

Town of Lovettsville

Town Council Minutes of Regular Meeting March 8, 2012

Mayor Elaine Walker called the regular meeting of the Lovettsville Town Council to order at 7:30 PM on Thursday, March 8, 2012.

Present at Meeting

- Mayor Elaine Walker
- Vice Mayor Robert Zoldos II *{Arrived at 7:44PM}*
- Council Members Tiffany Carder, Michael Senate, Tim Sparbanie, Shaun Staley
- Town Manager Keith Markel
- Town Attorney Elizabeth Whiting
- Project Manager Karin Fellers
- Zoning Administrator Melissa Hynes
- Town Clerk Judy L. Kromholz

Absent

- None

Call to Order/Welcome/Pledge of Allegiance/Invocation

Mayor Walker led the assembled in the Pledge of Allegiance.

Presentations

No presentations were scheduled.

Comments from the Public

Councilman Staley read the rules for speaking before the Council. No member of the public wished to speak.

Community Presentations

A. Lovettsville Planning Commission

Vice Chairman Jack Burden reported on the Planning Commission public hearing and meeting held on March 7, 2012.

B. Economic Development Advisory Committee

Councilman Staley reported that the Committee met last week and discussed objectives for economic development of the Town.

B. Loudoun County Sheriff's Office

Loudoun County Deputy Sheriff Wacker reported that it has been relatively quiet, and that the number of incidents is down from January.

Additions/Deletions/Modifications to the Agenda

Attorney Whiting added an action item for the resolution to enable her to file for the special election for Council on the day of the general election. Manager Markel added an information item concerning the zoning enforcement issues at 26 East Broad Way.

Approval of Town Council Minutes

No minutes were presented.

Report from the Treasurer

No report was presented.

Staff Reports

A. Report from the Town Manager

Manager Markel distributed his written report. He welcomed Zoning Administrator Hynes and reminded Council of the following special meetings:

- The Town Parks Committee will be meeting on Monday, March 12th at the proposed gazebo location.
- The Town Parks Community Input Session will be on Wednesday, March 14th at the Lovettsville Elementary School.
- The Virginia Department of Transportation Public Hearing on the bike path will be held on April 11th and VDOT has posted white signs at either end of Route 287 to inform the public of this meeting.

Manager Markel reported that further review of the Keena infill project is on hold at the request of the applicant.

Councilwoman Carder asked for information about the Loudoun County Economic Development meeting. Manager Markel explained the background of the group and that its focus will be on the incubation of small businesses. They are still defining their mission and plan to facilitate formal interaction between towns, the County, and other stakeholders.

Action/Discussion Items

A. East Broad Way Utility Design Scope – Utility Professionals

Project Manager Fellers presented this item. She explained that, as part of the Broad Way Sidewalk Project, PHR+A identified a need to relocate utility poles out of the right of way in order to accommodate the roadway required by VDOT. Based on recommendations from communities like Purcellville and Leesburg who suggested that outside consulting help would expedite the process and help keep costs down, the Town hired Utility Professional Services, Inc. (UtilityPros) to provide support for the design and relocation of the utilities for this project. Upon initial viewing, UtilityPros identified some concerns about whether the poles could be relocated as shown so they recommended that the first step be to evaluate the PHR+A plan for feasibility and found it to be infeasible. It was identified that determination as to whether the Town or Dominion would be responsible for the cost of the relocation was critical to the feasibility of continuing with the project.

The Town met with Dominion Power and has learned that approximately 90% of the relocation costs will be Dominion's responsibility, keeping the Broad Way project as designed within budget to complete. Dominion Power suggested that the next step for the utility relocation is to conduct a Utility Field Inspection (UFI) with all affected utilities and complete a design for the relocation of all the utilities. UtilityPros has provided a scope of services to manage the UFI work, complete the design work and provide Construction Administration support. Their scope includes representing the Town at all UFI meetings and discussions needed and design services for the utility relocation. Staff has discussed the scope with UtilityPros to better understand the benefits of paying them to design the relocation. The following items were cited:

1. Using UtilityPros to complete the design will make the negotiation process move much more quickly. If each utility is asked to design their portion, the design will be going from each utility company and modifications will need to be made by each utility company working at their schedule. UtilityPros has indicated that they are geared up for this project and can make design revisions quickly in order to keep the process moving as efficiently as possible.
2. Using UtilityPros to complete the design provides the Town with a better negotiating position. If utility companies are allowed to design their proposed relocations, they will tend to design what is best for them, not the Town. Once they have "drawn the line in the sand" with their proposed design, it becomes a substantial challenge to obtain design revisions to address Town needs.
3. Using UtilityPros to complete the design ensures that the items that are important to the Town are incorporated and considered in the design. UtilityPros will be ensuring that the proposed location of the new poles, guy wires, etc. are not going to conflict with the other elements of the Broad Way design. They will also propose the best locations for future activities within the area.
4. Using UtilityPros to complete the design can save the Town money. It limits the utility company's ability to add additional elements to the relocation that "improve" their system at the cost of the Town.
5. Using UtilityPros to complete the design offers the best chance for the Town to see a reduction in the total number of poles including the possibility of consolidating utilities on to the least number of poles or even eliminating some or all poles from one side of the roadway. With the Town (through

UtilityPros) taking the initiative on proposing the new relocation design, it helps to bring all the utility companies together cooperating to make the best project possible for the Town.

Project Manager Fellers noted that utility relocation is a complicated and difficult process. Leesburg stated that they suspected that they wound up paying more for the relocation because they did not have enough expertise when they went through the negotiation process. UtilityPros' job is to ensure that the Town is well represented throughout this process and is protected. UtilityPros claim that on many projects they have saved their clients more money than they have charged for their services.

The scope identifies a not to exceed cost of \$42,450 to complete the UFI process and complete Tasks 2 through 4 resulting in Final design plans approved by all utilities and VDOT that are ready for bidding. A budget estimate cost of \$33,825 has been presented for Tasks 5-7, the Construction Administration and meetings with Town Council. Tasks 5-7 is just an estimate as the final billing and will be based on the hours needed to complete the tasks. Task 6 assumes 8 meetings with Town Council. If these meetings are not needed, the Town will not be charged. Staff thinks 3-4 meetings may be needed throughout the process to provide help in understanding before making final decisions about the design and whether to try to transfer some utilities from the north side to the south side permanently.

It should be noted that the UtilityPros proposal covers their costs as described in the scope of services. There is expected to be some additional costs to the Utility Companies for some of the relocation activities. Dominion has already identified that they have an agreement allowing one of their poles to be within the ROW so the Town will bear the costs for relocation of one pole following the state mandated formula. Task 2 of the scope will also reveal what cost responsibilities the Town may have for the relocation of the Verizon poles, if any. Additionally, if the Town chooses to request relocation of some of the Verizon and Comcast lines and/or poles to the south side of the road as a beautification, there may be additional cost to the Town to complete those improvements. The UtilityPros effort will reveal these additional costs for the Town Council to consider and make educated decisions before finalizing the relocation design.

The Town may also have some incur costs to PHR+A (the design engineer for the road improvements) to incorporate the final utility relocation into the plans and to develop the necessary easement plats necessary for the acquisition process. Additionally, there will be costs incurred by KDR for negotiating the acquisitions needed for the East Broad Way project. As the utility relocation work nears completion, staff will be able to update previous costs estimates for the project for Town Council to use in making decisions.

Staff recommends that Town Council consider using Utility Professionals as described in the scope of services. They have years of experience with utility relocations and will work to keep the project moving swiftly through the process and present the best negotiating position for the Town to bring the project as closely as possible to the design needs and cost limitations for the Town. Utility relocation can be a challenging aspect for this type of project and even larger Towns like Leesburg have indicated they feel they were taken advantage of by the Utilities and would consider using a company like Utility Professionals for their next project involving utility relocation.

Mayor Walker called for discussion. Councilman Sparbanie asked why the poles are being relocated and Project Manager Fellers explained that in some cases it is because of the location of the proposed sidewalk, in some cases the pole must be moved to allow curb and gutter to be installed. She also explained that VDOT will be maintaining this road and they have a lot of control over it as a result. The Town is already in the process of obtaining five waivers to current VDOT standards. The Town may have an opportunity to reduce its pole-scape on the north side where the sidewalk will be; it will be a cost decision. Councilman Senate stated that while the cost of moving poles is staggering it is important to realize that this involves all the utilities; both for the Town itself and through service to other localities. He stated that none of the utility companies will work simultaneously, one must finish before the next one starts. Both the Town and Dominion Power want to move as few poles as possible. Manager Markel stated that Dominion has been a very good partner so far in this process.

Motion: I move that Town Council accept the Scope of Services provided by Utility Professionals titled *Dry Utility Engineering & Project Management Scope of Services for the Town of Lovettsville Broad Way Sidewalk Project* dated February 10, 2012 and revised February 29, 2012 and authorize the Mayor or Town Manager to sign the necessary documents once in a form acceptable to the Town Attorney.

By: Vice Mayor Zoldos

Second: Council Member Carder

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

Nay: None
Abstain: None
Absent: None

Vice Mayor Zoldos stated that this approach will save the Town money and give it the best return on its investment.

B. Water Improvement Scope – Dewberry

Project Manager Fellers presented this item. Council is being asked to consider approving Task 4 of the Scope of Services with Dewberry titled Engineering Services for Recommended Water Improvements Implementation. She explained that on February 9, 2012, Town Council reviewed and approved the Dewberry report titled *Technical Memorandum Task Order No. 1 Town of Lovettsville Water Improvements Study* dated February 3, 2012. Town Council also directed staff to initiate Recommendations 1, 2 and 3 and to obtain costs to complete these items. She explained that, under the typical design/bid/build format, the next step in implementing the improvements would be for Dewberry to develop detailed design and specifications which would then be put out to bid. Unfortunately, the Town does not have the time to complete this project using that format. In addition, the improvements are such that the companies that bid these projects are able to determine the necessary specifications, thus eliminating the cost for Dewberry to complete this work. In addition, since the Town has contracted with Utility Services to paint the tank, using them for the improvements that either must be done before the tank can be painted or while the tank is out of service makes good sense. Staff is proposing to use Dewberry to review the proposals from Utility Services for Tasks 1, 2 & 3 to ensure that the proposals suitably meet the needs of the Town and to verify that the costs are appropriate. In addition, the scope includes time for Dewberry to provide inspection services as necessary to ensure proper installation of the improvements.

Dewberry has developed Task 4: Scope of Services titled Engineering Services for Recommended Water Improvements Implementation describing their services in greater detail with an approximate cost of \$8,000 plus approximately \$200 in direct costs. She noted that this scope does not include the support needed to define the needs of the SCADA system. Dewberry is working with CH2M Hill to develop a scope of services for the SCADA improvements which will hopefully follow soon. It should be noted that the costs to complete the actual improvements are still under development by Utility Services. Staff recommends that continuing Dewberry's services will ensure that the improvements are appropriately sized and installed for proper performance. Staff recommends that Town Council approve the scope of services.

Motion: I move that the Town Council approve Task No. 4 dated March 1, 2012 titled *Engineering Services for Recommended Water Improvements Implementation* with an estimated cost of \$8,000 plus a contingency of \$1,500 and authorize the Mayor or Town Manager to sign all appropriate paperwork to initiate the work once in a form acceptable to the Town Attorney

By: Vice Mayor Zoldos

Second: Council Member Senate

Mayor Walker called for discussion. Vice Mayor Zoldos stated that it is important to have a third party watching out for the Town's interests given the Town's experience with past design-build projects. There being no further discussion, Mayor Walker called for the vote.

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

Nay: None

Abstain: None

Absent: None

C. Name for Town Park Land

Project Manager Fellers presented this item. Council is being asked to identify an official or "working" name for the future park property donated to the Town by the New Town Meadows Developer. She explained that in July, 2011, staff requested that Town Council identify names for the three park properties being considered for development. At that time the Town Council identified the following names for the parks:

1. Parcel housing the flag and tree: **Town Square**
2. Parcel in Town Center where movies occur: **Town Green**
3. Donated Parcel in New Town Meadows: **New Town Meadows Park**

Staff began utilizing these names and with the recent discussions on the concept plan for the New Town Meadows Park, it has been identified that the current "working" name may be a bit misleading. The name may cause it to be confused with the park land and tot lot already present in the subdivision. The name may also imply that the future park is to be for the use of the development when it is intended for all Town residents. This parcel is on the far north east corner of the subdivision and fronts Quarter Branch Road and Lange Drive. It is also near the Water Tower.

The concept plan for this park is under development and a Public Input Session is scheduled for March 14, 2012 to discuss and obtain resident input on the plan. Staff asks that Town Council consider changing the name of this park, even if the name is simply a temporary working name that offers less confusion and is eventually changed. If the name can be decided at this Town Council meeting, staff will be able to use it on March 14, 2012 which will help to establish the new name. One such possible name could be the Quarter Branch Park as it fronts on this road, which was not built and named as part of the New Town Meadows Subdivision.

Mayor Walker called for discussion. Vice Mayor Zoldos recommended assigning a temporary name and asking those attending the input session to suggest or vote on a permanent name. Councilman Sparbanie asked Councilman Staley if any of his neighbors in New Town Meadows had expressed an opinion and Councilman Staley said that he had not received any suggestions. Councilman Senate reiterated that it is important to identify the Park as available to the entire community. There being no further discussion, Mayor Walker called for a motion.

Motion: I move that Town Council assign Quarter Branch Park as a working name to the donated parcel in New Town Meadows.

By: Councilman Senate

Second: Council Member Sparbanie

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

Nay: None

Abstain: None

Absent: None

D. Lovettsville Town Center – Section 2 Bond Reduction

Manager Markel presented this item. Council is being asked to consider reducing the performance bond amount for Lovettsville Town Center - Section 2. He explained that the Town received a request from the developer's engineer for a performance bond reduction of 84 percent, now that a significant amount of the public improvement work has been completed. Section 2 consists of a portion of Black Forest Drive, and Kimberly Kristin Way. Nearly all of the home lots within this section have been constructed. All curb and gutter are in place as well as the majority of the sidewalk. All water and sewer infrastructure is in place and operational along with storm sewer pipes and inlets. The street has been paved with the base layer of asphalt and will be top coated once the construction in this section is complete.

The Town's Engineer, Christopher Consultants, has inspected the site and compared the physical improvements with the bond reduction worksheet submitted by the developer's engineer. In their letter to the Town dated February 6, 2012, Christopher Consultants concurs with the developer that the quantitative amounts of the completed work are correct. The Town currently holds a bond in the amount of \$2,158,747.90 that was approved by Council on March 25, 2010. A reduction of 84 percent would leave the Town with a reduce bond amount of \$260,353.60 (includes 25% contingency and 4% inflation factor) to ensure the proper completion of this section of the development and the acceptance of the streets into the VDOT maintenance system.

Staff recommends reducing the performance bond for Town Center Section 2 from the current amount of \$2,158,747.90 to the new reduced amount of \$260,353.60.

Motion: I move to approve Resolution 2012-03-001 approving the bond reduction from the current amount of \$2,158,747.90 to the new reduced amount of \$260,353.60 for Town Center Phase 2 as discussed above and direct the Mayor and Town Attorney to sign the necessary documents once in a form acceptable to the Town Attorney.

By: Council Member Senate

Second: Council Member Carder

Mayor Walker called for discussion. Councilman Staley asked if the bond amount includes landscaping elements such as trees. Manager Markel stated that it does and explained that all dead trees will have to

be replaced before final release. He noted that they replaced a lot of trees in Section 1. He further explained that the review of trees and other landscaping elements will take place in the summer when the health of the trees can be more easily ascertained.

Councilman Sparbanie asked for an explanation of how the retainage was calculated. Manager Markel explained that the calculation is mandated by Commonwealth law and briefly explained how it is calculated. Councilman Sparbanie asked what happens if the infrastructure fails and Manager Markel explained that the Town has not accepted the improvements yet, that is still in the future and that the bonding is primarily intended to protect against the developer going belly up. Attorney Whiting explained that the bonding requirements are heavily regulated by law and the Town piggybacks on Loudoun county procedures. She explained that the developer is allowed to ask for up to three bond reductions in a year. Councilman Sparbanie asked if Manager Markel feels confident that this reduction will leave the Town protected and Manager Markel explained that there is more than enough retainage to complete what needs to be done. There being no further discussion, Mayor Walker called for the vote.

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

Nay: None

Abstain: None

Absent: None

E. Appointment of Zoning Administrator

Manager Markel presented this item. Council is being asked to appoint Melissa Hynes to serve as Zoning Administrator. He explained that with the resignation of Steve McGregor in December of 2011, the Town began the search for his replacement to serve as the new Town Zoning Administrator and Planner. In February the Town hired Melissa Hynes. The position of Zoning Administrator requires the formal appointment of the Town Council per the Town's Charter and Code of Virginia. Once appointed, she will be able to act on the Town's behalf on issues pertaining to zoning interpretations and code enforcement.

Motion: I move to appoint Melissa Hynes as the Zoning Administrator and Keith Markel as Deputy Zoning Administrator for the Town of Lovettsville.

By: Council Member Carder

Second: Council Member Sparbanie

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

Nay: None

Abstain: None

Absent: None

F. Town Credit Card

Manager Markel presented this item. Council is being asked to establish a Town Credit Card account for official Town business. He explained that the Town currently does not have a credit card and when purchases are needed for emergency items, official travel, or for on-line orders, many times Town staff must use their own personal credit cards to make purchases and then request reimbursement from the Town. This practice of putting large ticket items on private accounts is not the preferred method for Town accounting purposes.

Staff is proposing that the Town apply for a credit card through its primary banking partner, BB&T to establish a credit card account. BB&T can offer a business account card with no fees to be paid by the Town that includes on-line banking control programs that will allow Town administration to add or delete user accounts, monitor spending, and set maximum daily charges. As part of this process, staff will develop a credit card use policy that will detail how the cards are to be used and what charges qualify for card use.

Motion: I move that the Town pursue establishing a credit card account with BB&T and direct Staff to develop a credit card use policy to be reviewed by the Mayor before the cards are issued.

By: Council Member Senate

Second: Council Member Carder

Mayor Walker called for discussion. Councilman Senate suggested that the policy be written very carefully. Councilman Sparbanie suggested that this be resolved with a debit card and Manager Markel explained that, unlike a credit card with a specified limit, a debit card could potentially give someone access to the Town's entire checking account balance. Councilman Sparbanie stated that he would prefer to see the policy in place before issuing the card and Councilman Staley agreed. Vice Mayor

Zoldos suggested that there are a number of models of governments doing this and there should be an educational process required for everyone using the card.

Motion I move that the Town pursue establishing a credit card account with BB&T and direct
Including Staff to develop a credit card use policy to be reviewed and approved by the Mayor
Friendly and Council before the cards are issued.
Amendment:
By: Vice Mayor Zoldos
Accepted by: Council Members Senate and Carder
Aye: Council Members Carder, Senate, Sparbanie, Staley, Zoldos
Nay: None
Abstain: None
Absent: None

G. Appointment of Town Council Member

Manager Markel presented this item. Council is being asked to appoint a candidate to fill the current vacant seat on the Town Council. He explained that on February 2, 2012 Councilwoman Charlotte Coleman resigned her position on Town Council. Mrs. Coleman was elected to the Council in May of 2010 with a term beginning June 1, 2010 and ending on June 30, 2014. With her resignation the Mayor and Town Council advertised the vacancy and accepted applications for the position.

Under new Virginia regulations, a temporary appointment to the Town Council can be made until a special election can be held to permanently fill the vacancy. The next possible date for a special election is the November 6, 2012 general election. The temporary appointment would serve until the successfully candidate from the special election is qualified to take office.

Motion: I move to appoint Jack Burden to fill the unexpired term left vacant by Charlotte Coleman with a term to expire once the successful candidate from the special election to be held on November 6, 2012 takes office.

By: Vice Mayor Zoldos

Second: Council Member Sparbanie

Mayor Walker called for discussion. Vice Mayor Zoldos explained that Commissioner Burden had been interviewed by the Council and was well known to the Council because of his long service on the Planning Commission. There being no further discussion, Mayor Walker called for the vote.

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

Nay: None

Abstain: None

Absent: None

H: Resolution to Schedule an Election in November for the Council Position

Attorney Whiting presented this item and explained the change in procedure ordered by Richmond.

Motion: I move to accept Resolution 2012-03-002: Direct Town Attorney To Petition The Loudoun County Circuit Court For Writ Of Special Election To Fill Council Vacancy For A Term Ending June 30, 2014.

By: Council Member Sparbanie

Second: Council Member Staley

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

Nay: None

Abstain: None

Absent: None

Information Items

Manager Markel reported in the status of the zoning enforcement effort at 26 East Broad Way. He explained that the tenant, the Catoctin Bible Church, moved in without a conversion of use permit or the necessary County permits despite Manager Markel's repeated notifications to the property owner. Manager Markel and Administrator Hynes met with the landlord and the tenant to explain the requirements. The Town is waiting for a parking diagram or shared property agreements addressing the parking requirements and the County is still waiting for some documents. Manager Markel recommended no further action be taken because the applicant is cooperating with the Town to resolve these issues.

Comments from the Mayor and Town Council

Councilman Senate reported that 33 Veterans Memorial paver applications have been received and reminded everyone that the deadline for installation on Memorial Day is March 15th.

Councilwoman Carder reported that the MayFest Committee has been meeting regularly and has begun recruiting sponsors for the event.

Councilman Staley welcomed Councilman Burden to the Council.

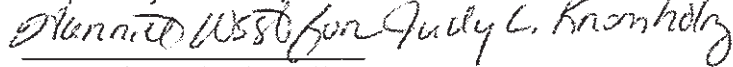
Councilman Sparbanie also welcomed Councilman Burden. He reported that the Lovettsville Dolphins Swim Team is taking registrations right now. The next Oktoberfest Committee meeting will be on March 19th.

Vice Mayor Zoldos reported that the Lovettsville Elementary School PTO bingo night in February raised a lot of money for the playground and that there will be a volleyball game between the teachers and the parents at the next fundraiser on March 16th. He noted that opening day for the Little League will be on April 14th. He welcomed Councilman Burden and congratulated Administrator Hynes.

Mayor Walker welcomed Councilman Burden and Administrator Hynes.

The meeting was adjourned at 9:15 PM

Respectfully submitted,



Judy L. Kromholz, Town Clerk

Date Approved: May 10, 2012

Attachments:

- I. Speaker Signup Sheet
- II. Resolution 2012-03-001 Reducing the performance bond for Town Center Section 2
- III. Resolution 2012-03-002: Direct Town Attorney To Petition The Loudoun County Circuit Court For Writ Of Special Election To Fill Council Vacancy For A Term Ending June 30, 2014

Written Submissions to Council: None

Town of Southsville

Speaker Sign - Up Sheet Town Council Regular Meeting - March 8, 2012

Please Print.

Name and Association	Address	Topic	Email Address (Optional)
Mary Ann Polacet	14 East Pennsylvania Ave.	- Did not wish to speak	Eun

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: 2012-03-001: APPROVING REDUCTION OF BOND SECURING PUBLIC IMPROVEMENTS IN LOVETTSVILLE TOWN CENTER SECTION 2

MOTION: Senate

SECOND: Carder

WHEREAS, Town Center Lovettsville LC., the developer of Lovettsville Town Center, has requested reduction of the performance bond of Arch Insurance Company dated May 7, 2010, in the present amount of \$2,158,747.90 for Section 2, as surety for installation of improvements required by its performance agreement dated May 7, 2012; and

WHEREAS, the Town's engineering consultant, Christopher Consultants, Ltd., has reviewed the request and concurs that reductions as approved below are appropriate based upon the percentage of completion of improvements installed and accepted; and

WHEREAS, the Lovettsville Town Council deems the request to be reasonable based upon performance to date.

NOW, THEREFORE, BE IT RESOLVED that the Lovettsville Town Council hereby approves the request by Town Center Lovettsville, LLC. to reduce the said bonds of Arch Insurance Company referenced above to the amounts of \$260,353.60 for Section 2 of Lovettsville Town Center.

VOTE:

Ayes: Carder, Senate, Sparbanie, Staley, Zoldos

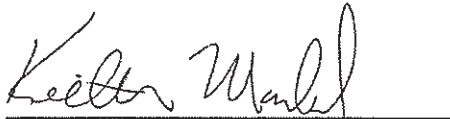
Nays: None

Abstentions: None

Absent for vote: None

Approved March 8, 2012


ELAINE WALKER, MAYOR



The German Settlement

Town of Lovettsville

Resolution No. 2012-03-002: DIRECT TOWN ATTORNEY TO PETITION THE LOUDOUN COUNTY CIRCUIT COURT FOR WRIT OF SPECIAL ELECTION TO FILL COUNCIL VACANCY FOR A TERM ENDING JUNE 30, 2014

MOTION: Sparbanie

SECOND: Staley

WHEREAS, Council member Charlotte Coleman was elected to the Town Council for a term commencing July 1, 2010 and ending June 30, 2014; and

WHEREAS, Ms. Coleman resigned from the Town Council on February 2, 2012; and

WHEREAS, Va. Code Sections 24.2-226, 24.2-228, 24.2-682 **were amended** to eliminate the exemption from special election requirements formerly afforded towns of population less than 3,500, overriding the Town Charter provision authorizing appointment to such vacancies by the Town Council for the unexpired term of the former council member; and

WHEREAS, the Loudoun County General Registrar advised the Town that Mrs. Coleman's term should be filled by way of a special election to be held at the November 6, 2012 general election.

NOW, THEREFORE, BE IT RESOLVED that the Lovettsville Town Council hereby directs the Town Attorney to petition the Loudoun County Circuit Court for a Writ of Special Election as soon as practicable.

VOTE:

AYES: Carder, Senate, Sparbanie, Staley, Zoldos

NAYS: None

ABSTENTIONS: None

ABSENT FOR VOTE: None

March 8, 2012


ELAINE WALKER, MAYOR



The German Settlement

