

**ROUND HILL TOWN COUNCIL
MINUTES
of the
REGULAR MEETING
June 20, 2019**

A Regular Meeting of the Round Hill Town Council was held at the Town Office, 23 Main Street, Round Hill, Virginia, on Thursday, June 20, 2019, at 7:30 p.m.

Council Members Present

Scott T. Ramsey, Mayor
Mary Anne Graham, Vice-Mayor
Donald W. Allen
Amy E. Evers
Melissa Hoffmann (arrived at 7:55 p.m.)
Michael B. Hummel

Council Members Absent

Frederick J. Lyne

Staff Members Present

Martha Mason Semmes, Interim Town Administrator/Zoning Administrator
Lauren Runyan, Town Planner
Maureen Gilmore, Town Attorney

Others Present

Jeffrey Mitchell, CPA, Mitchell & Company
Jennifer Carpenter, Loudoun County Sheriff's Office

IN RE: CALL TO ORDER & PLEDGE OF ALLEGIANCE

Mayor Ramsey called the meeting to order at 7:33 p.m. Vice-Mayor Graham led those present in the Pledge of Allegiance.

IN RE: ROLL CALL

Mayor Ramsey stated that, with Councilpersons Hummel, Allen, and Evers, and Vice-Mayor Graham and himself present, a quorum was established. Mr. Ramsey noted the absence of Councilpersons Hoffmann and Lyne.

IN RE: COMMUNITY POLICING REPORT

Deputy Jennifer Carpenter, the new Community Resource Officer for the area, introduced herself. Deputy Carpenter noted that she did not have information to present regarding crime in the area, and reminded everyone to remember "the 9:00 p.m. routine" – to lock houses, garage doors, and

cars, and not to leave valuables in vehicles. Deputy Carpenter asked that citizens not hesitate to contact her with concerns they may have. Council welcomed Deputy Carpenter to the area. Deputy Carpenter noted that she has been very involved with the operation of Sleeter Lake Park, and would like to remain at the meeting to hear the information to be provided regarding the park; Mayor Ramsey stated that this item could be moved to earlier in the meeting.

IN RE: PUBLIC HEARING

1. Proposed Adoption of an Ordinance Establishing a Watercraft Storage Permit Fee

Mayor Ramsey opened the Public Hearing on the *Proposed Adoption of an Ordinance Establishing a Watercraft Storage Permit Fee* at 7:36 p.m. Staff reported that the Ordinance had been duly advertised. Mayor Ramsey stated that the purpose of the hearing was to take public comment on the proposed \$135.00 annual fee for storage of boats at Sleeter Lake; there was no public comment. Mayor Ramsey then called for comment from the Council; there was none. Mayor Ramsey closed the Public Hearing at 7:37 p.m.

IN RE: PUBLIC COMMENT

There was no Public Comment.

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

Vice-Mayor Graham moved to adopt the Agenda, with the following change: move *Action Item #3, Approval of Sleeter Lake Park Watercraft Rules and Regulations*, to be heard after the *Approval of the Minutes*. Mayor Ramsey clarified that this will be heard prior to the first *Business Item*. Councilperson Evers seconded the motion. Councilperson Hummel recommended striking the *Planning Commission Report*, as there has not been a meeting of the Planning Commission since the last report was provided at an earlier meeting; Vice-Mayor Graham and Councilperson Evers agreed to this amendment. There was no further discussion of the motion. A vote was then held; the motion was approved 4-0, with Councilpersons Hoffmann and Lyne absent. The vote is recorded as follows:

<u>MEMBER</u>	<u>VOTE</u>
Michael B. Hummel	Aye
Donald W. Allen	Aye
Melissa Hoffmann	Absent
Mary Anne Graham	Aye
Amy E. Evers	Aye
Frederick J. Lyne	Absent

IN RE: APPROVAL OF MINUTES

1. Town Council Meeting of May 16, 2019

Vice-Mayor Graham noted that, on page seven, in the fourth paragraph, Councilperson Hoffmann's name is misspelled; the correct spelling should be *Hoffmann*. Councilperson Hummel noted that, on page four, in the third paragraph, in line eleven, the word *know* should be spelled *known*. Vice-Mayor Graham then moved **that the minutes be**

approved, as amended; Councilperson Allen seconded the motion. There was no discussion of the motion. A vote was held; the motion was approved 4-0, with Councilpersons Hoffmann and Lyne absent. The vote is recorded as follows:

<u>MEMBER</u>	<u>VOTE</u>
Michael B. Hummel	Aye
Donald W. Allen	Aye
Melissa Hoffmann	Absent
Mary Anne Graham	Aye
Amy E. Evers	Aye
Frederick J. Lyne	Absent

IN RE: ACTION ITEM

1. Approval of Sleeter Lake Park Watercraft Rules and Regulations

Interim Town Administrator Semmes presented this item, noting that, at its last meeting, the Town Council proposed a \$135.00 fee for storage of watercraft at the park; a public hearing on the item was held this evening, at which no public comment was heard. Ms. Semmes also noted that the Sheriff's Office has been very helpful in addressing issues which have arisen at the park, and stated the Sheriff's Office position that it will be useful to post a definitive closing time. In response to a question from the Mayor, Ms. Semmes explained that opening and closing times are posted at Franklin Park, with those times set to reflect the change in hours of operation due to length of daylight. Mayor Ramsey stated his belief that it would be wise for the Town to do the same at Sleeter Lake Park. Interim Town Administrator Semmes explained that items which conflict with the Round Hill Owners' Association (RHOA) rules were removed from the Sleeter Lake Park Rules and Regulations, with reference to any and all applicable rules provided. A copy of the Rules and Regulations will be provided with each application for watercraft storage. Interim Town Administrator Semmes explained that, upon approval of the Rules and Regulations, a notice will be posted at the park, and the processing of applications will begin on the next business day. A decal has been created for display on each boat approved for storage at the park, one of which was provided to Council for review. Discussion ensued regarding the numbering of permits, and who will be assigned upper and lower storage racks, with Staff directed to contact those who have paid for storage, to ensure that each user is physically able to access the slot provided. Councilperson Hummel suggested that the Rules and Regulations be amended to correctly reflect closing times at the park, which were set from 7:00 a.m. to a determined closing time for each month. There were also minor grammatical and formatting changes made to the document.

The Council then reviewed a picture of the type of storage rack proposed for use at the park, which they determined should be made of wood and should use the general design as presented; Interim Town Administrator Semmes will work with the Boy Scout who is undertaking construction of the rack as his Eagle Scout project, to ensure that a sketch of the rack he will construct, and a list of materials, are provided to Council. The Town

Council agreed that two racks should be built this summer. It was noted that the funding for the construction of storage racks will come from the permit fees.

Following this discussion, Councilperson Evers moved **that the Town Council approve the Watercraft Storage Permit Rules and Regulations, as revised**; Councilperson Allen seconded the motion. There was no discussion. A vote was held; the motion was approved 5-0, with Councilperson Lyne absent. Councilperson Hoffmann had arrived during discussion of the item and was present for the vote. The vote is recorded as follows:

<u>MEMBER</u>	<u>VOTE</u>
Michael B. Hummel	Aye
Donald W. Allen	Aye
Melissa Hoffmann	Aye
Mary Anne Graham	Aye
Amy E. Evers	Aye
Frederick J. Lyne	Absent

Mayor Ramsey stated that the Rules have been adopted.

Councilperson Evers then moved **that the Town Council adopt Ordinance 2019-02, establishing a watercraft permit storage fee of \$135.00 per storage space**; Vice-Mayor Graham seconded the motion. There was no discussion of the motion. A voice vote was held; the motion was approved 5-0, with Councilperson Lyne absent. The vote is recorded as follows:

<u>MEMBER</u>	<u>VOTE</u>
Michael B. Hummel	Aye
Donald W. Allen	Aye
Melissa Hoffmann	Aye
Mary Anne Graham	Aye
Amy E. Evers	Aye
Frederick J. Lyne	Absent

Mayor Ramsey stated that the Ordinance has been enacted.

IN RE: BUSINESS ITEMS

1. Auditor's Quarterly Report – Jeffrey D. Mitchell, CPA, Mitchell & Co., PC

Mr. Jeffrey Mitchell, of Mitchell and Company, Leesburg, provided this report, noting that the documentation was provided to Council in advance of this evening's meeting. Mr. Mitchell reported on the following items for the first quarter, ending March 31, 2019: a summary of cash deposit funds held, for both the General Fund and the Utility Fund; Utility Fund compliance; and, a water/sewer billing test. Mr. Mitchell provided information on proffer funds, noting that these funds are on the Town's books as an obligation until spent,

and that, to-date, none of the proffer monies have been spent; Mayor Ramsey explained that much of this funding will be directed to costs associated with the upcoming Main Street Enhancement Project. Mr. Mitchell reiterated that the Town could consolidate some of its accounts (both certificate of deposit and money market) into just two accounts – a checking account and a money market account; Town Staff was directed to determine if consolidating the certificates of deposit would result in a loss of interest income. Mr. Mitchell noted that he has worked with Town Staff to arrange for the yearly audit of the Town's books, and stated that he will report again to Council in October. Mr. Mitchell asked if there were any questions. Councilperson Hummel asked for clarification of the Darling Escrow account, with Mayor Ramsey explaining that it is an old account which will be used to help provide funding for the Main Street Enhancement Project. Mr. Hummel suggested that the Walraven Subdivision Sidewalk escrow account be included in these reports, and asked if it is possible other accounts, such as this one, exist; Mayor Ramsey reported knowing of at least two other similar accounts. Mayor Ramsey requested that Mitchell and Company provide a breakdown of proffers and escrow items, following which Staff and Councilperson Hummel will work to determine which of these accounts may be used to help fund the Main Street Enhancement Project, and which may be dedicated to other Capital Improvement Projects.

Mr. Mitchell thanked the Council, with Council Members thanking him for providing this report.

2. Water Leak Policy Proposed Revision – Vice-Mayor Graham

Vice-Mayor Graham presented this item, noting that the revised policy has been included in Council packets. Ms. Graham reported on conversations she had with current and former Utility Staff members regarding Mr. and Mrs. Roe's account, and the request they made at an earlier Council meeting for reimbursement of some of the utility charges following an underground leak at their Stoneleigh home. Vice-Mayor Graham stated that the policy could be voted upon at the Town Council's next meeting, if the members of the Council so wished; it was determined to add this item to the Agenda for the next Town Council meeting. Mayor Ramsey requested that a section be added to the policy which requires proof be provided, during such a request, that the excessive bill total was brought about by an underground leak, and not some item such as watering lawns or plants, or filling a swimming pool; Vice-Mayor Graham stated that she will revise the policy to add this requirement. Councilperson Evers thanked Vice-Mayor Graham for her work on this item.

3. Town Attorney Legislative Update

Town Attorney Gilmore presented this item, noting that she provided to Council a memorandum which highlighted some of the laws passed during the recent General Assembly session. Two items of critical interest to the Council were presented in greater detail, these were: 1) a requirement that elected officials must take Conflict of Interest Act Training at least once every two years, with currently elected officials required to complete the training by December 31, 2019; and, 2) beginning on July 1, 2020, local elected

officials must complete Virginia Freedom of Information Act (VFOIA) training at least once every two years. Town Attorney Gilmore stated that she is investigating on-line training available for Council Members, so that the requirement for completion of the Conflict of Interest training by December 31, 2019 may be met; Ms. Gilmore stated that she will also determine if local training opportunities will be available. Town Attorney Gilmore stated that, if needed, she and Town Staff will facilitate this training.

Town Attorney Gilmore provided information on a new statute enacted by the General Assembly that would levy a fine of up to \$1,000.00 per public official, if the official voted to certify a closed session that was not in conformance with the Virginia Freedom of Information Act. Additionally, a fine of up to \$100.00 per record may be imposed on a public official, if that official fails to produce a record requested in accordance with FOIA, and it is found that the record has been altered or destroyed.

Town Attorney Gilmore reported that a law which would have allowed for advertising of public hearings to be done via electronic means was defeated. Also, legislation regarding a Board of Zoning Appeals' ability to overturn a zoning administrator's determination was vetoed by the Governor, with insufficient votes in the General Assembly to overrule the veto; this will likely be brought to the General Assembly again. Ms. Gilmore asked that Council Members let her know if they would like further information regarding legislation considered and/or passed during this session of the General Assembly.

The Mayor and Council thanked Town Attorney Gilmore for this report.

IN RE: ACTION ITEMS

1. Resolution 2019-08: Transportation Alternatives Project Endorsement __ Greenway Phase 2

Interim Town Administrator Semmes presented this item, noting that a description of the project has been included in Council packets. Ms. Semmes summarized this CIP project, explaining that this portion includes both phases two and three under the title of Phase Two, and that the work includes the following: the construction of sidewalks on Airmont Road and North Main Street, to connect the current Main Street and Loudoun Street project to the corporate limits; the construction of pedestrian improvements including safety elements, striping, ramps, and curb improvements; drainage improvements; provision of designated parking; and streetscaping. Interim Town Administrator Semmes reported that The Berkeley Group, the Town's consultant, is working to submit the required pre-application by July 1, 2019. Ms. Semmes explained that adoption of the Resolution before Council this evening is a requirement to receiving the grant funding being sought, to help cover the expenses incurred by the project, and assures VDOT that the Town is committed to paying its twenty percent share of the project, if the grant is awarded to Round Hill. Interim Town Administrator Semmes noted that VDOT is only awarding grant funding every two years, and that it is wise for the Town to "get in line" for the funding. This grant would cover the costs of the design work.

Vice-Mayor Graham then moved **that the Council adopt Resolution 2019-08, Endorsing the Round Hill Greenway Phase Two Transportation Alternatives Project**; Councilperson Evers seconded the motion. There was no discussion of the Resolution. A vote was held; the motion was approved 5-0, with Councilperson Lyne absent. The vote is recorded as follows:

<u>MEMBER</u>	<u>VOTE</u>
Michael B. Hummel	Aye
Donald W. Allen	Aye
Melissa Hoffmann	Aye
Mary Anne Graham	Aye
Amy E. Evers	Aye
Frederick J. Lyne	Absent

IN RE: REPORTS

1. Town Planner & Town Administrator Report

Interim Town Administrator Semmes noted that her report has been provided in written form, and is included in Council Members' packets. Ms. Semmes reported that Town Treasurer Holland, who suffered a broken leg in early May, is now able to work in the office on a part-time basis. In response to a question from Council, Ms. Semmes reported that payment to Lost Rhino Brewery, for the product provided for the Hometown Festival, is ready to be sent. There was discussion of the amount of wine and cider left over from the Festival; it was decided to keep this for use at next year's Hometown Festival, with Councilperson Hoffmann volunteering to store these items, and noting that she will provide an inventory of remaining product to Council and Staff. Mayor Ramsey suggested that sales at this year's Festival be reviewed, so that decisions may be made which will allow the Hometown Festival to break even on alcohol sales. Mayor Ramsey noted that charges incurred for Mr. Bill Stanley's work in erecting American flags in the Town and trimming at the Town Park should not be included in the budget for Hometown Festival expenses; Interim Town Administrator Semmes will correct this error. Mayor Ramsey also noted that the total for mileage reimbursements for employees seemed high, and asked Staff to ensure that the amount charged is for Hometown Festival mileage only. There was discussion of the slight profit seen for the Hometown Festival this year, with it noted that sponsorships played a role in this. It was also determined that the Town should continue to work with the amusements vendor from this year's event.

Mayor Ramsey requested that the Town Planner and Town Administrator Report include an update on continuing projects. The Council and Staff discussed the blighted property on Main Street, including the history of the Town's interactions with the property owner and efforts to resolve issues at the site. Councilperson Hummel volunteered to work with Town Planner Runyan regarding the Dean Subdivision. It was requested that Interim Town

Administrator Semmes determine if the Town's Personnel Manual has been returned by the Virginia Municipal League (VML), following its review of the document.

2. Mayor's Report

Mayor Ramsey reported that he spoke at the recent Appalachian Trail Festival, at which Round Hill was officially designated as an Appalachian Trail Community. It was noted that the Town received two signs signifying this designation, and may buy additional signs; it was decided to purchase two additional signs, so that one may be posted at each entrance to the Town. Councilperson Hummel will survey sign locations. Mayor Ramsey provided an overview of the festival, and stated that it was a successful event. Councilperson Hummel reported that the Appalachian Trail Committee plans to hold a post-event meeting the first week of July, with committee members and Council Members invited; dinner will be served as the meeting. Mr. Hummel provided a report on the sale of merchandise at the Appalachian Trail Festival, and noted that the committee ran out of surveys; Mayor Ramsey explained that the surveys are required by *Visit Loudoun*, and are related to grant funding provided by the organization.

Mayor Ramsey reported that he recently met with Mr. Joe Luppino-Esposito, president of the Round Hill Owners' Association (RHOA), and that the following topics were discussed:

- Sleeter Lake Park watercraft storage, and a request made by PaddleNOVA to conduct guided kayak tours on the lake; this was referred to the RHOA and was denied. PaddleNOVA then requested to be allowed to provide watercraft rentals, which would fall under the auspices of the Town; Mayor Ramsey told Mr. Luppino-Esposito that the Town would follow the lead of the RHOA on this issue.
- The easement for the waterline to be used to provide water service to the park; Mr. Luppino-Esposito stated that he did not foresee any problems with this, but would bring it to the board. Mayor Ramsey stated that Town Engineer Lane may proceed with drawing up a plat, and Town Attorney Gilmore may proceed with drawing up a deed, for this easement.
- The potential Comprehensive Plan Amendment (CPAM) for the proposed development of the Weona Villa site; Mayor Ramsey stated his belief that Mr. Luppino-Esposito feels that there is not enough information known about the project, to date, to make an informed decision. Mr. Ramsey stated that the RHOA board will likely not take an official position on this proposed project.
- The Parker property, which was recently sold after the County declined to purchase the parcel; there is a dock on the property to Sleeter Lake.

- The well site on RHOA property. Mayor Ramsey informed him that the Town definitely wishes to purchase this site, and that Round Hill is willing to negotiate a purchase; however, the Town will proceed with condemnation, if necessary. Mr. Luppino-Esposito will report this to the board at its next meeting, and then will inform the Town of the board's decision. Mayor Ramsey reported that the RHOA wants the Town to change the rate differential, which he informed them the Town will not do; Mr. Ramsey noted that he informed Mr. Luppino-Esposito that, if the RHOA will work with the Town, they will be given as much control as possible over the appearance of the well site. Mayor Ramsey reported that the RHOA board has begun holding six meetings per year, rather than two, and that the Town should have a sense of how they wish to proceed soon.
- Proposed Boundary Line Adjustments (BLA) to be undertaken by the Town. Mayor Ramsey informed Mr. Luppino-Esposito that the Town does not plan to conduct a BLA of any RHOA property, as their position on this effort was "all or none," and that, if the RHOA wishes to be included in a BLA, it will need to make this request to the Town.

In response to a question from Council, Mayor Ramsey reported that the RHOA has not made any complaint, nor reported any issues, with the operation of Sleeter Lake Park; it was noted by the RHOA that, on Memorial Day weekend, there were, at one point, twenty-two boats on the lake. Also, in response to a question from Council, it was noted that the hiring of a lake monitor is being handled administratively by the Town; the RHOA has agreed to pay half of the cost of this position. There was discussion of providing a boat for use by the lake monitor, and of insurance, liability and certification issues surrounding this requirement for the position. Interim Town Administrator Semmes noted, as an addendum to her report, that two interviews for the Public Works Maintenance Technician position are scheduled for next week.

Mayor Ramsey reported that the Loudoun County Board of Supervisors recently passed *Envision Loudoun*, the update of the County Comprehensive Plan. Mr. Ramsey explained the action taken by the Board in regard to Leesburg's Joint Land Management Area and provision of utility service in that area, noting that this action was not included in the public record, and the motion was introduced only two weeks prior to the final vote. Mayor Ramsey further reported that there was no motion to reconsider this action at this evening's Board of Supervisors' meeting. Possible responses to the action under consideration by the Town of Leesburg were provided by Mayor Ramsey.

IN RE: COUNCIL COMMENTS

Councilperson Hummel noted his sadness at former Councilperson Lyne's resignation from the Town Council; Mayor Ramsey reported that Mr. Lyne has moved to Purcellville. Interim Town Administrator Semmes will inform the Clerk of Court of the vacancy; a special election will be held to fill this seat. Mayor Ramsey noted that Council will appoint someone to fill the vacancy until the special election is held; the earliest this can be done will be at the first Council meeting in September, with a deadline for receipt of resumes/letters of interest set for the end of August. Current Town Council members are to inform any eligible residents they know of the opportunity to serve.

Vice-Mayor Graham requested that, in the e-mailed version of the Council packets, documents be included as separate attachments, rather than the information being included in one large file.

There was discussion among Council and Staff of the possibility of the Town facilitating a dialogue with business owners of parking issues in Round Hill; it was decided to complete the parking study currently underway prior to further discussion of this item.

It was decided by the Council that its August meetings will be cancelled.

IN RE: CLOSED SESSION

Vice-Mayor Graham moved **that the Round Hill Town Council recess its open meeting and convene a closed session to discuss: 1) a former Town employee's actions performed while in the Town's employment, and issues created by those actions, as permitted by the Virginia Freedom of Information Act, §2.2-3711(A)(1); and, 2) a real estate matter involving the potential acquisition of real property for public utility purposes where the discussion of the matter in an open meeting might adversely affect the Council's bargaining position or negotiating strategy, as permitted by the Virginia Freedom of Information Act, §2.2-3711(A)(3). Those invited to participate include all Town Council Members, Maureen Gilmore – Town Attorney, Martha Semmes – Interim Town Administrator, and by telephone for the first portion of the Closed Session, Dominic Poluzzi -- outside counsel for Data Security Matters, and Matthew Armstrong – The CRYPSIS Group's computer security consultant.** Councilperson Hummel seconded the motion. There was no discussion of the motion. A voice vote was held; the motion was approved 5-0, with Councilperson Lyne absent. The vote is recorded as follows:

<u>MEMBER</u>	<u>VOTE</u>
Michael B. Hummel	Aye
Donald W. Allen	Aye
Melissa Hoffman	Aye
Mary Anne Graham	Aye
Amy E. Evers	Aye
Frederick J. Lyne	Absent

Mayor Ramsey declared the Town Council to be in Closed Session at 10:01 p.m. and called for a brief recess.

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 Hummel seconded the motion. There was no discussion. A voice vote was held; the motion was approved 5-0, with Councilperson Lyne absent. The vote is recorded as follows:

<u>MEMBER</u>	<u>VOTE</u>
Michael B. Hummel	Aye
Donald W. Allen	Aye
Melissa Hoffman	Aye
Mary Anne Graham	Aye
Amy E. Evers	Aye
Frederick J. Lyne	Absent

Mayor Ramsey stated that the Town Council is now in Open Session

IN RE: CERTIFICATION OF CLOSED SESSION

Vice-Mayor Graham moved **that the Round Hill Town Council adopt Resolution 2019-09, certifying that, while in Closed Session, the Round Hill Town Council discussed only those matters that were contained in the motion by which the Town Council convened its Closed Session**; Councilperson Hummel seconded the motion. There was no discussion. A voice vote was held; the motion was approved 5-0, with Councilperson Lyne absent. The vote is recorded as follows:

<u>MEMBER</u>	<u>VOTE</u>
Michael B. Hummel	Aye
Donald W. Allen	Aye
Melissa Hoffman	Aye
Mary Anne Graham	Aye
Amy E. Evers	Aye
Frederick J. Lyne	Absent

IN RE: ADDITIONAL TOWN COUNCIL BUSINESS

Vice-Mayor Graham asked if Council is required to prepare a Resolution, in convening a Closed Session, in the absence of the Town Attorney, or if such Resolution may be prepared after-the-fact; Town Attorney Gilmore stated that it is helpful to be in the habit of doing a Resolution each time a Closed Session is held. It was decided that a blanket Resolution will be prepared for use when circumstances preclude prior preparation of the document.

IN RE: MEETING ADJOURNMENT

The meeting was adjourned by Mayor Ramsey at _____ p.m.

Respectfully submitted,

Scott T. Ramsey, Mayor

Debra McDonald, Recording Secretary