Retirement Village proposed path to just before the Town Square). Unfortunately, since that application, VDOT came in and spoke with Town Council identifying that the drainage management requirements of the path were more complicated than anticipated and had increased the cost for the project to a cost that was not considered feasible. VDOT has conducted three redesigns since that time and has identified the most cost effective path design. This design involves the installation of curb and gutter and underground storm drainage for the path. The design also includes waivers to reduce the path width to 8 feet and the buffer width to 4 feet. These changes reduced the foot print for the path thus reducing the requirement for utility relocation and easements/right-of-way to a much lower level. VDOT has now indicated that the project is financially feasible

The Town currently has \$965,567 already promised for Phase 1 of the Bike Path. To complete Phase 1, an additional \$533,500 in funds is required. VDOT has suggested that the Town request the additional enhancement funds necessary to complete Phase 1. Thus, the 2011 request for Enhancement funds for the Bike Path will be \$426,800 with a match of \$106,700 from the LC Gas Tax. This leaves approximately \$26,000 from the Gas Tax money which can be the start of funding for Phase 2. For any Phase, all funding to complete construction of that phase is necessary before the project can move forward with the

Right-of-Way/Easement Acquisition so this project will not be able to move forward until the total of \$1,500,000 in needed funds are obtained.

Manager Markel explained that, as part of the application process, it is necessary for the 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 paid. Staff has drafted the Resolution based on a sample provided by VDOT that includes all necessary elements and has been reviewed by VDOT and identified as being satisfactory.

Motion: I move that the Town Council adopt Resolution 2010-10-002: The Town of Lovettsville Requests the Commonwealth Transportation Board establish a project for the improvement of the Lovettsville Pedestrian/Bike Path to accompany the Enhancement Funding Application for Phase 1 of the Bike Path requesting an additional \$426,800 in Enhancement funds (Attachment IV).

By: Council Member Council Member Senate

Second: Council Member Council Member Coleman

Aye: Council Members Carder, Coleman, Senate, Sparbanie, Staley

Nay: None

Abstain: None

Absent: Vice Mayor Zoldos

B. Planning Commission Work Plan

Administrator McGregor presented this item. Staff requests that a work program be endorsed by the Council to help set the Staff and Planning Commission work agenda for 2011-2013.

The Town Council directed staff to establish a draft work program based on the priorities set by the Council at the September 29, 2011 meeting. The Council concluded that many policies could be bundled into the following general categories:

1. Update zoning regulations and planning policies to facilitate a mixture of commercial, office and residential uses in portions of the old downtown.
2. Promote implementation of economic development policies.
3. Develop a more comprehensive and detailed transportation plan.
4. Promote recycling and environmental awareness.

Administrator McGregor discussed the elements of each category and the resources which would be required. He explained that these categories will each reflect multiple policies addressed in the Comprehensive Plan.

Manager Markel explained that the staff resource that will be devoted to these projects will primarily be the new planner/ Zoning Administrator. Councilman Sparbanie suggested that Council direct the Planning Commission to focus on the first three categories, with minimal staff involvement in the fourth category. Councilman Staley agreed that the fourth category should be a lower priority in terms of allocating resources and could have a longer timeline. However, he also noted that the fourth category will not require a great deal of on-going staff resources. Councilman Senate noted that the first three categories overlap and he believes the commission and staff are capable of multitasking and dealing with interrelated issues. Councilwoman Carder agreed that there is a great deal of overlap and noted that the commission will need to move back and forth as required. She asked if assigning task forces would save on staff time and Administrator McGregor explored how that might work. Councilman Staley stated that he did not originally grasp the inter-related effort involved and now sees how progress will be made in all areas while focusing on the first category. Councilman Senate explained that while focus is on the first category, it will require efforts on categories two and three. There being no further discussion, Mayor Walker called for a motion.

Motion: I move that the Planning Commission use the recommendations in the Comprehensive Plan Implementation memo to guide their work plan as modified at this meeting.

By: Council Member Senate

Second: Council Member Carder

Aye: Council Members Carder, Coleman, Senate, Sparbanie, Staley
Nay: None
Abstain: None
Absent: Vice Mayor Zoldos

C. Vehicle Decal Late Fees

Manager Markel presented this item. Council is being asked to consider modifying the Town Ordinance as it relates to the late penalty for vehicle decal purchases to allow for easier implementation. At the Town Council meeting of August 25, 2011, the Town Council directed staff to develop a modified penalty fine structure for delinquent vehicle decal license. The implementation of this fee and penalty structure is difficult, as many times residents pay with cash. For example, once the base decal charge includes a 10 percent penalty and a monthly proration of interest, the late decal purchased in December is \$27.97. Because the Town Hall does not operate a daily cash register, making change can be a time consuming or impossible task. This means residents have to the bank to get exact change or go home and get a check as the Town does not currently except debit or credit cards.

The FY 2012 adopted Schedule of Fees set the price for a vehicle decal at \$25.00 and a motorcycle decal at \$16.00. Instead of the current late penalty fee structure, which is inefficient to enforce, a new streamlined penalty of adding \$1.00 for each delinquent month is being recommended.

New decals go on sale by September 15, 2012. Those who have failed to purchase decals for the previous year will be required to purchase the old decal at the penalized rate before they can purchase a new decal for the current year. The current Ordinance was last modified on August 23, 2001. At the Council meeting on September 15, 2011 the Town Council reviewed the proposed text and requested that some wording be modified to provide greater clarity and understanding of the Town's intent.

Attorney Whiting said that the changes she had requested had been made.

Motion: I move that the Town Council adopt Ordinance 2011-10-003: Amend Section 4 Of The Motor Vehicle Decal Ordinance To Revise Substitute One Dollar Per Month Flat Penalty For Nonpayment with an effective date of November 16, 2011.
By: Council Member Sparbanie
Second: Council Member Coleman
Aye: Council Members Carder, Coleman, Senate, Sparbanie, Staley
Nay: None
Abstain: None
Absent: Vice Mayor Zoldos

D. Appointment of Economic Development Advisory Committee Members

Motion: I move that the following appointments be made to the EDAC:

- Matt Archer to a term of two years ending June 30, 2013
- John Broman to a term of two years ending June 30, 2013
- Joseph Neiberger to a term of one year ending June 30, 2012

with all terms beginning immediately.
By: Council Member Carder
Second: Council Member Senate
Aye: Council Members Carder, Coleman, Senate, Sparbanie
Nay: None
Abstain: Council Member Staley
Absent: Vice Mayor Zoldos

Councilman Staley stated that he abstained because he is Chairman of the committee. Councilman Sparbanie confirmed with Councilwoman Carder that the reason Mr. Neiberger was appointed to a one-year term was to begin creating staggered terms for members of the committee.

Information Items

Manager Markel reported that Town Hall is a Lions Club food collection point for the Lovettsville Food Bank.

Comments from the Mayor and Town Council

Councilwoman Carder stated that she is still researching Facebook policies. She announced the upcoming Christkindlemarket to be held at the Lovettsville Game Protective Association, sponsored by the Loudoun German Society on December 3rd and 4th.

Councilman Staley thanked the Mayor and Council for their support of the EDAC.

Councilman Sparbanie thanked the Lovettsville Business Association for hosting the Candidates Forum. He reminded those present that November 8th is Election Day. He stated that Councilwoman Coleman had informed him that the Loudoun Street Min-Mart has a new owner, Mike Jamiel, and he would like to welcome him to Town.

Mayor Walker reported on the following:

1. She attended the LBA Candidates Forum and noted that it would have been nice if the organizers had invited all of the candidates (including the School Board's Catocin Representative and Chairman at Large) for all of the positions Lovettsville residents will be voting on.
2. She attended the three year anniversary celebration for the OB/GYN Free Clinic at Inova-Loudoun.
3. Utility pole relocation was discussed at a meeting with Dominion Power today. She explained how complex the process of pole re-location is.
4. She is excited about the three appointments to the EDAC and is looking forward to the committee's progress.
5. Brunswick will hold their Veterans Parade on the Sunday before Veterans Day.
6. She encouraged everyone to remember to vote on November 8th.
7. Councilwoman Coleman will be joining her for evening office hours on November 9th.
8. The date for the next Mayor and Council retreat needs to be set.
9. The date for an additional closed session for a school meeting needs to be set.
10. She discussed the plans for the dedication ceremony for the Veterans Memorial.

Comments from the Public

Mr. John Pek suggested that the engine break noise problem might be something the Zoning Administrator could research as part of the transportation section of the Planning Commission Work Plan. Mayor Walker stated that the Town does have that ordinance, but it is extremely difficult to enforce.

Adjournment

The meeting was adjourned at 9:50 PM.

Respectfully submitted,


Judy L. Kromholz, Town Clerk

Date Approved: January 26, 2012

Attachments:

- I. Closed Session Motion
- II. Public Hearing Notice from *Purcellville Gazette*
- III. Speaker Signup sheet
- IV. Resolution 2010-10-002: The Town of Lovettsville Requests the Commonwealth Transportation Board establish a project for the improvement of the Lovettsville Pedestrian/Bike Path
- V. Ordinance 2011-10-003: Amend Section 4 Of The Motor Vehicle Decal Ordinance To Revise Substitute One Dollar Per Month Flat Penalty For Nonpayment

Written Submissions to Council: None

Town of Lovettsville

VIRGINIA FREEDOM OF INFORMATION ACT Resolution: AUTHORIZE CLOSED SESSION

Date: 10/27/11
Time: 6:38pm

MOTION BY: CHARLOTTE COLEMAN

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,

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]

And thereafter reconvene in open session for action as appropriate.

SECOND: SENATE

VOTE:

Ayes: CARDEZ, COLEMAN, SENATE, SPARBANIE

Nays: NONE

Abstentions: NONE

Absent for vote: STALEY, ZOLDOS

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:"

October 27, 2011 at 7:32 PM

Certified:

E. Daine W. Wether

Mayor

Public Hearing/Legal Notices

Notice of Public Hearing
Town of Lovettsville – VDOT Safety-Lu Grant
Application

The Lovettsville Town Council will hold a Public Hearing on Thursday, October 27, 2011 at 7:30 PM at the Lovettsville Town Hall, 6 Penny Ivyanna Avenue, to receive comment on the proposed Lovettsville Pedestrian Bike Path project grant application to the Virginia Department of Transportation Embankment Program.

Information on the Pedestrian Bike Path and the draft 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) 822-5788 or visit www.lovettsvilleva.gov.

October 14, 21

PBPA

Continued from page 1

Sherriff candidates, incumbent Steve Simpson (R), Mike Chapman (R) and Ron Sheakman (R). Unopposed Treasurer Roger Zum (R) was unable to attend.

Questions to the Chairman and Supervisor candidates included topics such as rail to Dulles and costs, possible increases to the tolls, the health of the economy in Loudoun, taxes, and whether or not the tax assessor should be included in the duties of the Commissioner of Revenue as it used to be.

After the close of the meeting, the candidates stayed around to answer questions and discuss concerns. ♦

Vikings

Continued from page 1

Raiders ultimately going home with the win. Valley fans showed their appreciation by giving their Vikings a well-deserved standing ovation.

On Wednesday October 5th, the Vikings travelled to Sterling and were hosted by the Titans where the Freshman, JV and Varsity teams swept their opponents. JV player, sophomore, Abbie Beard

Authentic, Fresh and Local at Wegmeyer Farms U-Pick
Over 20 varieties of pumpkins right from the vine

New Corn Maze - Education Hayride
No admission fee
Thursday-Sunday 10-6 (hayride weekends only)

38299 Hughsville Road • Hamilton, VA • 20158
www.wegmeyerfarms.com • (540) 751-1782

came from behind and served 10 unanswered points, ensuring Valley the win in the second of the two JV games. On the 14th of October, Valley visits Woodgrove. October 18th the Vikings travel to Star Woods and take on Heritage at home on the 20th. Come on out and join the excitement surrounding the Loudoun Valley volleyball team. Freshman and JV games start at 6:00 followed by Varsity at 7:00. ♦

PHOTO: JIMMY QUAIL



Ouellette Runs Race Against Cancer

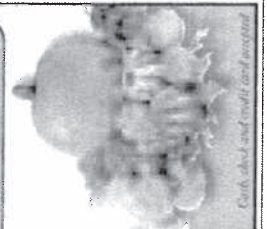
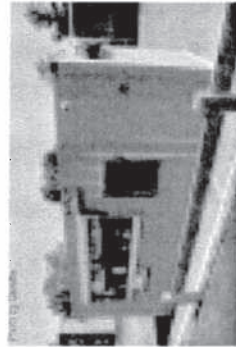
Dan Ouellette of Purcellville ran in the 11th annual Boston Athletic Association's Half Marathon presented by Dana-Farber Cancer Institute and the Jimmy Fund on Sunday, October 9, as a member of the official Dana-Farber team. Ouellette is among more than 400 Dana-Farber runners who are each committed to raising at least \$500 for cancer care and research at the world-renowned Dana-Farber Cancer Institute. The 13.1 mile rolling course is an out-and-back loop that runs along the Emerald Necklace park system. It will begin and end in White Stadium in Boston's Franklin Park. The event attracts a field of 7,000 runners, including world-class athletes. ♦

Bank in a Box

By Ben Weber

The BB&T in Purcellville at 120 N. Maple, located across from McDonald's is preparing to move to the adjacent building behind them, formerly known as the Purcellville Florist. The move, while temporary, will allow for their current location to be leveled and replaced with a new office building that will serve as the new home for BB&T as well as other professional offices.


The move is part of Phase One for the shopping center. The first phase called for the removal of Al's Pizza and the former IGA Grocery store along with improvements in the sidewalks around the property. According to JoAnn Gentry of BB&T, the



Corn, shell and craft corn varieties

branch will close its doors on November 4th at 2pm and reopen at the temporary location on November 7th and resume regular hours. She went on to say they are expecting to be in the temporary location for up to 12 to 15 months. Gentry went on to say that the style of the new building will match the design and look for the new Walgreens and Purcellville Station Car Wash.

With the temporary location, BB&T stated that all banking services will still be available at the new location and a temporary single lane drive thru will also be available. The "bank in a box" was designed for just this kind of purpose and is made from a large shipping container and provide the necessary security for employees. ♦




Medics USA and the Purcellville Gazette

Present a
Western Loudoun
Breast Cancer Screening Event

On Saturday, October 15th,
Medics USA will offer Breast
Cancer Screenings
for only \$40!

Did You Know:
Nearly 1 in 8 women in the US (12%)
develop breast cancer
In 2010, there were 207,090 new cases of
breast cancer in the US
1,970 cases were diagnosed in men
Last year, there were more than 2.5 million
breast cancer survivors.

Bring a friend!
Medics USA
17336 Pickwick Drive
Purcellville, VA
540-338-3360

Sponsored in part by


Town of Lovettsville

Speaker Sign - Up Sheet Town Council Regular Meeting - October 27, 2011

Please Print.

Name and Association	Address	Topic	Email Address (Optional)
CARL CHRISTENSEN YOUNG MARINES	39260 TOLLHOUSE ROAD LOVETTSVILLE	RED RIBBON WEEK	

Each speaker will be limited to no more than three (3) minutes at the beginning of the meeting, or no more than five (5) minutes at the end of the meeting.

If you provide your email address, you will be added to the Town Council & Planning Commission Meetings Notification List.

Town of Lovettsville

Resolution No. 2011-10-002

MOTION: Senate

SECOND: Coleman

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 to 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.

VOTE:

Ayes: Carder, Coleman, Senate, Sparbanie, Staley

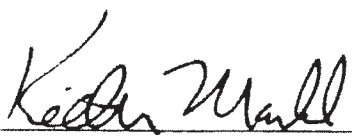
Nays: None

Abstentions: None

Absent for vote: Zoldos

APPROVED: October 27, 2011

By: 
Elaine Walker, Mayor

Attest: 
Keith Markel, Town Manager

The German Settlement

**Ordinance 2011-10-003: AMEND SECTION 4
OF THE MOTOR VEHICLE DECAL ORDINANCE TO REVISE
SUBSTITUTE ONE DOLLAR PER MONTH FLAT PENALTY FOR
NONPAYMENT**

MOTION: Sparbanie

SECOND: Coleman

WHEREAS, the Town Council is authorized to require the owners of motor vehicles regularly kept within the Town to obtain and display Town license decals and pay a license tax therefor; and

WHEREAS, Va. Code section 46.2-752 authorizes the adoption of ordinances providing a penalty for failure to display such a decal and for nonpayment of the tax; and

WHEREAS, Va. Code section 15.2-105 authorizes the imposition of a penalty of \$10 and interest of 10% per year for failure to pay accounts when due to a locality; and

WHEREAS, the Town Council of the Town of Lovettsville has determined that the interests of both the Town and its citizens will be promoted by elimination of accruing interest on such delinquent accounts and substituting a flat monthly penalty in the amount of \$1.00, not to exceed \$10 in any tax year, to be added to the base tax due

NOW, THEREFORE, BE IT ORDAINED that Section 4 of the Motor Vehicle Decal Ordinance, be repealed and reenacted as set forth hereafter:

***Section 4.** In addition to any license tax authorized herein, any owner or operator of a vehicle who shall obtain such license after the date it is required to be displayed shall be assessed a penalty of \$1.00 for each month following the required display date. The penalty amount shall not exceed \$10.00 in any tax year. The penalty shall be added to the amount of license fee due from such person and no license shall be issued until the total due is paid in full. Provided, however, that no penalty under this section shall be imposed for failure to pay such license fee if such failure was not in any way the fault of such person.*

This ordinance, as amended, shall become effective at 12:00 a.m. on November 16, 2011.

VOTE:

Ayes: Carder, Coleman, Senate, Sparbanie, Staley

Nays: None

Abstentions: None

Absent for vote: Zoldos

Adopted October 27, 2011:

Elaine Walker, Mayor

ATTEST:

Judy Kromholz, Town Clerk