

**ROUND HILL TOWN COUNCIL  
REGULAR MEETING MINUTES  
December 19, 2013**

A regular meeting of the Round Hill Town Council was held in the Town Office, 23 Main Street, Round Hill, VA, on Thursday, December 19, 2013.

**Council Members Present**

Scott T. Ramsey, Mayor  
Mary Anne Graham, Vice-Mayor  
R. Daniel Botsch (arrived at 8:40 p.m.)  
Janet L. Heston (arrived at 8:51 p.m.)  
Clarkson J. Klipple  
Frederick Lyne  
Christopher J. Prack

**Others Present**

Maureen Gilmore, Town Attorney  
Brian Courneya  
Paul Sutara  
Casey Sutara

**Staff Members Present**

Buster Nicholson, Town Administrator  
Mickey Rhoades, Town Planner/Zoning Administrator

**IN RE: CALL TO ORDER**

Mayor Ramsey called the meeting to order at 7:31 p.m.

**IN RE: PLEDGE OF ALLEGIANCE**

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

**IN RE: PUBLIC COMMENT**

Mayor Ramsey called for public comment, asking that anyone speaking state his/her name and address for the record, and keep their comments to five minutes. Mr. Brian Courneya, of the Loudoun County Sheriff's Office, introduced himself and asked that, if anything was needed, Council and citizens let him know. Mayor Ramsey asked about the status of the Community Policing officer for this area. Mr. Courneya stated that there are only two Community Policing officers, thus no one is available for this area at this time. Vice-Mayor Graham asked about crime in the Round Hill area. Mr. Courneya stated that the rate is going down, and that unlocked vehicles are still an issue; there is not a lot of larger crime in general. Mrs. Graham also asked about the quarterly meetings held by the Sheriff's Office, noting that the Town would like to publicize those meetings. r.

Courneya stated that publicizing those meetings would be greatly appreciated. There were no further comments or questions for Mr. Courneya. The Council thanked him for his presentation. Following this, Mr. Paul Sutara introduced himself, stating that he is the Scout Master for Boy Scout Troop 2011, which meets at the Round Hill United Methodist Church. Mr. Sutara stated that he is in attendance with his son, Casey, who is working on his Citizenship and Community Merit Badge, and is here to observe city government.

#### **IN RE: APROVAL OF AGENDA**

Vice-Mayor Graham made a motion **to approve the Agenda as submitted**. Town Administrator Nicholson stated that he had spoken to Councilperson Botsch, who asked that the Business Items be moved to a point later in the meeting, in order to enable him to be present for their discussion. Vice-Mayor Graham was asked if she approved adopting that suggestion; she stated that she did; Councilperson Klipple then seconded the motion. A vote was held, with the amended Agenda approved 4-0. Councilpersons Botsch and Heston were absent for the vote. The vote is recorded thus:

<b><u>MEMBER</u></b>	<b><u>VOTE</u></b>
Mary Anne Graham	Aye
R. Daniel Botsch	Absent
Janet L. Heston	Absent
Clarkson J. Klipple	Aye
Frederick Lyne	Aye
Christopher J. Prack	Aye

#### **IN RE: ACTION ITEMS**

##### **1. Approval of Minutes:**

##### **a. October 17, 2013 Town Council Meeting**

It was noted that these minutes were reviewed at the previous Town Council meeting, and that Town Administrator Nicholson was to review the recording of the meeting to ascertain if a correction was required pertaining to an item on page six. It was determined that the item in question was stated correctly in the minutes, and that no corrections were needed. There were no comments regarding these minutes. Councilperson Klipple then made a motion **to approve the minutes of the October 17, 2013 Meeting of the Round Hill Town Council, as submitted**; Councilperson Lyne seconded the motion. The minutes were approved by a vote of 3-0-1, with Vice-Mayor Graham abstaining, and Councilpersons Botsch and Heston absent. The vote is recorded as follows:

<b><u>MEMBER</u></b>	<b><u>VOTE</u></b>
Mary Anne Graham	Abstain
R. Daniel Botsch	Absent
Janet L. Heston	Absent
Clarkson J. Klipple	Aye
Frederick Lyne	Aye
Christopher J. Prack	Aye

**b. November 21, 2013 Town Council Meeting**

Vice-Mayor Graham asked if a letter has been written to Supervisor Clarke regarding a possible access lane to the by-pass on the west end of Town; this in relation to an item on Page 17 of the minutes. Councilperson Prack clarified the question; Town Administrator Nicholson stated that the letter has not yet been written. Following this discussion Councilperson Lyne moved **to approve the minutes of the November 21, 2013 Meeting of the Round Hill Town Council, as submitted**; Vice-Mayor Graham seconded the motion. The motion was approved by a vote of 4-0, with Councilpersons Botsch and Heston absent for the vote. The vote is recorded as follows:

<u>MEMBER</u>	<u>VOTE</u>
Mary Anne Graham	Aye
R. Daniel Botsch	Absent
Janet L. Heston	Absent
Clarkson J. Klipple	Aye
Frederick Lyne	Aye
Christopher J. Prack	Aye

**c. SPEX 2013-01 (3 Main Street)**

Town Planner/Zoning Administrator Rhoades presented this item, noting that the minutes for the Public Hearing regarding the Special Exception for the fire department use of 3 Main Street as a bunkhouse, are before each Council Member, and have been approved by the Planning Commission. Vice-Mayor Graham then made a motion **to approve the minutes of the Joint Public Hearing regarding SPEX 2013-01 (3 Main Street)**; Councilperson Lyne seconded the motion. The motion was approved by a vote of 3-0-1, with Councilperson Prack abstaining, and Councilpersons Botsch and Heston absent for the vote. The vote is recorded as follows:

<u>MEMBER</u>	<u>VOTE</u>
Mary Anne Graham	Aye
R. Daniel Botsch	Absent
Janet L. Heston	Absent
Clarkson J. Klipple	Aye
Frederick Lyne	Aye
Christopher J. Prack	Abstain

**2. Phase II – Geophysical Surveys proposal from Emery & Garrett Groundwater Investigations, LLC (Proposal #913, November 2013) for an amount not to exceed \$30,000.00**

Vice-Mayor Graham presented this item, noting that she had requested additional copies of the report. Mrs. Graham stated that she had received an e-mail from Keith Lane (Town Engineer) who reported that the estimate of \$30,000.00 had been confirmed by Mr. Emery. It was also reported that Emery & Garrett were asked to provide a time frame for Phase II; however, the firm was unable to supply this information, as they require land-owner permission, and are unable to determine how long that would take. Following receiving permission from any land-owners affected, the process would take approximately six months. Mayor

Ramsey noted that the way in which Town Administrator Nicholson and Town Treasurer Welford have “worked out” the budget adjustment is presented in the materials in the packet. Town Administrator Nicholson explained that the financing would come from deferring the Yatton Loop project, and he elaborated upon this. Mayor Ramsey noted that there is no expectation of exceeding the amount available. Mayor Ramsey also noted that there are two projects covered in this – the Groundwater Investigations by Emery & Garrett, and the pay off of the sludge press. Councilperson Lyne asked for clarification of the charges by Emery & Garrett, which Town Administrator Nicholson provided. Following this discussion, Vice-Mayor Graham made a motion **that the Round Hill Town Council approve Phase II of the proposal for Geophysical Surveys from Emery & Garrett Groundwater Investigations, LLC (Proposal #913, November 2013) for an amount not to exceed \$30,000.00;** Councilperson Klipple seconded the motion. The motion was approved by a vote of 4-0, with Councilpersons Botsch and Heston absent. The vote is recorded as follows:

<u>MEMBER</u>	<u>VOTE</u>
Mary Anne Graham	Aye
R. Daniel Botsch	Absent
Janet L. Heston	Absent
Clarkson J. Klipple	Aye
Frederick Lyne	Aye
Christopher J. Prack	Aye

Town Administrator Nicholson and Mayor Ramsey will execute the agreement.

### **3. Appointment of George Hoddinott to Planning Commission**

Mayor Ramsey asked for the length of the term of this appointment; Town Planner/Zoning Administrator Rhoades stated that it is a four year appointment. Councilperson Prack (Town Council representative to the Planning Commission) stated that Mr. Hoddinott is a wonderful part of the Planning Commission and is very well versed. Councilperson Prack then made a motion **to reappoint George Hoddinott, IV, to serve on the Planning Commission for a term beginning on January 1, 2014, and ending on December 31, 2017;** Councilperson Lyne seconded the motion. The motion was approved by a vote of 4-0, with

Councilpersons Botsch and Heston absent for the vote. The vote is recorded as follows:

<u>MEMBER</u>	<u>VOTE</u>
Mary Anne Graham	Aye
R. Daniel Botsch	Absent
Janet L. Heston	Absent
Clarkson J. Klipple	Aye
Frederick Lyne	Aye
Christopher J. Prack	Aye

#### **4. Resolution 2013-09: Local Fiscal Impacts**

Mayor Ramsey presented this Resolution, explaining that it is a proposal by the Virginia Municipal League to return to a previous practice of introducing bills impacting local governments on the first day of the General Assembly. Mayor Ramsey elaborated upon this issue, noting that the VML is asking localities to adopt this resolution, which is included in each Council Member's packet. Councilperson Lyne then moved **to adopt Resolution 2013-09: First Day Introduction of Bills with Local Fiscal Impacts**; Vice-Mayor Graham seconded the motion. The motion was approved by a vote of 4-0, with Councilpersons Botsch and Heston absent for the vote. The vote is recorded thus:

<b><u>MEMBER</u></b>	<b><u>VOTE</u></b>
Mary Anne Graham	Aye
R. Daniel Botsch	Absent
Janet L. Heston	Absent
Clarkson J. Klipple	Aye
Frederick Lyne	Aye
Christopher J. Prack	Aye

The Resolution will be forwarded to the appropriate parties.

At this point in the meeting, Councilperson Botsch had not yet arrived, so Mayor Ramsey asked if Council wanted to float the Business Items portion of the meeting and move on to Reports. It was the consensus of the Council to do so.

#### **IN RE: REPORTS**

##### **1. Town Administrator's Report**

Town Administrator Nicholson stated that he had attempted to e-mail his report to Council Members, and Comcast returned it as spam. Mr. Nicholson reported that the waivers have been received from VDOT for the Main Street Enhancement Project; the waivers have been approved and will now go to the Land Use Committee for presentation of the 90% Plan. Mr. Nicholson explained the waivers. Town Administrator Nicholson reported that a successful auction of surplus items at the wastewater treatment plant was held, with items being sold for a total of \$13,992.50. Town Administrator Nicholson reported that the purchase order for the centrifuge was executed on December 11, 2013, and that the first payment has been made. Mr. Nicholson explained when the next two payments will be due, as well as contingencies for those payments. Updated terms for the sale of the sludge press were discussed, with Mayor Ramsey elaborating on the payoff terms for the sludge press. It was noted that the Town is still on-track to deliver the sludge press to Front Royal and for delivery/installation of the centrifuge. Vice-Mayor Graham asked that a copy of the plans be forwarded to Utility Staff, in order for them to insure there will be room for the unit; Town Administrator Nicholson stated that he would do so. Vice-Mayor Graham also asked that the previously mentioned letter to Supervisor Clarke, regarding a merge lane to the by-pass on the west side of town, be sent after the holidays. Mayor Ramsey noted that this would be a new project, and explained how VDOT handles various requests. Councilperson Lyne clarified that the letter goes to Supervisor Clarke, which, it was noted, is correct. The consensus of the Council was to send the letter after the holidays. There was brief discussion of the

merge lane currently being constructed on the east side of Town. Vice-Mayor Graham asked if a copy of the letter should be sent to each Council Member prior to mailing it to Mrs. Clarke; Council members stated no, they feel the letter should go to Mrs. Clarke as soon as possible.

## **2. Town Planner/Zoning Administrator Report**

Town Planner/Zoning Administrator Rhoades noted that her report is in front of each Council Member. Mrs. Rhoades reported that she will have a meeting tomorrow with the developer of 2 Chamblin Way and his attorney. An update on the monitoring of ground water in the area behind the old Chevron Station was given, noting that there are no more contaminants in the water, and that this monitoring is almost complete. Town Planner/Zoning Administrator Rhoades also reported that there have been two offers to purchase the property at 17 Bridge Street (the uninhabitable house).

## **3. Mayor's Report**

Mayor Ramsey noted that much of his report has already been discussed, in particular the sale of the sludge press, and Resolution 2013-09. Mr. Ramsey reported that the 90% complete threshold will soon be met on the Main Street Enhancement Project, and that the County is nearly at the 90% complete level on the Franklin Park Trail Project. Mayor Ramsey noted that the desire is to coordinate all aspects of both projects as much as possible. Councilperson Lyne asked for clarification of the issues surrounding coordination of the two projects, which Mayor Ramsey provided. Mayor Ramsey stated that, with the Council's concurrence, he would like to speak with Mr. Kroboth of the County staff regarding this issue. Councilperson Klipple stated that he feels that would be a great help, that working together would enable the projects to go smoothly. Councilperson Lyne asked what will happen to one project, if the other is delayed; Mayor Ramsey stated that Round Hill is dependent upon the County, and can't move ahead of them. The Council indicated their approval of Mayor Ramsey going ahead with this meeting.

## **4. Utility Committee**

Vice-Mayor Graham reported that the committee met last Tuesday, and that, due to the weather, Keith Lane attended via a conference call and Town Administrator Nicholson was unavailable. The main topic of the meeting was the centrifuge. Mayor Ramsey asked about the lift station; Councilperson Klipple reported that the bearings have been repaired in both units. Town Administrator Nicholson reported that Arthur Construction has committed to correcting issues with the cracked pavement. Mayor Ramsey asked if they are also going to repair the sidewalk in that area; Town Administrator Nicholson reported that he has received no response from Arthur Construction regarding the sidewalk. Town Administrator Nicholson reported that the generator has been switched over to the new lift station. Vice-Mayor Graham noted that Alan Wolverton encountered a problem in regard to this, and asked if everything has been resolved; Mr. Nicholson reported that it has. Vice-Mayor Graham noted that the next Utility Committee meeting will be held on January 14, 2014 at 7:30 a.m.

## **5. Administration and Communications Committee**

Vice-Mayor Graham discussed the recommendation made regarding Google Apps. Town Administrator Nicholson elaborated upon the impending switch to Google accounts for Town Staff. It was reported that J.R., the Town's new operator in the Utility Department, is working out well. LOGICS was discussed at this meeting; it was reported that there is a new person at the company, dedicated to getting the system working for Round Hill. Town Administrator Nicholson stated that the company hopes to have the bugs worked out by February; they are working with Purcellville now. Councilperson Lyne noted a correction to the minutes of this meeting, stating that he was in attendance, not absent as recorded.

## **6. Land Use Committee**

Councilperson Klipple reported that the committee discussed proffers and green space, in addition to working with Eagle Scout projects. Vice-Mayor Graham reported that there will be a meeting with Dave Ferguson. Councilperson Prack reported that the committee discussed moving the sign from the Round Hill Community Garden to the beginning of the trail, and adding a map; they also discussed determining if a Boy or Girl Scout troop would be interested in doing some maintenance there. Mayor Ramsey noted that the goal is to keep the area in its natural state, but to maintain small trails. Councilperson Klipple reported that the committee also discussed the policy regarding serving/selling alcohol at the Town Park, as well as uses of the Town Park and Sleeter Lake Park; Councilperson Lyne elaborated upon this discussion. Councilperson Klipple reported that residents at Lakefield are concerned about Sleeter Lake Park, as they heard camping would be allowed there. Town Planner/Zoning Administrator Rhoades elaborated upon how this misinformation came to be disseminated. Mayor Ramsey and Council Members engaged in a lengthy discussion of the following: specifics regarding the use of alcohol in the parks; if alcohol would be allowed in the Town Park only, or also at other parks; the possibility of instituting a permitting process; the question of if the Town already has an existing policy regarding such uses of the park, and whether or not it is being enforced; the question of if existing policy is too onerous and should be rewritten; the use of permits for events at the park(s); discussion of liability issues in relation to various uses of the parks; clarification by Town Attorney Gilmore regarding liabilities vis-à-vis permits; the suggestion that the Land Use Committee should determine these various issues before allowing alcohol use in the park(s); Mayor Ramsey's reasons for not requiring a permit; Councilperson Botsch's clarification of the discussions in the Land Use Committee regarding this, and their uncertainty about existing Town policy; the discussion of the origins of the idea of the sale of alcohol in the Town Park (the Hometown Festival Committee); the suggestion by Councilperson Prack that the Land Use Committee should refine any possible policy and then refer it to the Council; Councilperson Botsch's explanation of the Land Use Committee's discussions regarding making the requirements/policy more streamlined; discussion of the relationship between the Hometown Festival Committee and the Town, and the need to clarify if the Hometown Festival is a Town-sponsored event; Town Administrator Nicholson's explanation of the Town of Lovettsville's permitting process for their Oktoberfest; issues regarding who would possibly defend the Town if legal issues were to occur; the difficulty of knowing who is using the park (in the absence of any kind of permit requirement); the date by which the Hometown Festival Committee needs to have a definitive answer to this

question; what would happen with any budget surplus from the sale of alcohol at the event.

## **IN RE: BUSINESS ITEMS**

### **1. Proffer Policy Regarding Support for Green Space/Parks**

Councilperson Botsch noted that, rather than bringing in land for parks the Town will then be required to maintain, the hope is to ask for a contribution to a park fund from developers. Mayor Ramsey noted that this would require a proffer amendment (from the developers of Creekside). It was stated that this would be applied only to future proffers. A discussion of ballparks ensued, with it being noted that the County will always take possession of these. Mayor Ramsey asked for the principle behind requesting monetary donations. Town Attorney Gilmore explained how a proffer of this type would be written. Councilperson Heston noted that proffers are made in order to balance the impact of development on the community. Town Attorney Gilmore stated that all proffers are voluntary. Mayor Ramsey asked if specific dollar amounts should be suggested, and what the process for doing so would be; Town Attorney Gilmore stated that those questions can be explored. Town Planner/Zoning Administrator Rhoades elaborated upon this issue, as well. Mayor Ramsey asked if any other entities employ standards for this, to which Town Attorney Gilmore stated that they do; Mrs. Gilmore stated that she will supply examples of how this can be handled. There was a discussion of how this process could work for Round Hill. Town Planner/Zoning Administrator Rhoades reported that the Creekside developers have requested adjustments to their proffers, which prompted the inclusion of this item on the agenda. Mrs. Rhoades stated that improving what we have improves services to the community. There was discussion regarding a January 6, 2014 meeting with Supervisor Clarke, noting that proffers will not be discussed at that meeting. Town Planner/Zoning Administrator Rhoades was asked if Creekside has yet applied for re-zoning; she stated that they have not.

### **2. Lake Ridge Proffers**

Councilperson Botsch provided general background on this issue, noting that this was addressed at the Land Use Committee and was broken down into seventeen separate issues. A vote will be held on two issues – the proposed trail, and open space. The Land Use Committee recommends that the Town take responsibility for the trail and turn down the offer for the open space. Town Planner/Zoning Administrator Rhoades asked that an explanation for the refusal of the offer of open space be provided; Councilperson Botsch explained that the area offered is not sufficient for use as open space. Town Planner/Zoning Administrator Rhoades explained legal reasons for declining open space proffers. Town Attorney Gilmore noted that proffers pass to any new owner of a property, thus, the Council is required to formally decline this proffer. Discussion of the easement related to the trail ensued, as well as discussion of the maintenance of the trail. It was reported that KHovnanian (developer) stated that their main concern is to receive a letter from the town stating that they (KHovnanian) are relieved of the proffer of open space. Town Attorney Gilmore elaborated upon the legalities of this issue. Town Planner/Zoning Administrator Rhoades asked for clarification of how the Town wants this issue to be handled. Following this discussion, Councilperson Botsch made a motion **that the Town Council approve Resolution 2013-10, Lake Ridge Estates Zoning Map Amendment, ZMAP 2006-02;** Councilperson Heston seconded the motion. A voice



vote was held, and the motion passed by a vote of 6-0. The vote is recorded as follows:

<b><u>MEMBER</u></b>	<b><u>VOTE</u></b>
Mary Anne Graham	Aye
R. Daniel Botsch	Aye
Janet L. Heston	Aye
Clarkson J. Klipple	Aye
Frederick Lyne	Aye
Christopher J. Prack	Aye

Mayor Ramsey will sign the Resolution.

**IN RE: COUNCIL COMMENTS**

Councilperson Botsch apologized for being late to this evening's meeting, and wished everyone a Merry Christmas and Happy New Year; he noted that he looks forward to next year. Councilperson Heston also apologized for her tardiness; she noted that this year has been a challenging year, and thanked Council Members for their work. Councilperson Heston also wished everyone a happy holiday. Councilperson Klipple thanked the Mayor, Town Attorney and Town Administrator for the resolution to the sludge press issue; he wished every a Merry Christmas, Happy New Year and happy holidays. Vice-Mayor Graham announced that she is retiring from her professional position at the end of January, and wished everyone a Merry Christmas and Happy New Year. Councilperson Prack wished everyone a Merry Christmas. Councilperson Lyne thanked everyone for their help, and wished everyone a great holiday. Mayor Ramsey stated that the Town has made good progress, and that he looks forward to next year. Mr. Ramsey wished everyone happy holidays.

**IN RE: MEETING ADJOURNMENT**

The meeting was adjourned by Mayor Ramsey at 9:50 p.m.

Respectfully submitted,

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Scott T. Ramsey, Mayor

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Debra McDonald, Recording Secretary