

**ROUND HILL TOWN COUNCIL  
REGULAR MEETING MINUTES  
October 17, 2013**

A regular meeting of the Round Hill Town Council was held in the Town Office, 23 Main Street, Round Hill, VA, on Thursday, October 17, 2013.

**Council Members Present**

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

**Others Present**

Betty Wolford,  
Town Treasurer  
Maureen Gilmore,  
Town Attorney  
Tony Derrow  
Aaron and Eileen Perry  
Mark Thomas  
Jeffrey Mitchell

**Council Members Absent**

Mary Anne Graham, Vice-Mayor

**Staff Members Present**

Buster Nicholson, Town Administrator  
Mickey Rhoades, Town Planner/Zoning Administrator (arrived late)

**IN RE: CALL TO ORDER**

Mayor Ramsey called the meeting to order at 7:33 p.m.

**IN RE: PLEDGE OF ALLEGIANCE**

Councilperson Klipple led those present in the Pledge of Allegiance.

**IN RE: PUBLIC COMMENT**

Mayor Ramsey opened the meeting to Public Comment, asking those presenting comments to the Council to state his/her name and address, and to keep their comments to five minutes. Mr. Aaron Perry, of 59 Main Street, addressed the Council regarding the proposed houses to be built on Route 719 (Creeside). Mr. Perry noted his concerns regarding the elementary school already being at capacity, flooding on his property (which, he noted, has been worse since the building of houses on Greenwood), and the road being built at the rear of the property. Mr. Perry also reported that his fence near the adjacent property is actually ten feet inside his property line. Mrs. Eileen Perry spoke about her concerns regarding the construction of houses and grading on the property in relation to flooding at the site, noting a concern about possible problems in the resale of

their house stemming from this. The Perry's noted that they want to ensure these issues are considered during any construction. Mayor Ramsey noted that there is infiltration there. The Perry's reported that the problems with flooding started after trucks were at the site and work was done at a manhole. Councilperson Botsch informed the Perrys of the public input session to be conducted regarding this possible subdivision. The Perrys thanked the Council. There was no other public comment.

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

Councilperson Klipple **made a motion that the Agenda be approved;** Councilperson Heston seconded the motion. There was discussion regarding which representatives were in attendance from various entities. It was suggested that Item #5 under Business Items be moved to Item #3. Councilpersons Klipple and Heston both agreed with this change. Following this discussion, the amended Agenda was approved by a vote of 5-0; with Vice-Mayor Graham absent. The vote is recorded as follows:

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

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

##### **1. Auditor's Report**

Mr. Jeff Mitchell, C.P.A., of Mitchell and Associates, Leesburg, Virginia, presented his report. Mr. Mitchell handed out copies of two documents related to the audit, the Presentation Document and the actual Report. Mr. Mitchell noted that the fiscal year ends on June 30, and the audit is for that period. Mr. Mitchell reported that the books and records are in order. Mr. Mitchell noted that he works for the Town Council, and feels the Council should hear from their auditor every year. Mr. Mitchell expressed frustration with the larger document, but noted that it is required by state law. The layout of the Presentation Document was explained, with categories and amounts in each category highlighted. Mr. Mitchell explained the Bond Escrow Account and its origins in 2001/2003, as well as how this account is segregated from the rest of the cash. Mr. Mitchell discussed what comprises Fixed Assets, and provided a break-down of categories and amounts in that section. Mr. Mitchell noted that the Town's bills are routine and are paid on time; he also discussed accrued expenses. Long-Term Debt and its relationship to the Debt Bond refinanced in 2009 were discussed. Mr. Mitchell explained Bond issues delineated on Page 30, in response to questions from Councilperson Lyne. Mr. Mitchell explained the "bottom line" in the General Fund (which shows a deficit), and explained how, occasionally, a deficit will occur. Mr. Mitchell also explained a surplus in the Utility Fund by presenting an outline of income and outgo in the Utility Fund. Mr. Mitchell reported that, from an operating standpoint, a surplus of \$145,000.00 exists in this fund. Mr. Mitchell

explained the history of the 2009 refinance of the Bond Account. It was reported that the Revenue category on Page 4 provides a broad picture. Under Utility Operating Revenue there was an increase of 3%; Mr. Mitchell stated that one needs to look at gallons billed in relationship to gallons pumped when looking at this category. It was noted by Mr. Mitchell that Round Hill bills at 82-83%, which is a “phenomenal” rate. It was reported that the Town of Round Hill served 1,245 utility customers during the last fiscal year, which is an increase. Mr. Mitchell explained how the Town has done a good job with keeping the rates level (as noted in the General Fund Revenue category). On Page 5, under the Budget category, it is noted that actual revenues, as well as actual expenses, were both less during the last fiscal year. Mayor Ramsey explained how the pavilion project was funded from the Surplus Fund, and how the build-out of Main Street may cause deficits in the General Fund. Mr. Mitchell explained a surplus in the General Fund, as noted on Page 6, stating that it is a surplus of one year’s amount. Following this overview, Mr. Mitchell again expressed his appreciation of being able to work with the Town of Round Hill. It was noted that the water treatment plant, and the land on which it is located, were added to the books during this last fiscal year. Brief discussion of the Debt Service, and the Bond Escrow money, ensued. It was explained that the County is requiring municipalities to account for the cost of health benefits and pensions; and that, starting this year, in relation to the Virginia Retirement System, it must be ensured that assets exceed liabilities. Mr. Mitchell noted that Round Hill “is in pretty good shape” in this area. Mayor Ramsey asked how the VRS will handle unfunded liabilities; Mr. Mitchell explained how funds are invested, and noted that Round Hill is ultimately responsible for this. Mayor Ramsey asked for assurance that the Town of Round Hill would not be liable for any other communities; Mr. Mitchell assured him that the Town would not be. Mr. Mitchell spoke briefly about his recent meeting with the Town Administrator, noting that the information from that meeting is available to Town Council members. Councilperson Botsch asked about the schedule for bond payments; Mr. Mitchell and Mayor Ramsey explained the break-down of these payments going forward. The Council thanked Mr. Mitchell for his presentation.

## **2. Community Garden Park Yearly Report**

Mr. Tony Darrow, a resident of The Villages, presented the report. Mr. Darrow reported that Ms. Gina Faber, his co-leader and founder of the Community Garden Park, was unable to attend the meeting this evening, and sends her apologies. Ms. Faber sent a statement for him to read to the Council. Mr. Darrow’s summary noted that the Garden staff operated on “half-mode” this year, due to recruitment and maintenance issues. Mr. Darrow reported that there were five tenants, as well as the “Plant a Row” initiative, which donated food to local food banks. Finally, Mr. Darrow noted that the Garden Park leadership’s hope is to try to find a way to continue on. Mr. Darrow then read Ms. Faber’s statement, which provided an overview of the history and usage of the garden, as well as the loss of interest by the community and the lack of volunteers. Ms. Faber’s statement reported that the leadership is not inclined to ask for the garden plot

again next year, and would like to work with the Town in the shut-down of the garden. In closing, Ms. Faber thanked the Town of their support of this endeavor. Mr. Darrow added how he benefitted personally from the program. Mayor Ramsey asked if the garden volunteers will dismantle the fence and return items to the plot renters. Mr. Darrow stated that they will, and will require help to do so; he also noted that the shed at the site is nice, and may be of use elsewhere. Mr. Darrow stated that dismantling the fence will be the biggest project. It was reported that there will be a volunteer day at the end of the season. Mayor Ramsey asked Mr. Darrow to let him know when the volunteer day will be held, stating that he would like to meet him there and assess the possible future uses of the site. The Council thanked Mr. Darrow; Councilperson Heston asked him to convey the Council's thanks to Ms. Faber, as well. Mayor Ramsey suggested that this issue may want to be visited during the Comprehensive Plan review.

### **3. Creekside Rezoning**

Mr. Mark Thomas and Mr. Ed Wormald made this presentation. Mayor Ramsey reported that their firm, Wormald Homes, currently has a contract on the Creekside development originally begun by Richmond American. Mayor Ramsey also noted that Mr. Thomas worked with the original planners for this project. They began by distributing information about the proposed development, and noting that they have already met with the Land Use Committee regarding this project. Mr. Wormald talked about the location and status of the project, noting that the houses will "fill in" an area already surrounded by housing. Mr. Wormald provided a brief history of his company, and noted that they build housing in four states (Maryland, Pennsylvania, Virginia and West Virginia). Mr. Wormald stated that their family-based company provides "non-cookie cutter homes." It was also reported that engineering, architecture and sales are in-house, and that the company is a certified "green builder." Mr. Wormald provided a brief review of a map of their current locations, and elevations of their homes. It was noted that the company's flagship community is in Frederick, Maryland (Worman's Mill), and that the courtyard concept was used in that community; Mr. Wormald believes that concept would work here. Mr. Wormald addressed a need in Loudoun County for housing for senior citizens, noting that all their homes contain first-floor master bedrooms, which are a strong selling point for seniors. Mr. Wormald also spoke briefly about their community in Jefferson County, West Virginia, and the history of that property. Mr. Wormald stated that they strive to create a sense of community. A change in the original plan for this subdivision was discussed, with it being noted that this will require a zoning change with the County. Efforts to provide adequate parking in the subdivision, as well as parcels deeded to the Town, were discussed. It was pointed out that there will be no age restrictions in the subdivision. Mr. Thomas discussed approvals they have already received, and studies they have done or will do. Mayor Ramsey asked if the company will file their re-zoning application prior to the public information meeting, with Mr. Thomas discussing their position on this item. Mayor Ramsey explained the Town's rationale for holding the public input session prior to the

company's referral to the County. The Creekside representative asked who would facilitate the public input session; it was noted that a staff member would do so. There was brief discussion of how residents would be notified of this session. It was stressed by the Council that the preference is to hold the input meeting prior to any filing with the County. Councilperson Lyne asked what the square footage of the residences will be; the Creekside representatives stated 1,900 to 3,000 square feet. Councilperson Botsch asked if the company has selected the elevations they are going to use in the development; the representatives noted that new elevations would be drawn. The land bay concept was also briefly discussed. Mayor Ramsey asked who would provide maintenance of the streets and courtyards; the Creekside representatives explained that that would be provided through a home owners' association, and that everyone in the community would have HOA funded landscaping. Mayor Ramsey referenced the "pipestemming" of the courtyards, which the Creekside representatives elaborated upon. Mayor Ramsey stated that a statistical breakdown regarding the lots and homes (e.g., lot size for type of home) would be helpful in the public meeting, in order to provide a comparison of this plan to the prior plan. There was brief discussion of the "look" of the Creekside homes in comparison to existing homes in the area. Councilperson Lyne referenced the fee paid to the County; the Creekside representatives noted that they would ask that that fee be used in this district. Mayor Ramsey asked about widening Evening Star Drive, which the Creekside representatives stated they feel is unnecessary. Mayor Ramsey then asked if the Council agrees to hold a public information session, which they did. Mr. Thomas and Mr. Wormald thanked the Council. Mayor Ramsey thanked the representatives for attending.

#### **4. Sleeter Lake Easement Zoning Determination**

Town Attorney Gilmore presented information regarding the history of this topic, as well as issues surrounding the access easement going forward. Mrs. Gilmore presented a possible problem that may occur with RHI moving the access to the lake, in that they are required to build two homes on large lots which would render them unable to adjust the access easement. Town Attorney Gilmore explained the County's involvement in this and her feelings about how this may affect the access easement issue. Mayor Ramsey and Town Attorney Gilmore both stated that they feel RHI would be willing to work with the Town to provide access to the lake, as the proffers were on the property when they purchased it. Town Attorney Gilmore then asked the Council if they want to go forward with requesting a Zoning Determination from the County. Mrs. Gilmore and Ms. Rhoades elaborated on the issues surrounding obtaining a Zoning Determination from the County, in light of recent County actions on similar issues. Town Attorney Gilmore stated that she doesn't feel comfortable with the County's process. Town Planner/Zoning Administrator Rhoades discussed how the availability of utilities controls growth in any given area. Councilperson Klipple asked what would happen if the Town provided access, and RHI asked for the Zoning Determination. Town Attorney Gilmore noted that the proffer exists, but

access can be refused. Following this discussion, the consensus of the Council was that the Town can work with RHI. Town Attorney Gilmore asked if she and Town Planner/Zoning Administrator Rhoades should request a meeting with the County, in order to ascertain the County's position on this issue. Mayor Ramsey stated that he feels that meeting should be held. Town Planner/Zoning Administrator Rhoades will arrange the meeting. There was no further discussion on this topic.

#### **5. 7 Main Street Proffer Request**

Town Planner/Zoning Administrator Rhoades stated that Ms. Jenkins, the owner of this property, would now like to use it as a residential property; however, the way in which the proffers were written makes this impossible. Ms. Rhoades stated that she met with Ms. Jenkins yesterday regarding how the proffers may be changed in order to use the property for a residence. It was pointed out that any zoning changes will have to go through the public hearing process. Mayor Ramsey asked if this must go to the Planning Commission; Ms. Rhoades and Town Attorney Gilmore addressed this issue, and ways to implement the zoning changes. Town Planner/Zoning Administrator Rhoades asked how many public hearings will be required for this; Town Attorney Gilmore will check on the requirements. Councilperson Botsch wondered, if this rezoning goes to the Planning Commission, then to the Town Council for action, and the Council makes changes, is it necessary for another public hearing to be held. Town Attorney Gilmore noted that it depends upon what the change is; if the change makes the zoning more restrictive, it requires another public hearing. Mayor Ramsey suggested that this be handled as a Town initiated proffer amendment, in order to expedite the issue. Councilperson Lyne asked what the reason would be for the Town to bring this forward, rather than the property owner; Mayor Ramsey explained that that would take the burden of all the fees required off the property owner, and that the Town would like to see the possibility of the property being used as residential protected. Councilperson Heston questioned the cost to the Town of initiating the zoning change, and asked if doing so would set a bad precedent; Mayor Ramsey explained why he feels it would not. Councilperson Botsch noted that he is sensitive to Councilperson Heston's argument, but feels that going about this issue in this way could help to prevent a blighted property there. Councilperson Botsch asked for an update on the Comprehensive Plan update, which Town Planner/Zoning Administrator Rhoades provided. It was noted that the Town's Comprehensive Plan has not yet been officially changed. Councilperson Klipple asked what might happen if the property is zoned residential, then is sold **as a residential unit**— would the business uses be gone? Town Planner/Zoning Administrator Rhoades and Town Attorney Gilmore stated that they would not. A discussion of the costs related to rezoning ensued. Mayor Ramsey stated that this must be corrected in a legislative manner. Town Planner/Zoning Administrator Rhoades stated that this is not setting a precedent, but is an attempt to correct something not previously understood. Councilperson Heston explained her rationale for the Town not paying for the

zoning changes on this property. It was reiterated that the commercial use proffers would “kick in” if

the property is used in the future for anything other than a residential property. Town Planner/Zoning Administrator Rhoades stated that she cannot write proffers, she can make suggestions to the property owner based on the Town’s view of the issue. Town Attorney Gilmore reported that the fees charged for a town initiated proffer amendment cover the time spent on this by personnel. Following this discussion, the Council’s consensus was that this go through the proper channels, i.e., that the matter be taken before the Planning Commission first. Councilperson Klipple suggested that the fee be waived, and Ms. Jenkins be charged only for the cost of advertising the public hearing(s). Mayor Ramsey stated that he would like to this to be taken care of in an expedited manner, and not “sit for another month.” Mr. Ramsey also noted that it is difficult to explain to a property owner the steps they need to take, when he himself doesn’t completely understand the steps. Town Attorney Gilmore then delineated the steps to be taken in this matter. Councilperson Klipple asked if the only difference between the Town referring this and the property owner referring this is the fee charged; it was noted that that is correct. Town Planner/Zoning Administrator Rhoades elaborated on the fees charged. Councilperson Botsch asked if the Town Council must refer this to the Planning Commission, or if the Land Use Committee could do so. Town Attorney Gilmore stated that the Town Council must make the referral, as they are the legislative body. Councilperson Prack suggested that Ms. Jenkins present the application to the Town Council at the November meeting, and that the Council move forward from that point, ensuring that the process goes through the proper channels. Town Planner/Zoning Administrator Rhoades stated that she will contact Ms. Jenkins with the time line for presenting the application. It was noted that, at this time, there is uncertainty if one or two public hearings will be required. Mayor Ramsey noted that this will be taken up at the November Town Council meeting, if the application is received by then. Mayor Ramsey asked if Ms. Jenkins understands the process; Ms. Rhoades stated that she believes she does.

## **IN RE: ACTION ITEMS**

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

#### **a. September 19, 2013 Town Council Meeting**

Councilperson Heston noted that, on page 8, at the end of the first paragraph, under the Town Planner/Zoning Administrator’s Report, Mr. and Mrs. Heston’s work was at the Town Office, not at the Town Park. Councilperson Botsch noted that, in the Land Use Committee Report, paragraph 6, he is unsure Jim Zeller’s name is spelled correctly, and asked Town Administrator Nicholson to confirm the spelling. Also, on page 9, line 11, Councilperson Botsch asked that the wording make it clear that the item in question (the width of the grass strips for the Franklin Park Trail Project) has gone forward to VDOT. Mayor Ramsey noted that Councilperson Lyne should be noted as absent in the two votes taken when exiting the Executive Session. Also, Mayor Ramsey noted that GEMRAM

is misspelled in the motion. Following this discussion, Councilperson Heston **made a motion that the minutes of the regular meeting of the Round Hill**

**Town Council for September 19, 2013 be approved as amended;** Councilperson Botsch seconded the motion. There was no further discussion. The minutes were approved by a vote of 5-0, with Vice-Mayor Graham absent. The vote is recorded as follows:

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

## **2. Resolution: Authorization to Update Bank Account Signatures**

Mayor Ramsey stated that this resolution will allow Town Administrator Nicholson to sign checks. Councilperson Heston **made a motion to adopt Resolution 2013-08, Authorization to Update Bank Account Signatures;** Councilperson Klipple seconded the motion. There was no discussion of the motion. The motion carried by a vote of 5-0, with Vice-Mayor Graham absent. The vote is recorded as follows:

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

## **IN RE: REPORTS**

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

Town Administrator Nicholson provided updates to his written report. Mr. Nicholson reported that the interviews for the Water Operator position have been completed. Also, Mr. Nicholson reported that the Airmont Road project should be completed on or before the stated completion date. It was noted that VDOT will begin a project tomorrow to add a lane to Business Route 7 under the bypass. There was brief discussion by the Council of the area where this work will take place. Mr. Nicholson noted that this project will take four to five weeks. Town Administrator Nicholson reported that he spoke with VDOT regarding the intersection of Loudoun and Locust Streets. VDOT vacuumed the culvert and discovered that the culvert is crushed. VDOT hopes to begin work to replace the



culvert next week. Mr. Nicholson reported that he thanked VDOT for filling in the potholes on Main Street; he also spoke with them regarding Cedar Street and the lack of drainage there – the hope is that this will be corrected during the

execution of the Main Street Enhancement Project. Town Administrator Nicholson reported on a letter received from American Disposal regarding trash pick-up during the holidays. Christmas and New Year's Day both fall on a Wednesday; pick-up will take place on the following Saturday. It was reported that Ms. McGaha will put a notice regarding this on the Town's website. Mayor Ramsey suggested that a notice also be included in water bills, and noted on the Town sign. The collection of Christmas trees was also briefly discussed. Town Administrator Nicholson reported that Dave Bowers contacted him today regarding possible grant funding for the second phase of the Main Street Enhancement Project. Following discussion by Council of various aspects of this possibility, it was decided to concentrate on phase one at this time. Mayor Ramsey and Councilperson Botsch discussed the process for phase one going forward. It was reported that the County waiver regarding the grass strip for the Franklin Park Trail Project has been approved. Mayor Ramsey asked if this now is entirely in VDOT's hands; Town Administrator Nicholson stated that he believes it is, but that he will check on this. Councilperson Botsch reported that none of the property owners adjacent to the Franklin Park Trail have been contacted by the County. Councilpersons Botsch and Prack discussed the VDOT proposal for Bridge Street, noting that they feel a one-way traffic pattern on Bridge Street would work best. Councilperson Botsch asked if the two trucks being sold by the Town are being sold individually or as a package; Town Administrator Nicholson stated that they are being sold individually. Councilperson Botsch asked if this is done via the bid process; Town Administrator Nicholson noted that it is. There was no further discussion of the Town Administrator's Report.

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

Town Planner/Zoning Administrator Rhoades noted that Town Administrator Nicholson has already covered a number of items in her report. Mayor Ramsey reported that the Hometown Festival Committee has requested that the Town apply for permission to sell alcohol in the East Loudoun Street Park, on limited occasions. Town Attorney Gilmore and Town Administrator Nicholson explained the licensure process for this. Councilperson Botsch asked about liability issues in relation to this use at the park; Town Attorney Gilmore explained these. Mayor Ramsey suggested that the Council may want to restrict this to Town-sponsored events. This item will be presented to the Land Use Committee next month. Town Planner/Zoning Administrator Rhoades noted that she has the Staff Report regarding this ready for the Land Use Committee. Ms. Rhoades reported that the Westlake Subdivision plat will now include Utility Lot #7, which is the location of the Town's water treatment plant. Town Planner/Zoning Administrator Rhoades reported that she has spoken with the property owner of the 17 Bridge

Street property, and that this issue will be discussed further at the Land Use Committee meeting. Ms. Rhoades reported that she attended a CDBG meeting this evening; Ms. Rhoades explained that the County receives automatic funding from HUD for use as community block grants, noting that the Town may want to apply for some of the grant money available to use in conjunction with the Main

Street Enhancement Project, or for storm water management. Town Planner/Zoning Administrator Rhoades noted that there is a quick turn-around for this funding. There was no further discussion of the Town Planner/Zoning Administrator's Report.

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

Mayor Ramsey noted that much of his report has already been discussed. Mr. Ramsey attended a TANV meeting at the end of September, held at the newly opened Salamander Inn. Mr. Ramsey noted that this is an impressive facility, which he believes will be a driver of economic development for Middleburg and the County. Mayor Ramsey reported that the TANV meeting was dominated by discussion of the upcoming legislative session, and how new transportation legislation will impact towns which maintain their own streets. There was also discussion of the Town of Vienna's opinion from the Attorney General regarding the town's sole authority over utility rates; it was noted that this opinion has no enforcement apparatus, but would be helpful in any possible court actions. Mayor Ramsey also reported on how the town of Herndon resolved utility issues, and how that resolution placed a small portion of Herndon in Loudoun County. Councilperson Botsch asked about a resident unhappy about Round Hill's water rates; Mayor Ramsey elaborated upon this. There was no further discussion.

### **4. Utility Committee**

Councilperson Klipple reported on this in Vice-Mayor Graham's absence, noting that all the issues contained in this report will be dealt with in the Executive Session.

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

Councilperson Heston reported that the meeting had to be cancelled. The next meeting is scheduled for November 13, 2013.

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

Councilperson Botsch reported that the meeting had been cancelled. Mr. Botsch noted that a public hearing for the 3 Main Street Special Exception will need to be scheduled, as that Special Exception expires in December. It was reported that this Special Exception was previously renewed for a three year period. Mayor Ramsey noted his concerns about waiting until the November Town Council meeting to take care of this issue. There was discussion of holding the hearings for this at the Planning Commission meeting of November 5, 2013, with the question being if that will allow enough time for advertising the hearing. This

prompted discussion of moving the meeting to November 12, 2013. Town Planner/Zoning Administrator Rhoades will contact Planning Commission members to ascertain if they can attend on that date. If not, the hearing will be held at the Town Council meeting of November 21, 2013.

### **COUNCIL COMMENTS**

There were no Council Comments.

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

Councilperson Heston moved that the **Round Hill Town Council recess its open meeting and convene a Closed Session to consult with legal counsel regarding probable litigation related to the Waste Water Treatment Plant, the Route 719 Lift station, and other utility matters; and to discuss pending litigation in the Loudoun County Circuit Court styled, in re: BZA Appeal, GENRAM, LLC vs. Town Council, et.al, and in re: BZA Appeal, Town Council v. GEMRAM, LLC.; as authorized by Code of Virginia of 1950, as amended, Section 2.2-3711(A)(7);** Councilperson Botsch seconded the motion. A voice vote was held, with the motion carrying by a vote of 5-0. Vice-Mayor Graham was absent for the vote. The vote is recorded thus:

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

Town Attorney Gilmore and Town Administrator Nicholson were invited to attend.

Mayor Ramsey called a recess, in order to clear the room, at 10:48 p.m.

### **IN RE: RESUME OPEN SESSION**

The Town Council exited closed session at 11:45 p.m. with the following motions:

Motion to resume open session by Councilperson Heston, seconded by Councilperson Klipple. Passed 5-0.

<b><u>MEMBER</u></b>	<b><u>VOTE</u></b>
Mary Anne Graham	Absent
R. Daniel Botsch	Aye

Janet L. Heston	Aye
Clarkson J. Klipple	Aye
Frederick Lyne	Aye
Christopher J. Prack	Aye

Motion to certify no items discussed that were not exempt from open session by Councilperson Heston, seconded by Councilperson Klipple. Passed 5-0.

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

The regular meeting was resumed at 11:46 p.m.

**1. Bond Release for Goose Creek Water Treatment Plant**

Mayor Ramsey opened with stating that the Town of Round Hill has received a request for release of the bond for Goose Creek WTP from Round Hill Investors. The Mayor stated that it was completed last September, and it has been more than a year since project completion. He stated that by all accounts, everything is working fine, and there are no issues with the facility. The Mayor stated that a Council approval is required to release the bonds, and he asked for a motion.

Motion to release the bond for the Goose Creek WTP by Councilperson Prack, seconded by Councilperson Lyne. Passed 5-0.

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

**IN RE: MEETING ADJOURNMENT**

The regular meeting was adjourned by Mayor Ramsey at 11:49 p.m.

Respectfully submitted,

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Scott T. Ramsey, Mayor

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Debra McDonald, Recording Secretary