

**ROUND HILL TOWN COUNCIL
REGULAR MEETING MINUTES
January 21, 2016**

A regular meeting of the Round Hill Town Council was held in the Town Office, 23 Main Street, Round Hill, Virginia, on Thursday, January 21, 2016, at 7:30 p.m.

Council Members Present

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

Council Members Absent

Christopher J. Prack

Staff Members Present

Buster Nicholson, Town Administrator
Melissa Hynes, Town Planner/Zoning Administrator
Kim McGaha, Town Clerk

Others Present

Clinton Chapman
Terrie Combs
Lori Minshall
Mike Minshall

IN RE: CALL TO ORDER

Mayor Ramsey called the meeting to order at 7:30 p.m.

IN RE: PLEDGE OF ALLEGIANCE

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

IN RE: PUBLIC COMMENT

There was no Public Comment.

IN RE: APPROVAL OR AMENDMENT OF AGENDA

Vice-Mayor Graham moved **that the Agenda be approved**; Councilperson Lyne seconded the motion. Town Planner/Zoning Administrator Hynes noted an amendment to the Agenda – the addition of an Executive Session. Vice-Mayor Graham amended her motion, to include the addition of an Executive Session, after Council Comments. Councilperson Lyne agreed to the amendment. A vote was then held; the motion was approved 5-0, with Councilperson Prack absent. The vote is recorded as follows:

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

IN RE: BUSINESS ITEMS

1. Budget Schedule

Town Administrator Nicholson presented this item, noting that a copy of the proposed budget schedule is included in each Council Member's packet. Mr. Nicholson explained that this schedule is somewhat different from the schedule sent to Council Members earlier in the week, as Town Treasurer Wolford expressed concern that the previous schedule was too compressed; therefore the revised schedule allots more time for consideration of each section. Town Administrator Nicholson pointed out that both a budget work session and a Town Council Special Meeting are scheduled for April 7th. Town Planner/Zoning Administrator Hynes further explained that the object is to try to combine the Comprehensive Plan update schedule with the budget schedule, and that the April 7th date is a "place holder" at this time. Both Town Administrator Nicholson and Town Planner/Zoning Administrator Hynes noted that this proposed schedule is, of course, subject to what members of the Town Council want, and that alternate dates are available. Mayor Ramsey stated that both topics deserve time; Vice-Mayor Graham noted that, if both topics are to be discussed at the same meeting, the meeting should begin at an earlier time. It was the consensus of the Council to hold separate meetings for discussion of these two topics. Town Administrator Nicholson stated that the April 7th meeting will be a budget work session only. There was brief discussion of when Council Members should inform Mr. Nicholson if they will be able to attend the meetings, as currently scheduled; it was noted that they may e-mail their attendance availability to Mr. Nicholson. Mayor Ramsey

expressed his concern that only two meetings are scheduled for discussion of the Utility Fund, wondering if that will be sufficient; Town Administrator Nicholson stated that, in the past, only two meetings have been scheduled for this discussion. It was noted that the schedule for these meetings is at the discretion of the Council. Vice-Mayor Graham asked if members of the Utility Staff will be in attendance; again, Mr. Nicholson noted, this is at the discretion of the Council. Mayor Ramsey stated his feeling was that it would be beneficial to have at least one member of the Utility Staff at one of the budget sessions devoted to the Utility Fund. Mayor Ramsey also requested that the Utility Committee discuss the budget prior to the scheduled March 3rd Utility Fund meeting, to discuss capital projects; Vice-Mayor Graham requested that the topic be added to the Utility Committee's February agenda. There was further discussion of the number of Utility Fund budget meetings held last year, with it being noted that there were only two meetings, but that no one from Utility Staff was asked to attend. Mayor Ramsey stated his concerns with how last year's Utility budget compared to actuals, noting that there seemed to be speculative items included which provided for a much larger budget than the prior year's; Mr. Ramsey explained that he would like to examine this issue further, in order to determine if this was a fluke, or if it is the "new normal." Town Administrator Nicholson stated that he agrees with Mayor Ramsey, and hopes to review the new budget in order to bring the amount budgeted more in line with actual spending. There was further discussion of how best to finalize this schedule, with Town Administrator Nicholson stating that Council Members may e-mail him with their availability for attendance at the meetings. Mayor Ramsey suggested that Council go by the proposed schedule; he and Town Administrator Nicholson will provide alternate dates if needed. Councilperson Heston asked if the April 7th meeting will begin at 7:00 p.m.; it was noted that it will. Councilperson Botsch noted that, in the past, a back-up date was scheduled for the last meeting prior to the Budget Public Hearing, in the event circumstances prevent approval of the budget by the Council. In response, Mayor Ramsey noted that he will call a special meeting, if needed. Mr. Ramsey also asked that Council Members inform Town Administrator Nicholson if they will have extensive absences in June, so that an alternate date may be chosen which will ensure that all, or most, Council Members will be in attendance when a vote on the budget is held.

2. Comprehensive Plan

Town Planner/Zoning Administrator Hynes presented this item, explaining that the Planning Commission is set to complete the update of the Comprehensive Plan by their meeting of February 9th and will vote to schedule the Public Hearing; after this action, the document will be available for public review. The Public Hearing is scheduled for March 1, 2016, with an alternate date set for March 8, 2016. Ms. Hynes explained that, upon a vote by the Town Council to hold its Public Hearing on the Comprehensive Plan, ninety days are allotted to approve, amend, or disapprove the Plan, per State Code. Town

Planner/Zoning Administrator Hynes also explained that she would like to complete the update, if possible, before she goes on maternity leave at the beginning of May. Ms. Hynes explained that the main issue before the Council this evening is how to proceed, once the Planning Commission completes its work and the document is sent to the Town Council. Mayor Ramsey asked by what date it is anticipated the Planning Commission will forward the Comprehensive Plan to the Town Council; Town Planner/Zoning Administrator Hynes stated that she expects it to go to the Council on March 1st. Mayor Ramsey noted that that would give Council until June 1st to complete its work on the Comprehensive Plan, and asked if that timeframe includes the Council's required Public Hearing; Ms. Hynes explained that the State Code section dealing with this subject simply says the Town Council must "act." Town Attorney Gilmore further clarified that acting on the Comprehensive Plan update includes approval, amendment, or disapproval. Mayor Ramsey asked if Council would be required to return the document to the Planning Commission, if it is not able to act on it within the ninety day window; Ms. Gilmore explained that Council would not be required to do so, but that the current Comprehensive Plan would continue to be in force. Mayor Ramsey further asked to clarify if Council would be allowed to return the document to the Planning Commission with requested changes, within the ninety days; Town Attorney Gilmore stated that that would be permitted. Ms. Gilmore also noted that portions of the Plan could be approved, with portions requiring amendment being returned to the Planning Commission. Mayor Ramsey noted his concern that required Town Council action on the Comprehensive Plan is coming during "budget season," during a time of year when there may be fewer opportunities for meetings, and when a Staff Member will be out of the office. Councilperson Botsch asked if the Planning Commission has to vote on the Plan on March 1st; Town Planner/Zoning Administrator Hynes stated that the Planning Commission vote is not required to be held on March 1st – the schedule could be changed, dependent upon what the Town Council wishes. An alternative schedule for Planning Commission and Town Council action on the Comprehensive Plan was briefly discussed, as was the desire to complete the process during this Council (prior to elections being held and a possible change in the makeup of the Council). Mayor Ramsey stated that, in light of these factors, June 30th should be viewed as the date by which Council will adopt the Comprehensive Plan; working backward from that date, April 1, 2016 would be the logical date for the Planning Commission's Public Hearing. Councilperson Botsch noted his concern that the proposed schedule allow for adequate time for public review, as well as allowing time for any changes brought about by that review to be implemented, prior to the Comprehensive Plan being forwarded to the Town Council. In light of this, it was suggested that a mid-March date for the Planning Commission's Public Hearing be considered/scheduled. Town Planner/Zoning Administrator Hynes stated that she will inform the Planning Commission of the schedule change; Council Members noted that they want to ensure the Planning Commission has enough time to complete its work, without feeling pressured. Vice-Mayor

Graham reported that the Planning Commission has “been working very hard” to complete this update, holding extra meetings which begin at an earlier time, in order to ensure it has enough time to fully review/discuss each section of the document. Mayor Ramsey asked Council for guidance on how it wishes to proceed, upon the Planning Commission completing its work on the Comprehensive Plan – should it be sent first to the Land Use Committee, or should Council work as a committee of the whole? Vice-Mayor Graham stated that she prefers Council work as a committee of the whole, explaining her belief that issues may have already been ironed out during a joint meeting of the Town Council and the Planning Commission held recently. Councilperson Botsch stated that he prefers the Comprehensive Plan go first to the Land Use Committee, explaining that the Comprehensive Plan is the foundation document for everything done in the Town regarding land use. Mr. Botsch also noted that the determination was made at an earlier meeting that the Land Use Committee would complete its work on the document in one month’s time, in order to ensure the Town Council has sufficient time for its review. Councilperson Lyne suggested that a committee should be leveraged. Several Council Members noted that they do not intend to “rubber stamp” the document sent to them by the Planning Commission. Councilperson Botsch noted that the section of the Comprehensive Plan dealing with utilities was reviewed by the Utility Committee, as it should have been, and that the remainder of the document should be reviewed by the Land Use Committee, as per his earlier statement regarding the impact of the Comprehensive Plan on land use in Round Hill. Councilperson Heston stated that she also feels the Comprehensive Plan should go to the Land Use Committee first, and then be sent to Council. Mayor Ramsey clarified that the Land Use Committee will take thirty days for its review, giving the Town Council sixty days for its work. Mayor Ramsey recapped the schedule for review, explaining that the Planning Commission version of the Comprehensive Plan would first go to the Land Use Committee; following its thirty day review, the Land Use Committee version of the Comprehensive Plan would go to Council. This timeline would bring the Comprehensive Plan to the Town Council in April; extra work sessions would be scheduled for May and June, during which the Council as a whole would work on its review. Vice-Mayor Graham asked Councilperson Heston, whose ACT Committee would not be as involved in review of the Comprehensive Plan, if she felt this provides enough time for review; Ms. Heston noted that it does. Mayor Ramsey noted his concern that two Council Members, who do not sit on the Land Use Committee, may not be as fully informed of work done on the document when it comes before the Council as a whole. Councilperson Botsch noted that he understands Mayor Ramsey’s concerns regarding this, and is considering requesting that the Land Use Committee open its meetings to the entire Council during their review. Vice-Mayor Graham referenced an occurrence of several years ago, in which not all members of the Council were informed of work done by a single committee; Councilperson Botsch assured Ms. Graham that that would not happen. Councilperson Heston also noted that, if comprehensive minutes of the Land Use

Committee meetings were available to Council Members, those members would be better informed of discussions at the committee level. Mayor Ramsey noted that Council is beginning to get into a separate topic, and that he will suggest an item be included on the Agenda for the first Council meeting held in July, following empaneling of the new Council, during which committee structure will be discussed. There was further discussion of committee structure, and of the work done by each committee, with Mayor Ramsey again suggesting that this issue be discussed by the new Council in July. Town Planner/Zoning Administrator Hynes asked to clarify which version of the Comprehensive Plan should go to the Town Council; Mayor Ramsey asked that the Planning Commission version, with Land Use Committee track changes included, go to Council. Councilperson Lyne asked if the proposed review will satisfy State Code; it was noted that it will.

3. Meeting Topics with Supervisor Tony Buffington

Town Administrator Nicholson reported that, per Land Use Committee request, the Council discuss issues to be raised with Supervisor Buffington regarding Round Hill. Members of the Land Use Committee suggested that these issues be addressed further with Supervisor Buffington at a meeting of the Town Council. Mr. Nicholson noted that Mr. Buffington would like to attend a meeting of the Town Council, and that he has spoken with Mr. Buffington's Administrative Assistant regarding scheduling a time for this meeting. It was suggested that Council provide, in advance, a list of topics for discussion to Supervisor Buffington, so that he would have time to research those issues. Councilpersons Lyne and Botsch explained that the two main issues which Land Use wishes to discuss with Supervisor Buffington are Sleeter Lake Park and the Main Street Enhancement/Franklin Park Trail projects; members of the committee thought that bringing Mr. Buffington to the Council would be beneficial, as they were sure there were other issues Council may want to discuss. Mayor Ramsey suggested that Supervisor Buffington be invited to any future Council meeting he is able to attend; in advance of that, Town Administrator Nicholson will try to schedule a meeting at the Staff level, in order to provide issues for discussion to Supervisor Buffington. Councilperson Lyne noted that the goal is to meet with Supervisor Buffington in advance of the County's budget planning process; Mayor Ramsey agreed that the goal is to meet with him "sooner rather than later," although he expects there are no additional funds for the Sleeter Lake Park Project available for the coming fiscal year. Mayor Ramsey further noted that, as a request for funding for Sleeter Lake Park already exists with the County, the objective of a meeting with the Supervisor would be to provide for a County operational partnership for Sleeter Lake Park. Vice-Mayor Graham stated that another topic for discussion at this meeting is wells. Mayor Ramsey suggested that, if the updated Comprehensive Plan recommends boundary line adjustments, that should be addressed with the Supervisor, also. Councilperson Botsch raised the issue of funds which are currently earmarked for the widening of Evening Star Drive, and what will be done

with those monies if Evening Star Drive is not widened. Discussion ensued of possible uses the County is considering for those funds, with it being noted that there are many infrastructure projects toward which those funds could be applied. Vice-Mayor Graham also suggested that discussion of the Sleeter Lake dam be included in the topics provided to Supervisor Buffington. Town Administrator Nicholson then reviewed the list of topics to be presented to the Supervisor for discussion; Mayor Ramsey asked that the commuter lot, and the re-routing of truck traffic be added to the list.

IN RE: ACTION ITEMS

Prior to discussion of the minutes, Vice-Mayor Graham asked if Item #5 (Sewer Credit Adjustment) and Item #6 (Town of Round Hill Leak Adjustment Policy), under Action Items, could be reversed; no one on the Council objected to this change. Mayor Ramsey stated that the items would be taken up in that order.

1. Approval of Minutes: December 17, 2015 Town Council Meeting

Vice-Mayor Graham made a motion **that the minutes be approved**; Councilperson Botsch seconded the motion. There was no discussion. A vote was then held; the motion was approved 5-0, with Councilperson Prack absent. The vote is recorded as follows:

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

2. Resolution 2016-01: Town Council Meeting Schedule

Town Administrator Nicholson presented this item, noting that this is a measure taken up yearly. This Resolution sets the meetings (the third Thursday of each month), and provides the inclement weather policy. Councilperson Lyne moved **that we approve Resolution 2016-01**; Councilperson Heston seconded the motion. There was no discussion. A voice vote was held; the motion was approved 5-0, with Councilperson Prack absent. The vote is recorded as follows:

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

3. Town Office Lease Renewal

Town Administrator Nicholson presented this item, explaining that this is the eleventh amendment to the lease agreement, and likely the last, as the Sheriff's Office will move to their new building in August. The agreement will be month-to-month, and represents a 3% increase which will begin in April. Vice-Mayor Graham made a motion **that we approve the eleventh amendment to the lease agreement, in which the County will pay \$2,913.94 per month to lease the upstairs;** Councilperson Botsch seconded the motion. There was no discussion. A voice vote was held; the motion was approved 5-0, with Councilperson Prack absent. The vote is recorded as follows:

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

Mayor Ramsey directed Town Administrator Nicholson to execute the lease. Mr. Ramsey also reported that Mr. Nicholson has been working to identify another tenant for this space. Town Administrator Nicholson noted that he has spoken with a representative from the County, who is involved with leases and renting abilities, and will schedule a time for that representative to tour the space. Vice-Mayor Graham stated that she would like for the Council to consider, in the future, possibly subdividing the upstairs office space, so that a portion could be rented and a portion be used by the Town. Ms. Graham noted that the Zoning Administrator needs more room, and that holding meetings in the currently available space can, at times, be awkward. Councilperson Heston stated that it would be nice to use some of this space in this manner, but that replacing some of that income must be considered; Councilperson Lyne expressed his agreement with this. Vice-Mayor Graham noted that there are various ideas being considered in regards to the replacement of the rental income. Town Administrator Nicholson stated that he would like to pursue,

in the budget, a clean-up of the space upon the Sheriff's Office vacating the office. Mayor Ramsey suggested that Council postpone further discussion until feedback is received from the County regarding renting the space; Mr. Ramsey also noted that this is within the scope of the responsibilities of the Administration Committee, and they may take up the topic.

4. Planning Commission Appointments

Town Planner/Zoning Administrator Hynes presented this topic, explaining that the end dates of the terms of Planning Commission members should be staggered, so that there is not more than one term expiring on the same date; Ms. Hynes noted that the same issue occurred with the Board of Zoning Appeals last year. A chart included in the packet explains how the discrepancies will be corrected. Councilperson Heston asked if the Planning Commission members are aware of this; Town Planner/Zoning Administrator Hynes noted that they are. Mayor Ramsey asked to clarify that all the Planning Commission members are supportive of this schedule; Ms. Hynes stated that they are. Councilperson Lyne asked if there is currently a vacancy on the Commission; Mayor Ramsey explained that the fifth member of the Planning Commission is a Town Council member who is appointed by the Council. Vice-Mayor Graham asked if there is anything in the Town Charter which dictates how the terms are to be scheduled; Ms. Hynes explained that the Charter states that terms expire at the end of the year. Following discussion of the correct wording for the motion, Councilperson Botsch made a motion **that we reappoint the members of the Planning Commission, according to the following schedule: Chairman Manuel Mirabal, term expiring 12/31/2017; Vice-Chairman Mike Hummel, term expiring 12/31/2019; Elizabeth Wolford, term expiring 12/31/2020; Stephan Evers, term expiring 12/31/2018;** Vice-Mayor Graham seconded the motion. There was no discussion. A vote was held; the motion was approved 5-0, with Councilperson Prack absent. The vote is recorded as follows:

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

Councilperson Heston raised the question of if the titles (Chairman and Vice-Chairman) of Planning Commission officers should be included in the motion. Town Attorney Gilmore stated that the action just taken by the Council does not require that those office-holders remain in those positions, and thus it is not necessary to reword the motion.

5. Town of Round Hill Leak Adjustment Policy

Vice-Mayor Graham presented this item, explaining that the Utility Committee has put forth this policy in response to a Council request; Ms. Graham noted that Mayor Ramsey wrote most of the policy. The policy allows for an adjustment to be made to a utility bill for a customer once every three years, only applies to waste water, and is not applicable if the Town is operating under water restrictions. Mayor Ramsey provided some background on this issue, noting that Round Hill's current policy for adjustments is the most stringent of all the localities in this area, and explaining that there have been instances in which the Council has gone against its own policy. This new policy is an effort to align policy with Council sentiments on this issue. Vice-Mayor Graham further explained that this policy allows the Town Administrator to take action on these requests, and relieves residents of the requirement of attending a Council meeting in order to present their requests. Mayor Ramsey noted that this allows the Town Administrator to apply the policy up to a certain limit. Vice-Mayor Graham stated that, if Council is comfortable approving this, it will be added to other ordinances which will come to a public hearing at a future date. It was further clarified that, although this is administrative policy and need not be adopted by ordinance, it will be referred to in the ordinances. Mayor Ramsey explained that, if this is adopted today, it will be effective today. Vice-Mayor Graham then made a motion **that the Council adopt this recommended Leak High-Usage Adjustment Policy**; Councilperson Heston seconded the motion. Councilperson Botsch asked to clarify if the new policy would waive the sewer fee when a resident fills a swimming pool; Mayor Ramsey stated that the new policy could cover an instance such as filling a pool, as the new policy does not determine intent. Councilperson Botsch noted that, previously, a resident who was going to fill a pool was required to contact the Town prior to the water usage; Mayor Ramsey explained that the new policy does not, at present, contain a separate policy regarding the filling of swimming pools, and would only provide relief from an unusually high water usage once every three years. Mr. Ramsey noted that a section could be added to the policy dealing with that type of usage. Mayor Ramsey stated that, if Council wishes to include a pool policy, it may send this policy back to the Utility Committee for that addition, or may adopt the policy as it is presently written and then ask the Utility Committee to make that addition. Vice-Mayor Graham also stated that this could be sent back to the Utility Committee for addition of a pool policy. Councilperson Botsch stated that, if this policy is the recommendation of the Utility Committee, he supports the policy; however, he questioned if the cap allowed for in the policy would cover the filling of a swimming pool. Brief discussion of the cap on the number of gallons allowed for in the policy ensued. Mayor Ramsey explained that the goal in writing the policy was not to consider seasonal uses, but rather unusual events, and to allow the Town Administrator to handle these issues. During this discussion, Councilpersons Klipple and Lyne expressed their concerns regarding how this will affect the next item on this evening's Agenda. There

was no further discussion. A vote was then held; the motion was approved 5-0, with Councilperson Prack absent. The vote is recorded as follows:

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

6. Sewer Credit Adjustment/Pool Filling

Ms. McGaha provided background on this item, explaining that Ms. Terrie Combs had work done on her pool, and has asked for an adjustment to the sewer portion of her utility bill; Ms. Combs has worked with Town Staff Member Darlene Chernoff regarding this. It was noted that the amount of water used, the dollar amount charged for the usage, and the dollar amount of the adjustment are included in Council Members' packets. Ms. Combs explained that the charges were incurred during work on her swimming pool, which required that it be completely drained and then partially refilled. Ms. Combs noted that she has not, in the past, needed to completely fill the pool, and that this will not be a yearly event. Discussion ensued regarding how the newly adopted Leak/High Usage Adjustment Policy may affect this request, with some Council Members stating their belief that the Agenda items concerning this request and the new policy should not have been changed. Councilperson Botsch noted that the letter from Ms. Combs requesting the adjustment to her bill was received prior to adoption of the new policy. Mayor Ramsey also noted that this is an unusual event. Town Attorney Gilmore read the State Statute governing these issues (§15.2-2119.1), which states, "A locality may provide a partial credit for excessive water and sewer charges where high water usage is caused by damaged pipes, leaks, accidents, or other unintentional causes." Mayor Ramsey pointed out that several localities have policies which make no distinction regarding whether the usage is intentional or unintentional. Councilperson Botsch stated his belief that Council is in keeping with the law, as only the sewer fee is under discussion to be waived. Mayor Ramsey stated his belief that this is an unusual case, and falls within the parameters of the new policy. Councilperson Lyne expressed his concern that the new policy was only passed five minutes ago. Mayor Ramsey stated that the adoption of the new policy is the only reason the request is being considered; it would not have been under the old policy. Councilperson Heston noted that the request may be withdrawn. Discussion of the history of this issue ensued, with Mayor Ramsey highlighting recent exceptions made to the old policy. Councilperson Lyne made a motion **that we retract the current Leak/High Usage Adjustment Policy**; Mayor Ramsey asked to clarify that Mr. Lyne's intention is to return

to the old policy. Town Attorney Gilmore stated that it would be a motion to reconsider; Mr. Lyne corrected his motion thus. There was no second to the motion. Upon a ruling by the Chair, the motion failed due to lack of a second. Mayor Ramsey stated that Council is to make a determination of action on Ms. Combs' case, and asked for a motion. Discussion ensued, during which it was further clarified that Council must determine if Town Administrator Nicholson should be allowed to apply the newly enacted policy to Ms. Combs' case, and that a motion should be made to that effect, due to the receipt of the request prior to adoption of the new policy. Councilperson Klipple made a motion **that Council provide a sewer credit to Ms. Combs for \$168.27**; Vice-Mayor Graham seconded the motion. Mayor Ramsey asked if there is any discussion of the motion. Councilperson Heston asked if the motion is in keeping with the policy; Mayor Ramsey noted that it is not. Ms. Combs then stated that, at present, she has partially filled the pool; however, in the spring it will need to be completely drained and then refilled. In light of this, Ms. Combs asked if she may withdraw her request and reapply for a credit in the spring. Councilperson Heston asked if a vote on the motion on the floor may be held. Mayor Ramsey stated that Town Administrator Nicholson needs to receive guidance from Council on how to apply the policy in this situation, as he will be the person to administer the policy following this Town Council meeting. Mayor Ramsey further stated that the new policy was developed in order to remove the necessity of each of these situations coming before Council and consuming large amounts of time in discussion; the goal was to allow the Town Administrator to handle routine instances, with only unusual instances coming before Council. Mr. Ramsey expressed his belief that Council has continually proved itself to be arbitrary in its application of policy in this area, and stated that the development of the new policy was intended to put an end to that and to allow these instances to be handled administratively and consistently. Councilperson Klipple stated his belief that, in instances such as this, where it is known that water did not go through the treatment plant, customers should not be charged for water which was not treated. Councilperson Heston expressed her belief that policy should be followed, noting instances in which Council did not follow the old policy, and stating that, now, Council does not want to follow the new policy. Councilperson Klipple explained that, in the case of a leak, it is not possible to know if that water was treated; however, in this instance, Council knows the water was not treated. Councilperson Heston stated that, in light of this, the policy should be changed. Mayor Ramsey stated that any policy enacted by Council in an effort to treat all residents fairly, may still be seen as unfair when looked at through the lens of circumstances. Mr. Ramsey stated his goal that the Town Council be involved in these decisions only if a really large bill is under consideration. Councilpersons Lyne and Klipple discussed further their concerns regarding application of the policy in this case. Mayor Ramsey and Councilperson Lyne further discussed the effect on this issue of changing the order on the Agenda, with Councilperson Botsch noting that he didn't completely understand the ramifications of that change, either. Councilperson Heston

asked if the amounts under consideration were determined under the auspices of the old policy or the new one; Ms. McGaha noted that they fall under the auspices of the old policy. Mayor Ramsey clarified that the motion on the floor is for a simple sewer credit. Mr. Ramsey also explained that the Town Administrator needs guidance on how to handle this situation. Councilperson Heston noted, if the request is voted down, that would no longer be a concern. Councilperson Botsch asked Ms. Combs, in light of this discussion, if she would withdraw her request at this time, in favor of making the request later in the year; Ms. Combs noted that she would. A vote was then held; the motion was defeated 1-4, with Councilpersons Botsch, Heston and Lyne, and Vice-Mayor Graham voting no, and Councilperson Prack absent. Mayor Ramsey asked if Council wants Town Administrator Nicholson to handle this administratively; it was determined that he should. Councilperson Klipple then made a motion **that the three-year clock will not start until after a credit has been issued to Ms. Combs' account**; there was no second. Chair stated that the motion failed due to lack of a second. Mayor Ramsey stated that Town Administrator Nicholson will handle this situation administratively.

7. T-Mobile Cell Tower Contract

Town Administrator Nicholson presented this item, explaining that negotiations on this contract have been ongoing for several months. Mr. Nicholson provided background information on those negotiations, and noted that the Town Attorney has reviewed the contract. It was noted that T-Mobile has not yet contacted the Town regarding renewal of their contract, but is working on completing their requirements. Town Administrator Nicholson explained that, under this contract renewal, the rent will increase by \$10,000.00 per year (a 33% increase). Mr. Nicholson further stated that he is requesting that Council provide authority to execute the contract, upon T-Mobile completing their part of the process and Town Attorney Gilmore approving the contract. Councilperson Heston asked what, besides the increase in rent, has changed; Mr. Nicholson replied that the contract also includes a step-up per year from 3% to 4%. Mayor Ramsey again clarified that the Town Administrator has been in negotiations with T-Mobile, and is asking for authority to execute the contract upon its completion. Councilperson Heston asked when the current contract expires; it was explained that it expired in September 2015, and that the lessee has been paying month-to-month, including the additional 3%. It was noted that the new rate negotiated in the contract will take effect as soon as the contract is signed. Vice-Mayor Graham asked how soon T-Mobile will be able to sign the contract; Town Administrator Nicholson stated that he hopes that will occur tomorrow. Councilperson Lyne asked the rates paid by other carriers who have placed equipment on the Town's water tower; Mayor Ramsey explained that, due to negotiations taking place with various carriers at different times, the rates are also different. Mr. Ramsey further explained that the goal is to normalize the rates, so that all carriers are paying similar amounts. Councilperson Lyne asked how the Town can be sure the rate at which rents are normalized is "the right place;"

Town Attorney Gilmore explained that this can be done by reviewing the rates neighboring jurisdictions charge. Ms. Gilmore also explained that carriers which place their equipment in the corral on the water tower pay higher rates than those who do not. Vice-Mayor Graham asked if T-Mobile has agreed to pay to be in the corral; it was noted that they have. Ms. Graham also asked if a deadline should be imposed by which T-Mobile must sign the contract; Mayor Ramsey suggested that, if T-Mobile does not act in an appropriate amount of time, the issue be brought back to the Council. Mr. Ramsey also noted that, if T-Mobile does not act in a reasonable amount of time, the Town could choose not to place their equipment back on the water tower, upon completion of the painting of the tower. Town Administrator Nicholson stated that T-Mobile has been paying the month-to-month rent. Town Attorney Gilmore stated that the Town is not obligated to continue with a month-to-month rental, and could refuse to allow their equipment on the tower. Ms. Gilmore elaborated upon variables in the negotiations, including removal of all equipment for painting of the tower. The goal, however, was for T-Mobile to sign the contract prior to its September 2015 expiration date. Town Attorney Gilmore suggested that the Town wait no more than thirty days for completion of the contract by T-Mobile. Vice-Mayor Graham suggested that Town Administrator Nicholson report on this issue at next month's Council meeting. Councilperson Heston asked if the lease is ready to go; Town Attorney Gilmore stated that it is, and that she wants to see the lease returned to the Town with the T-Mobile representative's signature. Following this discussion, Vice-Mayor Graham made a motion **to authorize the Mayor to sign the tower site lease agreement with T-Mobile, with the provision that it be returned to Council for consideration at the February 2016 Town Council meeting.** Mayor Ramsey clarified that it be returned to Council for consideration if not executed prior to that meeting. Councilperson Botsch seconded the motion. Town Attorney Gilmore explained that the Town Administrator will notify T-Mobile of the requirement that the lease be signed within the next thirty days. A voice vote was held; the motion was approved 5-0, with Councilperson Prack absent. The vote is recorded as follows:

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

Mayor Ramsey stated that he will execute the contract upon T-Mobile's signature. Mayor Ramsey requested a status update on Sprint from the Town Administrator, who noted that negotiations are ongoing, and it appears that Sprint is having second thoughts. Mr.

Nicholson stated that he will be able to provide more information at the next Council meeting. Town Administrator Nicholson reported that the company has informed him that they are undergoing a restructuring, and are reviewing existing and future sites. Mr. Nicholson noted that he learned from other sources that Sprint is undergoing changes, and may possibly be suspending any future equipment placement. Mr. Nicholson stated that, if Sprint does not move forward here, the Town will “move on without them,” as the painting of the tower must take place; he is also investigating a broadband provider. There was discussion of equipment placement, and possible rental amounts, in regards to a broadband provider locating on the tower.

IN RE: REPORTS

1. Town Administrator’s Report

Town Administrator Nicholson provided a report to Council regarding a service provider information session he recently attended, noting that the session did not provide much information at all. Mr. Nicholson also presented a recap of his discussions with a Verizon representative regarding providing FIOS service to the Town, explaining that Verizon is unwilling to extend FIOS service to the Town. Mayor Ramsey reported that Verizon is telling Town residents that they cannot provide service as they do not have a contract with the Town. Town Administrator Nicholson stated that he has asked Verizon to stop putting out this narrative, as it is false. Vice-Mayor Graham suggested that Mr. Nicholson discuss this issue with Supervisor Buffington. Councilperson Heston stated that the Administration, Communications and Technology Committee will further discuss this. There was further discussion of this by Council Members. Vice-Mayor Graham asked about a gate which was installed at the Town Park; Town Administrator Nicholson explained that that is a small access gate at the back of the park, on New Cut Road, installed to allow the property owners access to his property in that area. Town Administrator Nicholson reported that Terry Stocker will not be coordinating the Community Garden this year. Vice-Mayor Graham asked if *Upper Lakes* is correctly notated as one word or two; it was stated that it is two words. Mayor Ramsey asked if the Community Garden site will be cleaned, with all equipment and tools removed; Town Administrator Nicholson stated that he will ensure this is done. Councilperson Heston stated that there is another organization which may be interested in gardening at that site, and that she will check into this further. Mayor Ramsey asked about the four well sites upon which there is not a conservation easement, and where the Town stands with the County in regards to them. Vice-Mayor Graham explained that little progress has been made in regards to these sites, and urged that a meeting be scheduled with the County regarding them. Town Attorney Gilmore reported that no applications have been approved and no permits have been issued; she also reported that the application deadline is January 23rd. Ms. Gilmore elaborated upon measures to be taken with the County regarding these sites. Additionally, she reported on issues present at two of the sites which may be delaying the issuance of permits.

Vice-Mayor Graham noted that the Town's consultant has worked for several years with the County, and has not before seen this level of reluctance on the part of the County in issuing permits for exploratory wells. Town Planner/Zoning Administrator Hynes explained conversations she has had with County Senior Planner Iwanczuk regarding pursuing the actual wells, noting that he has recommended Round Hill withdraw its applications. Town Attorney Gilmore explained that, if the County denies the permits, Round Hill will have to begin the process anew; therefore, she requested that no action be taken until a meeting among the parties is held. Ms. Gilmore further explained that, whether the requests are denied or withdrawn, Round Hill will need to start the process again; Mayor Ramsey asked if it is possible to request an extension. Town Attorney Gilmore elaborated upon misunderstandings on the part of the County regarding these being exploratory wells. It was noted that Council must decide whether to go forward with work on these sites, and how much further to pursue the issue. Mayor Ramsey suggested that nothing be pursued regarding the sites on which there are conservation easements, but that the sites without those easements be actively pursued. There was also discussion of the site on which there is a shed containing a bathroom, with it being noted that this is a preferable well site as it is close to the water tower. Councilperson Heston asked to clarify the deadline date, as the 23rd is a Saturday; it was noted that the County will make its decision tomorrow. Mayor Ramsey reiterated that he only wants work to continue on wells which can be approved administratively, and that he does not want to pursue wells on which conservation easements exist. Additionally, Mr. Ramsey asked that work on the four sites which do not have conservation easements proceed as quickly as possible. Town Attorney Gilmore noted that she will convey this information to the consultant via e-mail. Ms. Gilmore asked if the meeting with the County should go ahead as planned; it was noted that it should.

2. Town Planner/Zoning Administrator Report

Town Planner/Zoning Administrator Hynes reported that four new families will be moving into their homes in Lake Ridge, and that an individual has shown an interest in opening a hair salon above Savoir Fair, in the Patterson Building. Additionally, she has fielded inquiries about the bank building on the corner of Main and Mulberry Streets. Councilperson Botsch asked about meetings held with four stakeholders who will be affected by the update of the Comprehensive Plan, with Mayor Ramsey asking if those meetings were documented; it was noted that they were.

3. Mayor's Report

Mayor Ramsey noted that some of the information contained in his report has already been discussed; additionally, some items will be discussed during the Executive Session. Mr. Ramsey asked for feedback regarding the Rate Study, noting that this issue can be discussed during the budget season.

4. Utility Committee

Vice-Mayor Graham noted that the report is included in Council Members' packets. Additionally, Ms. Graham noted that she will meet with Ms. McGaha and Town Administrator Nicholson next week to finalize sewer/water ordinances.

5. Administration, Communications & Technology Committee

Councilperson Heston reported that the committee did not meet this month, but will meet February 8th at 7:30 p.m.

6. Land Use Committee

Councilperson Botsch reported that the committee did meet, and that updates on their usual topics (Sleeter Lake Park, the Main Street Enhancement Project, the Franklin Park Trail Project, etc.) were presented. The committee's next meeting will be on February 11th.

IN RE: COUNCIL COMMENTS

Councilperson Botsch wished everyone good luck with the snowstorm predicted for the end of the week. Councilperson Heston noted that her Mom passed away last night, and thanked everyone for the flowers sent on behalf of the entire staff. Mayor Ramsey expressed his condolences to Ms. Heston. Mayor Ramsey also announced that he has decided to run for re-election and will be filing sometime in the next couple weeks.

IN RE: EXECUTIVE SESSION

Vice-Mayor Graham moved **that the Round Hill Town Council recess its Open Meeting and convene a Closed Session to discuss matters pertaining to litigation, RHI, LLC versus Town of Round Hill, Loudoun County Circuit Court Case Number 89930 (formerly Chancery Number 19117), as authorized by Code of Virginia of 1950, as amended, §2.2-3711(A)(7);** Councilperson Botsch seconded the motion. A voice vote was held; the motion was approved 5-0, with Councilperson Prack absent. The vote is recorded as follows:

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

Mayor Ramsey called for a brief recess, in order to clear the room, at 9:49 p.m.

IN RE: ADJOURNMENT OF CLOSED SESSION

Vice-Mayor Graham moved **that the Round Hill Town Council adjourn its Closed Session and reconvene its Open Meeting**; Councilperson Botsch seconded the motion. A voice vote was held; the motion was approved 5-0, with Councilperson Prack absent. The vote is recorded as follows:

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

IN RE: CERTIFICATION OF CLOSED SESSION

Vice-Mayor Graham moved **that the Round Hill Town Council certify that, while in Closed Session, the Round Hill Town Council discussed only those matters that were contained in the motion by which the Town Council convened its Closed Session and that were lawfully exempt from the open meeting requirements**; Councilperson Botsch seconded the motion. A voice vote was held; the motion was approved 5-0, with Councilperson Prack absent. The vote is recorded as follows:

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

IN RE: MEETING ADJOURNMENT

The meeting was adjourned by Mayor Ramsey at 11:03 p.m.

Respectfully submitted,

Scott T. Ramsey, Mayor

Debra McDonald, Recording Secretary

