

**ROUND HILL TOWN COUNCIL
REGULAR MEETING MINUTES
July 17, 2014**

A regular meeting of the Round Hill Town Council was held in the Town Office, 23 Main Street, Round Hill, VA, on Thursday, July 17, 2014, at 7:30 p.m.

Council Members Present

Scott T. Ramsey, Mayor
Mary Ann Graham, Vice-Mayor
R. Daniel Botsch
Clarkson J. Klipple

Council Members Absent

Janet L. Heston
Frederick J. Lyne
Christopher J. Prack

Others Present

Maureen Gilmore, Town Attorney
Melissa Hynes, Town Planner/Zoning Administrator
Clint Chapman

IN RE: CALL TO ORDER

The meeting was called to order at 7:32 p.m. by Mayor Ramsey.

IN RE: PLEDGE OF ALLEGIANCE

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

IN RE: PUBLIC COMMENT

Mr. Clint Chapman, representing NNR Development of Purcellville, Virginia, spoke. Mr. Chapman explained that he is in attendance at this evening's meeting regarding possible development of two parcels in the eastern section of the town. Mr. Chapman noted that his firm is ready to begin the study phase of possible vendors for the development. Mr. Chapman explained that NNR Development wants to work with the Town regarding this development. Mayor Ramsey noted that the initial work on this would be done through the Land Use Committee. Mr. Chapman referenced the Potts barn parcel and adjoining house, noting that they are aware of their historical value. Councilperson Botsch reported that Mr. Chapman has attended a few Land Use Committee meetings, and that coordinating this with the Planning Commission has been discussed. Mayor Ramsey clarified the process in going forward with this with Mr.

Chapman. Mr. Chapman noted that NNR Development wants to know what the Town wants in that parcel, and referenced concept drawings done several years ago for the site. Mr. Chapman also spoke about a recent economic study undertaken by the Town of Purcellville which covers this area as well. Mr. Chapman thanked the Council.

IN RE: APROVAL OR AMENDMENT OF AGENDA

Vice-Mayor Graham made a motion **to approve the Agenda of the Round Hill Town Council Meeting of July 17, 2014, with the addition of Business Item #3, Round Hill Park and Nature Preserve; Action Item #4, Appointment of the Vice-Mayor; and an Executive Session;** Councilperson Botsch seconded the motion. A vote was held; the Agenda was approved 3-0, with Councilpersons Heston, Lyne and Prack absent. The vote is recorded as follows:

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

IN RE: BUSINESS ITEMS

1. Recognition of Ryan Rodriguez: Eagle Scout Project for Town Park

Councilperson Botsch introduced Ryan Rodriguez, and explained his Eagle Scout Project – the new sign at the Town Park. Councilperson Botsch then made a motion **that the Round Hill Town Council approve Resolution 2014-12;** Councilperson Klipple seconded the motion. Councilperson Botsch then read Resolution 2014-12. Following this a vote was held; the Resolution was approved 3-0, with Councilpersons Heston, Lyne and Prack absent. The vote is recorded as follows:

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

Mayor Ramsey explained how the official copy of the resolution will be presented to Mr. Rodriguez. The Council thanked Mr. Rodriguez.

2. RHI Taps

It was decided that his will be discussed during the Executive Session.

3. Round Hill Park and Nature Preserve

Vice-Mayor Graham reported on recent vandalism at the Town Park, noting that residents cleaned this up; also, Town Staff cleaned up debris from storm damage. Mrs. Graham explained areas of the park where debris still needs to be removed, noting that Town Staff may be asked to complete this work. Vice-Mayor Graham reported that the property owners at 1 East Loudoun Street are willing to donate a beech tree for the park. Mrs. Graham also explained the work being done to cover the trail with wood chips. Councilperson Botsch reported on a decaying tree at the park; Mayor Ramsey suggested enlisting the person who installs the beech tree to inspect the decaying poplar. Councilperson Botsch reported on trees which have been removed; Mayor Ramsey reported on damage to a fence at the park, noting that the property owner has not yet reported it to the Town.

IN RE: ACTION ITEMS

1. Approval of Minutes: June 19, 2014 Town Council Meeting

Councilperson Botsch noted a discrepancy in the spelling of Captain Greg Ahlemann's name, and asked that the correct spelling be identified and listed in each reference to him in the minutes. There was discussion of the reference to a Zoning Determination needed in relation to moving the road at the Sheriff's Office Substation site; it was decided that the reference was noted correctly in the minutes. Following this discussion, Vice-Mayor Graham made a motion **that the Council approve the Round Hill Town Council regular meeting minutes for June 19, 2014;** Councilperson Botsch seconded the motion. The motion was approved by a vote of 3-0, with Councilpersons Heston, Lyne and Prack absent. The vote is recorded as follows:

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

2. Appointment of Town Zoning Administrator

Vice-Mayor Graham noted that everyone has met the Town's new Town Planner and Zoning Administrator, Melissa Hynes. Vice-Mayor Graham then moved **that the Round Hill Town Council appoint Ms. Melissa Hynes as the Town Planner/Zoning Administrator;** Councilperson Klipple seconded the motion. A voice vote was held; the motion was approved 3-0, with Councilpersons Heston, Lyne and Prack absent. The vote is recorded as follows:

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

3. Appointment of Planning Commission Members

Mayor Ramsey briefly reported on the two candidates for membership on the Planning Commission, with Vice-Mayor Graham noting that Town Administrator Nicholson did a good job in identifying the candidates. Councilperson Botsch then moved **to appoint Manny Mirabel to membership on the Round Hill Planning Commission**; Councilperson Klipple seconded the motion. A voice vote was held; the motion was approved 3-0, with Councilpersons Heston, Lyne and Prack absent. The vote is recorded as follows:

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

Councilperson Botsch made a motion **to appoint Stephan Evers to membership on the Round Hill Planning Commission**; Vice-Mayor Graham seconded the motion. A voice vote was held; the motion was approved 3-0, with Councilpersons Heston, Lyne and Prack absent. The vote is recorded as follows:

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

4. Appointment of the Vice-Mayor

Councilperson Botsch moved **that Mary Anne Graham be reappointed to the position of Vice-Mayor of the Town of Round Hill**; Councilperson Klipple seconded the motion. A vote was held; the motion was approved 2-1, with Vice-Mayor Graham abstaining and Councilpersons Heston, Lyne and Prack absent. The vote is recorded as follows:

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

5. Lake Ridge Physical Improvements Construction Agreement and Surety Bond

Town Attorney Maureen Gilmore explained that Lake Ridge Estates has submitted their final plat and these items must be approved before the Planning Commission can approve the final plat. Regarding Item #4, Mrs. Gilmore explained that everything is covered except public streets. Mayor Ramsey asked for the total amount involved; Town Attorney Gilmore stated that it is \$534,887.76. Vice-Mayor Graham asked about other pertinent documents; Town Attorney Gilmore explained that all documents have been received and that one required a small correction. Councilperson Botsch asked Town Attorney Gilmore if she has had time to review all the documents; Mrs. Gilmore stated that she has. Town Attorney Gilmore explained the time line going forward with this project, and recommended Town Council approval. Following this discussion, Councilperson Botsch made a motion to **approve the Physical Improvements Construction Agreement for Lake Ridge Estates, Application CPAP Number 2013-01**; Councilperson Klipple seconded the motion. A voice vote was held; the motion was approved 3-0, with Councilpersons Heston, Lyne and Prack absent. The vote is recorded as follows:

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

Vice-Mayor Graham moved **that the Round Hill Town Council approve the Physical Improvements Construction Agreement Performance Bond for Lake Ridge Estates issued by Aspen American Insurance Company in the amount of \$534,887.76**; Councilperson Klipple seconded the motion. A voice vote was held; the motion was approved 3-0, with Councilpersons Heston, Lyne and Prack absent. The vote is recorded as follows:

<u>MEMBER</u>	<u>VOTE</u>
Mary Anne Graham	Abstain
R. Daniel Botsch	Aye
Janet L. Heston	Absent

Clarkson J. Klipple	Aye
Frederick Lyne	Absent
Christopher J. Prack	Absent

6. Lake Ridge State Maintained Roads Agreement and Surety Bond

Town Attorney Gilmore explained that the road bond is in the amount of \$2,139,000.00. Councilperson Klipple moved **that the Round Hill Town Council approve the State Maintained Roads Construction Agreement for Lake Ridge Estates, Application CPAP Number 2013-01**; Vice-Mayor Graham seconded the motion. A voice vote was held; the motion was approved 3-0, with Councilpersons Heston, Lyne and Prack absent. The vote is recorded as follows:

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

Councilperson Botsch moved **that the Round Hill Town Council approve the State Maintained Roads Construction Performance Bond for Lake Ridge Estates issued by Aspen American Insurance Company**; Councilperson Klipple seconded the motion. A voice vote was held; the motion was approved 3-0, with Councilpersons Heston, Lyne and Prack absent. The vote is recorded as follows:

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

Vice-Mayor Graham asked a question regarding construction plats and profiles, which Town Attorney Gilmore explained.

7. Walraven Performance Agreement and Letter of Credit

Town Attorney Gilmore explained that this is regarding Walraven Section 1, and that the Planning Commission has already approved the plat. Mrs. Gilmore stated that she has reviewed the documents and they are in good final form, thus she recommends approval. Vice-Mayor Graham then moved **that the Round Hill Town Council approve the Walraven Subdivision Performance Agreement**; Councilperson Klipple seconded the motion. A voice vote was held; the motion was approved 3-0, with Councilpersons Heston, Lyne and Prack absent. The vote is recorded as follows:

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

Councilperson Klipple moved **to approve the Walraven Letter of Credit**; Councilperson Botsch seconded the motion. A voice vote was held; the motion was approved 3-0, with Councilpersons Heston, Lyne and Prack absent. The vote is recorded as follows:

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

8. Bond Release Request – RHI Utility Corridor

Town Attorney Gilmore explained this item, noting that on April 24, 2014 a request was made for the release of the bond covering installation of utilities in the utility corridor. Town Staff have reported that, as of July 10, 2014, the work has been completed. Mayor Ramsey referenced the area on Hayman Lane where pavement was removed in connection with this utility work, and was subsequently replaced with gravel. The gravel has moved and has filled the culvert which has resulted in flooding in the basements of two homes there. Mayor Ramsey stated his opinion that the bond not be released until this is corrected. Town Attorney Gilmore recommended that this item be tabled until the issue is investigated further (to ascertain if the bond covers this work). Mayor Ramsey asked if there is a warranty period; Town Attorney Gilmore stated that there is, and explained the warranty.

9. USG Water Tower Maintenance Contract

Mayor Ramsey reported that Town Administrator Nicholson negotiated a contract with Utility Service Group, as per Council's direction at the June meeting. Town Attorney Gilmore highlighted a section of the contract dealing with indemnification, which she recommends be removed. Vice-Mayor Graham then made a motion **that the Town of Round Hill enter into a contract by and between the Town of Round Hill and Utility Service Company, Inc., for maintenance of the 500,000 gallon water storage tank located at 17144 Evening Star Road, Round Hill, Virginia 20142**; Councilperson Botsch seconded the motion. Vice-Mayor Graham then asked if a dollar amount should be included in the motion; Town Attorney Gilmore clarified

this. Vice-Mayor Graham then restated her motion, including the **Contract Price/Annual Fees not to exceed \$50,450.00 per Contract Year**; Councilperson Botsch accepted this amendment. A voice vote was then held; the motion was approved 3-0, with Councilpersons Heston, Lyne and Prack absent. The vote is recorded as follows:

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

IN RE: REPORTS

1. Town Administrator's Report

It was noted that Town Administrator Nicholson's report was provided in written form; there was no discussion.

2. Zoning Administrator's Report

Vice-Mayor Graham reported that work is being done on the Lake Ridge final plat and documents; also, that she worked on issues regarding the property at 17 Bridge Street, speaking with Mr. Tim Hemstreet (County Staff) regarding the Town's options in this matter. Future changes to the Town Code, which would allow for action in instances such as this, were discussed. New Town Planner/Zoning Administrator Hynes spoke to both 16 Bridge Street and 17 Bridge Street, highlighting actions the County could take which would allow the Town to change its Town Code. Mayor Ramsey asked if County Code would be applicable to the property in question; Town Planner/Zoning Administrator Hynes reported that it would, as a back-up to action by the Town. Vice-Mayor Graham reported that she received conflicting information from the County regarding this. Town Attorney Gilmore stated that there are two different types of codes which could cover this. Mayor Ramsey asked to clarify if the Town needs to amend its Code in order to authorize County action or following County action; Town Attorney Gilmore explained. Mayor Ramsey noted that he preferred the Town not be responsible for enforcement. Ms. Hynes stated that the issue will be explored further. Mayor Ramsey stated that he prefers the County take the lead on this. Councilperson Botsch asked who would be liable if someone was injured at the 17 Bridge Street property; Town Attorney Gilmore explained, noting that the County and the Town would likely not be primarily liable. Mayor Ramsey suggested that 1) the County take the lead regarding this property, and 2) the Town update its ordinance. Discussion of these issues ensued. Mayor Ramsey suggested that the Town "keep pushing" the County for action on this.

Town Planner/Zoning Administrator Hynes then thanked Vice-Mayor Graham for her help during her first week, and explained items she has reviewed. Ms. Hynes noted that the Comprehensive Plan will be her number one project, with zoning violations and the Lake Ridge Estates being important issues, as well.

2. Mayor's Report

Mayor Ramsey stated that the RHI taps, included in his report, will be discussed further during the Executive Session. Mr. Ramsey reported that a letter has been sent to the County regarding the joint project agreement for the Franklin Park Trail Project and the Main Street Enhancement Project. Vice-Mayor Graham asked for clarification of the Zoning Determination Letter for the Sheriff's Office Substation site, discussed at the June Council meeting. Councilperson Botsch noted that the issue of security concerns had been previously raised; Mayor Ramsey reported that the issue will be dealt with at a later time.

3. Utility Committee

Vice-Mayor Graham reported that an inspection of the dam at the large reservoir has been completed, but no report is yet available. Emery & Garrett have finished their field work in identifying potential future well sites and will report to the Committee at their August meeting. Mrs. Graham also noted that the August meeting has been moved to August 19th. Vice-Mayor Graham asked if there is any new information from Sprint; Town Attorney Gilmore explained that they are awaiting Town Council action on the work at the water tank. Vice-Mayor Graham noted that no research on the possible installation of magnets on the water tank has been completed.

5. Administration, Communications and Technology Committee

A meeting of this committee for the month was not held.

6. Land Use Committee

Councilperson Botsch reported that Kelly Bowles, County Staff, has worked with PDCC and will be contacting Town Administrator Nicholson regarding this. Councilperson Botsch reported that the committee discussed the Comprehensive Plan; feedback has not been received from the Planning Commission regarding this, Mr. Botsch will speak with Councilperson Prack regarding setting up a feedback loop for information on the progress of this review. Mayor Ramsey expanded upon this item. Councilperson Botsch reported on the cost of moving utility poles in connection with the Franklin Park Trail Project; the estimate from Dominion Virginia Power was quite high and may impact the Main Street Enhancement Project. Mr. Botsch reported that the County will hold a public input meeting regarding the Franklin Park Trail Project at the Town Office in late July, and that the hope is that Public input session regarding this will be held in September. The Committee discussed sidewalk repairs and is awaiting further bids. Town Planner/Zoning Administrator Hynes spoke about a possible joint meeting regarding the Comprehensive Plan, as well as the Economic Development section of the Plan. Mayor Ramsey discussed the long time frame for update of the Comprehensive Plan,

as well as the diversity of opinion on economic development; Ms. Hynes expressed her views regarding these issues. Brief

discussion ensued regarding possibly working together with the Planning Commission on the Comprehensive Plan update. Councilperson Botsch stated that the committee hopes to hold a meeting in September. There were no further comments by members of the public in attendance.

IN RE: COUNCIL COMMENTS

Councilpersons Klipple and Botsch welcomed Ms. Hynes aboard. Vice-Mayor Graham also welcomed Ms. Hynes, and noted that Councilpersons Prack and Lyne still need to be sworn in. Discussion of what constitutes a quorum in light of Council Members who have not been sworn in ensued. Vice-Mayor Graham reported that the Sheriff's Office will be holding their quarterly public meeting at the Town Office on July 30th. Mayor Ramsey welcomed Ms. Hynes, and extended a very hearty thank you to Mrs. Graham for her hard work.

E: EXECUTIVE SESSION

Vice-Mayor Graham moved **that, pursuant to Section 2.2-3711(A)(3), and Section 2.2-3711(A)(7), of the Code of Virginia of 1950, as amended, that the Round Hill Town Council recess its regular meeting and convene a closed meeting; the following individuals are requested to attend the closed meeting: all Town Council members and Maureen Gilmore, Town Attorney.** Councilperson Klipple seconded the motion. Brief discussion was held regarding inviting Town Planner/Zoning Administrator Hynes; it was decided not to do so, in order to give her time to become better acquainted with the issues. A voice vote was held; the motion was approved 3-0, with Councilpersons Heston, Lyne and Prack absent. The vote is recorded as follows:

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

Mayor Ramsey called for a brief recess at 9:05 p.m., in order to clear the room.

IN RE: RESUME OPEN SESSION

Vice-Mayor Graham moved **that the Round Hill Town Council exit their Closed Session;** Councilperson Klipple seconded the motion. The motion was approved by a vote of 3-0, with Councilpersons Heston, Lyne and Prack absent. The vote is recorded as follows:

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

The Executive Session was closed at 10:45 p.m.

It was noted that no action was taken during the Closed Session. Vice-Mayor Graham moved **that the Round Hill Town Council approve Resolution 2014-13, certifying the Executive Session**; Councilperson Klipple seconded the motion. A vote was held; the motion was approved 3-0, with Councilpersons Heston, Lyne and Prack absent. The vote is recorded as follows:

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

In open session, the Round Hill Town Council decided to cancel its August 2014 regular meeting.

IN RE: MEETING ADJOURNMENT

The meeting was adjourned by Mayor Ramsey at 10:50 p.m.

Respectfully submitted,

Scott T. Ramsey, Mayor

Debra McDonald, Recording Secretary