

**ROUND HILL TOWN COUNCIL
REGULAR MEETING MINUTES
April 19, 2012**

A regular meeting of the Round Hill Town Council was held in the town Office, 23 Main Street, Round Hill, VA, on Thursday, April 19, 2012.

Council Members Present

Scott T. Ramsey, Mayor
Mary Anne Graham, Vice-Mayor
R. Daniel Botsch
Clarkson J. Klipple
Jennifer Grafton Theodore

Others Present

Maureen Gilmore,
Town Attorney
David Simpson
Sven Johnson
Pat Johnson

Council Members Absent

Janet L. Heston
Christopher J. Prack

Staff Present

John Barkley, Town Administrator

IN RE: CALL TO ORDER

Mayor Ramsey called the meeting to order at 7:35 p.m.

IN RE: PLEDGE OF ALLEGIANCE

Vice-Mayor Graham led those present in the Pledge of Allegiance.

IN RE: COMMUNITY POLICING

Due to the absence of Deputy Cooper, there was no Community Policing report.

IN RE: PUBLIC COMMENT

Mr. David Simpson, 5 Mulberry Street, addressed the Council regarding the deaths of residents Cecil and Anne Crouch. He feels that they should be remembered in some way, and suggested the possibility of the Town Council issuing a proclamation for a day to

honor them. Mr. Simpson noted that Mr. Crouch was a veteran of both World War II and Korea, serving in both the Army and Marine Corps. He then reported on the way Highland County honors their veterans with a “Walk of Honor.” Mr. Simpson feels that the Town should do something similar, perhaps in the Town Park. Mr. Simpson reported that Highland County uses brick pavers set in sand, and the he had spoken with Mr. Harold Parker, of Parker Memorials, regarding the use of bricks to construct a walk. The cost is \$35.00 per brick, which provides for four lines of text. Mr. Simpson suggested that there could be a sign-up sheet for placing a memorial at the Hometown Festival each year. Vice-Mayor Graham asked if Mr. Simpson would be willing to work with the Park Committee on this; he said he would. Mayor Ramsey noted the Council’s previous discussions regarding memorials and the helpfulness of having citizen input. Discussion ensued as to who would be eligible for a memorial on the walk, if it should be limited to veterans, or if others should be included. Mayor Ramsey discussed having a citizens’ committee to lead this, and noted that it would be helpful in efficiently conducting the project. Mayor Ramsey encouraged Mr. Simpson to meet with other citizens, flesh out their ideas, and bring them to the Council or the Land Use Committee. Councilperson Klipple noted that he thinks the Walk of Honor is a good idea. Mayor Ramsey and Vice-Mayor Graham discussed the placement and style of the bricks. Mayor Ramsey noted that the citizens working on this initiative would need to create a simple budget in order to begin the project. In closing, Mayor Ramsey thanked Mr. Simpson for his presentation.

Mr. Sven Johnson then addressed the Council. He passed out copies of a map of Loudoun County showing the locations of “over 55” communities, noting that there is only one such community in Western Loudoun, in Lovettsville. Mr. Johnson then discussed the possible use of the Powers Thomas’ property and the adjacent Webster property as a senior living center. Mayor Ramsey noted a meeting held with Mr. Mike Hummel recently; and noted that there is currently not a co-development arrangement between Mr. Hummel and Mr. Thomas, although both are interested in doing something with their properties. Mayor Ramsey recommended Mr. Johnson meet with Mr. Hummel to create ideas for the use of the properties. Mayor Ramsey thanked Mr. Johnson for his presentation.

IN RE: APROVAL OF AGENDA

Vice-Mayor Graham moved the agenda be approved with the addition of **Resolution 2012-1, Supporting the Observance of INOVA Loudoun Hospital’s 100 Year Anniversary – 1912 to 2012**. It was decided to place this under Action Items, as Item #3. Councilperson Botsch seconded the motion. The Agenda was approved, with the amendment noted, by a vote of 4-0-2. The votes were recorded thus:

<u>MEMBER</u>	<u>VOTE</u>
Mary Anne Graham	Aye
R. Daniel Botsch	Aye
Clarkson J. Klipple	Aye
Jennifer Grafton Theodore	Aye

IN RE: BUSINESS

1. Main Street Enhancement Project

Town Administrator Barkley reported that this project has been on hold for a few months, awaiting County budget negotiations; he also reported that the recommendation from the Commonwealth Transportation Board should be available this month (April). The County approved funding of the larger storm water pipe the Town had requested. Mr. Bowers is ready to start the design of the project. Fifty percent of the design is needed to present to the Land Use Committee, in June or July. Mayor Ramsey noted that the chances of receiving state grant money are slim, as the Town needs to have made more progress on the project. Mayor Ramsey feels the Town should proceed with the design of the project, and not wait for state funding. Councilperson Botsch discussed the delay on the design by the Land Use Committee and their decision to design with the funding they know is available. Discussion ensued as to how far the design of the project should proceed in light of the uncertainty of funding. Councilperson Klipple remarked that he feels Phase I should be free-standing, in case later phases are not funded. Mayor Ramsey noted that funding from the County is fairly certain. Mr. Barkley noted that the project is scheduled to begin in October 2013. Mayor Ramsey suggested instructing Mr. Bowers to create a design taking into account the money currently available, with which Councilperson Botsch agreed. Mr. Barkley was asked if Mr. Bowers could have the concept design ready by the next Land Use Committee meeting; it was noted that he could. Discussion ensued regarding use of available money for partial design and construction of that portion of the project, as opposed to using more of the available funding to design the entire project. Mayor Ramsey noted that Mr. Bowers wants to design the entire project, and explained the reasons why. Councilperson Klipple noted that future grants could pay for further construction, and would not be needed for design costs, if the entire project is designed at one time. Councilperson Botsch stated that it would be helpful to know what the Town needs to do in order to show the State we are serious about the project. Mr. Barkley noted that he will ask Mr. Bowers for guidance on full design as opposed to a partial design; he also noted that, now that we know the storm water component will be completely designed, we can present this to VDOT as proof of progress. The project will be taken up by the Land Use Committee in May or June in order to be moved forward.

2. Western Loudoun Sheriff's Substation Project

It was reported that the redesign of the Western Loudoun Sheriff's Substation may cause the County to use a well and septic system at the site, rather than hooking up to Town utilities. Mayor Ramsey noted some of the issues connected to the redesign with well and septic, including possible loss of a second use at the site. Mayor Ramsey reported that he asked Supervisor Clarke to try to maintain the possible second use of this property. It was also reported that Supervisor Clarke will use the Town Office for a public meeting on this subject. The meeting will be held on May 8, 2012, at 1:00 p.m.

3. Franklin Park to Round Hill Trail Project

The County no longer has Anderson and Associates designing this project and Dewberry has been hired by the County to design the trail. Town Administrator Barkley reported that Mr. Lewis Rauch will be meeting with the Mayor at the Town Office soon; he will notify Council Members when this will occur so they may attend. Councilperson Botsch asked if the trail is on the south side of the road only. Mayor Ramsey and Town Administrator Barkley reported that it will be on both the north and south sides of Business Route 7. Mayor Ramsey noted that this also depends on who provides funding. If the County provides funding for inside the Town limits, they could change where the trail is located. Mr. Barkley noted there was discussion of moving the storm water pipe to the middle of the road, and that it was decided to do so, which eliminated the need for some easements.

4. Public Hearing for B-1 Business District Text Amendments

Councilperson Botsch reported that the Land Use Committee wants to schedule a public hearing on Article 7 – B-1 Business District Text Amendments. He also reported that there are two items the committee would like to have included in the Town Code, rather than in Article 7: 1) hours of operation, which they would like to limit to 6:00 a.m. to 10:00 p.m.; and 2) hours for delivery and trash pick-up, which they would like to limit to 6:00 a.m. to 11:00 p.m. Vice-Mayor Graham asked why the committee wants to do so. Councilperson Botsch noted that Town Attorney Gilmore recommended this. Ms. Gilmore briefly explained the reasons for including these items in the Town Code. Mayor Ramsey noted “grandfather” issues with existing businesses that would be covered by putting these items in the Town Code. Mayor Ramsey asked about general nuisance/noise issues that could be included in the Town Code. Town Attorney Gilmore noted that she would help work on this issue. Councilperson Botsch noted that there are other discussions forthcoming in the Land Use Committee, dealing with Industrial and Lighting Ordinances, which would include nuisance ordinance issues as well. Mayor Ramsey asked if the public hearing for Article 7 could be scheduled at the same time as the Budget public hearing, on June 7, 2012. Councilperson Botsch noted that that schedule would work.

5. Discussion of Bid Opening and Tabulation

1) Route 719 Sewage Lift Station Project: It was reported that the low bid of \$232,965.00 is close to the budgeted amount for this project. Town Administrator Barkley noted that the Town Engineer recommended awarding the contract to Arthur Construction Company for the amount listed above. Town Administrator Barkley noted that the amount budgeted for this project is \$200,000.00; thus a transfer of funds will be necessary. It was reported that there is optimism that the Virginia DEQ could provide additional funding. Councilperson Klipple asked if it is usual for there to be such a wide variance among bids; Mr. Barkley noted that that is not unusual. Vice-Mayor Graham asked how long this project will take; Mr. Barkley was unsure, but will

obtain the information and get back to Vice-Mayor Graham with that information. Vice-Mayor Graham asked where the construction trailers will be parked; that is not yet known. Vice-Mayor Graham moved to accept the bid by Arthur Construction Company for \$232,965.00, and award the contract to the same. The motion was seconded by Councilperson Klipple. A vote was taken on the motion, which carried 4-0-2. The votes were recorded thus:

<u>MEMBER</u>	<u>VOTE</u>
Mary Anne Graham	Aye
R. Daniel Botsch	Aye
Clarkson J. Klipple	Aye
Jennifer Grafton Theodore	Aye

2) Hayman Lane Water and Sewer Extension Project: Town Administrator Barkley suggested returning this to the Committee. Three bids were received, including a bid from Arthur Construction Company. There are three sections to this project -- water, sewer, and raw water. \$100,000.00 has been committed to the project by the Virginia DEQ. Mayor Ramsey asked if the cost of water includes Availability Fees, and could the money for Availability Fees be extracted from the DEQ. It was reported that the DEQ will pay for some private costs as well as for public costs. It was also reported that homeowners in this subdivision were promised access to Town utilities when the area was annexed. It was also reported that there are seven lots in the subdivision. Meters will not be installed for those who didn't participate in the project. The question was raised as to how long bids are in force; Town Attorney Gilmore reported that they are in force for sixty days. Discussion ensued regarding a lot in the subdivision that is to be used as a nature area. Mayor Ramsey noted that limiting the project to water only or sewer only won't be a cost savings in the long run. It was decided to have the Utility Committee take up this subject.

IN RE: ACTION ITEMS

1. Approval of Minutes

a. March 15, 2012 Town Council Meeting

Vice-Mayor Graham asked if the Recording Secretary's name should be included in the Staff Present section on Page 1. After discussion, it was noted that the Recording Secretary's name had not been included in the past. On Page 3, fourth line from the bottom, the title should be "Program Manager;" it is written as "Program Manger." Councilperson Botsch noted that on Page 7, in the first paragraph, next to last line, "thank committee" should be omitted. Following discussion, Vice-Mayor Graham moved that the minutes be approved as amended. Councilperson Botsch seconded the motion. The Minutes were approved with a vote of 4-0-2; the votes being recorded thus:

<u>MEMBER</u>	<u>VOTE</u>
Mary Anne Graham	Aye
R. Daniel Botsch	Aye
Clarkson J. Klipple	Aye
Jennifer Grafton Theodore	Aye

2. Town Office Renovations – Exterior Painting Estimates

Town Administrator Barkley noted that each Council member has a copy of the three estimates received in his/her packet. All the estimates were from local companies, and ranged from \$4,000.00 to \$21,000.00. The estimate that was in the middle of the price range was from Joe Fleming; Mr. Barkley noted that he feels that would be a good bid to consider. He also reported that it was made clear to all the bidders that there is lead paint on the building, and he ensured that each contractor is qualified to deal with lead paint. In issuing the request for bids Mr. Barkley was specific about what needs to be done, so the bids received are pretty comprehensive. Mayor Ramsey asked for Mr. Barkley to check the references on the two lowest bidders. Councilperson Botsch asked if the Town could be charged extra for any lead paint found; Mr. Barkley reassured him we would not. Councilperson Botsch noted that that issue should be addressed in the contract. Town Administrator Barkley noted we were general about priming in soliciting bids. Councilperson Botsch suggested the Town consult with someone with expertise, who is not related to the project, for guidance on how to proceed. Discussion ensued as to the condition of the wood on the exterior of the building, and how that would impact the painting. Vice-Mayor Graham also requested references for the lowest two bidders. Councilperson Botsch suggested getting references from The Better Business Bureau; Mayor Ramsey suggested obtaining references not provided by the contractor. Mayor Ramsey directed Mr. Barkley to work with the middle bidder (Joe Fleming) to obtain references and ensure specifications relating to the project.

3. INOVA Loudoun Hospital Resolution

Town Administrator Barkley handed out a copy of **Resolution 2012-1, Supporting the Observance of INOVA Loudoun Hospital's 100 Year Anniversary – 1912 to 2012**, to Council Members. Vice-Mayor Graham moved to support Resolution 2012-1; Councilperson Botsch seconded the motion. Mayor Ramsey asked if there was any further discussion; there was none. Following this a vote was taken; the motion carried with a vote of 3-1-2. The votes were recorded as follows:

<u>MEMBER</u>	<u>VOTE</u>
Mary Anne Graham	Aye
R. Daniel Botsch	Aye
Clarkson J. Klipple	Aye
Jennifer Grafton Theodore	Nay

IN RE: FY 2013 UTILITY FUND BUDGET

1. Utility Fund Operating Budget and Capital Improvement Program

Mayor Ramsey noted the reasons for the absence of some staff members at the Council Meeting. Town Administrator Barkley noted that a copy of the budget is in each Council Member's packet. Vice-Mayor Graham asked if the entire 5% required for payment into the VRS retirement system will be taken out of reserves. Mayor Ramsey noted that each staff member will be given a 5% or 1% raise, and then each person will make their contribution to VRS. Discussion ensued as to the merits of contributing the entire 5% in one year as opposed to phasing it in by 1% per year over the next five years. Mayor Ramsey noted that the advantage of contributing the full 5% now is that the issue will not need to be revisited over the next four years. Further discussion ensued as to how to institute this program, noting uncertainty about what actions the state may take. Town Attorney Gilmore noted that she feels there will be legal challenges to this issue. If the Town funds the entire 5%, then we may need to pull-back on raises. Mayor Ramsey also discussed how the state employees' retirement system differs from the municipalities' employees' retirement system. It was felt a decision should be made on how to go forward on this issue at this evening's meeting, so the Town Treasurer can institute this. Mayor Ramsey noted that larger jurisdictions are just contributing 1%. Councilperson Klipple noted this will be taken out of each employee's earnings pre-tax. A straw poll was taken, with the consensus being to do a 1% contribution for FY 2013.

IN RE: REPORTS

1. Town Administrator's Report

Town Administrator Barkley noted that a copy of his report is in each Council Member's packet; and that he would be happy to address questions/comments. He also noted that much of his report deals with bids. Mr. Barkley also reported that the Town newsletter will be published in May, and that those in charge of the newsletter would like to receive articles for publication. Mr. Barkley also noted that the tee shirt contest for the Hometown Festival is under way. The Town Park Pavilion was discussed, with attention being paid to the pad, and the pigment used. It was reported that construction will be dependent on Virginia Dominion Power's schedule, and that the Town will work with them to avoid construction taking place during the Hometown Festival. Town Administrator Barkley reported that Verizon wants to add three more antennae to the Town's water tower, and they also want to replace the existing antennae with taller ones. It was noted that the County has rules regarding this, and that Verizon needs to obtain approval from the County. It was noted that the Town should garner extra income from this. It was also reported that Personal Property taxes were due today. Vice-Mayor Graham asked how the Utility Payment Plan is going. Town Administrator Barkley reported that it is going well; it is helpful to Ms. McGaha, and to customers who are in arrears. Regarding Capital Improvements, it was

noted that paving at the treatment plant will be done, as well as installation of fencing and a security camera. There was discussion of a new storage tank over the small reservoir; it was noted this project is not as yet budgeted. It was noted that Verizon is offering FIOS in The Villages; Councilperson Botsch asked if this will be brought into the Town. Town Administrator Barkley was unsure. It was also reported that County government has an initiative to bring technology to the whole county, but it is uncertain how or if this will impact towns.

2. Town Planner/Zoning Administrator's Report

Mr. Kinsley's report is included in each Council Member's packet. Vice-Mayor Graham discussed the Notice of Violation that was drafted and which Town Attorney Gilmore reported was reviewed today. The notice will go out tomorrow. Discussion ensued as to the hesitancy of Town officials to go onto private property in certain cases. It was noted that the Zoning Administrator can request access to private property for the purpose of inspections.

3. Mayor's Report

Mayor Ramsey reported that he attended the TANV meeting, where he heard an impressive presentation by the Chesapeake Bay Preservation Program. He reported that storm water issues were discussed at the meeting; it was noted that Round Hill is not required to have a permit, due to the Town's size. Round Hill is covered by the County's permit. Mayor Ramsey reported that some types of fertilizers will be disallowed in the near future. Mayor Ramsey discussed some other related issues at the TANV meeting -- including how wastewater limits are changed too frequently, and how storm water limits are steadier. He discussed credits and violations, and how risk factors make municipalities unwilling to participate. Also COLT and FOIA request issues were discussed; it was determined COLT is not a public body, but that their meetings are open to the public. Town Attorney Gilmore discussed what legally constitutes a meeting vis-à-vis electronic communications. Mayor Ramsey and Vice-Mayor Graham attended a meeting held by Supervisor Clarke, which the Mayor summarized. Vice-Mayor Graham noted that the meeting was largely citizen input. Mayor Ramsey reported that Upper Loudoun Little League had their opening day recently. He also reported that the president of the U.L.L.L. had contacted him regarding installing lights at Round Hill Field #1 at Round Hill Elementary School. Mayor Ramsey noted some issues with this. Also, noise from the fields was discussed briefly.

4. Utility Committee

Vice-Mayor Graham noted that Mr. Kinsley sent out a copy of the report to each Council Member. It was reported that everyone is unhappy with the sludge press, and that the staff was directed to contact the company and request correction of the problem by the May 8th committee meeting.

5. Administration and Communications Committee

It was reported that this meeting was postponed until April 30, 2012.

6. Land Use Committee

Councilperson Botsch noted that the Main Street Project will be discussed at the next committee meeting. It was also reported that Dave Ferguson would like to work on cleaning up the park and landscaping with native plants. The committee also discussed the Pavilion. It was reported that the committee discussed two zoning violations about which they are very concerned, but about which they feel they don't have all the information needed. B-1 Business District Text Amendments were also discussed. Vice-Mayor Graham asked if the park will still be maintained by volunteers. It was noted that some properties abutting the park have been encroaching on the park. Councilperson Botsch feels we should have policy guidance on issues with the park. Discussion ensued with Town Attorney Gilmore addressing liability issues with volunteers working in the Town Park.

IN RE: COUNCIL COMMENTS

Mayor Ramsey noted the upcoming municipal elections, and encouraged all eligible voters to vote.

IN RE: MEETING ADJOURNMENT

Councilperson Prack noted that the recording of votes for the Closed Session should be as follows: the first vote should be 4-0-2; the remaining votes should be 3-0-3 for the remaining four items voted upon, as one other Council Member had left the meeting by that time.

Vice-Mayor Graham made a motion to recess the regular meeting and convene a closed session to solicit legal advice regarding utility-related matters. Vice-Mayor Graham noted that Town Administrator Barkley and Town Attorney Gilmore are invited to attend the closed session. Councilperson Klipple seconded the motion. The motion carried by a vote of 4-0-2, with the votes recorded as follows:

<u>MEMBER</u>	<u>VOTE</u>
Mary Anne Graham	Aye
R. Daniel Botsch	Aye
Clarkson J. Klipple	Aye
Jennifer Grafton Theodore	Aye

The regular meeting was adjourned at 10:18 p.m.

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IN RE: CLOSED SESSION

Vice-Mayor Graham made the motion that the Round Hill Town Council convene a closed session to discuss personnel matters as required by the Virginia Code, Section 2.2-3711 A(7). The motion was seconded by seconded by Councilperson Heston. The motion carried by a vote of 4-0-2, the votes being recorded as shown below:

<u>MEMBER</u>	<u>VOTE</u>
R. Daniel Botsch	Aye
Clarkson J. Klipple	Aye
Mary Anne Graham	Aye
Jennifer Grafton Theodore	Aye

At 11:05 p.m. the following votes were taken and the closed meeting was subsequently adjourned.

Motion by Vice-Mayor Graham to conclude executive session, seconded by Daniel Botsch. Approved 3-0-3.

<u>MEMBER</u>	<u>VOTE</u>
R. Daniel Botsch	Aye
Clarkson J. Klipple	Aye
Mary Anne Graham	Aye

Motion by Vice-Mayor Graham to reconvene in open session, seconded by Daniel Botsch. Approved 3-0-3.

<u>MEMBER</u>	<u>VOTE</u>
R. Daniel Botsch	Aye
Clarkson J. Klipple	Aye
Mary Anne Graham	Aye

Motion by Vice-Mayor Graham to certify that only those matters lawfully exempted from an open meeting were discussed while in closed session, seconded by Daniel Botsch. Approved 3-0-3.

<u>MEMBER</u>	<u>VOTE</u>
R. Daniel Botsch	Aye
Clarkson J. Klipple	Aye

Mary Anne Graham

Aye

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The Town Council reconvened its public meeting at 11:09 p.m.

The Town Council Adjourned at 11:10 p.m.

Scott T. Ramsey, Mayor

Debra McDonald, Recording Secretary