

**ROUND HILL TOWN COUNCIL
REGULAR MEETING MINUTES
November 19, 2015**

A regular meeting of the Round Hill Town Council was held in the Town Office, 23 Main Street, Round Hill, Virginia, on Thursday, November 19, 2015, 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
Kim McGaha

Others Present

Maureen Gilmore, Town Attorney
Jeff Mitchell, CPA, Mitchell and Company
Deputy Matthew Moats, Loudoun County Sheriff's Office
Frank McDonough
John Moring

IN RE: CALL TO ORDER

Mayor Ramsey called the meeting to order at 7:30 p.m.; it was determined that a quorum was present.

IN RE: PLEDGE OF ALLEGIANCE

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

IN RE: PUBLIC COMMENT

Mayor Ramsey opened the Public Comment portion of the meeting, noting that a representative of the Sheriff's Office is in attendance at this evening's meeting. Mr. Ramsey stated that the Sheriff's Office representative is usually given the first opportunity to speak, and asked Deputy Moats if he would like to present a report. Deputy Moats stated that he had no formal report, but would answer any questions anyone in attendance may have. At Councilperson Heston's request, Deputy Moats introduced himself, stating that he has been in police work about nine years, and served in the military prior to beginning his police career. Deputy Moats explained that he was transferred to this area approximately one and one-half weeks ago, to assist the other deputy covering the western section of Loudoun County. Deputy Moats will now serve as the point-of-contact for the area. Deputy Moats stated that he is glad to be here. Council thanked Deputy Moats for his presentation.

Mr. Frank McDonough, of 25 South Loudoun Street, Lovettsville, Virginia, then spoke. Mr. McDonough stated that he serves as Chairman of the Lovettsville Planning Commission, but that he came to speak to the Council tonight in his capacity as a columnist for the Purcellville Gazette. Mr. McDonough referenced his recent column in the newspaper, in which he noted that both Round Hill and Lovettsville are some of the main hold-outs in Loudoun County in keeping developers at bay. Mr. McDonough noted that, as Town Planner/Zoning Administrator Hynes previously served as the Planner for the Town of Lovettsville, he has been able, through contact with her, to keep abreast of some of the challenges faced by Round Hill. Mr. McDonough noted that these are similar to challenges being faced by Lovettsville, at times from the same developers. Mr. McDonough noted that Lovettsville has worked to ensure that, upon entering the community, the first thing seen is not commercial development or sprawl. Mr. McDonough stated that one of the great things about entering Round Hill is that one is immediately steeped in its history. Mr. McDonough also noted similar battles over the construction of townhouses. Mr. McDonough stated that he thinks it important that the small towns hold onto their small town character, while attempting to "juggle" keeping that tax base balanced. Mr. McDonough stated that he will be keeping an eye on what is going on in Round Hill, and will try to work that information into his newspaper columns during 2016. Mr. McDonough noted that he wants to watch and report on how those who have been entrusted by the citizens to keep the flavor of the Town obtain that balance, in the hopes that other towns facing similar circumstances will benefit from those experiences. Mr. McDonough thanked the Council. Mayor Ramsey encouraged Mr. McDonough, in writing about Round Hill, to reach out to him; Mr. McDonough noted that he would do so. Mr. McDonough also referenced recent changes in newspaper coverage for the County, explaining that the Purcellville Gazette will likely be receiving more attention in its reporting on western Loudoun. Mayor Ramsey thanked Mr. McDonough for his attendance this evening.

Mr. John Moring then introduced himself, noting that he is presently building a home in the Sunny Ridge development. Mr. Moring stated that he is here as a member of the public, in order to observe the Town Council meeting. Mr. Moring also stated that he serves as Vice-President of the

Round Hill Volunteer Fire Department, and in the coming year is placing his name on the slate of officers to become President of the department; those elections will be held next month. Mr. Moring stated his hope that he will be spending more time with Council in the coming year. Mr. Moring thanked the Council. Mayor Ramsey referenced issues of interest/concern to the Fire Department which will be addressed in the coming months.

IN RE: APPROVAL OR AMENDMENT OF AGENDA

Vice-Mayor Graham moved that **the Agenda be approved, with the addition of the Planning Commission Report, as Item #7 under Reports;** Councilperson Heston seconded the motion. Town Planner/Zoning Administrator Hynes requested that her memorandum regarding the Creekside Subdivision Record Plat be added to the Agenda, under Action Items. Both Vice-Mayor Graham (motion) and Councilperson Heston (second) accepted that addition. Mayor Ramsey stated that Creekside Plat Approval will be added as the second Action Item. 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. Audit Review

Mr. Jeff Mitchell, CPA, Mitchell and Company, introduced himself, and explained that he has conducted the audit for the Town of Round Hill for the fiscal year ending June 30, 2015. Mr. Mitchell noted that his draft report was circulated via e-mail; Mr. Mitchell also provided paper copies of that report for Council Members. Mr. Mitchell also provided copies of his presentation. Mr. Mitchell reported that the year ended June 30, 2015, and that the Town's books and records were audited and transactions were recorded properly. Mr. Mitchell explained that he will follow the printed presentation in his report to Council, as it is easier to read. Mr. Mitchell noted that there are two funds included in this report – the General Fund, and the Water and Sewer Fund; the cash position for each fund was highlighted and the total cash position was provided. It was reported that the cash is primarily in PNC Bank and the Bank of Clarke County; additionally, some money is contained in C.D.'s. Items included under the heading *Accounts Receivable* were presented, with it being noted that all funds under the General Fund were collected. Mr. Mitchell pointed out that the total under Accounts Receivable for the Water and Sewer

Fund is high due to the fact that there was a billing on June 30, 2015, which was not due until July; there are no outstanding, substantial bills. Mr. Mitchell reported on the bond escrow, explaining that this concerns the 2003 bond which was refinanced in 2009; there is \$75,000.00 left over. Mr. Mitchell then turned to the topic *Overfunded Pension*, for which he provided a printed hand-out regarding a new accounting pronouncement which requires towns to report either deficits or excess amounts in this category. Mr. Mitchell reported that Round Hill is one of only a few localities in Virginia which reports an excess in the retirement system. Assets and liabilities in this category were pointed out, with it being noted that Round Hill's Pension program is overfunded by \$200,000.00. Round Hill is one of "a handful" of jurisdictions in the State of Virginia which is overfunded in this category. Mr. Mitchell explained that, as a result of this overage, the eventuality is that Round Hill may pay a little less. Councilperson Heston asked how the figures in the Pension category could be off by this amount, when an actuarial tells the Town the amount it is required to pay into the system; brief discussion of this topic ensued, with Mr. Mitchell noting that he is uncertain how State entities involved in this determine the amounts owed, and Mayor Ramsey noting that Round Hill's liability may now be less than it was assumed would be paid into the system, based on demographics. Mr. Mitchell briefly expanded upon this issue. Allocations into the two funds were also briefly discussed. *Fixed Assets* in both the General Fund (\$1.7 million) and the Water and Sewer Fund (\$13 million) were presented. Mr. Mitchell explained that, during this past fiscal year, the Westlake Water Treatment Plant and peripherals were deeded to the Town; although they were not paid for by the Town, they are maintained by the Town, thus they are included as assets. Mr. Mitchell further explained that the Westlake Water Treatment Plant accounted for the largest portion of the Water and Sewer Fund. Mr. Mitchell also noted that he, Town Treasurer Wolford, and Town Administrator Nicholson have been working to ensure that infrastructure deeded to, and maintained by, the Town is captured on the books. Mr. Mitchell reported that there was not much activity in terms of Fixed Assets in the General Fund, but that there were a couple of additions, including work done on the Town Hall. Mr. Mitchell then moved to discussion of *Unadvertised Charge on Refunding*, which is included under the Water and Sewer Fund; this pertains to the 2009 refinancing, which was done to push the debt service out. Due to this, the amount the Town had to fund in the escrow, to pay off the bonds, was greater than the face value of the bonds. The Town is amortizing the extra cost over the period of the new bonds. The *Pension Deferred Obligation* was discussed, with Mr. Mitchell noting that the actuarial report is always one year behind; therefore, what was paid in by the Town for the FY 2015 must be deferred until June 30, 2016, e.g., what was paid in this fiscal year will not be expensed until next year. The *Accounts Payable Liabilities* are routine, with bills being paid on time and with no late charges assessed. Mr. Mitchell reported that *Accrued Expenses* are fairly routine, as well. *Long-Term Debt* under the General Fund deals with paid time off/vacation time; included under the Water and Sewer Fund are the refinance of the 2009 bond, and things

such as accrued vacation and the smaller note with Loudoun County. *Deferred Pension Outflow* was then discussed, with Mr. Mitchell explaining that a charge of \$84,000.00 is to be amortized into the Town's records; it was further explained that this is another actuarial calculation. Mr. Mitchell noted that the General Fund bottom line was \$90,000.00; included in this was a transfer from the Utility Fund to the General Fund, and a proffer payment which came in during the year. The Water and Sewer Fund's bottom line was \$3.3 million; included in this figure was an operating surplus of \$164,000.00. Mr. Mitchell explained the steps which went into arriving at this final figure, including adding in depreciation expenses, subtracting developer-donated facilities, subtracting debt service, subtracting availability fees, consideration of interest income, and subtracting interest which was capitalized. Mr. Mitchell reported that, for the fiscal year, Round Hill had *Service Revenue* of \$1.9 million; the Town provides water and/or sewer service for nearly 1,400 customers. The gallons billed versus the gallons pumped are always reviewed; Round Hill had a ratio of 87% in this category, which is excellent. Mr. Mitchell commented that Round Hill has tried hard to maintain a neutral real estate tax expense to constituents; this year assessed value went from \$70 million to \$73 million, and the rate was decreased from 20.034 to 19.18, which almost worked out perfectly and was neutral. Mr. Mitchell compared *Actual Revenue* to *Budget Revenue*, noting that the difference in these figures was due to receipt by the Town of grant funding which was not budgeted. *Actual Expenses* were compared to *Budget Expenses*, with the difference explained by the fact that money earmarked for the park was not spent. The *General Fund Surplus* was reviewed; there was an increase in this category due to a surplus and to a pension asset. Mr. Mitchell noted that that is a strong General Fund Surplus. Vice-Mayor Graham noted that a chart is included in the report for General Fund Budget versus Actual, but that a similar chart for Water and Sewer is not included; Mr. Mitchell explained that such a chart is not required by law, but that one could certainly be added in the future. Mr. Mitchell stated that he appreciates the opportunity to service The Town of Round Hill, and noted that he would communicate any issue of irregularity to the Mayor, as his firm works for the Town Council. Mr. Mitchell emphasized the deeded property issue, noting that any facilities deeded to and maintained by the Town must be included on the books, as the Town must keep track of them. Mr. Mitchell stated that Council should be mindful of this issue in accepting deeded property. Mr. Mitchell explained that government finance office associations suggest a *Capitalization Policy* of \$5,000.00, and suggested that Round Hill have a set policy regarding this issue and thus give guidance to the County regarding what should be included in the Town's books as a fixed asset. Mr. Mitchell noted that he has discussed the pension reporting initiative known as *Gadsby 68*, and that Round Hill has a surplus in this category. Mr. Mitchell also noted that he is aware the Town has changed its policy on the Retirement Health Benefit, but is unsure if the amount being directed into this category is correct; an actuarial would need to review this in order to make that determination. However, Mr. Mitchell noted, at this time he does not suggest that Round

Hill hire an actuarial, but rather continue to fund this category as has been done thus far. Council thanked Mr. Mitchell for his presentation. Councilperson Botsch asked to confirm that there are no “red flags” in the Town’s budget; Mr. Mitchell stated that there are not, and that the Town is in “good shape.” Mayor Ramsey explained to Council that the Water and Sewer numbers included in the auditor’s report reflect prior rates, as a reduction in rates was implemented for the current fiscal year; this may result in a slight operating deficit next year. Council again thanked Mr. Mitchell for presenting this report.

2. Aesthetics Review by Land Use Committee

Councilperson Botsch noted that, during discussions held for the update of the Comprehensive Plan, it was pointed out that the Comprehensive Plan states that the Town will set an example for the rest of the community when it comes to building facilities. Therefore, it was determined that requirements placed upon residents for structures, fences, etc. should be upheld by the Town. It was decided that the Land Use Committee should be discussing these issues with the Utility Committee, so that any structures related to utility services conform to the standards put forth in the Comprehensive Plan. Councilperson Botsch explained that Town Administrator Nicholson had suggested that an Aesthetics Committee be put in place to assist with this issue. Town Administrator Nicholson explained that, during the Land Use Committee discussions of this issue, the question of how to set up a process and how to set parameters was put forth; it was determined that there needs to be a general consensus of how any new construction should look, prior to that construction taking place. Mayor Ramsey noted that, in the past, the Town has taken a very utilitarian approach to this construction with little consideration to “curb appeal.” Vice-Mayor Graham noted her concerns regarding the committee dealing with the minutiae of utility purchases, such as water storage tanks which may be bought used and at a reasonable price. Councilperson Botsch explained his belief that the real question is that the Town, in constructing utility structures, abide by the same requirements as those to which land-owners are subjected; the vehicle to be used in making these decisions can be debated – e.g., a separate committee, the Land Use Committee working in conjunction with the Utility Committee, or these decisions being made administratively. Councilperson Botsch and Mayor Ramsey both voiced their opinion that a new committee is not desirable, but rather that this be handled by existing Town government entities. Vice-Mayor Graham voiced her concern that this may be unrealistic and may place an undue burden on utility building construction; Councilperson Botsch provided the example of the recently installed well-site fencing, with which Council was ultimately unhappy, and noted that the goal is to put in place a process for making these types of determinations. Vice-Mayor Graham also voiced her concern that this may increase construction costs. Mayor Ramsey noted that these parameters need not be mandatory; however, a process should be in place by which building construction is reviewed, and input is received, prior to going ahead with, and paying for, the construction. Vice-Mayor Graham voiced her concern that

this process may be too subjective. Mayor Ramsey stated his belief that the Planning Commission would be the natural body to conduct these reviews. Mr. Ramsey also noted his feeling that the attempt to be more aesthetic may generate more cost, but that it may be money well spent. Vice-Mayor Graham stated her concerns regarding the possible difficulty in reaching a consensus on how a building looks. Mayor Ramsey suggested that the Planning Commission be asked if they would be interested in playing a role in this process. Councilperson Botsch stated his belief that this issue may not arise that often, and that any suggestion regarding this would come before the Council prior to the beginning of any project. Discussion ensued of guidelines imposed upon citizens, and their relation to zoning, as well as aesthetic guidelines imposed in the cases of special exceptions and rezonings. The majority of Council Members agreed that this should be explored further, and should be presented to the Planning Commission.

3. Comprehensive Plan Legal Aspects

Town Attorney Maureen Gilmore provided a PowerPoint presentation on the Land Use and Zoning process in Virginia, and on how the Comprehensive Plan, Subdivision Ordinance, and Zoning Ordinance all coordinate. Ms. Gilmore noted that there are three major documents which deal with land use. The first document is the *Comprehensive Plan*, which is required by State Code, and which controls the general approximate location and character of features shown on the Plan. Planning Commission review of the Comprehensive Plan is required every five years; however, amendments need not necessarily be made. The public hearing process is required if amendments are proposed. The Comprehensive Plan should set out goals, and forecast how the town should look in the future. Ms. Gilmore stated that it is important to consider how proposed amendments would affect the Plan's vision as a whole, and also to look at how amendment may affect other areas of the Plan, using the example of providing for utilities in a proposed development. Town Attorney Gilmore explained that, following a Public Hearing and receipt of comment, the Planning Commission makes its recommendation to the Town Council by resolution; the Planning Commission version of the Comprehensive Plan must be posted to the town's website. Following this, the Town Council reviews the Plan and makes revisions, conducts its own Public Hearing, and then adopts the amendments; the document must again be posted to the town's website. The *Subdivision Ordinance* and the *Zoning Ordinance* implement the goals set forth in the Comprehensive Plan. Subdivision Ordinances are required and accomplish the objectives of the State Code provision regarding planning for future development and ensuring adequate transportation and public services; they also encourage the development of business, industry and resource. The Planning Commission is also charged with reviewing plats and site plans, as required by the Subdivision Ordinance, and acting on those plats and site plans. The Zoning Ordinance is authorized by State Code; its general goals are to promote the health, safety and welfare of the citizens, as put forth in the Comprehensive Plan. The Zoning Ordinance implements the Comprehensive Plan. The Zoning Ordinance typically contains Zoning Districts; regulations for those Zoning Districts are put forth by the Zoning Ordinance. The Zoning

Districts are placed on a Zoning Map, which must be updated every year. Each zoning district has uses which are permitted by-right, and by special permit (also referred to as Special Exceptions or Special Use Permits). The Regulations and Zoning Districts also contain physical characteristic requirements, such as yards and set-backs. The Zoning Ordinance contains requirements for the construction of structures, and the use of properties, including changes in property use. The process for amendments and enforcement are set out by this ordinance. Text Amendments are made to the actual language in the ordinance; Map Amendments, also called Re-Zonings, are actual amendments on the Zoning Map. A symbol should be placed on the map for each re-zoning or special use permit. Town Attorney Gilmore explained that a Re-Zoning or Map Amendment initiated by a property owner allows for voluntary proffers, which help fund infrastructure and accomplish the Plan and Goals. Ms. Gilmore noted that variances must be marked on the Zoning Map. Special Exceptions, Special Use Permits, and Variances impose conditions to minimize and mitigate impacts to surrounding properties. Ms. Gilmore then explained the Rezoning Review Process, noting that it is a legislative decision by the governing body (in Round Hill's case, by the Town Council). When an application is received, a review must take place in order to ensure that the re-zoning complies with the Comprehensive Plan. If the re-zoning does not comply with the Comprehensive Plan, the applicant may apply for a Comprehensive Plan Amendment. Additionally, the Zoning Ordinance must contain the district requested by the applicant; if it does not contain the district, an application must be filed for a Zoning Ordinance Text Amendment. Councilperson Klipple asked who settles a disputed interpretation of the Comprehensive Plan. Town Attorney Gilmore explained that, within the town's limits, the town has the ultimate say in how the Comprehensive Plan is interpreted; if two jurisdictions are involved in an area where the Comprehensive Plan applies, and there is a Comprehensive Plan planning issue, a three judge panel may make the determination. In a case where litigation ensues, the Virginia Supreme Court has ruled that issues surrounding land within the zoning control of a particular jurisdiction would be decided by that jurisdiction. Mayor Ramsey noted that Round Hill's Comprehensive Plan includes policies meant to encompass the Joint Land Management Area; additionally, the County has its own Comprehensive Plan which includes a section related to towns and villages, and a Round Hill Area Management Plan. However, Mr. Ramsey noted, the two plans may not be in perfect harmony; whenever a lack of harmony exists between the plans of the two entities, the County's Plan would be controlling over County decisions, and the Town's Plan would be controlling over Town decisions. Mayor Ramsey stated that Round Hill has very little decision-making authority in the Joint Land Management Area. Town Attorney Gilmore explained that, ideally, a process would exist whereby the County would review the Town's Comprehensive Plan and indicate their agreement, or ask for revisions; in practice, that has not worked out. Mayor Ramsey asked if Round Hill should submit its Comprehensive Plan to the County; Town Attorney Gilmore stated that the portion of the Comprehensive Plan which affects the JLMA should be submitted. Mayor Ramsey asked for the timeline for the Comprehensive Plan to be submitted to and reviewed by the County; Town Attorney Gilmore stated that the Town completes all of its work first, and then sends the document

to the County. Mayor Ramsey asked to clarify that this would take place after both the Planning Commission review and Public Hearing, and the Town Council review and Public Hearing, and subsequent adoption; Ms. Gilmore stated that that is correct. Mayor Ramsey asked if the County could, following its review, request changes in the Town's Comprehensive Plan; Town Attorney Gilmore stated that the County has requested such changes in the past. Mayor Ramsey asked if the Town would be obligated to update the Plan in accordance with County-desired policies; Town Attorney Gilmore stated that it would, unless it wants to divorce itself from the JLMA. Vice-Mayor Graham asked for the time frame for this process; Ms. Gilmore stated that it could take a year. Town Attorney Gilmore also stated that the County has no say over areas of the Comprehensive Plan that apply to the Town, within the corporate boundaries. There was discussion of a hypothetical example regarding a trail inside the JLMA. Mayor Ramsey stated that he accepts the fact that the Town has no authority in the Joint Land Management Area, but noted his concern regarding County control over the Town's Comprehensive Plan. Town Attorney Gilmore explained her observation that, over the years, there has been very little that the County has changed with the Town JLMA plans; an example of this type of situation, which occurred in a different jurisdiction in the County, was presented. Town Planner/Zoning Administrator Hynes asked if the appropriate place for Round Hill to note its policy regarding the JLMA is in the Town's Comprehensive Plan, or the County's JLMA Plan; Town Attorney Gilmore stated that the Town's policy should be noted in both documents. Ms. Hynes also reported that, during the public comment portion of the Comprehensive Plan update process, she routinely sends a copy of the Town's Comprehensive Plan to the County, for their review. Town Attorney Gilmore then presented information regarding *Owner Initiated Zoning Map Amendments (Re-Zonings)*. In this process, an application is submitted by the property owner, by which the owner is requesting a reclassification of the property zoning; if approved, this change is notated on the Zoning Map. A re-zoning initiated by an owner/applicant allows a locality to accept proffers. Ms. Gilmore noted that proffered re-zonings are referred to in State Code as Conditional Zonings. The General Assembly allowed for proffers in order to provide a method to localities to obtain funding for needs generated by the development of the property; this was done because Development Impact Fees are not allowed. Proffers are voluntary, are first negotiated at the Planning Commission level, and next at the Town Council level; the proffer system allows localities to provide flexibility for differing land uses, allows the locality to address the effects of change, and protects the community from incompatible land uses. The various types of proffers were presented, they are: transportation construction and contribution, utility construction, storm water construction, fire/EMS protection, public uses such as parks and playgrounds, and pedestrian trails/sidewalks/bike racks/etc. Town Attorney Gilmore stated that "proffers run with the land," e.g., they are attached to the land. Proffers are enforced by the zoning administrator, and can only be changed through the public hearing process. State Code §15.2-2308(B), which states that amendments may only be made in the case of mistake, fraud, or change in circumstance directly affecting the public health, safety and welfare, was highlighted; it was noted that this provision is interpreted loosely in Virginia. Mayor Ramsey asked who has enforcement authority over

proffers, in the event the County approves a re-zoning which includes proffers which run with the land, while under County jurisdiction, then the jurisdiction changes due to a boundary line adjustment, which brings the land into the town. Town Attorney Gilmore stated that, if this involves one piece of property which, through a boundary line adjustment, is now entirely within the town's boundaries, the town's zoning administrator has enforcement authority; however, if there are other properties related to the re-zoning, and there are bundled or mixed proffers, there will still be some county enforcement. Mayor Ramsey asked to clarify that the determination of enforcement authority depends upon if the proffer is specific to the parcel, or if it applies to the area as a whole; Ms. Gilmore stated that that is correct. Mr. Ramsey also asked if there is past experience which would guide a locality in a question such as this; Town Attorney Gilmore stated that she is not aware of any, but would look into the issue. Ms. Gilmore briefly reviewed the Owner Initiated Zoning Map Amendment Process, which includes: the application going to the Planning Commission, with a Concept Plan presented; discussion between the applicant and the Planning Commission; submission of proffers by the applicant; submission of the signed proffer statement by the applicant; applicant notification of adjacent property owners; a Public Hearing held by the Planning Commission with subsequent Planning Commission recommendation to the Town Council; Town Council review and revision during the public process, revisions to the concept plan and proffer statement may be requested; applicant notification of adjacent property owners; Public Hearing held by the Town Council; and, Town Council adoption of a Resolution to amend the Zoning Map. The presentation then moved to the *Town Initiated Zoning Map Amendment* process, which occurs as follows: Town Council referral to the Planning Commission; determination that the proposed re-zoning complies with the Comprehensive Plan, if it does not, a Comprehensive Plan Amendment becomes necessary; determination that the Zoning Ordinance contains the zoning district, if it does not, a Zoning Text Amendment becomes necessary; Planning Commission review to assure consistency with the Comprehensive Plan and existing zoning, to determine if existing infrastructure supports the proposed re-zoning or to confirm that capital improvement funding is available, to avoid spot zoning and down-zoning, to provide notifications to property owners and to conduct a Public Hearing, and to make recommendation to the Town Council. Councilperson Botsch asked for an explanation of "spot zoning," which Town Attorney Gilmore provided – a proposal presented for different zoning for one parcel within a group of properties in the same zoning district, with no substantive evidence or necessity for so doing existing/presented. Mayor Ramsey asked how a conditional re-zoning is not spot zoning, noting the example of the property at 7 Main Street; Town Attorney Gilmore explained that small commercial businesses on Main Street are provided for in the Comprehensive Plan, thus this use was in compliance with the Comprehensive Plan. Discussion of this issue ensued among Council Members, with Town Attorney Gilmore explaining the provision for this in Round Hill's Comprehensive Plan. It was also noted, in connection with this discussion, that the Comprehensive Plan may be amended at any time. Ms. Gilmore also explained how this process worked in the construction of the Purcellville Gateway shopping center. Town Planner/Zoning Administrator Hynes explained how various other jurisdictions handle spot

zoning issues. Town Attorney Gilmore discussed spot zoning in regards to breweries, wineries, and distilleries. Mayor Ramsey presented the example of a recent boundary line adjustment which precipitated the need for a Zoning Map Amendment; possible future boundary line adjustments were discussed, as well. Several Council Members asked for a copy of this presentation; Town Attorney Gilmore stated that she would e-mail this to Council. Council thanked Ms. Gilmore for her presentation.

IN RE: ACTION ITEMS

1. Approval of Minutes: October 15, 2015 Town Council Meeting

Vice-Mayor Graham noted that, on page one, Kim McGaha's name should be moved to "Staff Members Present;" on page eight, under discussion of Retirement Healthcare, the discussion regarding new hires and the cut-off date requires clarification – the first paragraph in the document does not apply to new hires, however, the subsequent paragraph(s) apply to new hires; on page eleven, in the fifth line, the word *then* should be the word *than*; also, in the same paragraph, the name of Purcellville's Mayor is misspelled, it should be *Fraser* not *Frazier*. Vice-Mayor then made a motion **that the minutes be approved, as changed**; Councilperson Klipple seconded the motion. There was no discussion. A vote was held; the motion was approved 3-0-2, with Councilpersons Botsch and Prack abstaining, and Councilperson Lyne absent. The vote is recorded as follows:

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

2. Creekside Plat Approval

Town Planner/Zoning Administrator Hynes presented this item, noting that the name of this development has been changed to Brentwood Springs. Ms. Hynes explained that the developer is ready to request a bond release for Phase I-A of construction, however, the Town may not initiate the bond release until the construction plans are approved; those plans are scheduled to be approved by November 30, 2015. The developer has already sold five houses in the subdivision. The Subdivision Plat must be approved; the review process for this has been completed, however, the signature line for the Town was omitted from the plat and will need to be added. There was discussion of whether the Mayor or the Planning Commission Chairman should be the signatory on these documents. Town Planner/Zoning Administrator Hynes explained that only .11 acre of this section of the subdivision is inside the Town limits. Ms. Hynes stated that she is asking that the Mayor

be authorized to sign for that .11 acre portion of the plat. Councilperson Heston noted that, if a parcel for which a plat is submitted is inside the Town limits, the Planning Commission Chair signs, and asked why this is being handled differently. Town Planner/Zoning Administrator Hynes explained that Round Hill's Planning Commission is not required to approve the plat, but rather is a party to the plat. Round Hill does not have approval authority over the subdivision plat. Town Attorney Gilmore further noted that this signature acknowledges awareness of the .11 acre portion located inside the Town limits, and that this portion is to be open space, with no development to occur. An authorized Town signature on the plat provides recourse to the Town if any development were to occur on that portion of the parcel. Mayor Ramsey then requested that the Council authorize him to sign; he and Ms. Hynes will make a determination regarding who should sign the document. Vice-Mayor Graham then moved **that Council authorize the Mayor to sign the Creekside Record Plat**; Councilperson Klipple seconded the motion. In response to a question from Councilperson Botsch, it was noted that the approval sought by the motion is for the signing of the Subdivision Record Plat. Vice-Mayor Graham then re-stated her motion, as follows: **I move that the Town Council authorize the Mayor to sign the Record Plat for Creekside at Round Hill Phase I-A, for lots 38 to 64**; Councilperson Klipple accepted the substitute motion. There was no discussion of the substitute motion. A voice 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 provided a recap of the big items in his report. Mr. Nicholson reported that the capital debt refinance, through the State Drinking Water Revolving Fund, will not occur; this is due to the fact that the call date is so far out that it would cut into any savings on interest the Town may realize. Mayor Ramsey stated that it will be prudent for the Town to wait until closer to its call date on the bonds. Mr. Ramsey also explained that, even if the refinance takes place, the Town will still be obligated to make interest payments to the original financier of the bond. This is essentially a

prepayment penalty. Mayor Ramsey noted that this decision was based on analysis by Davenport. Town Administrator Nicholson reported that the application for additional funding for the Main Street Enhancement Project has been submitted; we will be notified in spring 2016 if awarded additional funding, and would receive the funding in June 2016. Mr. Nicholson also reported that the firm Heritage conducted another evaluation of the costs of building out Main Street; that total was significantly higher than our engineer's estimate (by approximately \$1.2 million). Therefore, a request for additional funding was made to VDOT. Town Administrator Nicholson stated that he is hopeful the funding will be awarded to the Town, as VDOT is particularly interested in funding existing projects and moving them to the top of the list. Town Administrator Nicholson reported that VDOT completed the culvert replacement and made repairs to the street on North Main. Mr. Nicholson also thanked Mr. Bill Heston and Ms. Jenny McMahon for creating the Town's ornament for the Governor's Christmas tree; Mr. Nicholson briefly explained the design of the ornament. Councilperson Prack asked what steps VDOT took to alleviate flooding at the Route 7 Bypass exit ramp; Mr. Nicholson explained that he was unsure what VDOT did in that area, but stated that they were made aware of the beavers living there. Vice-Mayor Graham provided a corrected name for the Ground Water Investigations report (*Dave Poole* not *Dick Poole*). Ms. Graham also asked if Town Administrator Nicholson had spoken with Steve Chen regarding the survey for the Hamlet easements; Mr. Nicholson stated that he did contact Mr. Chen and is awaiting a reply.

2. Town Planner/Zoning Administrator Report

Town Planner/Zoning Administrator Hynes noted that her report has been submitted in writing; Ms. Hynes briefly reviewed activities for August and September, noting that August was the busiest month for permits since she has been here. Town Planner/Zoning Administrator Hynes reported that she is now a Certified Zoning Administrator. Ms. Hynes also reported that August and September were busy due to the public input meetings held for the update of the Comprehensive Plan. A zoning permit was denied in October, due to proffers not being met. Additionally, a home-owner who was building a shed failed to obtain a zoning permit; Ms. Hynes sent a letter notifying the resident of the problem, and the home-owner came in for the permit in short order. Town Planner/Zoning Administrator Hynes reported that the VDGIF grant funding must be used by October 2016, as the program has been dissolved; the Town is moving forward on applying to build the park, but a decision to break ground will not be made until Staff has a better feel for where we stand with the Main Street Enhancement Project. Vice-Mayor Graham commented on the voice mail message Ms. Hynes is using on her phone, noting that it gives definite direction to callers.

3. Mayor's Report

Mayor Ramsey noted that the past month has been a slow month for him, and that he has no report.

4. Utility Committee

Vice-Mayor Graham noted that this report has been provided in written form, and that some of this information is contained in the Town Administrator's report. Additionally, some items will be discussed during the Executive Session. Mayor Ramsey reported that he received a letter from the Girl Scouts regarding the garden they maintained at the Methodist Church and the water usage for that project. The troop purchased an in-line water meter and carefully monitored their water usage; a detailed spreadsheet of that usage was provided to the Town. Mr. Ramsey will pass the information to Town Administrator Nicholson, so that the church's utility account will be properly credited; that money will come from the General Fund, as it is for charitable purposes. Mayor Ramsey noted that he received a very nice letter from Miss Amanda Imthurn, representing the troop, and that they also provided pictures. The pictures were passed around for Council to see.

5. Administration, Communications & Technology Committee

Councilperson Heston reported that the committee worked on updating communications information. The committee is also looking into other ways of updating some systems, as there are issues with addresses and similar information. The next meeting will be December 14, 2015. Councilperson Heston reported that Town Administrator Nicholson is researching obtaining FIOS service for the Town Office; an e-mail has been sent to Council Members, and the issue will be taken up again in committee.

6. Land Use Committee

Councilperson Botsch reported Councilperson Prack provided the committee with an update on work on the Comprehensive Plan. The Main Street Enhancement Project was reviewed, and Town Administrator Nicholson and Town Planner/Zoning Administrator Hynes have applied for additional funding. Councilperson Botsch noted that the main topic of conversation at the meeting was Sleeter Lake Park funding; the hope is to time this project to coincide with the April date of notification of additional funding for the Main Street Enhancement Project. The committee does not want to use funds for the park which may be needed for Main Street. Mayor Ramsey asked if the Sleeter Lake Park project is designed in such a way that improvements could be made using only the VDGIF grant funding, and noted that funding restrictions for the coming year place much pressure on the Town to ensure that the boat ramp is constructed. Councilperson Botsch and Town Planner/Zoning Administrator Hynes explained that the committee will work on moving forward with the approval process; Ms. Hynes also noted that she will continue to "look at the numbers" in an effort to move forward. Discussion ensued regarding down-sizing

portions of the park where that can take place, and continuing to look for sources of funding. Councilperson Botsch noted that, if the Town receives additional funding for the Main Street Enhancement Project, this will not be an issue; however, if that additional funding is not received, moving forward with the park will be more difficult. Discussion ensued regarding budgetary items related to this issue, with Councilperson Botsch stating that, if a large portion of the Town's monetary reserves need to be spent on the Main Street project, it will be hard to justify spending \$100,000.00 on a park. Town Planner/Zoning Administrator Hynes stated that she will contact the County regarding obtaining funding for Sleeter Lake Park, with Mayor Ramsey suggesting that she contact Supervisor Clarke's assistant for advice as to who to contact. Councilperson Botsch stated that the next meeting will be December 9, 2015 at 7:00 p.m.

7. Planning Commission Report

Councilperson Prack noted that he was not able to attend the last meeting of the Planning Commission, held on November 17th, but that Vice-Mayor Graham attended and will present this report. Ms. Graham reported that Town Attorney Gilmore presented her report on the Roles and Responsibilities in Updating a Comprehensive Plan; additionally, the Planning Commission discussed the Economic Development goals. Town Planner/Zoning Administrator Hynes noted that the Commission approved a draft of this section. Vice-Mayor Graham also noted that review of two other chapters was delayed until a future meeting. The next two meetings are: a work session on December 1st at 5:30 p.m.; and, the regular meeting on December 8th at 7:00 p.m. The Planning Commission then adjourned their meeting for an Executive Session. Town Planner/Zoning Administrator Hynes explained that she made a presentation to the Planning Commission regarding the Land Use chapter (similar to the presentation made to the Land Use Committee). Councilperson Botsch asked when the Planning Commission may be ready to present to the Council; Ms. Hynes stated that she is unsure, and explained reasons for delays in these discussions.

IN RE: COUNCIL COMMENTS

Vice-Mayor Graham noted that she attended the quarterly meeting held by the Sheriff's Department, and, as always, it was a very interesting presentation. Town Attorney Gilmore noted that she received an e-mail from the Herndon town attorney regarding a discussion at the last TANV meeting; the discussion was of a proposed amendment to allow small towns to use their websites to fulfil advertising notice requirements, instead of newspaper ads, due to costs. TANV will try to discern if towns in Loudoun, Prince William and Fairfax Counties would be in favor of that legislative request. Councilperson Heston asked if the advertising would only be on the websites; it was noted that the proposed legislation allows for this in lieu of advertising in newspapers. Vice-Mayor Graham and Councilperson Heston noted their concern that not everyone has access to a computer; Ms. Gilmore noted that she will share those concerns. A straw

poll was held, with the majority of Council Members in favor of the proposal. Mayor Ramsey noted that Norm Styer has begun a local newspaper. Councilperson Heston wished everyone a blessed Thanksgiving. There were no further Council Comments.

IN RE: EXECUTIVE SESSION

Vice-Mayor Graham moved that **the Round Hill Town Council recess its open meeting and convene in closed session to consult with legal counsel regarding land development and zoning issues, and real estate, that require the provision of legal advice by counsel, as authorized by Virginia Code §2.2-3711(A-3) and §2.2-3711(A-7), as amended, as authorized by Code of Virginia of 1950, as amended, §2.2-3711(A-1), with the following people invited to attend: Buster Nicholson, Town Administrator, Melissa Hynes, Town Planner and Zoning Administrator, and Maureen Gilmore, Town Attorney;** Councilperson Klipple seconded the motion. There was no discussion of the motion. A voice 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

Mayor Ramsey called for a five minute recess at 9:44 p.m.

IN RE: MEETING ADJOURNMENT

Vice-Mayor Graham moved that **the Round Hill Town Council adjourn its closed session and reconvene its open meeting;** Councilperson Botsch seconded the motion. A voice 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

Vice-Mayor Graham moved that **the Town Council certify that, while in closed session, the Town Council discussed only those public business matters lawfully exempted from open meeting requirements, and only such public business matters as were identified in the motion by which a public meeting was convened were heard, discussed or considered by the Town Council;** Councilperson Klipple seconded the motion. A voice 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

The meeting was adjourned at 11:13 p.m. by Mayor Ramsey.

Respectfully submitted,

Scott T. Ramsey, Mayor

Debra McDonald, Recording Secretary