

# Town of Lovettsville

## Town Council Minutes of the September 11, 2014 Regular Meeting

### Call to Order/Pledge of Allegiance

Mayor Robert Zoldos II called the Regular Meeting of the Lovettsville Town Council to order at 7:30 p.m. on September 11, 2014 at the Lovettsville Town Hall, 6 East Pennsylvania Avenue, Lovettsville, VA.

### Council Members Present

- Mayor Robert Zoldos II
- Vice Mayor Michael Senate (arrived at 7:34 p.m.)
- Council Member Kimberly Allar
- Council Member Tiffany Carder
- Council Member Rodney Gray
- Council Member Jennifer Jones
- Council Member James McIntyre

### Staff Present

- Town Manager Keith Markel
- Town Attorney Elizabeth Whiting
- Project Manager Karin Fellers
- Treasurer Lance Gladstone
- Zoning Administrator Joshua Bateman
- Town Clerk Harriet West

### Pledge of Allegiance

Mayor Zoldos led those assembled in the Pledge of Allegiance.

Mayor Zoldos announced that there would be no closed session.

### Presentations

There were none.

### Comments from the Public

Mayor Zoldos called for comments from the public. There were none.

### Community Presentations

#### A. Loudoun County Sheriff's Office

Deputy LoPreto reported that a resident's home was vandalized and the door was damaged. There was also a case of check forgery for more than \$1,000. The check was taken from the middle of the check book and the victim did not even realize it was missing. He cautioned residents not to carry their check books with them, but rather to only take one or two checks with them if they need to write a check. He reported that there have been seven crashes on East Broad Way and West Broad Way since 2011.

There were no other community presentations.

### Town Commission and Committee Reports

#### A. Lovettsville Planning Commission

Manager Markel reported that the Planning Commission held two public hearings on October 9, 2014 regarding the composition of the Planning Commission and the Landscape Ordinance. These items will be coming before the Town Council in October. He noted that the Planning Commission and Town Council held the joint public work session for the Town Center project. The Planning Commission will hold a special work session next week to discuss the proposed R-3 modifications.

B. Parks Committee

Vice Mayor Senate gave updates on the Town information sign and the walking path at Quarter Branch Park.

C. Wild on the Green

Councilwoman Allar said Wild on the Green was very successful. She thanked the Lions Club, staff, the Mayor, and other Council Members for their assistance.

D. We're In Committee

Councilwoman Carder gave updates on outreach at Movies on the Green and plans to create a website to act as a virtual sidewalk and provide more visibility to local businesses, most of which are home-based.

E. Oktoberfest Committee

Councilman McIntyre gave updates on vendors and sponsors, plans for a VIP happy hour, the Oktoberfest booklet, senior recognition, Volunteerfest recognition, Royalty Competition, Weiner Dog Races, biodegradable beer cups, streamlined logistics for vendor set up, trolley service, and the contract with Loudoun County Sheriff's Office. He publicly thanked and recognized the Oktoberfest Committee members. Council Member Jones said she knows many families who have friends coming in just for Oktoberfest.

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

The following items were added to the agenda: G. Potomac Partnership Date; H. VRA Loan Refund Opportunity; and I. Town Center Retail – Next Steps

**Minutes**

**A. Town Council Public Hearing and Regular Meeting – April 24, 2014**

**Motion:** I move to accept the minutes of the April 24, 2014 Regular Meeting as presented.  
**By:** Council Member Carder  
**Second:** Vice Mayor Senate  
**Aye:** Council Member Allar, Carder, Gray, McIntyre, and Senate  
**Nay:** None  
**Abstain:** Council Member Jones  
**Absent:** None

**B. Town Council Special Meeting – May 15, 2014**

**Motion:** I move to accept the minutes of the May 15, 2014 Town Council Special Meeting as amended.  
**By:** Council Member Gray  
**Second:** Council Member McIntyre  
**Aye:** Council Member Allar, Carder, Gray, McIntyre, and Senate  
**Nay:** None  
**Abstain:** Council Member Jones  
**Absent:** None

**Report from the Treasurer**

There was no report from the Treasurer.

**A. Report from the Project Manager**

There were no questions regarding the Project Manager's written report.

**B. Report from the Zoning Administrator**

There was no report.

**C. Report from the Town Attorney**

There was no report.

**D. Report from the Town Manager**

Manager Markel referenced his written report. He introduced Joshua Bateman as the Town's new Planner and Zoning Administrator and noted the Town Council will be asked to consider Mr. Bateman's appointment at tonight's meeting. He gave updates on a recent grant application and the sale of 12A East Pennsylvania Avenue.

### **Action/Discussion Items**

#### **A. VEPGA Membership**

Project Manager Fellers presented this item. The Council is being asked to consider joining the Virginia Energy Purchasing Governmental Association (VEPGA). VEPGA negotiates more competitive rates with Dominion Virginia Power on behalf of municipalities that are members. Most of the Town's accounts are already receiving the VEPGA rates; however, staff has identified several accounts for Town facilities that may benefit from the VEPGA schedule. The cost to the Town will be approximately \$43 per year. Most of the other communities in the area are members of VEPGA. Council is being asked to approve Resolution 2014-09-0001: Approving Joint Powers Association Agreement (Attachment 1).

**Motion:** I move that Town Council vote to join VEPGA by approving Resolution 2014-09-0001: Approving Joint Powers Association Agreement and authorize the Mayor to sign the appropriate documents. I further move that the Town Manager be identified as the designated contact for the VEPGA organization.

**By:** Council Member Jones

**Second:** Vice Mayor Senate

**Aye:** Council Member Allar, Carder, Gray, Jones, McIntyre, and Senate

**Nay:** None

**Abstain:** None

**Absent:** None

#### **B. Selection of Inspector/Construction Manager for East Broad Way Streetscapes Work**

Project Manager Fellers presented this item. The Council is being asked to hire a consultant to provide inspection and construction management services for the East Broad Way Sidewalk Improvements Project. The Selection Committee included Mayor Zoldos, Councilman Gray, the Town Manager, and the Project Manager. The Committee reviewed the four proposal received and interviewed three firms. The committee recommends selecting RKK based on the qualification of their team for this project.

**Motion:** I move that Town Council select RKK to provide Inspection & Construction Services as described in the Scope and Fee Proposal: Construction Management and Inspection for Sidewalk, Drainage and Roadway Improvements for E. Broad Way dated September 4, 2014 for a total amount of \$220,000 and authorize the Mayor to sign the appropriate paperwork once in a form acceptable to the Town Attorney.

**By:** Council Member Gray

**Second:** Council Member McIntyre

**Aye:** Council Member Allar, Carder, Gray, Jones, McIntyre, and Senate

**Nay:** None

**Abstain:** None

**Absent:** None

#### **C. Town Government Organization Chart and Council Committee Assignments**

Mayor Zoldos presented this item. The Council is being asked to approve the Town Government Organization Chart, including Council Committee Assignments.

Using a PowerPoint presentation, Mayor Zoldos reviewed the Town's current organizational chart and boards/committee structure. Proposed standing committees include Facilities, Utilities, Parks (including the Environment and Tree Board) and We're In. The Information Flow Committee would be an ad-hoc committee. Proposed Council liaison positions include Public Safety, Library, and Community Center.

For the Facilities, Utilities, and Parks Committees, the Mayor proposed the following composition – three Council members, a representative from the Planning Commission, and a citizen of the Town. A Council

Member will chair all of the committees. The town citizen representatives will be advertised in the Friday email. We're In has its own committee structure which will be maintained.

Mayor Zoldos noted that the Movies on the Green Committee will be responsible for selecting movies, securing sponsors, and taking care of set up on movie nights. A representative from the Community Center always helps with this. The Committee meets once in the spring and then throughout the movie season.

Following discussion, the Council agreed to make the Information Flow Committee a standing committee also. Councilman McIntyre suggested expanding the citizen participation to the 20180 zip code. Attorney Whiting said there is nothing legally that would prevent the Town Council from appointing someone from outside of Town. She said that the Town has broad discretion with designing and appointing advisory committees as long as they are not turning over appropriation power or unless, by statute, they have to be Town residents. Following further discussion, Councilman McIntyre withdrew his request to have someone from outside of Town serve on the Information Flow Committee.

The following committee assignments were discussed and agreed to by the Mayor and Town Council. Mayor Zoldos indicated he would also be participating on all of the standing committees.

<b>Committee</b>	<b>Chair</b>	<b>Other Members</b>
Wintertainment Fest	Councilman Gray	
Light Up Lovettsville	Councilwoman Allar	
Berserkle on the Squirkle	Councilwoman Carder	Brenda Stanley
Movies on the Green	Councilman McIntyre	Community Center Representative
Memorial Day & Veterans Day	Councilwoman Allar	Jack Burden
Volunteer Fest	Councilwoman Jones	
Facilities	Councilman Gray	Vice Mayor Senate Councilwoman Jones Planning Commission Member Town Citizen
Utilities	Councilwoman Jones	Councilman Gray Councilman McIntyre Planning Commission Member Jack Burden
Parks	Vice Mayor Senate	Councilwoman Jones Councilwoman Allar Commissioner Frank McDonough Elaine Walker
We're In	Councilwoman Carder	Claudia Gary, Organization Team Lead Brenda Stanley, Promotion Team Lead Alicia Bruce, Design Team Lead Economic Team Lead
Information Flow	Councilman McIntyre	Councilwoman Carder Councilwoman Allar Planning Commission Member Town Citizen
Wild on the Green	Councilwoman Allar	Planning Commission Member

The Council also agreed to the following Council liaison assignments:

- Public Safety – Councilwoman Jones
- Community Center – Councilman Gray
- Lovettsville Library – Councilman McIntyre

Since there will be three Council Members on each of the standing committees, this will trigger requirements to provide public notice for all scheduled meetings and to take meeting minutes. Manager Markel indicated this will create an additional administrative burden for staff.

Staff will post the committee assignments on the Town's website.

**Motion:** I move to accept the document referred to as Town of Lovettsville Organization Chart for Lovettsville (Attachment 2).  
**By:** Vice Mayor Senate  
**Second:** Council Member Jones  
**Aye:** Council Member Allar, Carder, Gray, Jones, McIntyre, and Senate  
**Nay:** None  
**Abstain:** None  
**Absent:** None

D. Town Charter Amendments

Manager Markel presented this item. The Council is being asked to consider amendments to the Town Charter.

The Town Manager, Town Attorney, and Mayor developed several proposed changes to the Town's Charter and presented them to the Town Council at the August 28, 2014 Town Council meeting. Following the meeting, staff refined the draft Charter text amendments (Attachment 3). The final pieces of information that need to be added are references to when the Town's corporate limits were expanded as part of boundary line adjustments. Staff is requesting direction to move forward with advertising the public hearing at a Town Council meeting in October 2014.

**Motion:** I move that the Lovettsville Town Council direct the Town Manager to schedule a public hearing to receive public comment on the proposed Charter text changes.  
**By:** Council Member McIntyre  
**Second:** Council Member Allar  
**Aye:** Council Member Allar, Carder, Gray, Jones, McIntyre, and Senate  
**Nay:** None  
**Abstain:** None  
**Absent:** None

E. Appointment of Zoning Administrator

Manager Markel presented this item. The Council is being asked to consider confirming the Mayor's appointment of Joshua Bateman as the Town's new Zoning Administrator.

Mayor Zoldos introduced Josh Bateman. The Mayor noted they are following the requirements of the current Charter by having the Council confirm the Mayor's appointment of the Zoning Administrator. Mr. Bateman said it was a pleasure to meet everyone and he looked forward to working with them to help plan the future of the Town. Mr. Bateman discussed his education, background in geography and planning, and experience working for the private sector and other Towns in Virginia. Mr. Markel reviewed the recruitment and selection process and noted that Mr. Bateman was the top candidate based on his experience with towns and communities comparable to the Town of Lovettsville.

**Motion:** I move that Town Council confirm the Mayor's appointment of Joshua Bateman as the Town's Zoning Administrator effective immediately.  
**By:** Vice Mayor Senate  
**Second:** Council Member Carder  
**Aye:** Council Member Allar, Carder, Gray, Jones, McIntyre, and Senate  
**Nay:** None  
**Abstain:** None  
**Absent:** None

F. Re-Appointment of Theodor Bratrud to the Board of Zoning Appeals

Manager Markel presented this item. The Council is being asked to consider re-appointing Theodor Bratrud III to the Board of Zoning Appeals (BZA).

Manager Markel stated that Mr. Bratrud was first appointed to the BZA in 2008. Mr. Bratrud's current term has expired, but he has confirmed that he is willing to serve a new, four-year term. Staff recommends that Mr. Bratrud be re-appointed to the BZA for a four-year term.

**Motion:** I move that Town Council re-appoint Theodor Bratrud III to the Board of Zoning Appeals with a term to expire January 24, 2017.  
**By:** Council Member Jones  
**Second:** Council Member Allar  
**Aye:** Council Member Allar, Carder, Gray, Jones, McIntyre, and Senate  
**Nay:** None  
**Abstain:** None  
**Absent:** None

Manager Markel noted that the BZA is comprised of three members. With the re-appointment of Mr. Bratrud and the recent appointment of Planning Commissioner Quintana, they have two members. Mayor Zoldos said he will contact the two applicants who were not selected for the recent Planning Commission vacancies to see if either one is interested in the vacant position on the BZA.

#### G. Potomac Partnership Meeting Date

Councilwoman Carder asked for input from the Council on scheduling the next Potomac Partnership meeting. Following discussion, the meeting was scheduled for October 15 from 7:00-9:00 pm at the Lovettsville Fire Station.

#### H. VRA Loan Refund Opportunity

Treasurer Gladstone discussed an opportunity to reduce the amount of the 2007 loan for module 3 of the waste-water treatment plant. He was contacted by the Virginia Resources Authority (VRA) about reducing the costs of the loan through a pooled bond sale. The estimated cost savings is \$99,000 over the remaining life of the loan. There are several opportunities each year to take advantage of this. The Town can take advantage of this in the fall of 2014 or wait until the spring of 2015. Following discussion, the Council agreed to take no action tonight but instead asked staff to follow up with VRA early next year. Attorney Whiting suggested staff and the Council determine if the cost savings will be worth the upfront costs of refinancing before taking any final action.

#### I. Town Center Retail – Next Steps

Manager Markel said he has not heard from the applicant since the special meeting on September 2 at the Lovettsville Fire Hall. He said the Council needs to determine if there will there be a joint public hearing with the Planning Commission and Town Council, or two separate public hearings. The Council expressed concern that the applicant had not yet addressed the questions raised at the special meeting such as parking, the alley way, and materials for the rear of the structure. Following discussion, the Mayor and Council directed the Town Manager present two options to the applicant – either a public open house and joint public hearing or two separate public hearings.

#### Information Items

##### A. Update on Possible Utility Assistance Program

Councilwoman Jones gave an update on this item. She said that she, the Mayor, and the Town Manager met with two area pastors to discuss how to collect funds and determine who would qualify to receive financial assistance. She is also following up with social services to see what support they can provide and working with Town staff to see what changes are needed to the software to accept donations through utility payments. These funds would be used as a last resort for those who find themselves in a crisis. There are other services available but not everyone is comfortable going to a church or to social services.

##### B. Game Club Community Yard Sales

Manager Markel presented a request from the Game Club to hold three community yard sales during the year. There was no objection from the Council.

**Comments from the Mayor and Town Council**

A. Discussion of list of attributes the Council is seeking in the next Town Manager

Mayor Zoldos introduced Sam Finz, who will be serving as Interim Town Manager and helping the Council hire a new Town Manager. The Mayor noted that Mr. Finz has served the Town in various capacities in the past, including helping to hire Mr. Markel. Mr. Finz described his background serving as the Deputy County Executive in Fairfax County and the City Manager for Hollywood, Florida and College Park, Maryland. Mr. Finz said that he and Manager Markel have prepared a position description that will be posted with ICMA (International City/County Management Association) and VML (Virginia Municipal League). Mr. Finz distributed the draft position description and his suggested qualifications/criteria for the Town Manager position, which he then reviewed with the Mayor and the Council. Mr. Finz offered to assist with the selection process by initially screening the applications based on the criteria and selecting the top three to five candidates for the Mayor and Council to interview. He said it will likely take a couple of months to go through the process of hiring a new Town Manager. Mr. Finz said he would like feedback from the Mayor and Council on the criteria and what they want of the Town Manager.

In response to questions from the Mayor and Council, Mr. Finz said he did not want to discourage qualified applicants from applying by requiring a Master's degree and he felt that three years of local government experience is reasonable. He also said that the salary range is to encourage people of all levels to apply and the actual salary would be negotiated. Following discussion, "overseeing special events" was added to the list of criteria. Mr. Finz said he would start the process by placing the ads and report back to the Mayor and Council with a schedule and timelines.

**Comments from the Mayor and Town Council**

Councilman McIntyre said he is thankful for his committee and that everything is coming together for Oktoberfest.

Councilman Gray said he is looking forward to Oktoberfest and that he loved seeing all of the flags on the Town Square for Patriot Day.

Vice Mayor Senate said he was blessed to go to several other towns for Patriot Day and that Lovettsville's event was so well done.

Councilwoman Allar said she is moving forward with preparation for the Veterans Day Ceremony.

Councilwoman Jones said she is working with Councilman McIntyre on incorporating the Volunteer Fest booth and volunteer recognition at Oktoberfest.

Mayor Zoldos reported on the following:

- Wild on the Green was very well done and lot of fun.
- The house sale at 12A East Pennsylvania Avenue was completed and the cost to the Town for the acquisition of the parcel adjoining the Town Hall property was \$9,000.
- In response to a citizen's concerns, he and staff attended a meeting with representatives from the County and VDOT to discuss traffic calming needs on Loudoun Street, Broad Way, and Berlin Pike. Since Broad Way and Berlin Pike are throughways, traffic calming is not an option. VDOT did agree to do a traffic count on Loudoun Street and Locust Street to monitor speed, direction, and type. If the traffic monitoring shows speeds five miles per hour or above the posted speed limit, then VDOT will look at traffic calming options, including speed bumps; however, this requires 75% of residents on the street to agree to it. There will be no cost to the Town for the traffic monitoring. Manager Markel reported that he recently met with VDOT representatives regarding the truck route signs encouraging truck traffic to stay on Rt. 287. The signs should be installed in the next few weeks.
- The 9/11 ceremony went well and the flags provided by the American Individualists were a great tribute.
- He thanked Councilwoman Jones for her work on getting the water charity started.
- The Town has heard nothing new about busing; however, a drop off location has been set up near the library at the end of Light Street. The Town suggested other locations including the school and the Game Club. There are safety and traffic concerns when 60 families are picking up and dropping

off children on a residential street. They will have to monitor this to see if it causes problems for residents.

Mayor Zoldos also gave updates on upcoming events including Movies on the Green, Oktoberfest, the Ruritan Barn Dance, and the Fire Station Open House. He noted that Planning Commissioner Tony Quintana is taking over Lovettsville Watch. He also discussed mowing at Quarter Branch Park and building an entrance for the main tent area at Oktoberfest.

Lastly, Mayor Zoldos asked everyone to join him in a standing ovation for Manager Markel in recognition of his last meeting. Mayor Zoldos said that Keith brought to the job professionalism, strength, focus, and hard work that the Town has come to expect and that it will be hard to replace him. He has also been a great steward of the Town and a friend of those who serve the Town. Manager Markel thanked everyone for the experience, friendships, and support over the years.

**Closed Session**

There was no closed session.

**Adjournment**

There being no further business before the Council, the meeting was adjourned at 10:54 p.m.

Respectfully submitted,



Harriet West, Town Clerk

Date Approved: March 26, 2015

Attachments:

1. Resolution 2014-09-0001: Approving Joint Powers Association Agreement
2. Town of Lovettsville Organization Chart for Lovettsville
3. Draft Charter Text Amendments



# Town of Lovettsville

## RESOLUTION 2014-09-0001: Approving Joint Powers Association Agreement

**MOTION:** Jones

**SECOND:** Senate

**WHEREAS**, the VML/VACo Virginia Power Steering Committee (the “Committee”), composed of representatives of the Town of Lovettsville and other local governments and political subdivisions of the Commonwealth, has for over several decades negotiated on behalf of such governmental units a standard form contract for their purchase of electricity supply and delivery service from Virginia Electric and Power Company (“Virginia Power”) as a sole source provider; and

**WHEREAS**, political subdivisions of the Commonwealth of Virginia are authorized under Virginia law to exercise jointly powers that they otherwise are authorized to exercise independently, and the terms and conditions of such authorization are currently set forth in Sections 15.2-1300, et seq. of the Virginia Code (the “Joint Powers Act”); and

**WHEREAS**, the Virginia Electric Utility Restructuring Act (the “Restructuring Act”) further authorizes municipalities and other political subdivisions in the Commonwealth to aggregate their electricity supply requirements for the purpose of their joint purchase of such requirements from licensed suppliers, and the Restructuring Act provides that such aggregation shall not require licensure; and

**WHEREAS**, the Virginia Public Procurement Act (the “Procurement Act”) exempts from its competitive sealed bidding and competitive negotiation requirements (the “Requirements”) the joint procurement by public bodies, utilizing competitive principles, of electric utility services purchased through member associations under the conditions set forth in the Procurement Act; and

**WHEREAS**, the Committee recommends that the aggregation and procurement of electric supply, electric delivery, and other energy-related services (“Energy Services”) be effectuated as provided in the Joint Powers Association Agreement, a copy of which is attached to and made part of this resolution (the “Joint Powers Agreement”), in accordance with applicable provisions of the Procurement Act, such as the utilization of competitive principles pursuant to an exemption from the Requirements; and

**WHEREAS**, the Committee also recommends that the other services provided by the Committee to its members be effectuated as provided in the Joint Powers Agreement, with such services consisting of (i) assistance in implementing standard form contracts for the purchase of services from incumbent electricity utilities, (ii) education of members regarding electricity procurement issues, (iii) monitoring of legal and regulatory developments affecting the provision of electricity service to local governments, and (iv) hiring of consultants and legal counsel to assist in its provisions of the foregoing services (“Steering Committee Services”).

**WHEREAS**, it appearing to the Town Council of Town of Lovettsville that the joint procurement of the Energy Services pursuant to the Joint Powers Agreement and the provision of Steering Committee Services pursuant to the Joint Powers Agreement is otherwise in the best interests of Town of Lovettsville

*The German Settlement*

**NOW, THEREFORE, BE IT HEREBY RESOLVED** that:

(1) Competitive sealed bidding and competitive negotiation for the procurement of Energy Services are not fiscally advantageous to the public because the procurement process for Energy Services must be flexible enough to respond to quickly changing market conditions in which energy prices can fluctuate considerably on a daily or even hourly basis.

(2) The aggregation and joint procurement of the Energy Services pursuant to the Joint Powers Agreement is hereby approved.

(3) The provision of Steering Committee Services pursuant to the Joint Powers Agreement is hereby approved.

(4) The Joint Powers Agreement and the performance of the terms and conditions thereof on behalf of Town of Lovettsville are hereby authorized and approved.

(5) The Mayor is hereby authorized and directed to execute and deliver the Joint Powers Agreement on behalf of Town of Lovettsville in substantially the form presented to this meeting.

(6) The payment obligations of Town of Lovettsville pursuant to the provisions hereof and the Joint Powers Agreement shall be subject to annual appropriation of requisite funds therefore by the Town of Lovettsville.

(7) This Resolution shall take effect immediately upon its adoption or passage.

**VOTE:**

**Ayes:** Allar, Carder, Gray, Jones, McIntyre, Senate

**Nays:** None


**Abstentions:** None

**Absent for vote:** None

**APPROVED:** September 11, 2014

  
\_\_\_\_\_  
**ROBERT ZOLDOS II, MAYOR**

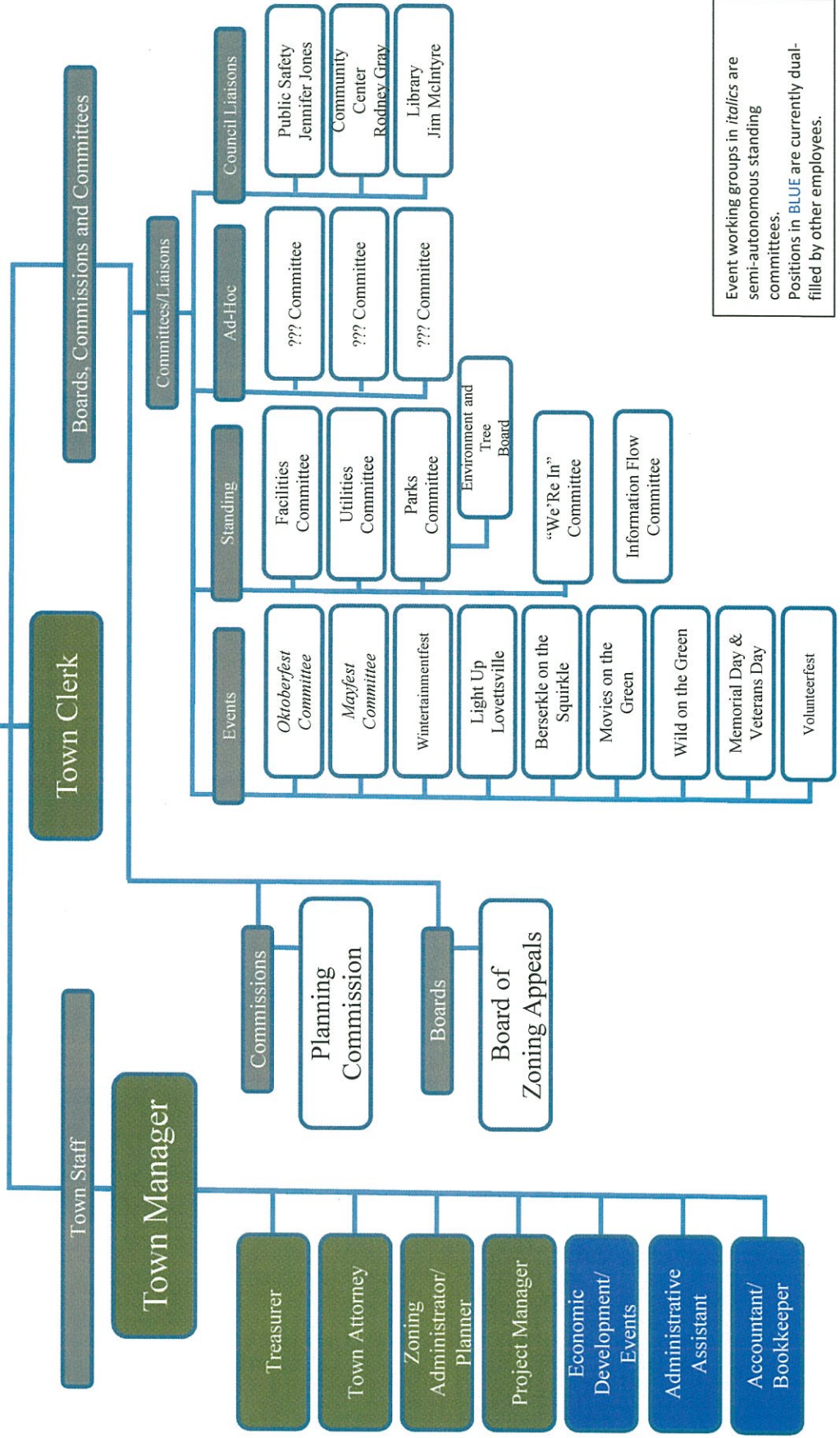
**ATTEST:**

  
\_\_\_\_\_  
**HARRIET WEST, TOWN CLERK**

# The Town of Lovettsville

## Citizens of the Town of Lovettsville

### Mayor and Town Council



Event working groups in *italics* are semi-autonomous standing committees.  
Positions in **BLUE** are currently dual-filled by other employees.



# Lovettsville Town Charter

## Sec. 1.1. Incorporation.

The inhabitants of the territory comprised within the present limits of the Town of Lovettsville, as such limits are now or may hereafter be altered and established by law, shall constitute a body politic and corporate, to be known and designated as the Town of Lovettsville, Virginia, and as such shall have perpetual succession, may sue and be sued, plead and be impleaded, contract and be contracted with.

## Sec. 1.2. Corporate limits.

The corporate limits or boundaries of the town are those established in Deed Book 6M at Page 406, et seq., of the land records of Loudoun County, Virginia, as extended by the annexation decree of the Circuit Court of Loudoun County, Virginia, entered on March 27, 1973, of record in the Clerk's Office of the Circuit Court for Loudoun County in Common Law Order Book 33 at Page 21, Deed Book 572 beginning at Page 545, by Final Order entered June 12, 1985, of record in the Clerk's Office in Common Law Order Book xx at Page yy in At Law No. 16467, and by Final Order entered December 22, 2006 in CL 43628, record among the land records of Loudoun County as Instrument No. 20070104-0000612, and by any orders of the Circuit Court of Loudoun County heretofore or hereafter entered.

## Sec. 1.3. Corporate seal.

The town may provide for the adoption of its corporate seal, which it may alter, amend or renew at its pleasure.

## Sec. 2.1. In general.

The Town of Lovettsville shall have and may exercise all the powers and privileges conferred upon it by this charter, as well as all the powers and privileges conferred upon towns by the Constitution of Virginia and all other laws of the commonwealth. All powers set forth in chapter ~~198~~ of title 15.~~21~~ of the Code of Virginia, as now existing or as may be added to or amended from time to time [~~Repealed, see now Code of Virginia, § 15.2-901 et seq.~~], are hereby specifically conferred upon the Town of Lovettsville.

## Sec. 2.2. Eminent domain.

Generally. The powers of eminent domain which may be exercised by municipal corporations under the provisions of title 15.~~21~~ and title 25.~~1~~ of the

Code of Virginia [~~Repealed, see now Code of Virginia, titles 15.2 and 25.1~~] are hereby conferred upon the town.

### **Sec. 2.3. Acquisition of land or interest therein for exchange with public utility company.**

Whenever any public utility company owns any land or any easement, right-of-way or other interest in land which the town deems necessary and intends to acquire for any public purpose, which land, easement, right-of-way or other interest in land owned by such public utility company is devoted to a public use, the town may acquire by gift, purchase or by the exercise of its power of eminent domain additional or a like easement, right-of-way or interest in land adjacent to or approximately adjacent to such land needed and proposed to be acquired by the town. The town may then convey the same to the public utility company for use by such company in lieu of the land, easement, right-of-way or other interest in land theretofore owned by it but needed by the town. The condemnation of such land, easement, right-of-way or other interest in land to be conveyed to any public utility company shall be governed by the procedures prescribed in this charter.

### **Sec. 2.4. Water and sewer services.**

- A. *Generally.* The town shall have the power and authority to acquire, establish, maintain, operate, extend and enlarge waterworks and sewage disposal plants within or without the corporate limits of the town; and to establish and enforce reasonable rates, rules and regulations for the use of same, any or all of which rates, rules and regulations the council may alter ~~from at any time to time without notice.~~
- B. *Rates.* In operating public water and sewer services, the town may charge a different rate for services furnished to customers outside the corporate limits of the town from the rates charged for similar services to customers within the corporate limits.
- C. *Unpaid charges.* The town may provide by ordinance that all unpaid water and sewer service charges and interest thereon shall constitute a lien on the real estate served by the water or sewer line through which the service is provided.

### **Sec. 2.5. Power to incur debts and contract loans.**

- A. The council, within the limits of the constitution of this commonwealth and in accordance with the provisions of general law, may, in the name of and for the use of the town, contract loans or cause to be issued certificates of debt, notes or bonds.
- B. The council shall have the power to negotiate temporary loans, in anticipation of taxes, for the purpose of paying current expenses of the town, such loans to be evidenced by bonds or notes bearing interest at a rate permitted by general law for towns, and such bonds or notes shall be payable within one year from the date of issue out of the current revenue of the year in which the same are issued. No such temporary loan shall in the aggregate exceed 75 percent of the town's income of the previous year.
- C. All bonds and other evidences of indebtedness of the town shall be signed by the mayor and countersigned by the town clerk.

### **Sec. 3.1. Conduct of municipal elections.**

All elections shall be conducted pursuant to and in accordance with the general laws governing the holding of elections in towns.

### **Sec. 3.2. Council.**

- A. The legislative powers of the town shall be vested in a town council, composed of six members, who shall be elected as specified herein.
- B. Council members shall be elected to four-year terms, on the date specified by general law for municipal elections, in the manner herein provided:
  - i. Three council members shall be elected in the municipal elections held in 1984, and in municipal elections held every four years thereafter.

- ii. Three council members shall be elected in the municipal elections held in 1986, and in municipal elections held every four years thereafter.
- C. The council members so elected shall qualify and take office on July 1, following their election, and shall continue to serve until their successors are duly elected, qualify and assume office.
- D. Any person qualified to vote in town elections shall be eligible for the office of councilman.
- E. Vacancies in the council shall be filled for the unexpired term by a majority vote of the remaining members of the council from among the qualified voters of the town. For the purposes of this section, no distinction shall be made between a member elected to the council and a member who has been appointed to the council except as to voting on those matters set forth in Article VII, Section 7 of the Constitution of Virginia. Upon any matter except those matters set forth in Article VII, Section 7 of the Constitution of Virginia coming before the council, the votes of all members shall be of the same dignity, whether a member has been elected or appointed.
- F. The members of the council in office at the time of the passage of this Act shall continue until the expiration of the terms for which they were elected, or until their successors are duly elected, qualify and assume office.

### **Sec. 3.3. Mayor.**

- A. Powers and duties.
  - 1. The mayor shall be the chief executive officer of the town and shall be recognized as the head of town government for all ceremonial purposes, the purpose of military law and the service of civil process; he shall have and exercise all power and authority conferred by general law on the mayors of towns not inconsistent

with this charter; he shall authenticate by his signature such documents as the council, this charter or the laws of the commonwealth shall require; and he shall perform such other duties consistent with his office as may be imposed by the council.

2. The mayor shall preside at all meetings of the council, but shall have no vote except in case of tie; he shall have the power to veto resolutions, acts and ordinances of the council, which resolutions, acts and ordinances may be passed over such veto by a two-thirds vote of the entire council; and he shall from time to time recommend to the council such measures as he may deem necessary for the welfare of the town.
3. Except as otherwise provided herein or by law, ~~t~~The mayor shall have the authority to appoint such officers and committees ~~employees as specifically authorized herein or~~ as are necessary for the proper administration of the affairs of the town, but shall report each appointment to the council for confirmation at the next meeting thereof following any such appointment; the mayor shall see that the duties of the various town officers are faithfully performed, and he shall have the power to suspend any such officer for misconduct in office or neglect of duty until the next regular or special meeting of the council, when the decision of the council shall be final.

B. Election. In each even-numbered year, on the date specified by general law for municipal elections, a mayor for the Town shall be elected for a term of two years. The person so elected shall so qualify and take office on July 1, following election. Mayors shall continue to serve until their successors are duly elected, qualify and assume office.



C. Qualifications. Any person qualified to vote in town elections shall be eligible for the office of mayor.

D. Vacancies. A vacancy in the office of mayor shall be filled for the unexpired term by a majority vote of the members elected to the council from among the qualified voters of the town. A member of the council shall not be qualified to fill a vacancy in the office of mayor. For the purposes of this section, no distinction shall be made between a person elected as mayor and a person who has been appointed as mayor except as to voting on those matters set forth in Article VII, Section 7 of the Constitution of Virginia. Upon any matter except those matters set forth in Article VII, Section 7 of the Constitution of Virginia coming before the council, the votes of all members shall be of the same dignity, whether a member has been elected or appointed.

E. The mayor in office at the time of the passage of this Act shall continue in office until the expiration of the term for which he was elected, or until his successor is duly elected, qualifies and assumes office.

#### **Sec. 3.4. Vice-mayor.**

A. The council shall may elect from among its members a vice-mayor, who shall preside at council meetings in the absence of the mayor. Election of the vice-mayor shall be made at the organizational meeting of the Council following the regular election of mayor and council members. Note Leesburg's version of this: "At its first regular meeting after July one in the year a mayor is elected, the council shall elect from among its members a vice-mayor for a term of two years who shall act as mayor during the mayor's absence or disability. The mayor pro tempore in office at the effective date of this charter amendment is hereby continued in office as vice-mayor for the term of office for which he was elected<sup>[T1]</sup>."

- B. In the event of the disability or absence of the mayor, his place may be filled and his duties discharged by the vice-mayor.

### **Sec. 3.5. Meeting.**

~~A.~~—All meetings of the council shall be public, unless an closed executive session is called according to law. No official action shall be taken by the council while in closed executive session.

A.

- B. The council, by ordinance, shall adopt such rules as it may deem proper for the regulation of its proceedings and the time of its meetings. It shall hold at least ~~such one~~ regular ~~monthly~~ meetings as may be required by § 15.2-1416 of the Code of Virginia. ~~Special~~ meetings may be called at any time by the mayor or by three members of the council, provided all members of the council are actually notified of such meeting.
- C. A majority of the council shall constitute a quorum for the transaction of business. Each member of the council shall have one vote.

### **Sec. 3.6. Compensation.**

Compensation for members of the council and the mayor shall be set by the council. Any increases in the compensation of the mayor or members of the council may become effective during such mayor's or council member's term of office.

### **Sec. 4.1. Town officers.**

- A. *Town clerk.* A town clerk shall be appointed who shall be the clerk of the council and shall keep the journal of its proceedings and shall record all ordinances and resolutions in a book or books kept for that purpose. All such records shall be public records, stored and filed at the town's offices and open to inspection at any time during the town's regular office hours.

The town clerk ~~may be a resident of the town and shall serve~~ at the pleasure of the town council~~for a term coincident with that of the mayor.~~

- B. *Town treasurer.* A town treasurer shall be appointed who shall receive all money belonging to the town and keep correct accounts of all receipts from all sources and of all expenditures; he shall be responsible for the collection of all license fees, taxes, levies and charges due to the town and shall disburse the funds of the town as the council may direct. The town treasurer ~~may be a resident of the town and shall serve~~ at the pleasure of the town council~~for a term coincident with that of the mayor.~~
- C. *Town manager.* A town manager, in the discretion of the mayor and council, may be appointed who shall serve as the chief administrative officer of the town. The town manager ~~need not be a resident of the town and shall serve~~ at the pleasure of the ~~mayor and~~ council.
- D. *Other town officers.* The mayor, in his discretion and with the approval of the council, may appoint a town attorney, a town zoning administrator and such other town officers as may be deemed appropriate. Such officers ~~need not be residents of the Town and shall serve~~ at the pleasure of the ~~mayor and~~ council, unless the council shall provide otherwise.
- E. *Duties, etc.* Each officer shall have such duties as are specified by the council not inconsistent with the constitution and general laws of the commonwealth and this charter, shall execute such bonds as may be prescribed by resolution of the council, and shall receive such compensation as the council may prescribe.
- ~~F.~~ *[Dual office holding.]* The same person may be appointed to more than one office; provided, however, that no person may serve both as an officer

of the town and as mayor or member of the council except as otherwise provided in this charter or by general law.

(Acts 2005, ch. 533, § 1)

#### **Sec. 4.2. Boards, commissions and committees.**

- A. *Planning commission.* The council shall appoint a town planning commission which shall have such powers and duties as are provided by general law.
- B. *Board of zoning appeals.* The council shall appoint the members of the board of zoning appeals for the town, which shall consist of three or five members, and prescribe their terms of office and qualifications. The board of zoning appeals shall have such powers and duties as are provided by general law.
- C. *Committees.* The council, in its discretion, may establish such committees, whether standing or ad hoc, as it may deem appropriate, to study and report to the council on those matters referred to such committees by the council. The report of any such committee shall not be binding upon the council, but shall be advisory only.
- D. ~~*Membership.*~~ Except as otherwise provided by law, mMembers of the council and the mayor are eligible to serve as members of any town commission, committee or group; ~~provided, however, that they shall have no vote in any official matter before any such commission, committee or group; although they may participate fully in all debate and discussion.~~ Members of the council and the mayoral so serving shall be entitled to participate fully as voting members of such commission, committee or group except as otherwise provided by law.
- E. *Compensation.* The council may provide for compensation to such of their boards, commissions or committees performing special work to the extent that may be reasonable and fair.

#### **Sec. 4.3. Fiscal control.**

- A. *Fiscal year.* The fiscal year of the town shall begin on July 1, and end on June 30, ~~unless and until changed by ordinance.~~
- B. *Fiscal control [authority].* The council shall have the power to control and manage the fiscal affairs of the town and to make such ordinances, orders and resolutions relating to the same as it may deem necessary. After the close of each fiscal year, the council shall cause to be made an independent audit of the accounts, books, records and financial transactions of the town either by the auditor of public accounts of the commonwealth or by an independent certified public accountant to be selected by the council. The report of such audit shall be filed within such time as the council shall specify, and one copy thereof shall always be available for public inspection in the town's offices during the town's regular business hours.

### **Sec. 5.1. Continuity.**

- A. All ordinances now in force in the Town of Lovettsville, not inconsistent with this charter, shall remain in force until altered, amended or repealed by the council.
- B. The present officers of the town shall continue in office at the pleasure of the council, or until their successors have been duly appointed.

### **Sec. 5.2. Historic districts.**

Notwithstanding any other provision of law, the council may establish one or more historic districts within the town for the purpose of promoting the general welfare, education and recreational pleasure of the public through the perpetuation of those general areas, individual structures or premises which have been officially designated by the council as having historical or architectural significance. The establishment of historic districts shall be by amendment of the town's zoning ordinance and consistent with the purposes, criteria and procedures set forth in § 15.2-2306~~1-503.2~~ of the Code of Virginia ~~[Repealed, see now Code of Virginia, § 15.2-2306].~~

### **Sec. 5.3. Severability.**

If any part of this Act shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect or invalidate the remainder of the Act.

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FOOTNOTE(S):

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~~—(1)—~~

~~**Editor's note**—Printed herein is the town Charter as enacted by Acts 1983, ch. 520, § 1. Amendments are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original. Obvious misspellings have been corrected without notation. For stylistic purposes, headings and catchlines have been made uniform and the same style of expression of numbers in text as appears in the Code of Ordinances has been used. A consistent scheme of capitalization has also been used. Additions for clarity are indicated by brackets. The town was established by an Act adopted March 15, 1836. It was incorporated by Acts 1842, ch. 191 and Acts 1876, ch. 184. The town ceased to function for a number of years and revised its activities by order of the Circuit Court on December 29, 1949. A charter was established in Acts 1968, ch. 53. [\(Back\)](#)~~

~~**State Law reference**—Local government charters, Code of Virginia, § 15.2-200 et seq. [\(Back\)](#)~~

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**CHARTER COMPARATIVE TABLE** 

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This table shows the location of the section amendments to the Charter. The Charter is derived from Acts 1983, ch. 520, § 1.