

**ROUND HILL TOWN COUNCIL
REGULAR MEETING MINUTES
April 16, 2009**

A regular meeting of the Round Hill Town Council was held in the Town Office, 23 Main Street, Round Hill, VA, on Thursday, April 16, 2009.

Council Present

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

Staff Present

John Barkley, Town Administrator
Betty Wolford, Treasurer
Maureen Gilmore, Town Attorney

Others Present

Diane Ryburn, Director of L.C. Dept. of Parks, Recreation and Community Services
Mike Novak, Planner, L.C. Dept. of Parks, Recreation and Community Services
Mike Milsap, L.C. Dept. of Parks, Recreation and Community Services
Randy Kelley, Inova Loudoun Hospital
4 citizens

Attachments

- I. Agenda – April 16, 2009
- II. Identity Theft Prevention Program
- III. Resolution 2009-02 – Identity Theft Prevention
- IV. Town Council Minutes – March 19, 2009
- V. Memorandum from Town Attorney pertaining to Bond Counsel for 2009 Refunding Transaction
- VI. Town Administrator Weekly Report dated April 13, 2009
- VII. Town Planner/Zoning Administrator Report dated April 13, 2009
- VIII. Utility Operations, Public Facilities & Projects Committee Report, dated April 2, 2009
- IX. Land Use Committee Report dated April 10, 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 Taylor reported that Deputy Tyler Brown and he had been investigating the graffiti that had been painted in areas in and around town (overpasses – Rt. 7/East and Rt. 719/South and underpass as well as park site) and had made 2 arrests with perhaps more to come (they believe that at least 10 juveniles participated in the painting). Deputy Taylor indicated that those involved will be required to “remove” these paintings.

Deputy Taylor announced that he had been transferred to work in the Sterling Park area; and that Deputy Chad Davis would be taking his place on Monday, April 27th. Mayor Heyner thanked Deputy Aaron Taylor, on behalf of the entire town, for his personal efforts that were over and above his job duties.

IN RE: PUBLIC COMMENTS

Kathleen Luckard, 18 Mulberry Street and a Planning Commission member, read her statement (attached) pertaining to the costs and benefits of encouraging Loudoun County and the Sheriff’s Department to locate the western sheriff’s substation to the property known as the East Commercial District. She addressed the history of the town and the need and responsibility of the town council to protect it; the traffic that would occur if the sheriff’s substation is located west of town; economic effect on central town businesses if eastern area is developed for commercial use; and revenues received from property, sales and business license taxes, noting that her estimate for revenues for this district could possibly be \$11,000 if developed commercially. She asked the council not to risk the western gateway for \$11,000, but to preserve this gateway by locating the sheriff’s substation to the east.

Randy Kelley, Inova Loudoun Hospital, presented Mayor Heyner a plat/photo commemorating the recent ribbon cutting ceremony of the West Wing Intensive Care Unit of the Hospital. Mr. Kelley noted that another new wing had been opened last fall for pediatrics care, and a pharmacy department would soon open. All new departments are geared to provide better service to the community. Medical units in Purcellville and Lovettsville were briefly mentioned as well as uses for the Cornwell facility.

Margaret O’Brien, 5 Main Street, asked the status of her comments/concerns made at a previous council meeting: (1) storm drainage problems on properties to the south of her that effect her property; (2) amendments to the town ordinances pertaining to lighting, large windows; and (3) provisions to require restaurants to need a Special Exception to operate. She did note that the noise from the machinery behind the Amoco/BP station had ceased and thanked the council for their efforts on this; but asked about the removal of this equipment. Mayor Heyner reported that the remediation equipment was shut down, but the site still needs to be monitored on a quarterly basis; and if it needs to be restarted, the equipment will be modified to decrease the noise level so as not to be a nuisance. Councilperson Hummel stated that the Planning Commission:

- had not received direction from the council on lighting;
- had reviewed Article 14 (Landscaping and Buffering) and made a recommendation to the Council; the Land Use Committee is reviewing the proposed amendments;
- is just starting their review of the B-1 District regulations; noted that he would make the Commission aware of her lighting concerns; but stated that with no Architectural regulations in the Ordinance, large windows could not be addressed unless in a Special Exception or Rezoning.

Discussion followed on Main Street Project and storm drainage problems; reluctance in having a Historic District and a Architectural Board; parked vehicles on grassy area behind Medical Building and the Amoco/BP station. The Town Administrator was directed to have the Zoning Administrator look into the issue of the parked vehicles and also to review ordinances from other jurisdictions and make recommendations that may address some of Ms. O'Brien's concerns.

No other comments were received.

IN RE: APPROVAL OF AGENDA

Vice Mayor Mary Anne Graham motioned approval of the agenda with Councilperson Chris Prack seconding.

Vice Mayor Graham asked if the Verizon Cell Town/easement issue should be on the agenda. Mr. Barkley responded in the negative indicating that nothing was ready for review, consideration.

Motion to approve the agenda as presented was approved by unanimous voice vote of the council present 6-0-0.

IN RE: BUSINESS

1. Franklin Park to Round Hill Trail Project

Diane Ryburn, director of Parks, Recreation and Community Services for Loudoun County, reported that the county was excited to be working on various projects in western Loudoun – the Franklin Park Trail; renovations to the Bluemont Community Center; and finalizing the plans for the Round Hill Aquatic Center.

Mark Novak and Mark Milsap from Parks and Rec were also present. Mr. Milsap presented a short slide show on the Franklin Park Trail to those in attendance. Mr. Novak announced that the Department is finalizing bid documents for advertisement which include the quarter mile of sidewalk (concrete and brick pavers) from Main Street to Evening Star Drive and 2 miles of a shared use path from Round Hill to Franklin Park. The proposed path through private property is also being considered. The Department hopes to advertise by the end of May; and if all goes well with the submission of bids, awarding of the contract, and completing Bond Documents, construction should begin in July with completion by the end of 2009. Mayor Heyner asked about the trail across private property; Mrs. Ryburn responded that the Department was working with the developer to obtain the right to pave the trail as presently it is a dirt trail. Councilperson Ramsey asked that once the contract is awarded, the town be notified so the town can work with the contractor on the pavers on Loudoun Street. Mrs. Ryburn stated that it was the Department's plan to work with the town and the residents who will be impacted by this work; that as soon as the bids are awarded, letters will be sent out giving an idea of what is planned and timeframe of work. The trail from Franklin Park to Purcellville is still in the preliminary stage – setting alignment and property owners' approval.

Discussion also included the Round Hill Community Center and possibility of transferring it to the Department of Parks and Rec; operations at the Franklin Park pool; pavers, including alternatives to brick (concrete) for sidewalks and crosswalks.

2. Resolution 2009-02: Identity Theft Program

The Identity Theft Prevention Program had been submitted in the council's packets; the Resolution was submitted to council this evening. Federal Regulations require that the town adopt a program that will detect and prevent identity theft of utility accounts. Mr. Barkley stated that the town

attorney had drafted the policy and the Resolution and recommended approval before the May 1, 2009 deadline (original deadline had been October of 2008, but extension had been given). Discussion followed on this policy pertaining to new accounts, as well as updating older accounts; identifying information to be requested; safe keeping of such information. Ms. Gilmore told the council that because the Town does fall under the broad term of creditor, the Program/Resolution must be adopted by May 1st, but the policy could be reviewed and amended at a later date. If a program is not in place by May 1st, the town could be fined.

Councilperson Scott Ramsey motioned approval of Resolution 2009-02 of the Town of Round Hill adopting the Identity Theft Prevention Program. Councilperson Chris Prack seconded. Council agreed that the Administrative Committee will, after adoption, review this Program and refine or modify if needed.

Motion to adopt Resolution 2009-02 was approved by unanimous voice vote of the council, the ayes being recorded as shown below:

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

IN RE: ACTION ITEMS

1. Approval of March 19, 2009 Town Council Meeting Minutes

Vice Mayor Mary Anne Graham motioned approval of the March 19, 2009 Meeting Minutes with one correction – on page 4 , #2, first sentence, change “Utility Committee” to Administration Committee. Councilperson Chris Prack seconded the motion.

The motion to approve the March 19, 2009 Meeting Minutes as amended passed by a voice vote of council present, 4-0-2, the votes being recorded as shown below:

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

2. Selection of Bond Counsel – VRA Spring Pool

Maureen Gilmore reported that she had contacted several law firms that specialize in municipal bonding. Two firms responded. One was from Hunton Williams with a cost range of \$9,000 to \$12,000 plus disbursements; the other was from McGuire Woods with an approximate figure of \$22,500. Ms. Gilmore noted that McGuire Woods is also a financial advisor for VRA.

Because this financing request is a refinancing of existing General Obligation Bonds, a public hearing will not be required.

Councilperson Botsch reported that his business has done business with Hunton Williams and therefore stated that he would recuse himself from any discussion and abstain from voting on this issue.

Vice Mayor Mary Anne Graham motioned that the town use Hunton Williams as its bond counsel for the 2009 Bond refinancing with a cost not to exceed \$12,500 plus incidentals.

Councilperson Chris Prack seconded.

Motion to award Bond Counsel contract to Hunton Williams was approved by voice vote of the council present, 5-0-1, (Councilperson Botsch abstaining), the votes recorded as shown below:

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

IN RE: REPORTS

1. Town Administrator

A written report dated April, 2009 had been submitted in the council's packet.

Councilperson Heston noted Mr. Barkley's item on graffiti on New Cut Road; she said there was also paintings on the Business Route 7 overpass. Councilperson Ramsey stated that Deputy Taylor had reported on this (Mrs. Heston was not present during this report) and had stated that those persons responsible would be cleaning some of the sites. Discussion followed on who was responsible for clean up – VDOT, Town, and Sheriff's Department. It was agreed that if the town received permission from VDOT, town staff would clear away the graffiti.

Mr. Barkley reported that he had formulated Mr. Zimmer's comments/recommendation for the tree care into a RFP and planned to advertise by the end of the month. He hoped to be able to start this project by Memorial Day.

Vice Mayor Graham asked why the Zoning Permit issued to the Community Garden Park was classified as "Temporary". The response was that the use of this property was on a year to year basis and if allowed to be used in 2010, a new permit would be required.

2. Town Planner/Zoning Administrator

Council received Mr. Kinsley's April 13th report in their packet.

Councilperson Heston asked that her appreciation be passed onto Mr. Kinsley for his part in having the remediation equipment behind the Texaco Station removed. She did note the PVC pipe that appears to contain electrical wires of some sort still remains and asked that these items also be removed.

Mr. Barkley reported that Mr. Kinsley will be attending Loudoun's Geological Informational Systems (GIS) forum in May.

4. Mayor's Report

Mayor Heyner reported that Councilperson Ramsey, Mr. Barkley and he had met with Purcellville Mayor Lazaro concerning a regional water plan/Sleeter Lake. Purcellville no longer has an urgent need to proceed with using Sleeter Lake as an additional water source. The development for both residential and commercial sites has slowed so at this time they cannot justify expansion of their water source.

Discussion followed on the next step for Round Hill – investigation of Sleeter Lake, surface water (large reservoir) and/or additional wells. It was agreed that the council was in need of the A&A Water Study Report, needing definite facts before further discussion. The Utility Committee will review and make a recommendation once the A&A study is received.

Ribbon Cutting Ceremony for the Community Garden Park is scheduled for Sunday, April 19th at 1 p.m.

Mayor Heyner reported that he had received a letter from Kevin Rogers and the HOA concerning the out-of-town rates charged by Round Hill and the decision made by the courts on this issue with the Town of Leesburg. Since they expect a response, Mayor Heyner stated that he would talk to the town attorney on an appropriate response. Short discussion followed on court ruling on Leesburg rates; and comparison of population of Round Hill in town users (200+) to out-of-town (900+). Councilperson Ramsey noted that he was doing an article on water/sewer rates and budget for this month's newsletter.

5. Utility Operations, Public Facilities and Projects Committee

A written report had been included in the council packet.

Vice Mayor Graham reported that the committee is also finalizing their recommendation on the water and sewer ordinances and will recommend that a public hearing on proposed amendments be held at the same time as the FY 2010 Budget Hearing. One of the proposed amendments is a recommendation to do away with the Red Door Hangers as a notice of imminent cut off of water service. Some type of door hanger will be used when the cut off actually happens.

A RFP for a town engineer is being developed and will be reviewed at the May meeting.

Discussion followed on members of the committee who do not attend the meetings. Since council felt it was important to have residential members on this committee, it was agreed that the current members who have not been attending the meeting be contacted by the Mayor to see if they wish to resign due to their time commitment, so that others can be appointed.

6. Administration and Communications Committee

Since the April Meeting had been cancelled, there was no report.

7. Land Use Committee

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

Mayor Heyner suggested that the comments received from Kathleen Luckard this evening be passed onto the Land Use Committee for review.

Councilperson Hummel reported that the Committee was reviewing the Planning Commission's recommendations on the amendments to Article 14 of the Zoning Ordinance and Section 5.7 of the SLDO on Landscaping and Screening. The Committee is also reviewing the proposed text

amendments to Section 4-200 – PD-CC District. Mayor Heyner felt that another public hearing will need to be held due to the extensive revisions made after the hearing on the original proposed amendments. He also suggested that Mr. Kinsley be directed to submit these new amendments to the owner of the properties that are within this district. It was also suggested that the property owner be invited to the next Land Use Committee meeting.

IN RE: EXECUTIVE SESSION

AT 9:45 p.m., Vice-Mayor Mary Anne Graham moved that pursuant to §2.2-3711 (a)(7) of the Code of Virginia, the Round Hill Town Council recess the regular meeting and enter into executive session, to consult with legal counsel pertaining to actual litigation. The following individuals were invited to attend the executive session: John Barkley and Betty Wolford. Councilperson Chris Prack seconded the motion. The motion to enter into executive session passed unanimously by voice vote of the council present, 5-0-1 (Councilperson Botsch absent for the vote).

<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

Vice-Mayor Mary Anne Graham moved that the Round Hill Town Council go out of closed session and reconvene the open meeting. Councilperson Mike Hummel seconded the motion. Motion to come out of executive session was approved by voice vote of the council present 5-0-1 (Councilperson Botsch absent for the vote).

<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

Vice-Mayor Mary Anne Graham motioned that the Round Hill Town Council reconvene its public session with Councilperson Mike Hummel seconding. Motion to reconvene public session was approved by voice vote of the council present 5-0-1 (Councilperson Botsch absent for the vote).

<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

Vice-Mayor Mary Anne Graham made the motion to certify that while in closed session, the Round Hill Town Council discussed (1) only public business matters lawfully exempted from open meeting requirements by Va. Code Section 2.2-3711 (a) (7) and (2) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the public body. Councilperson Mike Hummel seconded the motion. The motion certifying the executive session was approved by voice vote of the council present 5-0-1 (Councilperson Botsch absent for the vote).

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

IN RE: FY 2010 BUDGET REVIEW: GENERAL FUNDS

Council went through the General Draft Operating Budget, reviewing each line item. It was noted this draft budget shows the rate of \$0.20/\$100 for Real Estate Tax which is just slightly lower than the equalization rate; budget advertisement will show this rate, but council may go to \$0.19 (each \$0.01 of tax is an increase or decrease of approximately \$7,200). Discussion followed on:

The need for staff to review the copier contract/agreement pertaining to maintenance – eliminate if allowed; or replace copier. Go to Public Hearing with larger amount, reduce if possible;

Staff salaries currently, and at different percentage increases (1%, 1.5%, 2%, 2.5%);

Salaries will affect the amount transferred from the Utility Fund to the General Fund.

The General Capital Improvement Fund Draft was then reviewed. It was agreed that line item expenditures should be included for Gateway Signs and Sidewalk Improvements/Replacements.

Clean drafts of the General Fund Proposed Budgets will be presented at the April 23rd Work Session. This work session will be held to mainly review the Utility Fund Drafts.

IN RE: COUNCIL COMMENTS

Vice-Mayor Graham asked about having a town wide yard sale – simply giving some type of notification to residents of a common date for a yard sale and then advertising same in a local paper. After discussion, it was agreed that a town wide yard sale would be held on May 30th, an advertisement placed in a local paper welcoming Round Hill residents to participate.

Councilperson Ramsey reported that the Newsletter will be going to print early next week and distributed as soon as possible.

IN RE: EXECUTIVE SESSION

At 10:55 p.m., Vice-Mayor Mary Anne Graham moved that the Round Hill Town Council recess the regular meeting and enter into closed session to discuss personnel matters, the authority for this executive session found in §2.2-3711 (a)(1). Councilperson Scott Ramsey seconded the motion. Motion passed by voice vote of the council present 5-0-1 (Councilperson Hummel absent for the vote).

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

Vice-Mayor Mary Anne Graham motioned that the Round Hill Town Council adjourn the closed session and reconvene the open meeting. Councilperson Scott Ramsey seconded. Motion was approved by voice vote of the council present, 5-0-1 (Councilperson Hummel absent for the vote).

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

Vice-Mayor Mary Anne Graham moved that the Round Hill Town Council certify that while in closed session (1) only public business matters lawfully exempted from open meeting requirements under §2.2-3711 (a) (1); and (2) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the public body. Councilperson Scott Ramsey seconded. Motion certifying the closed session was approved by voice vote of the council present, 5-0-1 (Councilperson Hummel absent for the vote).

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

ADJOURNMENT

There being no further business meeting was adjourned at 11:45 p.m.

John Heyner, Mayor

Betty Woford, Recorder