

**ROUND HILL TOWN COUNCIL  
REGULAR MEETING MINUTES  
December 20, 2012**

A regular meeting of the Round Hill Town Council was held in the Town Office, 23 Main Street, Round Hill, VA, on Thursday, December 20, 2012.

**Council Members Present**

Scott T. Ramsey, Mayor  
Mary Anne Graham, Vice-Mayor  
R. Daniel Botsch  
Janet L. Heston  
Clarkson J. Klipple

**Others Present**

Deputy Anthony Cooper  
Maureen Gilmore,  
Town Attorney

**Council Members Absent**

Christopher J. Prack

**Staff Members Present**

John Barkley, Town Administrator  
Robert Kinsley, Town Planner/Zoning Administrator

**IN RE: CALL TO ORDER**

Mayor Ramsey called the meeting to order at 7:38 p.m.

**IN RE: PLEDGE OF ALLEGIANCE**

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

**IN RE: COMMUNITY POLICING**

Deputy Cooper reported that there have been recent farm sign thefts in western Loudoun County; the Sheriff's Office is unsure why these signs are being targeted, except that they are custom made. The Sheriff's Office is using surveillance cameras to try to solve these crimes. It was reported that a meeting will probably be held after the holidays to address the adoption of County ordinances by the Town; Councilperson Botsch reported that this topic was discussed at the last Land Use Committee meeting. Deputy Cooper noted that the adoption of any of these makes the work of the Sheriff's Office more efficient. Councilperson Botsch asked if the Town may pick and choose which sections of the ordinance to adopt; Deputy Cooper explained how this could be done. Councilperson Botsch reported that there are some sections of the ordinances that the Land Use Committee felt would not work in Round Hill; Mr. Botsch asked if adopting only some sections of the ordinances would make matters confusing for the deputies. Deputy

Cooper noted that no western towns have adopted any of the ordinances as yet; that Lovettsville may be the first town to do so, and

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thus may be the “test case.” Deputy Cooper reported that the deputies who work in western Loudoun are here because they want to be, and are veterans; thus, adoption of some sections of the ordinance, but not all of them, wouldn’t be a problem. Vice-Mayor Graham asked that the Land Use Committee present the sections of the ordinances to be adopted, as well as those not to be adopted, to the Council; Councilperson Botsch said they would do so in order to garner Town Council input. Deputy Cooper discussed ways to work around possible problems; he also noted that the Town could suggest additional ordinances for presentation to the Board of Supervisors. Finally, Deputy Cooper asked about the Town’s policy for cancelling a meeting in case of snow; Council members noted that the Town follows the County’s lead on this.

#### **IN RE: PUBLIC COMMENT**

There was no Public Comment.

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

Vice-Mayor Graham made a motion to approve the Agenda with the addition of Item #4, Wastewater Treatment Plant Sludge Press, under Business Items; Councilperson Klipple seconded the motion. The motion to approve the Agenda as amended passed by a vote of 4-0, with Councilmember Prack absent for the vote. 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
Christopher J. Prack	Absent

#### **IN RE: BUSINESS ITEMS**

##### **1. Fire Suppression System: Request for Waiver of Metering Requirement**

Mr. Wally Johnson spoke to the Council regarding this. Mr. Johnson distributed a hand-out, which the Council Members read prior to Mr. Johnson continuing. Mr. Johnson provided general background on this issue, noting that he has owned the building in question for almost twenty-eight years. Mr. Johnson reported that he volunteered to help work with renovations to the Town Office when the bank donated the building to the Town for that use. Mr. Johnson noted that he has tried to be a good steward to the Town; and that he has worked to prevent the historic building at 6 West Loudoun Street from being put to a higher density use, often at a financial sacrifice to him and his wife. Then Mr. Johnson discussed work that was done on the sprinkler system prior to adoption of the current ordinance (Article III, Section 30). Mr. Johnson talked about other officials he has spoken with, who say a strainer isn’t necessary. He discussed the particular strainer being

required, and how the size of the particles to be removed by this strainer is unlikely to occur. Mr. Johnson stated that he would sign any waiver the Town

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desires. The possibility of water theft was discussed, as was notification to the Town of water flowing through the system. Mr. Johnson stated that he is trying to understand the Town's concerns and is trying to mollify those concerns. Mr. Johnson reiterated that this project commenced prior to adoption of the ordinance, and asked for the Council's consideration in this matter. Vice-Mayor Graham noted that her understanding was that the Town was working with Mr. Johnson in obtaining a grant to help defray costs; Mr. Johnson stated that there has been no grant money, and that the Town has not worked with him regarding this. Vice-Mayor Graham noted that at the last Utility Committee meeting Alan passed out copies of an e-mail containing the price of the meter, and she asked if Mr. Johnson raised any objection at that time. Mr. Johnson noted that he was unaware of the cost of the meter at that time; he also stated that he had not received any correspondence regarding this prior to September 12, 2012. Vice-Mayor Graham asked for clarification of the date of the e-mail containing the price of the meters; Councilperson Klipple was uncertain of the date, and Mr. Johnson noted that he had not received the e-mail. Mayor Ramsey asked Vice-Mayor Graham to summarize the discussions of the Utility Committee regarding this; Vice-Mayor Graham reported that the Committee recommended that the waiver not be granted, and she discussed the various reasons for this decision. Mr. Johnson responded to Vice-Mayor Graham's explanation of the Utility Committee's reasons. Mayor Ramsey clarified the Utility Committee's requirements. Councilperson Heston asked if the fire suppression system is already hooked up; it was noted that it is. Councilperson Heston asked what would trigger the suppression system, which Mr. Johnson explained. Ms. Heston also asked if this type of strainer is required on residential meters; it was noted that it is not. Discussion of the reasons for requiring the strainer, and of Mr. Johnson's willingness to sign a waiver, and of liability issues, ensued. Mayor Ramsey discussed the County's "easier" requirements, and the reasons the ordinance was changed. Mayor Ramsey noted that Mr. Johnson didn't comment during the time this was being discussed, prior to adoption in the summer of 2011. Mayor Ramsey noted that he is not supportive of a waiver, but is supportive of a review of the ordinance. Vice-Mayor Graham, Councilperson Botsch and Mr. Johnson discussed if the meter monitors water usage; Mayor Ramsey asked if it shows how much water is flowing through the meter. It was reported that it does. Councilperson Klipple and Mayor Ramsey discussed reasons for not favoring a waiver, and they noted that allowing a waiver is not written into the ordinance. Mr. Johnson discussed the cost of a tap. Councilperson Botsch asked for a breakdown of the \$7,000.00 total for installation, which Mr. Johnson provided – it includes the cost of the meter and strainer, and installation. Council discussed the possible size of particles that could occur in the water system. Mayor Ramsey asked if the County requires a strainer; Mr. Johnson stated that they do not. Mayor Ramsey noted that, in order to grant Mr. Johnson's request, the Council

would need to cite grandfathering; otherwise, Council would need to update the ordinance. Councilperson Heston asked how long the process would be to revise

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the ordinance. Mayor Ramsey explained this, and noted that he felt it should take only until February to adopt a revision. Councilperson Heston spoke to the reason for avoiding further delay. Mayor Ramsey added that, if the Council is of a mind to revise the ordinance, they should do so without excessive delay. Vice-Mayor Graham reported that the Utility Committee could discuss this at their January meeting. Councilperson Botsch asked if monitoring via the meter would be sufficient to prevent water theft. Councilperson Heston asked about what would happen in the event of water theft; Mayor Ramsey noted that the Town would levy a fine. Mr. Johnson discussed requirements of the previous ordinance in regards to theft. Councilperson Botsch asked if any information exists regarding the likelihood that large particles would clog the system; it was noted that Vice-Mayor Graham and the Utility Committee could provide this information. Councilperson Heston asked how the Utility Committee decided upon the requirement for the strainer. Councilperson Klipple reported that it is new, and deals with newer systems that fog rather than spray a room. Mayor Ramsey suggested adding requirements from a national entity into the Town's ordinance. Discussion of possible construction of a shopping center, and fire suppression systems required there, ensued. Following this, the Council asked the Utility Committee to make recommendations for updating the existing ordinance. There was brief discussion of how water theft would be detected; Mr. Johnson noted that the Town would be involved in the testing of the system. Mayor Ramsey requested that the Utility Committee update the ordinance at their January meeting, and advertize it for adoption by the Council in February. In addition, Mr. Johnson reported his agreement with VDOT expires in March, and that it has a bearing on this issue. It was the consensus of the Council that the strainer should be a requirement, dependant upon the type of system, not the time that the system was originally to be installed. The Council thanked Mr. Johnson.

## **2. Sleeter Lake Park: Task Order #12**

Town Administrator Barkley distributed a hand-out regarding this, and explained that this Task Order deals with the buffer zones required at the wastewater treatment plant adjacent to the proposed future park site. Mr. Barkley noted that Keith Lane had previously explained to the Utility Committee his understanding of the D.E.Q. requirements for a buffer at a wastewater treatment plant adjacent to a restaurant or picnic area. The D.E.Q. requirement is a 400 foot buffer zone. Mayor Ramsey asked if the buffer is from the SPR itself or from the property line. It was clarified that the requirement is from the SPR. Mayor Ramsey noted that the Town could designate *No Picnic Areas* near the buffer zones. Vice-Mayor Graham asked if the County requirements or the D.E.Q. requirements are more stringent. Town Administrator Barkley reported on the conservation requirements in relation to Sleeter Lake and the existing road, dependant on if the road is impervious or not. Councilperson Klipple noted that the distance shown on the

map seems greater than what is required. It was suggested that the Town have Peed & Bortz ensure buffer requirements prior to forwarding this to Stantec.

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Councilpersons Klipple asked about “soft costs” in the Task Order. Mayor Ramsey noted that he would like to have the information prior to preparation of next year’s budget. Councilperson Heston asked where the money for this Task Order will come from; Town Administrator Barkley reported that it is to be transferred from a C.D. Councilperson Heston asked about increasing debt service costs, and if those will be coming from the money set aside as reserves to cover this Task Order. Town Administrator Barkley elaborated upon how the various monies are handled. Vice-Mayor Graham noted that all the “wish list” items do not need to be pursued right away. Council discussed the positives of developing this park. Town Administrator Barkley discussed how this could tie into the Franklin Park Trail project, and how that could translate into additional funding. Mr. Barkley also discussed the parcels involved. Mayor Ramsey noted that the Town may need to obtain a permit from the County, and that the pre-application process will help answer questions about going forward with this project. Councilperson Botsch then made a motion to approve **Task Order Authorization #12, up to \$9,680.00**; Councilperson Klipple seconded the motion; Councilperson Botsch clarified that his wording won’t tie Stantec’s hands. The motion was approved by a vote of 4-0, with Councilperson Prack absent for the vote. The vote recorded as follows:

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

Mayor Ramsey instructed Town Administrator Barkley to notify Stantec.

### **3. 2013 Round Hill Community Garden**

There were no representatives of the Community Garden program (EARTH) present at the meeting; therefore, Mayor Ramsey reported. Mr. Ramsey noted that interest in participation in this program is waning, and the EARTH team discussed with him possible future plans for the garden. Brief discussion ensued of the possible reasons for the lessening interest. Mayor Ramsey and Town Administrator Barkley reported on their notification of the parties involved regarding expenses. Councilperson Botsch reported that two or three options for the garden site were presented at the Land Use Committee meeting, and that the Committee had invited the EARTH representatives to attend this evening’s Town Council meeting. It was the consensus of the Council to continue this program. Councilperson Botsch asked for the reason Council approval is required for doing so; Town Planner/Zoning Administrator Kinsley explained that the Town needs to

authorize the use of the garden again. Town Administrator Barkley noted that the EARTH team would like a liaison from the Town Council to be involved in this

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project; Mayor Ramsey reported that he presently serves as the liaison. Following this discussion, Councilperson Botsch made a motion to **authorize the continuation of the Round Hill Community Garden Program for 2013**; Councilperson Heston seconded the motion. The motion carried by a vote of 4-0, with Councilperson Prack absent for the vote. The vote is recorded as follows:

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

#### **4. Wastewater Rotary Sludge Press**

Vice-Mayor Graham reported that a meeting was held on December 13, 2012 involving Town Attorney Gilmore, Keith Lane, Vice-Mayor Graham and representatives from both Prime Solutions and East Coast regarding this issue. All in attendance signed a confidentiality agreement, which Town Attorney Gilmore explained was done to facilitate the free flow of ideas. Vice-Mayor Graham and Town Attorney Gilmore summarized the discussion that took place during this meeting. Ms. Gilmore explained that the meeting produced the proposal before the Town Council at this evening's meeting, and asked that the Council approve the proposal. That this issue will need to be dealt with in Executive Session was noted. Vice-Mayor Graham reported that a letter from the firm of Peed & Bortz will be presented for Council approval. Town Attorney Gilmore noted that specific questions may need to be addressed in the Executive Session. It was reported that Keith Lane's letter addresses issues in the previous letter from Prime Solutions. Mayor Ramsey clarified that the Town asked the Prime Solutions to provide said letter, and that Mr. Lane provided a response. Councilperson Heston then recommended the discussion be tabled until after the Executive Session.

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

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

##### **1. November 15, 2012 Town Council Meeting**

Vice-Mayor Graham noted that in the Community Policing section, a street named "Briar Court" was referenced; however, no one on the Council is familiar with this street name. Town Administrator Barkley will clarify if this street name is correct. Vice-Mayor Graham also noted that on page 5, in Item #3, "Fire Suppression System," the name *Allen* should be spelled *Alan*.

Councilperson Botsch noted that, on page 9, in the fourth and fifth lines down, the phrase "*determination of the Zoning Administrator,*" should be added at

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the end of the sentence. Also, on page ten, Councilperson Botsch noted that the phrase *new regulations* should be stated *new VDOT regulations*. Vice-Mayor Graham asked about the wording in Action Item #5, regarding North Locust Street; Mayor Ramsey clarified this. Councilperson Botsch noted that, on page 11, in the tenth line, the phrase "*Town Administrator Barkley reported that there is not, those funds were invested in a Certificate of Deposit,*" should be deleted. Following this discussion, Councilperson Heston moved to approve the minutes as amended; Vice-Mayor Graham seconded the motion. The motion carried by a vote of 4-0, with Councilperson Prack absent. The vote is recorded thus:

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

2. December 11, 2012 Town Council Special Called Meeting

Vice-Mayor Graham noted that there was no Pledge of Allegiance held at this meeting; Mayor Ramsey directed Town Administrator Barkley to strike that reference in the minutes. Town Administrator Barkley asked for confirmation of the time the meeting was recessed; also, Mayor Ramsey noted that the suffix *p.m.* should be included. Following this discussion, Vice-Mayor Graham moved to approve the minutes as amended; Councilperson Klipple seconded the motion. The motion carried by a vote of 4-0, with Councilperson Prack absent. The vote recorded as follows:

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

2. **Resolution 2012-10: 2013 Town Council Meeting Schedule/Inclement Weather Policy**

Vice-Mayor Graham made a motion to approve **Resolution 2012-10: 2013 Town Council Meeting Schedule/Inclement Weather Policy** as presented; Councilperson Heston seconded the motion. There was no discussion. The

motion was approved by a vote of 4-0, with Councilperson Prack absent for the vote. The vote is recorded as follows:

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<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
Christopher J. Prack	Absent

## **IN RE: REPORTS**

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

Town Administrator Barkley noted that his report is presented to the Council in written form; and, in the interest of time, he would not provide an oral report, but would entertain questions. Mr. Barkley did note that the Town is still working with Verizon regarding cellular equipment on the Town's water tower, and that Verizon has offered to double the rent they are currently paying. Town Administrator Barkley also reported that there has been one noise complaint regarding the Goose Creek wastewater treatment plant, and that Town Staff is working on this. Councilperson Botsch asked for an update on the survey sent to residents for input to the Comprehensive Plan update. Town Planner/Zoning Administrator Kinsley reported that he is still working on this, and that a spreadsheet will be prepared. Mr. Kinsley also reported that thirty surveys have been received thus far. There was a brief discussion of how the surveys were distributed and to whom. Mayor Ramsey asked if a web form could be provided. Vice-Mayor Graham asked if there has been any interest in filling vacant Planning Commission seats. Mayor Ramsey suggested that the survey be offered in a PDF format on the Town's website, enabling citizens to download the form and return their completed copy to the Town Office. Councilperson Heston asked how much our expenses were in relation to Hurricane Sandy; Town Administrator Barkley reported that the figure was between \$10,000.00 and \$13,000.00, and that work is ongoing on this item. Discussion of how money was allocated for this ensued. Councilperson Heston discussed the Franklin Park to Round Hill Trail project and the County's plans regarding this, and that thus far residents haven't been involved. Town Administrator Barkley noted that the hope is that a public information meeting will be held. Councilperson Heston noted that she is concerned the County will not take into consideration the residents' concerns. Ms. Heston asked if our Supervisor could assist in facilitating obtaining information from the County. Discussion of how to monitor the use of the Town's website ensued in relation to disseminating information regarding such projects. Mayor Ramsey noted that he feels the Town should pursue a broad outreach in reaching residents with information. Town Administrator Barkley will discuss options for this with Applied Tactics. Councilperson Heston asked



that Town Administrator Barkley ensure that the Town's website is up-to-date. Councilperson Botsch noted two items to monitor regarding the website. Vice-Mayor Graham noted that Jennifer Grafton Theodore's name should be removed from the website. Councilperson Botsch asked if there is any

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new information from VDOT regarding the 50% Design process; it was reported that there is not.

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

Town Planner/Zoning Administrator Kinsley noted the corrected date that should be on his report. Mr. Kinsley noted that his report is before each member of the Council in written form, and that he would be happy to answer any questions. Vice-Mayor Graham asked for clarification of the date, which Town Administrator Barkley provided. Councilperson Botsch noted that new revisions of the B-1 Business District text amendments were sent to businesses, and asked if there has been any feedback. Town Planner/Zoning Administrator Kinsley reported that there has not.

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

Mayor Ramsey reported that his office has not been involved in a lot of activity, other than topics reported on here. Mayor Ramsey met with Bobby Dennis regarding the updated ordinance; the meeting went well. Mayor Ramsey also reported that he is working on the Rate Study. The tree lighting ceremony was discussed; it was noted that over 100 people attended, and that this event has grown every year. Councilperson Heston reported that it was hard to hear the group which sang, and noted that the Town may want to offer some kind of amplification in the future. It was reported that this ceremony is done completely by the Junior Women's Group. Mayor Ramsey reported that Toby Moriarity will be unable to continue as Hometown Festival chair; he is open to recommendations for a person to fill this position, and stated that the person needn't be a resident of the Town proper. Mayor Ramsey also reported that the Downhill Derby coordinator is "retiring," and that position will need to be filled. Vice-Mayor Graham noted that many of the procedures for these positions are already in place, and are self-perpetuating. It was noted that, if anyone is interested in either of these positions, he/she should be referred to Mayor Ramsey or Ms. Moriarity.

## **4. Utility Operations, Public Facilities, and Projects Committee**

Vice-Mayor Graham reported that Mr. Jamie Emery provided a slide presentation regarding groundwater exploration and source development. Mr. Emery will provide a cost estimate to the Utility Committee regarding conducting a survey/providing more water resources to the Town. Ms. Graham noted that Mr. Lane feels there is a need to explore new water sources. Councilperson Heston asked about Wells 21 SA and 21 SB, and if the SCADA system this is a new system or an upgrade. Vice-Mayor Graham reported it is an upgrade. Vice-Mayor Graham noted a piece of equipment already in the budget and asked Town

Administrator Barkley about this. Mr. Barkley explained this item and noted that he does not yet have a quote for the Council regarding this.

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

Councilperson Heston reported that the committee meeting was postponed due to the Special Called Council meeting. The Committee will meet in January, but no date has yet been set for that meeting.

#### **6. Land Use Committee**

Councilperson Botsch reported that the Committee discussed the proposed Lighting Ordinance, as well as the ordinances provided by Deputy Cooper. Town Administrator Barkley reported that he will discuss the ordinances provided by Deputy Cooper with Captain Noble. Councilperson Botsch reported that the Committee will bring those ordinances (Loudoun County's) to the Town Council, and asked if a public hearing is required. Town Attorney Gilmore stated that a public hearing is required. In regards to the Lighting Ordinance, Councilperson Botsch discussed how light is measured, and noted that there is a reference to *foot candles* in Section 33.

#### **IN RE: COUNCIL COMMENTS**

Council Members wished everyone a Merry Christmas.

#### **IN RE: EXECUTIVE SESSION**

Vice-Mayor Graham moved that the Council **convene an Executive Session for consultation with legal counsel retained by the Town on specific legal matters requiring the provision of legal advice by counsel and discussion of pending litigation, as authorized by Code of Virginia of 1950, as amended, Section 2.2-3711(A)(7)**; Councilperson Klipple seconded the motion. The clarification was made that this session will cover all legal matters. The following individuals are requested to attend: Town Council Members, the Town Administrator, and the Town Attorney. A voice vote was held, with the motion approved by a vote of 4-0. The vote is recorded thus:

<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
Christopher J. Prack	Absent

The regular meeting was recessed by Mayor Ramsey at 10:06 p.m.

The Town Council exited closed session at 11:20 p.m. with the following motions:

Motion to resume open session by Vice-Mayor Graham, seconded by Councilman Klipple. Passed 4-0.

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

Motion to certify no items discussed that were not exempt from open session by Vice-Mayor Graham, seconded by Councilman Klipple. Passed 4-0.

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

Motion to give permission to the Town Engineer, Peed and Bortz, to send the letter dated December 21, 2012 to Prime Solutions, Inc. by Vice-Mayor Graham, seconded by Councilperson Heston. Passed 4-0.

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

#### **IN RE: MEETING ADJOURNMENT**

The regular meeting reconvened and was recessed by Mayor Ramsey at 11:38 p.m.

Respectfully submitted,

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Scott T. Ramsey, Mayor

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Debra McDonald, Recording Secretary