

**ROUND HILL TOWN COUNCIL
REGULAR MEETING MINUTES
June 25, 2012**

A regular meeting of the Round Hill Town Council was held in the Town Office, 23 Main Street, Round Hill, VA, on Monday, June 25, 2012.

Council Members Present

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

Others Present

Maureen Gilmore,
Town Attorney
Elizabeth Wolford,
Town Treasurer
Mrs. Carmen Chang
Miss Jeannie Chang

Council Members Absent

Christopher J. Prack

Staff Present

John Barkley, Town Administrator
Robert Kinsley, Town Planner/Zoning Administrator

IN RE: CALL TO ORDER

Mayor Ramsey called the meeting to order at 7:32 p.m.

IN RE: PLEDGE OF ALLEGIANCE

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

IN RE: COMMUNITY POLICING

Due to the absence of Deputy Cooper, there was no Community Policing report. However, Town Administrator Barkley reported that Commander Tate and Deputy Cooper have been dealing with issues in Lovettsville. Mayor Ramsey explained that Deputy Cooper's time is split between Round Hill and Lovettsville, and that he also serves on a SWAT team, so his time here may be limited.

IN RE: PUBLIC COMMENT

Mayor Ramsey opened the public comment portion of the meeting, asking that comments be limited to five minutes. Mrs. Carmen Chang, of 36107 Legend Drive, Round Hill, spoke briefly regarding a waiver of her January 2012 water and sewer bill. Mayor Ramsey noted that this item is on the agenda, and will be dealt with during the meeting.

There was no other Public Comment.

IN RE: APROVAL OF AGENDA

Vice-Mayor Graham made a motion that the Agenda be approved with the following additions: under Section VI, Business Items, add point number 3, Bills for Payment; after Section IX, Council Comments, add an Executive Session to discuss personnel matters. Councilperson Heston seconded the motion. Councilperson Botsch reiterated the additions to the Agenda for clarification. The Agenda was approved with a vote of 5-0, with the votes noted as follows:

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

IN RE: REQUEST FOR WATER/SEWER PAYMENT WAIVER

Mayor Ramsey noted that the Town has received e-mails from Mrs. Carmen Chang, and asked Town Administrator Barkley to summarize the situation for the Council. Town Administrator Barkley reported that Mrs. Carmen Chang and her daughter Jeannie are in attendance at this evening's meeting to request a waiver for the sewer portion of her November/December 2011 bill, which spiked to in excess of \$600.00 from a normal range of \$250.00 – \$300.00. Mr. Barkley noted that the Changs came to the Town Office in January and requested that the Town look into the situation. It was reported that Utility Staff checked the meter and found no malfunctions. Nathan, the lead water operator, visited the residence in late January/early February and noticed a trickling water leak, which seemed to be due to normal activities. Mr. Barkley also noted that Mrs. Chang has been working on this with Town Staff since January 2012; the bill was paid in February 2012; Mrs. Chang noted her concern regarding a late fee that was charged. Mr. Barkley reported that this has languished on his desk since mid-February, and apologized for the delay. He also reported that the Changs have done all they are required to do in

order to request a waiver from the Town Council. Three prior billing cycles were used to calculate the credit due. Mrs. Chang referenced three certified letters sent to the Town, which now are missing, and asked how that happened. Mr. Barkley noted they were disposed of after the bill was paid in February. Mayor Ramsey asked if these letters were included in her e-mails, so that Council Members would have copies for their reference. It was reported that they were. Mrs. Chang reported that she visited the Town Office several times regarding this, but felt Town Staff was unresponsive. Mrs. Chang noted that she spoke to Alan Wolverton of the Utility Department regarding this, and that he sent Nathan who replaced the meter. When Nathan checked the meter he noted an "error" message when no water was being run in the house. Mrs. Chang stated that she feels she set up the investigation, rather than the Town, and that she came to the Town Office several times regarding this matter. Mayor Ramsey apologized for this happening; he also explained issues that could cause an increased bill. Town Administrator Barkley noted the water meter was tested and was working fine/was certified. Vice-Mayor Graham asked Mrs. Chang why she didn't call a plumber; Mrs. Chang noted there was no leak/problem. Mayor Ramsey asked if her bill has been normal since this; she reported it has actually been lower. Councilperson Botsch asked what the refund amount would be; Mr. Barkley reported that it would be \$196.68. Councilperson Heston asked why the water bill payment was late. Mrs. Chang responded that she expected the issue to be resolved sooner. Vice-Mayor Graham noted how the Town Council has handled these types of concerns in the past. Mayor Ramsey noted that in this case, there is no explanation for the bill. Councilperson Theodore stated that she feels we should credit the account due to the "fiasco she has been through." Councilperson Heston feels we should stick to our policy due to lack of evidence regarding a leak, or we will be setting a precedent to make exceptions; Mayor Ramsey agreed this could be a "slippery slope." Mayor Ramsey noted the policy regarding usage versus proven leaks. Mrs. Chang's daughter, Jeannie, spoke regarding their problems in resolving this with the Town. Mayor Ramsey asked when Nathan was at their residence; it was reported that the date was January 25, 2012. At that time he replaced the meter and tested the old meter; no other investigation would have taken place after this. Mayor Ramsey asked if the Changs believe the problem was due to a meter malfunction and not due to a leak. The Mayor explained how the new meters differ from the older ones, and explained the Town's policy regarding a waiver and reimbursement. Councilperson Botsch noted three scenarios that could account for the discrepancy and noted that he agrees with the Mayor on not setting a precedent; however, he feels we should reimburse the Changs due to the mishandling of the situation by the Town. Vice-Mayor Graham noted other instances like this where a leak was found. Following this discussion, Councilperson Botsch moved that the Town of Round Hill waive the sewer portion of the Changs' bill as calculated by Town Staff and refund the amount of \$196.68; Councilperson Klipple seconded the motion. The motion carried by a vote of 3-2, with the votes being recorded thus:

<u>MEMBER</u>	<u>VOTE</u>
Mary Anne Graham	Nay
R. Daniel Botsch	Aye
Janet L. Heston	Nay
Clarkson J. Klipple	Aye
Christopher J. Prack	Absent
Jennifer Grafton Theodore	Aye

Following the vote, Mayor Ramsey directed Town Administrator Barkley to issue the reimbursement to the Changs.

IN RE: BUSINESS ITEMS

1. Town Park Pavilion Project

Town Administrator Barkley reported that construction on the pavilion is moving along. He reported on communication between Mayor Ramsey and Dave Bowers (the engineer) regarding the sidewalk, slab and lighting. Mr. Barkley reported that the site is fenced off to allow for other park activities to continue as usual. The frame is up and completion of the pavilion should be in early- to mid-August. Mr. Barkley noted that the Town will do its best not to interfere with the July 4th activities. Mayor Ramsey noted that the sidewalk site was supposed to be flagged, but has not yet been and asked if it will be. Town Administrator Barkley reported that it should be soon, and that he will follow up on this. Councilperson Heston asked about the application for payment, and if the Lien Release form was properly signed and notarized. She feels the check should not be released until the Lien Release is taken care of properly. Mayor Ramsey noted that this is a “bare bones” project – no benches, stage lighting, audio speakers, etc. are included in the budget; it will be possible to add these in the future. Vice-Mayor Graham noted that the Committee talked about buying risers, but it was cost prohibitive. Mayor Ramsey noted that it would take six to seven years to recoup the cost of the risers if they were purchased. Town Administrator Barkley reported that the power and water relocation is still uncertain. Mayor Ramsey reported that the power issue is dependent on Dominion Virginia Power, which has not yet made a decision. Mr. Barkley will get clarification on this issue from Dave Bowers and will e-mail this information to Council Members. Mayor Ramsey noted that the slab will be poured last, which will facilitate resolving the power line issue.

2. Main Street Enhancement Project

Town Administrator Barkley reported that \$371,000.00 in grant funds from the Commonwealth Transportation Board were awarded to the Town on June 20, 2012. It was reported that Town Staff will work with Dave Bowers and will come to the Land Use Committee regarding this. \$950,817.00 is the estimated cost for the entire project; Mayor Ramsey noted that 80% of that total is available from

grant funding. Mayor Ramsey reported that the Town has requested \$720,000.00 of this total amount from the State. Councilperson Heston asked who put the application together; it was reported that it was done by Town Planner/Zoning Administrator Kinsley and Dave Bowers. Councilperson Botsch reported that the Land Use Committee will begin work on this at their meeting next month. Mayor Ramsey asked if there has been an update on the Franklin Park Trail; Mr. Barkley reported there has not, and that he will speak to Lewis and will try to have an update on this project by the next Town Council meeting. Councilperson Botsch asked if construction of the Franklin Park Trail Project will begin in October 2013; Town Planner Kinsley noted that it will. Mayor Ramsey noted that the Main Street Enhancement Project construction will need to be aligned with construction of the Franklin Park Trail project.

3. Bills for Payment

Vice-Mayor Graham noted that she asked to have this item added to the Agenda, as she had a question about Utility Staff members being paid for their mileage home in the process of delivering samples to laboratories. Town Treasurer Wolford explained how this came about. Vice-Mayor Graham noted concerns regarding mileage reimbursements and wondered why Town Staff didn't question it earlier. Town Treasurer Wolford noted that she did question this the first time it occurred, six months ago. Mayor Ramsey noted that he feels the guidelines need to be clear, so Town Staff members know how to handle this. Councilperson Heston noted that she feels it is clear. Discussion ensued between Mayor Ramsey and Councilperson Heston regarding reimbursement policies at other places of business. Councilperson Heston asked why this wasn't brought to the attention of the Council sooner, as now the Town is over-budget for this item. Mayor Ramsey noted that this reimbursement policy is in line with government policy. Councilperson Botsch noted how the company he works for handles this issue, subtracting normal commuting mileage from mileage incurred for a delivery or other work-related purposes. Mayor Ramsey noted that it needs to be addressed in the Town's policy. Councilperson Heston noted that it is addressed in the existing policy, and that it was inappropriate that the issue was not handled sooner by the workers' supervisors. Councilperson Klipple noted that the Town would be paying for a town vehicle to deliver each sample, if it weren't being handled

this way, and that the costs could “be a wash for the Town.” Mayor Ramsey

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noted that the reimbursements have already been paid; there is nothing that can be done about them now. Mayor Ramsey directed Town Administrator Barkley to advise Town Staff to charge only mileage that is in addition to their regular commute mileage. Mayor Ramsey directed that Town Staff be advised that the Council was unhappy with this occurring. Councilperson Heston noted that Town Administrator Barkley charged mileage for the Hometown Festival and should not have. Mr. Barkley noted that he agrees and will not charge that mileage.

IN RE: ACTION ITEMS

1. Approval of Minutes

a. May 17, 2012 Town Council Meeting

Councilperson Heston noted that on page three, in the first paragraph, the seventh sentence from the bottom, the line reads “Supervisor Clarke *of* the Sheriff’s Office,” but should read “Supervisor Clarke *or* the Sheriff’s Office.” Town Attorney Gilmore noted that on page three, the second line from the bottom, it was reported that the Hayman Lane project will be “fully funded by the Town,” but should read that “the Town’s portion will be funded by the Town.” Mayor Ramsey asked how votes should be recorded in the minutes. Town Attorney Gilmore explained that there is no requirement under state code, but that it is a matter of preference. Town Attorney Gilmore noted that the vote tallies in the minutes should reflect absences. Vice-Mayor Graham asked about voting on the minutes if the person was absent; it was the consensus of the Council that that person should abstain. Following this discussion, Councilperson Heston made a motion to approve the minutes of the May 17, 2012 Town Council Meeting with the corrections noted; Councilperson Botsch seconded the motion. The minutes were approved by a vote of 3-0-2, with Vice-Mayor Graham and Councilperson Grafton Theodore abstaining. Councilperson Prack was absent for the vote. The votes are recorded as follows:

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

b. June 7, 2012 Public Hearings

Councilperson Heston noted that Megan Albright was in attendance for the Budget and B-1 Business District Text Amendments hearings, and that her name should be listed. Regarding the Public Hearing for the FY2013 Budget and

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Tax Rates, there were no additions or corrections. Regarding the Public Hearing for the B-1 Business District Text Amendments, the following additions/corrections were noted: Councilperson Klipple noted that on the second to last page, in the third paragraph from the bottom, the clauses regarding buffers should be reversed; also Councilperson Botsch noted that it was Mrs. Albright who asked when the B-1 document was available for public review, not Mr. Albright; Councilperson Botsch noted that, on the next page, Mr. Bishop's response to two questions regarding buffer zones were recorded; however, Councilperson Botsch didn't hear a response from Mr. Bishop regarding eliminating buffer zones – it was decided that Town Administrator Barkley would

check the tape recording regarding this discrepancy; Mayor Ramsey noted that in the fourth paragraph, on the next page, regarding Section 12.5, the word "expansion" should be replaced with the word "sharing" in two places; Town Administrator Barkley will also check the tape recording regarding this. There were no additions/corrections for the Public Hearing minutes dealing with Billing, Offenses – Miscellaneous, or Council Comments. It was decided to defer the vote on approval of the minutes of the Public Hearing on B-1 Business District Text Amendments to the next Town Council meeting, upon the discrepancies being resolved. With no further discussion, Councilperson Botsch moved that the minutes for the Public Hearings held on June 7, 2012 regarding the Proposed Budget/Tax Rates/Fees, Water Billing, and Town Code Chapter 15, "Offenses – Miscellaneous" be approved as amended; Vice-Mayor Graham seconded the motion. The motion carried by a vote of 4-0-1, with Councilperson Grafton Theodore abstaining, and Councilperson Prack absent. The votes were recorded as follows:

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

2. Adoption of FY 2013 Budget and Tax Rates

Mayor Ramsey asked if the Council Members desired to hear a summary from Town Administrator Barkley, or to proceed with the vote. It was the consensus of the Council Members to proceed with the vote. Mr. Barkley noted that an overview of the Budget and Tax Rates is included in each Council Member's packet. Mayor Ramsey advised the Council that the first vote would be to adopt the Budget, and the second vote would be to authorize the appropriation of funds for the next fiscal year. Councilperson Heston made a motion to adopt the FY 2013 Budget and Tax Rates; Councilperson Botsch seconded the motion. Councilperson Heston asked for clarification on the Water and Sewer Operating Budget Line Item 62, which Town Treasurer Wolford explained was originally in the CIP, then was moved following discussion. Mayor Ramsey asked if there was any further discussion. Councilperson Heston asked about the pool of money for salary increases – if not all of the pool is granted, does that skew the budget; with the concern being that the funds will be used for purposes other than those intended. Mayor Ramsey noted that it is not uncommon for there to be more money in a budget than that which is actually used. Town Treasurer Wolford reported that the money allotted for salaries may only be used for salaries; it cannot be moved to any other place in the budget. Councilperson Heston asked about Line Item 51 concerning cell phone costs, noting that the costs seem too low; Mayor Ramsey and Treasurer Wolford explained this. Following this discussion a voice vote was taken. The FY 2013 Budget and Tax Rates and Fees were approved by a vote of 5-0, with Councilperson Prack absent for the vote. The votes are recorded thus:

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

3. Resolution 2012-05: Fiscal Year 2013 Appropriation

Vice-Mayor Graham made a motion that the Council adopt **Resolution 2012-05** authorizing appropriation and expenditure for release of FY 2013 funds; Councilperson Botsch seconded the motion. There was no discussion. The Resolution was approved 5-0 by a voice vote, with the votes recorded as follows:

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

4. Water Ordinance Amendment, Article VI – “Billing”

Vice-Mayor Graham moved that the Town Council approve the amended **Water Ordinance, Article VI – “Billing;”** Councilperson Klipple seconded the motion.

Vice-Mayor Graham asked why the period for calculating bills was three to five months; which Town Attorney Gilmore explained is required by state code. Town Administrator Barkley noted that Town Treasurer Wolford will use a three month period for this calculation. There was no further discussion. The motion carried by a voice vote of 5-0, with Councilperson Prack absent for the vote. The votes are recorded as follows:

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

5. Town Code Amendment, Chapter 15, “Offenses – Miscellaneous”

Mayor Ramsey noted that this deals with restriction of delivery hours, and asked if business owners have been contacted regarding this; Town Administrator Barkley reported that only the grocery stores have been, and that they have no control over times of deliveries. It was noted that no “grandfathering” will occur in relation to this Ordinance. Councilperson Heston noted that she spoke with the grocery store owners, and the restaurant owner regarding this. Mayor Ramsey asked Town Attorney Gilmore if this includes delivery of newspapers, including home delivery. Discussion ensued regarding newspaper deliveries. Councilperson Botsch asked for clarification of who has been contacted. It was reported that the diner, gas station medical building and dentist have not been notified. Town Treasurer Welford reported that she attended the Business Association meeting regarding this and noted that those in attendance stated they would not be affected by this Ordinance, except for newspaper delivery. Councilperson Botsch asked if business owners were notified by letter prior to the Public Hearing regarding this; it was noted that they were not. Mayor Ramsey suggested that the Town Council and Town Staff engage the business community more on this issue. Councilperson Botsch noted that the Town could exempt newspaper deliveries; he also noted that we need to reach out to businesses regarding this. Councilperson Grafton Theodore asked how the Town could enforce or regulate this. Town Attorney Gilmore explained that a complaint from a resident would initiate a review. Mayor Ramsey noted that the Town could request records of deliveries from business owners. Town Attorney Gilmore reported that a complaint of this nature would be a misdemeanor, and would need to be settled in District Court. Ms. Gilmore was asked who else has this type of ordinance; she reported that Purcellville does. Mayor Ramsey asked how the ordinance would be enforced if there is no civil penalty. It was explained that the Town would have to go to District Court and swear out a warrant then take that person to court. Town Attorney Gilmore stated that the first course of action would be to go to the business owner and discuss a remedy for deliveries outside permissible hours. Councilperson Botsch suggested starting with the Ordinance, then see if it needs refinement as time goes on. He feels the Council needs more public input on this issue. Town Attorney Gilmore reported that, regarding Purcellville, she is uncertain if the delivery of newspapers comes under a special exception, or if the ordinance is simply ignored. It was also noted that there is more definition between business and residential districts in Purcellville. Vice-

Mayor Graham stated that she feels this is reasonable to enforce with new businesses; but not with existing businesses. Town Attorney Gilmore noted the problem with a separate set of rules. Following this discussion, Councilperson Botsch suggested tabling the issue, and talking with business owners. Mayor Ramsey referred this to the Land Use Committee.

6. Resolution 2012-06: Virginia Retirement System – Employer Contribution Rates for Counties, Cities, Towns, School Divisions and Other Political Subdivisions (In accordance with the 2012 Appropriation Act Item 468(H))

Mayor Ramsey asked if this was the employee contribution rate resolution; Town Administrator Barkley answered that it is not. Mr. Barkley reported that this is the resolution certifying the Town's contribution rate, with the choice between two rates which happen to be the same. It was reported that the employer contribution rate is 6.23%. Councilperson Heston asked for clarification between Resolution 2012-06 and Resolution 2012-07, which Mayor Ramsey explained. It was noted that the Town Council has not done this before; Town Treasurer Wolford explained why it is being done now. Councilperson Heston asked if this will need to be done in future years; Ms. Wolford stated that this will have to be done again next year. Following this discussion a voice vote was taken. Resolution 2012-06 was approved by a vote of 5-0; with Councilperson Prack was absent for the vote. The votes are recorded thus:

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

7. Resolution 2012-07: Virginia Retirement System – Member Contributions by Salary for Counties, Cities, Towns, School Divisions and Other Political Subdivisions (In accordance with Chapter 822 of the 2012 Acts of Assembly (SB 497))

Town Treasurer Welford explained the breakdown of the 5% total contribution and the employee and Town contribution percentages for future employees and for Plan 1 and Plan 2. Vice-Mayor Graham made a motion to approve **Resolution 2012-07: Virginia Retirement System – Member Contributions**;

Councilperson Heston seconded the motion. Mayor Ramsey explained that Plan 1 includes those employees who have been here a long time, Plan 2 includes those who have been here a shorter length of time, and Plan 3 would include those who are employed after July 1, 2012. Following this discussion, a voice vote was taken; the Resolution was approved by a vote of 5-0, with Councilperson Prack absent for the vote. The votes are recorded as follows:

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

8. Refuse Removal Contract Addendum

Town Administrator Barkley reported that this concerns the renewal of the contract with American Disposal Services , and includes a 1.5% rate increase with no fuel surcharge increase. Mr. Barkley suggested the Council approve the renewal if they are happy with the company's service. Vice-Mayor Graham made a motion to approve the **Refuse Removal Contract Addendum**; Councilperson Klipple seconded the motion. Councilperson Heston asked if the Addendum is all we have; and if there is any other legal form. Town Attorney Gilmore stated that this Addendum is legally binding, and that the actual contract was dated 2004. It was noted that the original contract has an option for two extensions after FY 2010. Town Attorney Gilmore noted that next year this contract could be put out for bid. Mayor Ramsey reported that the original contract was put out to bid by a block of towns, which enabled Round Hill to get a better rate. His feeling is that, if we do put this out to bid, we should do so with the same block of towns. Following this discussion, a vote was taken, with the Contract Addendum being approved. The vote was 5-0, with Councilperson Prack absent. The votes are recorded thus:

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

IN RE: REPORTS

1. Town Administrator's Report

Town Administrator Barkley noted that a copy of his report is provided in written form in each Council Member's packet. He reported on the Community Pig Roast to be held on July 4th in the Town Park, from 11:00 a.m. to 1:00 p.m. The event has garnered several sponsors. Mr. Barkley noted that they will try to fence

off the Pavilion construction site, but will also try to allow the public to see how it is progressing. Finally, it was reported that Hometown Festival t-shirts will be sold at this event. Mayor Ramsey reported that the food for the main course and dessert will be free; other foods will be for sale. Vice-Mayor Graham asked if anyone had spoken to the Sheriff's Office or Supervisor Clarke regarding the unexpected fee for police coverage for the Hometown Festival. Mayor Ramsey noted that he has not spoken to anyone; Town Administrator Barkley reported that he did mention it when he dropped off the check. Councilperson Heston asked for the status of the Town Office painting project. Town Administrator Barkley noted that he spoke with Joe Fleming (the painting contractor) and now has a written contract. The work will begin in July. Vice-Mayor Graham asked how the financial side of this will be handled, as the work was contracted in FY 2012, but will take place in FY 2013. Town Treasurer Welford reported that the cost of a project such as this usually comes out of the budget for the year in which it occurs. Councilperson Heston asked if the Town could use double-sided documents, for both cost savings and resource savings. Mr. Barkley stated that could be done. Town Administrator Barkley reported that the inspection was held at the Goose Creek water treatment plant, and that the plant ran for two to three hours. Bob Edelman, from the Virginia Department of Health, was there and was pleased with the test, as were the others in attendance. Another meeting was requested prior to Town Staff recommending the opening of this facility.

2. Town Planner/Zoning Administrator's Report

Town Planner/Zoning Administrator Kinsley noted that his report is provided in written form in each Council Member's packet. Mr. Kinsley reported that S&S Heating and Cooling will lease the site formerly occupied by Buhl Electric. Councilperson Heston noted a correction to the spelling of Pastor Jeffrey Witt's name in the report. Councilperson Botsch asked that dates be included on each bulleted item in the report. Mayor Ramsey reported that he had been advised that more construction is taking place on the Powers Thomas' property; he will check with his contact with the County regarding this. Councilperson Heston asked if graffiti was found on the Town's welcome sign; no one reported seeing any. Councilperson Heston also asked if the Town's public works employee has a schedule for his work, as some things are not being taken care of. Town Administrator Barkley noted that he will get an agreement on a schedule. The area around the sycamore tree at the east entrance to the Town was of special concern. It was reported that the public works employee was uncertain of who possesses the easement for that tract, and didn't want to encroach upon private property.

3. Mayor's Report

Mayor Ramsey reported that he attended a TANV meeting last week. In response to Vice-Mayor Graham's question, Mayor Ramsey explained that TANV is the Town Association of Northern Virginia. Mr. Ramsey noted that at the meeting there was some discussion of automated bill payment. It was also reported that Purcellville is going to monthly water/sewer billing, and that Middleburg is considering billing bi-monthly. The representatives of those towns reported that their customers like the more frequent billing cycles. Both Councilperson Heston and Vice-Mayor Graham noted that Round Hill used to bill on a monthly basis. It was reported that monthly billing costs more in postage, supplies and the cost of the employees doing the work. Mayor Ramsey noted that he was not making a recommendation, just passing the information along to the Council. Mayor Ramsey also discussed a situation in Fairfax County where some municipalities are suing the county over an ordinance passed that gives the county and the Fairfax Water Authority control over the rates levied on out-of-town customers. Mayor Ramsey reported that Falls Church put up their utility system for auction because of this; however, the auction was postponed due to

technicalities. He also reported that Lovettsville now has the highest water/sewer rates in western Loudoun for their out-of-town customers.

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Mayor Ramsey also reported that the Capital Improvement Project list includes the cross connection of a water pipe between Round Hill and Purcellville, suggested by Peed and Bortz. This would be used in the event of a problem with either system. Purcellville is ready to engage in discussions regarding this; Mayor Ramsey has asked the Town's Utility Staff and Peed and Bortz to be in dialog regarding this. Finally, Mayor Ramsey referenced a \$20,000.00 sidewalk replacement item in this year's budget; he will ask the Land Use Committee for recommendations on how best to use that money. Mayor Ramsey referenced the sidewalk on North Locust Street which wasn't repaired earlier due to the possible expansion of the Methodist church, with the suggestion that the Land Use Committee consider using the \$20,000.00 for that repair. There was also discussion of curb repairs being done by VDOT. Vice-Mayor Graham asked when the Special Exception for the expansion of the church will expire; discussion also ensued regarding the site plan and when it expires. It was noted that recent legislation by the General Assembly affects this.

4. Utility Committee

Vice-Mayor Graham reported on continuing problems with the sludge press. Prime Solutions has been given until July 20th to resolve the issues with the sludge press. Mrs. Graham noted that the company has been conscientious in working to resolve the problems; they have tried different polymers, with limited success. She will report further at the next Town Council meeting. Vice-Mayor Graham also reported that, thanks to Keith, the Town has received the additional money for the Hayman Lane project. Mayor Ramsey asked if the Town will

extend the July 20th deadline regarding the sludge press if no resolution is found, or will we take some form of action. Town Attorney Gilmore reported that the polymers being used barely gets the sludge to the standards needed to be accepted at the landfill; that the problem may require the installation of a new mixer. Vice-Mayor Graham asked if the cost of the mixer will be paid for by the Town or by Prime Solutions. Town Attorney Gilmore noted that any additional equipment should be the financial responsibility of the company. Vice-Mayor Graham asked when the warranty will run out; Town Attorney Gilmore answered that this may be discussed in the closed session to be held this evening.

5. Administration and Communications Committee

Councilperson Heston reported that at the meeting they received clarification from the Treasurer on BPOL, fees and licensing, and that they clarified some

misunderstandings of wording regarding water billing. Following this the committee went into Executive Session. Finally, Councilperson Heston noted that the committee will meet again on Monday, July 16, 2012.

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6. Land Use Committee

Councilperson Botsch reported that the committee held an Executive Session at the last meeting, and that most of the discussion in the open session was on the B-1 Business District Text Amendments. At their next meeting they will discuss Article VII and Chapter 15; Councilperson Botsch reported that they will reach out to businesses affected by Chapter 15 prior to their next meeting. They will address the sidewalk issue at their meeting next month. Finally, Councilperson Botsch reported that the committee will try to move their meetings to the evening, to allow for more public attendance.

IN RE: COUNCIL COMMENTS

Councilperson Botsch commented regarding the letters from Mrs. Chang, and the issue of requiring a bill to be paid-in-full before an appeal is heard. Discussion ensued regarding this among Council Members and Town Attorney Gilmore; with particular concern given to having consistency to the policy. Mayor Ramsey commented on the two week period before Town Staff responded, followed by another span of time where there was miscommunication between the Town and Mrs. Chang. Councilperson Klipple noted that the customer must pay up front before there can be any resolution of a disputed bill; he noted that the customer may be unable to pay up front, and that there is no guarantee they will be reimbursed for the sewer portion of the bill. Town Attorney Gilmore discussed some exceptions to the penalties imposed relating to the payment of disputed bills until the issue is resolved. Vice-Mayor Graham noted that the Council has discussed this previously and the issues were resolved; she feels this is being reopened unnecessarily. Discussion ensued regarding customers who habitually abuse the payment of their bills. Town Administrator Barkley discussed the history of the policy and suggested that the Council may want to look at the whole policy.

Mayor Ramsey noted that the policy was put in place to help Town Staff, and the Council has discretion in granting waivers. Councilperson Klipple noted that monthly billing would be an advantage in regards to this issue. Mayor Ramsey noted that Utility Staff could be directed to read the meters monthly, even if the Town doesn't bill monthly, in order to find higher water usages more quickly. Councilperson Botsch asked if it is just to charge someone a fee to appeal a bill before the dispute is resolved. Mayor Ramsey noted that, if the policy is unjust, the Council must give Town Staff guidelines to follow.

Following this discussion, Councilperson Heston reported that Councilperson Prack is out of I.C.U. and will be home on Wednesday. Mayor Ramsey directed Town Administrator Barkley to send get well flowers to Councilperson Prack. Councilperson Klipple had no further comments. Vice-Mayor Graham reported that she is trying to

resurrect the committee for Sleeter Lake Park, and will keep the Council informed and involved in the process. Mayor Ramsey noted that liability was a problem the last time this was attempted; he suggested Vice-Mayor Graham consult with the Town Attorney

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regarding this. Councilperson Grafton Theodore and Mayor Ramsey had no further comments.

IN RE: EXECUTIVE SESSION

Councilperson Heston moved that the Round Hill Town Council recess the regular meeting and convene a closed session for consultation with legal counsel regarding personnel issues and legal matters as authorized by Virginia Code 2.2-3711(a)7, with the following persons invited to attend: Town Council, Mayor, and the Town Attorney. Councilperson Botsch seconded the motion. The motion carried by a vote of 5-0, with Councilperson Prack absent for the vote. The votes recorded as follows:

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

The regular meeting was recessed at 10:50 p.m.

IN RE: EXIT EXECUTIVE SESSION/CERTIFICATION

At 12:35 am, Councilperson Heston made a motion to exit executive session and re-enter open session. Vice Mayor Graham seconded. All voted aye (Botsch, Heston, Klipple, Graham, Grafton). The motion carried by a vote of 5-0, with Councilperson Prack absent for the vote. The votes recorded as follows:

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

Councilperson Heston made a motion to certify that only those items lawfully exempted from open session and identified in the motion to enter executive session were discussed during executive session. Councilperson Klipple seconded.

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The motion carried by a vote of 5-0, with Councilperson Prack absent for the vote. The votes recorded as follows:

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

IN RE: ADJOURNMENT

No action or further discussion occurred during open session, and the meeting was adjourned at 12:36 am.

Scott T. Ramsey, Mayor

Debra McDonald, Recording Secretary