

**ROUND HILL TOWN COUNCIL  
REGULAR MEETING MINUTES  
November 15, 2012**

A regular meeting of the Round Hill Town Council was held in the Town Office, 23 Main Street, Round Hill, VA, on Thursday, November 15, 2012.

**Council Members Present**

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

**Others Present**

Deputy Anthony Cooper  
(arrived late)  
Bob Rodriguez

**Staff Members Present**

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

**IN RE: CALL TO ORDER**

Mayor Ramsey called the meeting to order at 7:36 p.m.

**IN RE: PLEDGE OF ALLEGIANCE**

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

**IN RE: COMMUNITY POLICING**

At this point in the meeting Town Administrator Barkley reported that Deputy Cooper was in Lovettsville. Council proceeded to the Public Comment portion of the meeting. Upon Deputy Cooper's arrival (at approximately 7:47 p.m.) he presented his report. Deputy Cooper reported that there was only one reported incident in the Town, a vehicle tampering on Dwyer Court, with nothing taken. He also reported that the Sheriff's Office conducted an underage alcohol buy operation in the western section of the county last week, and no one in Round Hill sold to a minor. Deputy Cooper noted that a new Community Policing Deputy will be promoted to the west end of the county in early January and will cover Lovettsville; that will enable Deputy Cooper to return to Round Hill. Deputy Cooper reported that he hasn't heard back from the Town Attorney regarding the county ordinances he presented previously. Councilperson Botsch reported that the Land Use Committee just started looking at the ordinances, and that the Planning Commission may deal with some of them, and the Town Council may deal with others, so it may be a few months before a decision is made. Mr. Botsch noted that they appreciate Deputy Cooper providing the ordinances. Deputy Cooper explained how

County ordinances are enforced in areas within the town limits where there is a Home Owners' Association. Council noted that there are no HOAs in the Round Hill town limits. Councilperson Botsch asked if there were any problems on Halloween; Deputy Cooper reported that there were not. Vice-Mayor Graham asked if there were any deputies posted in the town on Halloween; Deputy Cooper reported that there were not, but Community Policing Deputies were on patrol throughout the area. The Council thanked Deputy Cooper for his report. Deputy Cooper asked if there will be any changes to the December Town Council meeting date in light of the holidays; it was noted that Council believes the meeting will be held on the regular meeting date.

#### **IN RE: PUBLIC COMMENT**

Mayor Ramsey asked if there was anyone present who wished to address the Council at this time. Mr. Bob Rodriguez, of 23 Longstreet Avenue, spoke. Mr. Rodriguez noted that he attended last month's Town Council meeting regarding an excessive water bill at his residence. Mr. Rodriguez reported that during the most recent billing cycle he received a letter from the Town regarding a spike in water usage at his address. He then called in a contractor, who found a major water leak, which is the root cause of the very high bills for the last two billing cycles. In light of this, Mr. Rodriguez requested a credit for the sewer portion of his bill. He described the leaks that were found, and presented a handout to Council members providing an explanation of those findings. Vice-Mayor Graham asked if a plumber's bill is included; Mr. Rodriguez noted that it is. Councilperson Heston asked if Mr. Rodriguez's account is current; it was noted that it is. Mayor Ramsey asked if Town Staff has reviewed this request; Town Administrator Barkley stated that they have not, as he was unaware of this situation. Mr. Rodriguez reported that the repair was just finished today. Town Administrator Barkley explained how a refund of the sewer portion of a bill is calculated. Mayor Ramsey noted that he is not recommending that Council approve a dollar figure tonight, but could authorize a refund upon review by Town Staff. Discussion ensued of what constitutes proper documentation of proof of a leak and the repair work done. Vice-Mayor Graham asked if the leak was between the house and the meter. Mr. Rodriguez explained that it was not, and then explained where the leak was found; he noted that it was hard to discover, due to the leaking pipe being inside a PVC pipe. Councilperson Botsch asked which three months are used to calculate the refund; Town Administrator Barkley explained that they use the three months that represent the best average. Vice-Mayor Graham asked which plumber Mr. Rodriguez used; Mr. Rodriguez stated that Peed Plumbing performed the work. After this discussion, Vice-Mayor Graham made a motion **to refund the sewer portion of Mr. Rodriguez's water bill upon calculation by Town Staff of the refund amount due**; Councilperson Klipple seconded the motion. Vice-Mayor Graham then restated the motion, as per Councilperson Heston's request; Councilperson Klipple again seconded the motion. The motion to refund the sewer portion of Mr. Rodriguez's water bill carried by a vote of 5-0, with the vote recorded as follows:

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

Mayor Ramsey stated that Town Staff will calculate the credit due and will contact Mr. Rodriguez. Mr. Rodriguez asked when the credit will be calculated; Town Administrator Barkley explained, and informed Mr. Rodriguez that he may call the Town Office next week regarding this. Mr. Rodriguez thanked the Council.

#### **IN RE: APROVAL OF AGENDA**

Vice-Mayor Graham made a motion to approve the Agenda as presented; Councilperson Prack seconded the motion. Councilperson Botsch noted that visitors are in attendance at this evening's meeting in regards to Action Item #2, the Memorandum of Understanding and Agreement, and asked if that item should be moved. It was decided to move that item to Business Item #1; Vice-Mayor Graham and Councilperson Prack agreed to the change. The motion to approve the Agenda as amended passed by a vote of 5-0, with the vote recorded as follows:

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

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

- 1. Memorandum of Understanding and Agreement Between Round Hill Investors, LLC, K. Hovnanian Homes of Virginia, Inc., Oak Hill Properties, LLC, and the Town of Round Hill, Virginia Re: Sale of Lots by Round Hill Investors, LLC to K. Hovnanian Homes of Virginia, Inc.**

Vice-Mayor Graham noted that the agreement in each Council member's packet did not include language she requested to be included. Town Administrator Barkley provided a copy of the updated Memorandum to each Council member. Vice-Mayor Graham then made a motion **to approve the Memorandum of Understanding and Agreement**; Councilperson Klipple seconded the motion. There was a brief discussion of a summary of the document. Following this a vote was taken, with the motion approved by a vote of 5-0. The vote is 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	Aye

Mayor Ramsey then called for a brief recess to execute the agreement. Upon completion of this, Mayor Ramsey declared the Council Meeting to be back in session.

## **2. Sleeter Lake Park**

Town Administrator Barkley explained Task Order #12, presented by Stantec Engineers, in the amount of \$9,680.00, to prepare estimates for some costs related to the development of Sleeter Lake Park. Mr. Barkley further delineated the content of the Task Order, and noted that it will allow the Town to be aware of permits that will be required by the County. He also noted that the Town has “done a little bit of due diligence with County staff” regarding buffer zones. Town Administrator Barkley explained the buffer zone/protection area around the lake, and explained that the protection area makes building close to the lake more difficult. Town Administrator Barkley noted that Stantec has expertise in dealing with the County and various permitting requirements. Mr. Barkley also noted that Stantec revised the Task Order in response to a request from the Land Use Committee. Councilperson Botsch asked about the Stantec/Peed & Bortz relationship on the project in regards to the bulleted items in the Task Order. Town Administrator Barkley reported that Stantec will function as our one facilitator. Mayor Ramsey noted that both entities will need to talk with each other, but that Peed & Bortz will work with the Town and will talk with the DEQ. Town Administrator Barkley noted that the proffer has a 50 foot buffer for Lakepoint, and that he found that a confusing aspect of this project. Councilperson Botsch clarified that a vote does not need to be held on this item this evening, thus enabling the Council to obtain further clarification on required buffers. Brief discussion ensued as to how Peed & Bortz would charge for their work on this. Councilperson Prack noted that the Task Order has no mention of any type of demolition in it, and asked if that will be done separately. Councilperson Heston noted the last bulleted item in the Task Order, and asked if that covered Councilperson Prack’s question. Discussion ensued regarding obtaining more detail on requirements, and the possibility of proceeding on this project in phases. Vice-Mayor Graham asked about the requirements for various aspects of use of the park, such as fishing, an area to launch boats, and picnicking; Mayor Ramsey and Councilperson Prack clarified how some of these issues could be managed. Councilperson Botsch noted that the project is not in the site plan phase yet; that the purpose of the Task Order was for Mr. Bowers to provide the Council with a general direction. Councilperson Heston asked if our engineers

have looked at conservation easements and how they could impact development of the park. Mayor Ramsey suggested she provide her concerns to Town Planner/Zoning Administrator Kinsley and to Town Administrator Barkley, and they would consult with Town Attorney Gilmore regarding those issues. Councilperson Botsch asked if the Council wants to vote on this at the December meeting, or if they would rather wait; Mr. Botsch noted that it would be possible to vote on this at the December meeting, if needed. There was brief discussion of this, and of the possibility of requiring a re-quote from Stantec, if a vote is delayed past January. This was followed by discussion of dropping the third bulleted item in the Task Order, dependent upon Mr. Bowers' findings regarding required buffers and regulations. Mayor Ramsey discussed the subdivision of the parcel, and the effect that would have on budgeting and execution of the project. It was then decided to table this issue until the December Town Council meeting, and request that Peed & Bortz obtain the buffer requirements.

### **3. Fire Suppression System – Request for Waiver of Meter Requirement**

Vice-Mayor Graham reported that Mr. Wally Johnson attended the last Utility Committee meeting and requested this waiver from requirements recently added to the Zoning Ordinance. Because Alan was not in attendance at the Utility Committee meeting to provide input regarding how other municipalities handle this issue (meters on fire suppression systems), and because of advice provided by the Town Attorney at that same meeting, the Utility Committee is requesting that the ordinance be amended. Mayor Ramsey clarified that the Utility Committee is recommending two different levels of regulation – one for existing buildings and one for new construction. Mayor Ramsey suggested using a specific date or grandfathering regarding the construction of the building, to ensure that new construction doesn't fall under the requirements for retrofitted buildings. Vice-Mayor Graham noted that Town Staff was opposed to making changes, but other members of the Utility Committee were open to those changes. Mayor Ramsey and Councilperson Klipple both noted that it is preferable to make it easier to retrofit buildings with fire suppression systems. Councilperson Klipple noted that the cost for the meter is a disincentive to existing businesses to install sprinkler systems. Vice-Mayor Graham reported that the Utility Committee will be reviewing this at their next meeting, to be held in December, and possibly will recommend action by the Council in January; she encouraged Council members to pass along their thoughts about this. Mayor Ramsey commended the Utility Committee for requesting the update of the ordinance. It was also noted that the existing ordinance doesn't have language in it to grant a waiver. Finally, Councilperson Heston asked if there are any privately-owned fire hydrants in Round Hill; it was reported that there are none known.

## **IN RE: ACTION ITEMS**

### **1. Approval of Minutes**

#### **a. October 18, 2012 Town Council Meeting**

Vice-Mayor Graham noted that on page 5, in the second line, the Sleeter Lake Park Committee should be named a subcommittee of the Land Use Committee in regards to the project; not the Land Use Committee serving as a subcommittee or adjunct, as stated in the minutes. Mayor Ramsey noted, if the Council decided to award the contract to Stantec, that would be the appropriate time to constitute the subcommittee. Councilperson Botsch stated that he disagrees with this; that the Land Use Committee should be the primary point-of-contact for Stantec initially, before setting up a subcommittee. There was no further discussion of the minutes. Vice-Mayor Graham moved to approve the minutes as amended; Councilperson Botsch seconded the motion. The Minutes of the October 18, 2012 Town Council Meeting were approved by a vote of 5-0; with the vote recorded thus:

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

### **2. Article 7, B-1 District Text Amendments**

Councilperson Botsch noted the Council members have before them the amended Article 7, B-1 Business District. Councilperson Botsch explained the work that has been done on these Text Amendments and discussed the changes that have been made throughout. Section 7.3, dealing with parking as an accessory use, was discussed. Town Planner/Zoning Administrator Kinsley made and distributed copies of the map created in conjunction with the parking survey he conducted in July. Councilperson Botsch described the reasons for conducting the parking survey, as well as how the Land Use Committee devised the amendments for shared parking. Mayor Ramsey asked if the Land Use Committee feels this document is ready for action; Mr. Botsch confirmed that they do. Councilperson Botsch also referenced the Public Hearing held on this in June, and changes that were made pursuant to that. Mayor Ramsey noted that Town Attorney Gilmore indicated the changes made in the Land Use Committee were minor. Councilperson Botsch explained the issues the Land Use Committee spent time discussing. Councilperson Botsch reported that the last paragraph, dealing with Outdoor Lighting, was originally removed, then reinstated; he explained the rationale for doing so. Mayor Ramsey and Councilperson Botsch briefly discussed what may occur in the future regarding this. Councilperson Botsch then made a motion **to approve the amendments to the B-1 Business**

**District, Town Business District, Article 7, of the Round Hill Town Ordinance;** Vice-Mayor Graham seconded the motion. Mayor Ramsey noted that he disagrees with the decision to restrict restaurant uses, and the conversion from a by-right use to a special exception use only in the updated ordinance; Mr. Ramsey explained that he wants to encourage restaurant uses. Mayor Ramsey noted that he feels the Planning Commission and the Land Use Committee added a lot of extra verbiage in Section 7.11(c) that would address concerns related to restaurants, if they are continued as a by-right use. Councilperson Botsch explained the discussion held in the Land Use Committee meeting regarding restaurant uses, and three options they considered for dealing with this. Vice-Mayor Graham asked if the wording could be modified so that a restaurant is a special exception use and coffee shops, delicatessens, etc., are by-right uses. Councilperson Klipple noted that he feels keeping restaurants as a special exception would allow more oversight of this. Councilperson Prack discussed how this related to a proposed coffee shop in town, and the reasons for requiring a special exception. Councilperson Botsch discussed possible issues with by-right uses; Councilperson Klipple discussed how the special exception uses allows residential neighbors to have some say, whereas by-right uses do not. Councilperson Heston noted how a by-right use for a restaurant could affect a resident, if the business changes in some manner at a later date. Mayor Ramsey explained his opinion regarding special exception requirements for a restaurant and how it could discourage restaurants from opening in Round Hill. Vice-Mayor Graham noted that she doesn't see the requirement for a special exception as a negative. Councilperson Klipple again explained his reasons for including the special exception process, to which Councilperson Heston added her thoughts. Councilperson Prack noted that he doesn't understand how requiring the special exception process would cause restaurants to avoid Round Hill. Mayor Ramsey explained that requiring a special exception will add to the uncertainty, cost, and schedule in opening a restaurant in Round Hill; but that there are some types of businesses for which a special exception should be required. Councilperson Botsch explained his reasons for wanting the special exception process, to help regulate whether a business is a high- or low-impact business, and how it would affect residents. Mayor Ramsey suggested that, if the special exception requirements are passed, the Council remove or adjust some of the extra requirements in Section 7.11(c). There was further discussion on special exception requirements, and on providing guidelines for the special exception approval process. Mayor Ramsey asked, if the Council agrees they should recraft Section 7.11(c) into more of a guideline oriented statement, as opposed to a regulation oriented statement, if that should be done this evening or if it should be deferred until next month. Discussion ensued regarding how to go forward with the approval of this document. Mayor Ramsey noted that he feels the Council could "touch up" Section 7.11(c) within a few minutes.

Council discussed wording in the document that would read that “...*applicants shall clearly demonstrate that noise and odors created by the use shall not have an undue impact on neighboring properties...*” (this in relation to Item 6). Councilperson Klipple then asked if Item 7 could remain in the document; Mayor Ramsey agreed that it could. Councilperson Botsch asked if Item 5 should be removed completely; it was agreed it should. Discussion ensued regarding hours of operation for businesses. Mayor Ramsey noted that, with these changes, he feels more comfortable with Section 7.11(c). Vice-Mayor Graham asked Town Planner/Zoning Administrator Kinsley if he received her e-mail regarding the definition of a passenger vehicle. Mr. Kinsley noted that he had, but had been unable to look into it as yet. Councilperson Botsch asked if the DMV website could provide a definition. Councilperson Klipple noted that he had done that, but had been unable to find a definition. The suggestion was made to ban any vehicle that requires the operator to possess a Commercial Drivers License. Mayor Ramsey noted that that would provide a clear guideline that Town Zoning Administrator Kinsley could enforce. Discussion ensued as to how this would be enforced with regards to RVs. In response to this discussion, Town Planner/Zoning Administrator Kinsley noted that parking an RV, in either B-1 or R-1, and living in it is not allowed. Councilperson Heston asked about boat trailers and horse trailers; it was noted that owners of these types of vehicles have a right to park under this ordinance. Councilperson Heston and Mayor Ramsey discussed who is required to enforce parking; it was noted that the property owner is required to do so. Mayor Ramsey reminded Council members to keep in mind that this language is only specific to shared parking. Discussion of regulating parking ensued. Councilperson Klipple suggested eliminating Item 3. Councilperson Botsch asked Town Zoning Administrator if he is confident the requirements have been defined in such a way that he can enforce them. Mr. Kinsley noted that this is better than what exists now, and that Article 12 discusses overnight parking. Councilperson Botsch suggested adding a clause to Section 7.13 that parking areas are not to be used for storage; however, he is not sure overnight parking should be made illegal. Councilperson Heston discussed inoperable vehicles, as noted in Item 2. Mayor Ramsey asked if the Council wants to eliminate Item 3; Vice-Mayor Graham was in favor of this but Councilperson Botsch was unsure. Mayor Ramsey suggested including this in Section 7.3(h), or creating a new item. Mayor Ramsey also discussed how a business owner might use a parking space as a different use. Mayor Ramsey noted that the Council addressing storage and parking in the same context may only confuse the matter, and that storage is dealt with elsewhere in the ordinance. Mayor Ramsey suggested that the Zoning Administrator determine if a use is parking or storage. Councilperson Botsch suggested replacing Item 3 with the wording that “...*parking areas should not be used for storage;*” it was suggested that this should be added to Section 7.3(h). It was decided to strike Item 3 in Section 7.3(i) and to renumber the subsequent items. Mayor Ramsey stated that he feels that covers shared parking. Councilperson Botsch reported that the Land

Use Committee had a lot of discussion on shared parking and that, in the future, it will be up to the businesses themselves to determine if someone is parking in a lot who should not be there. Town Planner/Zoning Administrator Kinsley reminded Council members that the number of parking spaces in the survey are approximate. Councilperson Botsch stated that it is important to remember that this is a preliminary study and not a determination of the zoning administrator. There was a brief discussion of when a site plan for a property would be required. Mayor Ramsey then asked if there were any further discussion. As there was not, he asked to confirm that both the motioner and the second accept the edits, which they did. A vote was then held, and the motion carried 5-0, with the vote 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	Aye

Mayor Ramsey then instructed Town Planner/Zoning Administrator Kinsley to incorporate the edits from tonight and to prepare an updated version of the ordinance.

### **3. Main Street Enhancement Project: Task Order 11**

Town Administrator Barkley addressed Task Order 11 from Stantec Engineers, in the amount of \$47,500.00, that will take the Town from the 50% Design to the final design. Vice-Mayor Graham asked how this will be funded; Mr. Barkley reported that these funds have already been budgeted. Mayor Ramsey asked if the 50% Design has gone to VDOT; it was noted that it has. It was reported that this Task Order allows Stantec to extend their work to the 90% design stage, and to allow for requesting bids. Mayor Ramsey asked if the amount requested in Task Order 11 stays within the budget; Mr. Barkley noted that it does. There was discussion of what is included in this Task Order and why the cost is the amount noted. Town Administrator Barkley stated that the right-of-way and easement situation is “still a little bit of a moving target.” Town Administrator Barkley discussed grant funds and how they must be spent; he also reported that the Town cannot move into actual construction until VDOT has approved the full engineering plan. Following this discussion, Mayor Ramsey suggested approving Task Order 11 now, with Town Administrator Barkley having discretion in its execution. Councilperson Botsch made a motion to approve **Task Order Authorization #11, in the amount of \$47,500.00, for engineering services for Stantec for the Main Street Enhancement Project;** Vice-Mayor Graham seconded the motion. There was no further discussion. The motion carried by a vote of 5-0, with the vote 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	Aye

Mayor Ramsey instructed Town Administrator Barkley to notify Stantec.

**4. Personnel Policy Amendment, Section 2-5 (E) “Change Orders”**

Councilperson Heston discussed this amendment, which deals with addressing Change Orders without holding up any projects. The amendment will allow the Town Administrator or Mayor or Vice-Mayor to approve a Change Order; Councilperson Botsch requested that language be included that the Town Administrator will inform Council Members of such approval. Following this, Councilperson Heston made a motion to **accept the Personnel Policy as amended**; Vice-Mayor Graham seconded the motion. The motion was approved by a vote of 5-0. The vote is 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	Aye

**5. Sidewalk Replacement Project Award**

Town Administrator Barkley reported on this. It was noted that the entire section of North Locust Street will be constructed, as per the Land Use Committee’s direction. There was a brief discussion of which areas are shown on the map. Town Administrator Barkley reported that he, Town Planner/Zoning Administrator Kinsley and Councilmember Heston walked these areas today, and noted specific plates on Main Street that will be replaced; Mr. Barkley asked that Brothers Paving be approved to do this work in conjunction with the work on Locust Street. Mayor Ramsey noted that the Town needs to be careful in making this motion to set a “not to exceed” price. Mayor Ramsey also asked if this has anything to do with the culvert on Main Street; Town Administrator Barkley reported that there will be no work on the culvert itself; the work will be above the culvert. Brief discussion among Council Members followed regarding having Brothers Paving do this instead of VDOT. Councilperson Botsch asked about new VDOT regulations; it was determined that those cover new sidewalks only. Also, Councilperson Botsch suggested that the Council consider not having

Brothers do the work before winter due to the concrete curing process, and wondered if it may

RHTC  
Page 11  
11/15/2012

be advantageous to wait until spring. Mayor Ramsey noted that his concern regarding this is if their estimate will still be valid if the Town waits until spring. It was decided to leave this up to the discretion of the Town Administrator. Councilperson Heston asked if Brothers will provide any kind of guarantee that they would repair anything that is affected by weather or any other unforeseen circumstance. Town Administrator Barkley reported that there is no guarantee in the quote, but that language regarding this could be added to the contract, and that that might increase the price. Councilperson Botsch asked if there is any money left over from the building of the pavilion; Town Administrator Barkley reported that there is not. Councilperson Heston noted that the work is not necessarily urgent, but should be done at some point. Town Administrator Barkley discussed how repairs on Main Street may be subject to more scrutiny by VDOT; he also noted that some improvements could be done by town staff or a landscaper. Town Administrator Barkley suggested that the Council could approve the base price, and include language that would prohibit the contractor from exceeding a set amount. Following this discussion Councilperson Botsch made a motion to **award the contract to Brothers Paving in the amount of \$15,000.00, with \$12,930.00 going towards North Locust Street and High Street, and that Council give to the Town Administrator the ability to decide if the balance should be used toward part or all of the areas identified on North Main Street;** Councilperson Prack seconded the motion. Councilperson Heston noted that her concern is that the money not be spent on just a few plates; Town Administrator Barkley clarified that there are 19 plates in need of repair/replacement. Mayor Ramsey asked about the broken sidewalk on New Cut Road; Town Administrator Barkley noted that we expect Arthur Construction Company to repair this. Vice-Mayor Graham asked if the motion still on the floor this is being approved with the understanding that the work could wait until spring. Councilperson Botsch requested that Brothers be asked if the work could wait until spring, if the prices are the same. Councilperson Prack suggested that Town Administrator Barkley call Brothers and ask about the effect of weather on the concrete, and noted that he assumed the company would do the work properly. It was decided to leave the decision about this up to Town Administrator Barkley. Following this discussion, the Council voted to approve to motion by a vote of 5-0. The vote is recorded as follows:

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

## **6. Appointment to the Board of Zoning Appeals**

Mayor Ramsey discussed the letter of interest from Mr. Mike Hummel for this position. Town Planner/Zoning Administrator Kinsley reported that Mr. Hummel is a certified BZA applicant. Mayor Ramsey pointed out that Mr. Hummel is a property owner, so there may be occasions where he will have to recuse himself. Following this, Vice-Mayor Graham made a motion to **appoint Mr. Mike Hummel to the Round Hill Board of Zoning Appeals, to serve a five year term from May 1, 2010 to April 30, 2015**; Councilperson Botsch seconded the motion. The motion carried by a vote of 4-1, with Councilperson Heston voting no. The vote is recorded as follows:

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

## **7. Designation of Town Council Representative to the Planning Commission**

Councilperson Botsch made a motion to **appoint Councilperson Christopher Prack to be the Town Council representative to the Planning Commission**; Councilperson Klipple seconded the motion. The motion carried by a vote of 4-0-1, with Councilperson Prack abstaining. The vote is recorded as follows:

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

## **IN RE: REPORTS**

### **1. Town Administrator's Report**

Town Administrator Barkley noted that his series of reports are presented to the Council in written form; and, in the interest of time, he would leave them in written form. Vice-Mayor Graham asked how many letters have been returned by residents regarding the Main Street Enhancement Project. Town Administrator Barkley reported that four have been returned, naming those who have responded. Councilperson Botsch asked if the Town has reached out to Mr. Hoffman of County government regarding coordinating this project with the Franklin Trail Project. Town Administrator Barkley noted that he has, and that the County is not

yet ready for the public information process; their next step is defining where their easements are. Mr. Barkley noted that Mr. Hoffman has promised to keep

RHTC  
Page 13  
11/15/2012

the Town informed if and when they amend their schedule. There were no further questions.

## **2. Town Planner/Zoning Administrator's Report**

Town Planner/Zoning Administrator Kinsley noted that his report is before each member of the Council, and that it shows the range of items he worked on. Mr. Kinsley reported that he spent most of his time working on the Board of Zoning Appeals hearings, and on a large Freedom of Information Act request.

## **3. Mayor's Report**

Mayor Ramsey reported that he has had a fairly quiet month. On Tuesday (November 13<sup>th</sup>) he attended a Legislative Luncheon hosted by TANV, during which local leaders met with state legislators. One issue brought up by several TANV members is proposed legislation dealing with joint powers between counties and towns. TANV members are requesting this legislation to make clear that the county holds the responsibility for providing certain services. Mayor Ramsey noted that the Town of Leesburg has dealt with this, in particular regarding health department and building department inspections. Councilperson Botsch asked if there is a detailed list of what would be covered. Mayor Ramsey noted that the legislators asked for this, and that TANV members will get those "war stories" to the legislators by January, so the legislation can be written. Another issue covered in the meeting was the approval by state voters of the constitutional amendment regarding property rights and eminent domain. It has been left to the legislature to craft how reimbursements will be decided. The amendment contained a specific exclusion to roads and rights-of-way; but was not as specific in regards to public utilities. TANV wants clarification from the state regarding public utilities. Mayor Ramsey noted that this is particularly pertinent to Leesburg. Another issue discussed is the possible adoption, in the future, of a meals tax. This tax would be levied in Round Hill, unless the Town has its own meals tax. Mayor Ramsey reported that Herndon adopted a meals tax of 0%, thus protecting their restaurants; he noted that Round Hill may want to do the same during our next budget session. There was also a discussion of fines collected in court, which are then sent to the state and then returned to the localities. Mayor Ramsey reported that the town newsletter should be sent out during the first week of December. The Round Hill Junior Women's Club is in charge of the tree lighting in the Town Park, and would like to decorate the pavilion as well. Mayor Ramsey reported that the club would purchase the decorations with funds provided by the Town (up to \$200.00); then the decorations would belong to the Town. It was reported that there is presently no one interested in serving in the vacant position on the Town Council. Councilperson Heston asked if there is a time limit in filling the position. It was reported that, after 45 days, a judge would

be empowered to appoint someone, but also may not do so. Mayor Ramsey asked if the Council should authorize newspaper ads regarding this vacancy;

RHTC  
Page 14  
11/15/2012

Councilperson Heston felt that Council members should personally talk to people who are eligible to serve. Mayor Ramsey asked if a special meeting should be called in regards to this issue, or if Council should wait until the December meeting to move forward on this. It was the consensus of the Council to call a special meeting to appoint someone, so that person may participate in the December Town Council Meeting.

#### **4. Utility Operations, Public Facilities, and Projects Committee**

Vice-Mayor Graham reported that a meeting is tentatively planned between Town Attorney Gilmore, Keith, and Vice-Mayor Graham, and East Coast on December 13, 2012, regarding the sludge press. Vice-Mayor Graham asked Mayor Ramsey when the Water Rate Study would be completed; Mayor Ramsey stated that it would be done by the first of the year. Vice-Mayor Graham reported that she will write the article regarding emergency situations for the Town newsletter.

#### **5. Administration and Communications Committee**

Councilperson Heston reported that the committee met and worked on the Change Order amendment, which the Council voted on this evening. They also discussed the software system to be used for billing, taxes, etc., and input they received regarding this from the Town Treasurer. The next meeting of the Administration and Communications Committee will be held on Tuesday, December 11, 2012 at 7:30.

#### **6. Land Use Committee**

Councilperson Botsch noted that much of the information in his report has already been covered. The Committee will continue working on the Main Street Enhancement Project and on the lighting ordinance. Finally, they hope to meet with Mr. Hummel and Mr. Thomas. Mr. Botsch also commended Town Planner/Zoning Administrator Kinsley for the large amount of work done in the past month.

#### **IN RE: COUNCIL COMMENTS**

Councilperson Botsch noted that, now that the B-1 Business District Text Amendments have been approved, he's hoping things will improve. He reported that they did "...do a little bit of outreach, and talked to Bobby." Mayor Ramsey asked that Council confirm that there will be a quorum for the December 20<sup>th</sup> meeting; Council members feel that there will be.

#### **IN RE: EXECUTIVE SESSION**

Vice-Mayor Graham moved that, in accordance with Virginia Code, Section 2.2-3711(A)(7), the Round Hill Town Council recess its regular meeting and convene in closed session for the following purposes: consultation with legal counsel, and the

RHTC  
Page 15  
11/15/2012

discussion of pending zoning litigation. The following individuals are requested to attend: the Town Council; John Barkley, the Town Administrator; and Angela Plowman, attorney-at-law. Councilperson Klipple seconded the motion. The motion was approved by a vote of 5-0. The vote is recorded as follows:

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

The regular meeting was recessed by Mayor Ramsey at 10:39 p.m.

The Town Council exited closed session at 11:58 p.m. with the following motions:

Motion to resume open session by Vice-Mayor Graham, seconded by Councilman Prack. Passed 5-0.

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

Motion to certify no items discussed that were not exempt from open session by Vice-Mayor Graham, seconded by Councilman Klipple. Passed 5-0.

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

#### **IN RE: MEETING ADJOURNMENT**

The regular meeting reconvened and was recessed by Mayor Ramsey at 12:03 a.m.

Respectfully submitted,

---

Scott T. Ramsey, Mayor

---

Debra McDonald, Recording Secretary