

**ROUND HILL TOWN COUNCIL
REGULAR MEETING MINUTES
April 21, 2011**

A regular meeting of the Round Hill Town Council was held in the Town Office, 23 Main Street, Round Hill, VA, on Thursday, April 21, 2011.

Council Present

Scott Ramsey, Mayor
Mary Anne Graham, Vice-Mayor
R. Daniel Botsch
Janet Heston
Clarkson Klipple

Council Absent

Christopher Prack
Jennifer Grafton Theodore

Staff Present

John Barkley, Town Administrator
Rob Kinsley, Town Planner/Zoning Adm.
Betty Wolford, Treasurer
Maureen Gilmore, Town Attorney

Others Present

Deputy Matt Bressler, LC Sheriff's Dept.
Mr. & Mrs. Michael Healy, Residents
John Andrews, Lake Ridge Estates
Jordan Dimoff, Lake Ridge Estates

Attachments

- I. Agenda – April 21, 2011
- II. Letter/Background Information on utility issues, 18240 Turnberry Drive
- III. Draft Water Ordinance Amendment – Fire Suppression Systems
- IV. Article 16: Special Exception – Proposed Amendments
- V. N. VA Cigarette Tax Board
 - a. Resolution 2011-4
 - b. Letter of Interest
- VI. Western Sheriff's Substation, Site Plan Referral Review Letter dated April 12, 2011
- VII. Utility Operating and Capital Improvement Funds Draft Budgets
- VIII. Town Council Minutes – March 19, 2009
- IX. Draft Sewer Ordinance Amendment – Grinder Pump Systems
- X. Town Administrator Weekly Report dated April 13, 2009
- XI. Town Planner/Zoning Administrator Report dated April 13, 2009
- XII. Utility Operations, Public Facilities & Projects Committee Report, dated April 2, 2009
- XIII. Land Use Committee Report dated April 10, 2009

IN RE: CALL TO ORDER

Mayor Ramsey called the meeting to order at 7:30 p.m.

IN RE: PLEDGE OF ALLEGIANCE

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

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 change - under "Other Business" – move item #6 (FY 2012 Budget) to follow #1 (Request for Waiver).

Councilperson Dan Botsch seconded the motion.

Motion to approve the agenda with the change was approved by unanimous voice vote of the council present 4-0-2 (Councilperson Prack and Theodore absent for the vote).

IN RE: OTHER BUSINESS

1. Request for Waiver: M. Healy, 18240 Turnberry Drive

Mr. Healy was present to request a refund on water and sewer charges for services that he feels he never received. He noted that his bi-monthly water usage over the last six years prior to October of 2009 averaged between 5500 to 5900 gallons. Mr. Healy stated that the October 2009 invoice showed a higher usage and then steadily went up over the year resulting with the October 2010 bill showing a usage of over 16,000 gallons for the two month period.

He reported that he had initially starting working with the Utility Department to find the source of the problem. Mr. Healy then contacted a plumber in March of 2010 at which time some minor work was done within the house. With the high reading for the July and August period, Augustine Plumbing was again called – toilets and faucets were checked and no problems were found. Two months later, the bills showed an even higher usage and the plumber was again called. Paul Augustine, owner of the plumbing company, came and inspected the entire system. It was then that it was discovered that water was running frequently (every 3-6 minutes) at the pressure pump, which it is not supposed to do. It was determined that when the pressure pump built up it caused the water to flow; he felt that water may have been going back into the town's system and the flowing back through the meter again to the house thus causing the higher usage readings (double reading for the same water). The valve was replaced and average daily usage went from 250 gallons to 60-70 gallons

Mr. Healy requested that the town refund to him and his wife \$980.00 for water and sewer charges that covers the period of excessive usage. He explained that this amount is based on the difference between his average usage and the usage for which he was billed.

Vice Mayor Graham reported that Mr. Healy had attended the Utility Committee Meeting to discuss this problem and that town utility staff and town engineers were in attendance. The committee directed the Town Administrator and Town Utility Staff to come up with a suitable credit. Mr. Barkley referred to the town policy pertaining to refunds based on 3 billing periods of normal usage. Mayor Ramsey noted that the problem seems to have occurred for over a year with it becoming worse with the June, August and October 2010 readings. He suggested the town take the usage between October of 2009 and October of 2010 and apply a credit of what is over his average consumption. Mayor Ramsey asked for comments from the utility staff present.

Mr. Wolverton stated that the water from Mr. Healy's house did not go back into the system as this would have caused the meter to run backwards resulting in a lower reading. Mr. Feltner noted that he had spoken to Mr. Augustine who indicated that Mr. Healy did have a leak and some things had been replaced. He said that when the check valve was replaced inside the house, the average daily usage

became lower. Discussion followed on whether this water went into the sewage; working of a pressure pump; ordinance/policy; credit versus refund Council felt that water from the faulty pump/valve did not go into the sewer system.

Mayor Ramsey said that if this had been a billing error, it would have been handled administratively. But the staff believed the meter was correct, so it is up to the Council to determine if a refund should be given. He felt that one should assume that when this problem started the water did not go into the sewer system. Vice Mayor Graham stated that it took over a year to discover the problem. Mayor Ramsey noted the plumber costs shouldered by the Healys in trying to resolve the problem over this lengthy period.

Council Dan Botsch motioned the Staff be directed to determine what the average usage was for the Healys for the three previous billing cycles prior to the October 2009 reading; and then to use that average to find the difference against each reading starting with October of 2009 and ending with October of 2010 to determine the amount of the sewer credit to be given. Vice Mayor Mary Anne Graham seconded the motion.

The motion to give Mr. and Mrs. Healy a credit on their sewer usage was approved unanimously by roll call vote of the council present, 4-0-2, the votes being recorded as shown below:

| <u>MEMBER</u> | <u>VOTE</u> |
|------------------|-------------|
| Dan Botsch | aye |
| Jenny Theodore | absent |
| Janet Heston | aye |
| Mary Anne Graham | aye |
| Clarkson Klipple | aye |
| Chris Prack | absent |

Council determined that the next item for review/action should be the proposed Sewer Ordinance Amendment rather than the FY 2012 Budget review.

IN RE: ACTION ITEMS

1. Sewer Ordinance Amendment – Grinder Pump Systems

Vice Mayor Graham pointed out the proposed additions as:

- a. Sec 8. – definition of Grinder System; and
- b. Sec 12. – process for use, regulations pertaining to this alternative

She reported that these additions came from the engineers and town staff and believed that the town attorney had reviewed it as well. Mr. Barkley noted that the notices for this amendment had been advertised for two consecutive weeks in the Purcellville Gazette.

Vice Mayor Mary Anne Graham motioned to adopt the revisions and incorporate the changes dealing with grinder pumps into the town’s Sewer Ordinance. Councilperson Clark Klipple seconded the motion.

Councilperson Botsch suggested the following change for clarity:

Sec 12, 1st paragraph, last sentence – change the word “etc.” to property owner
Vice Mayor Graham noted that a period (.) was needed after “Sec 12.”

With Vice Mayor Graham and Councilperson Klipple accepting the changes, the motion to adopt the revisions/additions to the Round Hill Sewer Ordinance was approved by roll call vote of the council present by a vote of 3-1-2, the votes being recorded as shown below:

| <u>MEMBER</u> | <u>VOTE</u> |
|------------------|-------------|
| Dan Botsch | Aye |
| Jenny Theodore | Absent |
| Janet Heston | Nay |
| Mary Anne Graham | Aye |
| Clark Klipple | Aye |
| Chris Prack | Absent |

IN RE: OTHER BUSINESS (cont.)

2. FY 2012 Utility Operating and Capital Fund Draft Budgets

Council continued their review of the Utility Operating Budget (initial review on April 7th) including: 3% salary increase in pool for current Water/Sewer employees; a new employee in the WWTP Department and in the Water Department; gas/oil increase due to higher fuel rates and generator use, but less use of sludge truck; random drug testing – policy to do yearly; well security – fences to be installed this year (Mr. Wolverton indicated that he received the necessary installation information from engineers and plans to go out to bid immediately). Council reviewed the report for the transfer money from Utility to General based on salary percentage of some employees and their benefits as well as miscellaneous expenses.

Deputy Bressler arrived so budget review was stopped to allow for the deputies' report.

IN RE: COMMUNITY POLICING

Deputy Bressler reported on the larcenies that had occurred in homes in the Village and the Sheriff's Department investigations. These break-ins occurred within one to two days at the start of the school's spring break. Exterior doors were unlocked allowing easy access.

Deputy Bressler announced that 6-7 deputies would be helping on the town's Clean-Up Day on Saturday, May 14th. The Home Town Festival and deputy coverage was addressed as well as the use of the Smart Trailer for speed control.

IN RE: OTHER BUSINESS (cont.)

2. FY 2012 Capital Fund Draft Budget (cont.)

Council discussed Availability Fees (or lack of) and Oak Hill' connection and meter fees. The need to install the lift station at New Cut Road was mentioned and noted that staff plans to go out to bid for this installation (town purchased the lift station about 3 years ago). Council discussed the possible shared cost for this project (Oak Hill, Lake Ridge). Vice Mayor Graham noted that the town engineers suggested the town install the utility lines on Hayman Lane at the same time as this installation. Mr. Barkley stated that the DEQ grant is to be used for the water lines on Hayman Lane; the town will need to cover the cost of the sewer lines.

Mayor Ramsey pointed out the line item for Well Improvements, and asked if staff had any specific wells in mind. Mr. Barkley stated that the Route 719 North well was on the “front burner”. Discussion followed on the possible need to replace the pressure tank (would not pass certification as information on the name plate had deteriorated) or install a sand filter, and to rebuild the building at this well site. Other use of the money may be used for new wells and repairs of existing wells. The need for the installation of fencing for safety reasons during this current budget year was discussed. Mr. Wolverton noted that the town engineers had just completed the detail for this installation and bids would soon be requested.

Mr. Wolverton stated that several years ago the town put some money in escrow that included the purchase of a new truck. He noted that they would be “retiring” two of the existing trucks – the 1999 Chevy and the 1996 GMC. Mr. Wolverton stated that two “in house” bids had been offered. Councilperson Heston questioned getting rid of two vehicles and only obtaining one. Mr. Wolverton replied that the utility staff had decreased by two employees so fewer trucks were needed. Mr. Barkley and Mr. Wolverton were directed to advertise the sale of these two vehicles in a local paper as closed bids – to handle this issue properly.

Mr. Wolverton explained the need to purchase a total of approximately 1200 new meters as the existing ones were beyond their warranty. The draft budget of \$120,550 reflects the purchase of 890 meters. He stated that this year’s budget will allow for the purchase of 250 meters. These new meters have a 20 year warranty. Discussion of phasing installation, warranty life of existing (life is 5 years, have been in for 8 years) followed.

3. Draft Water Ordinance Amendment – Fire Suppression Systems

Vice Mayor Graham said that the additions to the Water Ordinance were shown on page 2, under Definitions, Section 16 and on page 4, Section 30. She noted that the draft came from Peed and Bortz and would require a Public Hearing before consideration. She requested that this amendment be advertised for a hearing, suggesting the same date as the FY 2012 Budget. Short discussion of holding hearing on regular meeting night rather than June 2nd followed. If held on same night as budget, advertisement needs to be separate from Budget.

Vice Mayor Graham noted the need for one change on page 4, Section 30, second line – keep the word owner after “and expense of the property”.

Councilperson Botsch suggested that Owner/ be added to Section 16, last sentence just before the word “Customer” so that it reads *Owner/Customer*.

Both changes were accepted.

4. Schedule Public Hearing – Amendments to Zoning Ordinance, Article 16

Councilperson Botsch reported that the Land Use Committee had discussed the proposed changes to Article 16, Special Exceptions and recommended bringing it to the council to schedule a Public Hearing.

Mr. Kinsley reported that the town attorney had reviewed the original draft, and most of the changes came from her. The amendments deal with eliminating the 30 days timeframe for recommendation to the Council by the Planning Commission - this would bring this section in conformance with the Code of Virginia.

Discussion followed on the 60 days limitation for Town Council action; and the possible need for separate public hearings by the commission and council to allow enough time for council to receive recommendation from the Planning Commission before taking any action. It was noted that separate hearings are not as financially burdensome as in the past.

Consensus of the council was to schedule a hearing on the proposed amendments to Article 16 of the Zoning Ordinance on the night of the council’s regular June meeting, June 16th.

5. Resolution 2011-04 – Authorizing a Letter of Interest to the Northern Virginia Cigarette Tax Board

Mr. Barkley passed out to the council a Draft Resolution that had been revised from the one in their packet per the town attorney’s recommendation. Approval of this resolution authorizes a letter be sent to the NVCTB requesting membership and gives the council the ability to incorporate a cigarette tax within the town. The letter would need to be submitted to the Board prior to their next scheduled meeting in June. Barkley noted that an ordinance would need to be in place by June 30th, before enactment of the tax. Mrs. Gilmore, town attorney, stated that she could assist with the letter and the ordinance. If accepted, the town would become “a member of the board” with a representative selected to attend the board meeting (which some thought were held quarterly).

Vice Mayor Mary Anne Graham motioned approval of Resolution 2011 – 4, Northern Virginia Cigarette Tax Board with Councilperson Dan Botsch seconding.

Discussion followed on rate for this tax in other jurisdictions as well as number of packs sold in town and other Loudoun towns; use of this tax money for capital improvements such as stormwater or the park.

Consensus of the council was to implement a \$0.15 per pack tax rate if approved.

Motion to approve Resolution 2011 – 4 was adopted by unanimous roll call vote of the council present by 4-0-2, the votes being recorded as shown below:

| <u>MEMBER</u> | <u>VOTE</u> |
|------------------|-------------|
| Dan Botsch | Aye |
| Jenny Theodore | Absent |
| Janet Heston | Aye |
| Mary Anne Graham | Aye |
| Clark Klipple | Aye |
| Chris Prack | Absent |

Council felt that the store owners in town needed to be contacted – Mr. Barkley was directed to do this. Mrs. Gilmore will work on the letter; she and Mr. Barkley will review ordinances used by other towns. Tax rate of \$0.15 per pack will be advertised along with the other town rates for the FY 2012 Budget. A May Public Hearing should be scheduled for the Ordinance; then action can be taken at the council’s June meeting.

6. Western Loudoun Sheriff’s Substation – Site Plan Referral Review

Mr. Kinsley, Town Planner/Zoning Administrator, did an internal review and incorporated into his April 12th letter the detailed remarks from the town engineers and town staff as well as some of the mayor’s comments.

Mayor Ramsey asked for council comments. Discussion followed on the proposed well site, public water and sewer to this site. Mr. Barkley noted that the staff provided only technical comments as the town council had already set policy and negotiated same with Loudoun County.

IN RE: ACTION ITEM

1. Approval of March 17, 2011 Town Council Meeting Minutes

Councilperson Botsch recommended the following changes:

- Page 3, third paragraph – after “Mr. Kinsley agreed”, delete one of the that words;

- Page 3, last line – delete second word “determined and replace with a determination;
- Page 4, fourth paragraph, second to last line – delete “to do” and replace with due to;
- Page 7, last Item Heading – delete “ADMINISTRATIVE” and replace with LAND USE.

Vice Mayor Mary Anne Graham motioned approval of the March 17, 2011 as corrected with Councilperson Clark Klipple seconding.

The motion approving the March 17th Minutes as corrected was approved by unanimous voice vote of the council present, 4-0-2, the votes being recorded as shown below:

| <u>MEMBER</u> | <u>VOTE</u> |
|------------------|-------------|
| Dan Botsch | Aye |
| Jenny Theodore | Absent |
| Janet Heston | Aye |
| Mary Anne Graham | Aye |
| Clark Klipple | Aye |
| Chris Prack | Absent |

2. Re-appointment, Board of Zoning Appeals

The term of William Heston has expired and he has indicated a desire to remain on the Board. The board consists of 5 appointees that sit on the board for staggered 5 year terms (there should also be a Planning Commission representative).

Councilperson Dan Botsch recommended that William Heston be reappointed to the Board of Zoning Appeals for a term effective April 1, 2011 through May 31, 2016. Vice Mayor Mary Anne Graham seconded the motion.

The motion to reappoint Mr. Heston to the BZA for a five year term was approved by roll call vote of the council present 3-0-3 as shown below:

| <u>MEMBER</u> | <u>VOTE</u> |
|------------------|-------------|
| Dan Botsch | Aye |
| Jenny Theodore | Absent |
| Janet Heston | Abstain |
| Mary Anne Graham | Aye |
| Clark Klipple | Aye |
| Chris Prack | Absent |

Councilperson Botsch asked the Zoning Administrator for the basis of Mr. Fredericks’ appeal to the BZA regarding the Zoning Determination.

Mr. Kinsley replied that perhaps he thought that the Zoning Administrator was trying to overturn the Council’s action on the Special Exception. He noted that his determination was that the first phase of the proposed construction would be in general conformance with the Special Exception; felt the only sunset issues were the landscaping which had to be completed by the end of April; and the 30 month deadline for submission of the Final Site Plan was from the approval date of the Special Exception. Mrs. Gilmore felt the determination was in conflict with Article 16, Section 4 pertaining to the automatic 30 month Special Exception expiration stated in the conditions; as well as being inconsistent with the alternative parking surface examples provided in Article 12, Section 10 of the town’s Zoning Ordinance. Council agreed to delay Reports discussion and skip to the Executive Session.

IN RE: EXECUTIVE SESSION

Vice-Mayor Mary Anne Graham moved that pursuant to §2.2-3711 (A)(3) 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 use of land and land acquisition. The following individuals were invited to attend the executive session: John Barkley, Rob Kinsley, Betty Wolford and Maureen Gilmore. Councilperson Dan Botsch seconded the motion. The motion to enter into executive session passed unanimously by voice vote of the council present, 4-0-2 (Councilpersons Theodore and Prack absent for the vote).

| <u>MEMBER</u> | <u>VOTE</u> |
|----------------------|--------------------|
| Dan Botsch | Aye |
| Jenny Theodore | Absent |
| Janet Heston | Aye |
| Mary Anne Graham | Aye |
| Clark Klipple | Aye |
| Chris Prack | Absent |

Vice-Mayor Mary Anne Graham moved that the Round Hill Town Council go out of closed session and reconvene the open meeting. Councilperson Dan Botsch seconded the motion. Motion to come out of executive session and to reconvene the open meeting was approved by voice vote of the council present 4-0-2 (Councilpersons Theodore and Prack absent for the vote).

| <u>MEMBER</u> | <u>VOTE</u> |
|----------------------|--------------------|
| Dan Botsch | Aye |
| Jenny Theodore | Absent |
| Janet Heston | Aye |
| Mary Anne Graham | Aye |
| Clark Klipple | Aye |
| Chris Prack | Absent |

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) (3); and (2) only such public business matters as were identified in the motion by which the closed meeting was convened heard, discussed or considered in the meeting by the public body. Councilperson Dan Botsch seconded the motion. The motion certifying the executive session was approved by voice vote of the council present 4-0-2 (Councilpersons Theodore and Prack absent for the vote).

| <u>MEMBER</u> | <u>VOTE</u> |
|----------------------|--------------------|
| Dan Botsch | Aye |
| Jenny Theodore | Absent |
| Jane Heston | Aye |
| Mary Anne Graham | Aye |
| Clark Klipple | Aye |
| Chris Prack | Absent |

IN RE: REPORTS

1. Town Administrator

A series of written reports dated from March 28th through April 15th had been submitted in the council's packet.

Vice Mayor Graham noted that at the last budget work session, the council directed Staff to start the hiring process for a Class II WWTP Operator and a Class III Water Operator. She asked if this had been done. Mr. Barkley reported that Mr. Wolverton was working on the job description as well as the advertisement which would be placed in the paper for hiring in July.

Vice Mayor Graham asked if monies had been put in the General CIP FY 2012 Budget for repaving the town office parking lot. Mr. Barkley responded that a proposal is forthcoming for resealing the lot as well as repainting of the parking spaces.

Councilperson Botsch asked about the Franklin Park Trail issues with storm drainage (pipe size, monetary contribution by county). Mr. Barkley noted that the town and Mr. Bowers (town engineer on project) had addressed this issue with the county. Mayor Ramsey noted that he too had talked to the county about their commitment. Discussion followed on drainage problems on Main Street, VDOT participation.

2. Town Planner/Zoning Administrator

Council received Mr. Kinsley's April 15th report in their packet.

3. Mayor's Report

No comments.

4. Utility Operations, Public Facilities and Projects Committee

Vice Mayor Graham asked that once Mr. Barkley and Ms. Krueger "figure out" the amount the Healy's will get on their water/sewer account, to let the council know; and also whether it will be a dollar figure or a credit on their account. Mr. Barkley said that it was the policy of the town to give a credit not a cash reimbursement.

Vice Mayor Graham noted that the committee did meet in April. She reported that the next meeting is scheduled for the second Tuesday of May.

5. Administration and Communications Committee

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

7. Land Use Committee

The April meeting had been cancelled also, so there was no report.

IN RE: COUNCIL COMMENTS

Mayor Ramsey noted that the Hometown Festival was scheduled for May 28th. He encouraged the council members to vote on their favorite t-shirt design (drawings were displayed on the town's front window).

Vice-Mayor Graham asked if another budget hearing was scheduled. Mr. Barkley noted that the budget schedule allowed flexibility in holding an additional session if the council felt one was needed. **Mayor Ramsey** suggested that the staff submit the proposed budget advertisement as well

as the fees to the council by next Thursday, April 28th. If anyone has any concerns, staff and all council members should be notified and a work shop will be scheduled for May 5th. If no comments are received, the ads will be placed at the appropriate time for a June 2, 2011 Public Hearing.

ADJOURNMENT

There being no further business meeting was adjourned at 11:05 p.m.

Scott Ramsey, Mayor

Betty Wolford, Temporary Recorder