

**ROUND HILL TOWN COUNCIL  
REGULAR MEETING MINUTES  
January 17, 2013**

A regular meeting of the Round Hill Town Council was held in the Town Office, 23 Main Street, Round Hill, VA, on Thursday, January 17, 2013.

**Council Members Present**

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

**Others Present**

Dave Stegmaier,  
Representative from  
Congressman Wolf's  
Office  
Deputy Anthony Cooper  
Maureen Gilmore,  
Town Attorney  
Ms. Careena Foy

**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 two crimes reported during the past month – one a destruction of property incident on Mulberry Street, and one that involved graffiti on an abandoned barn. Mayor Ramsey asked about the nature of the destruction of property on Mulberry Street; Deputy Cooper responded that a mailbox had been run over. Councilperson Prack discussed incidents that have occurred in “The Hook;” Deputy Cooper discussed issues pertaining to this area and in regard to property lines there. There were no questions for Deputy Cooper.

**IN RE: PUBLIC COMMENT**

Ms. Careena Foy asked Council if this is the appropriate time for her to speak regarding her request for a waiver of a portion of her water/sewer bill. Mayor Ramsey explained that her request will be added to the Agenda as a regular item. Then Mr. Dave Stegmaier

introduced himself; he is the Director of Community Outreach for the western portion of Congressman Wolf's district. Mr. Stegmaier noted that he is honored to be here among people serving at the local level of government. Mr. Stegmaier thanked the Council for allowing him to observe, and noted that he will present a report to Congressman Wolf. Vice-Mayor Graham asked Mr. Stegmaier if he has recently been appointed; Mr. Stegmaier noted that he has been with Congressman Wolf's office for 1½ years, but that this is the first time he has attended a meeting here. There was no further public comment.

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

Vice-Mayor Graham made a motion to approve the Agenda with the addition of two items to the Business Items section – Item #1, Request for Waiver, and Item #3, Hometown Festival; Councilperson Botsch seconded the motion. There was no further discussion. The amended Agenda was approved by a vote of 5-0; 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
Christopher J. Prack	Aye

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

##### **1. Request for Waiver**

Ms. Careena Foy, of 35532 Hudson Street, thanked the Council for placing her request on the agenda, and then made the presentation of her request for a waiver relating to a previous water/sewer bill. Ms. Foy distributed copies of her water bills and a plumber's report to Council Members; she reported that they have lived at this address since July 23, 2012. Ms. Foy reported that their first water bill was for 37 days and registered a water usage of 12,150 gallons; Ms. Foy noted that she has worked with Ms. McGaha of the Town Staff regarding the August 2012 water bill, and that she asked for a second reading of the meter 37 days following this date. That reading showed a usage of 4,100 gallons. Ms. Foy stated that she waited for a couple more months to ensure that their water usage was at the lower level. Ms. Foy asked for an adjustment to the first water bill. Vice-Mayor Graham asked about an item on the plumber's bill that Ms. Foy explained; Ms. Foy also explained an additional item on the plumber's bill, and noted that neither item had an impact on water usage at the property. Mayor Ramsey asked if the Foy's had installed sod or plantings; Ms. Foy reported that they had not. Mayor Ramsey confirmed with Town Administrator Barkley that, after the first billing period, the meter was changed to a more modern meter. Ms. Foy noted that neighbors reported that they had to have the real estate agent turn

off running water on the exterior of the property prior to the Foy's purchase of the home. Mayor Ramsey and Town Administrator Barkley discussed the average usage with both the old and the new meters, and noted that both meters were recording the same usage rate. Mayor Ramsey also noted that the spike occurred prior to the August 29, 2012 reading. It was noted that Town Staff read the meter on July 23, 2012, that the house had been vacant since January 2012, and that readings were consistent throughout this time period. Mayor Ramsey reported that this was the reading used at the beginning of the Foy's account. Councilperson Klipple asked if there could be a paperwork error. Town Administrator Barkley explained this issue; he also reported that there was no leak between the house and the meter, and that Town Staff must abide by the written policy in instances such as these. Vice-Mayor Graham asked if the realtor could have had a cleaning crew in. Ms. Foy responded that no, that did not happen. Councilperson Botsch stated that he felt that wouldn't have accounted for such a large water usage, and asked if a leak in a toilet could have accounted for this. Councilperson Heston asked if the water had been turned off to the property prior to the Foy's purchase; it was reported that the water was off until the Foy's took possession of the property. Mayor Ramsey noted that the only other explanation could be a software error, and that Town Staff feels their information is correct. Town Administrator Barkley reported the dollar amounts that could be credited. Vice-Mayor Graham noted that she feels the problem could be a computer glitch or something, that she didn't see anything else that could account for this. Following this, Vice-Mayor Graham made a motion to credit to the Foy's account the amount above their normal usage; Town Administrator Barkley clarified that the amount is approximately \$170.00. Councilperson Klipple seconded the motion. Councilperson Heston asked if the Foy's account is current; Ms. Foy reported that it is. There was no further discussion. Following this a vote was taken; the motion carried by a vote of 5-0. 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	Aye

Mayor Ramsey directed Town Administrator Barkley to have Staff process the refund. Ms. Foy thanked the Council.

## **2. Water Ordinance – Fire Suppression Systems**

Town Administrator Barkley noted that the information Town Attorney Gilmore annotated regarding this is in each Council Member's packet. Vice-Mayor Graham led the discussion of this, and noted that Town Attorney Gilmore also made suggestions for other sections of the Ordinance, which she appreciated.

Vice-Mayor Graham discussed a change to Section 30, Part D, regarding replacing the phrase *any easement* with the phrase *public easement*. Ms. Graham also discussed the Utility Committee's recommendation of requiring fire suppression systems in new, non-residential buildings, as of January 1, 2013. Finally, Vice-Mayor Graham discussed the inclusion of language regulating the conversion of a building from a residential to a non-residential use. Vice-Mayor Graham reported that these changes have to be advertised, and made a motion to do so; Councilperson Klipple seconded the motion. Councilperson Botsch asked for clarification of the changes; there was also discussion regarding these changes being in force as of January 1, 2013. The requirements for a strainer were discussed, as were how changes regarding this would be addressed in the future. It was also reported that the requirement for a meter and strainer only applies to non-residential properties. Mayor Ramsey noted that he is not sure what is being "grandfathered in" in light of the January 1, 2013 date. Councilperson Botsch asked if Mayor Ramsey feels the addition of the date is redundant; Mayor Ramsey noted that he feels it is. Town Attorney Gilmore stated that the date reference could be removed. Vice-Mayor Graham then amended her motion to reflect that change; Councilperson Klipple reaffirmed his second of the motion. Councilperson Botsch asked if, in Section 30(A), the line *In the event a fire suppression system is required for a property not already serviced...*, should read *a property* or *any property*. Discussion ensued regarding this. Also, Mayor Ramsey and Council discussed Section 30(D) regarding public easements on a fire suppression line, and the rights and responsibilities the Town would have in an instance such as this. Town Attorney Gilmore discussed options the Council has regarding this issue. Councilperson Prack asked if there is anything in the Ordinance regarding the type of system required – does it need to be a wet or a dry system. Discussion ensued regarding this, and it was determined that the Town's interest in these systems consists only in relation to their connection with the Town's water system; the Town has no preference to the type of system. Councilperson Heston and Mayor Ramsey discussed to whom the rules in this Ordinance apply; it was noted that they apply to all system customers, with the exception of the meter/strainer requirements. Vice-Mayor Graham noted that she would agree to strike the second sentence in Section 30(D); Councilperson Heston respectfully disagreed with this. Councilperson Klipple discussed how leaving this language in could create difficulties for the Town. Mayor Ramsey conducted a straw poll which showed that a majority of Council Members agreed to strike this language. Following this discussion a vote was held, with the motion carrying 5-0. 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	Aye

Mayor Ramsey instructed Town Administrator Barkley to advertise this Ordinance change for the February Town Council meeting.

### **3. Hometown Festival**

Vice-Mayor Graham reported on efforts to have a meeting with all involved in past Hometown Festivals, in order to recruit a new Chairperson; no one has as yet expressed an interest in this position. Mrs. Graham stated that she hopes something can be done regarding this by February. Mayor Ramsey noted that Mrs. Ramsey will help with scheduling a meeting, as she has an e-mail list of eligible/interested citizens. It was noted that the chair needn't be a resident of the Town proper.

## **IN RE: ACTION ITEMS**

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

#### **1. December 20, 2012 Town Council Meeting**

Vice-Mayor Graham noted that on page three, in the sixth line, the phrase should be *in obtaining a grant*; also, on the same page, the second line from the bottom, *site* should be spelled *cite*. On page six, in the section dealing with the Rotary Sludge Press, *prime* should be capitalized, as it is the name of the company. Mayor Ramsey noted two references to a letter from the prime contractor, and asked if the letter was from the *prime contractor* or from the company *Prime Solutions*. It was noted that both refer to the company *Prime Solutions*. Councilperson Klipple also noted that the preposition *the* should be dropped. Vice-Mayor Graham asked if the street name in question in Deputy Cooper's Community Policing report was *Briar Court*; Town Administrator Barkley reported that it should be *Pryor Court*. Mr. Barkley also reported that on page seven, the name *Applied Tactics* should be inserted in the blank. Also, Vice-Mayor Graham noted that Jennifer Grafton Theodore's name should be removed from the letterhead, not from the Town's website. Vice-Mayor Graham also asked if she was the one who asked for clarification of the date on the Town Planner/Zoning Administrator's report; Council Members were uncertain, therefore it was decided to leave that reference as is. Councilperson Botsch noted that, in the Community Policing section of the minutes, the reference should be to *some sections* of the ordinances; also, the property in question in the Fire Suppression System section is at *6 West Loudoun Street* not *6 East Loudoun Street*. On page seven, in the Town Administrator's Report, it was verified by the Council that the phrase should

read *County plans regarding the Franklin Park Trail Project*. Councilperson Botsch noted that, on page eight, the phrase should be *more information from VDOT regarding the 50% Design Plan*. There being no further corrections, Vice-Mayor Graham moved that the minutes be approved as corrected; Councilperson Botsch seconded the motion. The minutes were approved by a vote of 4-0, with Councilperson Prack abstaining. 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	Abstain

2. Lease Renewal – Verizon Wireless

Town Attorney Gilmore reported that Verizon has agreed to the increased rent; they are still discussing the 3%-4% escalation with the Town Administrator. The new rent will be applicable once the installation of the additional equipment has been completed, or on September 1, 2013, whichever occurs first. Mayor Ramsey confirmed that there is not any urgency to sign this lease, and that it will be fine to carry this over to the next Council meeting. Town Attorney Gilmore reported that she has not received confirmation from Verizon's agent that they agree to this, but she thinks they will. Town Administrator Barkley noted that the draft will change, but the amount will not. Mr. Barkley highlighted an issue that could occur with the rent if Verizon installs the new panels before the September 1, 2013 date of the new contract. Following this discussion, it was decided to table this issue until the February Town Council meeting.

**IN RE: REPORTS**

**1. Town Administrator's Report**

Town Administrator Barkley noted that his report is provided in written form, and that he would be happy to cover any questions or concerns. Vice-Mayor Graham stated that she is appalled that Stoneleigh owes such a large amount of money, and asked if the Town is obligated to wait until February 25, 2013 to take action on this issue. Mayor Ramsey stated that, if the Staff has worked out a course of action, we should let them continue on. Councilperson Heston stated that the Town's policy allows for their water service to be shut off immediately if Stoneleigh is not abiding by their agreement with the Town. Town Administrator Barkley reported that he has discussed this with Mark Nelis. Mayor Ramsey asked if Mr. Barkley has notified them of the February 25th shut-off date; he noted that he has not, that he wanted the Town Council to discuss this before taking further action. Councilperson Heston noted that the Town has a policy

regarding situations such as this; Mayor Ramsey noted that we would be singling out Stoneleigh if the water service were disconnected prior to the publicly stated cut-off date for delinquent accounts. Councilpersons Heston and Prack stated that they disagree with this position. Councilperson Prack suggested authorizing the Town Administrator to discuss with Stoneleigh representatives the non-payment and the discussions held this evening, and a possible shut-off date. Mayor Ramsey clarified that the Council is discussing that Town Administrator Barkley pursue notification of non-compliance with the payment plan and the shut-off of services with Stoneleigh representatives. Councilperson Botsch noted that the Council wants to ensure that they are on a proper legal footing before discontinuing services. Discussion ensued regarding the payment arrangements already made, as well as the length of time this problem has gone on. Town Attorney Gilmore reported that she is not aware of the facts surrounding this, but would be willing to discuss the situation with Town Administrator Barkley. Mayor Ramsey directed Town Attorney Gilmore and Town Administrator Barkley to meet regarding this situation, and determine the best course of action to either have Stoneleigh pay their bill, or to shut off their service. There was discussion of the amount of money involved and that the amount continues to increase. Mayor Ramsey restated that Ms. Gilmore and Mr. Barkley will consult regarding this and then will make a recommendation as to further action. Vice-Mayor Graham noted that she would have liked the Council to be notified regarding Shirley Lane's death. There was no further discussion.

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

Town Planner/Zoning Administrator Kinsley noted the his report is also in front of each Council Member, and that he would be happy to answer questions. Vice-Mayor Graham asked how often Mr. Kinsley is inspecting the parking lots in Town. Town Planner/Zoning Administrator Kinsley reported that he took pictures of the lot at the end of December, and that he has looked at the lot several times since then. Town Attorney Gilmore noted that this issue will be discussed further in the Closed Session. Councilperson Botsch asked if anyone has heard back from Dave Bowers; it was reported that no one has. Councilperson Botsch asked if there is any new information regarding VDOT; Town Administrator Barkley noted that there is not, and that he will contact VDOT. Councilperson Botsch noted that he doesn't want the Town to fall behind schedule on this project. In closing, it was reported that there is no update on possible talks between the County and residents regarding the Franklin Park Trail Project.

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

Mayor Ramsey reported that his office has not been involved in a lot of activity. The Mayor reported that he was contacted by a reporter from The Purcellville Gazette, who will soon be doing a story on the aquatic center to be built near the elementary school. Mayor Ramsey also reported that there is a group of citizens

in The Villages who are opposed to the construction of the center until the size of the pool is increased. This group is encouraging that those opposed to the construction of the pool as it now stands contact Supervisor Clarke, in order to delay construction. Mayor Ramsey will talk to Supervisor Clarke regarding this, and noted that this is not a new request from residents. Mayor Ramsey noted that the County is projecting the construction of the pool this year. Mayor Ramsey received a request from a Town resident that a decal replace the plate currently in use to signify payment of property taxes. Vice-Mayor Graham asked if Mayor Ramsey had given any consideration to joining with the coalition Mayors Against Illegal Guns, this group including the mayor of a neighboring town. Mayor Ramsey reported that he has not joined this group, that his focus is on local issues.

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

Vice-Mayor Graham noted that the report was prepared by John. At the next Utility Committee meeting she hopes to have a report from Mr. Jamie Emery, of Emery and Garrett, one of the companies interested in providing a proposal for groundwater exploration. Councilperson Heston noted a correction to the minutes of this committee's meeting. Finally, Vice-Mayor Graham reported that Mr. Emery will attend the February committee meeting and may attend a Council meeting in February or March with his proposals.

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

Councilperson Heston reported that the committee did not meet, but that she spoke to Town Treasurer Wolford regarding the update with LOGICS. The committee will meet in February, but the meeting has not yet been scheduled.

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

Councilperson Botsch reported that the Committee has reviewed the Lighting Ordinance, and that the Committee is waiting until they have some other things ready, then will hold a public hearing. The Committee discussed the Loudoun County Parking and Noise Ordinances; Councilperson Botsch reported that Town Administrator Barkley will obtain recommendations as to what the Town can and cannot do in relation to these ordinances from Deputy Cooper, for further discussion by the Committee at their February meeting. Also, other types of shared parking, particularly with churches, will be looked at next month. Finally, parking requirements related to square footage will be looked into. Vice-Mayor Graham asked if there is anything new to report on the Main Street Enhancement Project or Sleeter Lake Park; Councilperson Botsch noted that the Committee is waiting for a response from VDOT on the 50% Plan in regards to the Main Street Project, and that a work order relating to the park was just approved.

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

Councilperson Botsch wished everyone a Happy New Year. Vice-Mayor Graham reported that Alan's daughter had attended a meeting as part of a college course project,



and was impressed with how the Council operates. Mayor Ramsey wished everyone a Happy New Year. There were no further Council Comments.

**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: GEMRAM, LLC, vs. The Town of Round Hill, Virginia, in Loudoun County Circuit Court, Case Number CL00077293-00, 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 5-0. 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	Aye

Mayor Ramsey called for a five minute recess in order to clear the room. The regular meeting was recessed by Mayor Ramsey at 9:05 p.m.

**IN RE: MEETING ADJOURNMENT**

The Town Council exited closed session at 9:52 p.m. with the following motions:

Motion to resume open session by Vice Mayor Graham, seconded by Councilman Klipple. Passed 5-0.

<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	Aye

Motion to certify no items discussed that were not exempt from open session by Vice Mayor Graham, seconded by Councilman Klipple. Passed 5-0.

<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	Aye

**IN RE: MEETING ADJOURNMENT**

The regular meeting reconvened and was recessed by Mayor Ramsey at 9:55 p.m.

Respectfully submitted,

---

Scott T. Ramsey, Mayor

---

Debra McDonald, Recording Secretary