

**ROUND HILL TOWN COUNCIL
REGULAR MEETING MINUTES
June 18, 2009**

A regular meeting of the Round Hill Town Council was held in the Town Office, 23 Main Street, Round Hill, VA, on Thursday, June 18, 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
Rob Kinsley, Town Planner/Zon. Adm
Betty Wolford, Treasurer

Others Present

Deputy Chad Davis

Attachments

- I. Agenda – June 18, 2009
- II. Anderson & Associates Letter dated May 26, 2009 responding to questions pertaining to Water Resources Planning Study
- III. Town Council Meeting Minutes
 - a. May 21, 2009 – Regular Meeting
 - b. June 4, 2009 – Public Hearing on FY 2010 Budget, Tax Rates and Fees
- IV. Proposed Water Ordinance Revisions, dated May 21, 2009
- V. Proposed Sewer Ordinance Revisions, dated May 21, 2009
- VI. Ordinance: Amending Article 14, “Landscaping and Screening”, Town Zoning Ordinance
- VII. Ordinance: Amending Section 5.7, “Landscaping” Town Subdivision and Land Development Ordinance
- VIII. Advertisement for Proposed FY 2010 Budget and Rates
- IX. Proposed FY 2010 Budget
- X. Resolution 2009-04: Authorizing Appropriation and Expenditure for Release
- XI. Town Administrator Weekly Reports:
 - a. June 15, 2009
 - b. June 8, 2009
 - c. June 1, 2009
 - d. May 26, 2009
- XII. Town Planner/Zoning Administrator Report, dated June 15, 2009

IN RE: CALL TO ORDER

Mayor Heyner called the meeting to order at 7:31 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 Chad Davis reported that there appeared to be nothing “going on” in the Round Hill area; that he had received no complaints. He noted that he is investigating the issue received from a local resident at the last council meeting.

IN RE: PUBLIC COMMENTS

No comments were received.

IN RE: APPROVAL OF AGENDA

Vice Mayor Mary Anne Graham motioned approval of the agenda with Janet Heston seconding. Motion to approve the agenda as presented was approved by unanimous voice vote of the council present 6-0-0.

IN RE: BUSINESS

1. 2009 VRA Spring Pooled Bond Program: Update

Mr. Barkley reported that the town should be receiving the final documents for this bond soon; upon receipt will distribute the information electronically if possible. He noted that the amounts had not changed - the total amount being borrowed will be a little under \$7 million at 4 ½% interest. This refinancing will allow the town to keep the debt service manageable for the next couple of years.

2. Water Resources Planning Study: Discussion

Council members had received a copy of the latest draft of Anderson & Associates’ Water Resources Planning Study as well as their May 26, 2009 letter, responding to questions the Council had on this Study. Vice Mayor Graham reported that the Utility Committee had reviewed/discussed this draft at their meeting, noticed some flaws and were recommending that the study be submitted to the engineering firm (selected in July) to address these flaws. Discussion followed on A&A’s evaluation of wells and recommendations; town staff involvement in work; the pros and cons of various water sources (large reservoir, lake, wells); yield of individual wells. Councilperson Ramsey stated that the goal of this study was to aid the town in setting rates and future planning of water sources.

IN RE: ACTION ITEMS

1. Approval of Meeting Minutes

a. May 21, 2009 Regular Meeting

Councilperson Scott Ramsey motioned approval of the May 21, 2009 Meeting Minutes as presented with Vice Mayor Mary Anne Graham seconding.

The motion to approve the May 21, 2009 Meeting Minutes as presented passed by a voice vote of council present, 5-0-1, the votes being 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

b. Approval of the June 4, 2009 Public Hearing Minutes

Vice Mayor Mary Anne Graham motioned the minutes be approved as presented.

Councilperson Chris Prack seconded the motion.

Motion to approve the June 4, 2009 Public Hearing Minutes on the 2009-2010 Budget and the Rates/Fees passed by voice vote of the council present, 5-0-1, the votes recorded as shown below:

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

2. Water and Sewer Ordinances Revisions

Vice Mayor Graham noted that the Council had received two copies of each ordinance; the first shows the suggested changes in green and the second is a clean copy with changes incorporated into the various sections.

Councilperson Hummel stated that the sections of both ordinances pertaining to time table of payment of the availability fees had not been changed as requested. Councilperson Ramsey agreed, noting that the word "preliminary" was to be changed to final per discussion at the last council meeting. Councilperson Ramsey asked if the Town Attorney had reviewed the proposed amendments as well as submission of a draft on water theft penalties (replacing Section 5 of Article X of Water Ordinance). Discussion followed on need for backflow prevention language in hydrant use; charge for value of water and any clean up fees (discharging substances into the sewer system which may be harmful); violation fees. Mr. Barkley was directed to contact Maureen Gilmore to: (1) review and comment on proposed utility ordinance amendments; (2) draft a section on water theft with charges and penalties; and (3) review Article VII of the Sewer Ordinance, making sure the language for penalties is sufficient.

3. Ordinance: Amending Article 14, "Landscaping and Screening", Town Zoning Ordinance

The Planning Commission, at their April 7, 2009 Meeting, made a recommendation for adoption of the amendments to Article 14. Councilperson Hummel noted that the Land Use Committee had reviewed and edited the amendments and their version is before the Council this evening for consideration.

Councilperson Mike Hummel motioned approval of the amendments to Article 14 as presented.

Vice Mayor Mary Anne Graham seconded.

A typo error was noted – page 1, Section 14.2, first line – “plans” should be changed to **plan** (the letter “s” deleted). Also noted was the need to insert in the same section, the word **be** after “streets which are to” and before “dedicated for public use”.

Councilperson Botsch stated that he had some concerns with the amendments. His main concern was in Section 14.4, #b, third paragraph – felt it did not meet the intent of providing opaque screening; in using the planting outline, one may not have “opaque” screening for decades. Mr. Botsch asked who makes the choice of using a solid wall or fence to reduce the required buffer yard – the applicant/developer or the Zoning Administrator. Mr. Kinsley responded that it was a determination of the Zoning Administrator. Discussion followed on height of fence (option of 5 feet); direction the “finished” fence would face (inward, not exposed to adjacent property); density of plantings; buffer yards; staggered plantings.

It was determined that a second sentence be added in the second paragraph (sentence ending with words “50 percent”) in Section 14.4, #b – **Posts and bracing shall not be exposed to adjacent property(ies).** Mr. Kinsley will review other ordinance and deem if a 5 foot fence could be an option.

To meet most of the combination of the different scale of trees and the intent of this section, it was agreed that the fourth paragraph should be read as follows: “Buffer yards shall contain sufficient trees and shrubs to provide a **solid** screen between uses once the trees and shrubs have reached maturity. **A solid** screen is intended to exclude **most** visual contact between uses and to create a strong impression of separation. **To meet the requirements of this section, buffer yards must contain all of the following: (i) understory** trees planted at a rate of 1 tree per 30 feet or canopy trees planted at a rate of 1 tree per 40 feet; (ii) evergreen trees planted at a rate of 1 tree per **15** feet; and (iii) shrubs planted at a rate of 3 shrubs per 10 feet in required buffer yards of 10 feet **and 6 shrubs per 10 feet** in required buffer yards of 25 feet. **Trees and shrubs shall be staggered and placed to achieve maximum screening from intensive use areas of adjoining properties.** Existing vegetation, such as hedgerows and trees, may be used to satisfy some or all of the requirements of this section if determined by the Zoning Administrator to be adequate.”

After discussion, it was decided to add the following to Section 14.4 as #c: **The Planning Commission may reduce the requirements of this Section when such landscaped areas cannot be reasonably provided because of parking lot size, existing structures or other unique features.**

In Section 14.6, #c, correct “can not” to **cannot**.

Councilperson Botsch asked that in Section 14.7, the following be inserted at the end of the second sentence: after “disease and infestation”, add **and kept free of refuse and debris.**

Mr. Botsch felt that in Section 14.8, #a, first sentence, the words “time frames” perhaps should be one word, **timeframes**. Mr. Kinsley will check.

Councilperson Hummel asked that the format for this Article be consistent, noting the differences in the underlining for the captioned Sections.

Discussion followed on the various trees allowed and the condition/size. It was determined that in Section 14.10, #b, the following changes be made:

- (1) To #1, add **Canopy** as first word before street;

- (2) To #1, add the words **measured at 3 feet above grade** to the end of sentence;
- (3) Delete #2 and #3;
- (4) Change the following numbers to correspond with #1 and # 2

Mr. Kinsley will make the revisions as specified above for review by the Land Use Committee and the Council. Because of the significant changes made since the Public Hearing last August, another hearing will need to be scheduled.

4. Ordinance: Amending Section 5.7, “Landscaping and Screening”. Town Subdivision and Land Development Ordinance

Council discussed clean up of ordinance, bringing them up to date. Mr. Hummel suggested the Council give some thought to keeping the hearings/motions together on the landscaping revisions to the Zoning Ordinance and the SLDO.

Council discussed rain gardens and stormwater management; site plan process; maintenance enforcement.

The following changes were made:

- Section 5.7.4, end the sentence after the words ‘landscaping cost’.
- Same section, new second sentence should read – “Such bond shall not be released until one year after **either the** release of the performance bond or the **issuance of the** last occupancy permit (delete the word issued) if no performance bond is required”;
- Section 5.7.14, sentence should now read : “All planting shall be done by a professional landscape contractor and shall be guaranteed for one year”;
- Section 5.7.16, add **and they shall be kept free of refuse and debris** to the end of the sentence;
- Section 5.7.18 – **Delete**

Mr. Kinsley will make these new revisions for Land Use Committee and Council review. The Land Use Committee will meet before the next Council meeting and make recommendations on text amendments to the Zoning Ordinance and the SLDO. The Council should schedule the Public Hearing date at their July meeting.

5. FY 2009 Auditing Services Agreement: Selection

Mr. Barkley reported that the town had received one proposal for the auditing service – from Mitchell and Company at \$11,500.

Mr. Barkley gave a brief history of Mr. Mitchell’s work with the town over the past years, noting that the staff is comfortable working with Mitchell and Company and feel that they have done an excellent job.

Discussion followed on comparison of hourly rates, RFP.

Councilperson Dan Botsch made the motion to recommend acceptance of the proposal for Auditing Services from Mitchell and Company. Vice Mayor Mary Anne Graham seconded. Motion to accept the proposal from Mitchell & Company for Auditing Services was approved by voice vote of the council present 6-0-0, the ayes 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

6. Adoption of Fiscal Year 2010 Budget and Tax Rates and Fees

Councilperson Scott Ramsey motioned that the Council adopt the FY 2010 Budget, Tax Rates and Fees as advertised and presented. Councilperson Chris Prack seconded.

Motion to adopt the FY 2010 Budget, Rates and Fees was approved by voice vote of the Council present 4-2-0, the ayes and the nays shown below.

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

7. Resolution 2009-04: Authorizing Appropriation and Expenditure for Release of FY 2010 Funds

Vice Mayor Mary Anne Graham motioned that Resolution 2009 – 04 (see below) be approved with Councilperson Dan Botsch seconding.

**TOWN OF ROUND HILL
LOUDOUN COUNTY, VIRGINIA**

RESOLUTION: 2009 – 04

**A RESOLUTION AUTHORIZING APPROPRIATION AND EXPENDITURE FOR
RELEASE OF FY 2010 FUNDS**

WHEREAS, PURSUANT TO Virginia Code Section 15.2-2506, as amended, the governing body must appropriate funds prior to the Town obligating revenue for contemplated expenditures; and

WHEREAS, the Town Council has adopted the FY 2010 Budget; and

NOW THEREFORE, be it resolved that the Town Council of Round Hill approves an annual appropriation for the release of FY 2010 funds.

PASSED THIS 18TH DAY OF JUNE, 2009

The above Resolution 2009 – 04 was approved by voice vote of the council present 5-1-0, the ayes and the nay being recorded as shown below:

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

N RE: REPORTS

1. Town Administrator

Written Town Administrator Weekly Reports for the weeks of June 15th, June 8th, June 1st and May 26 had been submitted. Mr. Barkley reported on the following updates:

a. Potts Barn Site

Mr. Barkley, Mayor Heyner, Sarah Etro and Lisa Cammarota had met last week with Fred Chamblin, a local stone mason, at this site. Mr. Chamblin has offered to look at the stone foundation and submit an assessment of its condition. Presently the site is covered with tall weeds, shrubs/trees which will need to be removed before Mr. Chamblin can view the stonework. Mr. Barkley noted that several proposed future uses were mentioned by the group – community garden, or construction of a community building over the foundation. Mayor Heyner asked that once the area is cleared of the weeds, a regular maintenance schedule of this site should be set.

b. Round Hill Amoco Site

Vice Mayor Graham asked if Mr. Holtzman had obtained a renter for the service station. Mr. Barkley reported that a mechanic that had worked at Moore Cadillac was going to sublease the property for gasoline sales and vehicle repairs and was hoping to open for business after July 1st. Mr. Kinsley stated that when work began, he notified Mr. Holtzman of the need to obtain a Demolition Permit from Loudoun County for removal of the canopy. A limited Zoning Permit is in effect for some improvements; but the access easement has to be resolved (part of the SPEX) before putting up the new canopy and other improvements. Mayor Heyner stated that the proposed entries (two 30 foot entrances of each property) recommended by Loudoun County Parks and Recreation had been submitted to VDOT; no response/comments have been received as of this date.

Discussion followed on site plan, the options for easement(s), public process for SPEX, and sidewalk in easement area.

Councilperson Botsch asked about the Sheriff's Department removal of the vehicles behind the medical building, noting that the old ones had been removed but now have been replaced by 6 to 10 cars which are parking in the buffer area. Mr. Barkley said that they were looking into registrations for the vehicles. Mr. Kinsley said that when this concern was first raised, he talked to the Community Police Officer. He thought that since the Town Code had no restriction pertaining to this issue, perhaps Loudoun County could enforce their regulations.

Since this earlier discussion, it has been found that the owner of the property will have to remove the vehicle(s). Mr. Kinsley stated that he would contact the owner and then send him a letter of violation pertaining to the need to mark 15 spaces for parking.

Discussion followed on parking regulations in the B-1 District and pre-existing conditions; buffer areas regulations, grandfather situations; setback requirements. Mr. Kinsley was directed to do an evaluation of all sites throughout the town for possible zoning ordinance violations of this nature and to submit a report of his findings to the Land Use Committee for review.

2. Town Planner/Zoning Administrator

Mr. Kinsley had submitted his June 15th Town Planner and Zoning Administrator's Report.

He noted that he had earlier in the meeting spoken of issues pertaining to the Amoco Station site.

Mr. Kinsley reported that he had talked to John McBride about the RHUMC proposed expansion and a meeting will be scheduled in July to discuss the church's re-submission and issues of concern raised by the Planning Commission.

The Community Garden Park Committee had contacted the town about a sign that the Eagle Scouts wish to construct to be placed on the garden park site. The Scouts are proposing to place historical information and as well general garden information on it. After his discussions with the Committee, the size of the size of this sign was reduced and will be classified as a government sign. The final design will need Town Council approval.

4. Mayor's Report

Mayor Heyner noted that there was money in the budget for Town Entrance Signs and the town presently had 3 signs that were purchased for this purpose to be located to the west, north and south entrances. A monument sign was planned for the east entrance and area had been dedicated for such purpose on the Darling property. Mr. Barkley will contact VDOT as to where the signs can be located within the VDOT easements.

Mayor Heyner thanked council members that had participated in the Habitat for Humanity building project.

5. Utility Operations, Public Facilities and Projects Committee

Vice Mayor Graham asked:

- if the town attorney had submitted the revised easement information on the Hayman Lane water and sewer lines. The response was in the negative, noting that she has been busy with the VRA Bond issues for the last month.
- when the tree trimming project (park, town office) would begin. Mr. Barkley will get several estimates before deciding on a contractor.
- about the report from Peed & Bortz on WWTP upgrades. Mr. Barkley stated that representatives from Peed & Bortz plan to attend the July 10th Utility Committee meeting to answer any questions. After the council reviews said report, questions should be directed to Mr. Barkley who will pass them onto Peed & Bortz. Discussion followed on project – being such a large expenditure, the council needs to know exactly what it entails by having thorough and precise discussions on this project.
- if there had been any response on the RFP for engineers. Proposals are due July 1st; plan is to hire engineering firms, each having a different expertise. Committee will review proposals and make their recommendation to the Council.

6. Administration and Communications Committee

The following were agenda items on the June meeting:

- Review of the proposal received from the Auditing firm.
- Start of the process of reviewing the current Identify Theft Program for the Town;
- Improvements to the town's website – looking at possible organizations that could scan documents that could be placed on this site.
- Use of a mail house service – Mr. Barkley suggested that the town should investigate using such a service for preparing water/sewer billings.
- Including in the Personnel Manual a section on nepotism, relatives of employees.
- And ways to collect more revenues.

7. Land Use Committee

Councilperson Hummel reported that the Committee had made a recommendation to the council on the Landscaping Section of the Zoning and Subdivision Ordinances. The committee has just started reviewing the text amendments to Section 4-200 - PD-CC District.

Discussion followed on the Creekside property and possible uses for this site such as a public facility – acceptable uses, effect of land use on town revenues.

IN RE: COUNCIL COMMENTS

No comments were received.

ADJOURNMENT

There being no further business meeting was adjourned at 10:16 p.m.

John Heyner, Mayor

John Barkley, Recorder