

**ROUND HILL TOWN COUNCIL  
REGULAR MEETING MINUTES  
February 16, 2017**

A regular meeting of the Round Hill Town Council was held at the Town Office, 23 Main Street, Round Hill, Virginia, on Thursday, February 16, 2017, at 7:30 p.m.

**Council Members Present**

Scott T. Ramsey, Mayor  
Mary Anne Graham, Vice-Mayor  
Janet L. Heston  
Michael Hummel  
Frederick J. Lyne  
Michael K. Minshall

**Council Members Absent**

Christopher J. Prack

**Staff Members Present**

Buster Nicholson, Town Administrator  
Melissa Hynes, Town Planner/Zoning Administrator  
Kimberly McGaha, Town Clerk

**Others Present**

Deputy Moats, Loudoun County Sheriff's Office  
Deputy Lopreto, Loudoun County Sheriff's Office

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

Mayor Ramsey called the meeting to order at 7:30 p.m. Vice-Mayor Graham led those present in the Pledge of Allegiance.

**IN RE: COMMUNITY POLICING**

Deputy Lopreto introduced himself, and noted that he has been the Community Policing Deputy for the western section of Loudoun County for the past four years, and has been joined during that time by Deputy Boyd and Deputy Moats; Deputy Lopreto stated that he has dealt primarily with Lovettsville and Waterford, in the northern area of western Loudoun County. Deputy Lopreto explained that, as the Sheriff's Office has moved from the upper level of the Town Office, the Deputies want to ensure that they attend most of the Town Council's monthly meetings. Deputy Lopreto stated that he will now be working more closely with this area, and Deputy Moats will

concentrate his efforts on the Lovettsville/Waterford area. Deputy Moats will, however, continue to address issues on which he is already working, with Deputy Lopreto attending to new issues; Deputy Lopreto asked that any issues or concerns which are new be brought to his attention. Deputy Lopreto then asked if there were any questions. Vice-Mayor Graham noted that Deputy Lopreto recently received an award; the Deputy noted that he did receive two Action Awards, and stated that "it was nice to get recognized." Mayor Ramsey asked if he has attended any RHI homeowners' association board meetings; Deputy Lopreto noted that a representative of the Sheriff's Office generally only attends those meetings when invited, and stated that those invitations usually come when a problem exists. Deputy Moats stated that he usually deals with the Lake Point homeowners' association, and with the resident on Evening Star Drive who is involved in the Community Watch program in that area. Deputy Moats stated that direct contact by representatives of the HOAs usually works better than regular attendance at meetings. Deputy Moats also noted that an HOA is not a governing body, therefore the Sheriff's Office is not permitted to exercise authority over HOA requests; this is in compliance with the Code of Virginia. Deputy Lopreto reiterated that they usually do not attend HOA meetings, unless invited, and that those invitations usually are to Board of Directors' meetings. Councilperson Heston asked for an update on recent thefts. Deputy Moats reported that an arrest was made in the case of an incident at 41 Main Street; the suspect has been jailed, with no bond set at this time. Deputy Moats also noted that there recently was a burglary on Route 9; that suspect was on the loose for three to four weeks, and committed over twenty criminal acts in the area including Loudoun, Spotsylvania, Fauquier and Frederick Counties. The suspect in those crimes was arrested yesterday, and is in jail with no bond, as well. Deputy Moats also reported that use of the lighted signs, to remind residents to lock their vehicles, is being discontinued tomorrow. Deputy Moats noted that thefts of this nature are usually committed by juveniles, and normally do not occur in the winter months. The Deputy also reported that there have been no further instances of theft since these arrests. Deputy Moats stated that it is known in the criminal community that the western part of Loudoun County is rural, and that gun ownership is more common, which creates the impression that the area is an easier target for these crimes. In returning to questions from the Council, Mayor Ramsey noted that the RHI homeowners' association has discussed painting the pedestrian tunnel under the Route 7 Bypass, and asked if the Sheriff's Office has any information regarding this effort. Deputy Moats reported his understanding that the project has been abandoned, due to concerns that the old paint is potentially toxic. Deputy Lopreto stated that, if the HOA desired, the Sheriff's Office would address the issue with them. Deputy Moats reported that an effort is being made to resolve safety issues surrounding the tunnel. Additional infrastructure such as lights and a security camera could provide possible solutions, Deputy Moats noted; however, covering the costs of installing and maintaining this equipment creates some difficulties. The Deputy also noted that the Neighborhood Watch in the area could participate in patrolling the tunnel, with assistance provided to them by the Crime Prevention Office. Mayor Ramsey stated that he wanted to ensure the Sheriff's Office is involved in this, as it seemed the HOA was struggling a bit with the issue. In response to a question from Councilperson Heston, Mayor Ramsey noted that the tunnel itself is controlled by VDOT, but the land on both sides is owned by the HOA. Both Deputies noted that the ownership of the tunnel creates difficulties in providing for security there. Deputy Moats stated

that officers on the night shift have been paying additional attention to the tunnel. Discussion ensued regarding possible solutions to the problems of loitering and vandalism at the tunnel, as well as steps the HOA is pursuing to correct some of the issues there. There were no further questions or comments. Council thanked Deputy Moats and Deputy Lopreto for their presentation.

### **IN RE: PUBLIC HEARING**

#### **1. Town Council to receive public comment on leasing of the second floor of the Town Office, pursuant to Code of Virginia §15.2-1800.**

Mayor Ramsey opened the Public Hearing at 7:49 p.m., and explained that the purpose of the Public Hearing was to receive public comment regarding the lease of the Town Office, second floor. Mayor Ramsey asked Staff if the Hearing was duly advertised; Town Clerk McGaha stated that it was. Mayor Ramsey called for public comment on the Town's intention to lease property on the second floor of the Town Office; there was no public comment. Mayor Ramsey then called for Council comment. Vice-Mayor Graham asked if the potential renter, which Mayor Ramsey identified as Wolford & Chen, has signed a lease; Town Administrator Nicholson stated that they have not, as details are still being finalized. Mayor Ramsey noted that the Town may not sign a lease until a Public Hearing is held. Councilperson Hummel asked if terms of the lease will be divulged due to this evening's Public Hearing; Town Administrator Nicholson stated that they will not, as that information is not subject to a Freedom of Information Act request. Mr. Nicholson further explained that the purpose of this evening's Public Hearing is to receive comment on the concept of renting the space. Mayor Ramsey stated that the terms of the lease may be kept private. There were no further questions from the Town Council. Mayor Ramsey then adjourned the Public Hearing at 7:50 p.m.

### **IN RE: RECONVENE TO TOWN COUNCIL MEETING**

The Town Council returned to its Regular Meeting at 7:50 p.m.

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

There was no Public Comment.

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

Vice-Mayor Graham moved **that the Town Council adopt the Agenda, with the following additions: add Business Item #2, Hamlets of Round Hill Easements; and, Business Item #3, Water and Sewer Ordinances.** Following brief discussion, it was decided that Town Planner/Zoning Administrator Hynes would address the Water and Sewer Ordinances during her report. Councilperson Lyne seconded the motion. There was no further discussion. A vote was held; the motion was approved 5-0, with Councilperson Prack absent. The vote is recorded as follows:

<u>MEMBER</u>	<u>VOTE</u>
Michael K. Minshall	Aye
Janet L. Heston	Aye
Michael Hummel	Aye
Mary Anne Graham	Aye
Christopher J. Prack	Absent
Frederick J. Lyne	Aye

**IN RE: APPROVAL OF MINUTES**

**a. November 22, 2016 Town Council Work Session Minutes**

Vice-Mayor Graham moved **that the Town Council approve the minutes for the November 22, 2016 Work Session**; Councilperson Lyne seconded the motion. There was no discussion. A vote was held; the motion was approved 3-0-2, with Councilpersons Minshall and Hummel abstaining, and Councilperson Prack absent. The vote is recorded as follows:

<u>MEMBER</u>	<u>VOTE</u>
Michael K. Minshall	Abstain
Janet L. Heston	Aye
Michael Hummel	Abstain
Mary Anne Graham	Aye
Christopher J. Prack	Absent
Frederick J. Lyne	Aye

**b. December 1, 2016 Town Council Work Session Minutes**

Vice-Mayor Graham asked to clarify the spelling of Kimberly Fortunato's name, as noted on page two; it was determined that her first name is spelled *Kimberly*, not *Kimberley*. Mayor Ramsey also noted that the name is misspelled on page three. Councilperson Lyne then moved **that the Town Council approve the December 1, 2016 Town Council Work Session Minutes, with the corrections noted**; Councilperson Heston seconded the motion. There was no further discussion. A vote was held; the motion was approved 3-0-2, with Councilpersons Heston and Hummel abstaining, and Councilperson Prack absent. The vote is recorded as follows:

<u>MEMBER</u>	<u>VOTE</u>
Michael K. Minshall	Aye
Janet L. Heston	Abstain
Michael Hummel	Abstain
Mary Anne Graham	Aye
Christopher J. Prack	Absent
Frederick J. Lyne	Aye

## **IN RE: APPROVAL OF THE CONSENT AGENDA**

There were no Consent Agenda items.

## **IN RE: BUSINESS ITEMS**

### **1. Bills for Payment**

Mayor Ramsey clarified that this item was placed on the Agenda, not for approval, but to update the Council on the process followed in handling Bills for Payment, and to allow discussion of any desired changes to the process. Mayor Ramsey briefly explained the current process for handling Bills for Payment, noting that the Treasurer sends all bills for payment each month to the Council, via e-mail, so that concerns or questions may be dealt with in a timely manner. Questions regarding any particular bill may be discussed at a Council Meeting, if desired. The Mayor further explained that Bills for Payment are not routinely discussed at Council Meetings; instead, he and Town Administrator Nicholson approve payment as part of their assigned duties. Councilperson Heston stated that the Town Council, in the past, did approve all Bills for Payment, and noted that that model could be reinstated. Councilperson Heston explained that a responsibility of the Council is to review all Bills for Payment, and stated that a review has not always been held on a regular basis. Mayor Ramsey stated that a report is provided each month; Councilperson Heston noted that the reports for December and January had not been received until this month, and therefore were not reviewed. It was noted that failure to provide the December Bills for Payment report was a Staff error, which has been corrected. Councilperson Heston explained that the reason for including this as an Agenda item was to discuss this process, and so that new Council Members are provided an understanding of the process. Councilperson Lyne noted that Council receives account balances as part of the monthly report, and stated that discussion had previously taken place on a committee level regarding putting a control in place to validate the balances. Councilperson Lyne noted that he is unsure who validates that report; Mayor Ramsey stated that the report is not currently validated. Councilperson Lyne noted that the committee determined that it would be good to have an independent validation of the balances, on a regular basis. Mayor Ramsey noted that the Town does provide for an annual audit, which he believes furnishes that validation. Discussion ensued regarding who would provide that validation, with it being noted that the auditor would not necessarily have to perform that function, and of how often the balances should be verified. Mayor Ramsey suggested that either the auditor be invited to the Town Office to provide input, or that Councilperson Lyne meet independently with the auditor to discuss possible financial controls; Mr. Ramsey noted that Mr. Mitchell (the auditor) understands the Town's books and may be the best person to provide input on this issue. Councilperson Heston explained a difficulty which has been encountered due to Southern Software's system being unable to generate reports in the manner the Town prefers, and noted that Town Treasurer Fletcher is working on a solution to that problem. Mayor Ramsey clarified that Councilperson Lyne is more concerned that a single point of failure may occur, and reiterated his suggestion that a meeting with the auditor be held to address possible solutions for these concerns. There was further discussion of the time-

frame for providing information regarding the accounts (e.g., quarterly, monthly, etc.), with it being noted that Mr. Mitchell could provide suggestions on that issue, as well. Town Administrator Nicholson or Mayor Ramsey will contact Mr. Mitchell regarding this, and will provide Councilperson Lyne's name as the point-of-contact. Mayor Ramsey stated that any ideas provided could be brought to the full Council, if desired. Mayor Ramsey stated that he has had some conversations with the Treasurer regarding changes he would like to be made to the Balance Report; he requested that it more closely track with the figures provided in the annual audit, that the balance report be broken down into restricted versus unrestricted portions, and that restricted portions be further broken down into balances of each restriction type. The Mayor noted that the Town Treasurer is working on his request, and that the requested changes in the Balance Report will be seen in the near future.

## **2. Hamlets of Round Hill Easements**

Vice-Mayor Graham presented this item, explaining that the revised plats have been returned to the Town; Town Attorney Gilmore reviewed the plats and created the needed certificates for filing of the plats. Vice-Mayor Graham stated that she intends to file the plats with the Clerk of the Court tomorrow. Ms. Graham reported that the Town must still obtain signature on a revised easement; the Town Attorney recommended that the other easements be filed first. Vice-Mayor Graham stated that it appears this issue will be complete soon. The Vice-Mayor also noted that Town Engineer Lane will attend the March 3<sup>rd</sup> Work Session to answer questions regarding his extensive SCADA report.

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

There were no Action Items.

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

#### **1. Town Planner/Zoning Administrator**

Town Planner/Zoning Administrator Hynes began her report with an update on the Water and Sewer Ordinances, noting that Councilperson Hummel, who possesses an expertise in this area, has reviewed the ordinances and provided extensive comments. Vice-Mayor Graham and Councilperson Hummel will meet tomorrow to review the comments, with either Town Administrator Nicholson or Town Clerk McGaha present to track any changes made. Councilperson Hummel stated that most of his comments do not apply to policy items, but to consistency in the use of terms. Town Planner/Zoning Administrator Hynes stated that Staff will review the edits, with the goal being to provide a final draft for inclusion in Work Session packets which go out at the end of next week. Mayor Ramsey then reviewed the schedule for the update of the Ordinances: 1) review at the March 2<sup>nd</sup> Work Session; 2) vote to go to Public Hearing at the March 16<sup>th</sup> Regular Meeting; and, 3) hold the Public Hearing on April 6, 2017. Town Planner/Zoning Administrator Hynes reported that two additions have been made to the Ordinances: 1) the inclusion of language regarding Temporary Health Structures; and, 2) determination that County approval has

been given prior to water and sewer connections being made for users outside the Town limits. Vice-Mayor Graham and Town Planner/Zoning Administrator Hynes will work together to ensure the advertising is worded correctly. Town Planner/Zoning Administrator Hynes noted that her report for the month is included in Council Members' packets, and asked that she be informed if there are any questions. Ms. Hynes reported that the Planning Commission has begun work on the draft of the Short-Term Rental legislation, with the goal of adoption by June; she attended a TANV meeting yesterday, during which a presentation on this topic was made. Vice-Mayor Graham asked if Ms. Hynes has spoken to a representative of KHovnanian regarding the tree-safe area in Lake Ridge Estates; Ms. Hynes stated that the project manager is out of the state until next week, but she has spoken to residents. Ms. Hynes further noted that the residents were unaware of regulations regarding this area, and were clearing brush and fallen tree limbs; they were informed that they needed to stop clearing the area. A checklist of what is and is not allowable in these areas will be provided. Town Planner/Zoning Administrator Hynes and Town Administrator Nicholson met with Mr. Chapman, Mr. Britt and Mr. Lawrence, of the Round Hill Partners Group, regarding the mixed-use district in the Eastern Commercial District. Town Staff explained to the representatives how work stemming from the update of the Comprehensive Plan is prioritized. Mayor Ramsey stated that he received a request from Mr. Lawrence asking for follow-up on the issue of mixed-use at the Eastern Commercial District, and noted that he wanted a report from Staff prior to contacting Mr. Lawrence. Town Planner/Zoning Administrator Hynes also reported that Town Attorney Gilmore suggested it be determined if the RHI proffers would require any sort of amendment; Ms. Hynes was contacted by the County's Proffer Manager, who suggested that the Town's Attorney and the Round Hill Partners Group's attorney meet regarding this issue. Ms. Hynes stated that she prefers a determination be made by the Council regarding any Town input in the process, prior to the Town Attorney becoming involved. Mayor Ramsey stated that, while the Comprehensive Plan supports the creation of a mixed-use district, it is not a top priority in the Town Work Plan at this time. The Round Hill Partners Group may conduct further work on the proposed development, to which the Town is not opposed and for which the Town may provide advice, if requested, but it will not be a directed project to our Town Planner at this time. If they disagree, they may make a request to the Council as a whole. Mayor Ramsey and Town Planner/Zoning Administrator Hynes stated that the group may develop commercial property by-right, at any time, and may provide requested text amendments whenever they wish. It was noted that the Mayor is the "point person" for Council interaction with developers. Town Planner/Zoning Administrator Hynes also noted that, at that recent meeting held with representatives of the Round Hill Partners Group, the Market Study conducted in 2016 was misquoted; the study states that Round Hill can accommodate 36,000 *additional* square feet of commercial space, not 36,000 total square feet.

## **2. Town Administrator**

Town Administrator Nicholson reported that the headworks at the wastewater treatment plant were refurbished and placed back into operation; the work was done in-house, which resulted in a savings of \$13,109.00. Mr. Nicholson also reported that acquisitions for the Franklin Park Trail Project are proceeding; he and County representatives went door-to-door on two days, which resulted in four additional signatures. An update on the project will be provided at a March meeting, to which he plans to invite County representatives. It was asked if the update will be presented at a special meeting, or if it will take place at the Council's regular meeting; Town Administrator Nicholson stated that a special meeting is currently planned, to be held on a Tuesday at 3:00 p.m. Mayor Ramsey clarified that the purpose of the meeting is to review the acquisition status of any properties affected by the Franklin Park Trail Project, and to discuss possible future actions to be taken on those acquisitions. Town Administrator Nicholson also reported that approximately ten residents were contacted; all of whom were aware of the upcoming project and seemed very supportive. Mayor Ramsey noted that he and Town Administrator Nicholson met with County representatives and Supervisor Buffington after those days in the field, in order to provide an update on the project to the Supervisor, and to assure him that both the Town and the County are working well together on the project. It was noted that Supervisor Buffington is very supportive of the project, and offered his assistance; additionally, he understands and is supportive of the need for the County and the Town to work together, if a condemnation process is required. Councilperson Heston asked to clarify if "condemnation" and "quick take" have the same meaning; it was noted that they do. Ms. Heston then asked if a quick take process may be employed, as this is an enhancement project rather than a utility project. Town Administrator Nicholson stated that grant funding may not be used for a quick take, but the Town's funds may, as this would be used primarily for temporary construction easements. Mayor Ramsey also noted that, from the Town's perspective, it has been felt that it is appropriate to use condemnation; the County had concerns regarding this, but was assured by the County Attorney that it is appropriate, as long as grant monies are not used. Mayor Ramsey also reported that questions regarding who would issue any needed Certificates of Condemnation will be taken to the County Attorney, who will consult with Town Attorney Gilmore; it may be preferable for the Town to issue those certificates. Mayor Ramsey also stated that, in the meeting recently held with County representatives and Supervisor Buffington, he requested assurance of a verbal understanding that, if the Town were to enter into condemnation for the Franklin Park Trail Project, the County would reimburse for any actual and reasonable costs; Supervisor Buffington and the representative from the County Capital Facilities Department stated that they agreed with the request, and would consult with the County Attorney regarding this issue. Council asked to clarify that the agreement will, ultimately, be in writing; Mayor Ramsey stated that it will be. Councilperson Heston asked about the 2004 Ford truck, as the Bills to be Paid report reflects a large expenditure for repairs. Town Administrator Nicholson stated that the cooling system was not working properly and required repair; doing so prevented avoided replacement of the engine. Vice-Mayor Graham asked if the

DEQ permit for the wastewater treatment plant has been obtained; Town Administrator Nicholson stated that it has, and has been sent to Utility Supervisor Wolverton. Vice-Mayor Graham also reported that a pre-application meeting with the County for the southern water tank is scheduled for February 28<sup>th</sup>. There were no further questions for the Town Administrator.

### **3. Mayor's Report**

Mayor Ramsey noted the meeting held with Supervisor Buffington, which has been addressed. Mayor Ramsey also reported that he signed a letter on behalf of the Town, written by TANV to the General Assembly, opposing pending legislation regarding cellular infrastructure, particularly targeting micro-cells. The legislation would allow for deployment of micro-cells in public rights-of-way and on public buildings, without requiring public review or a public process. Mayor Ramsey stated that both VML and TANV raised a number of objections to the bill, as it is proposed; TANV drafted the letter outlining specific objections, particularly the by-passing of the public review process. The Mayor explained that the legislation, as written, allows for deployment of micro-cells with very limited restrictions. Mayor Ramsey reported that he met with Cub Scout Pack 961, who asked for an interview. Vice-Mayor Graham referenced action alerts provided by VML, and asked what would be the most appropriate way to provide a response to these alerts; Mayor Ramsey stated that any Council Member may contact his or her elected representative to respond to alerts, and may mention that he/she is a member of the Town Council, but is speaking as a private citizen and not on behalf of the Town. Mayor Ramsey stated that only he, or Vice-Mayor Graham in his absence or incapacity, may speak officially for the Town. Mr. Ramsey also stated that he would not speak to state-wide or federal-level issues without Council direction. Vice-Mayor Graham asked if the kick-off for the Round Hill Hometown Festival has been set; Mayor Ramsey noted that he is uncertain if that has been scheduled. Leadership roles which remain to be filled were provided.

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

Councilperson Heston asked for the time-frame for the Woodgrove High School trip to Budapest; Councilperson Lyne stated that he would obtain that information for presentation at the March meeting. Councilperson Heston also asked about the on-line version of the new Comprehensive Plan, as she was only able to find the 1993 version; Town Planner/Zoning Administrator Hynes explained that she still needs to remove the 1993 Plan, and that the updated Comprehensive Plan can be found by clicking on the "Documents" icon. Councilperson Heston also asked about minutes from Town Council meetings, noting that she could find recent Agendas but not minutes on the Town's website; Town Clerk McGaha noted that the minutes have been delayed, but are posted when approved by Council. Discussion ensued regarding posting draft minutes on the website, with it being noted that the draft minutes are included in Town Council packets, which are posted to the website. Vice-Mayor Graham asked when paper copies of the Comprehensive Plan will be available; Town Planner/Zoning Administrator Hynes stated that they will be available

following her meeting next week with VDOT regarding the Transportation Chapter. Councilperson Hummel reported that Jason Brownell will begin work on the new Hero Home this coming Saturday, and noted that, although this is being built on County property, it is so close to the Town's boundary line that Council Members and Staff may receive calls about the project. Additionally, Councilperson Hummel asked if any Council Member has an objection to him assisting Town Planner/Zoning Administrator Hynes with overseeing the Bond Release for Lake Ridge Estates, with KHovnanian. It was noted that Stantec usually provides engineering review for a bond release, but Mr. Hummel was involved in the original approval for the project, possesses knowledge about the bond release process, and would be able to provide a thorough review. There were no objections. Vice-Mayor Graham stated that she attended the quarterly meeting of the Loudoun County Sheriff's Office at the Western Substation; it was pointed out at the meeting that all Sheriff's Office locations now have drug drop-boxes for citizen use to drop off prescription medications. Councilperson Lyne requested that an update on paving of Allder School Road be added to the Agenda for the next Town Council meeting. Mayor Ramsey noted that training on Roberts' Rules of Order will be provided; Town Clerk McGaha stated that she will attend, and would send in the name of any Council Member who may want to attend, as well.

**IN RE: MEETING ADJOURNMENT**

The meeting was adjourned by Mayor Ramsey at 8:53 p.m.

Respectfully submitted,

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Scott T. Ramsey, Mayor

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Debra McDonald, Recording Secretary