# ROUND HILL TOWN COUNCIL REGULAR MEETING MINUTES June 19, 2014

A regular meeting of the Round Hill Town Council was held in the Town Office, 23 Main Street, Round Hill, VA, on Thursday, June 19, 2014, at 7:30 p.m.

# **Council Members Present**

Scott T. Ramsey, Mayor (arrived at 7:43 p.m.) Mary Ann 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

#### **Others Present**

Elizabeth Wolford, Town Treasurer Maureen Gilmore, Town Attorney Capt. Greg Ahlemann, LCSO

#### IN RE: CALL TO ORDER

The meeting was called to order at 7:31 p.m. by Vice-Mayor Graham.

# **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: APROVAL OR AMENDMENT OF AGENDA

Vice-Mayor Graham made a motion to approve the Agenda of the Round Hill Town Council Meeting of June 19, 2014, with the addition of an Executive Session to discuss real estate and legal matters; Councilperson Klipple seconded the motion. A vote was held; the Agenda was approved 5-0, with Councilperson Prack absent. The vote is recorded as follows:

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

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

#### 1. Sheriff's Office Substation

Captain Greg Ahlemann, the new commander of the Western Loudoun Sheriff's Office Substation, introduced himself. Capt. Ahlemann noted that he attended the meeting regarding the station held two weeks ago, and was attending this evening's meeting in order to answer any questions Council may have. Vice-Mayor Graham summarized the meeting held two weeks ago regarding the Substation, and provided a verbal list of County staff, Town government representatives, and citizens who attended. It was reported that a realignment of the road leading to the station was requested; the realignment would be further to the west, in order to save trees near the site owned by Mr. and Mrs. Powers Thomas. County Staff determined that the road could be moved, but that the Town would need to obtain a Zoning Determination from the County Zoning Administrator in order to facilitate this change. Vice-Mayor Graham reported that, if this change required another special exception a public hearing would be necessary, thus construction would be delayed. Graham reported that Mayor Ramsey agrees with requesting a Zoning Determination, and moving the road. Council clarified that the road will be moved 16 feet. Councilperson Heston asked for clarification of who will be responsible for the Special Exception, as it was not the Town's request that the road be moved. Councilperson Botsch explained that both the Town and the County agreed, at the meeting, that the road could be moved; obtaining the Zoning Determination would negate the need for a Special Exception. There was brief discussion of the realignment of the road and any possible impact on both the well lot and the connectivity of the road to other roads in the town. It was determined that moving the road 16 feet to the west would not have any impact. Vice-Mayor Graham then called for a motion regarding the Town's request of a Zoning Determination. Attorney Gilmore stated that it is not clear why the Town should request a Zoning Determination, that it seems the property owner impacted by the road realignment should request the Zoning Determination. Councilperson Botsch explained that the County requested a letter from the Town, stating that the Town has no issue with the realignment of the road; further, the County requested that the Town obtain the Zoning Determination in order to ensure that a Special Exception is not necessary. Town Administrator Nicholson explained that Mayor Ramsey made it clear that he did not want the road to affect the well lot or any setbacks. (Mayor Ramsey arrived at the meeting at this time.) Vice-Mayor Graham asked about the configuration of the road; Mayor Ramsey and Council discussed the issues of connectivity to the rest of

the town, and the desire that the well lot not be affected. Vice-Mayor Graham and Mayor Ramsey discussed the wording of the proposed motion, with Mayor Ramsey noting that the Town should state their objectives: allowing for a second use on the site; providing for connectivity to adjoining parcels; providing for adequate setbacks. Capt. Ahlemann discussed security issues related to the road, as a public street, being too close to the substation, as well as the possibility of delay of the project engendered by this issue. Councilperson Klipple noted that no one has spoken about engineering costs associated with this change, noting his concern regarding the tax impact it may present. Vice-Mayor Graham asked if the Sheriff's Department is opposed to the realignment of the road, or if they are simply concerned about the possibility of a Special Exception being required. Capt. Ahlemann explained concerns regarding possible security issues brought about by the movement of the road, and the possibility that the project could be delayed. Councilperson Heston expressed her belief that it seems unlikely a security review of the project would need to be completely restarted, if the road is moved. Vice-Mayor Graham noted that the information regarding this realignment was received by all parties involved only yesterday. Councilperson Botsch reiterated that the Town's responsibility at this point is to simply state its position on the realignment. Mayor Ramsey again noted that the Town should ensure that its objectives are stated. Councilperson Klipple again raised the issue that no engineering costs have been presented/discussed. There was discussion of who should prepare the letter from the Town, and to whom at the County it should be sent. It was determined that a motion on this issue is not necessary. It was decided that Town Administrator Nicholson will prepare the letter and forward it to Mayor Ramsey for his review.

# 2. Letter to Loudoun County Recommending Joint Project Management

Further discussion of the meeting held with the County ensued; the issue of possible future boundary line adjustments at the Sheriff's Office Substation site, as well as combining the Franklin Park Trail Project with the Main Street Enhancement Project were discussed at that time. Councilperson Botsch made a motion to approve the letter from Town Administrator Nicholson to County Administrator Hemstreet regarding the combination of the Franklin Park Trail Project and the Main Street Project, during the construction phase; Vice-Mayor Graham seconded. Councilperson Botsch then made suggestions for changes to this letter, including the wording coordinated by a single contractor and engineering firm in the second line of the second paragraph, and the deletion of the wording as a result of the construction in the third line. Mayor Ramsey clarified the process for this, and the need for a Memorandum of Understanding between the localities; Town Attorney Gilmore recommended waiting for the County to review the letter prior to requesting the Memorandum. Discussion of the need for, and use of, a Memorandum of Understanding ensued. Mayor Ramsey reported that there is concern on the part of the County Staff regarding obtaining easements. There were no further suggested edits to the letter. A vote was then held; the motion was approved 5-0, with Councilperson Prack absent. The vote is recorded as follows:

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

Town Administrator Nicholson will mail the letter.

# 3. RHI Taps

Vice-Mayor Graham reported on this item, noting that the Utility Committee, in examining the number of taps at the subdivision, found a difference in the number of taps according to Town records versus Peed & Bortz records. The decision was made to go to RHI for their calculations on the number of taps; the Town is awaiting this information. Mayor Ramsey asked if there is any disconnect between the number of lots in the subdivision and the number of taps. Town Attorney Gilmore briefly explained the analysis conducted by Town Engineer Keith Lane, noting that 1,312 taps were identified. Mrs. Gilmore stated that the issue that remains unresolved is whether the recent purchases by KHovnanian and RHI have put them way over the number originally allotted, or slightly over. There was a brief discussion of allocation of remaining taps, as well as the subtraction of KHovnanian taps from RHI's allotment – which, it was noted, has been corrected. Mrs. Graham noted that Town Staff worked conscientiously to resolve that issue. Mayor Ramsey asked how a possible cut-off of taps would occur; Town Attorney Gilmore discussed what would occur if RHI/KHovnanian exceeds the allotted 1,312 taps. Vice-Mayor Graham reported that there will be further discussion of this issue. Mrs. Graham also reported that Mr. Lane is not expecting West Lake to come on-line for approximately six months. Mayor Ramsey noted that Council action on this issue is not required at this time. Discussion regarding possibly withholding occupancy permits ensued; it was decided to continue the discussion during the Executive Session, and then provide direction in this area to Town Administrator Nicholson. There was brief discussion of who the signatory should be, dependent upon the area and type of permit.

#### 4. Water Tank Maintenance Agreement

Vice-Mayor Graham noted that this issue was discussed exhaustively at the Utility Committee meeting. Mrs. Graham reported that Peed & Bortz compared two companies who provided proposals to complete this work; however, the Committee is not bringing any recommendation to the Council at this time. It was noted that Town Attorney Gilmore has received information from Sprint regarding connecting antennae to the tank with magnets, in lieu of constructing a corral, and that Town Engineer Lane will research this. Vice-Mayor Graham explained the two main issues at hand: cleaning of the tank, and attachment of cellular equipment. Town Attorney Gilmore elaborated upon the magnet versus corral options, noting that the representative of one of the companies vying to clean the tank is not in favor of the magnet option. Vice-Mayor Graham reported that the committee likely will make a

recommendation regarding cleaning in July. Councilperson Heston explained that a decision regarding attachment of cellular equipment will need to be made prior to the beginning of cleaning. Discussion ensued regarding making a determination as to who will provide the cleaning services, in order to begin the contractual process, and any possible reasons to wait on this work. There was also discussion of how the costs will be covered. Vice-Mayor Graham discussed the possibility of a quorum not being present at the July Town Council meeting and asked if a decision should be made at this evening's meeting, in light of that possibility. Council discussed which company to negotiate a contract with, in order to proceed with the cleaning, while deferring the construction of a cellular equipment corral. Vice-Mayor Graham then made a motion that the Round Hill Town Council approve Utility Service Company, Inc., to provide the tank cleaning at a total cost not to exceed \$407,728.00, over a period of ten years; Town Attorney Gilmore stated that it is Mayor Ramsey clarified the motion. uncertain that the Council can be bound to a ten-year contract. Discussion ensued of how to word the motion, and possible ramifications of the wording. Vice-Mayor Graham then presented the following revised motion: the Town Council authorizes the Town Administrator to enter negotiations with Utility Service Company for tank cleaning and maintenance; Councilperson Lyne seconded. Mayor Ramsey noted that this authorizes negotiations, but not the execution of the contract. A vote was then held; the motion was approved 5-0, with Councilperson Prack absent. The vote is recorded as follows:

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

#### IN RE: ACTION ITEMS

1. Approval of Minutes: May 15, 2014 Town Council Meeting

Councilperson Botsch made a motion that the Council approve the Round Hill Town Council regular meeting minutes for May 15, 2014; Councilperson Heston seconded the motion. The motion was approved by a vote of 5-0, with Councilperson Prack absent. The vote is recorded as follows:

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

#### 2. Resolution 2014-07 Budget Adoption

Mayor Ramsey and Town Attorney Gilmore explained the number of Council members needed to vote, in order to approve various budget items (e.g., a super majority is required in order to vote upon tax rates and fees). Vice-Mayor Graham then made a motion that the Town Council adopt Resolution 2014-07, adopting the 2014-2015 Budget; Councilperson Klipple seconded the motion. Councilperson Botsch asked about the amount budgeted for sidewalks; Town Administrator Nicholson explained that item. Mayor Ramsey noted that a budget adjustment may be made at a later date, if necessary. There was brief discussion of what happens if funds are not used by the end of the fiscal year. Following that, a voice vote was held; the motion was approved 5-0. Councilperson Prack was absent for the vote. The vote is recorded as follows:

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

#### 3. Resolution 2014-08 Tax Rate, Motor Vehicle, Zoning

Councilperson Botsch made a motion that the Council adopt the Resolution on Fiscal Year 2014-2015 Tax Rates, Motor Vehicle License Fees, and Land Use Application Fees – Resolution 2014-08; Councilperson Heston seconded the motion. There was no discussion of the motion. A voice vote was held; the motion was approved 5-0, with Councilperson Prack absent for the vote. The vote is recorded as follows:

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

# 4. Resolution 2014-09 Water and Sewer Rates - Ordinance Amendment

Vice-Mayor Graham made a motion that the Council adopt Resolution 2014-09, adopting amendments to Town Water Ordinance, Article V, Section 5, and Sewer Ordinance, Article VIII; Councilperson Klipple seconded the motion. A voice vote was held; the motion was approved 5-0, with Councilperson Prack absent for the vote. The vote is recorded as follows:

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

# 5. Resolution 2014-10 Appropriation

Councilperson Heston made a motion that we adopt Resolution 2014-10, to authorize appropriation for Fiscal Year 2014-2015; Councilperson Botsch seconded the motion. A voice vote was held; the motion was approved 5-0, with Councilperson Prack absent for the vote. The vote is recorded as follows:

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

# 6. Amendments to VML Governing Documents

Town Administrator Nicholson explained this item, noting that this is from VML and is a housekeeping action needed in order to comply with regulations. Mr. Nicholson pointed out that the first page is a summary of the changes being made. Mayor Ramsey asked if Staff recommends approval; Mr. Nicholson stated that they do, and that the deadline for this is July 1, 2014. Vice-Mayor Graham made a motion to approve the VML Member Agreement and By-Laws, as amended for Fiscal Year 2015; Councilperson Heston seconded the motion. A voice vote was held; the motion was approved 5-0, with Councilperson Prack absent for the vote. The vote is recorded as follows:

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

# 7. Amendments to Round Hill Subdivision and Land Development Ordinance

Town Attorney Gilmore briefly explained this item, noting that there have been changes to the State Code which necessitate this action. Mrs. Gilmore also explained that a Public Hearing will be required, and it was suggested that that hearing be held in September. In addition, if an application is received prior to the Public Hearing and vote, the state law will trump existing Town ordinances. Vice-Mayor Graham asked if the required Public Hearing will be held at the September Planning Commission meeting or Town Council meeting. decided to hold the Public Hearing at the Town Council meeting scheduled for September 18, 2014, at 7:30 p.m. Following this discussion, Vice-Mayor Graham made a motion that the Town Council and Planning Commission hold a Joint Public Hearing on September 18, 2014 at 7:30 p.m., for the purpose of hearing public comments on proposed amendments to The Town of Round Hill Subdivision and Land Development Ordinance, Article III, Sections 2.1, 2.2, 2.3, 2.4 and 2.5, the proposed amendments incorporate the 2014 General Assembly's revisions to the State Code regarding preliminary subdivision plats; the proposed amendments also conform to State Code, Title 15.1, references to Title 15.2 to reflect the 1977 recodification of Title 15.1 to Title 15.2; Councilperson Klipple seconded the motion. Town Attorney Gilmore explained the second portion of the motion. A vote was then held; the motion was approved 5-0, with Councilperson Prack absent. The vote is recorded as follows:

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

# 8. Plat Between Round Hill West, LLC and the Powers Thomas Family

Town Attorney Gilmore explained this item, noting that it is in regards to a plat approved by the Planning Commission and dealing with water line and sanitary sewer easements across the Round Hill West, LLC property, to the Thomas property. A motion is required to authorize the Mayor to accept the easements. Councilperson Lyne made a motion to authorize the Mayor to accept the Round Hill West utility easements; Councilperson Heston seconded the motion. A vote was held, with the motion approved 5-0; Councilperson Prack was absent for the vote. The vote is recorded as follows:

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

### **IN RE: REPORTS**

# 1. Town Administrator's Report

Town Administrator Nicholson discussed the photographs of the Hayman Lane project, which were included in his report. It was noted that the lot where the house was demolished has been graded and seeded. Mr. Nicholson also discussed the Eagle Scout project involving the sign at the Town Park, and encouraged Council Members to go and see the work accomplished there. The dates and times to hold the swearing in ceremony for re-elected Council Members and the Mayor were discussed; it was decided to hold this ceremony on June 24, 2014 at 6:30 p.m. Town Administrator Nicholson then asked for any questions. Councilperson Botsch asked for an update on the holiday tree at the Town Park; Town Administrator Nicholson reported that the Junior Women's Club has installed a Norway spruce. Councilperson Botsch also asked about the Little Library project; Town Administrator Nicholson provided an update to this project. Councilperson Heston asked for the status of the house at 17 Bridge Street; it was decided to discuss this item during the Executive Session.

#### 2. Zoning Administrator's Report

Vice-Mayor Graham noted that Council Members have the written report in their packets. Mrs. Graham reported on a discussion held with Drew Pearson regarding the application he will be submitting to put up a model home at Lake Ridge Estates. Vice-Mayor Graham also reported that Mr. Pearson's company would like input on street lighting and a proposed gateway sign. Town Administrator Nicholson reported that the meeting regarding these issues went well. Mayor Ramsey asked why a model home would require a special exception; Town Administrator Nicholson explained that the subdivision has not yet been approved, at this time it is simply a giant lot. Discussion of this issue ensued, with Town Attorney Gilmore reporting that a plat is under consideration, which they hope to present at the July Planning Commission meeting. There was discussion of access to the potential model home, as well as plat requirements for this subdivision.

#### 2. Mayor's Report

Mayor Ramsey noted that he has nothing further to report.

#### 3. Utility Committee

Vice-Mayor Graham noted that the Utility Committee report is before each Council Member. Mrs. Graham reported that the Committee discussed the following at their most recent meeting: water tower maintenance; the Ground Water Study (the Committee is happy with potential well sites identified by Emery & Garrett); the

Aquatic Center; the dam inspection (a report is not yet available); and Hayman Lane. Regarding the Aquatic Center, it was noted that no payment for availability has yet been made. Vice-Mayor Graham explained the amount of water the Town can supply to the pool and to the concession stand. Town Attorney Gilmore will send a letter to the County regarding this; in it she will note the amount of water which will be supplied by the Town for the pool and the concession stand. Vice-Mayor Graham reported that the Hayman Lane facility centrifuge is working spectacularly, and that Front Royal overpaid for the sludge press -- they are awaiting a resolution of that issue.

#### 5. Administration, Communications and Technology Committee

Councilperson Heston reported that Councilperson Lyne is working to identify a system to possibly replace LOGICS. Town Treasurer Wolford reported that she will attend a meeting of the Blue Ridge Users Group in Berryville next week, at which Southern Software will make a presentation. Councilperson Heston noted that several items were discussed and are included in the report in front of each Council Member. The next meeting will be held on August 4, 2014.

#### 6. Land Use Committee

Councilperson Botsch reported that the committee discussed several issues, updates were provided for the following: Sleeter Lake Park – a contract was approved for KDL to begin the engineering work, which will include a site plan and a topographical map; Town sidewalks – it was felt that the bid received for this work was too high, additional estimates will be obtained; improvement of the sign at the eastern entrance to the Town by the land owner (installation of plants); and that the holiday tree has been installed – the Women's Group was informed that, in the future, the tree may need to be replaced again as it will grow to be too tall. The next meeting will be held July 9, 2014 at 7:00 p.m.

# **IN RE: COUNCIL COMMENTS**

Councilperson Botsch reported that no problems were encountered related to the sale of alcohol at the Hometown Festival. Councilperson Klipple thanked those responsible for their work on the budget. Vice-Mayor Graham noted that the Hometown Festival Committee chairs met with Town Administrator Nicholson and Town Treasurer Wolford, and all thought the festival went well. Mrs. Graham noted that more volunteers are always needed. Vice-Mayor Graham asked if anyone will not be able to attend the July meeting; brief discussion of this ensued. Councilperson Lyne stated that he thought an awesome job was done on this year's Hometown Festival. Mayor Ramsey also discussed the Hometown Festival. Councilperson Botsch provided kudos to Town Administrator Nicholson and his daughter for their musical performance at the festival.

#### **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 purpose of the closed meeting is as follows: a) discussion or consideration of remediation of public nuisance real property and/or derelict building; b) consultation with legal counsel retained by the Town regarding specific legal matters related to dangerous properties requiring the provision of legal advice by counsel; c) discussion of the pending GEMRAM, LLC vs. Town Council case, and discussion of the interpretation of provisions of said decrees between Round Hill Investors/Oak Hill Properties and the Town. The following individuals are requested to attend the closed meeting: all Town Council members, Buster Nicholson, Town Administrator, and Maureen Gilmore, Town Attorney. Councilperson Klipple 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>	<b>VOTE</b>
Mary Anne Graham	Aye
R. Daniel Botsch	Aye
Janet L. Heston	Aye
Clarkson J. Klipple	Aye
Frederick Lyne	Aye
Christopher J. Prack	Absent

Mayor Ramsey called for a brief recess at 9:24 p.m., in order to clear the room.

#### IN RE: RESUME OPEN SESSION

The Town Council exited closed session at 10:36 p.m. with the following motions:

Motion to resume open session by Councilperson Graham, seconded by Councilperson Klipple; passed by a vote of 5-0, with Councilperson Prack absent for the vote. The vote is recorded thus:

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

Motion to certify no items discussed that were not exempt from open session by Councilperson Graham, seconded by Councilperson Klipple; passed by a vote of 5-0, with Councilperson Prack absent for the vote. The vote is recorded thus:

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

IN RE: MEETING ADJOURNMENT
The meeting was adjourned by Mayor Ramsey at 10:37 p.m.

Respectfully submitted,	
Scott T. Ramsey, Mayor	
Debra McDonald, Recording Secretary	