

**ROUND HILL TOWN COUNCIL
REGULAR MEETING MINUTES
May 17, 2012**

A regular meeting of the Round Hill Town Council was held in the Town Office, 23 Main Street, Round Hill, VA, on Thursday, May 17, 2012.

Council Members Present

Scott T. Ramsey, Mayor
R. Daniel Botsch
Janet L. Heston
Clarkson J. Klipple
Christopher J. Prack

Others Present

Maureen Gilmore,
Town Attorney
Elizabeth Wolford,
Town Treasurer

Council Members Absent

Mary Anne Graham, Vice-Mayor
Jennifer Grafton Theodore

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 7:35 p.m.

IN RE: PLEDGE OF ALLEGIANCE

Council Member Klipple 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.

IN RE: PUBLIC COMMENT

There was no Public Comment.

IN RE: APROVAL OF AGENDA

The Agenda was amended as follows: under Business Items, Item 4 will be discussion of the Public Hearing for the B-1 Business District Text Amendments; Item 5 will be "Schedule Public Hearing: Text Amendments to Section 15, Round Hill Town Code "Offenses – Miscellaneous;" and Item 6 will be "Schedule Public Hearing: Text Amendments to Article IV, Town Water Ordinance."

Councilperson Botsch moved the Agenda be approved with the changes noted; Councilperson Klipple seconded the motion. The Agenda was approved by a vote of 4-0-2; with the votes recorded as follows:

<u>MEMBER</u>	<u>VOTE</u>
R. Daniel Botsch	Aye
Janet L. Heston	Aye
Clarkson J. Klipple	Aye
Christopher J. Prack	Aye

IN RE: REQUEST FOR WATER/SEWER PAYMENT WAIVER

Town Administrator Barkley presented the request by Margaret King and Fred Bishopp for a waiver of the sewer portion of the February 2012 bill for 18061 Turnberry Drive, Round Hill. A sewer back-up into the property, predicated by a water heater leak and tree roots in the line, prompted this request, as the February 2012 bill was much higher than normal. It was noted that this request meets all the criteria for a waiver, except that the requestor is not present at the Town Council meeting. Mayor Ramsey noted that the reason for the requestor's presence at the meeting is to answer any questions Council Members may have. The bill has been paid-in-full and copies of past invoices were provided to Council Members. Following review of the information provided, Mayor Ramsey asked if there were any questions from Council Members. Mayor Ramsey noted that more information was provided to Council Members than they needed for this purpose, and he summarized the pertinent information. Following discussion, Councilperson Botsch moved to reduce the sewer portion of Ms. King's February 2012 bill down to the average of the last three billing periods; Councilperson Prack seconded the motion. The motion passed with a vote of 3-1-2, with Councilperson Heston opposed. The votes are recorded as follows:

<u>MEMBER</u>	<u>VOTE</u>
R. Daniel Botsch	Aye
Janet L. Heston	Nay
Clarkson J. Klipple	Aye
Christopher J. Prack	Aye

Mayor Ramsey directed Town Administrator Barkley to notify Ms. King and Mr. Bishopp of the Town Council's decision.

IN RE: BUSINESS

1. 10th Annual Round Hill Hometown Festival

Town Administrator Barkley noted that there is no specific information to discuss regarding this, but that it is on the Agenda so Council Members are aware of the schedule. He reported that the Town of Purcellville is loaning their electronic sign to Round Hill for use at the intersection of Evening Star Drive and Route 7. He also reported that there is a website for the Festival, and that it is linked to the Town's website. Mr. Barkley reported that all necessary permits are in place. Mayor Ramsey reported that the Sheriff's Office has declined to provide policing to close off streets unless the Town pays for off-duty deputies. Councilperson Klipple asked if this is a county-wide policy. Town Administrator Barkley noted that Lovettsville has been paying for Sheriff's Office support at their Octoberfest. Mayor Ramsey reported that VDOT requires the Sheriff's Office sign-off on the permit for road closures; thus, the Town has little choice except to pay the fee.

It was noted that the Town only recently found out about this policy change. Mayor Ramsey reported that the Hometown Festival will take a financial loss because this wasn't factored into the budget. Councilperson Heston asked if anyone has contacted Supervisor Clarke of the Sheriff's Office to inform them that this wasn't factored in to the budget for the Festival. Mayor Ramsey was unsure at this time if anyone has contacted either one, but assured Council Members that someone will do so. Councilperson Heston asked about three line items related to the 5k race. Town Treasurer Wolford noted that it is required that the three officials for the race be paid in order for the event to be a sanctioned race.

2. Town Park Pavilion Project

Town Administrator Barkley noted that the construction drawings for this project are in each Council Member's packet. He also pointed out that samples of various construction materials are available for view here, at the Town Office, and that the company providing them has a website containing this information as well. Mr. Barkley reported that the ground-breaking for the Pavilion will be held at the Hometown Festival, just prior to the Feast.

3. FY 2013 Budget and Tax Rates: Public Hearing and Adoption Schedule

Town Administrator Barkley reported that a work session was held regarding the Utility CIP, and that no more work sessions are scheduled prior to the June Public Hearing. It was reported that the Hayman Lane project will be fully funded by the Town Council, and that the low bid for this work was provided by G.B. Foulz.

Mayor Ramsey asked if the raw water line is included; Mr. Barkley noted that it is. Town Administrator Barkley also reported that the \$365,000.00 figure is the full low bid for this project. Mayor Ramsey noted that extra money should be included in the budget for contingencies. Mayor Ramsey asked if the budget is ready for advertisement as is. It was noted that it is. Town Treasurer Wolford reported that changes made after the work session are highlighted in bold. Mayor Ramsey asked if Oak Hill will still pay the full amount of Availability Fees this year. Mrs. Wolford noted that they will. Mayor Ramsey asked if the Council Members have any further discussion, and if they want another work session or if they prefer to finish this today. Town Administrator Barkley reported that the advertised budget is a summary; the entire budget will not be advertised. Mayor Ramsey noted that the items printed in bold are the ones that will be advertised. Discussion ensued regarding the VRA loan reserve, with Town Treasurer Wolford and Mayor Ramsey clarifying this line item. Mayor Ramsey asked how confident Utility Staff is that the lift station work will begin in 2012. Town Administrator Barkley noted they are very confident; the work is scheduled to begin in June. Councilperson Heston asked if the sludge press and centrifuge issues will be resolved this year, or if funding should be provided in FY 2013 for this. Mayor Ramsey noted that there will be an opportunity to discuss that later in the meeting. Mayor Ramsey asked if the Water Resources Study will be carried out next year. Town Administrator Barkley stated that it will be done, but he was unsure of Peed & Bortz's time line. Mayor Ramsey asked if this is shown in the budget, and if it will come out in Capital or Operating. Mr. Barkley reported that there is no estimate for the cost of this study at this time; that this could be included as a budget amendment. Mayor Ramsey asked if there were any other questions, and if the Council is comfortable in publishing the budget as it stands. Treasurer Wolford suggested moving \$20,000.00 from Well Improvements to Water Resources Planning. The Council agreed with this change. Mayor Ramsey reported on discussions held at the Utility Committee meeting, and that they do not yet have all the information on the water rates issue. Mayor Ramsey is waiting for a list of expected Capital Improvement projects over the next five years. At this point the following two options are available to the Council: 1) lower rates approximately 10% to 15%; or, 2) keep rates flat for a while, depending on the outcome of the study. Mayor Ramsey asked if the Town should freeze rates this year or go ahead and advertise a 3% increase; bearing in mind this study should be released shortly. The Council decided to advertise the 3% increase.

4. Schedule Public Hearing: Text Amendments to Section 15, Round Hill Town Code "Offenses – Miscellaneous"

Mayor Ramsey asked if this Public Hearing will be held on June 7th as well; Councilperson Botsch noted that it will. Mayor Ramsey asked if the document is ready to be advertised; it was reported that it is. Town Administrator Barkley reported that, on the Town Attorney's recommendation, a separate Town

Nuisances and Offenses section will be drafted. It was also reported that the budget and tax rates will have separate hearings. Finally, it was reported that the Clerk of the Circuit Court will be at the Town Office on June 7, 2012 to swear in newly re-elected Council Members.

5. Schedule Public Hearing: Text Amendments to Article IV, Town Water Ordinance

Town Administrator Barkley noted the newly enacted General Assembly law that sets the amount of the deposit for new water taps and questioned how it will affect Round Hill. Town Treasurer Wolford noted that, previously, the Town used the prior two months of billing to estimate the fee. Now the Town will use the prior billing from three to five months (to be in compliance with the new law). Council Members suggested using three months as the determining figure for estimating the tap fee. It was determined this should be included in the budget. The Public Hearing for this will be on June 7, 2012.

IN RE: ACTION ITEMS

1. Approval of Minutes

a. April 19, 2012 Town Council Meeting

Councilperson Prack noted that the recording of votes for the Closed Session should be as follows: the first vote should be 4-0-2; the remaining votes should be 3-0-3 for the remaining four items voted upon, as one other Council Member had left the meeting by that time. The consensus of the Council is that the absences need to be shown in the recorded vote. Following this discussion, Councilperson Heston moved to approve the minutes of the April 19, 2012 Meeting of the Round Hill Town Council as amended; Councilperson Prack seconded the motion. The motion was approved with a vote of 2-2-2, with Councilpersons Heston and Prack abstaining. The votes are recorded as shown:

<u>MEMBER</u>	<u>VOTE</u>
R. Daniel Botsch	Aye
Clarkson J. Klipple	Aye
Janet L. Heston	Abstain
Christopher J. Prack	Abstain

2. Resolution 2012-04: Northern Virginia Hazard Mitigation Plan

Council Members noted that the document is difficult to understand. Town Planner/Zoning Administrator Kinsley noted that, in order to obtain funding in the event of a natural disaster, we must participate in such a plan. Town Administrator Barkley noted that this is a regional plan. Following this brief discussion Councilperson Prack moved to accept **Resolution 2012-04: Northern**

Virginia Hazard Mitigation Plan; Councilperson Heston seconded the motion. The motion was approved with a vote of 4-0-2. The votes are recorded thus:

<u>MEMBER</u>	<u>VOTE</u>
R. Daniel Botsch	Aye
Janet L. Heston	Aye
Clarkson J. Klipple	Aye
Christopher J. Prack	Aye

3. Contract Award: Town Office Renovations – Exterior Painting

Town Administrator Barkley reported that the Town received three bids, ranging in cost from \$3,900.00 to \$29,000.00. Joe Fleming presented a bid of \$9,300.00, which is in the middle of the range of prices. All bidders were informed of the lead present on the building. Mr. Fleming is certified to deal with lead, and will not charge extra to do so. Mr. Barkley noted that Mr. Fleming will do one full coat of primer, one full coat of paint, and one spot coat of paint. Councilperson Heston asked for some clarifications: determining that materials will be replaced with equivalent materials; including a disclaimer in the contract regarding lead; and clarification on the primer ensuring that it will be a full coat. Following this discussion, Mayor Ramsey directed Mr. Barkley to amend the contract to reflect these issues, as the Council wants to ensure that there are no misunderstandings. Councilperson Heston asked if there should be an agreement on how the work site will be kept. Mayor Ramsey directed Town Administrator Barkley to ensure the work site is cleaned up at the end of each work day. Discussion ensued regarding funding; is the money for this in the budget, or do funds need to be transferred. It was determined that money is in the budget for this project. It was also determined that Town Administrator Barkley has the authority to implement this project.

4. Bond Reduction: Round Hill Phase I Waterworks

Town Administrator Barkley reported that Keith Lane, the Town Engineer, has assured him that there is no more work to be done on this project. Round Hill Investors have requested that the Town reduce the bond. It will be reduced from \$600,000.00 to \$30,000.00. This is a Performance Bond for building the waterworks. Oak Hill has requested the Performance Bond be reduced since construction is complete; final permitting is being awaited. It was reported that the Maintenance Bond is 5% of the total bond amount. Mayor Ramsey noted that Town Attorney Gilmore will take care of reducing the bond. Discussion of this ensued in order to clarify the matter for Council Members. The Town has no money involved; as we are the recipient of the work, we need to release the bond. The original bond was in the amount of \$2,000,000.00, and has been reduced once before. Town Attorney Gilmore reported that the Maintenance Bond must be posted before the main bond is released. The Maintenance Bond will be in force for one year. The Town can reduce the Performance Bond but

cannot release it until the Maintenance Bond has been posted. Mayor Ramsey then requested a motion to reduce the bond. Councilperson Klipple moved that the **Maintenance Bond for the Round Hill Phase I Waterworks** be reduced from \$600,000.00 to \$30,000.00; Councilperson Botsch seconded the motion. The motion was approved by a vote of 4-0-2. Mayor Ramsey directed Town Attorney Gilmore to notify the parties involved of the bond reduction. The votes are recorded thus:

<u>MEMBER</u>	<u>VOTE</u>
R. Daniel Botsch	Aye
Janet L. Heston	Aye
Clarkson J. Klipple	Aye
Christopher J. Prack	Aye

5. Public Hearing for B-1 Business District Text Amendments

Mayor Ramsey noted that the Council has before them a suggested amendment to this document. Town Attorney Gilmore discussed Item “H,” and noted she feels it merits its own discussion. Councilperson Botsch asked for clarification of a specific bulleted item in the B-1 document, and asked if it came from the Planning Commission. He questioned if the Council needs to discuss this. It was noted that, for this meeting, the Council just needs to discuss the advertisement of the document. Discussion ensued regarding a hand-out dealing with parking. There are business owners in town who will sometimes park on other businesses’ lots; there was a zoning determination recently that this was not permitted in the B-1 Business District. Mayor Ramsey noted that he feels businesses should be allowed to share excess parking; but that shared parking may not be used to meet required parking. In order to avoid a similar zoning violation in the future, Mayor Ramsey suggested updating the B-1 document to allow shared parking. It was suggested that wording be added to point “A” that will reference Article 12, Section 12.5 regarding this. Councilperson Botsch noted that a statement requiring shared parking to be limited to passenger motor vehicles should be added between Item “B” and Item “C.” Mayor Ramsey asked the Council to consent to include this point in the document to be advertised. Council Members did consent to this addition.

IN RE: REPORTS

1. Town Administrator’s Report

Town Administrator Barkley noted that a copy of his report is in each Council Member’s packet, and that he would be happy to answer any questions. He reported that he is still working with Verizon regarding the cellular equipment on the water tank, prior to renewal of their lease. They want to increase the number of panels on the water tank from 12 to 15, and they want to increase the size of

each panel. There are County requirements that may impact the lease renewal. Mr. Barkley also reported that Supervisor Clarke held a meeting here on May 8th and presented information on the smaller footprint for the Sheriff's Office Substation. The biggest question still remaining is whether the Town will provide water and sewer, or if the Substation will use a well and septic system. Supervisor Clarke has recommended eliminating the Committee Room and fitness facility from the substation plans. The driveway will be on the east side of the property. Mrs. Thomas attended the meeting and had many questions; one of which was how the building will be acclimated and where the front entrance will be located. It was noted that the Town directed the designers to present two "good" sides of the building, but that the main entrance may be on the south side of the property at the parking lot. Also there were questions regarding lighting. Mr. Barkley noted that no water and sewer agreement exists at this time. Following this discussion, Town Administrator Barkley asked for any further questions; there were none.

2. Town Planner/Zoning Administrator's Report

Mr. Kinsley's report is included in each Council Member's packet; he noted that he would be happy to answer any questions. The FOIA request was discussed; it has been shortened, and now only the Notice of Zoning Violations and the minutes from the Land Use Committee meeting are requested. These documents were sent out this afternoon. Councilperson Botsch asked when the topic discussed in the third bulleted item on Page Two occurred. Mr. Kinsley reported that it was after the last Town Council meeting. Mr. Botsch wondered if Ms. Jenkins wants to use the property for a business or as a residence. Mr. Kinsley reported that she wants to use the property for both purposes, but he is unsure what her specific plans are. It was reported that a landscaping business and a heating and cooling company are both interested in the property at 6 Bridge Street. Councilperson Botsch requested that Town Planner/Zoning Administrator Kinsley track the types of businesses interested in properties, as his committee will soon begin work on the Light Industrial District document, and that information would be helpful for that purpose. He also requested that each bulleted item in the report be dated. Mayor Ramsey asked if there is any more information from the County on the Powers Thomas property. Mr. Kinsley reported that the contractor has stopped excavation work there as they were not sufficiently permitted with the County.

3. Mayor's Report

Mayor Ramsey noted that much of his report has already been discussed. He has a meeting pending with Louis Rowe regarding the Franklin Park Trail revised plans.

4. Utility Committee

Town Administrator Barkley presented this report in Vice-Mayor Graham's absence. The topic of the sludge press occupied most of the meeting. The committee discussed the final steps for inspection of the Goose Creek water treatment plant. The Hayman Lane water and sewer extension project was discussed, the lift station contract was addressed, as were the West Lake Subdivision pending approvals. It was reported by Mayor Ramsey that a meeting was held with Oak Hill after the last Town Council meeting to discuss the Route 719 lift station contribution, as well as the West Lake improvements for the plant. The Town Engineer provided a list of things the Town would prefer to have at the plant, including overbuilding the plant in order to produce additional supply. Oak Hill would be granted the number of connections they need in exchange for overbuilding the plant. The question of this being an agreement or a mediated settlement was raised; it was reported that this was an agreement. Councilperson Prack raised his concern that the Town Council be informed before an agreement is executed. Mayor Ramsey noted that the agreement will be discussed further in the Executive Session scheduled for this evening. The Utility Supervisor noted that water levels are down slightly. Recent rains may have alleviated this; if not, the Town may have to go on mandatory water restrictions. Discussion ensued regarding water conservation and when and how the Town should remind citizens that we are in voluntary conservation. Councilperson Botsch asked if the Town should use the sign or put a notice in each water bill. Mayor Ramsey noted that when the two new wells come on-line we may be able to come off of voluntary conservation. Councilperson Botsch noted that the cost of water and sewer service to each consumer encourage conservation the most. The consensus of the Council is that we should inform the public that we are in voluntary conservation. This issue will be added to the agenda for the next Town Council meeting.

5. Administration and Communications Committee

Councilperson Heston reported that the meeting focused on job positions and salaries. Town Administrator Barkley obtained information regarding this from other jurisdictions in the area, and Round Hill compares favorably. The committee will discuss further compensation for work done and time put in by employees. The committee will work on a policy for travel and lodging reimbursements. Their next meeting will be on May 21, 2012.

6. Land Use Committee

Councilperson Botsch reported that the committee met on May 9th and re-opened Article 7 of the B-1 Business District Text Amendments, the results of which were presented at this evening's Town Council meeting. They also completed Article 15, Item 55, of the Town Code, regarding hours of operation. Changes the Planning Commission made to the Light Industrial District document, as well as Article 22, Outdoor Lighting standards discussions were tabled until the next

meeting. The FOIA request, and what was required of the committee, was discussed. The Main Street Enhancement grant was reviewed; the committee is hopeful funding will come through, and will be available next month.

IN RE: COUNCIL COMMENTS

Mayor Ramsey noted that the Round Hill Hometown Festival is coming up in a week and a half and encouraged those who could to attend. He noted that the committee for this has done a great job, and it should be a great festival.

IN RE: MEETING ADJOURNMENT

Councilperson Prack made a motion to recess the regular meeting and convene a closed session for consultation with legal counsel and briefings by staff members as exempted by Virginia Code 2.2-3711(a)7, with the following persons invited to attend: Town Council, Mayor, Town Attorney and Town Administrator. Councilperson Botsch seconded the motion. The motion carried by a vote of 4-0-2, with the votes recorded as follows:

<u>MEMBER</u>	<u>VOTE</u>
R. Daniel Botsch	Aye
Janet L. Heston	Aye
Clarkson J. Klipple	Aye
Christopher J. Prack	Aye

The regular meeting was adjourned at 9:41 p.m.

IN RE: EXECUTIVE SESSION

Councilperson Prack made a motion to recess the closed session meeting. Councilperson Botsch seconded the motion. The motion carried by a vote of 4-0-2, with the votes recorded as follows:

<u>MEMBER</u>	<u>VOTE</u>
R. Daniel Botsch	Aye
Janet L. Heston	Aye
Clarkson J. Klipple	Aye
Christopher J. Prack	Aye

Councilperson Prack made a motion to reconvene the Town Council open meeting. Councilperson Botsch seconded the motion. The motion carried by a vote of 4-0-2, with the votes recorded as follows:

<u>MEMBER</u>	<u>VOTE</u>
R. Daniel Botsch	Aye
Janet L. Heston	Aye
Clarkson J. Klipple	Aye
Christopher J. Prack	Aye

Councilperson Prack made a motion to certify that only matters that were lawfully exempted from open meeting requirements by Virginia Code 2.2-3711 (a) 7 were discussed in the closed session and that only those matters which were identified in the motion for which the closed meeting was convened were discussed. Councilperson Heston seconded the motion. The motion carried by a vote of 4-0-2, with the votes recorded as follows:

<u>MEMBER</u>	<u>VOTE</u>
R. Daniel Botsch	Aye
Janet L. Heston	Aye
Clarkson J. Klipple	Aye
Christopher J. Prack	Aye

IN RE: ADJOURNMENT

The meeting adjourned at 11:12 p.m.

Scott T. Ramsey, Mayor

Debra McDonald, Recording Secretary