

**ROUND HILL TOWN COUNCIL
MINUTES
July 16, 2009**

A regular meeting of the Round Hill Town Council was scheduled in the Town Office, 23 Main Street, Round Hill, VA, for Thursday, July 16, 2009.

Council Present

John Heyner, Mayor
Mary Anne Graham, Vice-Mayor
Janet Heston
Scott Ramsey

Absent

Dan Botsch
Mike Hummel
Chris Prack

Staff Present

John Barkley, Town Administrator
Rob Kinsley, Town Planner/Zon. Adm
Betty Wolford, Treasurer
Alan Wolverson, Utility Supervisor
Marty Feltner, Asst. Utility Supervisor

Others Present

Deputy Chad Davis, L.C. Sheriff's Dept.
Fred Mueller, President, RHVFD
Debbie Heimburger, Owner, Hill High Store
Keith Lane, Peed & Bortz
Russell Jackson, Peed & Bortz

Attachments

- I. Agenda – July 16, 2009
- II. Round Hill Volunteer Fire Department Letter, dated July 7, 2009
- III. Hill High Pies email, dated June 25, 2009
- IV. Town Council Meeting Minutes, June 18, 2009
- V. Peed & Bortz Round Hill WWTP Upgrades PER, dated May 8, 2009
- VI. Peed & Bortz Preliminary Engineering Report Summary on WWTP upgrades, dated June 12, 2009
- VII. Amendments to Article 14, “Landscaping and Screening”, Town Zoning Ordinance
- VIII. Amendments to Section 5.7, “Landscaping” Town Subdivision and Land Development Ordinance
- IX. Amendment to Article 19, “Violations and Penalties”, Town Zoning Ordinance
- X. Amendments to Section 15.5.3.B, “Variances – Procedures” of Article 15 “Board of Zoning Appeals”, Town Zoning Ordinance
- XI. Department of Transportation Letter of Recommendation for Commercial Entrance Revisions, dated July 1, 2009
- XII. Amendments to Section 5-607, “Child Care Facilities” of Article 15, Town Zoning Ordinance
- XIII. Tree Repair Proposal, dated July 8, 2009
- XIV. Town Administrator Weekly Reports:
 - a. June 13, 2009
- XV. Town Planner/Zoning Administrator Report, dated July 14, 2009
- XVI. Utility Operations, Public Facilities & Projects Committee Meeting Summary Notes, dated July 10, 2009
- XVII. Administration & Communications Committee Meeting Summary Notes, dated July 8, 2009
- XVIII. Land Use Committee Meeting Notes, dated July 8, 2009

IN RE: CALL TO ORDER

Mayor Heyner deemed that with three members of the council absent, there was not a quorum. Items on the agenda would be discussed, but no action would be taken.

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 Chad Davis reported that there had been some “activity” in Round Hill and the area, including an armed robbery at one of the local markets on Main Street and vehicle break ins (approximately 15). Deputy Davis indicated that evening/night foot and bike patrols would be occurring and asked residents to contact the Sheriff’s Department if anyone sees something suspicious.

IN RE: PUBLIC COMMENTS

No comments were received.

IN RE: APPROVAL OF AGENDA

No action taken.

IN RE: BUSINESS

1. Request for Memorial Tree Planting in Town Park – Round Hill Volunteer Fire Department

Fred Mueller, President of the RHVFD, reported that a valuable member of the department, Nick Bamburak, had passed away several years ago and a memorial fund had been set up in his name. The Department’s Board had discussed different ways to honor Mr. Bamburak with one option being to plant a tree at the town park. Before further steps are taken, the department is asking the town council if it would be possible to plant a tree in the park with a small memorial plaque honoring Nick Bamburak. Mayor Heyner suggested that the RHVFD work with the town staff to acquire a listing of acceptable trees and possible site and then come back to the council with a formal proposal. Alan Wolverton suggested that the Community Garden Park would be a good site for new plantings. Mayor Heyner stated that the garden park site would not be appropriate, since this property has not been designated a permanent Town Park.

2. Presentation by Hill High Orchards

Debbie Heimburger, owner of Hill High Orchards Country Store, spoke of the store’s past history and current status, noting that the store with its covered wagon has been referred to as Loudoun’s Western Gateway. She noted that she and her husband purchased the business in 2006 with a mission to support the local agriculture and the community. Presently there is a Farmers Market open each Saturday from 10 am – 2 pm; art is displayed by local artists; employees include 6 full time and 6 part time local residents. Ms. Heimburger mentioned that long term plans may include wine testing

events, a canning facility, a nursery/landscaping shop area and community events. She asked that the council give her suggestions on how the store can “partner” with the Round Hill Community.

3. Engineering Services – Basic Ordering Agreement

Vice Mayor Graham reported that the town had received proposals for engineering services from eight firms. She indicated that there are several selection options including:

- the Council holding a separate meeting to discuss recommendations made by the Utility Committee (she noted that the staff is willing to meet with the council at an evening meeting); and/or
- the Town Council reviewing all received proposals and each member make a recommendation(s).

Vice Mayor Graham suggested that council be prepared for discussion and action at the August regular meeting. Councilperson Ramsey felt that, at a regular meeting, the council should discuss recommendations received from the Utility Committee. Mayor Heyner concurred, suggesting that the Utility Committee present the Council with 2-3 recommendations with comments/explanations upon which the council could then make a decision which could be a “mixture” of firms selected. Discussion followed on location of firms that had submitted proposals; different expertise that each may have; and comparable costs presented by the different firms. Vice Mayor Graham felt that this selection(s) was important and each council member should take time to review the proposals thoroughly.

4. Council Quorum

Discussion of what makes up a quorum of the council – three of six council members or four of seven members of the council (includes both Mayor and Council). The town code addresses membership in two sections – one states that the Mayor and Council compose the seven member council; another section addresses a quorum, stating that four members of the council shall constitute a quorum.

Mayor Heyner and council members present felt that the meeting should continue as a non action meeting and noted the following:

- the Mayor can schedule Public Hearings;
- the Wastewater Treatment Plant Upgrades were time sensitive; a discussion could take place, but there would be no action;
- Council did need to take action as soon as possible on proposed WWTP upgrades;
- If upgrades are approved, a budget amendment would be needed depending on total amount of project.
- A Special Meeting may be needed to vote on the WWTP upgrades.

IN RE: DISCUSSION OF ACTION ITEMS

1. Approval of Meeting Minutes

a. June 18, 2009 Regular Meeting

No action taken

2. Preliminary Engineering Report: Wastewater Treatment Plant Upgrades

Keith Lane and Russell Jackson, of Peed & Bortz, were in attendance to make a presentation on proposed upgrades/expansion of the WWTP as well as to answer any questions the council may have. Mr. Lane submitted a one page “talking point” (not included) to the council, noting that Peed & Bortz had been requested by the town to evaluate the WWTP and to give recommendation on upgrades

needed to meet new allocation requirements for nitrogen and phosphorus discharges. These new requirements pertain to the need to reduce certain level of nutrients discharging into the Chesapeake Bay watershed. The Town must meet these requirements for nutrient Waste Load Allocations (WLA) no later than January 1, 2011. Mr. Lane reported that the town's WWTP current design flow is 0.5 MGD; but the WLA was assigned for a flow of 0.75 MGD (town had expected to expand the plant within 5 year and had asked for the additional capacity). DEQ may or may not reevaluate the facility after the January 2011 date. If the plant is reevaluated, the town's WLA may be reduced since the design flow is currently 0.5 MGD which would affect the current nitrogen and phosphorus WLAs. In order to keep the current 0.75 MGD and to plan for future growth, the town would need to expand the WWTP to 0.75 MGD by December 31, 2010. Mr. Lane noted the town's WWTP is currently treating less than 0.2 MGD which may be due to water restrictions imposed for the last few years. (Some council members felt that it may also be due to the high utility rates imposed on users). Mr. Lane spoke of some recommended improvements for processing waste:

- Upgrade the current aeration system with diffused aeration;
- Replace the UV system with a new one, noting that the current UV System works but spare parts and support are almost impossible to find;
- Replace the current process for handling sludge with a system that would allow the staff to dewater the sludge, to lower the phosphorus levels and to lower costs associated with sludge handling.

He felt the town has several options before them:

- A. Do nothing – if DEQ reevaluates, the capacity will be reduced and the town may be requested to purchase credits to protect the WLA (state has made no decision on credits nor cost for each credit);
- B. No WWTP Expansion – replace the UV system and install a Sludge Dewatering system; this will improve the plant today, but not meet the limits for new nutrient discharges in 2011; and the town may loose the extra design flow;
- C. Expand the WWTP to 0.75 MGD with the improvements listed in #B; this is what the town had in mind when the WWTP was built in the early 2000s and it will protect the allocations; it would not include the Aerobic Digester nor the Diffused Aeration;
- D. WWTP Expansion plus all improvements – Phosphorus Removal, Sludge Press, UV Disinfection replacement, Diffused Aeration and Aerobic Digesters.

Mr. Lane strongly urged the council to consider option #D, noting that with an expansion, the waste load would be protected. He noted the Sludge Press would greatly improve the sludge handling process; the SBR Aeration would allow the town to have better treatment control as well as removing nitrogen and meeting testing regulations. Then the town would not have to purchase nutrient credits.

Mr. Lane said that an estimate on costs associated with each option is as follows:

- A. \$0
- B. \$720,000 for installation plus contingencies
- C. \$1.8 million
- D. \$2,5 million

Councilperson Ramsey asked what improvements would be considered the highest priority. The response was the upgrades to the SBR Aeration System, the Sludge Dewatering and the UV Replacement. Russ Jackson stated that the improvement with the highest expense would be the Sludge Press at a cost of approximately \$400,000 plus parts.

Discussion followed on the current treatment and proposed nitrogen and phosphorus removal; costs associated with sludge removal; current design flow of 0.5 MGD and the WLA assigned capacity of 0.75 MGD; current discharge flow of less than 0.2 MGD; new DEQ testing and flow requirements; need for diffused aeration treatment and for alum feed for phosphorus removal; need not to overload current process; eliminating the 3rd SBR and just doing the Sludge Press and Alum Feed.

Also discussed was the current flow of less than 0.2 MGD with 1200 connections; time table for growth to need 0.75 MGD; if Round Hill wants to have 0.75 MGD capacity; life of a plant before any reconstruction is needed; water usage and restriction with only 1200 connection; current water supply would not meet demands for 0.5 MGD much less 0.75 MGD; current customers being required to pay for something that may or may not be used 15-20 years down the road; paying now, saving later; using all of the recently refinanced VRA monies for sewer upgrades; additional loan debt will be needed to allow for needed water improvements – Stoneleigh Tank and small reservoir improvements.

Councilperson Ramsey stated that he needed to fully understand so as to explain why the town is expanding the WWTP to 0.75 MGD when the system is currently using less than 0.2 MGD. He felt this was an unplanned capital expenditure and needed to be fully understood, reviewed and considered before a decision is made. Mayor Heyner agreed, noting that with the highest utility rates in the state, it would be hard to explain why there is a need for more capacity when the town's current usage is less than half of the current capacity.

Mr. Lane and Mr. Jackson were asked to come back with a dollar figure for a 5th option – no expansion and 3rd SBR but with the Sludge Press, the UV replacement, the Diffused Aeration and the Alum Feed for Phosphorus Removal plus the equipment needed to improve the process for removing nitrogen and phosphorus.

Discussion followed on costs associated with various treatment and daily operations. Mr. Lane spoke of engineering and construction time tables for meeting state regulations – need to start the engineering design as soon as possible in order to go out for construction bids in October and to have a startup date for construction for January of 2010. Mr. Jackson stated that the 5th option would be submitted to the town in the next couple of days.

Council discussed state regulations and lack of funding; purchase of credits and possibility that there may be no credits to purchase; possible violation notice and associated fine if town doesn't meet requirements.

The Council will hold a Special Meeting to discuss and to take action on WWTP upgrades on either July 23rd or July 31st, depending on which night members of the Council can attend.

3. Schedule Public Hearings:

The following Amendments were scheduled for a Joint Public Hearing with the Town Council and the Planning Commission for 7:00 pm on September 3, 2009 (if this date “works for” the Planning Commission):

- Amendments to Article 19, “Violations and Penalties”, Town Zoning Ordinance
- Amendments to Section 15-5.3.B, “Variance Procedure” of Article 15, “Board of Zoning Appeals”, Town Zoning Ordinance
- Amendment to BP/Amoco Special Exception Permit: Removal of Condition
- Amendments to Section 5-607, “Child Care”, Town Zoning Ordinance

Mr. Kinsley reported that Holtzman would like a hearing on the SPEX for the BP/Amoco as soon as possible and is working on revisions.

The following will be scheduled for a Town Council Public Hearing on September 3, 2009 to follow the Joint Hearing:

- Amendments to Town Water Ordinance
- Amendments to Town Sewer Ordinance

- Amendments to Article 14, “Landscaping and Screening”, Town Zoning Ordinance
- Amendments to Section 5.7, “Landscaping”, Town Subdivision Land Development Ordinance

Mr. Barkley submitted revised draft water and sewer ordinances, noting that he had made the requested changes addressed at the last council meeting. He noted that revisions submitted by the town attorney were included in this draft.

4. Proposal for Tree Repair Services

Mr. Barkley stated that he had made a request to three companies, with just one response received in the amount of \$2,850.

Mayor Heyner asked what the top dollar figure for Town Administrator approval was in the Purchasing Policy. Mr. Barkley responded that it was \$15,000. Mayor Heyner felt if the proposal was within the approved FY 2010 Budget, the Town Administrator could approve a proposal and administer it. Council discussed the need for Mr. Barkley to “be on top” of this project and to keep Mrs. Barnes informed.

IN RE: REPORTS

1. Town Administrator

Written Town Administrator Weekly Reports for the week of July 14th been submitted.

Mr. Barkley was asked about the scheduled meeting with the county on the proposed Sheriff’s Substation. The response was that Dewberry (engineers on this project) has been working at the site; that he had met with county staff along with Mr. Wolverson and Mr. Feltner to discuss town utilities. The county will submit additional information to the town pertaining to building size (presently proposing 16,000 sq. ft. with an option of 18,000 sq. ft.), utility connection site which would aid in costs associated with meter and pipe size. Mr. Barkley reported that the county plans to hold a public informational meeting on this issue on August 6, 2009 at 7:30 pm at the Round Hill Elementary School. This meeting information will be placed on the town’s website.

Councilperson Heston asked about Verizon (cellular service at water tower on Evening Star Dr.). Mr. Barkley responded that they are working on the access at this time. He noted that T-Mobile is to contact Verizon about using their conduits/access. The town will be working with Loudoun County to obtain a Special Exception Permit for additional connections of cellular equipment (including T-Mobile). Discussion followed on Verizon having to obtain own SPEX; town involvement in SPEX (requesting up to 3 additional connections to save time – that would make a maximum of 4); probability of fees being waived by county.

Councilperson Ramsey asked the status of the new Bond. Mr. Barkley responded that it has been finalized, but the paper work has not been received. Councilperson Ramsey stated that there was not enough money in this bond to do both the proposed WWTP upgrades and the water projects. The council will have to identify the need for another Bond to either cover the WWTP improvements or to cover the water improvements which include the Stoneleigh Tank and the Small Reservoir.

Councilperson Ramsey said that he did not know how much longer the water projects identified in the 2003 Bond Project could wait.

Discussion followed on annual loan payments compared to revenues; recent refinancing to lower this annual debt payment for awhile; need to be convinced on DEQ requirements.

2. Town Planner/Zoning Administrator

Mr. Kinsley had submitted his July 14th Town Planner and Zoning Administrator’s Report.

Discussion followed on BP/Amoco site SPEX issue; allowed improvement to building and pumps; service station opening. VDOT has approved two adjacent entrances, each 30 feet wide, for the BP/Amoco and for the medical center. Because of this approval, no access easement is required. The joint public hearing is needed to modify this SPEX requirement to record a public access easement at the eastern portion of the Penneystone property. Once the SPEX goes forward, the canopy and the sign can be installed.

4. Mayor's Report

a. Sheriff's Western Substation

Mayor Heyner reported that information on the Sheriff's Substation had appeared on Supervisor Jim Burton's Newsletter. He noted that he had contacted Mr. Burton expressing again the need for better communication. Mr. Burton indicated that he would follow up and make sure that those working on the size and design of the substation would involve the town. The county plans to go through the SPEX process before purchasing the property.

A short discussion followed on cost of property, town involvement in design (residential look), and SPEX process.

b. Franklin Park Trail

Because of the entrance changes made to original plan and alignment issues through Franklin Park, the start up date will not be the end of this summer. The revised plan has been forwarded to VDOT for review and comment; bids should go out in November or December with construction to begin in early spring of 2010.

c. HOA/Oak Hill

Vice Mayor Graham asked if a response to Kevin Rogers had been sent. Mayor Heyner responded yes and asked Mr. Barkley to send the council copies of said letter.

5. Utility Operations, Public Facilities and Projects Committee

Vice Mayor Graham noted the written summary notes submitted.

6. Administration and Communications Committee

Councilperson Ramsey asked if the town had started receiving online Bill paying. The response was in the negative. Discussion followed on options for this – bank program or Logics system.

7. Land Use Committee

Discussion followed on PD-CC District regulations, current and proposed; proffer protection; purpose of amending regulations within this district. Two members are to submit additional information on building size and other jurisdiction regulations to the Committee as a whole for review and discussion at the next meeting.

Councilperson Ramsey reported that the a presentation on a concept plan for the Thomas and Walraven properties just west of town had been given by their planning consultant, Beck Dickerson. Proposal would include private roads, small lots, and a lot of open space. The concept plan shows 64 residential units with a HOA. Vice Mayor Graham questioned if the town had enough water quantity. Mr. Wolverton responded yes, but felt the town should require some type of monetary contribution for infrastructure improvements. Discussion followed on BLA of properties, possible zoning amendments needed, cluster zoning, HOA, small lots and narrow roadways.

IN RE: COUNCIL COMMENTS

Vice Mayor Graham stated that about a month ago a group had used the park for a yard sale; a desk was discarded and the staff had to haul it away. She suggested the town consider charging a “deposit” for use of the park. Discussion followed on this site being a public park, process for items left behind.

Mayor Heyner reported that he had received a request from the Community Garden Park to hold a “get together” of members and their families at the park site. Mr. Kinsley had reviewed the regulations for this committee as well as the February town council minutes that refer to the regulations set. The rules allow special events as long as the town is contacted and approves the event. Discussion followed on the request for two picnics for garden club members and their families, adjacent residential neighborhood, parking issues/problems. Council present agreed that as long as the committee makes a request first, such events could be approved by the Zoning Administrator.

ADJOURNMENT

There being no further discussions, the session ended at 10:35 p.m.

John W. Heyner, Mayor

Betty Wolford, Temporary Recorder