

**ROUND HILL TOWN COUNCIL
REGULAR MEETING MINUTES
June 18, 2015**

A regular meeting of the Round Hill Town Council was held in the Town Office, 23 Main Street, Round Hill, Virginia, on Thursday, June 18, 2015, at 7:30 p.m.

Council Members Present

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

Council Members Absent

Scott T. Ramsey, Mayor
Christopher J. Prack

Staff Members Present

Buster Nicholson, Town Administrator
Melissa Hynes, Town Planner/Zoning Administrator

Others Present

Elizabeth Wolford, Town Treasurer
Maureen Gilmore, Town Attorney
Clinton Chapman
Paul Sutara
Casey Sutara
Jack Frear
Bob Lanzer, Jr.
Matthew Lanzer
Ed Wormald

IN RE: CALL TO ORDER

Vice-Mayor Graham called the meeting to order at 7:34 p.m.; it was determined that a quorum was present.

IN RE: PLEDGE OF ALLEGIANCE

Councilperson Botsch 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 requested that Business Item #1, Boy Scouts 5K Race, be added to the Agenda. In addition, Ms. Graham requested that an Executive Session be added, after Council Comments, in order to discuss legal matters. Councilperson Botsch suggested that Action Items #5 through 9 be moved to become Items #1 through 5. Councilperson Botsch then **made a motion to approve the Round Hill Town Council Agenda, of June 18, 2015, as amended;** Councilperson Heston seconded the motion. A vote was held; the Agenda 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: BUSINESS ITEMS

1. Boy Scouts 5K Race

Casey Sutara, representing Boy Scout Troop 2011 presented this item, explaining that they would like to organize a 5K Race for the community on October 24th, which is the weekend before Halloween. It is proposed that the race be held in the evening and be named “The Glow Run.” The purpose of the race is to raise awareness in the community, and among the Scout Troop itself – particularly among the younger Scouts in regards to learning to organize such an event. It was explained that the Scout Troop would like to use the same course as is used for the Hometown Festival 5K. Councilperson Botsch asked Town Administrator Nicholson if road closures are made during the Hometown Festival race; Mr. Nicholson stated that they are and that he applies with VDOT for these closures. Councilperson Botsch further asked if a police presence is required for the road closures; Town Administrator Nicholson stated that it may be, and that the County Event Planner guides applicants through the process for this. Councilperson Lyne asked if there is a cost associated with this; Town Treasurer Wolford stated that the fee is \$100.00. Mr. Lanzer, an adult leader of the Boy Scout Troop, stated that he had spoken with Kim Ramsey regarding some of the details surrounding conducting such a race; she noted several

variables which exist for the Hometown Festival which would not exist for this event, such as additional road closures for additional venues/events, as well as the longer length of time the Hometown Festival entails. Vice-Mayor Graham noted that, at an earlier Town Council meeting during which this idea was initially presented, the suggestion had been made that the Troop contact either Sean Loy or Tom Dugan for input on conducting the race; Mr. Lanzer explained that he had contacted both parties, and that Mr. Dugan had responded and provided some information. Councilperson Lyne asked to clarify the day of the week proposed for this event; it was noted that a Saturday is proposed. Mr. Lyne further clarified that this will be held after dark; it was noted that it will. Councilperson Heston asked to clarify what the Scout Troop is asking of the Council; it was noted that the Troop is seeking approval for this event. Councilperson Botsch asked if this is a Town- or community-sponsored event, noting that Town events are covered by the Town's liability insurance but that coverage is specific to events at Town Parks. Town Administrator Nicholson noted that that is correct, and that this event would not fit into that category. Councilperson Botsch asked if the Town would be taking on any liability regarding this race; Town Administrator Nicholson stated that he did not believe so, as this goes through VDOT. Councilperson Heston asked if there is a legal difference between *approval* and *endorsement*. Town Administrator Nicholson stated that there is no need for the Council to approve the event. Town Attorney Gilmore noted that this would not be a Town-sponsored event, but that it would be worthwhile to contact the insurance carrier regarding these issues; Town Administrator Nicholson stated that he would do so. Mr. Nicholson also stated that the Town has general liability coverage, under which the Hometown Festival is covered, and that he suspects this would be handled in the same way. Mr. Lanzer stated that he is also in the process of contacting others with experience in events such as these, in order to determine issues such as liability coverage. Councilperson Botsch asked that the Scout Troop coordinate this event with Town Administrator Nicholson; Councilperson Lyne also suggested that the Troop coordinate with the elementary school. Mr. Lyne stated that he feels this is a great event, and that he hopes it is successful. Vice-Mayor Graham asked if the date for the race could be changed, in the event there are other activities (possibly at the school) scheduled for the same day; Mr. Lanzer briefly explained how this date was chosen, and noted that they would keep all apprised if the date is changed. Councilperson Klipple noted that the majority of the Hometown Festival 5K Race course is outside of the Town's limits, and wondered how the insurance covers that; Vice-Mayor Graham noted that the race is under the Hometown Festival umbrella. Councilperson Botsch asked that Town Administrator Nicholson coordinate with the Scouts on the subject of liability. Councilperson Lyne also asked that the Boy Scout Troop provide periodic updates at Council Meetings. Paul Sutara, Troop Master, reported that they will work with local fire/rescue in order to coordinate for safety and security, and will work with the Sheriff's Office, as well. Mr. Sutara noted that, as this is being held in the evening, they want to ensure there is a safe zone in which to run. It was also noted that all

of these issues will be presented to the boys in the Troop, as the goal is for them to organize the event. Mr. Lanzer also reported that the hope is that this race will become a legacy – something that will be held in Round Hill each fall. Council thanked the Boy Scout representatives for their presentation.

2. Creekside Performance Agreement

Mr. Ed Wormald of the Wormald Companies, developer of the Creekside Subdivision, provided comments on this item. Mr. Wormald reported that they have initiated construction based on approved CPAP plans, which are currently being revised by the County; the plans under which they are presently working on Phase I-A are very similar to the plans being revised by the County. Mr. Wormald stated that the revised plans should be approved in the next two months, and that the revised plans should be very similar to the ones which are currently in use – thus they feel comfortable beginning construction under them. Mr. Wormald explained that, as the two sets of plans are not identical, an agreement should be put in place and the plans should be reviewed separately by an engineer; his purpose this evening is to request permission to do so. Mr. Wormald noted that they are approximately two weeks away from installation of the sewer line, and that the lack of this agreement would halt construction on the entire project. Mr. Wormald thanked the Council. Vice-Mayor Graham stated that her understanding is that County approval of the revised plans will take six to eight weeks, and asked if that is correct. Mr. Michael Hummel, also representing the developer, stated that that is probably an accurate time-frame. Mr. Hummel also noted that they have received all of the County's comments on the initial submission, and they are addressing them now, on the engineering level. The next submission to the County should be by the end of June; following that, the Wormald submission will be added to the County's queue. Mr. Hummel reported that the Town Engineer has reviewed the water and sewer design, as the County will not look at that; the Town's Engineer has stated that all comments have been addressed and his review is complete. The plan contains no change to the water and sewer. Mr. Hummel noted that this situation is unique, as the development is on County land, but is being provided with water and sewer service by the Town. Mr. Hummel explained the process for this in a situation where it is solely a County undertaking, noting that the water and sewer portion would be reviewed by the Loudoun County Sanitation Authority (just as the Town Engineer is doing in this situation), and upon their approval, the work would be bonded and would commence. Mr. Hummel explained that the developer has been working with the Town for several months on this; however, the process of providing for the bond has raised questions for the Town Attorney. Town Planner/Zoning Administrator Hynes addressed questions raised at Land Use Committee meetings regarding concerns that Loudoun Water could proceed without the record plat, providing information contained in Council Members' packets which explains how the project can move forward without the record plat. Ms. Hynes noted that she has been working closely with the developer on this

project, which is challenging as it's an out-of-town project with the Town providing water and sewer. It was further explained that the template provided by the Town Attorney in drawing up the bond agreement takes all improvements into account, not just water and sewer; however, H2 Land Company, who is handling the water/sewer portion of the project, has requested that all portions of the bond agreement not related to water/sewer be removed. Town Planner/Zoning Administrator Hynes summed up the question before the Council this evening: wait until the County has completed their reviews and approved all the plans before moving forward with water and sewer, or move forward with the water/sewer portion of the project following the process used by Loudoun Water. Ms. Hynes explained documents in Council packets which pertain to this issue. Town Attorney Gilmore noted that she sent an e-mail to Council Members regarding this issue, and stated that the bottom line for the Council this evening is whether or not to follow a process which has not been followed before, based on work conducted by Town Staff prior to her involvement. Ms. Gilmore stated that she was not aware that an approved record plat did not exist until the day before her memo to Council Members was sent (approximately one week ago); she also briefly reviewed some of the history of this subdivision project. Town Attorney Gilmore also stated that she has not previously worked with Loudoun Water and thus is not familiar with their process. Ms. Gilmore noted that she just received a copy of the bond agreement in question this evening, and can see that it needs "some tweaking." Ms. Gilmore further noted that she has spoken with Mr. Hummel, of H2 Land Company, in order to try to resolve some of the issues involved; she also spoke with the Town Engineer in order to try to find ways to use Mr. Hummel's suggestions to process an agreement as Loudoun Water would, but does not have the authority to tell the Town Engineer to review the plans. Ms. Gilmore provided a brief recap of action which has taken place on the first set of plans thus far. Town Attorney Gilmore explained that she kept much of the language from the standard agreement as there are unknowns which exist, including: 1) the Construction Plan Revision has not yet been approved, and more changes could occur or revisions could be required; 2) there is not yet a State Maintained Roads Agreement with the County; and, 3) the developer does not yet have a bond. Ms. Gilmore also noted that she has included language in the agreement in order to try to address some of the risks to the Town. Town Attorney Gilmore explained that, under State Code, when a developer completes improvements it is entitled to a bond reduction or release, and that the Town has a limited window of time in which to execute the reduction/release; therefore, if the reduction/release is executed, and then problems with any of the work are found, it would be up to the Town to make any repairs/corrections. The likelihood of this occurring could be increased due to the absence of final agreements of the plans by the County. In response to a question from Councilperson Lyne, Town Attorney Gilmore presented scenarios in which going forward on the work without approval of the final plans could prove problematic. Mr. Hummel stated that the developer has offered to include a condition in the agreement that no connections to the system would be made; thus, the

work would not be completed. Town Attorney Gilmore stated that she and Town Engineer Lane have included language to this effect, but that this would be somewhat in conflict with the bond agreement. Mr. Hummel explained portions of the bond agreement with which the developer disagrees, i.e., construction and maintenance of streets; it is felt these provisions should not apply in this case. Town Attorney Gilmore explained that these items were kept in the agreement due to concerns over the County properly attending to these secondary County roads, in light of the fact that there is not yet a State Maintained Roads Agreement. At this point, Vice-Mayor Graham asked if it would be worthwhile for the involved parties to try to negotiate an agreement which would be acceptable to all. Mr. Wormald explained that he would like to act on this issue at this evening's meeting, due to the fact that there is a draft agreement in place, that there is a bond, and that these changes are minor; he requested approval by the Council based on this approach and based on agreement between the developer and the Town Attorney. Mr. Hummel, who is also a member of the Round Hill Planning Commission, explained that the Planning Commission may grant approval of like projects, subject to Town Staff completion of the bond agreement and other details. Vice-Mayor Graham asked if it would be possible to hold a special meeting of the Town Council, in perhaps a week, in order to vote on this issue. Councilperson Lyne stated his belief that there does not seem to be a lot of risk to the Town, and that a vote could be held at this evening's meeting. Councilperson Botsch stated his feeling that the parties involved are close to reaching an agreement, but that a vote should not be held until there is an agreement; Mr. Botsch asked if it would be possible for those involved to retire to another room and try to reach an agreement this evening. If this would not be possible, Mr. Botsch stated his feeling that a special Town Council meeting would be a good idea. Upon informally polling the participants, it was determined that it would not be possible to hold a special meeting in one week. Town Attorney Gilmore stated that it would be possible to work toward an agreement this evening, but that she was unsure if the bonding company would allow the language to be over-ridden. Mr. Hummel elaborated upon the developer's concerns regarding language in the agreement covering streets and their maintenance, in response to a question from Councilperson Klipple. Mr. Klipple asked how difficult it would be to remove that specific language from the agreement; Town Attorney Gilmore again stated her concerns regarding this language in relation to water and sewer line issues. Councilperson Heston stated that she is not comfortable voting upon this item as it now stands. Councilperson Botsch asked if the parties involved would be able to attend a meeting on Monday or Tuesday of next week, and if they feel this issue can be worked out. Town Attorney Gilmore stated that she feels confident that an agreement can be reached, but that she does not want to gut the current agreement and that her goal is to protect the Town. Mr. Hummel asked if it would be possible to retire to another room and work on an agreement this evening; Town Attorney Gilmore stated that it would, but that the approval of the surety provider could not be obtained this evening. Councilperson Heston asked what the fallout would be if action was delayed for two weeks;

Mr. Wormald stated that, at some time soon, construction will reach a stopping point. Town Attorney Gilmore then suggested that the involved parties meet to try to come to an agreement, and that the item be tabled; after meeting, the group will report back to the Council and a decision can be made at that time regarding action to be taken, if any. This was agreed to by Council.

3. Round Hill Adopt-a-Street

Town Planner/Zoning Administrator Hynes presented this item, explaining that a Girl Scout troop made this request, as a project for their troop, which led to the suggestion that the program be expanded to all residents and/or groups in Round Hill. Councilperson Heston noted that this was done several years ago, but that participation was not sufficient. Town Planner/Zoning Administrator Hynes briefly explained an “adopt-a-spot” program, which is somewhat more involved, and noted that the request by the Girl Scouts was for trash clean-up only. Councilperson Heston stated her feeling that more information is needed; Councilperson Botsch suggested that the item be tabled until representatives of the Girl Scouts are in attendance. Councilperson Heston also suggested that Ms. Hynes check with VDOT regarding their regulations.

4. Comprehensive Plan

Town Planner/Zoning Administrator Hynes presented this item, noting that a memo regarding “Housing” is included in Council Members’ packets, in response to the Mayor’s request that information from the County survey of housing needs be considered in the Town’s conversations regarding this issue. Ms. Hynes explained that the County’s survey discusses “in-commuting,” i.e., people who work in Loudoun County but live outside of the county, and the determination made that there will be little further need for single-family housing in the coming thirty years. The County survey showed a 17% increase in the need for duplexes and multi-family housing units during that same time frame. Town Planner/Zoning Administrator Hynes stated that she applied that 17% figure to come to a break-down for Round Hill of approximately ten small cottage-style homes, eight townhouses, two or three multi-unit buildings with four units each, and a couple duplexes, which provides for a total of 35 to 38 dwelling units (the number being recommended for inclusion in the Comprehensive Plan). Councilperson Botsch asked if this is inside the current corporate limits; Ms. Hynes stated that this plan takes possible boundary line adjustments into consideration. Councilperson Lyne asked to clarify the origins of the 17% figure; Ms. Hynes stated that it was derived from the Loudoun County Affordable Housing Report of 2006. It was noted that Round Hill can provide water and sewer service to only 200 more homes, and that applying the 17% figure provides for the building of affordable housing units and additional single-family detached homes while remaining under that 200 home limit. Town Planner/Zoning Administrator Hynes referenced discussions held at the last Planning Commission meeting, which noted that there is very little vacant land upon which to build inside the Town’s limits, and that the only viable land outside the Town’s

limits is a 15 to 20 acre parcel. Ms. Hynes noted that the options for building inside the Town's boundaries include improving existing properties, e.g. tearing down a derelict property and rebuilding on that site, turning a large home into multiple units, or subdividing a lot. Town Planner/Zoning Administrator Hynes stated that she will provide a copy of the County report to Council Members. Ms. Hynes also reported that the completion of the update of the Comprehensive Plan is approaching; three public input sessions will be scheduled in the near future, in order to provide for the involvement of residents in the process. A Comprehensive Plan page also will be added to the Town's website and Facebook page. Ms. Hynes noted that it will be helpful if Town Council and Planning Commission members attend some of the public input sessions. It was also reported that the draft Comprehensive Plan will be presented near the end of the year. Town Planner/Zoning Administrator Hynes stated that work on the four chapters discussed thus far, "Environmental Stewardship," "Housing," "Public Infrastructure," and "Historic Preservation," has gone well and that there seems to be consensus regarding them. Ms. Hynes highlighted the items which will entail more in-depth discussion: the twelve acre commercial site/downtown commercial area, and land use and development of a land use map. It was explained that the update of the Comprehensive Plan will help to guide future development in Round Hill. Councilperson Lyne suggested that one of the public input sessions be held at the elementary school, in order to open them to a broader audience, with which Town Planner/Zoning Administrator Hynes agreed. Vice-Mayor Graham suggested that the old school could be a good venue for one of the sessions, as well. In closing, Town Planner/Zoning Administrator Hynes stated that she is feeling good about the update of the plan.

4. Public Hearing Schedule

Town Planner/Zoning Administrator Hynes presented a preliminary schedule for completion of the Comprehensive Plan, explaining that the draft plan would go to the Planning Commission at their November meeting for their final approval, and then would be presented to the Town Council at their November meeting. A public hearing for the updated Comprehensive Plan would be held in January 2016, which would provide for the customary thirty day public review period. Town Planner/Zoning Administrator Hynes noted that she has proposed two separate public hearings, but that that proposal may be changed if Council desires to do so. This schedule would allow for the official adoption of the updated Comprehensive Plan in February 2016. Town Planner/Zoning Administrator Hynes explained that she and Town Administrator Nicholson have discussed pre-planning next year's public hearings, in order to provide for more organization and more efficient use of time. Town Administrator Nicholson noted that a hearing on the schedule may be taken off if not needed. Ms. Hynes and Mr. Nicholson presented the four topics which will be presented at the next public hearing in September 2015 – the Water and Sewer Ordinance Amendments, the Town vehicle decal, the BPOL, and a fee study. Town Planner/Zoning Administrator Hynes also highlighted various topics which will require a public hearing in the future. Ms. Hynes explained that \$6,000.00 has been budgeted for the costs related to public hearings, but that following this proposed schedule

will cost less than that total. Councilperson Heston noted that the Town has been holding joint public hearings in order to save money, and noted that she is unsure why the proposal to hold separate hearings is being made. Town Planner/Zoning Administrator Hynes explained that the goal is to hold separate hearings for topics which may be contentious, and that this will be determined on a case-by-case basis. Ms. Hynes also explained that the goal is to stay under-budget and to make the process more efficient.

IN RE: ACTION ITEMS

1. Resolution 2015-05 – Budget Adoption

Vice-Mayor Graham highlighted a change made to the budget, whereby funds were moved from the Well Exploration category to the Raw Water Line at Greenwood Drive. Ms. Graham asked Town Administrator Nicholson if any other changes were made; Mr. Nicholson stated that there were no other changes, but noted that a question regarding reserves in relation to health insurance benefits for retirees had been raised, and asked Town Treasurer Wolford to address this issue. Ms. Wolford explained that money exists in Money Market accounts in both the General CIP and the Utility CIP, and that that money could be moved to the CDs that were specified in both funds as retiree; this could be done without any kind of budget adjustment. In response to a question from Councilperson Botsch, Ms. Wolford explained that there is no limit the Town would need to stay below. Discussion ensued regarding the percentage limit which the Town should maintain in order to provide for retiree health coverage in the future; the consensus of the Council was to maintain a 15% limit. Town Treasurer Wolford stated that she will check with the auditor to ensure this is the correct percentage to maintain. Ms. Wolford also explained where, in financial reports she sends to Council Members, this item may be found, in response to a question from Councilperson Heston. Following this discussion, Councilperson Lyne made a motion/read Resolution 2015-05, thus: **A RESOLUTION: ADOPTING THE FISCAL YEAR 2015-2016 BUDGET; WHEREAS, the Town of Round Hill Council duly advertised this proposed FY 2015-2016 budget for Tax Rates, Motor Vehicle Decal Fees, and Land Use Development Fees, on May 22, 2015 and, WHEREAS, on June 4, 2015, the Round Hill Town Council held a Public Hearing on this proposed Fiscal Year 2015-2016 Budget, Tax Rates, Motor Decal Fees, and Land Development Fees, NOW THEREFORE, BE IT RESOLVED that, pursuant to Code of Virginia of 1950, as amended, § 15.2-2503, the Round Hill Town Council hereby adopts its Budget for Fiscal Year 2015-2016, as attached to this Resolution;** Councilperson Klipple seconded the motion. Vice-Mayor Graham requested that the Resolution number, 2015-05, be added to the motion; Councilperson Lyne added same. 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

2. Resolution 2015-06 – Tax Rate, Motor Vehicle License Fee, and Land Use Application Fee

Councilperson Heston made a motion/read Resolution 2015-06, thus: **A RESOLUTION: TO ADOPT THE FY 2015-2016 TAX RATE, MOTOR VEHICLE LICENSE FEE, AND LAND USE APPLICATION FEE; WHEREAS, The Town of Round Hill Town Council duly advertised its proposed 2015-2016 Budget for Tax Rates, Motor Vehicle License Fees, and Land Use Application Fees, on May 22, 2015 and, WHEREAS, the proposed Budget contains the tax rate for real property, personal property, business licenses, utility and cigarette categories, and, WHEREAS, on June 4, 2015, the Round Hill Town Council held a Public Hearing on its proposed 2015-2016 Budget, Tax Rates, Motor Decal Fees, and Land Use Application Fees, NOW THEREFORE, BE IT RESOLVED that pursuant to Code of Virginia of 1950, as amended, §15.2-2503, §15.2-2286, and §58.1-3201, §58.1-3500, §58.1-3703, §58.1-3814, §58.1-3830, and §46.2-752, the Round Hill Town Council hereby adopts its advertised Tax Rates, Motor Vehicle License Fees, and Land Development Fees contained in its 2015-2016 Budget, as attached to this Resolution;** 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

3. Resolution 2015-07 – Water/Sewer Rates

Councilperson Botsch made a motion/read Resolution 2015-07, thus: **I move that we adopt RESOLUTION 2015-07, ADOPTING AMENDMENTS TO THE TOWN WATER ORDINANCE, ARTICLE VI, SECTION 5, AND STORM ORDINANCE, ARTICLE B; WHEREAS, on May 15 and May 22, 2015, the Round Hill Town Council duly advertised the proposed amendments to the Town’s Water Ordinance, Article VI, Billing Section 5, and Sewer Ordinance, Article VIII, Billing Section 1, with the adoption of water and sewer rates and fees to be set forth on a schedule incorporated into the Water and Sewer Ordinances, and, WHEREAS, on June 4, 2015, the Round Hill Town Council held a Public Hearing on its proposed amendments for Water and Sewer Ordinances, NOW THEREFORE, BE IT RESOLVED that, pursuant to Code of Virginia of 1950, as amended, §15.2-2111, §15.2-2119, and §15.2-2143, the Round Hill Town Council hereby adopts the amendments to Town Water Ordinance, Article VI, Section 5, and Town Sewer Ordinance, Article VIII, Section 5, and the rates and fees contained therein, as attached to this Resolution;** Councilperson Klipple seconded the motion. There was discussion of the lack of an attachment to the Resolution, on whether or not a Public Hearing was held for this item, and on the fact that the Resolution references *proposed amendments*, which Council felt was not correct. Town Attorney Gilmore explained that the rates must be adopted by ordinance, as the rates were changed. Ms. Gilmore further explained the schedule of rates to be adopted and incorporated into the ordinance, thus removing the necessity of retyping the ordinance each time and re-codifying the same. It was noted that a copy of the rate schedule should be attached to the Resolution. There was further discussion of Article VI, Section 5, as well. Town Attorney Gilmore then recommended that the rate sheet be attached to the Resolution, which will serve as the schedule; the Resolution may then be adopted. There was further discussion of the rate schedule. Councilperson Heston called for a vote. Councilperson Botsch asked Town Attorney Gilmore to clarify that, as a motion had been made and seconded, the motion on the table should be voted down; Ms. Gilmore stated that that is correct. A voice vote was then held; the motion was not approved 5-0, with Councilperson Prack absent. The vote is recorded as follows:

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

4. Resolution 2015-08 – Appropriations

Councilperson Klipple made a motion/read Resolution 2015-08, thus: **I make a motion that the Town adopt RESOLUTION 2015-08, AUTHORIZING APPROPRIATION EXPENDITURE FOR RELEASE OF FISCAL YEAR 2015-2016 FUNDS; WHEREAS, pursuant to Code of Virginia of 1950, as amended, §15.2-2506, the governing body must appropriate money prior to the Town of Round Hill obligating revenue for contemplative expenditures, and, WHEREAS, the Round Hill Town Council has adopted FY 2015-2016 Budget, NOW THEREFORE, BE IT RESOLVED that the Round Hill Town Council hereby approves an annual appropriation for the release of FY 2015-2016 funds;** Councilperson Lyne 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

5. Resolution 2015-10 – Intent to Amend Water and Sewer Ordinance

Vice-Mayor Graham noted that Council Members were to review changes made to the Water and Sewer Ordinance by the Utility Committee, and present any comments they may have at this evening's meeting. The purpose of this Resolution is to authorize a public hearing for these amendments. Vice-Mayor Graham also noted that, at the previous Town Council meeting, it was requested that the Utility Committee look at Article V, Billing, and the Town Policy on Water; it was discovered that contradictions exist between the two documents. The Utility Committee will be reviewing these documents soon, and any changes to Article VI, Billing, will be added to the information presented at the public hearing. Town Administrator Nicholson asked to clarify that the public hearing date for this item will be scheduled at this evening's meeting; it was noted that it is planned for this to be heard at the public hearing scheduled for September 17, 2015. Following this discussion, Councilperson Heston made a motion/read Resolution 2015-10, thus: **I'd like to put forth RESOLUTION 2015-10, AUTHORIZING A PUBLIC HEARING FOR THE PURPOSE OF PROPOSED AMENDMENTS TO THE TOWN OF ROUND HILL WATER ORDINANCE, ARTICLE I, SECTION 2; ARTICLE II, SECTION 4; ARTICLE III, SECTIONS 2, 3, 5, 6, 7, 10 AND 19; ARTICLE VI, SECTIONS 4 AND 5; ARTICLE X, SECTIONS 4 AND 5; ARTICLE XII, SECTION 1; AND TOWN OF ROUND HILL SEWER ORDINANCE, ARTICLE I, SECTIONS 1, 3, 6**

AND 12; ARTICLE III, SECTION 2; ARTICLE IV, SECTIONS 3, 4, 5 AND 10; WHEREAS, the Round Hill Utility Committee has reviewed the Town Water and Sewer Ordinances, and has drafted amendments hereto, and recommend that the Town Council hold a public hearing to receive comment, and possibly take action regarding the proposed amendments, according to the Code of Virginia of 1950, as amended; THEREFORE, BE IT RESOLVED that the Round Hill Town Council hereby schedules a Public Hearing on September 17, 2015, to receive comment, and possibly take action, regarding proposed amendments to the Town Water and Sewer Ordinance; Councilperson Klipple seconded the motion. Vice-Mayor Graham noted an error in the date on the Resolution (19 March 2015), and requested that the date be corrected to 18 June 2015. Both the motioner and the second accepted the changes to the Resolution. A voice 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. Approval of Minutes

a. May 21, 2015 Town Council Meeting

Vice-Mayor Graham noted that, on page seven, in the second to last line, the sentence should read *Vice-Mayor Graham called the question*, not just *question*. Additionally, Ms. Graham asked for a definition of an Agriculture or Brewery Incubator, as referenced on page nine; Town Planner/Zoning Administrator Hynes provided that definition. Councilperson Botsch asked about the speeding study, as referenced on page six, and asked if that has been sent to Council Members; Town Administrator Nicholson stated that it has. Following this discussion, Councilperson Klipple made a motion **that the Council approve the Town Council Regular Meeting Minutes from May 21, 2015, as amended;** Councilperson Heston seconded the motion. A vote was held; the minutes were 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

b. June 4, 2015 Public Hearing

Councilperson Klipple made a motion **to approve the minutes from the Public Hearing of the proposed Budget, Tax Rates, Rates and Fees, held June 4, 2015;** Councilperson Heston seconded the motion. A vote was then held; the motion was approved 4-0-1, with Councilperson Botsch abstaining, and Councilperson Prack absent. The vote is recorded as follows:

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

7. Budget Line Adjustment

Town Administrator Nicholson presented this item, explaining that this is a line item adjustment to the FY2015 Budget, as discussed in the Land Use Committee, and does not require Council approval as it does not affect the bottom line in the CIP. The purpose of the adjustment is to move \$22,000.00 from the Sleeter Lake Park line item to the Main Street Enhancement Project line item, in order to cover plat preparation and 8% of the acquisition fee. Councilperson Botsch stated his understanding that the acquisition firm was requesting \$14,000.00; Town Administrator Nicholson explained how the costs are broken down, in response. Mr. Nicholson stated that funds for acquisitions were not included in the FY2015 Budget. Councilperson Botsch asked if this total represents the originally budgeted \$84,000.00 plus \$14,000.00, or plus \$22,000.00; Mr. Nicholson stated that it is plus \$14,000.00, but that some of the total is to come from the FY2016 Budget. Councilperson Heston asked why this is not coming from the FY2016 Budget; Town Planner/Zoning Administrator Hynes explained that the work was performed during the 2015 budget year, and Town Administrator Nicholson explained that acquisition services were not budgeted in the FY2015 Budget. There was brief discussion among Council Members regarding funds budgeted for the two projects in the FY2015 Budget, and which

funds were and were not used. Councilperson Heston asked if the request for \$14,000.00 is a Change Order; it was noted that it is a new Task Order and constitutes additional funding. Councilperson Heston expressed concern that there seem to be frequent requests for additional funding for the Main Street Enhancement Project; Town Planner/Zoning Administrator Hynes explained that this scope of work was included in the original agreement signed in November 2014, and that the plats had to be taken care of in order for the project to move forward. Town Administrator Nicholson noted that this cost was not overlooked, but was expected to occur at another point in time, in response to a question from Ms. Heston. Councilperson Botsch expressed his understanding that the original \$84,000.00 fee was intended to cover these plats/acquisitions, as well, and noted that he does not understand why the company is now requesting the additional \$14,000.00. Mr. Botsch stated, "To me, it seems like a bait-and-switch, and we didn't catch it." Councilperson Heston asked if there is anything else Council needs to look at; Town Administrator Nicholson stated that, as far as Staff knows, the Town is on target with the funding now budgeted. Councilperson Botsch stated his belief that the Town needs to be sure that, from this point on, all the fine print is read, so that no further expenditures such as this arise; Mr. Botsch also noted that Town Administrator Nicholson has done a good job in reigning in spending. Town Administrator Nicholson explained that the project was set up based on time and materials, not on a percentage, as with most engineering firms. Town Planner/Zoning Administrator Hynes also explained that the land acquisition firm is a completely different entity than the engineering firm, and that these are covered by two different contracts. Councilperson Botsch noted that, if the Town were working with this firm on a percentage basis, some of the work required would either have not been done, or would have been considered an "add on," and would still have incurred extra costs. Town Administrator Nicholson expressed his agreement with that statement. Councilperson Heston expressed her concern that the total of the grant funding the Town received for this project has already been exceeded. Concerns regarding the amount of time this project has consumed, thus driving up costs, were voiced by several Council Members. Councilperson Lyne expressed his belief that Council needs to allow the Town Administrator to "make some of these call" in order to keep the project moving. Town Administrator Nicholson reported that he has spoken with County Administrator Hemstreet regarding Round Hill's progress on this project, in order to help keep the County interested and moving forward. Mr. Nicholson also reported that VDOT wants to go out to advertisement in December. It was the consensus of the Council that there is a short window of time in which to complete this project. Vice-Mayor Graham asked if, in Mr. Nicholson's meeting with Mr. Hemstreet, there was surprise on the part of Mr. Hemstreet in the slowness of the progress on this project; Town Administrator Nicholson stated that he was surprised, and that he expressed an interest in the project and in seeing it completed in a timely manner. In closing, Vice-Mayor Graham asked if a vote is required on this item; Town Administrator Nicholson stated that a vote is not required, that this was for informational purposes.

At this point in the meeting, Council returned to the discussion/vote on Resolution 2015-07.

3. Resolution 2015-07 – Water/Sewer Rates (continued)

Councilperson Botsch made a motion/read Resolution 2015-07, thus: **I move that we approve Resolution 2015-07, TO AMEND WATER AND SEWER ORDINANCES – SCHEDULE OF WATER AND WASTEWATER CHARGES; WHEREAS, Virginia Code §15.2-2119 and §15.2-2143 authorize the Town to establish reasonable charges and fees for the use of its public water and sewage disposal systems; and, WHEREAS, the Town Council periodically reviews its schedule of charges and fees to establish practicable and equitable fees and charges for users of the public water supply and sewage disposal systems; and, WHEREAS, after reviewing the utility rate study for the upcoming fiscal year, the Town Council has determined that it would be fair and reasonable to increase the water availability fees (38.8%) and to decrease the sewer availability fees (-6.5%), with no increase proposed in the water user rates and a 22.7% decrease in wastewater user rates, and no change in the water and wastewater connection fees or the miscellaneous fees; and, WHEREAS, on May 15 and May 22, 2015, the Round Hill Town Council duly advertised the proposed fee and rate changes; and, WHEREAS, the notice of the new rates has been given in accordance with the requirements of Virginia Code §15.2-107 and §15.2-1427; NOW THEREFORE, BE IT RESOLVED that the schedule of water and wastewater charges established by the Town Council of Round Hill, adopted pursuant to §83.1-50, §83.1-51, §83.1-54 and §113-5, be repealed and reenacted as set forth in the attached schedule;** Councilperson Klipple seconded the motion. Vice-Mayor Graham asked to clarify where these rates are located; Town Treasurer Wolford stated that they are found on the back of the Budget. Councilperson Lyne asked about the 38% increase for availability rates; discussion and review of this figure ensued, with it being noted that this recommendation came from the Water Study. Vice-Mayor Graham then called to question. 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

8. Water Ordinance: Article VI-Billing

Vice-Mayor Graham explained that the Utility Committee recently discussed this item, and that changes were made to Article VI-Billing; specifically, the billing adjustment allowed for filling swimming pools, on a case-by-case basis. Town Administrator Nicholson noted that the wording in the Water Ordinance is contradictory. Vice-Mayor Graham then referenced the Round Hill Water/Sewer Policies; noting that they could be changed this evening, or that Council could opt to wait until the July meeting to address this. Ms. Graham reported that Town Engineer Lane suggested the last sentence in the Policy be deleted, as it is contradictory. Vice-Mayor Graham stated that the purpose of this is to change the Ordinance/Policies to accurately reflect recent Town Council action on this issue. Vice-Mayor Graham stated her goal to present this is a more easily readable form, for Council action at the July meeting. The consensus of the Council was that they felt comfortable voting on this item at this evening's meeting. Councilperson Heston then made a motion **that the Town Council accept the changes to the Round Hill Water/Sewer Policy as presented, and also to the Article VI, Billing Section 9 of the Water Ordinance, as presented;** Councilperson Botsch seconded the motion. Councilperson Lyne asked if a public hearing is required; Vice-Mayor Graham noted that a public hearing is required. Town Administrator Nicholson requested Vice-Mayor Graham's assistance in ensuring that a "clean" document is ready for the public hearing. 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

9. Water Study Adoption

Vice-Mayor Graham reported that the Utility Committee adopted this at their last meeting, and has recommended adoption by the Council. Town Administrator Nicholson stated that a resolution is not required in order to adopt this Water Study. Councilperson Botsch made a motion **to adopt the Round Hill Water System Planning Study, dated March 2015;** Councilperson Heston 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

Vice-Mayor Graham presented information regarding the Town's SCADA systems, while waiting for the parties negotiating the Creekside Performance Agreement to return to the meeting. Ms. Graham reported that the Utility Committee decided several months ago to investigate this, as the costs keep increasing. A Request for Proposal was sent to Peed & Bortz, as one of the principals of this company helped the Town secure its SCADA system initially; in addition, an RFP was sent to Loudoun Water. No response was received from Loudoun Water; the Peed & Bortz proposal came in at \$5,000.00. Council approval is not required for this. Vice-Mayor Graham reported that a meeting was held on Monday with representatives from the three carriers in attendance, as well as she and Town Attorney Gilmore. A Town staff member was also in place to monitor the system. It was determined that the problem cannot be resolved by the carriers; however, Mayor Ramsey is not happy with the reports provided by the carriers' representatives. Vice-Mayor Graham reported that an independent study may be required in order to determine if the cell towers are causing the interference with the SCADA systems; a budget adjustment may be required if this is undertaken. Russell Jackson will evaluate the reports to the Town, and will attend the July Utility Committee meeting in order for further discussions to be held. It was noted that an independent entity to study this doesn't exist; all companies who study these issues also sell SCADA equipment. Town Administrator Nicholson stated that he spoke to Town Engineer Lane about this issue, and that Mr. Lane verified that it is nearly impossible to find someone to study this problem who does not also sell the equipment. Town Administrator Nicholson stated that intermittent problems have existed with this system for some time, but that those problems have recently increased; the system, however, does need to work properly. Councilperson Heston stated her belief that the Town should still follow-up with Loudoun Water. Town Administrator Nicholson stated that more research needs to be done into why the system is not working, but that this is time-sensitive. In response to a question from Councilperson Heston, Town Administrator Nicholson stated that many systems use SCADA, but that there are many different types of systems. Vice-Mayor Graham stated that she will follow-up with Loudoun Water.

Council then returned to Business Item #2, the Creekside Performance Agreement.

2. Creekside Performance Agreement (continued)

Town Attorney Gilmore thanked the Council for the time allotted to work on this, and reported that parties have agreed on terms which address the Town's concerns. Ms. Gilmore reported that no residential connections will be permitted until all documents are finalized, except for Lot 50 on which the model home will be built. Ms. Gilmore further explained that it is understood that the developer will be connecting to the Town's main, but that residential connections will not be made until documents are finalized. In response to a question from Vice-Mayor Graham regarding the bond, Town Attorney Gilmore explained that Paragraph 28 has been added which states that, in the event of a disagreement between this agreement and the bond, this agreement takes precedence. Councilperson Botsch asked if anything will cause problems with the bonding agency; Ms. Gilmore stated, "No." Councilperson Botsch also asked if the Town is protected in the event County plans change; Town Attorney Gilmore stated that that is covered by Item #3 in the Agreement. Mr. Wormald stated that he appreciates the Town's willingness to work these issues out. Councilperson Lyne then moved **that the Round Hill Town Council approve the Physical Improvements Performance Agreement for Creekside at Round Hill, Phase I-A, and the Surety Bond associated with it**; Councilperson Botsch seconded the motion. Councilperson Botsch stated that, obviously, Council read through this quickly, and asked Town Attorney Gilmore if there are any other issues of concern; Ms. Gilmore stated that there are not, and explained language included which protects the Town during the time in which the Town is involved in the project. Councilperson Heston asked for clarification of the names of the projects included in the plan, which Town Attorney Gilmore provided. 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: REPORTS

1. Town Administrator's Report

Town Administrator Nicholson noted that his report has been provided in written form. Mr. Nicholson provided a Facebook status update as of June 17, 2015, per AC&T Committee request. Town Administrator Nicholson reported that Loudoun Alerts notifications to the general public are up and running, and that he received notification via the system of a water outage at Stoneleigh on June 22nd for four hours. Mr. Nicholson stated that the Town is now "pretty tied into" social media. Mr. Nicholson stated that he would be happy to answer any questions.

2. Town Planner/Zoning Administrator Report

Town Planner/Zoning Administrator Hynes reported that she has worked on the following projects/items during the past month: the Creekside Maintenance Bond; the Comprehensive Plan chapters for the update; and the Creekside blasting plan. For the Creekside blasting plan, she asked that the foundations of the oldest houses in Round Hill be protected; Ms. Hynes also reported that blasting is scheduled between 1:00 and 3:00 p.m. for the next three weeks.

3. Mayor's Report

Vice-Mayor Graham provided this report in Mayor Ramsey's absence, noting the following: the phone conference previously discussed, to be held with Mr. Chapman and the attorney for the Eckles estate, has not yet occurred; secondly, that it is uncertain a proposal has been made, as yet, for a 4th of July function at the Town Park. It was noted that the idea of holding a breakfast has been put forward.

4. Utility Committee

Vice-Mayor Graham noted that this report has been provided in written form, and that the only addition is the report on SCADA issues, which was discussed earlier. Ms. Graham reported that letters were sent, at the beginning of May, for the Hamlets of Round Hill, but that no replies have as yet been received. It is hoped that this issue will be presented to the Council at its July meeting. The Committee's next meeting will be held on July 14, 2015. Councilperson Botsch asked if there has been any movement on painting the fences around the wells; Town Administrator Nicholson stated that he will bring those estimates to the next Utility Committee meeting.

5. Administration, Communications & Technology Committee

Councilperson Heston reported that the committee has been discussing fees and policy for retirees' health insurance. It was also reported that the Town has hired a part-time Utility Billing clerk, who will begin work on July 1st. Additionally, the Committee has been discussing, and will discuss further, a Town Clerk position. The next meeting will be July 13, 2015 at 7:30 p.m.

6. Land Use Committee

Councilperson Botsch reported that the recent meeting of the committee was "spirited." Mr. Botsch reported that, in connection with the Main Street Enhancement Project, meetings have been held with six property owners, thus far. Additionally, comments were returned to Town Planner/Zoning Administrator Hynes regarding the Comprehensive Plan update. Councilperson Botsch noted that it is hoped a presentation regarding Sleeter Lake Park can be made to the committee at either its July or August meeting. The next meeting is scheduled for July 14, 2015, at which Mr. Chapman's group will present concept drawings for the Eastern Commercial District. Councilperson Lyne noted that there are, at this point, three meetings scheduled for one week in July; after brief discussion, it was decided to hold the Land Use Committee meeting on July 8, 2015. Mr. Chapman also reported that, in regards to the phone conference referenced in the Mayor's Report, his firm has not yet heard from the Eckles Estate's attorney.

IN RE: COUNCIL COMMENTS

Councilperson Botsch wished everyone a Happy 4th. Councilperson Klipple thanked Town Treasurer Wolford and Town Administrator Nicholson for their work on the Budget. Councilperson Lyne noted that Woodgrove High School's graduation was held today, and it was a great event. Vice-Mayor Graham wished all dads a Happy Father's Day. There were no further Council Comments.

IN RE: EXECUTIVE SESSION

Vice-Mayor Graham called for a five minute recess, and moved **pursuant to §2.2-3711(A-3) and §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 purpose of the closed meeting is for consultation with legal counsel retained by the Town regarding specific legal matters related to the interpretation of the Town of Round Hill Zoning Ordinance regarding regulations enforcement that require the advice of legal counsel; the following persons are requested to attend: Town Council Members; Maureen Gilmore, Town Attorney; Melissa Hynes, Town Zoning Administrator; and Amos Nicholson, Town Administrator;** Councilperson Lyne 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

The meeting was recessed at 10:04 p.m.

IN RE: MEETING ADJOURNMENT

Vice-Mayor Graham moved that **the Round Hill Town Council reconvene its public meeting, and that the minutes of the public meeting reflect that no formal action was taken in Closed Session**; Councilperson Heston 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

Vice-Mayor Graham moved that **the Town Council adopt Resolution 2015-09, certifying its closed meeting of June 18, 2015**; Councilperson Lyne 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

The meeting was adjourned at 11:30 p.m. by Vice-Mayor Graham.

Respectfully submitted,

Mary Anne Graham, Vice-Mayor

Debra McDonald, Recording Secretary