

**ROUND HILL TOWN COUNCIL  
WORK SESSION MINUTES  
July 1, 2020**

A Work Session was held by the Round Hill Town Council Wednesday, July 1, 2020, at 7:30 p.m. Due to the ongoing COVID-19 Pandemic, this meeting was conducted electronically pursuant to *Ordinance 2020-04: Providing for Continuity of Government* adopted by the Mayor and Town Council on April 28, 2020. The Mayor, Council Members, staff, and the public attended this meeting electronically using Zoom.

**Council Members Present**

Scott T. Ramsey, Mayor  
Mary Anne Graham, Vice-Mayor  
Melissa Hoffmann  
Michael B. Hummel  
Paula James

**Council Members Absent**

Donald W. Allen  
One seat vacant due to the resignation of Amy Evers

**Staff Members Present**

Melissa Hynes, Town Administrator/Zoning Administrator  
Maureen Gilmore, Town Attorney  
Danni Albright, Town Planner  
Harriet West, Town Clerk  
Robert Lohr, Project Specialist  
Bobby Lohr, Intern

**Others Present**

Chris Kulp, *Hunton, Andrews, Kurth, LLP*  
Joe Mason, *Davenport & Company*

**IN RE: CALL TO ORDER & PLEDGE OF ALLEGIANCE**

Mayor Ramsey called the meeting to order at 7:30 p.m. Mayor Ramsey noted that, as the meeting was being held via electronic means, and an American flag was not available, the Pledge of Allegiance would not be recited.

**IN RE: ROLL CALL**

Roll Call was held; Mayor Ramsey noted that, with Councilpersons Hummel, Hoffmann and James, Vice-Mayor Graham, and himself present, a quorum was established.

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

There was no public comment.

### **IN RE: ADOPTION OF REGULAR MEETING AGENDA (Amendments & Deletions)**

Vice-Mayor Graham moved **that the Agenda be adopted.** Town Administrator/Zoning Administrator Hynes noted that a recommendation had been made to move *Action Item #2 – Approve Virginia Resources Authority Bond Pool Resolution* to a point earlier in the meeting. Vice-Mayor Graham agreed to this change. Mayor Ramsey sought to clarify that the amendment to the motion will place the item as the first item of business on the Agenda; Town Administrator/Zoning Administrator Hynes stated that that is correct. Councilperson Hummel seconded the motion. There was no discussion of the motion. A vote was held; the motion was approved 4-0-1, with Councilperson Allen absent. The vote is recorded as follows:

<b><u>MEMBER</u></b>	<b><u>VOTE</u></b>
Michael B. Hummel	Aye
Melissa Hoffmann	Aye
Paula James	Aye
Mary Anne Graham	Aye
Donald W. Allen	Absent

### **IN RE: ACTION ITEM**

#### **1. Approve Virginia Resources Authority Bond Pool Resolution**

Town Administrator/Zoning Administrator Hynes introduced the representatives from the Virginia Resources Authority (VRA) who are assisting Round Hill in this effort. An overview of work completed on this issue since the Town Council Meeting of June 17, 2020 was provided to Council. Ms. Hynes reported that the VRA has prepared a *Resolution and Agreement* for the Council's consideration this evening.

Town Administrator/Zoning Administrator Hynes introduced Mr. Chris Kulp and Mr. Joe Mason, the representatives who have been assisting Round Hill throughout this process. Mr. Kulp thanked Mayor Ramsey, Council Members, and Town Administrator/Zoning Administrator Hynes, and noted that his organization had worked with the Town on the refinancing originally conducted in 2009, which is presently slated for refunding. Mr. Kulp explained that his role, as Bond Counsel, is to help shepherd the Town through the financing process; Mr. Kulp also noted that he has worked with Mr. Mason for a number of years. Mr. Kulp stated that he prepared the *Bond Resolution* before Council this evening; this document serves to approve the refunding with VRA, and to approve the form of the *Financing Agreement*. The *Financing Agreement* document is to be signed by the end of next week, and will authorize Town Officers to execute the Agreement; the *Financing Agreement* will replace the existing 2009 Agreement. Mr. Kulp further explained that the Resolution also approves, within parameters, the basic pricing terms of the Bond, and the Debt Service Savings parameter. Additionally, Mr. Kulp provided information on tax issues associated with this process. Mr. Kulp noted that the Resolution before Council this

evening approves the form of the Bond, with the Bond finalized upon determination of pricing information. Mr. Kulp stated that he would be happy to answer questions.

Mayor Ramsey asked what the repayment penalty would be, if Round Hill decided to refinance this bond in the future, and for what time period the Town is obligated under the Agreement. Mr. Kulp replied that, typically, VRA's publicly offered bonds are sold with a ten-year "No Call" provision, which would translate through to the local level. Mayor Ramsey sought to clarify that Round Hill would be obligated to this Agreement for ten years, and asked if the Town could set up a refunding escrow account to cover costs of early repayment; Mr. Kulp stated that the ten-year period is correct, and provided details on limitations associated with any possible disposition of the loan prior to the ten-year term. Mr. Kulp stated that Round Hill should view this as a ten-year term. Mr. Mason noted that interest rates are at a historically low level at this time, and that this provides an extraordinary refunding opportunity, with a benefit to the Town of approximately \$1,200,000.00.

Mayor Ramsey asked Mr. Mason if it would be advisable for Round Hill to begin to seek financing now for additional utility projects which are slated to begin in the next two years or so. Mr. Mason replied that seeking financing now would be reasonable, if the projects commence and the money is spent within IRS guidelines for tax-exempt bonds; Mr. Kulp further explained that the Town, in order to finance soon, must have a reasonable expectation that at least five percent of the proceeds would be spent within six months of receiving the financing, with all of the proceeds spent within three years. Mr. Kulp stated that seeking financing now would also depend upon where the Town is in the planning/engineering process. Mr. Mason noted that the outlook would seem to be for lower interest rates to continue for the near- to intermediate-term.

Mr. Kulp and Town Administrator/Zoning Administrator Hynes discussed bond pools which are available through VRA, and the application deadlines for each.

Project Specialist Lohr reminded the Council that Round Hill is in the Virginia Department of Health *Revolving Loan Fund*, with an application in process for financing of the Southern Water Tower. Mr. Lohr noted that this financing will be at a very favorable rate.

In response to a question from Vice-Mayor Graham, Mr. Mason and Mr. Kulp provided an explanation of information contained on the *Sources and Uses of Funds* form, describing how that figure is derived and how those funds may be used.

Town Attorney Gilmore noted that she has reviewed the documents, and asked if there are pre-payment penalties; Mr. Kulp explained that in the tenth year the bonds could be pre-paid at par, without any premium, however, that possibility will not be certain until the final pricing is determined. Mayor Ramsey asked to clarify that the end date of the original loan will not be extended; Mr. Mason noted that it will not.

In response to a question from Vice-Mayor Graham, Mr. Mason stated that the figures provided to the Council this evening, in the *Sources and Uses of Funds* document are not final, but likely will not change significantly; Mr. Mason stated that the Town could opt-out of this refunding if a significant change in pricing were to occur. Mr. Kulp reported that final pricing will be done on July 22, 2020. Mayor Ramsey asked if, by passing the Resolution before Council this evening, the Town is committed to the refinancing; Mr. Mason stated that it is, if the refinancing produces at least three percent net present value savings. Mr. Mason stated that he will monitor rates, and advise Town Staff of the most prudent way to move forward, noting that the Town, if it wishes to do so, must opt out prior to the final pricing date.

There were no further questions.

Vice-Mayor Graham then moved **that the Town Council approve Resolution 2020-12, providing for the issuance and sale of a taxable general obligation refunding bond, Series 2020, of the Town of Round Hill, Virginia, in a principal amount not to exceed \$5,620,000.00, providing for the refunding of all or a portion of the Town's taxable general obligation refunding bond, Series 2009. This motion includes an authorization to allow the Town Administrator to sign the Local Bond Sale and Financing Agreement on behalf of the Town of Round Hill.** Councilperson James seconded the motion. There was no discussion of the motion. A voice vote was held; the motion was approved 4-0-1, with Councilperson Allen absent. The vote is recorded as follows:

<b><u>MEMBER</u></b>	<b><u>VOTE</u></b>
Michael B. Hummel	Aye
Melissa Hoffmann	Aye
Paula James	Aye
Mary Anne Graham	Aye
Donald W. Allen	Absent

Mayor Ramsey thanked Mr. Kulp and Mr. Mason for their assistance; they thanked the Mayor and Council for the opportunity to work with the Town.

## **IN RE: APPROVAL OF MINUTES**

### **a. May 20, 2020 Regular Meeting**

Town Clerk West noted that, on page ten, under *Certification of Closed Session*, the correct Resolution number should be 2020-08, not 2020-09. Referencing discussion of the *Round Hill Ready for Business* grant program contained in these minutes, Councilperson Hummel asked why there has been a two-month delay in distribution of funds; Town Administrator/Zoning Administrator Hynes explained that issues surrounding the approval of the Memorandum of Agreement (MOA) with the Loudoun County Economic

Development Authority (EDA) caused the delay. Town Attorney Gilmore provided additional information on how the program will be administered by the EDA.

Vice-Mayor Graham made a motion **that the minutes be approved, as corrected;** Councilperson Hoffmann seconded the motion. There was no discussion of the motion. A vote was held; the motion was approved 4-0-1, with Councilperson Allen absent. The vote is recorded as follows:

<b><u>MEMBER</u></b>	<b><u>VOTE</u></b>
Michael B. Hummel	Aye
Melissa Hoffmann	Aye
Paula James	Aye
Mary Anne Graham	Aye
Donald W. Allen	Absent

#### **IN RE: SPECIAL COMMITTEE REPORTS**

##### **1. Utility Operations**

Vice-Mayor Graham reported that Utility Supervisor Feltner informed her that discussion continues regarding the installation of a water line from the Lake Point subdivision to Sleeter Lake Park. Additionally, Ms. Graham reported that a temporary trailer has been put in place at the Wastewater Treatment Plant, for use as an office. Vice-Mayor Graham reported that upgrades to the parking area at Sleeter Lake Park have been completed. Finally, Vice-Mayor Graham noted that revision of the Water and Sewer Ordinances has been postponed, pending Council discussion of private wells.

There were no other Special Committee Reports.

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

##### **1. Future Events at Parks**

Councilperson Hummel noted that he requested this item be added to the Agenda, explaining his concern that requirements for use of Town Parks during pandemic restrictions have seemed to be unevenly applied.

Mayor Ramsey stated that the Council likely will not approve recommendations provided by Staff at this evening's meeting, suggesting that this should be considered the start of discussion, with the goal being for the Council to determine policy it wishes to have instituted.

Vice-Mayor Graham stated that she found the policy put forward by Staff to be well-written and very extensive. Ms. Graham stated her belief that events which are political in nature should not be allowed.

Town Administrator/Zoning Administrator Hynes noted that this issue has been difficult to navigate, and that the event she approved – a vigil in honor of a deceased person – was

one she felt uncomfortable denying. Ms. Hynes noted that the draft policy written by Staff is an effort to ensure that rules, as approved by the Council, are in place for any future instances of this type. Town Administrator/Zoning Administrator Hynes also noted that the sample permit provided for review provides standards which must be met for an event to be approved; this, she stated, will negate the appearance of tacit approval or disapproval of a "cause." Ms. Hynes stated that the goal in providing these materials was to generate suggestions/recommendations from Council Members.

Mayor Ramsey noted that, as the Memorial Day Ceremony was held at the Town Park and under the auspices of the Town, Round Hill had an obligation to observe pandemic restrictions regarding the number of people allowed to attend; as the privately organized event in question was not under Town control, the Town was not responsible for the number of attendees. Town Administrator/Zoning Administrator Hynes stated that the community-organized event was moved to the larger Niels Poulsen Park, at her request. Mayor Ramsey stated that Town officials need to try to balance their responsibilities with citizens' First Amendment rights. Mayor Ramsey noted that, up to this point, it has been left to the Town Administrator's discretion to make a determination regarding events which fall outside the *Town Event Policy*.

Vice-Mayor Graham and Mayor Ramsey noted that the planner of the event did not expect such a large number of people would attend.

Town Administrator/Zoning Administrator Hynes briefly reviewed the materials included in the Council's packets.

Mayor Ramsey put forward the following options for Council consideration:

- That events must be approved under the existing guidelines, with any event which cannot adhere to the requirements to be denied.
- That decisions regarding spontaneous events be left to the discretion of the Town Administrator.
- That approval of such events by the Town Council be required.
- That a *quick form/rapid process* be created for use for approval or denial of such events, as put forth by Staff this evening, with comment on regulations and application forms provided by Council Members for discussion at a future meeting.

It was the consensus of the Council that regulations and a streamlined form be devised, with the requirement included that event organizers are to be responsible for public health and safety at events; the regulations would provide to the Town Administrator the right to deny an event if these health and safety requirements cannot be met. The regulations would also allow for the Town Administrator to determine which Town park may be used. Council directed that an additional requirement be instituted whereby requests to hold events at Town parks may only be made by residents in the Joint Land Management Area

(JLMA). Additionally, regulations should require that an event organizer, in signing a request form, understands that he/she is responsible for health, safety, and appropriate use of property for the event.

Council Members are to provide comments to the Town Administrator, with this issue to be revisited at the August Town Council Work Session.

## **2. Appalachian Trail Festival**

Vice-Mayor Graham presented this item, noting that she recently attended a meeting of the Appalachian Trail Committee, at which the Committee decided to reschedule the Festival from September 2020 to June 2021. Ms. Graham reported that the grant funding received from Loudoun County for the event was returned, and will not be available in 2021. Vice-Mayor Graham stated that the Committee has requested direction from the Town Council regarding the donation the Town of Round Hill provided for the 2020 Festival, specifically asking if the funds should be returned, or may be held for use at the 2021 event.

Town Administrator/Zoning Administrator Hynes clarified that the Town holds those funds, and reimburses the Committee upon presentation of receipts. Additionally, Ms. Hynes noted, Round Hill is holding the grant monies provided by the County for the event. Town Administrator/Zoning Administrator Hynes reported that she and Town Planner Albright will be working with County representatives to determine the correct disposition of the County funds. It was requested that this item be placed on a future Town Council Agenda, as more information is obtained. Town Administrator/Zoning Administrator Hynes noted that use of the funding in September was approved by the County, and that holding the event in June 2021 would represent that use in the same fiscal year (FY2021).

Council agreed to carry over the Town's donation for use in June 2021.

## **3. Private Wells in Public Water Service Area**

Town Administrator/Zoning Administrator Hynes presented this item, explaining that a resident inquired if he could drill a private well on his property, which is located in the Water/Sewer Service Area, but not inside the Town limits. Ms. Hynes stated that, upon researching the Town's Water Ordinance, it was discovered this issue is not addressed. The County representative Ms. Hynes consulted stated that, if a private well was prohibited in the Town's Ordinance, he would enforce the provision; however, the authority to deny a private well currently does not exist. Town Administrator/Zoning Administrator Hynes stated that she would like to ensure that, if a resident in the Service Area applies with the County to drill a well on private property, the Town is notified and has a voice in the process. Ms. Hynes noted that this issue is particularly concerning during times the Town's wells are not producing at full capacity, due to dry weather and increased demand. Town Administrator/Zoning Administrator Hynes suggested that Round Hill's Water Ordinance be updated to address this issue.

Town Attorney Gilmore noted that, at present, Round Hill is not required to provide service to residents who live outside the Town limits but in the Service Area. Ms. Gilmore stated that, by instituting a provision prohibiting private wells in the Service Area, a situation would be created in which the Town, the only provider, could refuse to provide the service, leaving the property owner with no options for obtaining water. Therefore, Town Attorney Gilmore stated, the best solution would be to enter into an agreement with Loudoun County, which would ensure that Round Hill has a voice in discussions regarding construction of private wells. Town Administrator/Zoning Administrator Hynes stated that a solution to a similar concern, regarding building permits in the JLMA, has worked well; in these situations, the County notifies Round Hill via e-mail when a permit has been issued. The hope is to establish a similar system for wells.

Discussion ensued regarding the legal authority of, and restrictions on, the Town regarding water and sewer service.

It was decided that Staff will work with County representatives to develop a referral system in which Round Hill is notified when an application has been filed to construct a private well in the JLMA. Staff will report the results to Council at a future meeting.

#### **IN RE: ACTION ITEMS**

##### **1. Elect Vice-Mayor**

Councilperson Hummel made a motion **to nominate Mary Anne Graham to continue to serve as Vice-Mayor of the Town of Round Hill**; Councilperson James seconded the motion. There was no discussion of the motion. A voice vote was held; the motion was approved 3-1-1, with Vice-Mayor Graham abstaining, and Councilperson Allen absent. The vote is recorded as follows:

<b><u>MEMBER</u></b>	<b><u>VOTE</u></b>
Michael B. Hummel	Aye
Melissa Hoffmann	Aye
Paula James	Aye
Mary Anne Graham	Abstain
Donald W. Allen	Absent

Vice-Mayor Graham thanked the Council, noting that she was honored to be chosen. Council Members expressed their appreciation for Ms. Graham's service to the Town.

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

Councilperson James asked if the new well which has been proposed will provide sufficient water supply to the utility system; Project Specialist Lohr reported that the new well is expected to be



one of the most productive wells, of the best quality, in the Town's system. Mr. Lohr noted that exploration for additional wells likely will continue.

In response to a question from Councilperson James, Mr. Bobby Lohr, Town Intern, was introduced; Mr. Lohr provided information on his future educational and career plans.

Vice-Mayor Graham asked for clarification, related to the earlier discussion of bond funding, of which utility facility will require financing in the future; Mayor Ramsey stated that financing will be needed for future work at the Evening Star Water Treatment Plant.

Councilperson Hummel asked that Town Administrator/Zoning Administrator Hynes contact the resident who has expressed an interest in the Planning Commission vacancy, as he has requested guidance on the application process.

Councilperson Hoffmann noted that the transition to the new trash/recycling provider went very well, and thanked Staff for their work on this issue. Councilperson Hoffmann asked if there is anything which can be done regarding the Weona Villa property, to help prevent further decay of the buildings, and to improve the impression made by the property at the eastern entrance to Round Hill. Town Administrator/Zoning Administrator Hynes stated that she will reach out to Mr. Rizer, the director of the Loudoun County Economic Development Authority, in an effort to determine if the County can assist with this property in some manner.

Mayor Ramsey stated that an effort is underway to schedule a groundbreaking ceremony for the Main Street Enhancement/Franklin Park Trail Project; Town Administrator/Zoning Administrator Hynes noted that July 27 or 28 are possible dates upon which the event may be held.

Mayor Ramsey noted that the progress of the Main Street Enhancement/Franklin Park Trail Project will soon become one of the main topics of discussion at all Town Council meetings. Mr. Ramsey explained that construction will begin at Franklin Park, but is expected to reach the Town before the end of the year.

Mayor Ramsey stated that there are a number of utility projects expected to begin in the near future, and suggested that it may be wise to determine financing for those projects while interest rates are favorable.

Mayor Ramsey asked what residents should do if they still have trash cans from Patriot which have not yet been retrieved by the company. Town Clerk West reported that she is compiling a list of residents who still have the Patriot bins, and will schedule a pick-up date with the company. Ms. West stated that she will drive through the trash service area, to determine where there are bins to be collected.

Mayor Ramsey noted that the portion of the Wastewater Treatment Plant which faces Sleeter Lake requires clean-up and maintenance.

**IN RE: MEETING ADJOURNMENT**

The meeting was adjourned by Mayor Ramsey at 9:58 p.m.

Respectfully submitted,

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Scott T. Ramsey, Mayor

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Debra McDonald, Recording Secretary

Date Approved: September 16, 2020