

**ROUND HILL TOWN COUNCIL
REGULAR MEETING MINUTES
March 17, 2016**

A regular meeting of the Round Hill Town Council was held in the Town Office, 23 Main Street, Round Hill, Virginia, on Thursday, March 17, 2016, at 7:30 p.m.

Council Members Present

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

Council Members Absent

Frederick J. Lyne

Staff Members Present

Buster Nicholson, Town Administrator
Melissa Hynes, Town Planner/Zoning Administrator
Elizabeth Wolford, Town Treasurer
Kimberly McGaha, Town Clerk
Alan Wolverton, Utility Department
Marty Feltner, Utility Department

Others Present

Maureen Gilmore, Town Attorney
Clinton Chapman
Deputy Matthew Moats, Loudoun County Sheriff's Office
Beth Erickson

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: PUBLIC COMMENT

There was no Public Comment.

IN RE: APPROVAL OR AMENDMENT OF AGENDA

Vice-Mayor Graham moved **that the Agenda be approved with the following addition: discussion of the corral to be included in Action Item #5 – T-Mobile Cell Contract.** Councilperson Botsch stated that he wished to suggest a change also, and asked if a second to the motion would be required prior to his amendment; Mayor Ramsey called for a second to the motion, provided by Councilperson Heston. Town Attorney Gilmore then recommended that all amendments be made prior to any action on the motion. Mayor Ramsey asked Councilperson Botsch for his amendment; Mr. Botsch requested that Business Item #3 – Comprehensive Plan Market Assessment be moved to Item #6 under Action Items. Discussion ensued regarding if the T-Mobile Cell Contract/Corral should be listed as a Business Item or an Action Item; it was decided to move this to Business Items. Mayor Ramsey then called for a motion which would reflect these changes; Vice-Mayor Graham so moved and Councilperson Heston seconded. There was no further discussion. A vote was then held; the motion was approved 5-0, with Councilperson Lyne 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	Aye
Frederick J. Lyne	Absent

IN RE: BUSINESS ITEMS

1. Virginia Artisan Trail

Town Planner/Zoning Administrator Hynes introduced Beth Erickson, President and CEO of Visit Loudoun, who made the presentation regarding the Virginia Artisan Trail. Ms. Erickson began her presentation by referencing items included in Council Members' packets which, she noted, will help provide an understanding of this topic. Ms. Erickson explained that her group was contacted last summer and asked to provide assistance in bringing artists together to facilitate marketing Loudoun County as an artisan destination. Ms. Erickson presented some of the ideas which came out of those meetings, and which were broken down into short-term, mid-term and long-term goals. The short-term goals included creation of an on-line calendar of events, and facilitating branding the County as an arts destination. Ms. Erickson also noted that a survey of artisans in the County found that many felt they were not "tied together." The Artisan Trail of Virginia, a state-wide program which has been in existence for approximately eight to ten years, and which is

similar to the Civil War Trails program, was chosen as a vehicle by which to interconnect artists in the County. Ms. Erickson explained that participation in this program allowed for creation of a website and a printed map; various artistic forms found in the County are listed on the reverse side of the map, with particular attention paid to the “handcraft movement” – which includes producers of culinary products from a farm-based standpoint. It was also noted that any lodging facilities included in the Trail have to be either bed and breakfast inns or independent hotels. Additionally, restaurants included have to show arts, provide gallery space, or promote the arts in some fashion. Ms. Erickson noted that the committee researching this program is very excited to launch this endeavor; the cost to do so is \$26,000.00. For the last three months, Ms. Erickson explained, the committee has been making a concerted effort to meet with elected bodies in order to present the program and ask for participation by County’s municipalities. A breakdown of how municipalities would come on-board was provided, and communities which have already pledged support were listed. Ms. Erickson noted that the fundraising has gone well, and that, in communities where this has been presented, it has been met with good support. Ms. Erickson then referenced the letter included in Council Members’ packets, by which the committee is asking for Round Hill’s support of this program; they are asking for a partnership in the amount of \$1,000.00. Ms. Erickson explained that the first step in the process is the raising of 50% of the funding; once that amount (\$12,500.00) has been secured the Artisan Center comes in and begins holding charrettes and public hearings, and puts everything in place to facilitate participation by the local artists. Ms. Erickson further explained that this is a vetted process, and that artists would contribute \$35.00 to \$45.00 each in order to participate. It is believed that it will take from twelve to eighteen months for full development of the program. Ms. Erickson noted that participation in this program is something, from the arts standpoint, which is of interest to Round Hill’s Comprehensive Plan. Ms. Erickson noted that she would be happy to answer any questions. Councilperson Heston asked if this is a one-time need, in order to get the program going; Ms. Erickson stated that it is, and explained costs covered by this funding – including engaging a manager to facilitate the program, producing maps and digital information, and conducting public relations campaigns in order to connect throughout the Commonwealth. It was also noted that, going forward, artists would pay an annual fee to participate in the program. Councilperson Heston asked if that annual fee would be enough to sustain the program; Ms. Erickson noted that it would be, until the group would need to reprint – then a grant process would be investigated, in order to provide funding. Mayor Ramsey asked, if Round Hill would decide to participate, to whom the donation would be given; Ms. Erickson stated that Visit Loudoun is acting as the fiscal agent, so the donation would go to them. Mayor Ramsey stated that Round Hill participates, on a yearly basis, in the Virginia Commission of Arts, a grant program in which Round Hill contributes \$5,000.00 with a matching contribution by the State. Mr. Ramsey suggested the possibility that funding for the Virginia Artisan Trail program could be drawn from that donation, and asked that this be

investigated by Town Staff. Ms. Erickson reported that this program will also receive funding from the Virginia Tourism Corporation, and noted that support from municipalities and from sources in the Commonwealth presents a concerted effort to ensure baseline funding for these types of programs. Ms. Erickson stated that Mayor Ramsey's proposal is a great suggestion, and that she would like to follow-up on that. There were no further questions for Ms. Erickson, who stated that she will leave a copy of the map. Ms. Erickson thanked the Council for its time; Council thanked Ms. Erickson for her presentation. Mayor Ramsey suggested that Ms. Erickson check back with the Town on about two months, noting that Council and Staff are currently in the budget preparation process. Town Planner/Zoning Administrator Hynes explained that she invited Ms. Erickson to attend this evening's meeting for both her involvement in the Virginia Artisan Trail program, and for her expertise on the Airbnb legislation. Mayor Ramsey asked to clarify whether or not that legislation had been signed; it was reported that it has been deferred. Ms. Erickson reported that, in western Loudoun County, there are 127 traditional bed and breakfast units; this is equal to, or larger than, nine of the County's traditional hotels. Ms. Erickson stated that the shared economy is here to stay, thus Airbnb's are not going to go away. It was reported that there are currently, in the County and its municipalities, nearly 500 Airbnb units; those units can accommodate any number from two occupants up to a full house. Therefore, this use accounts for a large part of the inventory in Loudoun County. Loudoun County has just over 5,000 hotel rooms; therefore, this use accounts for approximately 10% of the available accommodations. Airbnb units are not traceable – no information is provided regarding the number of occupants, or for how many nights those occupants are being house. Ms. Erickson noted that this information garnered the attention of the Board of Supervisors, who did not support the legislation. Ms. Erickson also reported that this issue appeared very quickly; thus the decision was made to take the appropriate time for study. Ms. Erickson noted that the two requests made of the State are to study this issue, and to ensure that it is equitable -- including the areas of tax collection/distribution and safety/fire regulations. Ms. Erickson again thanked the Council. Mayor Ramsey noted that this issue will be reviewed during the budget discussions.

2. State Legislative Update

Town Attorney Gilmore presented this item, referencing a memo sent to Council. Ms. Gilmore further explained the Airbnb legislation being considered, noting that it does not allow for regulation by the locality, aside from the requirement to carry \$500,000.00 of liability insurance, that no BPOL taxes are collected, and that any taxes which are collected go to the State with no formula provided for distribution of that revenue. Vice-Mayor Graham asked why the legislation was written in this manner, with the lack of restrictions; Town Attorney Gilmore explained that, in Virginia, it is difficult to understand how legislation is originated and that the State has not had a good history in this area. Ms.

Gilmore further explained that, frequently, legislation such as this arises from a local occurrence; and that, in this instance, little consideration was given to the impact of the legislation. Town Attorney Gilmore then turned to discussion of the Residential Rezoning Proffer bill, noting that many towns sent letters to the Governor; unfortunately, Ms. Gilmore reported, these letters did not persuade the Governor to veto the bill. This bill will become law on July 1, 2016. Town Attorney Gilmore stated that the legislation is an unfortunately-worded bill, for both localities and people, and, ultimately, for developers. Ms. Gilmore noted that the bill does state that a locality cannot deny a residential rezoning on the basis of lack of proffers, and stated that Mayor Ramsey may be correct in his assumption that the law will backfire. Mayor Ramsey noted that he has not yet read any changes made to the bill, however, as the bill was originally worded, it would make it necessary to direct governing entities in the towns to cease any communication with applicants – the application may be put forward via staff, but there would not be any conversation and “give and take” regarding the community’s goals. Mayor Ramsey provided the example of the proposed commuter lot, explaining how conversations surrounding that project could be misconstrued and could place the burden of proof that this is an “unreasonable” proffer request on the Town. Town Attorney Gilmore noted that Mayor Ramsey stated the issue very well, and reported that VML and VACO tried to explain this to the General Assembly. Ms. Gilmore further explained that this bill could erode the legislative discretion which has been preserved over the years in Virginia; additionally, it removes the presumption of correctness in a residential rezoning if proffers are involved. Town Attorney Gilmore read the section of the legislation regarding the request or acceptance of an unreasonable proffer. That section reads as follows: “No locality shall request or accept any unreasonable proffer, in connection with the rezoning, or proffer condition amendment, as a condition of approval of new residential development, or, deny any rezoning application or proffer condition amendment, where such denial is based in whole or in part on an applicant’s failure or refusal to submit an unreasonable proffer or proffer condition amendment.” Additionally, Ms. Gilmore continued, “unreasonable” is defined/described thus: “It is unreasonable, unless it addresses an impact that is specifically attributable to a proposed new residential development, or other new residential use; it is unreasonable, unless it addresses an impact to an off-site public facility, such that the new residential development creates a need, or an identifiable portion of a need, for whatever public facility improvements, in excess of existing public facility capacity, and, each new residential development or residential use, must receive a direct and material benefit from a proffer made with respect to any such public facility improvements.” Town Attorney Gilmore noted the difficulty in how a direct impact may be measured. Mayor Ramsey provided the example of the Town’s use of transportation proffers provided by the developer of the Lake Ridge subdivision for the Main Street Enhancement Project, and noted that, according to this legislation, that could not be done due to the physical distance between Lake Ridge and Main Street. Mayor

Ramsey further noted that, due to the impact of the legislation, a developer requesting a rezoning would likely be denied, and the Town would utilize its base zoning instead. Town Attorney Gilmore pointed out that this legislation applies only to the rezoning of residential properties; however, Ms. Gilmore noted, it is still uncertain how this may apply to mixed-use development, which is a very popular planning model. At present, commercial properties are not affected by this law, but there is little guidance regarding the application of proffers for commercial in a mixed-use situation. Mayor Ramsey stated his belief that this makes it impossible to engage in any kind of proffer proposal or discussion. Town Attorney Gilmore also spoke to the possibility of a locality's officials being deposed in any court action which may occur, without the benefit of the previously held principle that a witness is allowed discretion in his/her decision making. Councilperson Botsch asked to clarify if an elected official is allowed to ask questions in an open meeting; Town Attorney Gilmore and Mayor Ramsey stated that it would be best not to, as any discussion could be construed as an unreasonable proffer request. Town Attorney Gilmore provided an example of a court case where the statements of a Planning Commissioner in an open meeting were used in the lawsuit. Mayor Ramsey asked to clarify legislative discretion, wondering if it is a common law principle, or if it is actually included in the State Constitution; Town Attorney Gilmore stated that it is a common law principle, and provided historic background. Mayor Ramsey stated that clear statutory language can trump common law; Town Attorney Gilmore agreed with this statement. Mayor Ramsey noted that, in the case of residential rezonings, his recommendation is that Town officials employ the "gag rule;" listen to applicants at meetings, but have no interaction with them. Town Staff may interact with applicants; however, officials should not interact with Town Staff, either. Vice-Mayor Graham asked if the proffer of a school in a development would be unreasonable; Town Attorney Gilmore noted that there is a risk that it could be deemed unreasonable. Mayor Ramsey stated that any potential proffer of a well site could be deemed unreasonable, as the Town currently has enough water capacity. Town Attorney Gilmore noted her concern that the interpretation of this legislation by the courts could affect towns, which have water and sewer plants, in their ability to require that a developer install the infrastructure to access the town's water/sewer. Mayor Ramsey noted his surprise that this legislation was signed by the Governor; Town Attorney Gilmore noted that a very strong lobby supported this legislation. Town Attorney Gilmore then presented legislation regarding Water and Sewer Accounts, which passed during this session of the General Assembly, as well. Ms. Gilmore noted that VML tried to defeat this legislation; however, there was not much public discussion regarding the bill. It was noted that this bill also arose in response to a local issue, regarding a lien placed on a property where a tenant did not pay a water bill. Town Attorney Gilmore explained that, under this legislation, the time in which action is required (either payment of the bill, or discontinuation of service) has been shortened; additionally, the bill requires that sewer service, for sewer-only customers, be discontinued – it is unknown how a municipality

would do so, and if any potential public health issues could arise. Town Attorney Gilmore briefly addressed the issue of Round Hill's every-other-month billing cycle, noting that Round Hill would need to accelerate its work on delinquencies. Under the current system, a tenant could be out of a property for up to three months before that fact and any delinquency may be known. Town Attorney Gilmore noted that the Chair of the Utility Committee asked if it would be wise to go to a monthly billing cycle; Ms. Gilmore suggested that the Town may want to revisit this, noting that the discontinuation of service must occur in a sixty day time frame, after which the municipality may not pursue a lien. Mayor Ramsey asked if a locality is allowed to pursue a delinquency by other means, if the sixty day limit is not met; Town Attorney Gilmore stated that other means may still be taken. It was noted that the impetus for this legislation was likely the case of a landlord who had a lien placed on his property; these changes, and changes from three years ago, have been geared toward landlords, who were previously liable for delinquent tenant accounts. Vice-Mayor Graham explained that the Utility Committee will take up this issue. Town Attorney Gilmore and Mayor Ramsey noted that this legislation now allows County inspectors to exceed their authority. Town Attorney Gilmore reported that all FOIA legislation failed. Discussion of a court ruling related to this ensued, with Ms. Gilmore recommending that all Town business be conducted using only Town e-mail accounts. Mayor Ramsey noted that, now, entire documents may be withheld, rather than redacted, if part of the document is exempt from FOIA. Town Attorney Gilmore also reported that legislation regarding conflict of interest failed, as it required the listing of the names of everyone who ever gave any amount (regardless of the size of the donation). Town Attorney Gilmore provided a statement from a State senator from this area regarding the proffer bill.

IN RE: PUBLIC COMMENT

As the Community Police Officer had arrived, this portion of the meeting was reopened in order that his report could be presented. Deputy Moats noted that it has been fairly quiet in Round Hill, and stated that he wants to make himself available to anyone who has any questions or concerns. Mayor Ramsey thanked Deputy Moats.

IN RE: BUSINESS ITEMS (continued)

3. Utility Budget

The Utility Fund Operating Budget for FY2017 was reviewed, with changes from the previous discussion of this section of the budget highlighted, per consensus decision of the Council. Various line items which have been increased were discussed, including Lines 14, 15 and 21; reasons for the increases were presented by Staff and various Council Members. Mayor Ramsey asked if a revised version of the revenue projections has been prepared; it was noted that it has been, and will be sent to Council Members via e-mail. Mayor Ramsey asked if the numbers for fiscal years 2014 and 2015 have been corrected,

in this version; it was noted that they have. Vice-Mayor Graham explained that salaries have been changed according to recommendations made by the Town Council and by the Administration, Communications & Technology Committee. Councilperson Heston asked if Line Item 27 is being reduced; it was noted that it is, due to removal of a hoist – the correct figure for the Item was provided. In response to a question from Councilperson Heston, it was also noted that the Line Item regarding Staff Support has been moved to Page 4, Line Item 89. Town Administrator Nicholson noted that a supplemental sheet has been included, which delineates the allocation of hours for the Town Billing Administrator and the Town Clerk; Mr. Nicholson and Town Treasurer Wolford elaborated upon changes to this, due to duties covered by both under both the General Fund and the Utility Fund sides of the budget. Mr. Nicholson provided the percentage amounts for this coverage. Councilperson Botsch asked about the 20% General Fund figure attached to the Maintenance Operator category; it was noted that this is included because the employee referenced performs maintenance at the Town Office, in addition to his regular Utility Staff duties. Mayor Ramsey noted that there is a substantial increase reflected in the transfer amount, and asked for the reason for this increase; Town Administrator Nicholson stated that that is because adjustments were made to the percentages and a clerk is being added. Mayor Ramsey asked if categories have been added; it was noted that no categories have been added. Town Treasurer Wolford stated that this is an estimate, as the General Fund Expenditures have not yet been done. Mayor Ramsey asked about the last line item under General Fund – Water and Sewer Operating Expenses, which covers Cell Tower Maintenance, noting that he did not remember seeing that item previously in this portion of the budget; Town Treasurer Wolford explained that this refers to the cellular towers located on the Town's water tower. Ms. Wolford further explained that cell tower revenues go into the General Fund. Mayor Ramsey asked to clarify that this deals only with maintenance, and does not reflect bills for provision of electricity; it was noted that that is correct. Mayor Ramsey then asked where the costs for electricity are reflected in the budget; Town Treasurer Wolford stated that that is included in the line item in the Utility Fund for the electric bill, under Well Maintenance. Discussion ensued regarding the cost of electricity at the water tower, and if there is a way to determine how much of that cost is attributable to the cell towers, so that costs may be more correctly allocated. Utility Staff will investigate how electricity costs are being allocated, to ensure that the cellular carriers are paying for their own electricity costs. There was further discussion of the salary sheet and the percentages assigned to each employee, with Councilperson Botsch asking how close the original estimates were to the figures reflected, and if there is information available regarding the impact thus far this year to salary and benefits growth, based on changes made. Councilperson Heston stated that Council would like to know salaries for this year, and the proposals for next year. Mayor Ramsey asked to clarify that Council wishes to know all salaries for both General and Utility; Councilperson Heston stated that Council wishes to have the information for the General Fund. Mayor Ramsey noted that

the transfer will figure into this total, as well. Councilpersons Heston and Botsch explained that they would like to ascertain the bottom line figure, so they can understand the impact of changes made. Town Administrator Nicholson explained that, for the purposes of discussion at this meeting, Staff concentrated on the Utility Budget; the General Fund will be discussed at the next meeting. Vice-Mayor Graham noted a word change previously requested for Line Item 60 (*bonus* to *license*); Town Treasurer Wolford clarified that that change should be made to all budget documents. Councilperson Heston asked about the line referencing Direct Deposit; Town Treasurer Wolford stated that it was not included, on the advice of the Town's auditor. Councilperson Heston referenced Line Item 69 – Engineering Support, which was moved and which requires a footnote; Town Administrator Nicholson asked for advice on how he should break down this item, and explained that it is difficult to judge the exact amount needed for this category. It was decided to revisit this issue at a later meeting. Various other categories in the Utility Budget were discussed, including *Fleet Maintenance*, *Gas and Oil*, and *Building/Grounds Maintenance*. In relation to this, Town Administrator Nicholson reported that the Town will be selling some excess equipment. A question was raised regarding where in the expenditures the cost of mowing is reflected, as well as how this cost is divided into payments; there was also a question regarding the total amount charged and if the Town is over-paying, which the Town Administrator and the Town Treasurer will investigate. The amount included in Line Item 90, *Retiree Health Insurance Coverage* was discussed; it was determined that it should be changed. Finally, changes to dates in this document were provided by the Town Treasurer.

The Utility Fund Capital Improvement Fund Budget was discussed next, with Mayor Ramsey noting that the *Sewer Availability Fees – Consent Decree* Line Item should be increased by 1%; it was noted that the developer owes approximately 43 connections. Discussion ensued regarding this topic, with Mayor Ramsey stating that he plans to schedule a meeting; Mr. Ramsey stated that either he or Town Attorney Gilmore will meet with this developer. Vice-Mayor Graham asked how many houses are reflected in the Availability Fees Line Item; it was reported that this reflects five houses. Various developments under construction were discussed, with attention paid to the Availability Fees/connections available for each. The sub-category *Sale of Equipment/Supplies*, under Line Item 4 was discussed, with it decided to include \$10,000.00 in this line item. Funding for well exploration was discussed. Additionally, Line Items 9 and 10 were discussed as well; these deal with pumps at the waste water treatment plant and at the Route 719 lift station, and includes a provision for keeping these facilities running in the event of a pump failure. Line Item 11, *Well Connection (Well 22A)*, was reviewed next, with Town Administrator Nicholson explaining that this well will be put into treatment, in order to begin the process of eventually putting all wells into treatment. Discussion ensued regarding problems which are occurring with existing green sand filters, as well as other

scenarios regarding treatment of water from the wells. Town Administrator Nicholson explained that the eventual goal with the wells is to bring everything to a site on the civic lot. Mayor Ramsey asked to clarify that, in order for this to occur, a green sand filter would be needed in that building; Utility Staff stated that that is correct. Vice-Mayor Graham asked to clarify Town Engineer Lane's comments regarding the green sand filters; it was noted that they are coming to the end of their life span and will need to be shut down. Mayor Ramsey asked Staff to provide a comparison of the costs of refurbishing the existing filters versus construction of a new treatment plant. Mr. Ramsey further stated that the goal is to treat the wells, if the costs of doing so are reasonable. Town Administrator Nicholson asked for guidance regarding how this comparison should be conducted; Mayor Ramsey suggested that all information be gathered, and then be debated at Utility Committee meetings. Mayor Ramsey further explained that construction of a new treatment plant cannot be included in the fiscal year 2017 budget, but it should be investigated for the future. Discussion then moved to Line Item 12, *Well Rehab*, with it being noted that the Route 719 well house has been removed from the budget, and that the large reservoir will be sold. Town Administrator Nicholson further stated that one well will be tested, at the outset; if there is substantial gain the program will be expanded. There was also discussion regarding if Line Item 12 should be moved from the CIP to the Operating Budget; it was decided to move this to the Operating Budget. Town Administrator Nicholson explained that the total in Line Item 14 is high, as it is uncertain what action the County will take regarding the Southern Water Tank. Mr. Wolverton explained that Line Item 15, *Utility Equipment Building*, concerns the construction of a building at the waste water treatment plan for storage of equipment; additionally, Mr. Wolverton explained, if this goes forward the trailer at that site can be removed. Line Item 16, *4x4 Truck with Snowplow*, was discussed; it was explained that, recently, two Town trucks have been sold and not replaced, and that this line item is for purchase of one additional truck. Furthermore, it was noted, this equipment would allow Utility Staff access to their facilities during snowstorms, as well as allow for access to buildings in Town in the event of an emergency during a snowstorm. This item generated much discussion, due to the cost of the equipment; Mr. Wolverton explained that he will be attending training on obtaining State funding for such items. Concern was expressed by Council about the cost of this item added to the cost of the storage building requested; it was decided to table any action on this until it could be discussed further. Line Item 17, *SCADA*, was discussed next, with Town Administrator Nicholson explaining that this deals with the addition of a VHF radio and its licensing, which has been recommended by Town Engineers. Mr. Nicholson provided specifics regarding the wattage of this radio; Utility Staff provided specifics regarding the placement of an antenna for the radio, and provision of service for this new equipment. Mr. Wolverton explained that all existing equipment will be tested, particularly in regards to interference which is currently happening, prior to the possible purchase of new equipment. There was no further discussion of the Utility

Fund Budget. Council thanked Mr. Wolverton and Mr. Feltner for attending this evening's meeting.

Mayor Ramsey called for a five minute recess. The meeting was called to order following this recess at 10:30 p.m.

4. Cell Corral

Mayor Ramsey reported that both the Utility Committee and the Administration Committee discussed the possibility of installing a corral on the water tower for containment of cellular equipment; it was the consensus of the Committees not to move forward with this project, but rather to reinstall equipment on existing points. Mayor Ramsey further stated that, if the corral is not installed at this time, it will not be possible to do so in the future, and it would mean that there will not be room on the tower for additional carriers. Councilperson Botsch asked if the \$40,000.00 figure quoted is the total cost of the corral; Mayor Ramsey explained that it is one-third of the cost. Councilperson Heston explained that the third cellular carrier has not yet signed its contract, therefore, there may be only two carriers to pay the cost of the corral; also, this third carrier is presently six months behind in signing contract to the Town. Councilperson Klipple noted that there is room for three carriers, without the corral. Mayor Ramsey additionally reported that the farm behind the water tower has applied in the past to erect a monopole; if the owner exercises this option again and is approved by the County, this would represent competition for the Town. Discussion ensued regarding the reason a corral could not be installed in the future, with Mayor Ramsey noting that the carriers may not be willing to pay to remove and then reinstall their equipment, following the painting of the tower. Town Administrator Nicholson provided a breakdown of the costs, and details of the issues, surrounding this potential project. Mayor Ramsey explained that he believes the decision made by the Committees is reasonable, but that he wants the Council to understand that this may be the Town's only opportunity to build the corral. Further discussion of costs, and funding for equipment belonging to the Town and located on the water tower, ensued, with Mayor Ramsey reporting that T-Mobile agreed to the cost increase only if the corral is installed; therefore, the Council's decision on this issue should be contingent upon T-Mobile signing its contract. Vice-Mayor Graham asked is it would be appropriate to put forward a motion; Mayor Ramsey stated that he would entertain a motion. Councilperson Botsch asked if it is necessary to make a decision at this evening's meeting; it was noted that it is not. Councilperson Botsch expressed his concern regarding making this decision this evening, due to the late hour and to concern that the numbers under discussion may not be correct; Mr. Botsch suggested that this could be voted on at a later meeting. Mayor Ramsey stated that the issue may be revisited, even if a motion is made this evening. Vice-Mayor Graham then made a motion **that we authorize the Town Administrator to proceed with the corral, on the contingency that T-Mobile signs its contract;**

Councilperson Prack seconded the motion. Councilperson Klipple asked to clarify that anything the Town pays comes from the General Fund; it was noted that that is correct, with Mayor Ramsey explaining that the water tower is owned by the Utility System, but that rental income from it goes into the General Fund. Mayor Ramsey also sought to clarify that the Town/General Fund/Utility Fund are accounting tools for a singular entity. Mr. Ramsey also reported that costs associated with the corral are paid from the General Fund. Vice-Mayor Graham explained that, initially, she was against this due to SCADA issues, but that further discussion by the Utility Staff caused her to change her mind. There was no further discussion of the motion. A vote was then held; the motion was approved 4-1, with Councilperson Heston voting no and Councilperson Lyne absent. The vote is recorded as follows:

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

IN RE: ACTION ITEMS

1. Approval of Minutes: February 18, 2016 Town Council Meeting

Councilperson Heston noted the following corrections: *Martha Mason Semmes* should be hyphenated, to read *Martha Mason-Semmes*; also, on page ten, in the fifth line, under "Utility Committee," it stated that the Committee suggested that the Town take that spot, however, it was Brad Brown who made that suggestion. Vice-Mayor Graham noted the following correction: on page seven, in line two, *Savoir Fare* is misspelled. There were no further corrections. Vice-Mayor Graham then moved **that the minutes be approved, as amended**; Councilperson Heston seconded the motion. There was no discussion of the motion. A vote was held; the motion was approved 5-0, with Councilperson Lyne 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	Aye
Frederick J. Lyne	Absent

2. Resolution 2016-03 – Appointment Temporary Zoning Administrator

Councilperson Heston made a motion **that we accept Resolution 2016-03, as contained in Town Council packets, to appoint an Interim Zoning Administrator for the Town of Round Hill**; Councilperson Klipple seconded the motion. Mayor Ramsey clarified that Council is approving the appointment of Town Administrator Nicholson as Temporary Zoning Administrator. There was no discussion of 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	Aye
Frederick J. Lyne	Absent

3. Support of Lovettsville Resolution 2016-04 – Loudoun County Connector Service

Vice-Mayor Graham sponsored this item, and made a motion **that the Town approve the endorsement of the Lovettsville Town Council Resolution 2016-02-0003, which is Round Hill's Resolution 2016-04, which states: Be it resolved that the Round Hill Town Council, in the spirit of cooperation and mutual benefit, endorses the Lovettsville Town Council's Resolution 2016-02-0003 requesting a new Loudoun Connector Bus route round trip from Purcellville through Lovettsville to the MARC Train Station in Brunswick, MD.** Councilperson Botsch seconded the motion. Councilperson Heston noted that Round Hill is not included in the bus route; Mayor Ramsey stated that Round Hill will not directly benefit from this proposal, but will approve this in order to support Lovettsville. There was no further discussion. A voice vote was held; the motion was approved 3-2, with Councilpersons Heston and Klipple voting no, and Councilperson Lyne absent. The vote is recorded as follows:

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

4. Upper Lakes Bond Release

Town Administrator Nicholson presented this item, explaining that it consists of a bond release, and maintenance bond replacement, for Upper Lakes utilities for RHI. Town Engineer Lane has recommended reducing the bond to a 10% maintenance bond, which will be reduced after one year to \$62,000.00, until there is proper flow and more houses are built, in order to ascertain if the pipe leading up to the manhole is working properly. RHI is aware of this issue and agrees with the bond arrangements; however, Mr. Lerner is now in Florida and did not sign the bond prior to his departure. Town Administrator Nicholson stated that he will not do anything on this issue until Town Attorney Gilmore provides her approval. Mayor Ramsey suggested that normal flow in the pipe in question be determined by the Town. Mayor Ramsey also asked to ensure that RHI can be counted on to provide additional funding at the end of the year-long maintenance bond, if the pipe is still not working properly. In response to a question from the Mayor, Town Administrator Nicholson stated that lack of needed action on the part of RHI is the reason the bond is not ready to be signed. It was decided to table this item until the next Town Council meeting.

5. Comprehensive Plan Market Assessment

Councilperson Botsch explained that this originated with a conversation he had with Martha Mason-Semmes regarding some of the suggestions made following the first charrette, who suggested speaking with Miguel Salinas of the Loudoun County Economic Development Department regarding conducting a market assessment for the Town. Mr. Salinas stated that one of the most common mistakes towns make in these situations is not conducting this type of assessment. Mr. Salinas told Councilperson Botsch that he does not have the resources to conduct an assessment, but made a referral to a company named Street Science, which conducted a recent assessment for the County. Mr. Botsch reported that he contacted that firm, as well as the firm of Arnette & Moldreau, which worked on a similar project for Purcellville, and which worked with Round Hill approximately ten years ago. The latter, in addition to conducting a study for Purcellville, is presently working with Lovettsville, as well. The Land Use Committee, after reviewing cost proposals and statements of work from both firms, has recommended that Arnette & Moldreau conduct this study for Round Hill. The proposal from Arnette & Moldreau is just over \$5,000.00, including travel. Councilperson Botsch also reported that Alan Hansen referred Mr. Jack O'Donnell to the Town; Town Planner/Zoning Administrator Hynes presented a recap of her meeting with Mr. O'Donnell, noting that he will provide numbers to the Town next week. Ms. Hynes noted that he would not conduct an official study, but would provide feedback and recommendations. Councilperson Botsch stated that Mr. O'Donnell cannot fill the gap, but is an excellent resource; Ms. Hynes noted that he is presently working with Leesburg. Discussion ensued about the best course of action to take if two different opinions are provided, with Councilperson Botsch and Town Planner/Zoning

Administrator Hynes recommending that “you use your best judgment.” Councilperson Botsch noted that this company understands various factors regarding market issues with Purcellville and Lovettsville, and has previous experience working with Round Hill. Mayor Ramsey asked to clarify that, if this market study is undertaken, it may be used to provide information to proprietors of commercial properties in the Town. It was noted that that is correct, and that this type of study could also be used in the update of the Town’s zoning ordinances. Councilperson Botsch stated that the study will focus on the Central Commercial District and the Eastern Commercial District, in order to provide a better understanding of the types of businesses those areas could support. This information would be useful in the update of the Comprehensive Plan; however, the study would not be completed before the Planning Commission finishes its review of the Plan. The work on this study would begin on March 21st, and would be completed by May 13th. Mayor Ramsey stated that he is unsure this study would be applicable to the Comprehensive Plan, but would be helpful to have. Councilperson Botsch noted that whatever is built needs to be sustainable, with Mayor Ramsey stating that this study will look at this issue from a commercial point of view. There was brief discussion of sustainability and market forces driving development of commercial properties. It was noted by Mayor Ramsey that the funding for this project needs to come from this year’s budget. Town Administrator Nicholson will look into how to fund this project, with Mayor Ramsey suggesting that funds could come from the Legal line item. Following this discussion, Councilperson Botsch made a motion **to approve to move forward with the proposal from Arnette & Muldrow for a market study on the Eastern and Central Commercial Districts in Round Hill, up to a price of \$5,250.00**; Councilperson Prack seconded the motion. There was no discussion of the motion. A vote was then held; the motion was approved 5-0, with Councilperson Lyne 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	Aye
Frederick J. Lyne	Absent

Councilperson Botsch then made a motion **to make a budget adjustment, to shift \$5,250.00 from Legal Expenses to fund this market study**; Councilperson Prack seconded the motion. Mayor Ramsey asked Town Treasurer Wolford to clarify into which line item these funds would be transferred; Ms. Wolford stated that they would go into the Service Contract line item. Councilperson Botsch corrected his motion to add the Service Contracts line item; Councilperson Prack, the second, accepted the amendment. There was

no discussion of the motion. A vote was held; the motion was approved 5-0, with Councilperson Lyne 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	Aye
Frederick J. Lyne	Absent

IN RE: REPORTS

1. Town Administrator's Report

Town Administrator Nicholson stated that his report is included in Council Members' packets, and that he would be happy to answer any questions.

2. Town Planner/Zoning Administrator Report

Town Planner/Zoning Administrator Hynes stated that her report has been provided in writing. Ms. Hynes reported on the road/driveway/cliff at the Habitat for Humanity house, explaining it is uncertain that the area in question is the property of Round Hill. Town Administrator Nicholson will look into this issue, to determine if there is a utility easement in this area, or if this is a Town street; he will also investigate the same issue on Cedar Street. Councilperson Heston asked for the time limit allowed for a business to replace a temporary sign with a permanent one; Town Planner/Zoning Administrator Hynes explained that that is determined by the Zoning Administrator, on a case-by-case basis. Ms. Hynes further stated that the new veterinary office on Loudoun Street will have its permanent sign installed by May 1st. There was discussion of the property at 6 West Loudoun Street – an auto service business will be located on the first floor, with an office located on the second floor.

3. Mayor's Report

Mayor Ramsey reported that he recently met with Mr. Lawrence, Mr. Britt and Mr. Chapman, of the Round Hill Investors Group, regarding the Eastern Commercial District and the update of the Comprehensive Plan. It was noted that the owners of the property have not been contacted by the Town regarding potential uses for the property. Mayor Ramsey stated that he informed the group that they have the same possibility in regards to the Eastern Commercial District as anyone else, but that they have not yet put in an application. Additionally, Mr. Ramsey explained that they may apply for a Comprehensive Plan Amendment, if they wish. Mayor Ramsey stated his belief that the meeting helped to

provide Mr. Britt and Mr. Lawrence with a better understanding of the Town's position in regards to this issue. Mr. Chapman noted that the Planning Commission has worked hard to put forth something that is negotiable. Mayor Ramsey explained that a vote on approval of the update of the Comprehensive Plan will be held in June. Also, Mr. Ramsey noted, the Round Hill Investors Group could hold a public meeting, in an effort to convince the public of the merits of its plan for the parcel. The second meeting Mayor Ramsey held was with Supervisor Buffington; the potential for a water connection between Round Hill and Purcellville was the main topic. It was noted that Supervisor Buffington wants to understand the Town's justification for the building of the new water tower, and that, to that end, he invited all involved parties to the meeting. At the meeting, Loudoun Water informed Supervisor Buffington that, generally, it's best if utility systems stand on their own. It was also pointed out at the meeting that the cost of the water tower is less than the cost to connect the Round Hill and Purcellville systems would be. Mayor Ramsey and Vice-Mayor Graham explained that, by the end of the meeting, Mr. Buffington was supportive of the construction of the water tower. In response to a question from Councilperson Heston, Mayor Ramsey noted that he did attend the recent meeting of the Round Hill Volunteer Fire Department, and presented items which will affect the department. Additionally, Mayor Ramsey reported, a meet-and-greet will be held for the new Fire Department Board.

4. Planning Commission Report

Vice-Mayor Graham reported that the Planning Commission is proceeding with approval of various sections of the Comprehensive Plan, and will hold a work session this coming Tuesday.

6. Utility Committee

Vice-Mayor Graham noted that this report is in Council Members' packets. Ms. Graham reported that, last year, the Water/Sewer Ordinance revisions were pulled, due to the "disastrous" ad; she and Town Clerk McGaha have worked on this issue, and believe they have things in place for this to be properly advertised. There have been changes made to the ordinances; Council Members will receive copies. As there are no substantive changes, the Utility Committee will be bypassed and this will be brought directly to the Town Council for review. Hopefully, this will be properly advertised, along with the budget items, for the Public Hearing in June. Mayor Ramsey asked that Town Attorney Gilmore review this, as well; Vice-Mayor Graham assured him that she will.

7. Administration, Communications & Technology Committee

Councilperson Heston noted that the Committee did meet, and its report is before Council Members. The next meeting will be held on April 4th.

8. Land Use Committee

Councilperson Botsch reported that the committee reviewed the checklist for the Hometown Festival. Mr. Botsch also reported that the Sleeter Lake Park project is still in the County's budget (for \$173,000.00); the Town's financial commitment to this project is \$25,000.00. Further action on this project will be taken next month. Town Planner/Zoning Administrator Hynes noted that the possibility of not accepting the grant funding has been discussed; if it is decided to follow this path, the costs to the Town for the project will increase. A meeting was held with the County regarding maintenance and daily running of the park, with it being noted that the special exception is causing a delay. Mayor Ramsey asked if there would be an extension for the grant, if a special exception is required; Town Planner/Zoning Administrator Hynes explained that there are options for funding if the grant possibility does not work out. If the grant funding is accepted, that places the requirement to be open twenty-four hours a day, seven days a week, on the park project. It was noted that we need to ensure that that provision is included in the Memorandum of Understanding with the County. Councilperson Botsch noted that the next meeting is scheduled for April 12th.

IN RE: COUNCIL COMMENTS

Vice-Mayor Graham noted that she will meet with Representative Barbara Comstock, and will raise the FIOS issue with her. Councilperson Prack raised an issue he is having with a device policy, and which he is unwilling to accept; Town Administrator Nicholson stated that he will work with Mr. Prack regarding this. Mayor Ramsey reported that the Hometown Festival website is up. There were no further Council Comments.

IN RE: MEETING ADJOURNMENT

The meeting was adjourned by Mayor Ramsey at 12:04 p.m.

Respectfully submitted,

Scott T. Ramsey, Mayor

Debra McDonald, Recording Secretary