

**ROUND HILL TOWN COUNCIL
WORK SESSION MINUTES
June 6, 2019**

A Work Session was held by the Round Hill Town Council at the Town Office, 23 Main Street, Round Hill, Virginia, on Thursday, June 6, 2019, at 7:30 p.m.

Council Members Present

Scott T. Ramsey, Mayor
Mary Anne Graham, Vice-Mayor
Donald W. Allen
Amy E. Evers
Michael B. Hummel
Frederick J. Lyne

Council Members Absent

Melissa Hoffmann

Staff Members Present

Martha Mason Semmes, Interim Town Administrator/Zoning Administrator
Rob Lohr, Project Specialist
Lauren Runyan, Town Planner
Maureen Gilmore, Town Attorney

Others Present

Elizabeth Brubaker
Mike Gingerich
Elizabeth Gingerich
Members of the Harmony Middle School Odyssey of the Mind Team

IN RE: CALL TO ORDER & PLEDGE OF ALLEGIANCE

Mayor Ramsey called the meeting to order at 7:29 p.m. Vice-Mayor Graham led those present in the Pledge of Allegiance.

IN RE: ROLL CALL

Mayor Ramsey stated that all members of the Town Council, except Councilperson Hoffmann, and the Mayor are in attendance, therefore establishing a quorum.

IN RE: PUBLIC COMMENT

Members of the Harmony Middle School Odyssey of the Mind Team provided a report on their presentation at the recent Odyssey of the Mind World Competition. They explained that the competition included developing a solution to a long-term problem, for which the team created an eight-minute long skit; the skit included a "rap battle," which they enacted for the Council and those in attendance. The team reported that they enjoyed their time at the competition, and that they excelled at all levels, placing fifth out of sixty-five teams. The team members stated that they liked being part of an awesome team, enjoyed meeting people from all over the world, and that they had a great coach. Another portion of the competition consisted of creating three pieces of art, one of which they brought for display – made from chewed gum.

The Council congratulated the team, with Mayor Ramsey stating that everyone is happy they had a successful trip; Mr. Ramsey also noted that the team from Loudoun Valley High School placed first in its division at the competition.

The team thanked the Council for its support, with the Council Members again congratulating the team.

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

Vice-Mayor Graham made a motion **to adopt the Agenda**. Ms. Graham asked if Mr. Roe was informed that his request was to be included on this evening's Agenda; Interim Town Administrator Semmes stated that he was. It was decided to keep *Business Item "a," Report on Richard Roe Water Service Line Complaint and Reimbursement Request* on the Agenda for this evening. Councilperson Lyne then seconded the motion. There was no discussion of the motion. A vote was held; the motion was approved 5-0, with Councilperson Hoffmann 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	Aye

IN RE: MONTHLY REPORTS FROM COMMITTEE & SPECIAL PROJECT CHAIRS

a. Capital Projects & Parks

Councilperson Hummel reported that the Planning Commission has discussed including the Parks Master Plan on a future agenda, so that it may be updated; Staff noted that they have begun work on this item, and will provide their preliminarily updated document to the Planning Commission for further review. Mayor Ramsey asked if work has commenced on an update to the Zoning Ordinance for Non-Conforming Properties; Staff stated that they have begun working on a parking study, which represents the first step in

the review of this item. It was determined that work on the update for Non-Conforming Commercial Properties should be the highest priority following completion of the Comprehensive Plan Amendment. Mayor Ramsey noted that most commercial properties in Round Hill are non-conforming, and that the goal is to make requirements for making changes to those properties less onerous to property/business owners.

The large reservoir site was discussed, with it being noted that an adjacent property owner has stated that he may cut the water supply to the reservoir. Project Specialist Lohr explained that the spring boxes, which are integral to the water supply to the reservoir, are on this property; Mr. Lohr further explained that an on-going issue related to road maintenance exists with this property-owner, who is also concerned about the potential sale of the reservoir. The relevant deeds and easements at this site were also discussed, with it being noted that the property-owner's public claim could affect the sale of the reservoir property; Staff was directed to research any deeds and/or easements which exist for the large reservoir site.

b. Utility Operations

Vice-Mayor Graham presented this item, noting that Utility Supervisor Feltner and Town Engineer Lane are working to correct safety issues, as identified by the Virginia Municipal League, at the Waste Water Treatment Plant. Ms. Graham also reported that the pump-around installation at the Route 7 Lift Station has been completed, that the control box and electrical control tie-in at the Well 22A site is not yet complete, and that the service connection at the Westlake subdivision caused a leak. Project Specialist Lohr explained that the leak which occurred at Westlake was similar to leaks which have occurred in the Brentwood Springs subdivision, and which were related to copper fittings, installation by two different contractors, and conducting visual inspections at the completion of the work. Mr. Lohr reported that Staff is reviewing best-practices for conducting these inspections, so that the Town can "go a step above" a visual inspection at these connections. Project Specialist Lohr further reported that the leaks occurred after more than a year of the lines/fittings being in use. Discussion ensued regarding who sets meters at these sites, with it being determined that Town Utility Staff should set the meters.

It was reported that the installation of water service to Niels Poulsen Park has been completed, and that a lock will be installed on the fixture there; Mayor Ramsey requested that a lock also be installed on the water fixture at the Town Park.

Project Specialist Lohr reported that the pump-around at the Route 7 Lift Station was completed at "just the right time," as one pump recently stopped working, and if the second had failed a troublesome situation would have occurred. Mr. Lohr thanked the Council for its approval of this project, and reported that a pump-around has been installed at all pumps.

In response to a question from Mayor Ramsey, Project Specialist Lohr reported that the Yatton Road Loop project is now operational, with a punch-list walk through with Town Engineer Lane to be completed shortly. It was also reported that a bond will be posted.

c. Administration, Communication & Technology

Councilperson Lyne reported that the main focus of the committee is updating the Personnel and Finance Policy Manuals, and that they are awaiting the Virginia Municipal League's review of Round Hill's Personnel Manual; Mr. Lyne stated that he is unaware if those materials have been returned by the VML. Councilperson Lyne noted that Project Specialist Lohr is also gathering information regarding the format of other municipalities' manuals. Staff will determine if VML has completed its work.

IN RE: APPROVAL OF MINUTES

1. May 2, 2019 Town Council Meeting

Vice-Mayor Graham noted the following corrections: on page one, in the list of *Others Present*, *Cassian Abdul-Karin* should be notated as *Mr. and Mrs. Cassian Abdul-Karin*; and, on page five, under *COLT Update*, she felt *Comprehensive Plan* should be capitalized throughout the section, with Mayor Ramsey and Councilperson Hummel agreeing with this correction. Councilperson Hummel noted a typographical error on page three. There were no further corrections. Vice-Mayor Graham 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 5-0, with Councilperson Hoffmann 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	Aye

IN RE: BUSINESS ITEMS

a. Report on Richard Roe Water Service Line Complaint & Reimbursement Request

Vice-Mayor Graham noted that, although neither Mr. nor Mrs. Roe is in attendance this evening, as they were present previously to present their complaint and request, action on this item may take place at this evening's meeting. Ms. Graham referenced Interim Town Administrator Semmes' memorandum regarding this issue, and noted, as a clarification, that the Utility Committee now exists as a committee-of-the-whole, and that the meeting referenced included Utility Staff, Mayor Ramsey and Vice-Mayor Graham. Vice-Mayor Graham noted that pertinent materials related to this issue have been provided to Council Members, including a memorandum from Utility Billing Administrator McGaha regarding the amount of the credit to the Roe's account, and the reasons for the credit. Mayor Ramsey

provided background information on this item, and explained the genesis of the Leak Policy (a copy of which was included in Council packets), which was instituted by the Council in an effort to make these matters administrative, rather than having each instance come before the Council for resolution. Mr. Ramsey explained that, under the Town's policy, this instance qualifies for a waste water credit only, and noted that, if Council wishes to provide a credit for an underground leak, the Policy should be updated to include this type of adjustment.

Vice-Mayor Graham then made a motion **that the Town Council credit the Roe's account \$533.54, for the December and February bills, and also credit the account \$618.76 for a water credit for the December and February bills, for a total of \$1,152.30.** Councilperson Evers asked if a process exists for identifying a catastrophic leak resulting in a significantly higher bill; Interim Town Administrator Semmes explained that a process exists whereby Utility Billing Supervisor McGaha flags consistently high bills, informs the account holder of the high total, and suggests that he/she investigate the occurrence further. Ms. Semmes further noted that Mr. Roe was in contact with Town Staff, and was notified within the appropriate time frame. Vice-Mayor Graham noted, as a point-of-order, that the motion had not be seconded. Additionally, Town Attorney Gilmore requested that the property address should be included in the motion. Mayor Ramsey stated that, as the motion had not yet been seconded, it could be updated with the Roe's address. The Roe's address, 35385 Carnoustie Circle, was included in the motion. Councilperson Allen then seconded the motion. Discussion ensued regarding the amount of time which elapsed during this incident, with Mayor Ramsey noting that a leak occurrence spanning two billing cycles is typical. There was also discussion of remedies afforded to Town Staff by the Leak Policy, with it being noted that utility customers may still bring a request to the Council. Mayor Ramsey reiterated his request that the policy be updated to cover these types of incidents, with Councilperson Lyne suggesting that the Council take action on the issue before them this evening and then schedule work on an update to the policy. Town Attorney Gilmore explained that there is no provision in the Town's Water Ordinance that allows for an adjustment of water usage, and that the Ordinance only provides for an adjustment to excess sewer charges. A voice vote on the motion was then held; the motion was defeated 1-4, with Councilperson Hoffmann absent. The vote is recorded as follows:

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

Town Attorney Gilmore suggested that the Council may want to direct Staff to put forth an amendment to the Water Ordinance and/or to the Leak Policy.

There was further discussion of updating the Leak Policy to possibly include a provision for an additional credit for water used; there were members of the Council who noted that their "no" vote on this item did not reflect their complete opposition to allowing for this type of credit, and who felt that consideration of the possibility of an underground leak, which could be difficult to detect early, should be included in the decision making process in these matters. Project Specialist Lohr provided information on the potential financial impact of this change in policy, stating that, although the leak occurred outside the home and underground, the Town still incurred the cost of treating the water. Mr. Lohr noted that some municipalities build into their rate structures an allowance for these types of occurrences. Following this discussion, Mayor Ramsey asked Interim Town Administrator Semmes to request that Utility Billing Administrator McGaha conduct a review of the billing and payment history for this account, for the time period in question.

Councilperson Hummel then made a motion **to allow reimbursement, beyond three hundred percent of normal usage, in this situation;** 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 Hoffmann 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	Aye

Council asked Staff to ensure that the totals included in the documentation provided is correct. Mayor Ramsey requested that Interim Town Administrator Semmes send the Staff Report and Town Engineer Lane's memorandum to Mr. Roe.

IN RE: SPECIAL ACTION ITEMS

a. Ordinance 2019-01 – Adopting the FY2020 Budget, Capital Improvement Plans, Tax Rates and Motor Vehicle License Fees, Business License Taxes/Fees, Cigarette Tax, Land Development Fees and Utility Rates and Fees

Councilperson Evers posed a procedural question, asking if, during the *Council Comments* portion of the meeting, Council Members can voice opinions on items in the budget which they did not like but are still voting for; Mayor Ramsey stated that Council Members may only vote for or against the motion, but may voice any opinion during discussion of the motion. Interim Town Administrator Semmes explained that the initial draft of the FY2020 Budget did not include the documentation for the Capital Improvement Plans, but that the

documentation has been included in the packet materials before Council this evening. Vice-Mayor Graham then made a motion **that the Town Council enact Ordinance 2019-01, adopting the FY2020 Budget, Capital Improvement Plans, Tax Rates and Motor Vehicle License Fees, Business License Taxes/Fees, Cigarette Tax, Land Development Fees and Utility Rates and Fees**; Councilperson Lyne seconded the motion. Councilperson Evers congratulated the Town Council and Town Staff on the completion of the FY2020 Budget, noting that "this was a huge lift," and stating that she learned a lot throughout the process. Ms. Evers noted that the only aspect of the Budget that she was not particularly in favor of was the increase in the cigarette tax, and stated her belief that a tax increase should be instituted to raise revenue for a specific reason, and that she felt this tax was increased based just on a recommendation. Councilperson Allen expressed his belief that Council should develop a policy to govern voting on issues such as these, noting that, during discussion of the FY2020 Budget a straw vote on the cigarette tax was taken, then, at the next meeting, with Council Members who may not have been present for the first vote, another vote was taken, with a different outcome as a result. Mr. Allen stated that, "I don't think that's the right way to go about the business." Mayor Ramsey stated that this represents a matter of common courtesy between Council Members, and a determination by the body regarding how it wishes to behave as a Council, and explained that the powers of a future Council cannot be limited. In response to a question from a Council Member, Mayor Ramsey provided a summary of the discussion, and straw votes, held by the Council on the issue of an increase to the cigarette tax. Vice-Mayor Graham noted that, following discussion of the decrease in general revenues for the Town, she voted in favor of the increase due to the additional revenue it could provide. Councilperson Hummel asked how businesses are notified of this increase; Project Specialist Lohr explained that businesses are notified by the State Cigarette Tax Board, of which Round Hill is a member, and that Staff also notifies businesses of the increase. Mr. Lohr further explained that the tax is actually levied on the wholesale provider. Interim Town Administrator Semmes and Project Specialist Lohr explained that a representative from the Town, usually a member of the finance staff, attends these meetings. Mayor Ramsey noted that there are some Council Members who are unhappy with the way in which this process occurred, and that all Council Members should be cognizant of this and not be dismissive of those concerns; Mr. Ramsey urged all to work together in these processes. Following this discussion, a voice vote was held; the motion was approved 5-0, with Councilperson Hoffmann 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	Aye

Mayor Ramsey noted that the Ordinance has been enacted.

b. Approval of Performance Agreement & Bond – Creekside Phase 4

Mayor Ramsey stated that Councilperson Hummel is recusing himself from discussion and voting on this item. Interim Town Administrator Semmes stated that an original copy of the revised first page of the Performance Bond, containing the original signatures, has been provided to Council Members. Ms. Semmes further stated that Staff recommends acceptance of the Bond and approval of the Performance Agreement, and that Town Engineer Lane has reviewed the documents and found all, except the one error now corrected (inclusion of the original signatures), in order. Councilperson Lyne then moved **that the Round Hill Town Council approve the Performance Agreement submitted by Creekside Land, LLC, for Creekside at Round Hill Phase 4, and accept the Bond in the amount of \$305,510.00, insurance company Bond number 1069702;** Vice-Mayor Graham seconded the motion. There was no discussion of the motion. A voice vote was held; the motion was approved 4-0, with Councilperson Hoffmann absent, and Councilperson Hummel having recused himself. The vote is recorded as follows:

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

Councilperson Hummel stated that this is the last section of Creekside to be developed.

c. Approval of Sleeter Lake Park Boat Storage Rules and Regulations

Councilperson Hummel noted that there have been a number of issues at Sleeter Lake Park, which Town Planner Runyan shared with the Planning Commission at its recent meeting, and noted that Council Members may find these issues interesting, as well. It was noted that boats are now being placed on the ground, rather than in storage areas, that people are getting locked in the park at its closing, requiring a call to the Sheriff's Office for the gate to be unlocked and resulting in a fee being charged to those who were locked in, and that a nearby property owner erected a barrier, in what is believed to be the VDOT right-of-way, to keep people from driving on his property. It was further noted that the Town has worked with the Sheriff's Office regarding these problems, and that they recommended placing better signage at the park and posting a specific closing time. Town Staff will create a job description for the position of lake monitor, as per their conversation with Round Hill Owners' Association (RHOA) president Mortensen. Town Planner Runyan addressed the issue of boats being left on the ground at the park, noting that two of the people leaving boats there do not have any other place to leave them, and noting that the boat storage racks are full. Ms. Runyan reported that fourteen applications for storage have been submitted,

with two of those vessels too large to fit in the existing storage racks; four of these applications are from in-Town residents. The Town Planner reported that additional racks can be built. Mayor Ramsey directed Staff to place a sign at the park, explaining that improperly stored vessels will be removed, and to issue a press release to this effect; a deadline for these boats to be removed is to be included. Additionally, the Mayor requested that Staff obtain a letter from the RHOA which will authorize the Town to remove boats being improperly stored on RHOA property. Decals are to be provided for display on boats properly authorized to be stored at the park. Discussion ensued regarding the amount of fee to be charged, the beginning and ending date of the contract, the renewal date of the contract, and if a lottery is to be held this year, with the following items decided upon: 1) a fee of \$135.00 per year will be assessed, with no additional winter storage fee charged; 2) the term of the contract will be March 1, 2020 through March 31, 2021; 3) renewal of the contract must be completed by February 28, 2021; and, 4) a lottery for storage spaces will not be held this year, but may be held in ensuing years, dependent upon demand. There was also discussion of the length of time it is taking to hire the lake monitor, with Interim Town Administrator Semmes noting that she will endeavor to post the opening next week; Ms. Semmes reported that the RHOA president is aware that the position is to be posted, and that the association will be responsible for half of the lake monitor's compensation. Town Attorney Gilmore stated that she will revise the Rules and Regulations, and will return them to Council at its next meeting. It was determined that a Public Hearing may be set to hear public comment regarding the storage fee of \$135.00. Councilperson Allen moved **that the Round Hill Town Council authorize a June 20, 2019 Public Hearing to consider charging an annual fee of \$135.00 for boat storage at Sleeter Lake Park;** Councilperson Evers seconded the motion. There was no discussion of the motion. A vote was held; the motion was approved 5-0, with Councilperson Hoffmann 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	Aye

IN RE: COUNCIL COMMENTS

Councilperson Hummel provided an update on the Planning Commission's work on CPAM 2019-01, for extension of water and sewer service, noting that a meeting was held this past Tuesday at which Draft number five of the Comprehensive Plan Amendment was completed; a work session for further review of the CPAM has been scheduled for June 25, 2019. Mr. Hummel further reported that the Planning Commission has proposed holding a vote, at its July 9th meeting, on scheduling a joint public hearing, and asked if there are any preferred dates for this hearing; discussion ensued, with a date of July 25, 2019 proposed for the hearing, and a date after the Labor

Day holiday to be considered if the July 25th date does not work. Councilperson Hummel reported that the Tree of Life representative will be notified of the public hearing, so that he may submit written comments to be included in the record if he is unable to attend in person. Councilperson Hummel reminded all in attendance of the Croquet Tournament to be held in Round Hill, scheduled for June 7, 8 and 9, 2019, and of the ceremony during which Round Hill will be officially designated as an Appalachian Trail Community, scheduled for June 15, 2019; Mr. Hummel encouraged all who can to attend these events. Councilperson Hummel noted that much work has gone into the planning for the Appalachian Trail Community ceremony and celebration, and that this designation supports goals set out in Round Hill's Comprehensive Plan. Finally, Councilperson Hummel stated that this year's Hometown Festival was one of the best yet.

Vice-Mayor Graham reported that she is still working on locating a supplier for lapel pins for Town representatives, and has found a company which will make fifty pins (a lesser amount than in the original proposal). Ms. Graham stated that she wanted to recognize the way in which Staff has filled in during Town Administrator Hynes' absence.

Councilperson Evers reported that the increased patrol for speeders on Airmont Road she requested has occurred, and that she and her neighbors are thankful.

Councilperson Lyne reported that he has sold his house, and is searching for a rental property; he stated that he and his family hope to remain in Round Hill, and that he will keep Council posted on the status of his search.

Mayor Ramsey noted that the Board of Supervisors has been busy reviewing the update to the Loudoun County Comprehensive Plan; Mr. Ramsey reported that no additional changes were made to the "Town" and the "JLMA" sections, which could affect Round Hill. Mayor Ramsey noted that the Board of Supervisors has rolled back a number of changes recommended by the County Planning Commission, particularly to areas south of, and near, Route 50, which were recommended for higher-density development. Mayor Ramsey also noted that the Board of Supervisors has recommended moving three parcels from the Rural Policy Area (RPA) to the Transition Policy Area (TPA), as those parcels were too far compromised to remain in the RPA. Mr. Ramsey explained that the Coalition of Loudoun Towns (COLT) has sent a letter to the Board, expressing their opposition to any encroachment of the TPA. Mayor Ramsey stated that the Planning Commission put forth a draft which contained so much expansion that, even as the Board is, legitimately, cutting back most of what the Planning Commission did, remnants of their proposals remain; Mr. Ramsey noted that the Towns have been very influential in this process, but likely would have had less influence if opposition to the expansion had not been expressed in large measure by citizens who participated in workshops held to update the plan. Mayor Ramsey stated that this process has become rushed, as the Board of Supervisors is determined to abide by the schedule laid out for adoption of the updated Comprehensive Plan, and is making substantial changes to the draft in a short period of time; Mr. Ramsey noted that this probably will not result in a well-thought-out product. There was discussion of a proposal put forth by a Supervisor, during this process, to allow Loudoun Water to supply utilities in Leesburg's JLMA; it was noted that that

proposal was voted upon and approved, with no research done prior to the vote. Vice-Mayor Graham stated that COLT did a good job of bringing issues and concerns regarding the update of the Comprehensive Plan to the Board of Supervisors. Mayor Ramsey stated that this was a good use of COLT, and represented COLT at its best. Finally, Mayor Ramsey reported that he is attempting to schedule a meeting with Joe Luppino-Esposito of the RHOA regarding a variety of issues, and hopes that the meeting will take place next week.

Vice-Mayor Graham reported that the Virginia Municipal League has extended its deadline for input of legislative items members wish to address this year; the deadline is now set for late July.

The Town Council decided not to hold a Closed Session this evening.

Town Attorney Gilmore noted that she will provide a legislative update to the Council at its next meeting.

IN RE: MEETING ADJOURNMENT

The meeting was adjourned by Mayor Ramsey at 10:41 p.m.

Respectfully submitted,

Scott T. Ramsey, Mayor

Debra McDonald, Recording Secretary