

**ROUND HILL TOWN COUNCIL
REGULAR MEETING MINUTES
February 19, 2009**

A regular meeting of the Round Hill Town Council was held in the Town Office, 23 Main Street, Round Hill, VA, on Thursday, February 19, 2009.

Council Present

John Heyner, Mayor
Mary Anne Graham, Vice-Mayor
Janet Heston
Mike Hummel
Chris Prack
Scott Ramsey

Staff Present

John Barkley, Town Administrator
Betty Wolford, Treasurer

Others Present

A. Taylor, Deputy Sheriff

Absent

Dan Botsch

Attachments

- I. Agenda
- II. Letter Requesting Waiver of Sewer Fees
- III. Water Resources Planning Study – Anderson & Associates, February 4, 2009
- IV. WWTP Expansion PER – Peed & Bortz, LLC, January 16, 2009
- V. Tree Pruning Report – Zimar & Associates, January 20, 2009
- VI. Memorandum Community Garden - Robert Kinsley, February 10, 2009
- VII. Loudoun County Sheriff's Department Notice of Intention to Renew Lease
- VIII. Commonwealth of Virginia Economic Stimulus Funds Projects List
- IX. Draft Town of Round Hill Purchasing Policy
- X. Draft Town of Round Hill Communications Policy
- XI. Fiscal Year 2010 Budget Review and Adoption Schedule
- XII. Environment Virginia – Request for Town Council Support
- XIII. Town Council Meeting Minutes
 - A. October 16, 2008
 - B. January 15, 2009
- XIV. Planning Commission Motion on ZMAP of 29-31 E. Loudoun Street from PD-CC to B-1
- XV. Draft Text Amendment of Section 15.5 “Variances – Procedure” of Article 15 “Board of Zoning Appeals” of the Round Hill Zoning Ordinance
- XVI. Town Administrator Weekly Reports
 - A. February 2, 2009
 - B. February 9, 2009
 - C. February 13, 2009
- XVII. Town Planner/Zoning Administrator Report dated February 13, 2009
- XVIII. Land Use Committee Report dated February 11, 2009

IN RE: CALL TO ORDER

Mayor Heyner called the meeting to order at 7:35 p.m.

IN RE: PLEDGE OF ALLEGIANCE

Vice Mayor Mary Anne Graham led council members and attendees in the Pledge of Allegiance.

IN RE: COMMUNITY POLICING

Deputy Aaron Taylor reported on the incidents during the month of January involving: domestic problems; an overdose; identify theft; a dog bite; stolen vehicle license plates; juveniles playing on ice at Sleeter Lake. He also noted that hypodermic needles had been found along a roadway in town and asked that if this type of thing is discovered again, the sheriff's department should immediately be notified. Deputy Taylor reported that the county is proposing that the Community Police Officer position be eliminated in the Round Hill and Lovettsville areas. Discussion followed on police coverage in western Loudoun.

IN RE: PUBLIC COMMENTS

No comments were received.

IN RE: APPROVAL OF AGENDA

Vice Mayor Mary Anne Graham motioned approval of the agenda with one modification: under Item V, Business, move #3 – Preliminary Engineering Review – WWTP to Item VI, Action Items as #2. Councilperson Mike Hummel seconded. Motion to approve the agenda with the change was approved by unanimous voice vote of the council 5-0-1, (Councilman Botsch absent for the vote).

IN RE: BUSINESS

1. Request for Waiver of Sewer Fees

Mr. Comanduras had submitted a letter requesting a waiver of his sewer charges for November and December as there was a malfunction in his water softener system which caused the water to flow continuously. Mr. Comanduras was not present to discuss his request. Town Council directed the Town Administrator to inform Mr. Comanduras that, per the town ordinance, this malfunction does not qualify for an adjustment to the sewer fee; and that the water did go into the sewer system.

2. Water Resources Planning Study

Council had received this report dated February 4, 2009 from Anderson & Associates. Council members discussed the disparities in the report pertaining to well capacity and production, and number of connections. It was noted that this report was to have given a projection of future build out based on current water capacity and use as well as possible sources and storage options. Council

felt that this report did not give accurate data to help in the town's planning and decision making for future water sources. The inaccuracies of the report directly affect the town's ability to respond to Purcellville about their Sleeter Lake proposal. Mr. Barkley was directed to contact Anderson & Associates to request revisions be made to their February 4th study to reflect accurate information regarding capacity and production, number of connections and to provide projections on future growth and water needs. Anderson & Associates should be prepared to attend the March 13, 2009 Utility Committee Meeting with their corrected study.

3. Arborist Report

Council and Ellen Barnes had received the January 20th recommendation for tree treatment from arborist Donald Zimar. Mrs. Barnes has indicated that she is in agreement with all recommendations except Tree #6 which she does not want removed, taken down. Mr. Barkley said that the next step, if the council so desires, would be to contact a professional to follow through with the recommendations. Cost for this work and staying within the budget were discussed. Mr. Barkley felt that the line items for public works and park maintenance (around \$3,000) could cover this expenditure. Mr. Barkley was directed to acquire estimates and to administratively select the best proposal.

4. Community Garden

Council had received Mr. Kinsley's memorandum, dated February 10, 2009, regarding this issue. Councilperson Hummel stated that the Planning Commission had unanimously approved the Commission Permit for the proposed Round Hill Community Garden. By approving this permit, the Commission is affirming that this proposal is in conformance with the Town's Comprehensive Plan. **Councilperson Mike Hummel motioned that the Town Council ratify the Planning Commission's approval of the Commission Permit for a Community Garden. Vice Mayor Mary Anne Graham seconded.**

Vice Mayor Graham asked if the Planning Commission had developed rules and regulations for this use. Councilperson Hummel replied that the Planning Commission was tasked with action on the Commission Permit. The Committee needs to come up with rules and regulations for use; maintenance of site; fund raising/budget; and site plan submission. Councilperson Hummel said that the Committee has been informed of what is needed by them; and once submitted, the Town Council will review and take action on the rules and regulations, etc.; the Planning Commission will review the Site Plan and then take action on it. Town Administrator was directed to contact Ms. Faber (perhaps by scheduling a meeting) to set out what is expected from the committee.

Motion to ratify the Commission Permit for the Community Garden was approved by the council present by voice vote 5-0-1 as shown below:

<u>MEMBER</u>	<u>VOTE</u>
Dan Botsch	absent
Mike Hummel	aye
Janet Heston	aye
Mary Anne Graham	aye
Scott Ramsey	aye
Chris Prack	aye

5. Sheriff's Substation: Lease Renewal

Council had received copies of the January 4, 2009 letter from Loudoun County requesting the intention of the Sheriff's Department to renew their lease for one year (until April 2010). The county was also asking for relief, reduced base rent.

Councilperson Scott Ramsey motioned that the Town of Round Hill offer to extend the Loudoun County Sheriff's Department lease for one year at the current rate, without the 3% increase. Vice Mayor Mary Anne Graham seconded.

Discussion followed on square footage rates in area (\$19-\$21 a square foot compared to the current charge of \$13.50 a square foot); Loudoun County proposed rate increases; current lease states that if lease renewed, 3% rate increase begins in April.

Motion to extend Sheriff's Department rental lease for one year at current rate with no increase was approved by voice vote of the council 4-1-1, as shown below:

<u>MEMBER</u>	<u>VOTE</u>
Dan Botsch	absent
Mike Hummel	aye
Janet Heston	nay
Mary Anne Graham	aye
Scott Ramsey	aye
Chris Prack	aye

6. Economic Stimulus Projects

Council had received notification from Governor Kaine on a web portal for localities to submit proposals for distribution of federal funds under the Stimulus Project. Mr. Barkley distributed a listing of acceptable projects that could be included. Deadline for submission is March. Discussion followed on projects that could be included in the town's submission – BNR upgrade, New Cut Road Lift Station, Stormwater portion of Main Street Project; funding split (80%-20%); submission should include summary of project and projected cost. Mr. Barkley was instructed to submit all acceptable projects before the March deadline.

7. Purchasing Policy

Vice Mayor Graham stated that the Administrative Committee took what the town had in place (Section 20-6 D & E), embellished it and is recommending it for approval. Mr. Barkley felt that this draft policy would provide the authority to make purchases and procurements while protecting the staff, the town committees and the Town Council. Each section was reviewed, particularly Section 20-3 regarding competitive bidding and proposals - determination by council of what purchase compels a competitive bid. It was generally agreed that the Town Council should be notified of all purchases over \$5,000 so that they may determine if competitive bidding needs to be implemented. Town Administrator will revise policy and present final draft for action at the March Council Meeting.

8. Communications Policy

This draft policy has been recommended by the Administrative Committee. Vice Mayor Graham felt that this policy will provide a general concept of roles and of communication between staff, Town Council and the public. She noted that the town attorney had added Section VI to the draft. Mr. Barkley stated that this document gives a certain level of understanding on conveying information to public. He said that he tried to organize this policy into parameters in order to accomplish these goals.

Vice Mayor Mary Anne Graham motioned that the Council adopt the Communications Policy as presented. Councilperson Scott Ramsey seconded.

Councilperson Ramsey asked council members to review the first paragraph in Section V – Internal Information Exchange, most particularly the word “Generally” in the second sentence. After discussion, it was agreed by Vice Mayor Graham and Councilperson Ramsey to amend their motion to include the following changes: (1) in Section V, first paragraph, second sentence, first word - change “Generally” to read With certain narrow exceptions; and (2) in Section V, first paragraph, second sentence after the words “available to the public”, change “through” to subject to.

Motion to adopt the Communication Policy as amended was approved by voice vote of the council present, 5-0-1, the votes being recorded as shown below:

<u>MEMBER</u>	<u>VOTE</u>
Dan Botsch	absent
Mike Hummel	aye
Janet Heston	aye
Mary Anne Graham	aye
Scott Ramsey	aye
Chris Prack	aye

9. FY 2010 Budget Review Schedule

Mr. Barkley had submitted a Review and Adoption Schedule for the FY 2010 Budget, noting that because he was further along on the compiling a draft budget this year, the schedule had been abbreviated. After discussion, it was agreed that since the Utility Fund requires more in depth discussion, it will be presented at the first budget work session on March 5, 2009 at 7:00 p.m. Mr. Wolverton and Mr. Feltner (Utility Supervisor and Assistant Supervisor) will be made aware of the need for them to attend work sessions pertaining to the utility budget. Work sessions on the Draft FY 2010 Utility Budget will be held on March 5th and both the Utility and General Funds on March 19th. Council will then decide the schedule for April and May. Councilperson Ramsey asked Mr. Barkley to ask staff for any recommended rate changes, such as zoning application fees.

Mr. Barkley stated that the town attorney and the VML attorney would like to meet with the Town Council and BZA on March 5th to discuss a settlement offer submitted by GEMRAM.

10. Environment Virginia – Request for Support

The Town had received a request from Environment Virginia, a citizen based environmental advocacy organization, to support their efforts (by signing a coalition letter) in asking President Obama to use the federal stimulus bill to “repower, refuel and rebuild America”. Council felt it was a good idea, but not one in which to get involved.

IN RE: ACTION ITEMS

1. Approval of Town Council Meeting Minutes

A. October 16, 2008 Town Council Regular Meeting

Vice Mayor Mary Anne Graham motioned approval of the October 16, 2008 Meeting Minutes with Councilperson Chris Prack seconding.

The motion to approve the October 16, 2008 Meeting Minutes as presented passed by a voice vote of 4-0-2, the votes being recorded as shown below:

<u>MEMBER</u>	<u>VOTE</u>
Dan Botsch	Absent
Mike Hummel	Aye
Janet Heston	Aye
Mary Anne Graham	Abstain
Scott Ramsey	Aye
Chris Prack	Aye

B. January 15, 2009 Town Council Regular Meeting

Vice Mayor Mary Anne Graham motioned approval of the January 15, 2009 Regular Meeting with Councilperson Janet Heston seconding.

The motion to approve the January 15, 2009 Regular Meeting Minutes as presented passed by voice vote of the council present, 5-0-1, the votes being recorded as shown below:

<u>MEMBER</u>	<u>VOTE</u>
Dan Botsch	Absent
Mike Hummel	Aye
Janet Heston	Aye
Mary Anne Graham	Aye
Scott Ramsey	Aye
Chris Prack	Aye

C. Consideration of December 11, 2008 Joint Public Hearing Items

1) ZMAP Amendment of 29-31 East Loudoun Street from PD-CC to B-1

Councilperson Hummel stated that the town attorney had been asked questions pertaining to proffers and this property; no answer has been received. He asked that this be referred back to the Land Use Committee for a recommendation which will be determined after receiving a reply from the town attorney on the proffers.

2) Text Amendment to Section 15.5 "Variances – Procedure" of Article 15, "Board of Zoning Appeals" of the Round Hill Zoning Ordinance

Councilperson Hummel stated that this text amendment basically "cleans up" this section, bringing it into conformance with the State Code. He noted that the bulk of this draft had been compiled by the town attorney and her staff. The Planning Commission is recommending approval.

Councilperson Mike Hummel motioned that the council adopt the text amendments to Section 15.5 "Variances – Procedure" of Article 15 "Board of Zoning Appeals" of the Round Hill Zoning Ordinance as presented. Councilperson Scott Ramsey seconded the motion. Motion to adopt this text amendment was approved by voice vote of the council as shown below:

<u>MEMBER</u>	<u>VOTE</u>
Dan Botsch	Absent
Mike Hummel	Aye
Janet Heston	Aye
Mary Anne Graham	Aye
Scott Ramsey	Aye
Chris Prack	Aye

2. Wastewater Treatment Plant Expansion PER

Vice Mayor Graham reported that the Utility Committee had reviewed this proposal by Peed & Bortz for engineering services to evaluate options in expanding/upgrading the WWTP from 0.50 MGD to 0.75 GMD capacity to allow for the treatment of nutrients. Another request for proposal had been made to Anderson and Associates which has not been received. She noted that an engineer working for Peed & Bortz had previously worked for A&A. Proposal amounts were: (1) Peed & Bortz at \$20,960.00 with a initial completion date of 90 days; (2) verbally received from Anderson & Associates - \$32,500 with a 60 days initial completion date. Discussion followed timeframe of proposals, town on tight schedule to complete (to meet possible submission for grant funding, to meet DEQ deadlines for nutrient treatment).

Vice Mayor Mary Anne Graham motioned that the town accept the contract for evaluating the upgrade of the WWTP expansion from Peed & Bortz at \$20,960. Councilperson Chris Prack seconded.

Council discussed the Scope of Services to be provided by Peed & Bortz; information needed from the town or from Anderson & Associates (CAD plans of existing treatment plant); timeframe for completion of evaluation.

Motion to contract with Peed & Bortz for engineering services for WWTP expansion was approved by voice vote of the council, 5-0-1, the votes recorded as shown below:

<u>MEMBER</u>	<u>VOTE</u>
Dan Botsch	Absent
Mike Hummel	Aye
Janet Heston	Aye
Mary Anne Graham	Aye
Scott Ramsey	Aye
Chris Prack	Aye

The Town Administrator was directed to ask Peed & Bortz if they could decrease their initial submission from 90 days to 60 days.

IN RE: REPORTS

1. Town Administrator

A written report of Mr. Barkley's last three weekly reports (Feb. 2, 9 and 16) had been submitted in the council's packet.

Vice Mayor Graham asked Mr. Barkley if he had talked to Davenport on the refinancing issue. Mr. Barkley responded that M&T Bank had initially shown interest but have now backed away. He indicated that he will be meeting with Joe Morgan of Davenport on March 13th to put together information for the VRA Spring Pool.

Councilperson Heston noted that one of Mr. Barkley's reports mentions the budget item for the WWTP Upgrade as \$50,000 and the council just approved a \$20,960 contract. She asked if this line item was just for the BNR design. It may also include some construction.

Mr. Barkley reported that Verizon Wireless had conducted their pre-bid walk through at the water tower site on February 6, 2009. Town has not received a report, construction schedule.

Councilperson Prack asked the status of the Holtzman SPEX/easement issue. Nothing new has been received. Holtzman's attorney is working with property owner to try to resolve issue.

Questions were asked on the status of the Franklin Park Trail to Round Hill. Mayor Heyner directed the Town Administrator to schedule a meeting with Loudoun County (L.C., Mr. Barkley and Mayor) to discuss this project, to see if the project can move forward.

Councilperson Heston asked about the McCauley Street line upgrade. Mr. Barkley stated that the contractor was having trouble locating the existing line; that an old, unused, active line had been located and will need to be removed. This will require change orders – unexpected, additional expenditures.

2. Town Planner/Zoning Administrator

Council received Mr. Kinsley's February 13th report this evening.

Councilperson Hummel reported that there were some unresolved issues remaining (including roadway width, parking, buffer area, and building size) on the Round Hill United Methodist Church SPEX submission. He noted that their attorney has alluded to federal regulations which protect churches who meet zoning regulation in the expansion process. Discussion followed on property line consolation, accessory structure and set back regulations, roadway width, proposed uses of addition, proposed conditions, and parking spaces. Town Attorney will be asked to clarify federal regulations regarding churches and zoning.

4. Mayor's Report

Mayor Heyner reported that the town was still waiting on VDOT's response to the town's concern on width of New Cut Road at the Lake Ridge Subdivision.

Mayor Heyner noted the article written by Kathleen Luckard, "Cape May of the Blue Ridge" that appeared in the Mosby Heritage Area newsletter.

It was announced that the Round Hill Arts Center will be conducting an information session on February 17th to discuss future planning for the center. An issue to be discussed pertains to relocating although there is a strong contingent to remain. The Board has concerns on the difficulty of raising funds for a building they do not own (private ownership). If the Center remains in the existing building, major improvements need to be done to conform with building and safety regulations.

5. Utility Operations, Public Facilities and Projects Committee

Vice Mayor Graham reported that many items discussed at the last committee meeting were addressed under the Town Administrator's Report. Other issues included: (1) the citizen member of this committee has not completed the water study/rates; (2) committee is unanimous in getting rid of the red door hangers but have asked the utility staff to come up with alternatives; since the red door hangers are part of the delinquent process in the Water Ordinance, a public hearing would be required; suggested that review of the entire water ordinance be done for possible additional amendments and then schedule a public hearing on all proposed changes to the Water Ordinance.

Mr. Barkley was asked the status of the Hayman Lane easements. Response was that the plats and easement documents were being revised by Anderson & Associates; upon completion they would be sent out to each property owner for signatures.

6. Administration and Communications Committee

Vice Mayor Graham noted that the Purchasing and Communications policies have been discussed. She reported that the committee has been looking at the town's website, making note of what area need to be improved. Committee had discussed contracting with a professional to redo this site.

Vice Mayor Graham stated that since she has been appointed Chairperson of the Utility Committee, she was resigning as Chairperson of the Administration and Communications Committee.

7. Land Use Committee

A written report of issues discussed at the meeting had been submitted in the council's packet.

IN RE: COUNCIL COMMENTS

Vice Mayor Graham noted that the Home Town Festival Committee will hold these festivities on the Saturday of Memorial Day weekend.

ADJOURNMENT

There being no further business meeting was adjourned at 10.56 p.m.

John Heyner, Mayor

Betty Wolford, Recorder