

**ROUND HILL TOWN COUNCIL  
REGULAR MEETING MINUTES  
November 18, 2020**

A Regular Meeting of the Round Hill Town Council was held on Wednesday, November 18, 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. There was no public access to the Town Office for this meeting. The Mayor, Council Members, and Staff participated remotely. Members of the public were able to attend this meeting electronically using the link published with the Agenda.

**Council Members Present**

Scott T. Ramsey, Mayor  
Mary Anne Graham, Vice-Mayor  
Donald W. Allen  
Jesse Howe  
Michael B. Hummel  
Paula James

**Council Members Absent**

Melissa Hoffmann

**Staff Members Present**

Melissa Hynes, Town Administrator/Zoning Administrator  
Danielle Albright, Town Planner  
Marty Feltner, Utility Supervisor  
Maureen Gilmore, Town Attorney  
Robert Lohr, Project Specialist  
Harriet West, Town Clerk

**Others Present**

Steven Webster

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

Mayor Ramsey called the meeting to order at 7:32 p.m., and read the following into the record:

*Due to the ongoing COVID-19 Pandemic, this meeting will be conducted electronically pursuant to the **Emergency Ordinance to Modify Public Meeting and Public Hearing Practices and Procedures to Address Continuity of Operations Associated with Pandemic Disaster** adopted by the Mayor and Town Council on April 28, 2020. There will be no public access to the Town Office for this meeting. The Mayor, Council Members, and Staff will be participating remotely. Members of the public may attend this meeting using the link published with the Agenda.*

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**

Mayor Ramsey conducted a Roll Call, to establish the presence of Council Members, and to ensure that each could be heard in the remote format being used. Mayor Ramsey noted that Vice-Mayor Graham, and Councilpersons Hummel, James, Howe, and Allen, were present, and that Councilperson Hoffmann was absent. Mayor Ramsey stated that, with the Mayor and five Council Members present, a quorum had been 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, with the addition of a Closed Session;** Councilperson Allen seconded the motion. There was no discussion of the motion. A vote was held; the motion was approved 5-0-1, with Councilperson Hoffmann absent. The vote is recorded as follows:

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

**IN RE: APPROVAL OF MINUTES**

**a. September 2, 2020**

Vice-Mayor Graham asked if the report by the Round Hill Outdoors Committee, referenced in these minutes, had been received; Town Administrator/Zoning Administrator Hynes stated that it has not, but will be provided to Council at its meeting scheduled for December 2, 2020.

Vice-Mayor Graham then noted the following corrections: 1) on page nine, under *Item #3 – Update on Franklin Park Trail/Main Street Enhancement Project*, in line eight of the first full paragraph, the word *provide* should have a *d* on the end; 2) on page nine, again under *Item #3*, in the second line of the third full paragraph, the public access lot referenced is on *Greenwood Drive*, not *Greenfield Road*; and, 3) on page eleven, under *Item #5 – Update on Ready for Business Grants*, in the seventh line of the first paragraph, the word *thirty-two* should be replaced with numerals (32).

Vice-Mayor Graham referenced paragraph three, under *Item #7 – Discuss Future Town Council Meetings (Zoom/Office)*, in which the capacity of the internet system in the Town Office was discussed, and it was noted that further research was to be undertaken, asking if that research has been done; Town Administrator/Zoning Administrator Hynes reported that she is currently working on this issue.

Councilperson Hummel also noted the incorrect street name, on page nine, as referenced by Vice-Mayor Graham. Further, Councilperson Hummel requested that, on page eleven, in *Item #6 – Update on Implementation of VOSH COVID-19 Emergency Temporary Standard*, the acronym VOSH be spelled out, as it was at the end of that section; the line should, therefore, read *Update on Implementation of Virginia Occupational Safety and Health (VOSH) COVID-19 Emergency Temporary Standard*.

Mayor Ramsey requested a motion **to adopt the minutes, as amended**. Vice-Mayor Graham **so moved**; Councilperson Hummel seconded the motion. There was no discussion of the motion. A vote was held; the motion was approved 5-0-1, with Councilperson Hoffmann absent. The vote is recorded as follows:

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

## **IN RE: BUSINESS ITEMS**

### **1. Utility Department Update**

Vice-Mayor Graham presented this item, reporting that the Utility Staff held a meeting last week to review a number of projects; Ms. Graham noted that these monthly meetings have been beneficial. The following items were discussed at the most recent meeting:

- That work on the Southern Water Tank is proceeding.
- That there was no update regarding work at Well D, although this project is proceeding.
- That bringing Well D on-line will require additional build-out to the Evening Star Drive plant.
- The utility issues impacting the Franklin Park Trail/Main Street Enhancement Project.

Vice-Mayor Graham thanked Councilperson Hummel and Town Attorney Gilmore for their work on the Water and Sewer Ordinances, noting that copies of the updated Ordinances have been provided to Council Members. Ms. Graham requested that Council

bring their comments regarding these Ordinances to the first Town Council meeting in December, as it is hoped they will go to Public Hearing in January 2021.

Town Administrator/Zoning Administrator Hynes reported that Town Engineer Lane has submitted completed drawings for the water line to Sleeter Lake Park, and that it is hoped the line will be installed prior to the opening of the park in the spring. Mayor Ramsey asked if a trail in this area of the park would support the weight of a truck; Town Administrator/Zoning Administrator Hynes stated that it would. Mayor Ramsey requested that it be ensured the Town has the correct base in place for a future trail in this area. Additionally, Mayor Ramsey noted that ensuring the trail is traversable by utility truck will assure the Town has the ability to undertake maintenance, and to access the area in the event of an emergency. Mayor Ramsey requested that use of this access by vehicular traffic in the event of a weather emergency, or any other emergency, be documented in the Town's Emergency Management Plan. Mayor Ramsey requested that this information be shared with the Round Hill Owners' Association (RHOA). Town Administrator/Zoning Administrator Hynes stated that she will work with Project Specialist Lohr on this issue.

## **2. Franklin Park Trail/Main Street Enhancement Project Update**

Project Specialist Lohr presented this item, noting that a written report has been provided to the Council. Mr. Lohr reported that the first item of concern in this project is the valve issue, as presented in his report; the County is working with the contractor to obtain estimates for corrective action, which, it is hoped, will comply with suggestions made by Town Utility Staff. Project Specialist Lohr stated that it is hoped this process will allow for a successful tie-in, which is needed in order for the project to proceed.

Project Specialist Lohr reported that the second issue of concern is the ability to execute the connection of various lines, while maintaining service to Round Hill utility customers. Mr. Lohr reported that it was discovered the County is responsible for this continuity in service, and is seeking a contract for help in addressing the problem.

Project Specialist Lohr noted that he will provide a written report to Council from his weekly meeting with County officials; that meeting is scheduled for tomorrow morning, with his e-mailed report to follow later in the day.

Project Specialist Lohr reported that Town Staff and Utility Staff continue their work to identify utility lines on Main Street. Additionally, Mr. Lohr noted, issues concerning laterals will be addressed in the early-December time frame. Project Specialist Lohr further reported that the valve work is expected to occur in the next two weeks. Mayor Ramsey asked if action by the Town Council will be required in regard to any change order generated by this work; Project Specialist Lohr reported that any funding issues related to this work will be brought to the Council in an appropriate manner.

### **3. Round Hill Housing and Essential Utility Assistance Update**

Town Clerk West presented this item, beginning by describing efforts undertaken to ensure residents in the 20141 ZIP Code are aware of the program. Ms. West reported that Town Staff has been contacted by seven residents who have expressed an interest in participating in the program, with four residents actually applying. The funding provided by the program will be available through November 30, 2020.

Mayor Ramsey asked if residents in the 20142 ZIP Code received notice of this program; Town Administrator/Zoning Administrator Hynes stated that she would determine if that was done.

Town Administrator/Zoning Administrator Hynes commended Ms. West for her work on this effort.

In response to a question from Council, Town Clerk West reported that she has been in touch with the student/family liaison at Round Hill Elementary School, to make her aware of the existence of the program.

The suggestion was made that unused funds be used to purchase Personal Protective Equipment and related supplies, and to provide them to residents.

### **4. FY2022 Budget Schedule**

Town Administrator/Zoning Administrator Hynes presented this item, noting that she used the framework from last year's Budget discussions to create this schedule. Ms. Hynes suggested that the meetings begin at 7:30 p.m. this year, as all meetings will be held using Zoom. Town Administrator/Zoning Administrator Hynes provided the framework for the budget discussions, chronologically and according to topic. Ms. Hynes noted that the schedule before Council this evening provides for a Public Hearing on the FY2022 Budget, to be held on March 3, 2021, with a Town Council vote on adoption of the Budget slated for March 17, 2021. Ms. Hynes noted that contingency dates are included in the schedule, if it is found they are needed.

Discussion ensued regarding the starting time for the budget sessions; it was decided to finalize that issue during discussion of the *2021 Town Council Meeting Dates* item included on this evening's Agenda.

Town Administrator/Zoning Administrator Hynes requested that the back-up day for a missed budget discussion session be the following day (Thursday); discussion ensued regarding requirements surrounding this issue. Town Attorney Gilmore explained that, at present, the Town Council cannot hold an advertised meeting on a day other than the one advertised, but rather, that business must be postponed until the next regularly scheduled meeting. Ms. Gilmore explained that the provision to allow postponement until the next day may be included in the new calendar at its adoption.

Town Administrator/Zoning Administrator Hynes asked if Council agrees with the framework for the budget sessions, noting that the schedule is slated for adoption at the next Town Council meeting. There was no objection.

There was brief discussion of the *Transfer Sheet*, with Town Administrator/Zoning Administrator Hynes to provide a copy of the document to the Mayor. Ms. Hynes noted that a definite date for discussion of the salary pool will be set, with information regarding this topic to be provided to Council.

#### **5. 2021 Town Council Meeting Dates**

Town Administrator/Zoning Administrator Hynes presented this item, explaining that the schedule will be revisited when the need no longer exists for electronic meetings.

Council Members agreed to continue holding meetings on the first and third Wednesday of each month. Discussion ensued regarding the start time of the meetings, with it being decided to retain the 7:30 p.m. start time. There was also brief discussion of sending corrections to minutes to Staff prior to the meetings, in order to save time during meetings. Following discussion, it was decided to copy the Mayor and Council Members on Planning Commission meetings so Council Members may attend if they wish; it was noted that this should be an opportunity to listen, but not participate.

Town Administrator/Zoning Administrator Hynes stated that a vote to adopt the *2021 Town Council Meeting Dates* will be held at the December 2, 2020 meeting. It was noted that the Town Attorney will provide a Resolution to be voted upon at that meeting, which would allow for the adoption of a policy to extend Town Council business to the next day.

#### **6. Draft Water Ordinance and Sewer Ordinance**

Mayor Ramsey noted that copies of the updated draft Ordinances were provided in Council Members' packets, and sought to clarify that the documents sent electronically include all changes, which, it was noted, they do.

Mayor Ramsey recommended that a vote to approve these documents for advertisement be held at the December 2, 2020 meeting, with further comments provided to Staff prior to that date.

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

#### **1. Regional Water Supply Plan**

Project Specialist Lohr presented this item, explaining that the State mandated the creation of this type of plan in 2005, during a period of severe drought, and that the Northern Virginia Regional Commission created the plan in which Round Hill participates. This plan has previously been updated, and is slated for another update in 2023. Project Specialist Lohr stated that Staff recommends Round Hill participate in this effort again, with Council approval of this being sought this evening.

Vice-Mayor Graham voiced her concerns regarding funding aspects of this plan, noting that this is mandated by the State but must be funded by the participating municipalities. Mayor Ramsey noted that this is the most cost-effective way to comply with the mandate.

Town Administrator/Zoning Administrator Hynes explained that Utility Supervisor Feltner will be allowed to be a party to the update.

Mayor Ramsey stated his belief that it is better to band together with municipalities in the update, as the Town is required to have this type of plan. The Mayor reiterated that this is the most cost-effective way to comply with the mandate.

Project Specialist Lohr noted that every community does have this type of plan, as does Round Hill; however, those individual plans may not be submitted to the State. Mr. Lohr acknowledged that this is, as noted by the Vice-Mayor, an unfunded mandate. Mayor Ramsey noted that this is bureaucratic red-tape, and that the Town must meet the mandate as inexpensively as possible; following that action, Round Hill may pursue its own method of water supply planning.

Vice-Mayor Graham then moved **that the Town of Round Hill participate in the Northern Virginia Water Supply Plan 2023 Update, using the three-year payment allocation plan, and that the Town Administrator be authorized to sign the Letter of Intent**; Councilperson James seconded the motion. There was no discussion of the motion. A vote was held; the motion was approved 4-1-1, with Vice-Mayor Graham abstaining, and Councilperson Hoffmann absent. The vote is recorded as follows:

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

## **2. Creekside (Brentwood Springs) Utility Bond Reduction Phase 1B**

Councilperson Hummel recused himself from this discussion and vote. Mr. Hummel also reported that all work related to Phase 1B has been done properly, and requested that all four sections be placed on one-year Maintenance Bonds.

Town Administrator/Zoning Administrator Hynes reported that all work has been completed to the standards put forth by the Town, and that each bond reduction on the Agenda this evening will be reduced to one-year Maintenance Bonds for all four sections.

Mayor Ramsey asked if these Maintenance Bonds will automatically expire in one year; Town Attorney Gilmore replied that they will not. Ms. Gilmore explained that the method undertaken by Round Hill is different than that employed by other municipalities in the Commonwealth; however, both Round Hill's and the State's requirements that, upon release of a bond, a one-year Maintenance Bond be posted are met.

In response to a question from Council, Councilperson Hummel explained work being done to the settlement pond in the subdivision.

The total amount of the Maintenance Bond was briefly discussed.

Councilperson Allen then moved **that the Round Hill Town Council approve the Bond Reduction request made by Creekside, LLC, for the completed Creekside Phase 1B Water and Sewer Improvements, on the condition that the developer reduce the existing bond, #PB2095800032, to a satisfactory one-year Maintenance Bond that is the equivalent of five percent of the original bond, \$8,672.65. Creekside, LLC, is also required to pay any outstanding fees to the Town of Round Hill.** Vice-Mayor Graham seconded the motion. A voice vote was held; the motion was approved 4-1-1, with Councilperson Hummel having recused himself, and Councilperson Hoffmann absent. The vote is recorded as follows:

<u>MEMBER</u>	<u>VOTE</u>
Mary Anne Graham	Aye
Paula James	Aye
Donald W. Allen	Aye
Jesse Howe	Aye
Michael B. Hummel	No Vote (Recusal)
Melissa Hoffmann	Absent

### **3. Creekside (Brentwood Springs) Utility Bond Reduction Phase 2**

Councilperson Howe moved **that the Round Hill Town Council approve the Bond Reduction request made by Creekside, LLC, for the completed Creekside Phase 2 Water and Sewer Improvements, on the condition that Creekside, LLC, reduce the existing bond, #PB02095800040, to a satisfactory one-year Maintenance Bond that is the equivalent of five percent of the original bond, \$35,562.75. Creekside, LLC, is also required to pay any outstanding fees to the Town of Round Hill.** Vice-Mayor Graham seconded the motion. A voice vote was held; the motion was approved 4-1-1, with Councilperson Hummel having recused himself, and Councilperson Hoffmann absent. The vote is recorded as follows:

<u>MEMBER</u>	<u>VOTE</u>
Mary Anne Graham	Aye
Paula James	Aye



Donald W. Allen	Aye
Jesse Howe	Aye
Michael B. Hummel	No Vote (Recusal)
Melissa Hoffmann	Absent

#### **4. Creekside (Brentwood Springs) Utility Bond Reduction Phase 3**

Vice-Mayor Graham moved **that the Round Hill Town Council approve the Bond Reduction request made by Creekside, LLC, for the completed Creekside Phase 3 Water and Sewer Improvements, on the condition that the Creekside, LLC, reduce the existing bond, #PB1069684, to a satisfactory one-year Maintenance Bond that is the equivalent of five percent of the original bond, \$17,105.01. Creekside, LLC, is also required to pay any outstanding fees to the Town of Round Hill.** Councilperson Allen seconded the motion. A voice vote was held; the motion was approved 4-1-1, with Councilperson Hummel having recused himself, and Councilperson Hoffmann absent. The vote is recorded as follows:

<b><u>MEMBER</u></b>	<b><u>VOTE</u></b>
Mary Anne Graham	Aye
Paula James	Aye
Donald W. Allen	Aye
Jesse Howe	Aye
Michael B. Hummel	No Vote (Recusal)
Melissa Hoffmann	Absent

#### **5. Creekside (Brentwood Springs) Utility Bond Reduction Phase 4**

Councilperson James moved **that the Round Hill Town Council approve the Bond Reduction request made by Creekside, LLC, for the completed Creekside Phase 4 Water and Sewer Improvements, on the condition that the Creekside, LLC, reduce the existing bond, #PB1069702, to a satisfactory one-year Maintenance Bond that is the equivalent of five percent of the original bond, \$15,275.50. Creekside, LLC, is also required to pay any outstanding fees to the Town of Round Hill.** Vice-Mayor Graham seconded the motion. A voice vote was held; the motion was approved 4-1-1, with Councilperson Hummel having recused himself, and Councilperson Hoffmann absent. The vote is recorded as follows:

<b><u>MEMBER</u></b>	<b><u>VOTE</u></b>
Mary Anne Graham	Aye
Paula James	Aye
Donald W. Allen	Aye
Jesse Howe	Aye
Michael B. Hummel	No Vote (Recusal)
Melissa Hoffmann	Absent

In response to a question from the Mayor, Town Attorney Gilmore stated that the bonding process is included in the Town's Subdivision Ordinance, the wording of which could be changed, either during an update of all Ordinances, or administratively. Ms. Gilmore further noted that Council can decide the method it wishes to use to update this language.

#### **IN RE: REPORTS**

No reports were presented at this evening's meeting.

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

Councilperson Hummel reported that, if Brookfield Homes moves forward with development of the West Lakes subdivision, they may be amenable to extension of the pedestrian trail in that area; Staff is to investigate this further. Councilperson Hummel asked Project Specialist Lohr for an update on the citizen complaint regarding streetlights; Mr. Lohr stated that he will be speaking with the citizen tomorrow. Project Specialist Lohr noted that two areas of concern existed – a pole which was leaning, which has been corrected, and the installation of shields on the light for which the complaint was lodged; the customer will be referred to Dominion Energy regarding this. Finally, Councilperson Hummel reported that he will excuse himself from the Closed Session this evening.

Vice-Mayor Graham wished everyone a Happy Thanksgiving.

Mayor Ramsey reported that the Coalition of Loudoun Towns (COLT), at its recent meeting, discussed the issue of the building of planned schools in the Transition Policy Area (TPA)/Rural Area (RA); COLT understands that the County will build schools there and will extend utilities to those sites. Mayor Ramsey explained that COLT does not support the Comprehensive Plan Amendment being sought by Loudoun County to facilitate this. Mr. Ramsey further reported that COLT is trying to work with Loudoun County to ensure existing policies are not weakened, and to request that the parcel be brought into the TPA from the RA. Mayor Ramsey stated that it is felt the Board of Supervisors is coming around to COLT's position on this issue.

Mayor Ramsey also reported that the Zoning Ordinance Action Group (ZOAG), which previously reported to the Board of Supervisors, has been reconstituted and will now report to the County Planning Commission. The ZOAG requested that COLT send a representative to the body; Mr. Bridge Littleton, Mayor of Middleburg, has been recommended to serve in this capacity.

#### **IN RE: CLOSED SESSION**

Vice-Mayor Graham moved **that the Round Hill Town Council recess its open meeting and convene a closed session for consultation with legal counsel and staff regarding actual litigation titled Round Hill Investors, LLC, et. al., versus Town of Round Hill, et. al., Loudoun County Circuit Court Case No: CH19117, as authorized by Code of Virginia of 1950, as amended, §2.2-3711(A)(7), with the Town Attorney and Town Administrator invited to attend**; Councilperson Allen seconded the motion. There was no discussion of the motion. A

voice vote was held; the motion was approved 4-1-1, with Councilperson Hummel having recused himself, and Councilperson Hoffmann absent. The vote is recorded as follows:

<b><u>MEMBER</u></b>	<b><u>VOTE</u></b>
Mary Anne Graham	Aye
Paula James	Aye
Donald W. Allen	Aye
Jesse Howe	Aye
Michael B. Hummel	No Vote (Recusal)
Melissa Hoffmann	Absent

Mayor Ramsey declared that the Town Council is now in Closed Session, and called for a recess at 9:22 p.m.

**IN RE: ADJOURN CLOSED SESSION AND RECONVENE OPEN MEETING**

Vice-Mayor Graham moved **that the Round Hill Town Council adjourn its Closed Session and reconvene its open meeting**; Councilperson Howe seconded the motion. There was no discussion of the motion. A voice vote was held; the motion was approved 4-0-2, with Councilpersons Hoffmann and Hummel absent. The vote is recorded as follows:

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

Mayor Ramsey reconvened the Open Meeting at 10:54 p.m.

**IN RE: CERTIFICATION OF CLOSED SESSION**

Vice-Mayor Graham read the following into the record:

**Resolution 2020-15 – Certifying the Closed Session on November 18, 2020**

*WHEREAS, the Round Hill Town Council has this day convened a Closed Session, in accordance with the affirmative recorded vote of the Round Hill Town Council, and in accordance with the provisions of the Virginia Freedom of Information Act, to consider actual litigation, titled Round Hill Investors, LLC, et.al. versus Town of Round Hill, et.al., Loudoun County Circuit Court Case No: CH19117, as authorized by the Code of Virginia of 1950, as amended, §2.2-3711(A)(7);*

*NOW THEREFORE, be it resolved that the Round Hill Town Council does hereby certify that, to the best of each member's knowledge, only public business matters lawfully exempted from Open Meeting requirements under the Freedom of Information Act were*

*discussed in the Closed Session to which this certification applies, and only such public business matters as were identified in the motion by which the said Closed Session was convened were heard, discussed, or considered by the Round Hill Town Council.*

Vice-Mayor Graham moved **to adopt Resolution 2020-15**; Councilperson Allen seconded the motion. There was no discussion of the motion. A voice vote was held; the motion was approved 4-0-2, with Councilpersons Hoffmann and Hummel absent. The vote is recorded as follows:

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

Mayor Ramsey asked if there was any additional business to be heard before adjournment of the meeting; there was none.

**IN RE: MEETING ADJOURNMENT**

The meeting was adjourned by Mayor Ramsey at 10:56 p.m.

Respectfully submitted,

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Scott T. Ramsey, Mayor

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Debra McDonald, Recording Secretary

APPROVED: January 20, 2021