

**ROUND HILL TOWN COUNCIL  
REGULAR MEETING MINUTES  
January 15, 2009**

A regular meeting of the Round Hill Town Council was held in the Town Office, 23 Main Street, Round Hill, VA, on Thursday, January 15, 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

**Others Present**

A. Taylor, Deputy Sheriff

**Attachments**

- I. Agenda
- II. Motion – Proposed ZMAP of 29-31 E. Loudoun St. from PD-CC to B-1
- III. Amendments to Section 5-607 “Child Care Facilities of Article 5
- IV. Proffer 38: Nature Preserve
- V. Approval of Minutes:
  - A. December 18, 2008 Town Council Meeting
  - B. January 8, 2009 Town Council Special Meeting
- VI. Town Administrator Report dated January 12, 2009
- VII. Town Planner/Zoning Administrator Report dated January 15, 2009

**IN RE: CALL TO ORDER**

Mayor Heyner 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: COMMUNITY POLICING**

**Deputy Aaron Taylor** reported that during the month of December deputies received calls in the Blue Ridge District for domestic disputes (parent/child), a missing person, a robbery and an abduction (child custody dispute). He noted other areas were experiencing problems with identity theft, day time burglaries and vehicle larcenies. Deputy Taylor reported that total incident reports for 2008 for the Blue Ridge District were 20,871.

Short discussion followed on the underpass tunnel located to the southeast of town – monitoring, removal of graffiti from the walls, VDOT responsibility, and installation of interior lights.

**IN RE: PUBLIC COMMENTS**

No comments were received.

**IN RE: APPROVAL OF AGENDA**

**Vice Mayor Mary Anne Graham motioned approval of the agenda with the following addition: under Item V, Business, add #3 – Hometown Festival. Councilperson Dan Botsch seconded. Motion to approve the agenda with the addition was approved by unanimous voice vote of the council 6-0-0.**

**IN RE: BUSINESS**

**1. Consideration of December 11, 2008 Joint Public Hearing Items**

- a. Proposed ZMAP of 29-31 East Loudoun Street from PD-CC to B-1  
Councilperson Hummel reported that the Planning Commission, at their January 13<sup>th</sup> regular meeting, did make a motion to recommend approval of this rezoning based on:
  - Directions from the Town Council in their “Intent to Amend”;
  - It is a non-conforming parcel with its present zoning (PD-CC minimum lot size is 6 acres);
  - The allowed uses within the B-1 District are more appropriate for this property.He stated that during discussions at the Land Use Committee, it was determined that the council did not do an “Intent to Amend”; directions were given by a member of the council to look into rezoning this parcel. Councilperson Hummel said that the Committee felt that the town should get a legal opinion from the town attorney on the Round Hill Associates proffers related to this property. The committee recommends tabling further discussions/actions or denying the Planning Commission’s recommendation.  
Discussion followed on PD-CC/B-1 zoning; public hearing comments (none against); property owners comments; legal opinion needed on proffer issue; process for rezoning – initiation by property owner versus initiation by town; Comprehensive Plan in relation to this property. Council tabled further discussion/action.  
Land Use Committee will ask the town attorney questions pertaining to proffers for this property (effect rezoning may have) and give their recommendation to the council.
  
- b. Schedule Joint Public Hearing on Proposed Text Amendments to Section 5-607 “Child Care Facilities”  
Councilperson Hummel stated that the Planning Commission had discussed this issue at their December meeting and felt that various zoning issues in need of a hearing should be “lumped together” for one Public Hearing.  
Proposed amendments to Section 5-607 will bring the town code into compliance with state regulations. Short discussion followed on definitions for facilities/home centers and the need to make sure these words are described under Definitions.

c. Home Town Festival

Toby Moriarity will chair the 2009 Hometown Festival Committee. It was agreed that the Council needs to give this committee more oversight, financial guidance.

**IN RE: ACTION ITEMS**

**1. Proffer 38: Nature Preserve**

A letter had been received from Kevin Rogers asking the council if they do or do not wish to have the Nature Preserve dedicated to the town. Discussion followed on the proffers in relation to the Consent Decree – dedication of nature preserve and well #27A; access road to well; vehicular traffic to well for maintenance; easement realignment (town administrator noted that R.H. Associates was amiable to changing location); transmission lines to well; well house off site (no specific location shown). In reviewing the different documents, council felt the nature preserve and developed well go hand in hand. That the town should not accept the nature preserve until a usable well is also ready for dedication; and this dedication should include connection lines, etc. Town Administrator will contact the Town Attorney to see if the clause linking the dedication of the well with the nature preserve is still in effect. This clause may be the town’s assurance of development of a well at this site.

**2. Approval of Town Council Meeting Minutes**

Council discussed the need to obtain the October meeting minutes as well as all town equipment. Staff was directed to take whatever means available in acquiring the reports and all equipment.

A. December 18, 2008 Town Council Regular Meeting

**Vice Mayor Mary Anne Graham motioned approval of the December 18, 2008 Meeting Minutes with Councilperson Dan Botsch seconding.**

After discussion, it was agreed that the following changes be made to these minutes:

Page 4 - #5 – last sentence in first paragraph – should read “Planning Commission has been tasked to determine that .....”;

Page 4 - #5 – first bullet – delete the word “schedule” and replace with the word require;

Page 5 – last sentence in the motion – delete the word “conduct”, replace with the word require;

Page 10 – under Council comments second line – citizen “was opposed to proposed expansion by adjacent property owner”, not wants to expand his use of his property.

**Vice Mayor Graham and Councilperson Botsch accepted these changes.**

**The motion to approve the December 18<sup>th</sup> Meeting Minutes with the above changes was approved by a voice vote of 6-0-0, the votes being recorded as shown below:**

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

B. January 8, 2009 Town Council Special Meeting

**Vice Mayor Mary Anne Graham motioned approval of the January 8, 2009 Special Meeting with Councilperson Chris Prack seconding.**

On the last page under Water/Sewer Projects discussion, the following should be inserted: the discussion on having the town administrator check to see if some of the VRA Bond monies could be used to complete the BNR/Phosphorus Removal Project.

**Vice Mayor Graham and Councilperson Ramsey agreed to this amendment.**

**The motion to approve the January 8, 2009 Special Meeting Minutes as amended was approved by voice vote of the council present, 6-0-0, the votes being recorded as shown below:**

<u>MEMBER</u>	<u>VOTE</u>
Dan Botsch	Aye
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 had been submitted to council for review.

Vice Mayor Graham asked about the BZA meeting that was recently held. Mr. Barkley reported that the BZA is required to conduct a meeting at least once a year – this was their annual meeting in which meeting minutes were approved. A report of the meeting will be emailed to the council.

Councilperson Botsch asked the status of the removal of the remediation equipment behind the Amoco station. Mr. Barkley responded that the equipment will remain through the first quarter of 2009 as sampling needs to continue – a determination will be made in March on discontinuing the treatment. Councilperson Botsch asked the Town Administrator to obtain the December data report for council review.

Councilperson Heston asked that Mr. Kinsley be asked to check on the status of the removal of the environmental remediation equipment behind the old Texaco station. Mr. Barkley noted that the paperwork on this removal had been delayed, but had been submitted in early January.

Councilperson Heston asked if a letter had been sent to Anderson & Associates about the need for timely submissions of their work/reports. Mr. Barkley replied that he had talked to A&A, but had not sent something in writing.

Vice Mayor Graham asked if a second proposal had been received on the BNR upgrades. Mr. Barkley stated that the second one had not yet been received.

Councilperson Ramsey asked the status of the water line work. Mr. Barkley stated that this work has been completed.

Mr. Barkley reported that Brian Smith (19 Bridge Street) will soon be connecting the apartment building to sewer. Discussion followed on availability fee (determined not required); may need an

easement for installation of line from house to main line – depends on location of line; connection to main. The property owner is responsible for all work.

Vice Mayor Graham asked the status of the Hayman Lane easements. Mr. Barkley responded that all but one property owner has been contacted and has verbally agreed; once easement location is realigned, signatures will be obtained. It was suggested that Anderson & Associates be contacted and strongly urged to complete this document since they have had it since October.

Discussion followed on the need to contact A&A by letter relaying to them the Town Council's displeasure in the time it takes for their submissions. Mr. Barkley will draft such a letter and the Mayor will sign.

Question on the status of the Verizon Cell Tower status was asked. It was noted that the monthly rental fees due from Verizon have been received even though no construction has begun. Mr. Barkley stated that Verizon has not given a date as to when the construction will begin.

Mayor Heyner asked what had transpired on the tree trimming after the meeting with the property owner and the arborist. Mr. Barkley responded that the arborist has not responded, and this information has been passed onto the property owner. Mr. Barkley was instructed to contact this arborist to get a proposal or to contact others for proposals.

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

Council received Mr. Kinsley's January 15th report this evening.

Councilperson Hummel reported that:

In the Creekside Development, one property owner is requesting the county to rezone his property back to the JLMA-1 zoning; county has suggested that all owners of property associated with this subdivision request rezoning at the same time.

Round Hill United Methodist Church has submitted their second re-submission on their SPEX;

Round Hill Amoco – Penneystone (property owners) will not sign the ingress/egress easement unless Gem Ram LLC does an easement on their property at the same time. Town Attorney has been contacted (the signing of this easement was a condition placed on the SPEX).

Holtzman has removed the old sign and phone booth from the property.

Discussion followed on the Amoco easement, SPEX condition; easement is needed to give GEM RAM access to their property once the Franklin Park Trail is completed; VDOT issues; easement would have no impact on Penneystone property.

## **4. Mayor's Report**

Mayor Heyner reported that VDOT had been contacted about their regulations for the width of the roadway at the Lake Ridge Subdivision. VDOT did not understand why the town was questioning their required roadway width. Councilperson Hummel and the developer did some research on this issue and will send their report onto VDOT.

## **5. Utility Operations, Public Facilities and Projects Committee**

Vice Mayor Graham reported that this committee had met last Friday. Mr. Barkley had submitted a written report on this meeting to the council. The Utility Staff recommends that the town remain on Voluntary Water Conservation. Committee is looking at: (1) options and/or going in a different

direction for the position of town engineer; (2) financing the BNR/Phosphorus Removal Project (possibly through the VRA Bond); and (3) water and sewer ordinance revisions. The committee will discuss these issues at their February meeting. One issue under the ordinance revisions pertains to the red door hangers – utility staff has been asked to come up with alternatives for this procedure on delinquent accounts.

Discussion followed on citizen members, particularly the two citizens who were members of the Utility committee and their lack of attendance for the last 2-3 months. Vice Mayor Graham noted that the town attorney had stated that citizen members on a town committee can participate in discussions but do not have an official vote. It was noted that all committee meetings are open to the public.

“Shovel Ready” projects/grant money was discussed – county participation in acquiring federal grant monies for applicants that qualify for the approved projects; what types of projects that could be considered “shovel ready”. When more information is available, Mr. Barkley will submit it to the council for review.

#### **6. Administration and Communications Committee**

Vice Mayor Graham reported that the committee is reviewing the communication and purchasing policies which have been submitted to the town attorney for her review and comment. These draft policies will be discussed at the next committee meeting.

#### **7. Land Use Committee**

Councilperson Hummel reported that the committee is reviewing the Blighted Ordinance with no action taken to date. The Committee is also reviewing issues pertaining to the Potts Barn /community garden parcels. Issues discussed included budget, liability, maintenance, site plan and rules/regulations.

Discussion followed on:

- the group’s hope to start the garden this spring;
- no monies allocated in the FY09 Budget;
- technical requirements for site plan – who is responsible party;
- fund raising efforts of group
- need for group to come up with budget
- need for group to come up with rules and regulations;
- maintenance of site (water, trash removal, site preparation, mowing);

It was noted that the above information pertaining to the need for plans outlining site maintenance and rules had been relayed to the group’s chairperson. And she had been instructed to submit same to the council for review/approval. Council directed the Zoning Administrator and the Town Administrator to contact Ms. Faber reiterating the need to complete these issues and submit them to the council.

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

**Councilperson Ramsey** asked if the Mayor had sent the letter to the county on the possibility of a Town Boundary Line Adjustment. Mayor Heyner indicated that he would do so.

**Vice Mayor** asked Mayor Heyner if a letter had been sent to Purcellville regarding the water study. Mayor Heyner's response was in the negative.

**Councilperson Hummel** asked that the Zoning Administrator work up a report on what issues are before the Planning Commission and what they has been done and what needs to be done on each.

**ADJOURNMENT**

There being no further business meeting was adjourned at 9:50 p.m.

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John Heyner, Mayor

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Betty Wolford, Recorder