

**ROUND HILL TOWN COUNCIL
REGULAR MEETING MINUTES
June 15, 2017**

The Regular Meeting of the Round Hill Town Council was held at the Town Office, 23 Main Street, Round Hill, Virginia, on Thursday, June 15, 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
Christopher J. Prack

Council Members Absent

Michael K. Minshall

Staff Members Present

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

Others Present

Maureen Gilmore, Town Attorney
Deputy LoPreto, Loudoun County Sheriff's Office
Elizabeth Wolford
Clinton Chapman
Pegah Fowler
Nathan Hammond

IN RE: CALL TO ORDER & PLEDGE OF ALLEGIANCE

Mayor Ramsey called the meeting to order at 7:32 p.m. Vice-Mayor Graham led those present in the Pledge of Allegiance.

IN RE: ROLL CALL

Mayor Ramsey stated that, with only Councilperson Minshall absent, and all other Council Members and himself in attendance, a quorum is present.

IN RE: COMMUNITY POLICING

Deputy LoPreto presented this report, noting that he was not in attendance at the Round Hill Hometown Festival, but understood that everything went well, and asked to clarify that there were no problems at that event related to the Sheriff's Department; it was noted that no problems with Sheriff's Office coverage of the event occurred. Deputy LoPreto stated that there have not been any crimes in Town, and asked that any questions or concerns be directed to him. Vice-Mayor Graham asked about a crime alert which was issued the day of the Council meeting, regarding a laptop being stolen; this occurred in the Hillwood Estates subdivision. The Deputy asked if the theft was from a car, with Ms. Graham responding that the laptop apparently was taken from a house. Deputy LoPreto stated that he was unaware of this occurrence, but will look into this and report back to the Council. There were no further questions. The Council thanked the Deputy for his report.

IN RE: PUBLIC COMMENT

Mayor Ramsey opened the meeting to public comment, and asked that anyone wishing to address the Council state his/her name and address for the record. Ms. Pegah Fowler then spoke, providing an update on the Movies in the Park event scheduled for tomorrow evening. Ms. Fowler stated that she has secured four vendors for the event. Members of Representative Barbara Comstock's staff will set up a mobile office at the event, but will not serve as a sponsor. Anthony's Restaurant and Tammy's Diner will serve as vendors; additionally, a realtor will be in attendance. Ms. Fowler also noted that representatives of the Stoneleigh subdivision, and of State Farm, will be in attendance. Ms. Fowler explained that, for this month's movie, only food vendors will be on-site; however, there has been interest expressed in serving alcohol (beer and wine) at these events, as well. Ms. Fowler asked if this is something the Town could support, and if the Town could procure the ABC license. Mayor Ramsey stated that the Town may be able to support this effort, for future movies, but would need to determine various issues connected with this type of event, such as insurance waivers and point-of-contact information. The Mayor requested that Ms. Fowler speak to Town Planner/Zoning Administrator Hynes next week, in Town Administrator Nicholson's absence, and provide a report on the plan for these events for the rest of the summer, and on the support which may be requested of the Town. Following this meeting, the necessary forms can be completed. Town Planner/Zoning Administrator Hynes reported that a short meeting, as suggested by the Mayor, was held, with an update planned for the coming week. Mayor Ramsey wished Ms. Fowler good luck with tomorrow's event, and assured her that everyone will be "on the same page," as the effort goes forward. Mr. Ramsey stated that he hopes the event is successful and continues. Ms. Fowler noted that she will be out-of-town in July, but already has secured a movie for that month; the hope is that alcoholic beverages will be provided at that July 21st event. Ms. Fowler stated that she does not expect the turnout for the July movie to be as great, as many residents will be on vacation. Town Planner/Zoning Administrator Hynes stated that she will provide information regarding the Movie in the Park effort to Council at its July Work Session. Councilperson Lyne noted that information regarding the Movie in the Park is being circulated, by word-of-mouth, and on social media. Town Planner/Zoning Administrator Hynes reported that volunteers are being sought for clean-up on the Saturday following the movie. In response to a question from Vice-Mayor Graham, it was noted that attendees are to bring their own

chairs/blankets. Ms. Fowler apologized that the Town's logo was inadvertently omitted from the brochure. There were no questions regarding the Movie in the Park. There was no further public comment.

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

Vice-Mayor Graham made a motion **that the Town Council adopt the Agenda with the following changes: add VDOT Road Acceptance Resolution as Action Item #5; this is to be followed by Action Item #6, Tax Resolution; Action Item #7, Zoning Text Amendments; and, Action Item #8, Main Street/Franklin Park MOU. These Action Items will be discussed prior to the Approval of Minutes.** Town Planner/Zoning Administrator Hynes and Vice-Mayor Graham explained that the goal is to group together items requiring Town Attorney Gilmore's input, and to discuss those items prior to other Agenda items. Mayor Ramsey asked if Ms. Gilmore should be present for discussion of *Ordinance 2017-02, Adoption of Rates & FY 2018 Budget*; Town Attorney Gilmore stated that she would be happy to be present for that discussion, if there should be any questions. Ms. Gilmore reminded Council that a super majority is required to approve the Tax Rates. Mayor Ramsey restated that motion, asking that Vice-Mayor Graham correct any errors, in order to provide clarity regarding the Agenda for this evening's meeting. The motion was restated thus: *following the Approval of the Agenda, the Spring 2017 Zoning Text Amendments, followed by the Main Street/Franklin Park MOU, followed by Consolidated Billing and Collection of Taxes, followed by the VDOT Resolution of Roads will be discussed.* Vice-Mayor Graham noted that the restatement of the motion provided by the Mayor was correct. Mayor Ramsey stated that Council will then proceed with the remainder of the Agenda, as presented. Town Attorney Gilmore asked if Council wishes her to remain for discussion of the *Adoption of Rates and FY 2018 Budget*; Mayor Ramsey stated that Council will try to complete that portion of the Agenda without requiring her attendance. Councilperson Hummel seconded the motion. There was no discussion of the motion. A vote was then held; the motion was approved 5-0, with Councilperson Minshall absent. The vote is recorded as follows:

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

IN RE: BUSINESS ITEMS

1. Spring 2017 Zoning Ordinance Text Amendments

Town Planner/Zoning Administrator Hynes presented this item, noting that the Town Council passed an *Intent to Amend Resolution* earlier in the year, which dealt with text amendments about housing, and bringing the Zoning Ordinance into compliance with State Code. Ms. Hynes explained work undertaken by the Planning Commission since passage of the Resolution, reporting that the *Short-Term Rental* legislation was deferred, and work

on *Temporary Healthcare Structures, Family Day Homes, and Residential Care Homes* was undertaken. The Planning Commission has spent the spring months working on a series of draft Zoning Ordinance Text Amendments, proposed to address the following goals: provide for diversity in housing in residential neighborhoods; address the needs of seniors and disabled residents; allow for greater use of residential properties; address items from the 2016 Zoning Ordinance diagnostic; and, address inconsistencies with the State Code. Town Planner/Zoning Administrator Hynes explained that the Planning Commission has grouped the text amendments into three documents, and that the "Use Standards" section is a new article added to the Zoning Ordinance. The "Use Standards" section provides specific standards for various uses included in the Zoning Ordinance, and serves to place these standards in one section in the Ordinance, rather than throughout multiple sections. Ms. Hynes explained that the goal is to provide three areas in the Zoning Ordinance which may be referred to when questions arise: the "Zoning District" section, the "Definitions," and the "Use Standards." Mayor Ramsey asked about residential or business properties which may not comply with some of the standards included in the "Use Standards" section, and asked if the use will become a non-conforming, grandfathered use. Town Attorney Gilmore explained that many of the use standards included in the new Article 25 have been taken from other places in the existing Zoning Ordinance, and noted, in response to a question from the Mayor, that no new use standards have been included, for the present. Mayor Ramsey asked to clarify that all the information included in the new "Use Standards" section consists of existing standards, which have been reorganized, and that no new use standards have been included; Town Attorney Gilmore stated that that is correct, with the exception of standards for *Family Day Homes, Residential Care Homes, and Temporary Healthcare Structures*. Town Attorney Gilmore explained that the General Assembly has, over the past few years, adopted a number of ordinances which make uses such as some child care facilities in residential districts, residential care homes for disabled persons in certain zoning districts, and temporary healthcare structures for family members meeting certain conditions, to be permitted by-right. Mayor Ramsey clarified that these represent new uses, with new use standards. Town Planner/Zoning Administrator Hynes explained that the immediate goal is to "tidy things up" in the Zoning Ordinance, until a major update can be undertaken. Town Planner/Zoning Administrator Hynes reported that the Planning Commission has reviewed these text amendments, and is comfortable with moving this to a public hearing; however, the Planning Commission wanted to provide the Town Council the opportunity to review the text amendments and provide feedback. Ms. Hynes recommended that a joint public hearing be held, and explained that, if the Council agrees at this evening's meeting to move forward with the text amendments, advertising should be placed prior to the July Town Council Work Session to hold a joint public hearing at the July 20, 2017 Town Council Meeting. In response to a question from Vice-Mayor Graham, Town Planner/Zoning Administrator Hynes explained that standards for bed and breakfast establishments, restaurants, and home occupations are not being amended at this time, as these uses have not been reviewed by the Planning Commission; the uses have simply been moved to a separate section in the Zoning Ordinance. Ms. Hynes did point out that, in **Section 25.3.6 – Restaurants**, language was added to Item "e" which allows

for shared parking agreements. Mayor Ramsey noted that shared parking agreements are included in the Town's Parking Ordinance, and apply generally to the zoning districts; Ms. Hynes noted that that is correct, except in the B-1 Zoning District, which requires that restaurants provide parking on-site. Ms. Hynes recommended this change to correct this conflicting language. Mayor Ramsey noted that two different interpretations regarding parking currently exist, and that including this language provides a more permissive interpretation. Vice-Mayor Graham asked to clarify the reason for holding a public hearing on these Text Amendments at this time, noting that she has comments and/or questions regarding some of the language included. Ms. Graham's comments/questions include the definition of *food service* as related to bed and breakfast establishments; it was noted that this allows food to be provided to transient guests of the bed and breakfast, but is not food service as one would find at a restaurant. Vice-Mayor Graham suggested that this be stated in a more specific manner in the Ordinance. Vice-Mayor Graham asked if specific hours are to be set for a *Child Care Center*. Town Planner/Zoning Administrator Hynes explained that hours of operation are included in the Town Code, but noted that specific hours may be added to this item. Discussion of this issue ensued, with Town Attorney Gilmore explaining that a child care center would require a special exception; during the special exception process, specific hours of operation could be addressed. Vice-Mayor Graham asked about **Section 25.3.2 – Child Care Center**, Item "e," regarding Play Equipment, as the wording of this section seemed confusing. Councilperson Hummel stated that this allows for play equipment to be placed in setbacks, if approved by the Town Council. Councilperson Heston noted that she interprets this section to mean that off-site play equipment may be utilized, if the property at which the center is located does not have adequate space for placement of equipment. Town Planner/Zoning Administrator Hynes explained that the use of off-site play equipment is addressed in **Section 25.3.3 – Family Day Home**, in Item "o." Vice-Mayor Graham asked if this language is included in the existing Zoning Ordinance, or if this is new language; it was noted that all this language is new, and was taken from another jurisdiction's ordinance. Town Planner/Zoning Administrator Hynes explained that the intent was to determine if a child care center should be required to provide recreation facilities on-site, or if Town facilities may be used. Mayor Ramsey noted the differences between a *Child Care Center* and a *Family Day Home*, stating that a *Family Day Home* involves taking care of people in one's home, with licensing required; however, a *Child Care Center* is a business. Mr. Ramsey stated his belief that the business of a *Child Care Center* should not be allowed to use Town recreational facilities for the children in its care. Vice-Mayor Graham voiced her concerns regarding what is included in these Text Amendments, noting that she has received different interpretations of various items included in the amendments from different people. Mayor Ramsey recommended that the wording of this section be revised, so that it matches the intent of the Planning Commission in its writing of these amendments; following that, the Mayor noted, the Council may make changes it feels are warranted. The intent of the wording of these sections, and alternate wording, were discussed. Town Planner/Zoning Administrator Hynes stated that she will clarify the language to ensure that *Child Care Centers* are required to provide play equipment on-site. Vice-Mayor Graham

then referenced **Section 25.3.5 – Residential Care Home**, asking if including this section is required; Town Planner/Zoning Administrator Hynes stated that its inclusion is required. It was also noted that a license is required to operate a *Residential Care Home*. Vice-Mayor Graham then asked if, in **Section 25.3.6 – Restaurants**, the restrictions suggested by Ms. Sarah Etro regarding restaurants, made during Comprehensive Plan update discussions, were applied to the proposed use at 8 East Loudoun Street. Town Planner/Zoning Administrator Hynes noted that the proposed use for that property is not as a restaurant; it was further noted that the owner of the 8 East Loudoun Street property will be required to submit a rezoning for the proposed use. Vice-Mayor Graham stated her belief that the restrictions suggested by Ms. Etro were sensible, and should be incorporated into this document; discussion of this issue ensued, with Councilperson Hummel suggesting that a special exception requirement be placed upon any restaurant use, so that more stringent standards may be set. Town Planner/Zoning Administrator Hynes stated her belief that further discussion of what constitutes a restaurant, and of standards to be placed upon restaurants, should take place; Ms. Hynes suggested that standards should be provided up-front, to more easily facilitate opening a restaurant in Round Hill. Vice-Mayor Graham reiterated her belief that the suggestions provided by Ms. Etro should be incorporated into these Zoning Text Amendments. Town Planner/Zoning Administrator Hynes noted that those suggestions dealt not only with restaurants, but with *transition zones*, where a commercial property is located next to a residential property. Mayor Ramsey noted that the Planning Commission has been tasked, during this year, with review of non-conforming commercial properties; Mr. Ramsey suggested that the Planning Commission consider the special exception standards which are set for restaurants during this review, to make these standards more obvious to potential business owners/operators. Town Planner/Zoning Administrator Hynes explained that Council Members may provide comments regarding these Text Amendments up until the time of the public hearing. Mayor Ramsey noted that comments may be made at the public hearing, with changes allowed in response to those comments. Town Planner/Zoning Administrator Hynes also noted that, once the document is advertised, changes may not be made until after the public hearing. Mayor Ramsey asked if Council Members are comfortable with these Text Amendments, as revised this evening, going to a joint public hearing. Mr. Ramsey also provided the option of further discussion, with either separate public hearings or a joint public hearing held at a later date, for consideration. The consensus of the Council was to hold a joint public hearing, as originally planned. Councilperson Heston asked that the revised verbiage for Item "e," under **Section 25.3.2 – Child Care Center**, be provided for review prior to the hearing. Vice-Mayor Graham asked how Council Members can determine what information included in these Text Amendments is new; Town Planner/Zoning Administrator Hynes explained that the original B-1 Zoning District document is included in Council Members' packets, and may be used to compare with these Text Amendments. Mayor Ramsey then reviewed the steps to be taken by the Town Planner/Zoning Administrator, including incorporating edits made this evening, providing the updated information requested by Councilperson Heston to her, and then placing advertising for a Joint Public Hearing to be held on Thursday, July 20, 2017. Vice-Mayor

Graham requested that changes made to these documents be provided to all Council Members prior to the hearing.

2. Main Street/Franklin Park Trail Memorandum of Understanding

Town Attorney Gilmore presented this item, explaining that the Town Administrator has worked with County Staff to devise a joint agreement/Memorandum of Understanding which will cover the bidding and construction oversight phases of both the Franklin Park Trail Project and the Main Street Enhancement Project. Ms. Gilmore reported that she received a draft of the MOU last week, made some minor revisions, and then sent the MOU to the Town Administrator, who felt the document "looked good." Ms. Gilmore stated that one important change, and the only substantive change, she made dealt with the following statement in the memorandum: *"the jurisdictions would comply with all applicable laws, now and in the future."* Town Attorney Gilmore recommended that it be ensured the MOU states that the regulations in effect at the time the plans are approved be the regulations which both jurisdictions follow; if additional regulations are placed, and projects are "grandfathered," then they would be applicable. Ms. Gilmore noted that, particularly in the area of storm water management, frequent changes and additional regulations are placed on localities; these changes and/or additional regulations could require a very expensive change order to maintain compliance, if the existing wording is retained. Mayor Ramsey asked to clarify that the existing clause in the MOU is too vague, and fails to distinguish between compliance with items such as anti-discrimination requirements, versus the requirements of the design plan; Town Attorney Gilmore stated that the Mayor's example is correct. Councilperson Lyne asked if the changes suggested by the Town Attorney were specific to that issue; Ms. Gilmore explained that the change she suggested was specific, and dealt with the approval of plans. Town Attorney Gilmore provided the current, and the updated, wording to the Council. The current wording is as follows: *"The parties shall comply with all applicable federal, state, and local statutes, ordinances, and regulations, now in effect, or hereafter adopted, in the performance of obligations set forth herein."* Ms. Gilmore updated the MOU by adding the following language: *"...provided, however, that federal, state, or local statutes, ordinances, or regulations, adopted after approval of the plans, shall not be binding on the parties."* Town Attorney Gilmore explained that the plans are the construction plans approved by VDOT. Councilperson Lyne asked if the County has responded to this change; Town Attorney Gilmore explained that she wished to seek Council input on this issue prior to presenting this change to the MOU to the County. Town Attorney Gilmore and Mayor Ramsey explained the reason for this change – so that the design plans need not be repeatedly altered to comply with changes to regulations during construction. Town Administrator Nicholson explained that the plans have received one-hundred percent approval by VDOT, under 2016 standards, and it is unlikely that will change between the present and when the project is undertaken. In response to a question from Vice-Mayor Graham, it was noted that a jurisdiction has a vested right to build according to approved plans. Town Attorney Gilmore explained that the Town may, if it wishes, comply with new regulations; however, by including the suggested language, the Town is not required to do so. Mayor Ramsey asked to clarify that

Town Attorney Gilmore and Town Administrator Nicholson are in favor of the MOU presented by the County, contingent upon County acceptance of the change recommended by the Town Attorney, and will recommend Council approval of the MOU; Ms. Gilmore and Mr. Nicholson stated that that is correct. Mayor Ramsey asked when it is expected the MOU will return to the Council; Town Attorney Gilmore stated that she will return the MOU, with her changes, to the County Attorney upon Council approval of doing so, but that she is unsure when the County Attorney will return the document to her. Ms. Gilmore noted that she will endeavor to keep the process moving forward. Councilperson Lyne requested that Council Members be informed if the County opposes the change made; Town Attorney Gilmore stated that she will keep Council informed. Councilperson Hummel and Town Attorney Gilmore noted that the additional language protects the County as well as Round Hill. Ms. Gilmore stated that she will speak with the Assistant County Attorney who, she believes, will handle this issue. Town Attorney Gilmore also thanked Town Administrator Nicholson for compiling the agreement and sending it to the County last December, noting that the recently held meeting between the Town and the County seemed to spur interest and work on the project. Town Attorney Gilmore offered to send the Memorandum of Understanding to Council Members for review and comment; it was requested that the document be sent electronically.

Town Attorney Gilmore then presented an additional update regarding the Main Street Enhancement Project, noting that there is one outstanding property involved in the project; Mayor Ramsey clarified that the outstanding property is the Patterson Building. Town Attorney Gilmore clarified that, when eminent domain/condemnation was last discussed, County Staff asked the Town to take the lead in that effort; Mayor Ramsey noted that this effort was to be for the Franklin Park Trail, and that no further information or direction has been received from the County. Town Attorney Gilmore further explained that, since the recent County/Town meeting, it has become clear that the County Attorney's Office wishes to undertake all eminent domain proceedings for the County. Mayor Ramsey offered additional information, discussed at the May meeting, regarding this issue, explaining that the County has decided it will undertake these proceedings. Town Attorney Gilmore stated that, even though the County has decided to undertake this process, they are requesting a letter from the Town affirming that the County will handle this issue. Town Attorney Gilmore noted that a letter was provided, with Mayor Ramsey explaining that the letter confirms the full knowledge and consent of the Town regarding the condemnations, and support for the project, but does not request condemnation of properties. Town Attorney Gilmore asked if Council wants the County to include the Patterson Building in its condemnation proceedings; it was the decision of the Council that the Town should undertake that condemnation. There was brief discussion of the fact that two separate properties are involved at this site, with Mayor Ramsey noting that negotiations with the County, to ensure cooperation between the County and the Town regarding this property, may still be pursued, even after issuance of the Certificate of Take. In response to a question from Councilperson Heston, Mayor Ramsey stated his belief that the County will work with the Town on this issue. Mayor Ramsey directed the Town Administrator to file

the certificate on the Patterson Building, and then undertake a post-certificate but pre-filing negotiation. Town Attorney Gilmore explained that the most recent written offer related to the Patterson Building will be reviewed, to ensure it is in proper order; following that, thirty-days' notice will be provided to the property owners prior to filing the certificate. Councilperson Heston asked to clarify how a condemnation can be undertaken on this property, if the owners are willing to work with the Town; Town Attorney Gilmore explained that only one of the two property owners has expressed a willingness to work with the Town. Mayor Ramsey explained the history of negotiations on this property, noting that the Town and the County have offered the same premium for the small portion of the property needed for these projects.

There was no further discussion of this Agenda item.

3. Resolution 2017-05 – Consolidating Billing and Collections for Taxes

Mayor Ramsey explained that this is a Resolution of Support, as discussed at the most recent Council Meeting, which will allow the County to collect both real estate and personal property taxes on behalf of the Town. Mr. Ramsey noted that the County is awaiting decisions regarding participation by the various towns; Hamilton has decided not to participate, and Purcellville is undecided, but may not participate. Mayor Ramsey stated that he and Town Staff have recommended that Round Hill participate in this effort. Vice-Mayor Graham noted that she spoke with a number of citizens, who agree with participation in this effort. Ms. Graham also noted that she sent Staff questions regarding the program, and asked if answers to those questions are available. Town Administrator Nicholson provided that information, as follows:

- *Has the planned program been adequately tested?* The testing has not yet been done, as the program is in the proposal-development stage; the up-front money will be used to pay the County's vendor, to design, test and implement the program. This is not a new concept, and is fully operational in other governments; it has been used in Winston-Salem, North Carolina, for over thirty years, and is also being used for personal property tax collection in both Hampton and Herndon.
- *Can the Town opt-out after one year, or at any time?* Termination provisions are still under discussion in development of the MOA with the County. The towns would be very vulnerable if the County suddenly discontinued the program. Termination provisions in the MOA would need to provide for an orderly transition out of the program, at the beginning of the tax year, to allow towns and the County time to transition in an orderly way, without disrupting the tax-payer.

Town Administrator Nicholson explained that Mr. Clark Case, of Leesburg, has "thought this through from beginning to end;" additionally, the Town of Leesburg, along with Loudoun County, will be assuming most of the costs of the program. In response to a question from Councilperson Lyne, Mr. Nicholson explained that the initial cost to Round Hill will be \$993.00; Mayor Ramsey further explained that, if Purcellville opts-out of the

program, the share of the initial costs for the remaining participants will increase to a range of \$1,100.00 to \$1,200.00. Councilperson Lyne also asked if this represents an annual cost to the Town. Mayor Ramsey stated that this initial cost will not be paid annually, but noted that, upon the program going into effect, the Town will pay the County a one percent rate on all taxes collected, which will equal less than \$2,000.00 per year. Mayor Ramsey explained that it will save money, as it will eliminate Staff time, postage, paper costs, etc. Mayor Ramsey then recognized Councilperson Heston, who reported that she had spoken with former Town Treasurer Wolford regarding this program, and noted that Ms. Wolford is in attendance this evening to speak on the subject. Ms. Wolford stated that she finds it "very hard to believe that the County is going to do this for less than \$2,000.00 a year." Ms. Wolford asked if County representatives will field all calls related to tax collection; Mayor Ramsey stated that they will. Ms. Wolford asked what will happen with the tax program the Town recently purchased; Mayor Ramsey stated that the program will be used for the next two years, while the new effort is phased-in. Ms. Wolford then asked to clarify that the Town will still be responsible for billing delinquent accounts; Mayor Ramsey stated that accounts which were found to be delinquent, and for which the Town began billing prior to this program, will continue to be billed by the Town. Ms. Wolford reiterated that she finds it difficult to believe that the County will undertake this effort for the low cost quoted, stating that "I think there's a catch somewhere." Ms. Wolford asked to clarify that Hamilton and Purcellville are not going to participate in the program; Mayor Ramsey stated that Hamilton is definitely out of the program, and that Purcellville is still debating the issue, with both Mr. Ramsey and Ms. Wolford noting that Purcellville recently purchased a new tax program. Ms. Wolford noted that she is uncertain how the transfer went this year, but the two years prior to that were difficult, as the County had difficulty transmitting information to the Town; it was noted that the transfer was difficult again this year. Town Treasurer Fletcher explained that the biggest problem the County faces is being able to format to each town's software, as the towns use different programs for this purpose. Ms. Wolford noted that, if Hamilton and Purcellville do not participate, the initial cost to towns participating in this program, as well as the yearly cost, will be higher, as it seems unlikely the County can undertake this work for the low cost quoted. Ms. Wolford also noted that the County will likely be required to add personnel to handle the increased workload. Mayor Ramsey stated his belief that the County feels this is simply another line item on a bill it is already sending out, rather than a separate bill to be sent and tracked. Mr. Ramsey stated further that County representatives feel this will be relatively simple, once set up; however, they do prefer that all towns enroll at one time. Councilperson Heston raised a concern that the one percent annual fee now being charged could increase in coming years. Mayor Ramsey stated that the Town of Leesburg is driving this effort, which Ms. Wolford noted may be because it was the jurisdiction which has had the most difficulty with this issue in the recent past. Mayor Ramsey agreed with that sentiment, and stated that Round Hill entering this program at the same time that Leesburg does may help provide some assurance that unwarranted cost increases will not occur. Councilperson Heston stated that this "sort of reminds me of LOGICS," to which the Town paid up-front for development of a program which the Town was never able to fully utilize. Ms. Heston

expressed her concern that a similar situation may occur if Round Hill participates in the County program, expressing additional concern that the Town is relinquishing control of this issue to the County. Councilperson Heston also noted that issues surrounding collection of taxes is a major portion of the Town Treasurer's job, and expressed concern that participating in the County program will take away those responsibilities; Ms. Heston asked if the Treasurer's duties would be down-graded, noting that that outcome is not something one would wish to occur. Mayor Ramsey stated that the collection of taxes is a major part of the Treasurer's job during a short period of time, but not for the entire year. Mr. Ramsey noted that participating in this program should make the Treasurer's job run more smoothly, and that the Treasurer will still have many duties to fulfill. There was discussion of the Southern Software program which is currently used by the Town for tax billing and collection; it was noted that the software was purchased approximately two years ago, at a cost of over \$20,000.00, and that there are uses, in addition to billing and collection of taxes, for which it is utilized. Vice-Mayor Graham stated that she agreed with Councilperson Heston's concern that the rate charged to the towns, presently at one percent, could be raised in the future; Councilperson Prack also indicated his concern regarding this issue, stating that he would like to know what assurance the County will provide that there will not be an increase. Mayor Ramsey and Town Administrator Nicholson noted that the Resolution under consideration this evening is an *intent Resolution*, not a *binding Resolution*, with Mr. Nicholson stating that the MOA, which the Council will review prior to any agreement being reached, is still under negotiation. Mayor Ramsey further noted that the purpose of the Resolution before Council this evening is to indicate its interest in participating in the program and negotiating the agreement with the County. There was discussion of the method by which the MOA will be negotiated, with Mayor Ramsey stating that the terms and conditions will be the same for all participating municipalities. It was further explained that the cost of participation in the program is based upon population. Councilperson Heston reiterated her concern that the cost of the program could increase each year. Town Administrator Nicholson stated that this is a valid concern, which will be negotiated in the MOA; Council will review the MOA prior to any final agreement being reached. Mayor Ramsey stated that this program will be phased-in, with collection of personal property taxes only being conducted during the first year, and real estate taxes being added during the second year. Ms. Wolford noted that Town Attorney Gilmore found the original cost of the Southern Software program, which Ms. Gilmore noted was \$45,000.00 and included the conversion of files. Town Administrator Nicholson stated that the primary use of this program is for Utility purposes, which will not change if the Town participates in the County tax collection effort. Following this discussion, several Council Members indicated their agreement with passing the Resolution, with further exploration of the program to ensue. Vice-Mayor Graham again noted that citizens she spoke with had no objection to the Town's participation in the effort; Councilperson Prack stated that citizens he spoke with also had no objection. The language in the Resolution was briefly discussed, with it being noted that the Memorandum of Agreement will come before the Council for approval prior to any involvement in the program by the Town. Councilperson Hummel then moved **to adopt Resolution 2017-05**; Vice-Mayor Graham

seconded the motion. Vice-Mayor Graham then stated that she wished to change the Resolution, and Councilperson Hummel withdrew his motion. Vice-Mayor Graham made a motion **that the Town enter into an agreement with the County of Loudoun, to enter into a non-binding Resolution concerning Consolidated Billing and Collections.** Mayor Ramsey asked to add the Resolution number (2017-05); Vice-Mayor Graham stated that she wished to change the Resolution. Town Administrator Nicholson asked what document he should provide to the County, if the printed Resolution 2017-05 is not voted upon this evening. Mayor Ramsey asked to clarify what Ms. Graham wishes to include in the Resolution to be voted upon by Council this evening; Ms. Graham noted that she wants the Resolution to clearly stated that it is *non-binding*. There was continued discussion of the wording in the Resolution, with a number of Council Members expressing their concerns regarding the Resolution and how binding it may be. Town Attorney Gilmore explained that, in a Resolution, the pertinent portion is all wording included after the phrase "*Therefore resolved...*" Councilperson Lyne explained the main concern is that it is made clear the Resolution is non-binding; several Council Members agreed with this sentiment. Town Attorney Gilmore also stated that she is unsure why there seems to be such urgency to pass a Resolution, noting that this must be introduced by the County's representative to the General Assembly, who must then agree to introduce legislation to enable implementation of this program. Town Administrator Nicholson explained that the urgency has been put forth by the County Treasurer, who wants to ensure that the municipalities agree to participation in the program prior to moving funds to a separate line item in the County's budget. Mayor Ramsey and Town Administrator Nicholson then suggested that the wording in Item #1 in the Resolution be changed from *authorized to execute a Memorandum of Agreement* to *Authorized to negotiate a Memorandum of Agreement*. Councilperson Prack reiterated that the Resolution include wording to ensure it is non-binding. Continuing discussion ensued, with Mayor Ramsey noting that all of those on a County-level, and most of those with the Towns, who are involved in the program are in favor of moving ahead with the effort. There was also discussion of the possibility of Town Attorney Gilmore drafting a new Resolution. Mayor Ramsey stated that he would prefer to use the form Resolution before Council this evening, with the changes requested included, so that all the participating towns adopt the same Resolution. Town Attorney Gilmore then asked if Council would be in favor of adopting a Resolution which supported the implementation of the program, and provided for payment of the initial cost of \$993.00 to the County; most Council Members were opposed to this. Mayor Ramsey stated that passage of the Resolution before Council this evening will not result in the Council giving up any of its rights; Mr. Ramsey also noted that the Council may vote against the final agreement, if it wishes. Mayor Ramsey again suggested that the Resolution be worded in a manner which allows the Town Administrator to *negotiate*, rather than *execute*, the agreement. The suggestion was made that the Town Attorney draft another Resolution, which would include the requested language; it was determined that this would not be necessary. Vice-Mayor Graham asked about inclusion of the phrase *non-binding*, which Mayor Ramsey stated would not be correct, as the proposed agreement to allow negotiation would be binding. Mayor Ramsey provided the following wording for

the section of the Resolution in question: *The Town Manager is authorized to negotiate a Memorandum of Agreement between Round Hill and the County consistent with the Resolution in a form approved by the Town Attorney, for approval by the Town Council.* Council agreed to this amendment. Council also discussed the section in the Resolution which authorizes the Mayor to sign letters, to be sent to the Town's representatives to the State legislature, in support of proposed legislation which would allow this program to proceed. Mayor Ramsey stated that it would be ensured that the wording in the letters is consistent with the wording in the Resolution Council has agreed to. Vice-Mayor Graham asked why State legislature approval is required, if the program is as worthwhile as it is being portrayed to be; Mayor Ramsey responded that it is uncertain State legislature approval is required, but there are open questions regarding collection of taxes as the law is not completely clear on this point. Town Attorney Gilmore explained that there is a specific statute in Fairfax County which allows this type of program; however, the program there did not provide needed authority to the County to collect delinquent accounts. Therefore, the Fairfax legislative delegation requested that the General Assembly enact an amendment to the statute to provide for those collections. Ms. Gilmore further explained that Loudoun County is uncertain if they may undertake this program under the auspices of the Fairfax statute, or if action by the General Assembly on a statute specific to Loudoun County is required. Councilperson Heston asked from which budget year the \$993.00 fee for this program will be taken; Town Administrator Nicholson explained that it will be taken from the FY2018 budget. Councilperson Heston asked to clarify that this expense is not included in the FY2018 Budget, which is slated for a vote by the Council at this evening's meeting; Town Administrator Nicholson stated that that is correct, but that the funds to pay the fee could be taken from the Contingency Fund Line Item, or could be realized by savings in another line item. Vice-Mayor Graham then made a motion **that the Town Council approve Resolution 2017-05, An Agreement between the Town of Round Hill and County of Loudoun, to negotiate Consolidated Billing and Collections. The Resolution is to be amended as follows: *THEREFORE, RESOLVED, by the Council of the Town of Round Hill in Virginia as follows: 1. The Town Administrator is authorized to negotiate a Memorandum of Agreement between Round Hill and the County consistent with this Resolution in a form approved by the Town Attorney, for approval by the Town Council.*** Vice-Mayor Graham noted that the Mayor is aware of the sentiment of the Council, with Mayor Ramsey assuring the Council that no documents would be signed until Council has an opportunity for review. Councilperson Hummel seconded the motion. Mayor Ramsey reviewed the changes to be made to the Resolution. There was no further discussion. A voice vote was held; the Resolution was approved 5-0, with Councilperson Minshall absent. The vote is recorded as follows:

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

Mayor Ramsey provided his handwritten corrections to Town Administrator Nicholson for inclusion in the final copy of the Resolution. Town Administrator Nicholson stated that the Town Staff appreciates Council's support. Councilperson Heston asked about the draft letters, as discussed earlier; it was noted that they will be corrected to reflect the wording in the amended Resolution, and will be addressed to the correct members of the General Assembly.

4. VDOT Resolution for Roads

Town Planner/Zoning Administrator Hynes presented this item, explaining that VDOT must conduct a review of the three roads in the Lake Ridge Estates subdivision for which it has responsibility, prior to the Bond Release being executed. Ms. Hynes also noted that there is a fourth road in the subdivision, called Winesap Alley, which will not be a VDOT road as it was not built to VDOT standards. Town Planner/Zoning Administrator Hynes elaborated upon this, explaining that VDOT must accept the roads prior to the Town's release of the Lake Ridge Physical Improvements Bond; Lake Ridge Estates must then post a one-year maintenance bond, in the amount of \$33,000.00, with VDOT. Town Planner/Zoning Administrator Hynes stated that the Resolution before the Council this evening will serve as an affirmation by the Town that the required process between Lake Ridge and VDOT has occurred. Ms. Hynes further explained that this is separate from Lake Ridge Estates' bond release with the Town of Round Hill. Councilperson Hummel elaborated upon this, explaining that, at present, these roads are in a public right-of-way which the Town of Round Hill owns; the builder has bonded with the Town to build and maintain those roads, until VDOT accepts them into its maintenance system. Mr. Hummel stated that the Town will still own the right-of-way. Councilperson Hummel reiterated Ms. Hynes' statement that this does not, in any way, release KHovnanian from its bond with the Town. Town Planner/Zoning Administrator Hynes explained that this issue is very time-sensitive, as it can take up to two months, from the time the agreement reaches Richmond, for VDOT to assume responsibility for these roads. A small number of typographical errors were noted in the Resolution before Council this evening, which will be corrected prior to the Mayor signing the document. Vice-Mayor Graham noted a misspelling on a map; Councilperson Hummel stated that place-names are spelled in corresponding documents as they are spelled on the plat. Town Attorney Gilmore explained that the County mapping department will be responsible for street-name and/or place-name spelling. Town Planner/Zoning Administrator Hynes stated that she spoke with Mr. Dan Martin, the VDOT inspector for this site, who reported that KHovnanian has

completed all items on the VDOT checklist, including posting the bond and paying all related fees. In response to a question from Councilperson Heston, Town Planner/Zoning Administrator Hynes explained that, as of today, everything is in proper order for VDOT to assume control of the streets in Lake Ridge Estates. Town Attorney Gilmore reported that she sent an e-mail asking Mr. Martin to confirm, in writing, that all paperwork for this has been completed; Mr. Martin did not send an e-mail, but did confirm verbally, that all necessary steps have been completed. Town Planner/Zoning Administrator Hynes stated for the record that she received verbal confirmation that all paperwork has been completed for this transfer of responsibility. Vice-Mayor Graham made a motion **that the Council approve Resolution 2017-06, to request the Virginia Department of Transportation to add streets in Lake Ridge Subdivision to secondary system maintenance pursuant to Code of Virginia, Section 33.2-334, as amended, with spelling corrections made;** Councilperson Heston seconded the motion. There was no further discussion. A voice vote was held; the motion was approved 5-0, with Councilperson Minshall absent. The vote is recorded as follows:

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

IN RE: APPROVAL OF MINUTES

a. March 2, 2017 Town Council Work Session Minutes

Mayor Ramsey noted that these minutes were on the Agenda for approval at the last Town Council meeting, however, Mr. Chapman objected to comments which were made at the end of that meeting and were reflected in the minutes. Mr. Ramsey offered, at that time, to review the recording of the meeting, which he did do; he found the minutes were accurate in their description of the audio on the recording. Councilperson Heston made a motion **that the Council accept the Round Hill Town Council Work Session minutes from March 2, 2017, as presented;** Councilperson Lyne seconded the motion. Vice-Mayor Graham asked if the research of Water Regulations, as reflected on page fifteen of the minutes, was done; Mayor Ramsey stated that that was done, and the language regarding that was changed. Mr. Clint Chapman asked again about the comments in these minutes to which he objected; Mayor Ramsey clarified that the comment in question is as follows: *Town Administrator Nicholson stated that he feels the Round Hill Partner Group's method of operation is to not spend money on the project, and then just flip the parcel.* Mr. Chapman noted that not only did the Town Administrator make this type of comment, but that the minutes reflect the Town Attorney expressing similar concerns. Mayor Ramsey reiterated that he reviewed the recording, just two days ago, and found that Town Administrator Nicholson did make the comment in question as part of the conversation

with the Town Council, but no Town Council Member responded to the comment. Mr. Ramsey stated that, to him, it was obvious that that was the personal opinion of the Town Administrator. Mayor Ramsey further stated that he personally felt the Town Administrator should not have aired his opinion in a public meeting, but that the minutes need to reflect what actually occurred, and he actually made that statement. Mr. Chapman then noted that the Town Attorney backed-up that statement. Mayor Ramsey noted a lack of clarity, to him, regarding that portion of the minutes, as on the recording she is stating that she has concerns regarding the project in general, but does not seem to be responding to the Town Administrator's comment. Mayor Ramsey stated that he can understand why it could be inferred that her comment is in response to Mr. Nicholson's comment. Mayor Ramsey also noted that he can personally attest that Town Attorney Gilmore has not spoken to him, in any fashion, regarding concerns that the Round Hill Partners Group intends to flip the Eastern Commercial District property. Councilperson Lyne asked if the minutes should be amended to correctly reflect the Town Attorney's statement; Mayor Ramsey stated that he believes the minutes are correct regarding Town Administrator Nicholson's comment, but that Town Attorney Gilmore's comment should be changed, so that the phrase *regarding this* is changed to *regarding the project*, or *regarding the proffers*. Mr. Ramsey noted that Mr. Gilmore's concerns were regarding how the proffers on the property were being, or might be, handled. The Mayor further noted that Ms. Gilmore was not being at all responsive to Town Administrator Nicholson's comment. Mayor Ramsey recommended that the phrase *regarding this* be changed to *regarding the project and proffers with the County*. There were no further corrections. A vote was then held; the motion was approved 4-0-1, with Councilperson Minshall absent and Councilperson Prack abstaining. The vote is recorded as follows:

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

b. March 30, 2017 Town Council Work Session Minutes

Vice-Mayor Graham noted the following corrections: on page three, in line three of "Line Item 2 – Real Estate Tax," the word *equalized* should not have a *d*; on page five, in line one of "Line Item 23 – Restaurant Sales BPOL," the word *Restaurant* should be capitalized; on page seven, in line fourteen under "Line Item 40 – Subcontractors," Ms. Graham stated that she does not believe she requested the item be named "Professional Subcontractors," however, it was decided to leave the reference as noted. Vice-Mayor Graham then made a motion **that the Minutes of March 30, 2017 be approved as amended**; Councilperson Hummel seconded the motion. There was no further discussion, and there were no further

corrections. A vote was held; the motion was approved 4-0-1, with Councilperson Minshall absent and Councilperson Prack abstaining. The vote is recorded as follows:

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

c. April 6, 2017 Town Council Work Session Minutes

Vice-Mayor Graham made a motion **that the Minutes be approved**; Councilperson Heston seconded the motion. Councilperson Hummel noted that the dates in the heading and first paragraph of the minutes do not match; this error will be corrected. There were no further corrections. A vote was held; the motion was approved 4-0-1, with Councilperson Minshall absent and Councilperson Prack abstaining. The vote is recorded as follows:

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

IN RE: APPROVAL OF THE CONSENT AGENDA

There were no Consent Agenda items.

IN RE: BUSINESS ITEMS

1. Hero Home Water Meter

Mayor Ramsey noted that this item had been discussed at the last Town Council meeting, at which time it was decided that action would be taken on the issue this evening. Mr. Ramsey reminded those in attendance that this request was received from Mr. Jason Brownell, the builder for HeroHomes, who is currently building a home here for Mr. Davenport and his family. Council Members were asked by the Mayor at that meeting to discuss this with constituents and gather their opinions, to help ensure that the Council not set a precedent it would not be able to follow-up, and that it not act in a way contrary to citizen wishes. Mayor Ramsey stated that a motion may be entertained, or further discussion may be held, at this time. It was decided to hold further discussion prior to any action on the item. Councilperson Hummel stated that he spoke with several constituents, and all expressed their approval of helping with this effort in some manner. Mayor Ramsey

asked Mr. Hummel to specify in what manner a donation should be made; Mr. Hummel stated his support of making a donation of an amount equal to a lowering of the cost to the in-Town level. In response to a question from Councilperson Lyne, it was noted by Mayor Ramsey that this amount would equal approximately \$10,000.00. Mr. Lyne then asked what percentage of the budget this would equal; it was noted that this would equal approximately two percent of the General Fund Annual Budget. Vice-Mayor Graham noted that the Town has a policy which allows for a specified amount for donations, to efforts such as arts programs, to be included in each year's budget; Ms. Graham stated that she would like the Council to devise a policy to govern these types of donations, as well. Vice-Mayor Graham noted that a Habitat for Humanity house was built on Hayman Lane, however, a request for assistance from the Town was not made for that project; additionally, Ms. Graham noted, a group home, operating under the auspices of the County, will be located in The Villages, and a donation of this sort may be requested. Vice-Mayor Graham reiterated her suggestion that a policy be set regarding these donations, so that they do not appear to be arbitrary. Councilperson Lyne stated his belief that "a one-off vote binds us less than some kind of written policy." Mayor Ramsey noted that this is a fraught topic, as it raises the question of if the Council is behaving in an arbitrary fashion. Mr. Ramsey further noted that everyone is supportive of the mission of HeroHomes, but that this raises the issue of "how supportive are we with our neighbors' money." It was noted that the donation, if Council decides to go forward, would be to the HeroHomes organization; the question of the possible amount of the donation remains to be decided, as well as the possibility of developing a policy governing these charitable donations. Mayor Ramsey stated that this issue is reminiscent of Council's dealings with requests for waivers on utility bills, which were not always managed in a steady fashion. Mr. Ramsey noted that a decision need not be made this evening on all of these issues; however, a decision regarding HeroHomes should be made this evening. In response to a question from Vice-Mayor Graham, Town Planner/Zoning Administrator Hynes explained a policy proposed in the Town of Lovettsville to assist those facing difficulties with their utility bills, which ultimately was not instituted. Councilperson Lyne stated that he is supportive of making a donation, but that, in terms of the overall budget, the \$10,000.00 being proposed seems like a large amount. Mayor Ramsey noted that, if that amount is divided by the 225 households which exist in Round Hill, the amount of the donation per household equals approximately \$45.00; Mr. Ramsey noted his concerns regarding making a donation which would result in a cost to each household of this amount. Councilperson Lyne stated that he would support making a donation of perhaps half of the \$10,000.00 amount put forward, which he feels is more reasonable. Councilperson Heston stated that she supports making a donation, but also agrees with Vice-Mayor Graham that a policy governing these donations should be set. Councilperson Prack expressed concern that setting a policy would "create its own situation," and noted that this is a one-time charitable contribution to a non-profit organization, for which a policy is not needed. Mayor Ramsey and Council Members expressed their support for this effort, and for Mr. Davenport and his family, with Mayor Ramsey noting the concern that it may set a precedent which Council may find difficult to maintain. Discussion of the issue of charitable contributions made by the Town

ensued, with Councilperson Heston noting that the donations made to the fire department and the Arts Council provide funding for programs which benefit a number of people, but this donation would benefit only one family. Ms. Heston noted that she is not saying she is against making this donation, but does feel that it should be done properly. Mayor Ramsey stated that the task before Council this evening is to resolve the action to be taken regarding this specific request, noting that thinking about long-term issues should inform this decision; however, the Council should not feel bound by concerns regarding possible future requests. Mayor Ramsey also encouraged the Council to think about the possibility of using the General Fund to assist residents facing difficulties with utility costs, noting that the topic can be addressed during next year's budget discussions. In response to a concern raised by Vice-Mayor Graham, Councilperson Hummel explained that he and Mr. Brownell discussed the possibility of the Town assisting with this cost prior to bringing the issue before the Council. Mr. Hummel noted that Mr. Davenport was told about this only after it was presented to the Council. Mayor Ramsey noted that Councilperson Hummel has suggested making a \$10,000.00 donation, while Councilperson Lyne has stated that he is more comfortable with a \$5,000.00 donation; the Mayor asked the other Council Members in attendance their opinions. Councilperson Prack stated that he "would be okay with the full amount," of \$10,000.00. Vice-Mayor Graham and Councilperson Heston indicated they would approve of a donation of \$5,000.00. Mayor Ramsey then asked for a motion from the floor. Councilperson Lyne moved **that the Town donate \$5,000.00 to the Round Hill HeroHomes organization.** Councilperson Heston asked if the motion should be more specific; it was determined that the wording **from the General Fund** should be added to the motion, which Councilperson Lyne included. Councilperson Heston then clarified that the motion should indicate how the funds are to be used, to ensure that the donation goes to Mr. Davenport's home. Discussion of this ensued, with it being suggested that it would be best not to "ear-mark" how the donation is to be used, but, rather, to simply make the donation to the charitable organization. Mayor Ramsey then explained that Councilperson Lyne, who made the motion currently on the table, was not in favor of ear-marking the donation; however, other Council Members were in favor of the ear-mark. Therefore, an amendment may be made to the current motion. It was decided to include Councilperson Heston's amendment to the original motion, which Councilperson Hummel seconded. Mayor Ramsey then asked for discussion of the amended motion. Vice-Mayor Graham stated that she was not in favor of including the ear-mark, due to concerns that a precedent may be set. Councilperson Heston stated her concern, that it be ensured the donation is used for Sgt. Davenport's house, and not for another purpose. Mayor Ramsey noted that making a general donation would help avoid setting a precedent. Councilperson Lyne asked Councilperson Hummel for his opinion regarding making a general donation to the organization, and if it would defeat the original purpose, as he is more familiar with the HeroHomes organization. Mayor Ramsey reiterated that providing a general donation to the HeroHomes organization could help to avoid setting a precedent; that precedent could result in the Town being approached by individuals seeking similar donations. Councilperson Prack noted that, even if Council ear-marks the donation, it would not be possible to enforce the ear-mark. Mayor Ramsey also noted that the issue of use of the

funds for the Davenport home can be negotiated between Mr. Davenport and Mr. Brownell. Mayor Ramsey called for a vote on the amended motion, which would ear-mark the donation, however, the sponsor withdrew the motion. Mayor Ramsey then called for a vote on the original motion, which would provide a \$5,000.00 donation which would not be ear-marked. That vote was held; the motion was approved 5-0, with Councilperson Minshall absent. The vote is recorded as follows:

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

Mayor Ramsey directed Town Administrator Nicholson to notify HeroHomes that the Town will award them \$5,000.00. Mr. Ramsey asked Council for clarification from Council if the donation should come from the FY2017 or FY2018 Budget. Councilperson Heston asked if it is available in this year's budget; Town Administrator Nicholson stated his preference that the donation be taken from this year's (FY2017) budget. Council agreed to this. There was further discussion of possibly writing a policy governing these types of donations, with Mayor Ramsey explaining that Leesburg allows for reduced utility rates if a resident qualifies for property tax relief with the County (e.g., elderly and disabled, or a veteran who is disabled). Mr. Ramsey noted that he is unsure if the Leesburg funding is provided through their utility fund or their general fund. The Mayor noted that he could support that criteria for providing assistance with utility costs. There was also discussion of Woodgrove High School's after-graduation party, for which a donation from the Town is usually requested; it was noted that a request seems not to have been made this year, and a donation was not provided.

2. Boundary Line Adjustment

Mayor Ramsey stated that he has begun making requested changes to the draft study document, but has not yet completed them; Mr. Ramsey apologized to the Council, and stated that he hopes to have the document ready for the next Council work session. Town Planner/Zoning Administrator Hynes reported that Councilperson Hummel provided comments for the Draft Public Outreach Plan to her, which she incorporated into the document; none of those dealt with major components of the plan. Under "Overview of Town Council Roles," it was noted that a *Statement of Purpose and Intent* is to be written; Mayor Ramsey explained that this statement has already been provided in the updated Comprehensive Plan, and that he used that statement in his draft document. Town Planner/Zoning Administrator Hynes provided a review of the steps to be taken, and the information to be included, in a "Launch Package. Ms. Hynes asked Council Members to provide any questions they would like to have included in the survey. Mayor Ramsey

asked to clarify the order in which the elements of the Launch Package would be undertaken, particularly in relation to the survey, so that the survey results would most accurately gauge the public's opinions on the process. Town Planner/Zoning Administrator Hynes explained that a letter would be sent to residents first, to provide an overview of the boundary line adjustment process and the reasons for considering it; this would be followed by a survey. Discussion ensued regarding when a survey should be provided to residents, to allow for them to provide better-informed responses. Mayor Ramsey suggested that it may be preferable to hold a public information session, place an article in local newspapers, and include information on the Town's website before providing a survey. Town Planner/Zoning Administrator Hynes stated her belief that ordering the process in this manner would be preferable, and that a second public information session could be held to answer any questions resulting from survey results. Ms. Hynes reported that she will provide the survey questions to Council at its July Work Session. Ms. Hynes also noted that, at that Work Session, dates will be chosen for the public information sessions; she will see if the elementary school cafeteria will be available for these meetings. The letter will be mailed, inviting residents to the meeting, after the dates and location are set; the meeting will also be posted to the Town's website and social media sites. Town Planner/Zoning Administrator Hynes stated that it will be determined, at the Council's July Work Session, who will speak at the public information sessions. The possibility of asking a resident of each area under consideration to serve as a neighborhood liaison was discussed. Councilperson Lyne stated that it should be ensured that members of the public understand that each individual homeowner will not be able to determine his/her fate, but rather, that this is a process in which the overall public good will be considered. There was also discussion of letters which may be sent to residents, in which they will be asked if they do or do not support a boundary line adjustment; Mayor Ramsey stated that this should be worded to ensure that an individual homeowner understands that his/her disapproval of his/her property being included is not binding on that property. It was noted that the contents of this letter will be finalized at the July Work Session. Town Planner/Zoning Administrator Hynes further explained that she wants to ensure direct contact with residents affected by this effort, using the following methods: sending a letter; contacting each person via e-mail, with a return e-mail printed and included in the file; placing a phone call, with documentation included in the file; holding a group meeting, with a sign-in sheet used to provide documentation; and, arranging for individual appointments. Ms. Hynes stated that, following a time period to be specified by the Council, a certified letter may be sent to residents, in which each property owner will be asked if they do or do not support the boundary line adjustment effort. Mayor Ramsey asked Town Planner/Zoning Administrator Hynes when she feels the direct contact with residents should occur, with Ms. Hynes explaining that she wishes to see the direct contact occur during the initial phase of public input/information. Mayor Ramsey then asked if conducting a survey, during the initial phase of this effort, would be the best method, or if the survey should be delayed; Town Planner/Zoning Administrator Hynes responded that determining these steps can be difficult, and asked Council Members to consider how they would want to first learn about this undertaking. Councilperson Lyne suggested that a good first step would be to place

information regarding the boundary line adjustment proposal in the newspapers and on the Town's website and social media outlets. Councilperson Hummel suggested that each household should receive an information flyer; several Council Members agreed with this suggestion. Mayor Ramsey noted that a Town newsletter is slated to be sent out in two weeks, and stated that it may be appropriate to include an article. Councilperson Lyne stated his belief that the information should be disseminated to the broader population, which could be accomplished by using the methods he suggested. Councilperson Hummel noted that not every household which may be affected by a boundary line adjustment receives Town water and sewer service, and thus would receive a copy of the Town newsletter; Town Planner/Zoning Administrator Hynes stated that she could create a list of those households which fall into this category, to ensure they receive information regarding this effort. Town Clerk McGaha also reported that she places copies of the newsletter in the post office, to make the newsletter available to the wider population. Mayor Ramsey sought to clarify that residents who utilize electronic billing do not receive a copy of the newsletter; Ms. McGaha noted that that is correct, but that there is a link to the newsletter on the electronic bill. Vice-Mayor Graham asked to clarify that communication to the public will specify that not all areas will be subject to a boundary line adjustment, especially at this time; Mayor Ramsey stated that the Council has defined Phase 1 and Phase 2 of this process, and suggested that a map depicting those areas, and a brief description of when the areas in each phase may be considered for inclusion, be incorporated into the newsletter article. Councilperson Lyne suggested that the map be posted to the Town's social media sites, as well. Mayor Ramsey stated that he will ensure a draft of the article and map are sent to Council prior to its publication in the newsletter. Vice-Mayor Graham and Councilperson Hummel suggested that it be ensured that residents know this effort will not occur rapidly. There was discussion of the timeline for this process, with the Mayor and Council agreeing that a specific timeline should not be set. Town Planner/Zoning Administrator Hynes recapped the steps to be undertaken going forward, with Mayor Ramsey noting that the first public information meeting date must be set prior to the press release being published. It was decided that the first public information meeting should be held during the summer months, with the second to be scheduled for mid- to late-September.

3. Ordinance 2017-02 – Adoption of Rates and FY2018 Budget

Mayor Ramsey asked to clarify that the Rates and Budget have been duly advertised; Town Administrator Nicholson stated that they have, and reported that the Ordinance has been reviewed by the Town Attorney. Discussion ensued regarding if both items may be adopted via one Ordinance, with Town Administrator Nicholson stating that Virginia statutes allow for adoption via one Ordinance/motion. Mayor Ramsey reminded Council that a supermajority is required to adopt this Ordinance, and that a voice vote must be held. Vice-Mayor Graham then made a motion **that the Town Council adopt Ordinance Number 2017-02, to approve Budget; adopt Tax Rates, Utility Rates/Fees, Motor Vehicle License Fee and Land Development Fees; and make appropriations for Fiscal Year ending June 30, 2018.** 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 Minshall absent. The vote is recorded as follows:

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

Mayor Ramsey stated that the Budget, Rates and Appropriations are approved.

Councilperson Heston asked Town Treasurer Fletcher about the April Balance Sheet, under the General CIP Checking Fund, which reflects a negative balance; Ms. Fletcher confirmed that that is correct, but that the May balance is positive. Ms. Fletcher also stated that she will check on why the April balance is negative and forward that information to Council via e-mail.

4. Approval of New Trash Contract (Patriot)

Vice-Mayor Graham asked if the new requirements related to this change in provider will be advertised; Town Clerk McGaha stated that information regarding this will be included in the Town newsletter, and will be posted to the Town's social media sites. It was noted that the contract information included in Council Members' packets was incorrect, so this item was tabled until the correct information could be provided to Council.

Mayor Ramsey called for the next item on the Agenda, Departmental Reports, to be discussed.

** Council returned to discussion of this item. Councilperson Hummel asked to clarify that the only service difference is that Patriot will deliver new trash and recycling cans to residents; Town Clerk McGaha stated that that is correct. Ms. McGaha stated that the provider would like to deliver the new cans the last week of June, as they will begin providing service to the Town on July 5th. Town Clerk McGaha reported that information regarding the new provider will be placed on the Town's website and social media sites, as well as being included in the Town's newsletter. Ms. McGaha also noted that, due to the short turn-around time, she will also use "Loudoun Alert" to disseminate this information. Town Administrator Nicholson reported that the Town will receive fifteen extra cans, for use in the event a resident does not receive his/her materials from Patriot. In response to a question from the Mayor, Town Clerk McGaha reported that Patriot will deliver the bins, but that she was unsure who would pick up bins which were not wanted by residents. Ms. McGaha also noted that information will be provided to residents regarding which types of larger items may be included in the regular weekly pick-up. Councilperson Heston asked if the cost for this provider is more or less than that included in the Budget for American

Disposal; Town Administrator Nicholson stated that it is less. There was discussion of what would be done with cans residents do not want; Town Administrator Nicholson stated that Town Staff would collect those. In response to a question from Councilperson Hummel, Town Administrator Nicholson explained that the charge for "Other," included in the contract, is for the dumpster located at the Town Office. Councilperson Lyne then moved **that the Town Council approve the Patriot contract dated June 15, 2017, in the amount per year of \$46,456.80**; Vice-Mayor Graham seconded the motion. Councilperson Heston asked for the renewal time frame; Mayor Ramsey and Town Administrator Nicholson stated that the term is three years. Town Clerk McGaha and Town Administrator Nicholson reported that the clause requested by the Mayor, to extend service if the Town boundaries are increased, was included in the contract. There was no further discussion. A vote was held; the motion was approved 5-0, with Councilperson Minshall absent. The vote is recorded as follows:

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

The Mayor and Council thanked Town Staff for their work on this issue.

IN RE: DEPARTMENTAL REPORTS

1. Town Planner/Zoning Administrator Report

Town Planner/Zoning Administrator Hynes reported that eleven suggestions for a name for the new Town Park in the Creekside subdivision have been received, and asked if Council would like to receive the full list at its upcoming Work Session; it was decided to review this list at that meeting. Mayor Ramsey noted that Council Members may also make suggestions for a name. Councilperson Lyne requested that Council suggestions be included on the list for review at the Work Session; Town Planner/Zoning Administrator Hynes asked that those recommendations be provided to her by July 4th. Ms. Hynes noted that her report is included in written form in Council Members' packets, and asked if there were any questions; there were no questions.

2. Town Administrator Report

Mayor Ramsey noted that the Town Administrator's Report has been provided in written form. Mr. Ramsey reported that the painting/new logo on the water tank has been well-received, with Town Administrator Nicholson noting that much positive feedback has been received. Mayor Ramsey reported that the Town Administrator will be out of the office for an extended period, with Mr. Nicholson stating that he will be away from June 20th to July 11th. Councilperson Lyne asked about the timeline for the Sleeter Lake Park project;

Town Administrator Nicholson reported that he and the engineer met on June 14th, during which the package was evaluated. Mr. Nicholson further reported that he, Councilperson Hummel, and Town Attorney Gilmore will review the package once more, following which proposals will be solicited, and the engineers will make a recommendation. Councilperson Lyne asked how long the package will be out for proposals; Town Administrator Nicholson stated that proposals will be sought for a two-week period. Mr. Nicholson also noted that the Town will "actively go after proposals," as well. Councilperson Lyne asked how the request for proposal will be made; Town Planner/Zoning Administrator Hynes explained that it will be advertised in The Purcellville Gazette. Town Administrator Nicholson stated that seeking proposals may be done in any manner Council wishes, in addition to utilization of the "eVA" system. Councilperson Lyne asked that a copy of the "short list" of contractors be provided to Council; Town Administrator Nicholson stated that the list is currently being compiled, and will be provided to Council Members. There was brief discussion of providers being considered. Councilperson Heston asked for an update on the status of the Town Office building upstairs rental; Town Planner/Zoning Administrator Hynes reported that a potential renter is interested in two of the offices available. Mr. Nicholson also reported that the realtor has conducted showings every week.

**** Council then returned to discussion of the New Trash Contract.**

Following action on the New Trash Contract, discussion of the Town Administrator's Report resumed. Vice-Mayor Graham noted that, on Monday of this week, everyone except for Utility Billing Clerk Chernoff was out of the office. Town Planner/Zoning Administrator Hynes clarified that the office was not without staffing for the entire afternoon, but for a period of time during which she was attending a meeting with County representatives. It was also noted that Town Administrator Nicholson had been in the office, but left due to illness, and Town Clerk McGaha was called away due to an emergency. Ms. Graham noted that she helped to fill in during this time. The Vice-Mayor then asked if it would be possible to have phone calls forwarded to another extension, if there is no answer at the originally dialed extension; Councilperson Heston noted that the system currently in use will not support that option. Mayor Ramsey asked if there is a "fallback" option for the Town's telephone system; Town Administrator Nicholson stated that the caller may dial "O," which forwards the call to Town Clerk McGaha's phone. Discussion ensued regarding how this may be handled, so that a human being will be available to answer calls; however, no readily available option was determined.

3. Mayor's Report

Mayor Ramsey reported that he attended a meeting with County representatives regarding the Franklin Park Trail Project, which was also attended by the Town Administrator and the Town Attorney. Mr. Ramsey reported that the County is making a small effort toward restarting discussion/work on the second phase of the trail, from Franklin Park to Purcellville. Mayor Ramsey stated that he "would not put a whole lot of confidence or optimism into that process, yet," however, the County is trying to get that project restarted,

and held a public information session during which two possible alignments of the trail were discussed. Mr. Ramsey stated that he attended that public information session, which was also attended by representatives of the County and the Town of Purcellville, as well as persons interested in transportation issues related to Western Loudoun County. Mayor Ramsey noted that he spoke with members of the public in attendance, to relate to them some of the Town's experiences with construction of the trail; Mr. Ramsey stated that the process represents a "Catch-22," as people do not want to agree to the project until they are able to see a completed design, but it is not advisable to put forward a completed design until there is assurance that residents are in favor of the project. Mayor Ramsey stated that he feels, at this time, the project is not a priority for the Town of Purcellville; he will speak further with representatives from Purcellville, to try to generate more interest in the project. Mr. Ramsey explained that he will try to impress upon the representatives of Purcellville the importance of this project to Round Hill, so that a means for Round Hill residents to get to Purcellville and the W&OD Trail will be available. Mayor Ramsey stated that the County has decided to extend the trail only to the Town of Purcellville's sidewalk system; additionally, the County is trying to determine on which side of Route 7 the trail should be located. Mr. Ramsey reported that Supervisor Buffington is very supportive of the project. Funding for this portion of the trail is to be included in the 2022 budget; however, Supervisor Buffington may advocate for the funding to be provided earlier, if wanted by the parties involved. Mayor Ramsey reported that he was approached at the meeting by two individuals, including Mr. Dennis Cruz of BikeLoudoun, who are interested in putting together a bike trail to connect all Western Loudoun towns; this will be largely a signage project. Mr. Cruz would like to discuss this potential project with the Council, and may attend a meeting in the fall. Mayor Ramsey also spoke to a representative from the Loudoun Equestrian Trail group, who voiced concerns regarding the Franklin Park Trail's impact on equestrian trails in the park; Mr. Ramsey noted that this issue will be determined in large part by how the trail is aligned with trails already in the park, and is a County issue. Mayor Ramsey also reported that the Loudoun Equestrian Trail representative expressed interest in extending the trail to Sleeter Lake Park, and asked if Council would be in favor of that effort; the Council was in favor of that project. Mayor Ramsey stated that, if a workable design for this could be put forth, he would also be in favor of the project. It was noted that the Equestrian group would be responsible for funding for the project. Council indicated an interest in exploring this idea. Mayor Ramsey then suggested that Councilperson Hummel recuse himself from this discussion, as he was going to discuss a meeting he, along with Vice-Mayor Graham, Town Administrator Nicholson, Town Planner/Zoning Administrator Hynes, and Town Attorney Gilmore, attended with representatives of Brookfield Homes. Brookfield Homes is involved in a study period with RHI/Lerner to purchase the Upper Lakes and Rural Estates portion of the larger Lerner property, located south of West Lake. This parcel contains one-hundred seventeen lots, of which eighty-seven are designed to receive Town water and sewer service. This informational meeting was held to discuss issues such as availability fees, connection fees, the process for connecting to the Town's system, the status of the consent decree and how it may affect them, and the south water tower. Mayor Ramsey reported that differences

which exist between the Town and RHI regarding interpretation of the consent decree were discussed in a very open manner, so that Brookfield was aware of the status of the situation. RHI and the Town have scheduled a follow-up meeting for the week after next; it is hoped that those open issues regarding the consent decree will be resolved at that meeting. Mayor Ramsey and Town Administrator Nicholson stated that it was a very good meeting, with the Mayor stating that it provides the possibility that a new home-builder may be present in the area, and that the consent decree issues may be resolved.

IN RE: COUNCIL COMMENTS

Vice-Mayor Graham reported that she attended a recent "Envision Loudoun" meeting, at which the Comprehensive Plan process was broken down into its various components; Ms. Graham participated in a group which was concerned with the rural/transitional areas of the County, and it seemed that no one is happy with what the County has done thus far. Vice-Mayor Graham stated that the attendees noted it seems the Board of Supervisors "could care less" about the opinions of the residents of Western Loudoun. Town Planner/Zoning Administrator Hynes noted that, ideally, the County would like to prepare two separate Comprehensive Plans, one for Eastern Loudoun and one for the western portion of the county. Mayor Ramsey asked if the Town should provide comments during this period in the update; Town Planner/Zoning Administrator Hynes stated that it should, and that she is working on that effort. Councilperson Lyne noted that a letter was sent to the Town from Woodgrove High School, regarding its graduation party, in February; the party was held on June 2nd. Mr. Lyne noted that the group still has outstanding expenses related to this event, and asked if the Town would still like to make a donation. Town Administrator Nicholson stated that \$250.00 was included in this year's budget for this purpose. Mr. Nicholson also noted that a search was made for the letter from Woodgrove, but it was not found. Councilperson Lyne then made a motion **that the Town donate \$250.00 to the Woodgrove Graduation Party**; Councilperson Prack seconded the motion. A vote was held; the motion was approved 5-0, with Councilperson Minshall absent. The vote is recorded as follows:

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

Mayor Ramsey instructed Town Administrator Nicholson to send a check for the amount noted above to the Woodgrove group. Mayor Ramsey reported that he will be out-of-town all of the coming week. There were no further Council Comments.

IN RE: MEETING ADJOURNMENT

The meeting was adjourned by Mayor Ramsey at 11:00 p.m.

Respectfully submitted,

Scott T. Ramsey, Mayor

Debra McDonald, Recording Secretary