

Round Hill Town Council Meeting
Thursday, October 21, 2010
7:30 p.m.

A regular meeting of the Round Hill Town Council was held Thursday, October 21, 2010 immediately following the Joint Public Hearing on SPEX-2010-02 Bank of Clarke County/MAR MEG, LLC. at the Town office, 23 Main Street, Round Hill, Virginia.

TOWN COUNCIL MEMBERS IN ATTENDANCE:

Scott Ramsey, Mayor
Mary Anne Graham, Vice Mayor
Janet Heston
Jenny Grafton Theodore

TOWN COUNCIL MEMBERS ABSENT:

R. Daniel Botsch,
Christopher Prack,
Clarkson Klipple

STAFF MEMBERS IN ATTENDANCE:

John Barkley, Town Administrator
Rob Kinsley, Town Planner and Zoning Administrator
Betty Wolford, Town Treasurer
Susanne Kahler, Recording Secretary
Maureen Gilmore, Town Attorney

MEMBERS OF THE PUBLIC PRESENT:

David Sheckler, Resident
Thaddeus Edwards, Resident
Mary Ruth Peele, Resident
Dave Bowers, Stantec
Jeff Mitchell, Mitchell & Co., CPA

IN RE: CALL TO ORDER

The regularly scheduled meeting of the Round Hill Town Council was called to order by Mayor Scott Ramsey at 8 p.m.

IN RE: COMMUNITY POLICING REPORT

Deputy Matt Bressler reported that their 8 man team of community policing officers was down to 5 members. There was one reported crime of a larceny, some domestic situations, 16 traffic stops, 21 calls for service in town and 38 self-initiated field activity incidents. Mayor Ramsey expressed the need for a patrol presence on Halloween to slow motorist's speed

coming into town when trick-or-treaters are out.

IN RE: PUBLIC COMMENT

None

IN RE: APPROVAL OF AGENDA

Vice Mayor Mary Anne Graham moved that the agenda be approved as presented. Councilperson Janet Heston seconded her motion. The motion passed 3-0-0 with Councilmembers Botsch, Prack and Klipple absent for the vote.

IN RE: MAIN STREET ENHANCEMENT PROJECT

Dave Bowers from Stantec was on hand to give an update on the status of the project. Since his last presentation in July he has sorted the right of way issues, and has a better understanding of the initial grant application and what it entailed, has met with Loudoun County's Parks and Recreation staff and the Town's Land Use Committee, and gone over drainage - which is the key issue. Mr. Bower believes he can come forward with a public meeting towards the end of November or the beginning of December. The Department of Parks & Recreation also wants to reach out to the public and Mr. Bowers felt that we do not want to conflict with those dates. He left a set of plans with the Council for their review. Mr. Bowers will provide a list of the properties affected by right of way issues and also provide alternatives. The County has identified 14 property owners that they will need easements from to complete the project so they are going to try to reach out to those individual property owners before a public information session is held about the project.

IN RE: FY 2010 FINANCIAL REPORT

Jeff Mitchell, Mitchell & Co., CPA in Leesburg was on hand to give a presentation of the Town's financial status. The audit was held on June 30, 2010 and books and records appear to be in order. A bound report will be issued. Key financial data included total assets of 15 million between the two funds- cash and general fund 618K, water & sewer 1.20 million. Accounts Receivable, 284K represented the June 2010 utility billing. Bond escrow account is the 2003 bond issue of 2.4 million. Accounting adjustments consisted of: a refinance 585K in fixed assets, 10 million historical cost, less depreciation. Total liabilities were comprised of Accounts Payable - a 567K water & sewer East Coast Utilities draw on wastewater treatment plant, accrued expenses, long term debt of 7 million, a 2009 bond refinance at 6.8 million. The bottom line - there is a surplus in the general fund of 29K, which includes a 99K transfer for administrative work that the general fund does for the utilities fund. In the water/sewer operations fund there is a 278K surplus. From an operating standpoint, the Town had a surplus of 134K. Operating revenues in 07-08 had a 12 percent increase, with a 3% increase each in years 2009 and 2010. The Town had the same number of users but usage was way down in 2009. The amount in the General fund increased due to assessed property valuations - which went down 113 million in 2007, 69 million in 2010, but the rate went from 14 cents per hundred dollars of assessed value in 2007 to 20 cents per hundred in 2010. So there was steady revenue to the general fund incoming because of that hard decision but it needed to be done. Sales tax revenue was down dramatically. In 2008, sales tax allocation was 82K. In 2010 it was 54K - almost a 30K drop. There is a strong 569K surplus in the general fund - over a year's total budget

of the general fund. When comparing the budgeted v.s the actual figures of the general fund, the Town didn't get grant money in but during that period but it also didn't spend it. Otherwise projections were fairly close to actual expenses. Hard work in water/sewer fund took place this year and it shows. Mr. Mitchell said he and the Town staff looked at cash management issues but interest rates are so low sometime you wonder why you bother - any increases in revenue would be nominal at this point.

IN RE: 2010 COMMUNITY GARDEN PROGRAM

David Sheckler from the Round Hill Earth Team was present to brief the Town Council on the highlights of the past year's community garden use. Additionally, part of the initial agreement with the Town was that they would check back in with the Town and get permission to use the garden again for the following year. The Garden requested support from the Town on issues such as water. Their cistern was deteriorating rapidly. The Town Utilities Department suggested a hybrid tap be installed. The question arose over whether they would have to charge an additional fee for water usage. Mayor Ramsey asked for an estimate of how much water they would use in one season. The amount was estimated at 1000 gallon a week during the driest months of the summer.

Mr. Scheckler asked that the exposed electrical connections be taken care of as they represented a tripping hazard. They didn't want to bury them or cut them off. Jenney Grafton Theodore suggested putting a bucket over them. Mayor Ramsey said they would take another look at it. Soil was much improved with compost; they thanked the Council for allowing the use of the Town truck for its transport. The Girl Scouts decorated the front of garden, and the Boy Scouts built a signpost and an 8' X 12' shed for tools and materials. There were a total of 18 garden plots, with 2 people on the waitlist. Mayor Ramsey said he would like to discuss with the Council what kind of water policy they would like to set. Utilities Director Alan Wolverton suggested it would probably be easiest for him and his department if they just put in a hydrant. Mr. Scheckler suggested some sort of nominal charge. Mayor Ramsey noted that \$2 X 18 people would hardly cover the cost of water and putting the hydrant in. It was a token charge relative to the amount of actual effort expended by the Town.

Vice Mayor Mary Anne Graham said that if they went to mandatory water restrictions they (the garden) would have to follow the same restrictions as the rest of the Town. She suggested that they charge \$10 per garden plot and then reevaluate at the end of the next season.

"The Town does subsidize the community garden off the books already," said Mayor Scott Ramsey., "Water is a retail item for us." Mayor Ramsey suggested making it free for the first year and monitoring it, "it takes time for Alan to deliver the water. Putting a hydrant in makes it easier and less time consuming."

A meter costs \$400. Mayor Ramsey said it was harder to deliver gray water then regular Town water. The Town stopped delivering water at all when it went on mandatory restrictions. Councilperson Janet Heston said, "The Mayor is always on the offensive when it comes to the utilities, that this is a business, so now they are giving away water, how much income is that over a couple years? I have a problem with that."

"We have a security issue as well," Councilperson Jennifer Grafton Theodore said, "we already have an issue with that."

Councilperson Heston asked, "Why don't we just meter them and bill them the going rate?"

What's the problem with doing that? Then it would be easier for the utility people and we would not be losing revenue and then they would have water.”

Vice Mayor Mary Anne Graham said, “The thing is generally the Council is supportive of the garden and maybe we should just charge them a token amount or nothing the first year.”

Councilperson Jennifer Graton Theodore, “I think supporting is different than paying for it.”

Councilperson Heston, “I don't think that is fair to the constituents of the Town who are paying for their water and you're telling them to be careful how you use it and oh, you can't because we are really short.”

Mayor Scott Ramsey, “This community garden is adding to our community. We maintain other parts on Town money.”

Councilperson Heston, “Because we are obligated to. It is Town property.”

Mayor Ramsey: Like the Town Park. We pay to keep it watered and landscaped. It is a benefit to our community. If you take that attitude too far you could say it's too expensive, let's abandon it and shut it down.”

Councilperson Heston, “I don't think that is taking it too far. I think water is taking it too far.”

Mayor Ramsey, “I think this community garden, it's a very cost effective from the Town's perspective in that the volunteers are doing all the leg work, they are doing all the donations for materials. We basically have a community facility here that is available to the public and we are doing very little to maintain it other than letting them use our land and borrow equipment and staff time. And that staff time... I think Alan has come to the judgement that it would be more efficient for them to just give them a tap than trucking water out to them. That is why he brought up the suggestion. They have been getting free water all this past year and you want to retroactively bill them now?”

Councilperson Heston, “No I don't because that was a decision made by someone in the Town without - I mean that was an executive decision.”

Mayor Ramsey, “It was determined that it would cost us more to serve them with gray water in available staff time than it would to just give them water from the nearest available tap.”

Councilperson Heston, “ So we are only looking at the cost of employees versus the precedent and the fact that we are giving away something that we could be getting money for?”

Town Administrator John Barkley, “The cost is 7-10 dollars per 1000 gallons. I understand the precedent about it with the staff making changes (from using gray water to tap) without reporting it to the Council.”

Mayor Ramsey, “2 hours of the staff's time is worth more than ten dollars a week.”

Councilperson Heston, “That may be true but that wasn't the agreement.”

Mayor Ramsey, “Labor is the most valuable thing we have in this town. The money that everyone pays for water rates - they are paying for salaries. 60-70 percent of our utility budget is for the people who man the equipment. So when we say oh it's just fine for Alan to take an hour or two to just go deliver them water, well that is giving them the labor. And we've always felt comfortable doing that, so I wonder what the big shift is. Now instead with Alan saying I'll save them a lot of time and just hook them up with some water and actually the Town will benefit from that approach and the Community garden might get punished for Alan trying to make it more efficient because not only are they going to lose his hours but they are going to have to pay extra money for something they used to be getting for free. We have already made some sort of commitment to support this garden. We aren't talking a lot of money here. So I was going to suggest that if they use a lot of water, then we start charging them

Councilperson Heston, "What is a lot of water?"

Mayor Ramsey, "When we meter the water we can report on that to the Council."

Councilperson Jennifer Grafton Theodore, "I think it makes more sense to establish a limit proactively and if they go over it they will be charged. That way they will have a motivation to monitor it and everyone will know that the rates will go up if you go over this amount of gallons."

Mr. David Sheckler, "We would need to be updated on our usage so that we could be prepared for that and whether there is a concern before we have to take serious action, then I think that is a great idea."

Vice Mayor Mary Anne Graham, "What did you have in mind?"

Councilperson Grafton Theodore, "If we could give them a limit of 1000-1500 gallons per week in the summer."

Mr. Sheckler, "May starts drying out, June is when we really know."

Councilperson Heston, "So roughly 28000 gallons. If you paid ten dollars per plot it would cover it."

Mayor Ramsey, "We will put a meter on and will bill them if they get above 15000 gallons. If you want to collect a fee in advance that is up to you. We will charge the going rate above 15000 gallons. It will be up to the garden to decide how they want to handle it. We can talk to the utility staff to see if we can schedule more regular readings."

Mr. Sheckler, "We'll assess a fee which is refundable if not used."

Vice Mayor Mary Anne Graham suggested they add to the rules what will happen if there are mandatory water restrictions.

Vice Mayor Mary Anne Graham moved that the Council approve the use of the Community Garden by the Round Hill Earth Committee for the 2011 year and that we give them water to use from a hydrant with the first 15,000 gallons of water free and after that it will be charged at the going rate.

Mayor Ramsey, "John, you need to make sure that 15,000 needs to be transferred to the general fund."

Vice Mayor Graham continued, "And that in the case of mandatory water restrictions, water will not be used. I want to add that to the motion"

Councilperson Heston seconded her motion.

The motion passed 3-0-0 with Councilmembers Botsch, Prack and Klipple absent for the vote.

IN RE: WATER RESTRICTIONS

The utilities committee was advised by the town staff that the wells were running at a normal rate and the tower is full and because of that their recommendation is that we go off mandatory water restrictions.

Do you want to further that by going to voluntary restrictions? Asked John Barkley, Town Administrator, "The recharge levels in the wells are improving now, we have turned the corner that way as Vice Mayor Graham stated, the tank is full so we are not relying so much on 719 as we have been so as Vice Mayor Graham recommended, the staff suggested going off mandatory restrictions."

Vice Mayor Mary Anne Graham moved, "That we (the Town) go back from mandatory to voluntary water restrictions effective immediately."

Councilperson Janet Heston seconded her motion.

The motion carried 3-0-0 with Councilmembers Botsch, Prack and Klipple absent for the vote.

IN RE: APPROVAL OF MINUTES

Item was tabled due to Town Council Members Prack, Klipple and Botsch being absent.

IN RE: RESOLUTION 2010-05 OBSERVANCE OF RED RIBBON WEEK

Mayor Ramsey, “We received some material on this resolution 2 months ago.”

Town Administrator John Barkley, “We have done this in prior years. Red ribbon week is celebrated by many of our neighbors in Western Loudoun County - many of the participants are residents of Western Loudoun County so they are back again this year for the Town Council to consider approving Resolution 2010-01 - observance of Red Ribbon Week.

A representative from the Shenandoah Valley Young Marines explained that the red ribbons which say that “Freedom is drug free” is from Kiki Camerena a DEA officer, “who in his days of working what most people is a soft drug, marijuana, was very successful in taking out drug lords during his work in Mexico who were dealing with this drug and they tortured him and killed him. We still believe in his dream of keeping America drug free and away from any illegal substances or abusing medication substances and it is from the week of October 23-31st. We are actually going to the Pentagon tomorrow to deliver proclamations because to us the Young Marines is an organization trying to promote living drug-free so October is a very big month for us.”

Vice Mayor Mary Anne Graham moved that the Town Council adopt the resolution 2010-05 - the Observance of Red Ribbon week October 23rd-31st, 2010 and would like to add that it also be highlighted on the Town website.

Councilperson Heston seconded her motion. **The motion carried 3-0-0 with Councilmembers Botsch, Prack and Klipple absent for the vote.**

IN RE: TOWN ADMINISTRATORS REPORT

A hearing has been scheduled for November 3, 2010 to consider further evidence justifying the Town’s Appeal to the prior decision in the case of a former Town Wastewater Operator who was terminated and claimed unemployment benefits.

Hayman Lane is awaiting final easement plats for the water line extension. They will go out to residents soon.

The T Mobile lease agreement is signed. Both ATT and Sprint are also interested in being on the water tower.

Gateway signs: the Town is relocating other welcome signs in accordance with VDOTs comments.

The automated bill payment system is up and running – kudos to the Town staff. 45 people paid using the online system in the last 2 weeks.

John Barkley attended the annual Virginia Municipal League Conference October 3-5 in Hampton, Virginia.

IN RE: UPDATE ON WESTERN LOUDOUN SHERIFF’S SUBSTATION

Town Attorney Maureen Gilmore was present to give an update on the substation, however, she

first noted that the LOGICS software contract had been completed and was ready for signature. The Town's payment schedule would be tied directly to deliverables with a \$4,000 initial payment due and then incremental payments over the Town's next two fiscal years.

Moving on to the Utility Agreement under consideration with the County for the Western Loudoun Sheriff's substation, Ms Gilmore said the County Administrator wanted the County to merely give an easement to the Town for a well site. "The bottom line with that is you would not own the land around the well nor would you own the well itself. There had been some prior discussion that the Council is aware of that there would be perhaps a number of ways the County would suggest doing it either transferring the well and the necessary easements outright, which would be my recommendation of what the Town would want or an easement or some other type of property interest but now they have distilled it down to one form of property interest." Mayor Ramsey: "A permanent easement?"

Town Attorney Maureen Gilmore: "It would be but it comes with conditions. If the Town does not develop a viable well within X number of years, then the easement would terminate and the County would have no obligation to provide a well site. If the Town develops it but does not incorporate it into the Town's water system within X number of years the well and any infrastructure on the well site goes to the County and the County can use the well for whatever it wants. If the Town develops a public well but ceases to use it then it all reverts to the County including any infrastructure and the County can use it for whatever it wants. Then they have made a condition of the dedication of the well site that the Town has to agree that a separate Special Exception will be required under the County zoning ordinance unless the property is incorporated into the Town. And of course they have defined the property as the entire property – not just the well site so they are going to try and impose a Special Exception requirement unless the whole property is taken in - which may be ultimately what happens. In my opinion the agreement is pretty far from where we started and not to the Town's advantage."

Ms. Gilmore will try to arrange a meeting with the County Administrator before the next Town Council meeting takes place. Vice Mayor Mary Anne Graham expressed her interest in attending as well. The Town should also receive an initial report from the County hydrologist. A draft copy will be sent out to Town Council members.

IN RE: TOWN PLANNER/ZONING ADMINISTRATOR'S REPORT

Rob Kinsley reported that the Lake Ridge Estates Subdivision developers had met with the Planning Commission and have asked that their proposal to serve the subdivision with a sewer system utilizing grinder pumps be reconsidered.

IN RE: MAYOR'S REPORT

T Mobile's lease was finalized and signed. Tobi Moriarity has an exchange student living with her and would like to undertake some sort of service project so he has suggested designing a Pavilion for the Town Park.

The Round-the-Hill Newsletter deadline is November 5th.

IN RE: UTILITIES COMMITTEE REPORT

The Utilities Committee is temporarily changing their meeting date from the 2nd Friday of the

month to the 2nd **TUESDAY**. The wastewater treatment plant expansion is going well and is on track. They are monitoring the progress weekly. The Old Furniture Factory wants to install a sprinkler system and will need another tap. They have forwarded the issue to the Town Council. It was the Utilities Committee recommendation that the Town not charge a tap fee for the additional one.

IN RE: ADMINISTRATION COMMITTEE

The Administration Committee did not meet this month.

IN RE: LAND USE COMMITTEE

The Main Street Enhancement Project was discussed as well as possible parking issues. More engineering work is needed as only the preliminary work is done. John Barkley added that Richmond American wanted to restart the process of their Creekside Development in its original form and would resubmit information and pay a reactivation fee which would prompt a new referral and review process again.

IN RE: COUNCIL COMMENTS

Mayor Ramsey noted that they would post the Town's recommended Halloween Trick or Treating hours of 5:30-8:30 p.m. October 31st on the Town's web site.

IN RE: ADJOURNMENT

With no further questions or comments, Mayor Ramsey adjourned the meeting at 10:20 p.m.

Respectfully submitted,

Scott Ramsey, Mayor

Susanne Kahler, Recording Secretary