

**ROUND HILL TOWN COUNCIL
REGULAR MEETING MINUTES
March 19, 2009**

A regular meeting of the Round Hill Town Council was held in the Town Office, 23 Main Street, Round Hill, VA, on Thursday, March 19, 2009.

Council Present

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

Staff Present

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

Absent

Mike Hummel
Chris Prack

Others Present

Sarah Etro
John Sheckler
Three members of the public

Attachments

- I. Agenda
- II. Letter Requesting Waiver of Sewer Fees
- III. Franklin Park Trail documents
- IV. Resolution, Intent to Amend Zoning Ordinance – Article 19 “Violations and Penalties”
- V. Memorandum pertaining to Civil Penalties for Zoning Violations from Town Attorney, dated February 24, 2009
- VI. Town Council Meeting Minutes, February 19, 2009
- VII. Round Hill Personnel Policies: Section 20 – Purchasing Policy
- VIII. Round Hill Community Garden – Documents for Rules and Regulations, Rental Agreement, Fundraising and Budget Information and Sponsorship Opportunities
- IX. Memorandum pertaining to Community Garden from Town Attorney
- X. Town Administrator Weekly Report dated March 16, 2009
- XI. Town Planner/Zoning Administrator Report dated March 13, 2009
- XII. Land Use Committee Report dated February 11, 2009
- XIII. 2008 Annual Zoning/Planning Report

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 was not present to give his report.

IN RE: PUBLIC COMMENTS

Sarah Etro, 11 East Loudoun Street, reported that she and Councilperson Mike Hummel were liaisons between the town and the Community Garden Committee. A local farmer has volunteered to plow the garden site this Sunday; and this Committee is requesting that the high grass at the garden plot site be mowed by the town prior to this plowing. She indicated her support of this being done by the town on Friday, March 20th. She noted that she has been involved somewhat with this project and was impressed with the groups' plans and enthusiasm and felt this would have a positive impact on the town. She asked for council support in this request. Mr. Barkley stated that, if the council supported this, he would check with the Utility Staff on their schedule for tomorrow.

No other comments were received.

IN RE: APPROVAL OF AGENDA

Vice Mayor Mary Anne Graham motioned approval of the agenda with Councilperson Dan Botsch seconding.

Councilperson Ramsey noted the letter requesting an abatement of water and sewer fees. Mr. Barkley reported that two letters pertaining to water and sewer issues had been submitted to the council this evening; one from Carole Haynes, who is present, and another from Bruce Fleischer, who should be at the meeting later in the evening. Councilperson Ramsey suggested that the request for abatement by Ms. Haynes be placed as the first item under Business; and that the water quality issue by Mr. Fleischer be added to the Utility Operations Committee discussion under Reports. **Vice Mayor Graham and Councilperson Botsch agreed to these additions to the motion.**

Councilperson Botsch asked about #1, Franklin Park Trail Project. Mayor Heyner suggested this be deleted from the Business section as it could be discussed under the Mayor's Report. **Vice Mayor Graham and Councilperson agreed to this change.**

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

IN RE: BUSINESS

1. Request for Abatement of Water/Sewer Fees – Carole Haynes

Ms. Haynes had submitted a letter requesting a waiver of her water and sewer charges (total of \$4,583.64) from her March invoice due to a broken water pipe coming into her home. This occurred during the freezing weather in February. Upon discovery, the leak was immediately repaired. Ms. Haynes has paid this invoice (per requirement), but is requesting a credit on her account. She noted that her average bill is around \$55.00. Ms. Haynes stated that no water entered the sewer system, just went into the ground and the stone wall. Council discussed leak location, pipe layout, in town/out of town rates, conditions for waiver of fees and Town Ordinances/policy pertaining to credit adjustments.

Councilperson Scott Ramsey motioned that the town council waiver the sewer charges for 38 West Loudoun Street in the March invoice minus Ms. Haynes' normal charge for sewer. Motion to grant a credit on Ms. Haynes' sewer charges on her March billing was approved by unanimous voice vote of the council present, 4-0-2, the ayes being recorded as shown below:

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

2. Intent to Amend – Round Hill Zoning Ordinance, Article 19, “Violations and Penalties”

Mr. Kinsley reported that the town attorney has made a recommendation that the town review its' regulations pertaining to zoning violations (per Memorandum dated February 24, 2009) to see if it would be appropriate to treat violations as civil penalties rather than misdemeanors. Mr. Kinsley indicated that he had made an inquiry to other jurisdictions on this issue, but has only received responses from four large counties. Discussion followed on legal expenses for misdemeanors versus civil penalties; timeframe for settlement on civil penalties; number of such violations in past (0); staff investigation or Planning Commission review; process for review; timeframe for review (non urgent issue).

Councilperson Scott Ramsey motioned the adoption of Resolution 2009-1, Intent to Amend, Zoning Ordinance, Article 19 “Violations and Penalties” and forward it to the Planning Commission for review and recommendation. Councilperson Dan Botsch seconded. Motion to approve Resolution 2009-1, Intent to Amend, was approved by voice vote of the council present 4-0-2, the ayes being recorded as shown below:

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

IN RE: ACTION ITEMS

1. Approval of Town Council Meeting Minutes

A. February 19, 2009 Town Council Regular Meeting

Vice Mayor Mary Anne Graham motioned approval of the February 19, 2009 Meeting Minutes with Councilperson Janet Heston seconding.

Councilperson Botsch noted a needed correction on page 7, last sentence under #2 Wastewater Treatment Plant Expansion PER – the word “Botsch” should be changed to read Bortz.

Vice Mayor Graham and Councilperson Heston accepted this change.

The motion to approve the February 19, 2009 Meeting Minutes as amended passed by a voice vote of council present, 3-0-3, the votes being recorded as shown below:

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

2. Round Hill Personnel Policies: Section 20 – Purchasing Policy

Vice Mayor Graham reported that the Administrative Committee had made revisions to this draft based on the comments received at the February council meeting. Mr. Barkley noted the specific change in Section 20-6, #A giving notification to council of purchases made over \$5,000. Mayor Heyner and Councilperson Ramsey felt the revision did not capture the intent – notification to be given prior to purchases, not after purchase. Discussion followed on purchases, budget items, and notification. It was generally agreed that if purchase is detailed in the budget item account, then it would be considered “prior notification”; otherwise notification and approval prior to purchase of all items over a certain dollar figure not detailed in the budget must be given unless it is for an emergency. After a discussion on notification process and dollar amount, it was determined that the last sentence in Section 20-6, #A should read “The Town Administrator will notify the Town Council of non-emergency purchase(s) to be made above ten thousand dollars (\$10,000) prior to the purchase. Council determined that this policy will give the Town Administrator the authority to approve purchases under \$10,000 with no notification to the council unless the Council says to withhold payment; and that under #D of this section, only the Town Administrator and the Utility Supervisor are Department Heads.

Vice Mayor Mary Anne Graham motioned that the town council approve the Purchase Policy with the changes made to Section 20-6, #A. Councilperson Dan Botsch seconded.

Motion to approve Town Purchasing Policy with changes made this evening was approved by voice vote of the council present, 4-0-2, the votes recorded as shown below:

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

3. Round Hill Community Garden: Plans Submitted by Community Garden Committee

After reviewing the Community Garden Rules and the Land Use Committee recommendations, the Town Attorney suggested the following:

Rename the project “Round Hill Community Garden Park” – the addition of the word park to this project addresses liability concerns.

Town needs written confirmation from its insurance carrier that this activity is approved and insured;

A separate document containing an indemnity and hold harmless agreement should be signed by participants (sample was submitted);

Wording changes the Plot Rules and Rental Agreement;

Mr. Sheckler had no problem with the addition of the word "Park" to the project. All signs, documents, etc. will now refer to this project as the Round Hill Community Garden Park. The group is not required to rename their committee.

The Town Administrator was directed to request written verification from VML that the garden project is an approved activity and will be covered by the town's insurance.

Discussion followed on insurance coverage, barn site; this being a project that must be approved by council from year to year; sign up and rental procedures; process for filling and refilling the cistern (to be purchased by committee); need for town to retain copies of the signed Rules and Rental Agreement as well as the separate indemnity and hold harmless agreement suggested by Ms. Gilmore. It was reiterated on the need for the committee to speak to staff and giving proper notification when certain things are being done or are needed such as mowing, location of cistern for easy filling by town staff, special events and expenditures.

Councilperson Scott Ramsey motioned approval of the use of the town property for as Round Hill Community Garden Park for 2009 subject to the Garden Plot Rules and Rental Agreement as presented this date with the following:

- a) **Change the project's name to Round Hill Community Garden Park, making sure that all signage, documentation pertaining to the use of this site be addressed as such;**
- b) **Under "Renting Your Plot", page 1, #2, add "No guarantee that any particular plot will be carried over from year to year" as the last sentence;**
- c) **Under "Maintenance of Your Plot", page 2, make the following changes:
second paragraph, delete the words "by the Town";
#3, end the first sentence after the word manner; and begin the second sentence by inserting the word "Otherwise" before the words "weeds and garden..."; and after the word debris, change the word "can" to "may";
#9, delete the words "by the Town" in the second sentence;**
- d) **The Town is furnished with written confirmation from VML that this "Park" activity is approved and insured;**
- e) **That an Indemnity and Hold Harmless Agreement furnished by the Town Attorney be required for signature by all participants and submitted to the town;**
- f) **That approval of this Park Use is subject to written notification to the Town and to the Town Attorney of the Committee's consent to these changes; and**
- g) **That the town be further provided with copies of all signed Garden Park Rules and Rental Agreement;**

Vice Mayor Graham seconded the motion.

Council discussed maintenance responsibilities, debris removal, and use of site to be determined on a year by year basis.

Motion to approve The Round Hill Community Garden Park with the above conditions passed by voice vote of the council present 4-0-2, the ayes being recorded as shown below:

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

Mr. Sheckler reported that Opening Day Ceremonies would take place April 19th at 1 p.m.

IN RE: REPORTS

1. Town Administrator

A written report dated March 16, 2009 had been submitted in the council's packet.

Mr. Barkley noted that the town had received a request from Verizon Wireless to allow them to install a conduit in the Town's utility easement to the Water Tank. The Utility Committee had reviewed this request and recommended that Verizon run their line in another location, perhaps using the Virginia Electric easement. Discussion followed on this area being HOA property. The Town Administrator was directed to contact the HOA to see if they may be interested in granting an easement for communication lines.

Vice Mayor Graham asked why the entire council was being copied by way of email on matters not relevant to the all council members. The response referred to the newly adopted Communications Policy and recommendations by the town attorney.

Council Members referred to the report received by email from the town attorney pertaining to the BZA court issue. Councilperson Botsch noted he had not received said email and if a discussion was to take place this evening he would step out of the meeting. Mayor Heyner recommended no discussion at this time. Mr. Barkley suggested that the council review the report and to contact the town attorney if clarification was needed.

2. Town Planner/Zoning Administrator

Council received Mr. Kinsley's March 13th report in their packet. Mr. Kinsley reported that he had submitted to the council his Annual Report for calendar year 2008 this evening. He noted that there had been 24 Zoning Permits issued in 2007; this year's total was 22 with all but two being minor.

Councilperson Heston questioned the last communication with Holtzman and/or Penneystone on the easement issue connected to the SPEX for the Round Hill Amoco. Mr. Kinsley responded that he was waiting to receive a letter from the attorney for Penneystone. He reported that Penneystone did not have a problem with a "cross easement", but did have one with a "public access easement" which was a condition of the SPEX approval based on the recommendation of the town attorney.

Discussion followed on the following issues:

- Easement is a condition for approval of the SPEX and if changed and/or removed, the SPEX process would have to start over again;
- schedule a joint meeting with Penneystone, Holtzman and town to help all parties understand easement issues;
- this easement was put in as a condition to allow access to the adjacent property (medical office) as once Franklin Park Trail is completed as designed, access will be blocked;
- difference between a public access easement and a cross easement (Mr. Kinsley will investigate);
- SPEX process;
- Empty building, loss of revenue by business and town.

4. Mayor's Report

Mayor Heyner reported that he had met with the capital construction department for Loudoun County on the Sheriff's Substation. He noted that funding has been approved and they are moving ahead on the design of this facility. The county did look at other locations with little success, though there was one possibility for a property located north of the Route 7 Bypass on Route 287. Presently, the County is moving forward to purchase the property just west of Town (money allocated for this purchase is classified as public safety). Use of this property as a sheriff's substation will require a SPEX; part of the sale contract between the property owner and the county is that the Town of Round Hill approves this use for this site. Mayor Heyner felt the big issue at this point may be the design size and conditions placed on the SPEX. Councilperson Ramsey felt it was important for the town to begin a dialogue with Loudoun Hospital (property owners) to relay the town's concerns. Discussion followed on design, bringing property into town by way of a BLA, utility issues.

Mayor Heyner reported that town representatives had met with County Staff on the status of the Franklin Park Trail. They indicated that they hope to go out for construction bids this summer. VDOT issues had been addressed including GEM RAM's protests on the proposed design fronting his property.

A meeting has been scheduled between Mayor Heyner, Councilperson Ramsey, Town Administrator Barkley and Purcellville's Mayor Lorenzo to discuss using Sleeter Lake as a water source. A full report will be submitted to council.

5. Utility Operations, Public Facilities and Projects Committee

Vice Mayor Graham reported that the committee will discuss the Sleeter Lake report at their next meeting to be held on the Thursday, April 2nd.

Mr. Bruce Fleischer, of 17194 Greenwood Drive, has been talking to Mr. Barkley and staff on his water quality problems. Upon Mr. Barkley's suggestion, a letter was submitted (in tonight's packet) addressing the problem along with pictures which he states show the amount of sediment contained within the water coming into his home. Mr. Fleischer stated that in the past he has flushed his system by letting the cold water run for about fifteen minutes. Sometimes it clears, sometimes it does not. (Mr. Fleischer has been given a credit on his water and sewer charges for said run offs). He noted that some of his neighbors are experiencing the same problems and one neighbor has recently installed a filter system in his home. Mr. Fleischer said that he had had such a filter on his water main when he lived in Herndon with the result being clean water but very low water pressure. He felt it was not fair to be paying such high water charges for discolored, dirty water. He also expressed concern about wasting the water when doing the run offs. He asked the council to consider doing something immediately to rectify this problem.

Mr. Wolverton stated that the problem with the water has been identified as the source – the water from the Route 719 Well which is high in iron and manganese and when adding chlorine to the mix, it brings out the minerals which settle into the distribution pipes.

Councilperson Ramsey felt the town had several options – (1) installing a system of pipes that will take the untreated water from the Route 719 Well to the Evening Star Drive Treatment Plant and bring the treated water back to the users; or (2) install filter systems on individual homes that are experiencing this problem.

Mr. Wolverton said that the staff usually flushes the mains in the spring and fall, but were not able to do so last fall (takes about 200,000 gallons to properly flush the system). A flushing is planned for the first of May (once freezing weather is over).

Discussion followed on engineering design of water lines to carry untreated water to Evening Star and to bring treated water back to customers in the Route 719 area; cost for design and construction of same; inability at this time (decrease in water output) to shut off this well (well is a high gpd water source); flushing process done late at night allowing roads to be closed; flushing being a short term solution; using filter systems on individual homes versus treating water at Evening Star Drive; fire department use of fire hydrants causes problems with quality of water; seeing if town can get a waiver from the State Health Dept. to eliminate chlorine from the treatment of this well; other wells on system do not cause this problem; and utility capital improvement projects, grants.

The Utility Staff will flush the Greenwood area tomorrow to give some relief. Utility Committee will discuss short term and long term remedies.

Committee had decided to continue with Anderson & Associates completing the Hayman Lane easement documents. Mr. Barkley reported that all property owners, less one, have verbally agreed to sign said documents.

Changes to the Water and Sewer Ordinance will be further discussed and finalized at the April 2nd meeting. This includes the Red Door Hanger issue.

Mr. Wolverson said that he had prepared the well pumping figures for the Committee as requested. Discussion followed on status of Water Study, A&A not meeting their milestone. Mr. Wolverson noted that the draft report is very similar to their 1999 Report. Councilperson Ramsey asked the Town Administrator to submit to him copies of A&A's 1998 and 1999 Reports.

Councilperson Ramsey asked about the issue on Sewer Only Customers. Only one of the customers in this category has a meter on their well for billing purposes; the others are estimated and it appears that the estimation may be based on one month usage rather than two – this process has been done since the town switched to bi-monthly invoices (at least 5-6 years ago). Mr. Barkley indicated that he had a draft letter to be sent to all Sewer Only Customers revising estimation process which will be reviewed by the Utility Committee for approval.

Mr. Wolverson indicated that he had firm figures on the actual pumping of the wells in Zones I and II. Discussion followed on Zone I being for Stoneleigh and the other for the remaining user area; total gpd pumping; number of customers in each (145 for Stoneleigh, 1052 for remainder).

6. Administration and Communications Committee

A written report from their March Meeting had been submitted in the council's packet.

Vice Mayor Graham noted the Committee is working on developing a Real Simple Syndication (RSS) that will allow the town to email information to citizens.

7. Land Use Committee

A written report/notes of issues discussed at the March meeting had been submitted in the council's packet.

Councilperson Ramsey said that he was working on a financial analysis for his BLA study. He felt there may be the possibility of adding \$80,000 to \$100,000 to the General Fund by bringing in Hillwood Estates and properties to the west, approximately 300 households. Residents would "break even" when comparing out-of-town rates to in-town utility rates and real estate/personal property taxes. Discussion followed on the pros and cons for both the town and for residents in doing a BLA.

IN RE: COUNCIL COMMENTS

No comments were received.

IN RE: FY 2010 BUDGET REVIEW: UTILITY OPERATING FUND

Mr. Barkley requested the council defer discussion of the FY 2010 Draft Utility Operating Fund until next Thursday, March 26, 2009. He indicated that he was about a week behind in developing this draft with the change made by council in reviewing the different funds. Councilpersons Graham and Ramsey indicated that they could attend; Councilperson Botsch stated that he would not be able to attend; Councilperson Heston said that she would have to check her schedule. Review of the Draft Budget for 2010 for the Utility Operating Fund was rescheduled for Thursday, March 26th at 7 pm.

IN RE: MISCELLENEOUS

Mr. Wolverton and Mr. Feltner submitted their pumping report to the council for review. Discussion followed on:

- yield of wells, permit figures on initial yields;
- process for draw down testing;
- use of clay valves on some of the wells;
- pumping time of wells, recovery of wells;
- pressure in different zones
- average production in Stoneleigh appears to be 145 gpd
- pumping amounts versus usage, infiltration;
- flow of springs into large reservoir indication of increase in water production

It was noted that Savoir Fare had held a preliminary "Grand Opening" of the restaurant portion of her business this evening.

ADJOURNMENT

There being no further business meeting was adjourned at 10.48 p.m.

John Heyner, Mayor

Betty Wolford, Recorder