

Town of Lovettsville

Town Council Minutes of Regular Meeting February 23, 2012

Mayor Elaine Walker called the regular meeting of the Lovettsville Town Council to order at 7:35 PM on Thursday, February 23, 2012.

Present at Meeting

- Mayor Elaine Walker
- Vice Mayor Robert Zoldos II
- Council Members Tiffaney Carder, Michael Senate, Tim Sparbanie
- Town Manager Keith Markel
- Town Attorney Elizabeth Whiting
- Town Treasurer Lance Gladstone {arrived at 8:30 PM}
- Town Clerk Judy L. Kromholz

Absent

Councilman Shaun Staley

Call to Order/Welcome/Pledge of Allegiance/Invocation

Mayor Walker led the assembled in the Pledge of Allegiance.

Comments from the Public

No audience member had signed up to speak (Attachment I: Speaker Signup Sheet). Mayor Walker asked if anyone present wished to speak and no one did.

Community Presentations

A. Loudoun County Sheriff's Office

Loudoun County Deputy Sheriff Wacker was called out on a special SWAT event and was not able to attend the meeting.

B. Lovettsville Planning Commission

Vice Chairman Jack Burden presented his report on the activities of the Planning Commission. He discussed the reservations the Commission had with the Keena Infill Development. Attorney Whiting recommended that she work with Manager Markel to produce a formal written opinion for the Commission.

C. Economic Development Advisory Committee

Councilwoman Carder reported that the Committee welcomed Karen Wenner Cooper.

Additions/Deletions/Modifications to the Agenda

None

Presentations

No presentations were scheduled.

Approval of Town Council Minutes

A. Town Council Regular Meeting – January 12, 2012

Motion: I move to approve the minutes of the Town Council Regular Meeting of January 12, 2012 as amended.

By: Council Member Sparbanie

Second: Council Member Carder

Aye: Council Members Carder, Sparbanie, Zoldos

Nay: None

Abstain: Council Member Senate
Absent: Council Member Staley

B. Town Council Special Meeting – January 19, 2012

Motion: I move to approve the minutes of the Town Council Special Meeting of January 19, 2012 as amended.

By: Council Member Sparbanie

Second: Council Member Carder

Aye: Council Members Carder, Sparbanie, Zoldos

Nay: None

Abstain: Council Member Senate

Absent: Council Member Staley

Staff Reports

A. Project Manager Report

Manager Markel presented Project Manager Fellers written report. There were no questions.

B. Zoning administrator

Manager Markel reminded the Council that the new Zoning Administrator will start on Monday.

C. Report from the Town Attorney

The Town Attorney had no formal report.

D. Report from the Town Manager

Councilman Sparbanie asked Manager Markel to explain the issues the Planning Commission had raised with Mr. Keena. Manager Markel stated that Vice Chairman Burden had summarized their concerns with street width, sidewalk construction, drainage issues, parking, and whether or not the project merits the exclusions Mr. Keena is requesting. Manager Markel emphasized that he had worked with the applicant since the Planning Commission meeting and they are not very far apart.

Councilman Sparbanie asked about the zoning violation letters that had been sent out and Manager Markel suggested that the discussion be held for a closed session.

Action/Discussion Items

A. Arts Grant Application (*Western Loudoun Artists Studio Tour*)

Manager Markel presented this item. Council is being asked to consider supporting the Western Loudoun Artists Studio Tour by providing a donation and applying for a matching grant offered through the Virginia Commission for the Arts. He noted that for the past several years the organizers of the Western Loudoun Artists Studio Tour have asked the Town for financial support to assist with expenses related to the yearly event. The organization has encouraged the Town to apply for a matching grant offered through the Virginia Commission for the Arts. If awarded, the grant would match every dollar contributed by the Town, up to \$5,000. The event, to be held on June 9 & 10, 2012, will again highlight approximately 50 artists, six of whom live in or on the outskirts of the Town. With an estimated 1,000 visitors coming to Western Loudoun County, there is an opportunity for local merchants and restaurants to benefit from the increased tourism.

Staff recommends that the Town contribute \$250.00 towards the event and apply for the State's matching grant. If awarded, the Town's contribution will be equally matched by the Virginia Commission for the Arts, creating a total gift of \$500.00 for this event. The Town's support for this event will not only support our economic interests, but will also show support of our diverse artist community in the Lovettsville area.

Motion: I move that the Town provide a \$250 donation to the Western Loudoun Artists Studio Tour and direct the Town Manager to submit the necessary paper work to apply for a matching grant for the Western Loudoun Artists Studio Tour offered through the Virginia Commission for the Arts.

By: Council Member Senate

Second: Council Member Carder

Mayor Walker called for discussion. Councilman Senate stated that 600-800 people usually come to the tour and it brings a lot of business into the Town for a very small investment of our time. Councilman

Sparbanie agreed. Vice Mayor Zoldos also agreed, but added that the Town also must support the artist's tour in December which is almost entirely a Lovettsville event. Councilwoman Carder stated that anything that supports our local artists is important and she is hoping that some of the artists will also get involved in MayFest. Mayor Walker agreed that this is a wonderful event for Lovettsville and the surrounding communities.

Aye: Council Members Carder, Senate, Sparbanie, Zoldos
Nay: None
Abstain: None
Absent: Council Member Staley

B. Virginia Retirement System Membership

Manager Markel presented this item. Council is being asked to approve documents necessary for Virginia Retirement System participation. The retirement program would be offered to all full-time employees of the Town. Currently, the Town has three employees that would qualify for coverage; two of which are already vested in the VRS from previous employment. The annual cost for year one of the VRS retirement program is 12.45 percent of payroll for the qualifying members or \$23,487. The VRS also offers group life insurance to member localities for an additional fee. The cost to purchase life insurance would be an annual cost of .28 percent of each member's annual compensation. For the Town's current qualifying members, this cost would be an approximate additional cost of \$528.00. To offer this benefit, 75% of eligible members would need to participate in the life insurance program.

At a special Town Council work session held on February 11, 2012, the Mayor, Town Council and Town Manager discussed the details of what Town participation in the retirement system would entail. At the close of the work session there was consensus among the Council that the Town would benefit from joining the VRS. There was further consensus that the Town should offer the life insurance option for full time employees. The Council agreed that the Town would fully fund the employee's contribution for both the retirement and life insurance plan.

Manager Markel noted that once a community elects to participate in the Virginia Retirement System, the membership is irrevocable. Existing qualifying employees would need to be offered the opportunity to participate in the system, however, they can decline. All new qualifying employees would automatically become members of the program. Once an employee leaves the employment of the Town, the Town's financial responsibilities to VRS cease, however the employee's account would remain and their service benefits would be attached by name to the Town. If the former employee opted to cash out their accrued benefits the account would be closed and if the former employee took employment at a new VRS member locality, the account would transfer to the new employer.

The Town currently provides employees with a contribution to the ICMA-RC 401 plan in an amount equal to five percent of their annual salary. Once the Town becomes a member of the Virginia Retirement System, the Town's contribution to the existing ICMA-RC plan would cease and those funds would be redirected towards VRS contributions.

The Town Manager recommends in favor of joining the Virginia Retirement System and providing for the full funding of the benefit, including the 5 percent employee match, for both Plan 1 and Plan 2 participants, along with full coverage for the group life insurance.

Motion: I move that the Town Council adopt the Virginia Retirement System membership resolution (with Group Life Insurance) and the 414(h) resolution to authorize employer pick-up of employee contribution. Furthermore, I move that the Town of Lovettsville fully fund the five percent employee match for both Plan 1 and Plan 2 participants and the employee contribution towards the Group Life Insurance program, with a VRS coverage date of March 1, 2012. (Attachment II: resolution to join VRS; ATTACHMENT III: Resolution to Pick-up Employee's Contribution to VRS under § 414(h) if the Internal Revenue Code for Plan 2 Employees)

By: Council Member Senate
Second: Council Member Carder

Mayor Walker called for discussion. Councilman Senate stated that during their work session the Council came to a reasonable agreement that this moves our town employees into a position equivalent to

employees of other communities in our area. Councilman Sparbanie asked when the ICMA fund will end and Manager Markel replied that it will end on the same day that the program is activated.

Aye: Council Members Carder, Senate, Sparbanie, Zoldos

Nay: None

Abstain: None

Absent: Council Member Staley

C. Budget Parameters and Adoption Schedule for FY 2013

Manager Markel presented this item. He summarized the material provided to the Council and the parameters on which it was based. He discussed the fiscal situation in Loudoun County and reviewed the proposed schedule for the budget.

Councilman Senate stated that there are some really serious questions that require thought and that may require some additional information. He stated that he is particularly concerned with water and sewer rates and concerned that there are enough funds to maintain the systems properly.

Councilwoman Carder stated that she would like a work session to discuss user rates for water and sewer and to develop a five year plan. Manager Markel noted that a lot of utility work is going on right now and it is difficult to quantify the long term effects. He suggested this work session be scheduled early in the budget process. Councilman Senate noted that it only takes one incident to wipe out all our careful planning and that the fines associated with these problems can be horrendous. Councilman Sparbanie stated that he is an advocate for lowering rates, but agrees with Councilman Senate that they must be prudent.

Vice Mayor Zoldos stated that these issues should be discussed at the March 29th work session and that each member of the Council must figure out their tolerance for risk. Councilman Senate noted that they themselves are all tax payers and have the same concerns as all citizens. He suggested that everyone should do their homework and be ready for the special meeting.

D. Town Truck Identification and Lighting

Manager Markel presented this item. Council is being asked to consider identification and lighting improvements to the Town Truck. He explained that several weeks ago he had met with Vice Mayor Zoldos and Councilman Senate to discuss possible identification and lighting improvements for the Town Truck. They recognized the need for truck signage so citizens can properly identify the vehicle. They also recognized the need for warning lights and reflective decals to provide safety for Town employees and contractors during special activities and emergency work such as water line repairs. Two quotes for possible improvements were collected by Councilman Senate. He asked that this item be brought before the Council for discussion and possible approval.

Councilman Senate stated that the goal is to get as much use out of the truck as possible. He explained the purpose of each of the modifications they are proposing. The most expensive part of the modification is the lighting. He emphasized that the modifications protect the person using the truck.

Vice Mayor Zoldos noted that this setup is very similar to the VDOT configuration and reflects their safety standards. He asked if this expense was included in this year's budget and Manager Markel stated that the truck itself exhausted that budget line, but there are other budget lines that are applicable and have not yet been spent this year.

Motion: I move to purchase the lighting and marking package as described in the quote from Fastline.

By: Council Member Senate

Second: Vice Mayor Zoldos

Mayor Walker called for discussion. Councilman Sparbanie asked how the lights would be attached and Councilman Senate explain the permanent mounting system, noting that there would be no holes made in the truck. Councilman Sparbanie asked Vice Mayor Zoldos and Councilman Senate if they considered these modifications necessary for public safety. Councilman Senate replied that they are absolutely necessary, noting that if the truck is to be used in emergencies it must have appropriate safety

equipment. Vice Mayor Zoldos also noted that the lighting and safety striping are necessary to protect the Town's employees. Attorney Whiting noting the VML is aggressively moving into proactive risk management and these modifications will eventually be necessary in order to insure the vehicle. There being no further discussion, Mayor Walker called for the vote.

Aye: Council Members Carder, Senate, Sparbanie, Zoldos
Nay: None
Abstain: None
Absent: Council Member Staley

Information Items

A. MayFest Update

Councilwoman Carder reported on this item, noting that this will be a Town Picnic. She reviewed the proposed events. Vice Mayor Zoldos reported that the committee now has better control of their budget and have some committed vendors and sponsors. They plan to return with a much reduced budget at the next Council meeting.

Treasurer's Report

A. January 2012

Treasurer Gladstone reviewed the report for January 2012. Mayor Walker asked about the paver deposit amount, noting that it was an odd number. Treasurer Gladstone explained that the line also included reimbursements from sponsors of the monument itself. There were no questions on the Utility Fund.

Motion: I move to accept the January 2012 Treasurers Report as presented,
By: Council Member Carder
Second: Council Member Senate
Aye: Council Members Carder, Senate, Sparbanie, Zoldos
Nay: None
Abstain: None
Absent: Council Member Staley

The Council took a recess at 8:51 PM and reconvened at 8:57 PM.

Comments from the Mayor and Town Council

Councilman Senate reported that the Town Parks Committee continues to meet regularly and progress is being made on all projects. He also offered congratulations to all of the career and volunteer first responders who responded to the serious vehicle accident involving Carol and Robert Danner on Berlin Pike on Sunday morning. He stated that they did a wonderful job of extrication and emergency care on the scene.

Councilwoman Carder noted that Facebook page has been set up for the Danners. She reported that the Lovettsville Food Cooperative is moving forward with a farmers market this summer.

Councilman Sparbanie noted that he is amazed by the outpouring of support for the Danners on the Facebook page. He reported that the Oktoberfest Committee has begun meeting. He thanked Councilman Senate for his work on the Town Parks Committee.

Vice Mayor Zoldos reported that the Lovettsville Elementary School PTO bingo fundraiser is tomorrow night. He stated that it is crushing that the Danner family was in need of the services they themselves had for so long provided to the community.

Mayor Walker reported on the following:

1. She read a letter from the PTO Playground Committee thanking the Mayor, the Town Council and Manager Markel for the funding of the benches and for all their support for the new playground.
2. She attended the Woodgrove High School second annual Mardi Gras which was a fantastic event.
3. The Shrove Tuesday Pancake Supper at the Community Center was sponsored by the Lions Club this past Tuesday.
4. She stated that Robert and Carol Danner are one of the most prominent families in the Lovettsville community. She noted that Robert Danner was the first paid person at the Lovettsville fire house, and was fire chief for many years.

5. She reminded those present that the 33 property owners involved in the Broad Way sidewalk project should be referred to the professionals the Council has retained. She is concerned that this project is being put in jeopardy by loose talk and rumors, especially about condemnation of land.
6. She stated that she is the CEO and Mayor of this Town until June 30th and as such she is asking Councilman Sparbanie to explain why she has heard citizens report that his supporters and his website have said that the Town government is having secret meetings. She asked Councilman Sparbanie to address this issue noting that he has certified after each closed session that only legal matters as defined by the Commonwealth of Virginia have been discussed.

Councilman Sparbanie stated that he feels the Town probably has far too many closed sessions and he has not said there are secret meetings – he has said there are a lot of closed sessions. Mayor Walker reminded Councilman Sparbanie that the Town Attorney is responsible for determining what matters must legally be discussed in closed session.

Closed Session

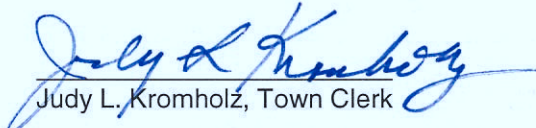
The Mayor and Council went into closed session at 9:28 PM (Attachment IV: Closed Session Motions).

The Council came out of closed session at 10:00 PM. All council members certified that only public business matters lawfully exempt from the open meeting requirements under the Virginia Freedom of Information Act were discussed.

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

The meeting was adjourned at 10:00 PM.

Respectfully submitted,



Judy L. Kromholz, Town Clerk

Date Approved: April 26, 2012

Attachments:

- I. Speaker Signup Sheet
- II. Attachment II: Resolution to Join VRS
- III. ATTACHMENT III: Resolution to Pick-up Employee's Contribution to VRS under § 414(h) if the Internal Revenue Code for Plan 2 Employees
- IV. Closed Session Motions

Written Submissions to Council: None

Town of Lovettsville

Speaker Sign - Up Sheet

Town Council Regular Meeting - February 23, 2012

Please Print.

Name and Association	Address	Topic	Email Address (Optional)

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.

¹ If you provide your email address, you will be added to the Town Council & Planning Commission Meetings Notification List.

Town of Lovettsville

Guide Resolution
Pol. Sub - VRS & GLI


Be it hereby resolved that the Town of Lovettsville, a political subdivision of the Commonwealth of Virginia, acting by and through the Lovettsville Town Council does hereby elect to have those of its employees who are regularly employed full time on a salary basis and whose tenure is not restricted as to temporary or provisional appointment to become eligible to participate in the Virginia Retirement System, effective **March 1, 2012**, as set out in Title 51.1, Chapter 1, Section 51.1-100 through Section 51.1-168, and in the Group Life Insurance program.

The Town of Lovettsville agrees to pay the required employer cost for participation of its employees in the Retirement System for **No** (see below) * service for the Town of Lovettsville prior to the effective date, for which credit is authorized and established on forms prescribed by the Retirement System, and for membership service in the System after such date, and also to deduct from the employees' wages the amounts required by law. The Town of Lovettsville further agrees to pay the required employer cost for its eligible employees in the Group Life Insurance program and to deduct from the employees' portion to the extent that such employees' portion is not paid by the Town of Lovettsville.

Now, therefore, Elaine Walker, Mayor of the Town of Lovettsville, and Judy Kromholz, Clerk, are hereby authorized and directed in the name of the Town of Lovettsville to execute any required contract in order that said employees of the Town of Lovettsville may become eligible to participate in the Virginia Retirement System and in the Group Life Insurance program as provided in the aforementioned sections of the Code of Virginia. In execution of any contract which may be required' the seal of the Town of Lovettsville shall be affixed and attested by the Clerk, and said officers of the Town of Lovettsville are hereby authorized and directed to take any other action or actions incident and necessary in the lawful conclusion of this matter and in conformity with law. The Treasurer of the Town of Lovettsville is hereby authorized and directed to pay from time to time such sums as are due to be paid by the Town of Lovettsville and its employees for this purpose.

CERTIFICATE

I, Judy L. Kromholz, Clerk of the Town Council of the Town of Lovettsville, certify that the foregoing is a true and correct copy of the resolution passed at a lawfully organized meeting of the Town Council held at the Lovettsville Town Hall, 6 East Pennsylvania Ave., Lovettsville, Virginia, at 7:30 o'clock p.m. on February 23, 2012 . Given under my hand and seal of the Town of Lovettsville this 27 day of February, 2012.



Mayor



Clerk

* In this blank insert the appropriate wording, such as: "no", "all", "up to five years of", or other.

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The Virginia General Assembly, in its 2010 session passed legislation creating a separate retirement plan for employees hired on or after July 1, 2010 (hereafter referred to as "Plan 2" employees). The legislation amended VA Code § 51.1-144 to provide that Plan 2 employees will pay their 5 percent member contribution and that, absent other action by the employer, such contribution will be paid through salary reduction according to Internal Revenue Code § 414 (h). Internal Revenue Code § 414 (h) provides that a governmental employer may "pick-up" mandatory employee contributions and thereby cause the contributions to be made on a pre-tax basis. The formal written action required by Internal Revenue Code § 414 (h) to effect the pick-up has been taken by the General Assembly with the Governor's signature.

The legislation also permits each county, city, town, local public school board or other local employer to pick-up, in whole or in part (in 1 percent increments), the 5 percent member contribution as an additional benefit not paid as salary. The employer's optional payment of the 5 percent member contribution may be phased in over a period approved by the VRS Board not to exceed 6 years and may only be made on a uniform basis for all its Plan 2 employees. The formal written action required by Internal Revenue Code § 414 (h) to effect the pick-up using the alternatives permitted by the legislation must be taken by the governing body of the specific employing entity and must be effective only on a prospective basis.

As a new employer joining VRS after July 1, 2010 I certify that the treatment of member contributions will be the same for all employees who are in VRS Plan 2 and any future new hires who, by virtue of not having taken a refund of their member contributions in VRS, and who remain in VRS Plan 1. The treatment of the member contributions is as follows:

Please indicate, by selecting one option below, how member contributions will be paid:

- This is to acknowledge that the Town of Lovettsville will have the employees pay the 5 percent member contribution according to the terms of the legislation. This action does not require action by your governing body. Shaine Wadew (Authorized Signature) 2/27/12 (Date)
- This is to acknowledge that the Town of Lovettsville elects to pick-up some or all of the 5 percent member contributions as detailed in the following duly approved resolution.

The German Settlement

Town of Lovettsville

RESOLUTION

As a new employer joining VRS after July 1, 2010 I certify that the treatment of member contributions will be the same for all employees who are in VRS Plan 2 and any future new hires who, by virtue of not having taken a refund of their member contributions in VRS, and who remain in VRS Plan 1. The treatment of the member contributions is as follows:

Authorization to Pick-up the Employee's Contribution to VRS Under § 414(h) of the Internal Revenue Code For Plan 2 Employees

WHEREAS, the Virginia General Assembly, in its 2010 session passed legislation creating a separate retirement plan for employees hired on or after July 1, 2010 (hereafter referred to as "Plan 2 Employees"). The legislation stipulates that Plan 2 Employees will pay their 5 percent member contribution and that, absent other action by the employer, such contribution will be paid through salary reduction according to Internal Revenue Code § 414 (h) on a pre-tax basis; and

WHEREAS, the legislation allows certain employers, including the Town of Lovettsville to pick-up and pay all or a portion of the member contributions on behalf of its Plan 2 Employees as an additional benefit not paid as salary; and

WHEREAS, the election to pick-up and pay all or a portion of the member contributions on behalf of its Plan 2 Employees as an additional benefit not paid as salary shall, once made, remain in effect for the applicable fiscal year (July 1 - June 30) and shall continue in effect beyond the end of such fiscal year absent a subsequent resolution changing the way the 5 percent member contribution is paid; and

WHEREAS, employee contributions that are picked-up as an additional benefit not paid as salary are not considered wages for purposes of VA Code § 51.1-700 et seq. nor shall they be considered salary for purposes of VA Code § 51.1-100 et seq.; and

WHEREAS, the Town of Lovettsville desires to pick-up and pay its Plan 2 Employees' member contributions to VRS as an additional benefit not paid as salary in an amount equal to 5% of creditable compensation; and

WHEREAS, VRS tracks such picked-up member contributions and is prepared to treat such contributions as employee contributions for all purposes of VRS.

NOW, THEREFORE, IT IS HEREBY RESOLVED that effective the first day of March 1, 2012, the Town of Lovettsville shall pick-up member contributions of its Plan 2 Employees to VRS as an additional benefit not paid as salary in an amount equal to 5% of creditable compensation subject to the terms and conditions described above; and it is further

The German Settlement

Town of Lovettsville

RESOLVED that such contributions, although designated as member contributions, are to be made by the Town of Lovettsville in lieu of member contributions; and it is further

RESOLVED that nothing herein shall be construed so as to permit or extend an option to VRS members to receive the picked-up contributions made by the Town of Lovettsville directly instead of having them paid to VRS.

VOTE:

Ayes: Carder, Senate, Sparbanie, Zoldos

Nays: None


Abstentions: None

Absent for vote: Staley

Adopted in Lovettsville, Virginia this 23rd day of February, 2012.



ELAINE WALKER, MAYOR



JUDY L. KROMHOLZ, TOWN CLERK

The German Settlement

Town of Lovettsville

VIRGINIA FREEDOM OF INFORMATION ACT Resolution: AUTHORIZE CLOSED SESSION

Date: 02/23/2012

Time: 9:28 PM

MOTION BY: R. Zoldas

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].~~

related to apparent zoning violations within the Town subject of recent correspondence by the...
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,

related to apparent zoning violations within the Town subject of recent correspondence by the...

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

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

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

with regard to [person, issue or property subject of discussion]

→ And thereafter reconvene in open session for action as appropriate.

SECOND: *M. Senate*

VOTE:

Ayes: *B. Zoldos, T. Sparberie, T. Carder, M. Senate*
Nays: *None*
Abstentions: *None*
Absent for vote: *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:”

2/23, 2012 at 10:00 PM

Certified:

Daine Wadsworth
Mayer