

# Town of Lovettsville

## Town Council Minutes of Regular Meeting May 28, 2009

Mayor Elaine Walker called the regular monthly meeting of the Lovettsville Town Council to order at 8:06 PM on Thursday, May 28, 2009.

### Present at Meeting

- Mayor Elaine Walker
- Council Members Charlotte Coleman, Scott Dockum, DiJon Jones, Michael Senate, Robert Zoldos
- Town Manager Keith Markel
- Town Attorney Liz Whiting
- Treasurer Lance Gladstone
- Town Clerk Judy L. Kromholz

### Absent

- Council Member Shaun Staley
- Zoning Administrator Steve McGregor

### Audience

Among those present were Loudoun County Supervisor Sally Kurtz, Loudoun County School Board member Jennifer Bergel, Tracey Senate (*Brunswick Citizen*), and Margaret Morton (*Leesburg Today*)

### Call to Order/Welcome/Pledge of Allegiance/Invocation

Mayor Walker led the assembled in the Pledge of Allegiance.

### Comments from the Public

John Flannery (38469 Triticum Lane) stated that the County was recently saved by the Board of Supervisors concerning a number of recent school processes. He stated that the Wheatland proposal was the worst and that the process involved was secretive, had a lack of transparency, and involved no current forecast of the needs of the County. He stated that the proposal did not consider the direct and indirect expenses and that the proposed schools are too large, creating lifestyle issues.

Floyd Blethen representing the Lovettsville Game Club reported that the Club will be sponsoring a monthly Farmer's Market. The first market will be held on June 22<sup>nd</sup> and will include a free-will Spaghetti Dinner from 5:00 PM – 7:30 PM. The market will be open to any vendor or local farmer for a \$10 fee.

Dennis O'Keefe (7 Black Forest Lane) stated that the organization LovettesvilleAlarm had been formed and is dedicated to preserving the quality of Lovettsville Town Center by ensuring safety and protecting home values, He read from a prepared statement (Attachment I), He asked Council if Ryan Homes met the Zoning Ordinance and stated that we all know that porches are an essential part of neotraditional houses. He offered to play the promotional sales DVD he had received from his builder.

Aaron Kahn introduced himself, stating that he had grown up just outside of Town, went to local schools and now lives in Alexandria. He has signed a contract with Ryan Homes for a home in Lovettsville Town Center so that he can return to the community he loves to raise his family. He stated that he and his wife could not afford a porch right now but plan to add one in the future, using a local contractor. They did insist on an attached garage. He is upset by the hyperbole he has read on the LovettsvilleAlarm website and is speaking publically because he believes that the LovettsvilleAlarm group has stated that his new home will result in the lowering of property values throughout the community. He stated that the prior builders left the project because the homes they were building could not be sold in this economy.

Joanne Varyo (9 Black Forest Lane) stated that the issue is not that they are selling cheaper homes, but that the homes are not quality and the aesthetical look of the Town is being threatened. Nobody said anything and the Town changed its mind. She stated "that's bull". She stated that the residents do not really care that the homes are cheaper but feel that the look of the community is being threatened.

Councilman Dockum asked Attorney Whiting to provide a response to the issues raised by the speakers. The rest of the Council agreed to this request.

Attorney Whiting stated that she had been asked to review a number of statements asking the Council to reverse the approval of the revised Elm Street Development proffers that were offered as part of the Town Center project. She stated that undoing the approved proffers would be a difficult legal proposition. She noted that the Town is legally required to map the land to the Zoning Ordinance and that Lovettsville Town Center was approved as a planned development and that it was the first one on the books in Lovettsville. It allowed a certain number of lots to have attached and/or front loading garages. She explained that proffers are supposed to function as a promise to do something that the Zoning Ordinance cannot compel. Virginia law is very clear that they must be voluntarily offered by the property owner; they cannot be compelled by the Town. Revising proffers must have the consent of the applicant or they cannot be entertained. The Council's authority is narrow based on Commonwealth law.

### **Community Presentations**

Loudoun County Supervisor Sally Kurtz spoke about the three schools called for in the next decade in the northwest area of the County – Elementary School 25 Middle School 10 and High School 10. She reported that the Loudoun County Board of Supervisors passed a resolution last night, by an 8-1 vote stating that it will not support the proposed School Board acquisition of the Wheatland property. She stated that School Board Member (Catoctin District) Jennifer Bergel had worked methodically to keep the public informed and did a responsible job of keeping communication going with opposing groups. Supervisor Kurtz asked the Town Council to have patience with the Board of Supervisors which is working towards a more open process for site selection. She stated there will continue to be a clear line of communication between herself and Mrs. Bergel. She noted that the two new proposed school sites have been preliminarily 'looked at' and nothing more done at this point.

Mrs. Bergel stated that there have been meetings since 2005 to try to get educational resources for this area. She feels that the voice of Lovettsville has been lost and she is here to bring the Council up to date on a number of items. She distributed copies of a presentation on the Schoene/Engle property and on the McDonough assemblage property.

Mrs. Bergel noted that the Board does not know if there is a contract on all of the properties in the McDonough assemblage and she is concerned about the response of the neighboring property owners, including the retirement community. She noted that the Schoene/Engle property is already commercially zoned. She stated that there are many issues involving each of the suggested properties. Councilman Zoldos asked what the next step will be. Mrs. Bergel said there is no next step, because there is no money available. She noted that many local people believe that the data does not exist to support new schools.

### **Loudoun County Sheriff's Office**

Loudoun County Deputy Sheriff Davis presented his monthly report. He noted that even though he is only temporarily filling in here; he has been in the neighborhood frequently. He asked the Council if they had any questions or complaints. Councilman Senate thanked the Office for their consistent help in speed enforcement on Loudoun Street. Manager Markel added that the Town will be getting a permanent community policing officer this month.

### **Lovettsville Volunteer Fire and Rescue Company**

Rescue Chief Karen Deli apologized for the Company's absence from Council meetings and stated that they have been very busy. She reported that they had added 20 new volunteers this year and that the average attendance at bingo has been 185-200 people. The Company is still working on the new building but County politics is holding that up. The Company is buying a new ambulance. Councilman Dockum thanked them for all their hard work.

### **Lovettsville Business Association**

President Darren Casper reported that the next meeting of the Lovettsville Business Association will be on June 16<sup>th</sup> and that the Second Annual Cruise In will be on June 20<sup>th</sup> at the Lovettsville Game Club. He invited the Town to have a booth at the Cruise-In.

*(Councilman Zoldos left the meeting at 9:10 PM)*

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

None

**Approval of Town Council Minutes**

- A. Joint Public Hearing – November 13, 2008
- B. Town Council Reconvened Regular Meeting – November 13, 2008
- C. Town Council Regular Monthly Meeting – November 20, 2008
- D. Joint Public Hearing – November 20, 2008
- E. Town Council Reconvened Regular Meeting – November 20, 2008

**Motion:** To approve the five sets of minutes listed above as presented,  
**By:** Council Member Dockum  
**Second:** Council Member Coleman  
**Aye:** Council Members Coleman, Dockum, Jones, Senate  
**Nay:** None  
**Abstain:** None  
**Absent:** Council Members Staley, Zoldos

Mayor Walker requested that the following two sets of minutes be tabled.

- F. Town Council Regular Monthly Meeting – December 18, 2008
- G. Town Council Public Hearing – January 15, 2009

**Report from the Treasurer**

A. January 2009

Treasurer Gladstone reviewed his written report. Councilman Dockum asked if this report included the total expenditure for street lights and Manager Markel reported that the project is not complete.

**Motion:** To approve the January 2009 Treasurer's report as presented.  
**By:** Council Member Senate  
**Second:** Council Member Jones  
**Aye:** Council Members Coleman, Dockum, Jones, Senate  
**Nay:** None  
**Abstain:** Council Members Staley, Zoldos

B. February 2009

Treasurer Gladstone reviewed his written report. Mayor Walker asked if the expenses incurred for Christopher Consultants are entirely reimbursable and Treasurer Gladstone stated that they are.

**Motion:** To approve the February 2009 Treasurer's report as presented.  
**By:** Council Member Jones  
**Second:** Council Member Coleman  
**Aye:** Council Members Coleman, Dockum, Jones, Senate  
**Nay:** None  
**Abstain:** Council Members Staley, Zoldos

**Staff Reports**

A. Report from the Zoning Administrator

Manager Markel presented Administrator McGregor's written report for April 2009.

B. Report from the Town Attorney

The Town Attorney had no formal report.

**Report from the Town Manager**

Manager Markel reported on the following:

- The installation of the electrical conduit (no electric wires) in the Town Green is almost complete.
- Cell tower tenant meetings have been ongoing concerning the painting and repair of the water tower. A joint redesign will be developed for reattaching the antennas.
- VDOT has started doing survey work for the bike path.
- Ten members attended the Comprehensive Plan Advisory Committee kickoff meeting. There will be several public input sessions and they hope to complete the Plan midwinter of coming year.

Councilman Dockum asked if VDOT is having problems finding the right of way for the bike path. Manager Markel stated so far it is going very well and they have found no problems.

Councilman Senate asked if the new Sign Ordinance will be approved before the moratorium expires. Manager Markel reported that the Attorney Whiting is reviewing the Ordinance and the reality is that the moratorium will have to be extended. He will bring this before Council next month.

At 9:35 PM, Mayor Walker asked for a five minute recess. The Council reconvened at 9:41 PM.

### **Consent Agenda**

#### **A. LVZA 2009-003: Inoperable Vehicles**

Consent Motion: that the Town Council schedule a public hearing for item LVZA 2009-0003 Inoperable Vehicles on June 18, 2009.

#### **B. LVZA 2009-002: Wall Check Plat for New Construction**

Consent Motion: that a public hearing be held on June 18, 2009 before the Town Council for proposed item LVZA 2009-0002 Wall Check Plat Requirement, zoning ordinance amendment and item LVSA 2009-0001 Wall Check Plat Requirement, subdivision ordinance amendment, as presented.

#### **C. Germanna Drive Scope**

Consent Motion: that Town Council direct Staff to issue written authorization for PHR+A to complete Sub Task 1C for an estimated cost of \$7,500 with a not to exceed amount of \$10,500.

#### **D. CPA Firm Selection for FY 2009 Audit**

Consent Motion: that the Town of Lovettsville select the firm of Robinson, Farmer, Cox Associates to conduct the Town's FY 2009 Audit for a fee not to exceed \$14,750 and authorize the Mayor or Town Manager to sign all necessary contracts and agreements.

#### **E. "Red Flag" Identity Theft Policy**

Consent Motion: to adopt the draft of the 'Town Of Lovettsville Identity Theft Prevention Program' presented to the Council on May 21, 2009 as Town Policy. (Attachment II). Manager Markel noted that this would involve putting policies in place to verify the identity of people applying for water and sewer accounts and address changes.

#### **F. Donation to Lovettsville Volunteer Fire and Rescue Company**

Consent Motion: that the Town of Lovettsville make a donation in the amount of \$3,000 to the Lovettsville Fire & Rescue Company.

**Motion:** To approve the May 28, 2009 Consent Agenda Items A through F as shown above.  
**By:** Council Member Coleman  
**Second:** Council Member Dockum  
**Aye:** Council Members Coleman, Dockum, Jones, Senate  
**Nay:** None  
**Abstain:** None  
**Absent:** Council Members Staley, Zoldos

### **Action Items**

#### **A. Water Bill Adjustment for 13 East Broad Way**

Manager Markel presented this item.

**Motion:** I move that the Town Council deny the request of the property owner to adjust the water and sewer bill for the account at 13 East Broad Way.  
**By:** Council Member Dockum  
**Second:** Council Member Senate  
**Aye:** Council Members Coleman, Dockum, Jones, Senate  
**Nay:** None  
**Abstain:** None  
**Absent:** Council Members Staley, Zoldos

#### **B. Kingsridge Phase 1 Street Acceptance**

Manager Markel explained that this is the first step in the process of having VDOT accept the roads in Kingsridge Phase 1.

**Motion:** I move that Town Council adopt Resolution 2009-05-01, requesting VDOT accept the portion of streets within the Kingsridge – Phase 1, as itemized on the VDOT form AM-4.3 attached to the resolution, into the Secondary Road maintenance system (Attachment III).  
**By:** Council Member Dockum  
**Second:** Council Member Coleman  
**Aye:** Council Members Coleman, Dockum, Senate

**Nay:** None  
**Abstain:** Council Member Jones  
**Absent:** Council Members Staley, Zoldos

**C. Bond Counsel for I&I Financing**

Manager Markel presented this item.

**Motion:** I move that the Town of Lovettsville contract with the firm of Hunton & Williams LLP to provide bond counsel for the I&I remediation financing through the SRLF for a rate not to exceed \$14,000. Furthermore, I move to adopt the reimbursement resolution as prepared by Hunton & Williams LLP to allow for the reimbursement of Town expenses related to this project from proceeds of the bond.

**By:** Council Member Jones  
**Second:** Council Member Dockum  
**Aye:** Council Members Coleman, Dockum, Jones, Senate  
**Nay:** None  
**Abstain:** None  
**Absent:** Council Members Staley, Zoldos

**D. Re-Appointment of Planning Commission Member**

Manager Markel stated that Commissioner Burden had agreed to continue serving on the Planning Commission.

**Motion:** I recommend re-appointing Jack Burden to the Planning Commission for a four year term beginning July 1, 2009 and expiring on June 30, 2013.

**By:** Council Member Coleman  
**Second:** Council Member Senate  
**Aye:** Council Members Coleman, Dockum, Jones, Senate  
**Nay:** None  
**Abstain:** None  
**Absent:** Council Members Staley, Zoldos

**E. Western Loudoun Studio Arts Tour Promotion**

**Motion:** I move to accept Resolution No. 2009-05-02: Approve Temporary Sign for Western Loudoun Artists Studio Tour (Attachment V)

**By:** Council Member Jones  
**Second:** Council Member Coleman  
**Aye:** Council Members Coleman, Dockum, Jones, Senate  
**Nay:** None  
**Abstain:** None  
**Absent:** Council Members Staley, Zoldos

**F. Appointment of Fall Events Work Group Leader**

Mayor Walker nominated Heather Treadwell as the Fall Events Group Work Leader. Ms. Treadwell was the only applicant for this position.

**Motion:** I move that Town Council appoint Heather Treadwell as the Events Commission - Fall Work Group Leader effective immediately. Furthermore, the Council directs Ms. Treadwell to assemble volunteers to continue planning the fall events, including Oktoberfest

**By:** Council Member Dockum  
**Second:** Council Member Senate

Mayor Walker called for discussion. Councilman Dockum reported that he had met with Ms. Treadwell and they had discussed her progress. He said she had many good ideas and had already formed a core group of about six people for the committee. She has been in contact with Manager Markel to notify the Town office of scheduled meetings. There being no further discussion, Mayor Walker called the question.

**Aye:** Council Members Coleman, Dockum, Jones, Senate  
**Nay:** None  
**Abstain:** None  
**Absent:** Council Members Staley, Zoldos

**G. Lovettsville Community Center July 3<sup>rd</sup> Banner**

Manager Markel explained that this item comes before Council every year. Councilman Dockum asked if the Community Center also wants permission to put other signs up in the VDOT right of way. Manager Markel explained that the Town does not have that authority.

**Motion:** I move that Town Council allow the Lovettsville Community Center to place a sign (not to exceed 50 square feet) advertising the 3<sup>rd</sup> of July activities at the Town welcome sign up to 14 days in advance of the event and shall be removed within three days after the event.

**By:** Council Member Coleman  
**Second:** Council Member Jones  
**Aye:** Council Members Coleman, Dockum, Jones, Senate  
**Nay:** None  
**Abstain:** None

**Absent:** Council Members Staley, Zoldos

### **Discussion Items**

#### **A. Town Hall Spruce Up**

Councilman Jones discussed some of his suggestions. Councilman Dockum expressed concern about the cost and recommended that staff get some estimates for the various projects and bring them back to Council. The consensus of the Council was to direct Manager Markel to begin getting estimates and begin reassigning office space within the Town Hall. This would include swapping the Community Sheriff's office with the Town Manager's office.

### **Information Items**

No information items were presented.

### **Comments from the Mayor and Town Council**

Councilwoman Coleman reported that she and Mayor Walker had placed a wreath on the Town Square on Memorial Day.

Councilman Dockum reminded everyone present that the next Movie in the Park will be on June 12<sup>th</sup> and would be *Clifford's Really Big Movie*.

Manager Markel reminded Council that the Public Hearing on the 2010 Budget will be next Tuesday, June 2<sup>nd</sup>, 2009.

Mayor Walker reported the following:

- She had attended a very impressive ceremony at the Loudoun County Court complex for the Victim Witness Program which was very well attended by both local and state officials
- During an event at the National Conference Center she was honored with a plaque awarded for her service to Inova Loudoun Hospital.
- She attended a Loudoun County Transportation Plan meeting along with Manager Markel and Administrator McGregor. It was mentioned that the right of way land that is currently reserved on either side of Route 287 continues to be in place for future expansion to four lanes.
- She participated in the Loudoun County Fire and Rescue career graduation ceremony which was very inspiring.
- She noted that all the Towns, including Lovettsville, attended the Loudoun County Energy Plan meeting.
- She announced that the German delegation will be coming to Town in a couple of weeks and she will be hosting a luncheon for one of the German mayors.
- She thanked everyone for her surprise birthday celebration at the last Movie in the Park.
- She stated that she had not been informed that the two new proposed school sites were going to be presented to the Board of Supervisors last night. She noted that the use of the Schoene (Lennar)/Engle site will cost the Town the revenue that would come from the development of an industrial park per the current zoning. She also noted that the McDonough assemblage would most likely be very surprising to a number of people in that area as they may not have been informed of the presentation.

### **Comments from the Public**

Aaron Kahn suggested that we recruit high school art classes to help paint and decorate the Town Hall. Dennis O'Keefe stated that he will run the Lovettsville Town Center advertising video in the parking lot for anyone who is interested.

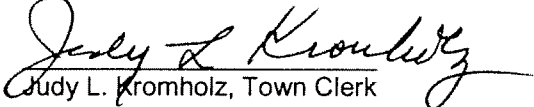
### **Adjournment**

There being no further business before the Council, Mayor Walker asked for a motion.

**Motion:** To adjourn the May 28, 2009 monthly meeting of the Lovettsville Town Council  
**By:** Council Member Senate  
**Second:** Council Member Jones  
**Aye:** Council Members Coleman, Dockum, Jones, Senate  
**Nay:** None  
**Abstain:** None  
**Absent:** Council Members Staley, Zoldos

The meeting was adjourned about 10:30 PM

Respectfully submitted,

  
Judy L. Kromholz, Town Clerk

Date Approved: August 27, 2009

- Attachment I: Dennis O'Keefe Statement
- Attachment II: Town Of Lovettsville Identity Theft Prevention Program
- Attachment III: Resolution 2009-05-01, Requesting VDOT Accept the Portion of Streets within the Kingsridge – Phase 1
- Attachment IV: Western Loudoun Studio Arts Tour Promotion

*Porches*

**vii) New construction should be compatible with surrounding properties, in**

**terms of formal characteristics such as height, massing, roof shapes**

**and window proportions. Building elevations and architectural details**

**sufficient to show compliance with this standard shall be submitted for**

**approval to the Town Council prior to approval of final subdivision plat.**

I would like to have someone in the town answer this simple question:

Did Elmstreet or Ryan submit "building elevations and architectural details sufficient to show compliance with this standard?"

AND

If they *were* submitted (probably weren't) what specific criteria did the Town Council use to determine that the new Ryan offerings were "compatible with surrounding properties, in terms of formal characteristics such as height, massing, roof shapes and window proportions?"

A handwritten signature in black ink, appearing to be "D. J. [unclear]".



**TOWN OF LOVETTSVILLE**  
**Identity Theft Prevention Program**

**Purpose**

The purpose of the program is to establish an Identity Theft Prevention Program designed to detect, prevent and mitigate identity theft in connection with the opening of a covered account or an existing covered account and to provide for continued administration of the Program in compliance with Part 681 of Title 16 of the Code of Federal Regulations implementing Sections 114 and 315 of the Fair and Accurate Credit Transactions Act (FACTA) of 2003.

**Definitions**

**Covered account** means:

1. An account that a creditor offers or maintains, primarily for personal, family, or household purposes that involves or is designed to permit multiple payments or transactions. Covered accounts include utility accounts; and
2. Any other account that the creditor offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the creditor from identity theft, including financial, operational, compliance, reputation or litigation risks.

**Credit** means the right granted by a creditor to a debtor to defer payment of debt or to incur debts and defer its payment or to purchase property or services and defer payment therefor.

**Creditor** means any person who regularly extends, renews, or continues credit; any person who regularly arranges for the extension, renewal, or continuation of credit; or any assignee of an original creditor who participates in the decision to extend, renew, or continue credit. *For purposes of this policy, "Town" may be used interchangeably with "Creditor".*

**Identifying information** is any name or number that may be used, alone or in conjunction with any other information, to identify a specific person, including: name, address, telephone number, utility account number, Social Security number, date of birth, government issued driver's license or identification number, alien registration number, government passport number, employer or taxpayer identification number, unique electronic identification number, computer's Internet Protocol (IP) address, or routing code.

**Identity theft** means fraud committed or attempted using the identifying information of another person without authority.

**Red flag** means a pattern, practice or specific activity that indicates the possible existence of identity theft.

**Service provider** means a person engaged by the Town to perform an activity in connection with one or more accounts.

## **The Program**

The Town of Lovettsville ("Town") has established this Identity Theft Prevention Program to detect, prevent and mitigate identity theft. The Program shall include reasonable policies and procedures to:

1. Identify relevant red flags for covered accounts it offers or maintains and incorporate those red flags into the program;
2. Detect red flags that have been incorporated into the Program;
3. Respond appropriately to any red flags that are detected to prevent and mitigate identity theft; and
4. Ensure the Program is updated periodically to reflect changes in risks to customers and to the safety and soundness of the Town's operations from identity theft.

The program shall, as appropriate, incorporate existing policies and procedures that control reasonably foreseeable risks.

## **Identification of Relevant Red Flags**

In order to identify relevant Red Flags, the Town considers the types of accounts that it offers and maintains, the methods it provides to open its accounts, the methods it provides to access its accounts and its previous experience with Identify Theft. The Town has identified the following red flags, in each of the listed categories:

### **A. Notifications and Warnings From Credit Reporting Agencies**

1. Report of fraud accompanying a credit report;
2. Notice or report from a credit agency of a credit freeze on a customer or applicant;
3. Notice or report from a credit agency of an active duty alert for an applicant; and
4. Indication from a credit report of activity that is inconsistent with a customer's usual pattern or activity.

### **B. Suspicious Documents**

1. Identification document or card that appears to be forged, altered or inauthentic;
2. Identification document or card on which a person's photograph or physical description is not consistent with the person presenting the document;
3. Other document with information that is not consistent with existing customer information (such as if a person's signature on a check appears forged); and
4. Application for service that appears to have been altered or forged.

### **C. Suspicious Personal Identifying Information**

1. Identifying information presented that is inconsistent with other information the customer provides (example: inconsistent birth dates);
2. Identifying information presented that is inconsistent with other sources of information (for instance, an address not matching an address on the credit report);
3. Identifying information presented that is the same as information shown on other

- applications that were found to be fraudulent;
4. Identifying information presented that is consistent with fraudulent activity (such as an invalid phone number or fictitious billing address);
  5. Social Security number presented that is the same as one given by another customer;
  6. An address or phone number presented that is the same as that of another person;
  7. A person fails to provide complete personal identifying information on an application when reminded to do so (however, by law social security numbers must not be required); and
  8. A person's identifying information is not consistent with the information that is on file for the customer.

**D. Suspicious Account Activity or Unusual Use of Account**

1. Change of address for an account followed by a request to change the account holder's name;
2. Payments stop on an otherwise consistently up-to-date account;
3. Account used in a way that is not consistent with prior use (example: very high activity);
4. Mail sent to the account holder is repeatedly returned as undeliverable;
5. Notice to the Town that a customer is not receiving mail sent by the Town;
6. Notice to the Town that an account has unauthorized activity;
7. Breach in the Town's computer system security; or
8. Unauthorized access to or use of customer account information.

**E. Alerts from Others**

1. Notice to the Town from a customer, identity theft victim, law enforcement or other person that it has opened or is maintaining a fraudulent account for a person engaged in Identity Theft.

**Detection of Red Flags**

**A. New Accounts**

In order to detect any of the Red Flags identified above associated with the opening of a new account, the Town may take the following steps to obtain and verify the identity of the person opening the account:

1. Require certain identifying information such as name, date of birth, residential or business address, principal place of business for an entity, driver's license or other identification;
2. Verify the customer's identity (for instance, review a driver's license or other identification card);
3. Review documentation showing the existence of a business entity; and
4. Independently contact the customer.

**B. Existing Accounts**

In order to detect any of the Red Flags identified above for an existing account, the Town's personnel will take the following steps to monitor transactions with an account:

1. Verify the identification of customers if they request information, whether in person, via telephone, via facsimile or via e-mail;
2. Verify the validity of requests to change billing addresses; and
3. Verify changes in banking information given for billing and payment purposes.

### **Response to suspected identity theft**

In the event the Town's personnel detect any identified Red Flags, such personnel shall take one or more of the following steps, depending on the degree of risk posed by the Red Flag:

1. Continue to monitor an account for evidence of Identify Theft;
2. Contact the customer;
3. Change any passwords or other security devices that permit access to accounts;
4. Not open a new account;
5. Close an existing account;
6. Reopen an account with a new number;
7. Notify the Program Manager for determination of the appropriate step(s) to take;
8. Notify law enforcement; or
9. Determine that no response is warranted under the particular circumstances.

In order to further prevent the likelihood of identity theft occurring with respect to utility accounts, the Town will take the following steps with respect to its internal operating procedures to protect customer identifying information:

1. Ensure that its website is secure or provide clear notice that the website is not secure;
2. Ensure complete and secure destruction of paper documents and computer files containing customer information;
3. Ensure that the office computers are password protected and that computer screens lock after a set period of time;
4. Protect from public view or access all sensitive customer information;
5. Confirm only the last 4 digits of social security numbers (if any);
6. Ensure computer virus protection is up to date; and
7. Require and keep only the kinds of customer information that are necessary for utility purposes.

### **Updating the Program**

The Program shall be updated periodically to reflect changes in risks to customers or to the safety and soundness of the organization from identity theft based on factors such as:

1. The experiences of the organization with identity theft;
2. Changes in methods of identity theft;
3. Changes in methods to detect, prevent and mitigate identity theft;
4. Changes in the types of accounts that the organization offers or maintains;
5. Changes in the business arrangements of the organization, including mergers,

acquisitions, alliances, joint ventures and service provider arrangements.

### **Administration of Program**

The Town Treasurer shall be responsible for the development, implementation, oversight and continued administration of the Program and shall train staff, as necessary, to effectively implement the Program. The Town Treasurer shall also exercise appropriate and effective oversight of service provider arrangements.

### **Oversight of the Program**

Administrative oversight of the Program shall include:

1. Assignment of specific responsibility for implementation of the Program to the Town Manager;
2. Review of reports prepared by staff regarding compliance; and
3. Approval of material changes to the Program as necessary to address changing risks of identity theft.

The Town Manager shall report to the Town Council at least annually on compliance by the organization with the Program. The report shall address material matters related to the Program and evaluate issues such as:

1. The effectiveness of the policies and procedures in addressing the risk of identity theft in connection with the opening of covered accounts and with respect to existing covered accounts;
2. Service provider agreements;
3. Significant incidents involving identity theft and management's response; and
4. Recommendations for material changes to the Program.

### **Oversight of Service Provider Arrangements**

In the event the Town engages a service provider to perform an activity in connection with one or more accounts, it will take the following steps to ensure the service provider performs its activity in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of Identity Theft:

1. Require, by contract, that service providers have such policies and procedures in place; and
2. Require, by contract, that service providers review the Town's Program and report any Red Flags to the Program Manager.

### **Duties Regarding Address Discrepancies**

The Town shall develop policies and procedures designed to enable it to form a reasonable belief that a credit report relates to the consumer for whom it was requested if the Town receives a notice of address discrepancy from a nationwide consumer reporting agency indicating the address given by the consumer differs from the address contained in the consumer report.

The Town may reasonably confirm that an address is accurate by any of the following means:

1. Verification of the address with the consumer;
2. Review of the Town's records;
3. Verification of the address through third-party sources; or
4. Other reasonable means.

If an accurate address is confirmed, the Town shall furnish the consumer's address to the nationwide consumer reporting agency from which it received the notice of address discrepancy if:

1. The Town establishes a continuing relationship with the consumer; and
2. The Town, regularly and in the ordinary course of business, furnishes information to the consumer reporting agency.

# Town of Lovettsville

## RESOLUTION 2009-05-01:

**TO REQUEST THE VIRGINIA DEPARTMENT OF TRANSPORTATION ADD A PORTION OF STREETS WITHIN THE KINGSRIDGE DEVELOPMENT FOR ADDITION TO SECONDARY SYSTEM MAINTENANCE UNDER SECTION 33.1-82, CODE OF VIRGINIA**

**MOTION:** Dockum  
**SECOND:** Coleman

**WHEREAS**, the Town of Lovettsville has authority pursuant to Section 33.1-82, Code of Virginia, to add mileage to the secondary system that conforms to specific requirements established by the 2005 Subdivision Street Requirements of the Virginia Department of Transportation addressing right of way widths and the condition of streets to be added to the secondary system; and

**WHEREAS**, the Town of Lovettsville or another development entity is responsible for the provision of surety, maintenance fees, and administrative cost recovery fees required by the 2005 Subdivision Street Requirements for all mileage to be added to the secondary system pursuant to Section 33.1-82, Code of Virginia; and

**WHEREAS**, James Sakellaris Construction Co. Inc, the developer of Kingsridge will post a surety in the form of an irrevocable letter of credit with the Virginian Department of Transportation for any first year maintenance issues.

**NOW, THEREFORE, BE IT RESOLVED**, this Council requests the Virginia Department of Transportation add the street(s) described in the attached additions form AM-4.3 to the Secondary System of State Highways, pursuant to Section 33.1-82, Code of Virginia, and the Department's Subdivision Street Requirements.

**BE IT FURTHER RESOLVED**, this Council guarantees a clear and unrestricted right of way, as described, and any necessary easements for cuts, fills and drainage.

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

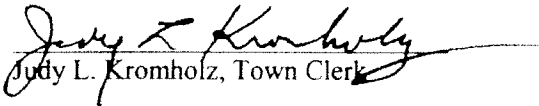
### VOTE:

**AYES:** Coleman, Dockum, Senate  
**NAYS:** None  
**ABSTENTIONS:** Jones  
**ABSENT FOR VOTE:** Staley, Zoldos

Adopted this 28<sup>th</sup> day of May, 2009.

  
Elaine Walker, Mayor

### CERTIFIED:

  
Judy L. Kromholz, Town Clerk

*The German Settlement*

**Resolution No. 2009-05-02: Approve Temporary Sign  
for Western Loudoun Artists Studio Tour**

**Motion: Jones**

**Second: Coleman**

Whereas, the Franklin Park Arts Center, Round Hill Arts Center, Loudoun Academy of the Arts Foundation and Friends of Franklin Arts Center are presenting the 4<sup>th</sup> Annual Western Loudoun Artists Studio Tour June 20-21, 2009; and

Whereas, three of the artists featured on the tour live in or in the immediate vicinity of the Town of Lovettsville; and

Whereas, the Lovettsville Town Council is reviewing a proposed ordinance providing for installation of temporary signs or banners within public right-of-way or on Town-owned property in connection with promoting local community, charitable, historical or other civic events and activities; and

Whereas, the Lovettsville Town Council has concluded that the request for temporary signage in connection with the Western Loudoun Artists Studio Tour is consistent with the goals advanced in the proposed ordinance.

Now, therefore, be it resolved by the Lovettsville Town Council that temporary signage consistent with the sample attached to the temporary sign application submitted in connection with the aforesaid request should be permitted and that the application by the Western Loudoun Artists Studio Tour should be approved, provided that the said shall be installed at a location designated by the Town Manager and in accordance with his instructions, no earlier than June \_\_, 2009 and shall be removed not later than June 22, 2009.

Vote:

**Ayes: Coleman, Dockum, Jones, Senate**

**Nays: None**

**Abstentions: None**

**Absent for Vote: Staley, Zoldos**

Adopted the 28<sup>th</sup> day of May, 2009.

\_\_\_\_\_  
Elaine Walker, Mayor

Certified:

\_\_\_\_\_  
Judy L. Kromholz, Town Clerk