

**ROUND HILL TOWN COUNCIL  
WORK SESSION MINUTES  
October 13, 2016**

A work session of the Round Hill Town Council was held at the Town Office, 23 Main Street, Round Hill, Virginia, on Thursday, October 13, 2016, at 7:30 p.m.

**Council Members Present**

Scott T. Ramsey, Mayor  
Mary Anne Graham, Vice-Mayor  
Kimberly Fortunato  
Frederick J. Lyne (arrived at 7:58 p.m.)  
Michael K. Minshall

**Council Members Absent**

Janet L. Heston  
Christopher J. Prack

**Staff Members Present**

Buster Nicholson, Town Administrator  
Melissa Hynes, Town Planner/Zoning Administrator  
Kimberly McGaha, Town Clerk

**Others Present**

Maureen Gilmore  
Clinton Chapman  
Keith Lane, Town Engineer  
James Emery

**IN RE: CALL TO ORDER**

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

**IN RE: PLEDGE OF ALLEGIANCE**

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

**IN RE: PUBLIC COMMENT ON WORK SESSION AGENDA ITEMS**

Mayor Ramsey called for Public Comment on items included on the Work Session Agenda. Mr. Clinton Chapman asked for clarification on how comment will be heard, which Mayor Ramsey provided. Mr. Chapman then asked if he may speak during discussion of the Water/Sewer

Ordinance. Mayor Ramsey asked Vice-Mayor Graham if she had any objection, which, she stated, she did not; Mr. Ramsey told Mr. Chapman that he may speak at that time.

**IN RE: ADOPTION OF WORK SESSION AGENDA (AMENDMENTS & DELETIONS)**

Vice-Mayor Graham, in her motion, **recommended the following changes to the Agenda: move discussion of the Town Charter to after the Wells Presentation by Mr. Emery, and move discussion of the Water/Sewer Ordinance to the last item.** Following discussion, it was decided to move the discussion of the Town Charter as requested, but to retain the order of the remainder of the Agenda. Councilperson Fortunato seconded the motion. A vote was held; the motion was approved 3-0, with Councilpersons Lyne, Heston and Prack absent. The vote is recorded as follows:

<b><u>MEMBER</u></b>	<b><u>VOTE</u></b>
Mary Anne Graham	Aye
Kimberly Fortunato	Aye
Janet L. Heston	Absent
Michael K. Minshall	Aye
Frederick J. Lyne	Absent
Christopher J. Prack	Absent

**IN RE: UPDATES & ITEMS FOR DISCUSSION**

***a. Utility Committee***

**i) Wells Presentation – Jamie Emery (Emery & Garrett) -- Discussion**

Mayor Ramsey welcomed Mr. James Emery, of Emery and Garrett Groundwater Investigations, LLC, to the meeting. Mr. Emery explained that his presentation will provide a summary of the exploration of potential well sites the company has conducted for the Town. Mr. Emery explained that his firm has developed two high-yield wells, which could solve the water supply needs of Round Hill for the next fifty years. Mr. Emery stated that the quality of water in the wells is good, with one well showing a non-detectable amount of iron. Mr. Emery also stated that land-owners of the parcels on which the wells are located have cooperated with his firm. Mr. Emery noted that he was involved in the original program of well exploration in Round Hill, which took place in the 1980's, and stated that some of the individuals he originally worked with in that effort are still connected with Round Hill Associates, owners of one of the current parcels under consideration for well development. Mr. Emery reported that, in order to move forward in these efforts, a special exception permit, as well as a commission permit and a plan development amendment, will be needed. These three permits would be processed through both the Planning Commission and the Board of Supervisors. Mr. Emery stated his understanding that the County is supportive of this project; this support arose from an earlier meeting he and representatives of the Town had with numerous County regulators. Mr. Emery reported that the County has provided the permits needed thus far, and have provided a waiver for a fifty-foot radius

required at Well D. Mr. Emery explained that the rezoning which occurred in the 1980's does not specifically allow for a well, thus a special exception permit is required. Mr. Emery stated that his firm drilled test wells where they did based upon science, and that its recommendation for going forward includes: 1) obtaining access for long-term use and for installation of a pipeline to the existing pipe at the road; and, 2) pursuing the special exception permit and commission permit. Mr. Emery noted that possible future changes to current requirements are uncertain, thus his recommendation is to move quickly on these efforts. Mr. Emery stated that a next step is to conduct a hydro study; an explanation of how this is done, as well as the types of information which may be obtained, were provided. A third step recommended by Mr. Emery is to perform a safe-field assessment, the data from which can provide a record for possible legal recourse; Mr. Emery provided an example of how this data may be used. Mr. Emery reported that pursuing these three steps would provide availability to the wells in approximately one year's time, even if the need to tie-in to the wells does not exist at that time. Vice-Mayor Graham asked how long the required permits would be in force, once granted; Town Attorney Gilmore replied that the special exception permit would be valid for one year, unless the site is developed, which would allow for an extension. Mayor Ramsey stated his belief that land negotiations could take some time, and suggested that the Town not invest in a site it does not control. Mayor Ramsey also noted that, although the Town has had successful dealings with RHI, who is the land-owner at Well D, that the actual negotiations will take place with the Homeowners' Association there. Additionally, Mr. Ramsey noted, RHI does control Well C, and thus will be a competitor with the HOA/Well D. The Mayor stated that, at this time, this all represents "a big unknown." In response to a question from Vice-Mayor Graham, Mayor Ramsey stated that the hope is to negotiate at the same time for both parcels, and to begin those negotiations now. Mr. Emery stated that he/his firm would like to be part of the land acquisition negotiations. Mr. Emery stated that he agrees with this strategy for negotiations, and added that the special exception permit for both sites should be pursued at the same time, as well. Mr. Emery noted that a hydro-study could be done for each well individually. Mayor Ramsey reiterated his belief that the Town should negotiate with both land-owners at the same time, and should place contingencies, including zoning approval and successful pumping tests, upon those negotiations. Mr. Emery provided examples of similar negotiations in which he has been involved, noting that eminent domain may be used, if needed. Mr. Emery stated his belief that land negotiations will not be as difficult as feared by the Council. Mayor Ramsey stated that the HOA board is a "wild card" at this point, as the Town does not have a track record in negotiations with them at this time. Mr. Emery, Mayor Ramsey, and Vice-Mayor Graham all indicated their agreement that work on these sites should begin right away; Mayor Ramsey stated that hydro-testing should not yet begin. Vice-Mayor Graham asked Mr. Emery if his firm could put together a proposal for working on land acquisitions; Mayor Ramsey asked Mr. Emery and Town Administrator Nicholson to work together on this. Mr. Emery stated that he can "bring institutional

knowledge" to this process. A method by which to make payment for this proposal was briefly discussed, with it being noted that a Task Order is currently in force for these efforts by EGGI. Mr. Emery stated that the Town and his firm are in a very favorable situation in which to move forward in development of these wells, and noted that development would provide a fifty-year plan for provision of water; Mr. Emery encouraged the Council to move forward on these efforts. Mayor Ramsey reiterated his belief that the Town should move forward with land acquisition, beginning with drawing up a well lot and providing a plat to land-owners, then determining if they are in favor of further discussion. Discussion ensued regarding the timing of negotiations for land acquisition and application for the special exception permits, with it being noted that a special exception permit will expire one year after issuance, and that it may not be wise to move forward with that application until acquisition of the parcels is assured. Mr. Emery explained that obtaining a commission permit could help to define the viability of this potential project, and would demonstrate to the parties involved that it would be worthy of extension. Mayor Ramsey stated his feeling that the Town is in a good position with the County. The Mayor also noted that a boundary line adjustment could be affected, which would help greatly in the acquisition/permitting process; however, Mr. Ramsey stated, he is concerned about the special exception process with the County. Mr. Emery stated his belief that his firm and the Town would be successful in obtaining the needed special exception permits. Town Engineer Lane noted that, at the Well C site, another player is involved; an easement would be required on this individual's property. The locations of these two sites were pointed out on a map by the Mayor; the potential production of each was discussed, as well. Mr. Emery stated that putting a high-yield well on-line would allow other low-yield wells to be taken out-of-service, which would result in a notable cost-saving to the Town. Mayor Ramsey stated that the first task before the Town is land acquisition at these sites. In closing his presentation, Mr. Emery stated that, at this time, County decisions are based upon science, which places the Town in a good position to move forward with this project; Mr. Emery further stated that he would hate to see that environment change prior to work on these wells progressing. Vice-Mayor Graham thanked Mr. Emery for attending and providing this presentation, and noted that she will pass on her personal comments after the meeting with the County tomorrow. Mayor Ramsey asked if there were any questions for Mr. Emery; there were not. Mr. Ramsey noted that a meeting with the County, regarding a change to the County Zoning Ordinance concerning wells, will take place tomorrow; Round Hill representatives will attend.

Vice-Mayor Graham then called for moving to Administration, Communication & Technology Committee discussion of the Town Charter. Town Attorney Gilmore asked Council Members if they were able to review the Charter, and if they believe discussion should move forward. It was the consensus of the Council to defer this discussion to the upcoming Town Council meeting. Mayor Ramsey noted that deferring discussion until that meeting would depend upon Council agreement regarding the changes needed to the Charter; the process to be followed in updating the

Charter was put forward by the Mayor. Vice-Mayor Graham noted her belief that some on the Council want to make changes beyond those originally proposed; it was noted that that process would take more time, and would preclude submission to our representative to the General Assembly for presentation at the upcoming session. Councilperson Lyne stated his support for a more thorough update of the Charter, rather than updating and presenting to the General Assembly, only to further update and present to the General Assembly again. Vice-Mayor Graham noted that asking our representative to present this twice is not advisable, as each legislator is only allowed to present fifteen bills each year. Town Attorney Gilmore stated that she has discussed this issue with the attorney for Lovettsville and for Leesburg; powers for the Town of Lovettsville which were deleted from its Town Charter were discussed, with Town Attorney Gilmore noting that it may not be possible to regain some powers once removed from a Charter approved by the General Assembly. Ms. Gilmore explained that the impetus for updating the Town Charter lay in provisions currently present regarding the Treasurer, and that the goal was to no longer designate the Treasurer, Recorder and Sergeant as Town Officers, but to retain those positions. Mayor Ramsey noted that he read a number of charters from other towns, and the office of treasurer is not called out in some of those charters; Mr. Ramsey stated that, as the Council retains the ability to appoint officers, he feels the Town is "covered" in the event the Treasurer is not included in the Town Charter. Town Attorney Gilmore stated that Round Hill could remove the office of treasurer from its Charter, but should ensure that language regarding the constitutional powers required by the office are included. Town Attorney Gilmore also addressed naming a Sergeant in the Town Charter, noting that including this officer would allow the Town to create its own police department, if it so desired. The Town Attorney addressed the imposition of taxes allowed by inclusion of the office of Treasurer in its Charter, noting that the General Assembly passed legislation which curtailed the imposition of some taxes, however, having this provision in a Charter allows for a municipality to continue to levy these taxes. Councilperson Lyne reiterated his belief that action on this item is not required immediately, and that more time should be spent on the update of Round Hill's Charter. Discussion of the time line for this update ensued, with most Council Members voicing their belief that more time is needed for research into this issue. Mayor Ramsey suggested that the update of the Town Charter be taken up at the Council's November 5<sup>th</sup> retreat. In response to Vice-Mayor Graham's question, Councilperson Lyne stated his belief that the entire Charter needs thorough review and revision, and noted that he does not want to present it to the General Assembly this year, only to return it again next year. Mayor Ramsey stated that he would notify Delegate LaRock's office, informing them that the Charter will not be presented during the upcoming Assembly session.

Discussion then return to Utility Committee items. Vice-Mayor Graham asked if discussion of the painting of the Evening Star Drive water tank could be added to the Agenda; the consensus of the Council was to discuss this issue at the regular Town Council meeting.

**ii) Wells**

There was no discussion of this item.

**iii) South Water Tank -- Status**

Town Engineer Lane presented this item, explaining that he just received copies of the plat from RHI. Town Planner/Zoning Administrator Hynes noted that the pre-application process has not yet been started, but that the County is aware that it is forthcoming. Mayor Ramsey noted that the information needed for the pre-application is still being gathered. Councilperson Lyne asked for the time line for completion of this project; Town Engineer Lane stated that three years are allotted. Mayor Ramsey provided the steps to be completed in this process, and the time line for each step; these steps include County approval, preparation of a bid package which would be reviewed and approved by the Office of Drinking Water, then putting the project out for bid. Councilperson Minshall asked to clarify if it will be three years before ground is broken for construction; it was noted that the three-year estimate is for completion of construction. Mr. Ramsey also noted that this is not, at this time, an urgent need, although the Town wants to complete this tank and place it in use, so that the current tank can be drained and maintenance work can be done. Councilperson Minshall asked about the condition of the interior of the Evening Star Tank; it was noted that an inspection was conducted approximately one year ago, at which time it was found that the interior of the tank is still in usable condition.

**iv) Water/Sewer Ordinances**

Vice-Mayor Graham asked how Council wished to proceed in this update, and suggested that only the Sewer Ordinance be reviewed at this evening's meeting. Ms. Graham also noted that Town Engineer Lane, Mayor Ramsey, and Utility Supervisor Wolverton have provided comments for review. Clarification was provided regarding the copy of the document to be used for this review, and it was decided to proceed with review section-by-section. Councilperson Lyne stated his opinion that a better way to manage documents for review is needed, and that only one document be used during a review. The following sections were then reviewed by the Council:

**\*\* Definitions** – A change was made to the definition of *premise* (Section 15). Town Engineer Lane noted that he made a minor comment on Section 2, regarding an *Availability Fee*, stating that, although this is a Sewer Ordinance, the meter referred to is a water meter, and should be referred to as such. Returning to Section 15, Vice-Mayor Graham noted that the change to the definition of *premise* was made to clarify that this deals with residential structures; discussion of this ensued, as it was noted that the definition of *premise* may apply to uses other than residential, as well. Mr. Chapman asked to clarify if additional items (i, ii, and iii), listed under Section 15(d), apply to Section 15(a), (b), and (c) as well; Mayor Ramsey noted that Section 15(d) refers to a *district*, not just a *structure*, and therefore those additional items refer only to that subsection. Mayor Ramsey noted that this definition was taken from the Loudoun Water ordinance. Mr. Chapman stated his belief that changes were made in this section from the current ordinance;

discussion of this ensued, with it being noted that a difference does now exist between the Water Ordinance and the Sewer Ordinance. Vice-Mayor Graham stated that this definition will be added to the Water Ordinance, as well, with it being noted that further discussion of this will be required. Discussion of the definition of *premise* continued, with attention paid to the reason for identifying this in reference to a residential district. Mayor Ramsey asked to clarify if Council wishes for each structure, or group of contiguous structures, leased and occupied by one person, to be considered one premise. Mayor Ramsey asked for the meaning of *contiguous structures*; Town Planner/Zoning Administrator Hynes stated that contiguous means the structures touch, as in a strip mall. Vice-Mayor Graham explained that this language was added in order to preclude any commercial entity from using this as justification for not obtaining a sewer/water tap, but to allow a homeowner to add, for instance, a toilet and basin in his home without the requirement that an additional tap be obtained. There was further discussion of the purpose of including this language in the Ordinance, with it being noted that the goal is to ensure that commercial accessory structures, or commercial uses which require a large water supply, be required to apply for additional taps. Mayor Ramsey suggested that language be included which ensures that actual consumption meets the meter size, and that increased usage requires upsizing to a larger meter, noting that this can be addressed in the update of the Water Ordinance. There was also discussion of the use of the word *contiguous* in the Ordinance, with it being decided to retain that term. Accessory uses were discussed further, with Mayor Ramsey suggesting that language be included in the Ordinance which makes the requirements for accessory uses clear. Mr. Chapman stated his belief that the existing definition of *premise* allows for a secondary building, if that building is utilized for a transient (temporary) use. Discussion of this ensued, with Town Engineer Lane pointing out the different uses of the term *premise* included in this Section. Upon further review, it was determined that items i, ii, and iii, under Section 15(d), should be formatted as to be subordinate to Section 15(a), (b), and (c), as well. The desired wording and formatting of this section was determined by the Council and Staff. Mayor Ramsey stated that the definition of *tap*, as noted in Section 27, should be included in the Water Ordinance, as well. Vice-Mayor Graham explained that there were no changes to Article II, and thus moved discussion to Article III, Treatment Capacity. The percentage of allocated capacity of the WWTP, as noted in Section 4, was discussed, with it being determined that the change from 90% to 75% is a workable percentage for the Town to manage. The method for determining this percentage was discussed, as well. Article IV, Section 3 was presented next, with Vice-Mayor Graham noting that a change was made to when an availability fee will be assessed. It was decided to temporarily table discussion of this item. Article V, Section 5, regarding taps, was reviewed, with Mayor Ramsey noting that this should state that individual tap fees are to be paid for each premise. Vice-Mayor Graham noted that she is still not happy with

the definition provided for *premise*, as it seems there are two definitions for the term included in the Ordinance. Mayor Ramsey noted that a premise is already tied into the sections of the Ordinance which deal with requirements for a separate meter and a separate availability fee, however, the limit on buildings seems to be a good addition. Mr. Ramsey suggested that up to two buildings be included in the definition of a premise. The updated verbiage to be included in this section was reviewed, with it noted that both residential and commercial uses are included. There was also discussion of the meter and availability fee requirements, with it being decided that the wording should provide for these to be determined at the discretion of the Town. Town Engineer Lane stated that a Policy Sheet could be used to provide guidance on this issue; this would be more easily updated. The Council then returned to review of Article IV, Section 3, with it being determined that the availability fee is to be paid at the time the zoning permit and building permit are obtained. Vice-Mayor Graham noted that a change was made to Article IV, Section 10, to provide clarity regarding Town approval of sewer connections. Vice-Mayor Graham noted that in Article V, Section 6, the word *premise* was changed to *property*. Vice-Mayor Graham then reviewed other minor changes made to the Ordinance, as asked that the Town Attorney be consulted to ensure that the Town does not exceed its authority in fees charged. Mayor Ramsey requested that it be made clear in the Sewer Ordinance that the Water Ordinance billing requirements apply to sewer customers, as well. The corrected wording for this section was reviewed. The "Definitions" section was once again briefly reviewed, as new additions were made. Mayor Ramsey suggested that Article IX be renamed, so that it matches the Water Ordinance, and that Articles X and XI be combined, as in the Water Ordinance. Vice-Mayor Graham explained that the document will be updated, and will be reviewed at the October 20<sup>th</sup> Town Council meeting; the Water Ordinance will be discussed at the Council's November work session.

**b. Land Use Committee**

**i) Disclosure Policy**

Councilperson Lyne explained that he requested that this policy be considered in regards to land use changes, and noted that Town Planner/Zoning Administrator Hynes made the initial presentation of this information at last month's meeting. Mr. Lyne noted that Purcellville, Leesburg, and Loudoun County have all enacted these types of policies within the last year; the purpose of this policy is to provide increased transparency. Town Planner/Zoning Administrator Hynes reported that she recently discovered that this policy already exists in the Town's Zoning Ordinance, and that a form for use in these disclosures exists, as well. Mayor Ramsey asked that the current Ordinance be reviewed by the Town Planner/Zoning Administrator and Councilperson Lyne, to determine if it should be updated. Regarding a separate, but related topic, Vice-Mayor Graham asked if a *Conflict of Interest* form is required; Town Clerk McGaha reported that, due to the population of the Town, submission of this form is



not required. Discussion of the Disclosure Policy resumed; the Policy was reviewed, with the consensus of the Council being that the existing Policy is adequate. The trigger for use of this form was also determined.

**ii) Comprehensive Plan – Discussion**

Town Planner/Zoning Administrator Hynes reported that the Planning Commission completed its update of the Comprehensive Plan, and voted on October 11, 2016 to refer this to the Town Council. Ms. Hynes provided three chapters of the Plan for Council review at its next meeting. It was noted that the Town Council has ninety days to complete its review of the Plan, and that sending it back to the Planning Commission resets the clock. Town Planner/Zoning Administrator Hynes presented the schedule and criteria for Town Council review of the Comprehensive Plan, and asked that Council Members please prepare in advance for each meeting's review. Ms. Hynes also suggested that time not be spent on things such as punctuation and grammar. It was also requested that Council Members send any questions they may have to the Town Planner/Zoning Administrator, so that meeting time may be used for policy discussions. Town Planner/Zoning Administrator Hynes stated that special meetings may be scheduled, if needed. Mayor Ramsey suggested that a special meeting date be set aside for discussion of particularly difficult items. Town Planner/Zoning Administrator Hynes also noted that an earlier start time for these review sessions may be considered, if the Council so desires. Councilperson Lyne suggested that more complex sections of the Comprehensive Plan be reviewed first; it was the consensus of the Council to conduct the review in this manner. It was decided that the Land Use and Growth Management section will be reviewed at the November work session. Town Planner/Zoning Administrator Hynes explained that the ninety-day time line began on October 11, 2016, and noted that she feels confident the Town Council can complete its review inside of this time frame. Ms. Hynes stated that she will provide Council Members with an updated schedule for the review.

**c. Other**

**i) Committee Chair Heads**

Mayor Ramsey explained that the Council needs to formally select the head of each committee, even though they will all meet as a standing committee. The Mayor then opened the floor to nominations, beginning with the Utility Committee. Councilperson Lyne made a motion **to nominate Mary Anne Graham**; Councilperson Minshall seconded the motion. A vote was held; the motion was approved 2-0-1, with Councilpersons Heston and Prack absent, and Vice-Mayor Graham abstaining. The vote is recorded as follows:

<b><u>MEMBER</u></b>	<b><u>VOTE</u></b>
Mary Anne Graham	Abstain
Kimberly Fortunato	Aye
Janet L. Heston	Absent
Michael K. Minshall	Aye
Frederick J. Lyne	Aye
Christopher J. Prack	Absent

Nominations were then held for Chair of the Land Use Committee. Vice-Mayor Graham made a motion **to nominate Frederick J. Lyne**; Councilperson Minshall seconded the motion. A vote was held; the motion was approved 2-0-1, with Councilpersons Heston and Prack absent, and Councilperson Lyne abstaining. The vote is recorded as follows:

<b><u>MEMBER</u></b>	<b><u>VOTE</u></b>
Mary Anne Graham	Aye
Kimberly Fortunato	Aye
Janet L. Heston	Absent
Michael K. Minshall	Aye
Frederick J. Lyne	Abstain
Christopher J. Prack	Absent

Nominations were then held for Chair of the Administration, Communications & Technology Committee. Vice-Mayor Graham made a motion **to nominate Janet L. Heston**; Councilperson Lyne seconded the motion. A vote was held; the motion was approved 3-0, with Councilpersons Heston and Prack absent. The vote is recorded as follows:

<b><u>MEMBER</u></b>	<b><u>VOTE</u></b>
Mary Anne Graham	Aye
Kimberly Fortunato	Aye
Janet L. Heston	Absent
Michael K. Minshall	Aye
Frederick J. Lyne	Aye
Christopher J. Prack	Absent

**ii) Council Members Code of Ethics**

This item was presented at the request of Vice-Mayor Graham. Town Planner/Zoning Administrator Hynes provided a copy of the Code of Ethics used by the Town of Leesburg for consideration by the Council. Mayor Ramsey asked if Council would like to schedule review and possible adoption of a similar code, and noted that the possible adoption of such a code could be discussed at the Council's upcoming retreat.

Following discussion, it was decided to place a moratorium on this, and similar items, until the Council's review of the Comprehensive Plan has been completed.

**IN RE: ITEMS TO BE SCHEDULED FOR THE REGULAR COUNCIL MEETING**

It was decided to defer further discussion of the Sewer Ordinance until the Water Ordinance has been reviewed; thus, these items will not be included on the Council's Regular Meeting Agenda. It was also decided that reports will be provided on wells (land acquisition, etc.), but that no action will be required at the Council's regular meeting.

**IN RE: MAYOR & COUNCIL COMMENTS**

Mayor Ramsey requested that Council Members submit their lists of topics for the November 5<sup>th</sup> retreat. Vice-Mayor Graham announced that Planning Commission Chairman and Mrs. Mirabal recently welcomed a new baby, Michael Francis.

**IN RE: ANNOUNCEMENTS**

Town Administrator Nicholson asked if Council Members were interested in using a timer during their meetings; it was decided to use the timer, but to configure it so that the seconds counting down are not visible.

**IN RE: MEETING ADJOURNMENT**

Mayor Ramsey adjourned the meeting at 10:04 p.m.

Respectfully submitted,

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Scott T. Ramsey, Mayor

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Debra McDonald, Recording Secretary