

**ROUND HILL TOWN COUNCIL
REGULAR MEETING MINUTES
February 21, 2013**

A regular meeting of the Round Hill Town Council was held in the Town Office, 23 Main Street, Round Hill, VA, on Thursday, February 21, 2013.

Council Members Present

Scott T. Ramsey, Mayor
Mary Anne Graham, Vice-Mayor
Janet L. Heston
Clarkson J. Klipple
Christopher J. Prack

Others Present

Deputy Anthony Cooper
Maureen Gilmore
Keith Lane
Rachel Burns

Council Members Absent

R. Daniel Botsch

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 7:35 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 three larcenies from unlocked vehicles reported during the past month. Deputy Cooper also reported that he sent corrections and responses from the Department for the ordinances under consideration to the Land Use Committee via e-mail. Mayor Ramsey asked if there is a Land Use Committee meeting scheduled for March. Town Administrator Barkley and Councilpersons Klipple and Heston reported that there will be a meeting held in March, but that the date has not yet been scheduled. There were no questions for Deputy Cooper.

IN RE: PUBLIC COMMENT

Miss Rachel Burns introduced herself. She noted that she is a junior at Woodgrove High School and is working toward her Gold Award in Girl Scouting. Miss Burns reported

that her project is a history board for the Town Park, and she explained the preliminary plans for her project. She requested a formal letter of approval from the Town, in order to pursue this project. Councilperson Heston asked Miss Burns what her deadline is; Miss Burns reported that she has no deadline, but is required to report on her progress every month. Mayor Ramsey noted that there is a concept drawing of a similar board in the Council packet; and that eventual oversight would be undertaken by the Land Use Committee. Vice-Mayor Graham noted that she thinks this is an excellent idea, and asked who would pay for the board; Miss Burns noted that she would raise the funds to cover the cost. Mayor Ramsey reported that the Town would provide upkeep of the board once it is installed. Following this discussion Vice-Mayor Graham made a motion that the Town provide the letter of approval; Councilperson Klipple seconded the motion. Councilperson Heston noted her personal experience with the Gold Award and stated that she's pleased Miss Burns is pursuing this. The motion carried by a vote of 4-0, with Councilperson Botsch 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	Aye
Clarkson J. Klipple	Aye
Christopher J. Prack	Aye

Mayor Ramsey instructed Miss Burns to work with Town Administrator Barkley on the preparation of the letter for the Mayor's signature. Ms. Burns thanked the Council.

IN RE: APROVAL OF AGENDA

Vice-Mayor Graham made a motion to approve the Agenda with the addition of observing a moment of silence in memory of former Mayor Jeffrey Wolford; Councilperson Prack seconded the motion. There was no further discussion. The amended Agenda was approved by a vote of 4-0, with Councilperson Botsch 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	Aye
Clarkson J. Klipple	Aye
Christopher J. Prack	Aye

Following the vote, a moment of silence was held in memory of former Mayor Jeff Wolford.

IN RE: BUSINESS ITEMS

1. FY 2014 Budget Schedule

Town Administrator Barkley discussed the schedule included in the Town Council packets, and noted that he tried to customize it to ensure meetings fall on the first and third Thursday of the month at 7:00 or 7:30 p.m. Mr. Barkley also noted that this schedule leaves time for review and advertisement of the budget before ~~the May Town Council meeting and~~ the public hearings in June. Vice-Mayor Graham asked how far along the budget process is; Mr. Barkley reported that data is being gathered at this time. The General Fund will be considered at the March 7 and 21, 2013 meetings; Mr. Barkley will try to have a Utility Fund draft for the March 21st meeting. Vice-Mayor Graham asked if the Utility Staff had been notified; Town Administrator Barkley stated that they have not, as he wanted to obtain tentative approval by the Council regarding the schedule.

IN RE: ACTION ITEMS

1. Approval of Minutes

1. January 17, 2013 Town Council Meeting

Councilperson Heston asked if the tenth line down on page four is correct (*Being in force as of January 1*); it was determined that this is correct. Councilperson Heston noted that on page six, the vote listed shows Councilperson Prack as voting *aye*; it should be noted that he *abstained*. Town Attorney Gilmore clarified issues in question regarding the discussion of the Verizon lease. Councilperson Heston requested that, on page eight, who Mr. Emery is should be added for future reference. Finally, Councilperson Heston noted that the blank in the next paragraph should contain the name "*LOGICS*." Vice-Mayor Graham noted that on page five, in the Approval of Minutes section, she stated that Jennifer Grafton Theodore's name should be removed from the letterhead, not just the Town's website. Vice-Mayor Graham also noted that, in the section dealing with the Town Planner/Zoning Administrator's report, in referring to the parking lot she did not specify "*behind the medical office*." Councilperson Heston asked if the tape should be reviewed in order to clarify if someone else referenced the 6 East Loudoun Street address. Mayor Ramsey directed Town Administrator Barkley to clarify this. Following these corrections, Vice-Mayor Graham moved to approve the minutes as amended; Councilperson Heston seconded the motion. The minutes were approved by a vote of 4-0, with Councilperson ~~Botsch~~Praek absent for the vote. The vote is recorded thus:

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

2. Town of Round Hill Water Ordinance Amendments

1) Sections 16 and 30: Fire Suppression Systems:

Vice-Mayor Graham led the discussion of this item, noting that changes were made to the draft document, based on the Town Attorney's comments. Mrs. Graham asked if, on the second from last page, under section 30(b), the word should be "*the*" (it was noted the "t" was omitted). Also, on the last page, Vice-Mayor Graham noted that it was unclear why the damage comment is included; Town Attorney Gilmore explained this. It was decided to make this a separate sentence, for clarity. Following this discussion, Vice-Mayor Graham made a motion to adopt the Amendments; Town Attorney Gilmore asked if the amendments had yet been advertized. Town Administrator Barkley reported that they had, on February 21, 2013. Vice-Mayor Graham continued her motion to adopt the Water Ordinance Amendments as presented and amended; Councilperson Klipple seconded the motion. Councilperson Heston asked if the Town is required to hold a public hearing. Mayor Ramsey noted that the Town is not, and explained why. Following this a vote was held, with the motion approved by a vote of 4-0; Councilperson Botsch was 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	Aye
Clarkson J. Klipple	Aye
Christopher J. Prack	Aye

3. Town of Round Hill/Verizon Wireless Cellular Equipment Lease Renewal

Town Administrator Barkley presented the report, and thanked Town Attorney Gilmore for working with the Verizon representative on this. Mr. Barkley noted that, in Section 3, under "Rent," it is specified that rent will be collected from Verizon at the beginning of the installation. Mr. Barkley noted the back order of "radio heads" to be installed, but stated that Verizon agreed to begin the payment of rent at the onset of installation, not to wait until that equipment is delivered and installed. Town Attorney Gilmore reported that the renewal of the lease will be a little earlier than had previously occurred,

and that the rent will be increased. Mayor Ramsey asked if there will be further drafts of the lease. Town Attorney Gilmore discussed additions/corrections that will be made to the present draft. Mayor Ramsey then asked for a motion from the Council that would authorize him to execute the lease. Councilperson Heston moved that the Mayor be authorized to execute the lease upon its completion; Councilperson Klipple seconded the motion. The motion carried by a vote of 4-0, with Councilperson Botsch 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	Aye
Clarkson J. Klipple	Aye
Christopher J. Prack	Aye

IN RE: REPORTS

1. Town Administrator's Report

Town Administrator Barkley noted that his report is provided in written form in the packet, and via e-mail. Mr. Barkley began by discussing the Stoneleigh situation. He noted that Mayor Ramsey has taken a hands-on approach to negotiating with the management company (Infinity Management) who runs the Stoneleigh Golf Club, and their representative, Mr. Swales. Town Administrator Barkley discussed the situation thus far. A meeting was held with Infinity Management on January 21, 2013. Shortly after that meeting the Town Treasurer petitioned the Circuit Court to place a lien on the property for approximately \$42,000.00. Since then, the account has been reviewed, and it was found that the delinquency was less than originally thought. Treasurer Welford looked at the account and found that the actual delinquency was \$16,809.04. Stoneleigh made a payment of \$4,000.00, and has worked with the Town to create a payment plan. The plan includes a payment of \$4,000.00 per billing period, in addition to their regular payment, for each of the three accounts. Ordinarily the Town Administrator can execute a payment plan; however, it was felt that this should be presented to the Council due to the amount of the delinquency. Town Administrator Barkley also discussed a credit made to Stoneleigh in 2009 for a water leak, which figured into the total of the final amount due. Vice-Mayor Graham asked if the original \$16,809.04 amount was reduced by the \$4,000.00 payment. Town Administrator Barkley reported that it was. Mr. Barkley and Mayor Ramsey explained how the \$4,000.00 payment was made: the head of the management company made the payment with his personal check, as the Stoneleigh Board doesn't meet until February 28, 2013; the Town is holding the check until after that date. Councilperson Heston asked Mayor Ramsey to clarify

the payment plan being proposed. Councilperson Prack asked if this is the same management company who was dealt with previously; Town Administrator Barkley explained the structure of management at Stoneleigh, and a miscommunication which occurred. Vice-Mayor Graham asked if there will be any repercussions if they don't honor the plan; Mayor Ramsey noted the lien that is in place, and that the Town could also shut off water/sewer service. Councilperson Heston asked if the Town can pursue a shut off if Stoneleigh defaults on the payment plan; Mayor Ramsey explained that the Town may do so. Discussion ensued regarding the charging of penalties and/or interest on this account. Councilperson Heston asked if the lien amount will be adjusted in relation to the payments by Stoneleigh. Town Administrator Barkley reported that it will be, that each time Stoneleigh makes a \$4,000.00 payment the lien will be reduced. Town Attorney Gilmore recommended not reducing the lien too often, as the court may not like that. Mayor Ramsey then instructed Town Administrator Barkley to hold off on reducing the lien until after the Stoneleigh Board meets. Town Administrator Barkley reported that he informed the Stoneleigh representative that the Town would reduce the amount to the \$16,809.04 figure; Mayor Ramsey instructed Mr. Barkley to do this, and then wait to reduce further. Vice-Mayor Graham asked Town Administrator Barkley to keep Council members informed on this. Councilperson Heston moved to accept the proposed payment plan for the Stoneleigh account; Councilperson Klipple seconded the motion. Councilperson Prack stated that he would like to see the plan in writing prior to voting. Town Administrator Barkley noted that he has the written payment plan, which he will provide. Mayor Ramsey noted that normally the Town Administrator has the authority to deal with this issue, but that, in this instance, it was brought before the Town Council due to the size of the debt. Councilperson Prack discussed his concerns, noting the large past due amount previously noted, which was incorrect, and previous payment plans not being honored. Mr. Prack feels that everything should be in writing for both the Town's and Stoneleigh's sake. Councilperson Heston noted that she understands Councilperson Prack's concerns, but also feels that the Town had a glitch and we should work with Stoneleigh due to this issue. Vice-Mayor Graham asked how quickly the Town expects to receive the \$4,000.00 payment from Stoneleigh's Board. Mayor Ramsey noted that the issues being discussed this evening will inform the Stoneleigh Board as to whether the Town is amenable to the payment plan, or requires payment in full. Councilperson Heston noted that when payment is received doesn't matter as much, because we have other options (cut off of service and the lien). There was no further discussion. The motion made by Councilperson Heston, and second by Councilperson Klipple, passed by a vote of 4-0, with Councilperson Botsch 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	Aye
Clarkson J. Klipple	Aye
Christopher J. Prack	Aye

Mayor Ramsey instructed Town Administrator Barkley to notify Mr. Swales of the Council's action. Town Administrator Barkley stated that he would include a copy of the payment plan in the March Town Council packet. Mayor Ramsey noted that there will be a review of other accounts, due to the Town's error with this account. Councilperson Klipple asked about the credit to Stoneleigh in 2009; Mayor Ramsey explained that the sewer credit amount had not been correctly credited. Town Administrator Barkley will provide a status report to the Administration Committee regarding the review of accounts. Vice-Mayor Graham asked about charges made to a Town account by the Community Garden group, and if any other groups or organizations have done this. Town Administrator Barkley responded that no other groups have done this. Mayor Ramsey noted that this instance was a communication error between Town Staff and the garden group.

2. Town Planner/Zoning Administrator's Report

Town Planner/Zoning Administrator Kinsley distributed an updated report. Mr. Kinsley reported on contacts made with Loudoun County regarding the site plan review for the water treatment plant, in particular with Rob Ballenger; it was also noted that Town Attorney Gilmore has discussed this issue with County staff. It was reported that, because the plant was part of a proffer, it does not need a special exception. The current plat does not show the Town's parcel, but the final plat will. Town Planner/Zoning Administrator Kinsley stated that he will ensure that the County will show all boundaries on the final plat; also, the County will require a letter of approval from the Town in regards to this. Vice-Mayor Graham asked if Town Attorney Gilmore is in agreement with this. Ms. Gilmore discussed what the County will require, and noted that the Town will have to monitor the final subdivision plat. Town Attorney Gilmore discussed one of the reasons for not approving the final plat – the utilities must be available before building permits may be issued. Mayor Ramsey reported that the County has taken the lead on this issue. Town Planner/Zoning Administrator Kinsley discussed the KHovnanian Homes purchase of the Lake Ridge Estates property, and the extension of the conditional plat approval by the Planning Commission. There were no further questions.

3. Mayor's Report

Mayor Ramsey reported that he met with the Stoneleigh representative. Mr. Ramsey also reported that County representatives did attend the Land Use Committee meeting. Mayor Ramsey noted that the Hometown Festival will go forward without a single committee chair, and he listed the three individuals who will lead this endeavor. It was noted that others who have worked with various events will return this year. Mayor Ramsey discussed a proposal by the State government to increase the sales tax and dedicate those funds to transportation funding, and to eliminate the gasoline tax. As negotiations stand now, no additional sales tax monies go down to the local level. TANV will send a letter requesting that the extra sales tax monies go to towns; Mayor Ramsey will sign this letter as a representative of the Town.

4. Utility Operations, Public Facilities, and Projects Committee

Vice-Mayor Graham noted that a written report is in each Council Member's packet; this report will be discussed further in the Executive Session.

5. Administration and Communications Committee

Councilperson Heston reported that the committee did not meet this month. The Committee's only issue is the LOGICS problem. Town Treasurer Wolford attended a group meeting on Friday (February 15th) regarding this. Councilperson Heston reported that the Town of Hamilton has been aggressive with LOGICS regarding their tax software that has not been delivered as yet. Mrs. Heston also reported that there have been changes at the company, so the Committee wants to give them a little more time. However, after a fair amount of time has passed, the Committee will get a little more forceful with them, as they promised a program for which the Town has paid, but which has not been delivered. Councilperson Heston reported that the next tentative meeting date for the Committee is March 11, 2013.

6. Land Use Committee

Town Administrator Barkley presented this report in Councilperson Botsch's absence. Mr. Barkley reported that Loudoun County representatives made a good presentation to the Land Use Committee regarding the Franklin Park to Round Hill Trail. They discussed a new alignment, how public information will be handled, and talked about amenities, crosswalks, and lighting. They talked about the schedule for the project. A tentative public information meeting date has been set for April 9th. Mayor Ramsey noted that the April 9th date is just a working date at this point, and that it may be moved. Mayor Ramsey also reported that a major issue is conduit; the County removed this without the Town's knowledge, and the Town will work to reinstate this. There may be continuing discussions with the County regarding covering the cost of this. It was also reported that a discussion was held with Supervisor Clarke regarding the alignment of the road to the Sheriff's Office Substation, as well as the co-use of the facility (as a fire station). Vice-Mayor Graham asked about the alignment of the road; Mayor

Ramsey and Councilperson Heston noted that this is of concern to the Thomases, and that Supervisor Clarke is working to ameliorate this. Vice-Mayor Graham asked if there has been any resolution of the issue of the payment to the Sheriff's Office for coverage at the Hometown Festival. Mayor Ramsey noted that this issue has not been resolved yet. Mayor Ramsey reported that he asked the Town Administrator to submit the permit application early, so there will be time to negotiate. A Sheriff's Office representative at the meeting said he will try to follow-up on this. Town Administrator Barkley reported that the Land Use Committee discussed the status of the Main Street Enhancement Project; State review has caused a little bit of a delay with this. It is hoped this will be resolved soon, so residents may be notified of developments on the project. Mayor Ramsey discussed the reason for the delay by the State. Town Administrator Barkley reported that Dominion Virginia Power has been asked to provide an estimate for the cost of burying power lines. Town Administrator Barkley reported that the Sheriff's Office Substation is moving forward with building without Town utilities. Councilperson Heston reported that Dave Bowers prepared sketches for the County pre-application requirements for Sleeter Lake Park for a meeting to be held on March 12, 2013.

IN RE: COUNCIL COMMENTS

Vice-Mayor Graham reported that she attended Supervisor Clarke's Community meeting, and was surprised that only three people attended. Mayor Ramsey asked that those present keep Betty in their thoughts.

IN RE: EXECUTIVE SESSION

Vice-Mayor Graham moved that the **Round Hill Town Council convene in Closed Session for consultation with legal counsel and briefing by staff members regarding pending litigation in re: the Wastewater Treatment Plant BNR Upgrade and Expansion as authorized by Code of Virginia of 1950, as amended, Section 2.2-3711(A)(7);** Councilperson Klipple seconded the motion. A voice vote was held, with the motion approved by a vote of 4-0-1. The vote is recorded thus:

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

Mayor Ramsey called for a brief recess in order to clear the room. The regular meeting was recessed by Mayor Ramsey at 9:15 p.m.

IN RE: MEETING ADJOURNMENT

The Town Council exited closed session at 10:35 p.m. with the following motions:

Motion to resume open session by Vice Mayor Graham, seconded by Councilperson Heston. Passed 4-0-1.

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

Motion to certify no items discussed that were not exempt from open session by Vice Mayor Graham, seconded by Councilperson Heston. Passed 4-0-1.

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

IN RE: MEETING ADJOURNMENT

The regular meeting was recessed by Mayor Ramsey at 10:36 p.m.

Respectfully submitted,

Scott T. Ramsey, Mayor

Debra McDonald, Recording Secretary