

**ROUND HILL TOWN COUNCIL  
REGULAR MEETING MINUTES  
August 20, 2009**

A regular meeting of the Round Hill Town Council was held in the Town Office, 23 Main Street, Round Hill, Virginia, on Thursday, August 20, 2009.

**Council Present**

John Heyner, Mayor  
Mary Anne Graham, Vice-Mayor  
Janet Heston  
Mike Hummel  
Chris Prack

**Staff Present**

John Barkley, Town Administrator  
Patsy Tappan, Recorder

**Absent**

Dan Botsch  
Scott Ramsey

**Others Present**

Deputy Vanessa Mertz-Meyers  
2 Citizens

**Attachments**

- I. Agenda – August 20, 2009
- II. Western Loudoun Sheriff's Station Conceptual Design
- III. Letter dated August 12, 2009 from Commonwealth of Virginia DEQ - Re: 9VAC25-720
- IV. Town Council Meeting Minutes:
  - a. July 16, 2009 - Regular Meeting
  - b. July 23, 2009 - Special Meeting
- V. Utility Operations, Public Facilities & Projects Committee - Administrative Review of Engineering Proposals
- VI. Town Administrator's Weekly Reports:
  - a. August 3, 2009
  - b. August 10, 2009
  - c. August 17, 2009
- VII. Town Planner/Zoning Administrator's Report, dated August 17, 2009
- VIII. Utility Operations, Public Facilities & Projects Committee Meeting Notes, dated August 14, 2009
- IX. Land Use Committee Meeting Notes, dated August 12, 2009
- X. PD-CC Amendments Draft, dated August 17, 2009

**IN RE: CALL TO ORDER**

Mayor Heyner called the meeting to order at 7:35 p.m.

**IN RE: PLEDGE OF ALLEGIANCE**

Mayor Heyner council members and attendees in the Pledge of Allegiance.

### **IN RE: COMMUNITY POLICING**

Deputy Vanessa Mertz-Meyers introduced herself and advised the Council that Deputy Davis was on vacation and she would be happy to answer questions, but she did not have a formal report to present. The Council had no questions, so Deputy Mertz-Meyers was dismissed.

### **IN RE: PUBLIC COMMENTS**

Wally Johnson and Carolyn Kruger of the Round Hill Arts Center advised the Council that the Center was moving out of the Old Furniture Factory building and they were resigning from the Board of Directors. Mr. Johnson stated that he and Ms. Kruger would be moving their business offices from their home back into the Old Furniture Factory building, since the difficult economy had made it necessary to reduce costs. He added that they were retaining the pottery wheels and kilns for future classes, as well as continuing the dances and bluegrass jams, under the name of "Old Furniture Factory Jams." Ms. Kruger advised the Council that for the past nine years, she and Mr. Johnson had managed a 501(c)3 international non-profit organization with a domestic component called Genesis International, which they planned to continue fundraising for and relocate to the Old Furniture Factory building. Mr. Johnson thanked the Council for its support over the years; adding that he hoped the Arts Center remained in Round Hill.

Vice-Mayor Graham thanked Mr. Johnson and Ms. Kruger for their support to the community. Mayor Heyner stated he believed that everyone recognized that the Arts Center was Mr. Johnson's vision, which also put Round Hill on the map. As they discussed over the phone, Mayor Heyner noted that if Mr. Johnson could create a not-for-profit organization, then the Town could consider supporting it.

In response to Vice-Mayor Graham's question as to whether or not the jams would continue after August, 2009, Mr. Johnson advised the Council that the jams would continue at the Old Furniture Factory until the winter, when they would return to the Hillsboro School. Ms. Kruger stated that they had no hard feelings and they would continue to support the Arts Center in the future.

Mayor Heyner concluded by stating that he hoped that the Center would remain in Round Hill. He thanked the citizens for their comments.

There were no other public comments.

### **IN RE: APPROVAL OF AGENDA**

**Vice-Mayor Mary Anne Graham moved approval of the agenda as submitted. Councilperson Janet Heston seconded the motion.**

**The motion to approve the agenda as submitted was approved by unanimous voice vote of the council present, 4-0-0-2 (Councilpersons Botsch and Ramsey were absent for the vote).**

## **IN RE: BUSINESS**

### **1. Loudoun County Western Sheriff Substation: Conceptual Design**

Mayor Heyner stated that the information provided to the Council was pertaining to the public input meeting that was held on August 6, 2009, which he and Mr. Barkley were unable to attend. He asked if other Council members had attended the meeting, but none of the Council members present were in attendance either. Mayor Heyner outlined his discussions with Mr. Barkley after they met with the County and with the Sheriff's Department a few weeks earlier. Basically, the Loudoun County staff had been instructed to proceed with the design process, in order for them to get to the Special Exception application process, since design was part of that process. The County was working collaboratively with the Town to complete a design that would work in the proposed location and would also be a project that the Town could live with. He referred to the attached drawings, which were similar to the drawings they had seen at a previous meeting, and stated that they had provided comments to the County, but apparently, the County staff had not had time to make revisions based on those comments. Mayor Heyner advised the Council that a citizens' committee had been created, which he would be part of, and he invited other Council members to become involved in the committee to work on the design. He summarized that due to the size of the proposed site and the large setbacks that were required, it appeared that only one building would be accommodated on the site and any thought of a future building for the Fire Department were "off the table" at this point based on the current size, design and siting of the proposed building. Mayor Heyner stated that it appeared that the County was willing to work with the Town to try to come up with a design that would work, but it was his position was, while they would work with the County on this process, it did not mean that the Council would have to support the location, size or the fact that they were purchasing a 14 acre parcel for what they felt was about twice the current market value. He stated that most of the other substations in the County were built on parcels of less than five acres, so this would be triple that size. Councilperson Hummel noted that the special zoning would not help the County in this situation. Mayor Heyner agreed, stating that there were reasons, many of which were from a tax perspective, why this would not be an optimal location. Councilperson Hummel stated that he would give the County some credit for working on the style of the structure, which he had envisioned as an ugly, institutional-type building. Although he did not agree totally with the design, he felt that they had proposed some very expensive architecture to try to make it look like it belonged with the other buildings in the area. He was surprised to hear a former Mayor at a recent meeting, who stated that he wanted the proposed building to look more institutional.

Vice-Mayor Graham stated that she served for a year on a citizen's committee and when they submitted their recommendations to County staff, the staff completely ignored their recommendations. Mayor Heyner stated that the County was realistically looking at structures that fit into the community, such as the new Fire/Rescue facility in Purcellville, where they

worked with the Town and came up with a nice design. He stated that he felt the Town needed to choose a position on this issue, even though not all of the Council members were in agreement, to respond to the numerous phone calls Mr. Barkley was receiving from the press. Mayor Heyner recommended that the Town's position make it clear that they plan to work with the County through this process to achieve an acceptable design, but there are issues such as size, location and cost of land that still need to be worked out. He stated that he needed to speak to the committee members, but there were serious concerns about having equipment such as a Sallyport and video links to the magistrates that would not help fight crime as much as adding more deputies on the streets. Mayor Heyner and the Council members engaged in a discussion regarding the proposed facility size, equipment, safety, cost benefits, citizen input, the bonding and warrant process, and the need for Sheriff deputies to travel between the new substation and the Leesburg jail facility. Mayor Heyner commented that he believed the facility could be built on the proposed site, but stated that the best thing to do was to go back and renegotiate the price of the land, ask them reduce the size of the building and eliminate unnecessary features such as the two story community room. Vice-Mayor Graham asked if the setbacks could be changed to accommodate another building on this parcel. Mayor Heyner responded that he understood that if the building size went below a certain square footage, then they would not need such large setbacks. He reiterated that the County was proposing a 14 acre parcel for a building that would fit on a five acre parcel. Councilperson Hummel stated that it would be important for the Town to form an opinion before the County submits the official filing. Mayor Heyner responded that he felt it would be important for the Town to have a position to respond to inquiries, even though each Councilperson could have his/her own views on this project. He stated that he felt that the Town's position needed to clearly state that the general position was that they were working with the County, but there were still facets of the project that the Town did not support, such as size, location and cost. Mayor Heyner recommended that Mr. Barkley draft a position statement for presentation to the Town Council for approval at the next regular meeting. He announced that there was a meeting of the citizen's committee on August 26, 2009 at the Round Hill Center. He understood that the County wanted to get through the Special Exception process by the beginning of 2010. Mr. Barkley commented that there was an issue with utilities, because the County wanted a commitment that the Town would serve the facility with water and sewer, which the County needed to document in the application for the Special Exception. Mayor Heyner suggested that they might be able to include a contingency upon the Special Exception being approved. Mr. Barkley stated that it would create a contradiction if the Town's elected officials of the Council formed the opinion that this was not a good project due to size, location, etc., but turned around and made the commitment to serve the facility with utilities. The Council members discussed the possibility that if the Town did not supply water and sewer to the proposed facility, then the County would be forced to include well and septic in the application for the Special Exception. The following issues were raised:

- 1) the fact that the County would rather get its services from the Town; 2) if the Town refused, it would not stop the project; and 3) such a large well could jeopardize the Town's own water supply. Mr. Barkley suggested that the Town delay its decision, since the County was trying to push them to make the commitment so they could include Town services in their Special Exception application. Mayor Heyner asked why it would be a problem for the Town to form an opinion, knowing that the County could include well and septic. They could follow in the spirit of working collaboratively with County staff, and the Town could make the opinion contingent

on the County getting approval of the Special Exception. He added that it was not as if they were enabling the County to build the facility by approving the services; it would have been different if the County had not considered well and septic, and based their plan entirely on receiving Town utilities. Vice-Mayor Graham suggested that the Town follow the process and not make an exception for the County that it would not consider for other applicants. Mayor Heyner stated that including a contingency would not be breaking any rules, he was just saying that if the Special Exception were approved, the County would still need to come back to the Town and request the service. Councilperson Heston asked if the County might construe the commitment as an agreement for the Town to serve this facility. Mr. Barkley stated that the County could use the commitment as leverage to force the Town to provide the services, but if the Council was not concerned about that possibility, then they should move forward. Councilperson Hummel stated that the County would need to show either well and septic or public utilities in the design for the application for the Special Exception. He stated that he felt it would be important for the motion to state that the Town was not convinced that a well and septic system would adequately serve this facility, and therefore, they had agreed to provide Town utility service. Vice-Mayor Graham asked if the County had provided an estimate of the quantity of water and sewer this facility would need. Councilperson Prack stated that the estimate seemed to be high for the type of facility they were proposing. Mayor Heyner responded that they must show the maximum capacity that they would use, since there would be showers, etc. Mr. Barkley stated that the County had recently provided new demand data. Vice-Mayor Graham asked for staff to pass the new data to the engineers for their review. Mr. Barkley stated that he did not believe that this would be a major issue. Mayor Heyner stated that the demand would be much greater for a major residential development. Councilperson Prack stated that there was also the possibility of a proposal for a residential development on an adjacent property. Mayor Heyner stated that the question remained as to whether or not they would include the Town's willingness to provide utilities in the position statement. The Council members discussed the possibility of proffers or donations, which Mayor Heyner advised them the County would not be bound to provide unless the facility was within the Town's limits, which he did not believe would be in the Town's best interest. Councilperson Prack stated that Well 10 was an undeveloped well, but the most recent data showed Well 12 to be their largest producing well. He voiced his concerns about the County tapping a large well directly across the street from Well 12, and pulling water off the same allotment that the Town uses. Mr. Barkley assured the Council that the proposed demand on the system was marginal, and probably would not be an issue. Councilperson Heston asked if they should issue a public statement regarding the utilities. Mayor Heyner responded that they did not need to make a public statement, but he believed that the subject would come up, so they should have an answer prepared. The Council members discussed the pros and cons of having well and septic or public utilities for the substation. Councilperson Prack stated that during the last Utility Commission meeting, Utility Supervisor Alan Wolverton had advised the members that any more growth to the system would stretch their ability to replenish, as well as increase the need for a study to provide hard data regarding the future load of the system. Mr. Barkley commented that with 719 down, they were having difficulty getting the levels up to where they should be, so they would have to deal with the situation at any rate. Mayor Heyner asked if he was referring to the "murky water" issue. Councilperson Heston asked if the situation was caused by the Fire Department using the hydrants. Mr. Barkley responded that it did not help the situation that the Fire Department drained 60,000 gallons without advance notice, but 719 being down was

causing the majority of the problems. He suggested that the Town may want to hold off making the decision about serving the substation. Mayor Heyner responded that the Town may want to hold off, but the County would have to submit a design including well and septic. It would be possible for the County to change the design subsequent to approval, but when dealing with the County, they need to be mindful of the possibility that the County could offer a building design that was not optimal for the Town. He added that they needed to perform some analysis on the numbers that staff will provide to them, and once their engineers complete their review, then the Town could make a statement. Mr. Barkley stated that the latest numbers had been received, and with the Citizen's Committee, they were still going through the evolution of the project. He asked how they could make a decision without knowing where the project would be six months in the future. Mayor Heyner advised the Council that the citizen's committee was only dealing with design, not size or scale. He added that some of the people on the committee were going to try to push the project discussion back to location, size and scale, but the County had been clear that the purpose of the Committee was to deal with the design. He explained that there were two different tracks: 1) the design track which was receiving community input; and 2) the political track dealing with size, scale and location. He stated that the people on the committee were going to have to realize that if they want to fight issues regarding the size, location, etc., then they would have to address those issues on the political track, not the design track. Mr. Barkley reminded the Council that they were working under a Referendum. Mayor Heyner responded that the Referendum mandated that they build the substation, not to build it on that particular property. He added that County had a grant for the purchase of property for a Sheriff's Substation, but if they purchase the property using the grant money, they would be locked into making a public safety use because the grant was "public safety money." His goal for being on the Committee was to keep the discussion focused on the design.

## **2. Virginia Water Quality Planning Regulations: Re-Evaluation of Round Hill WWTP Current Waste Load Allocation**

Vice-Mayor Graham commented that during the Utility Committee meeting, they were expecting to review the engineering proposal and Utility Supervisor Alan Wolverton had presented the letter he received from the DEQ dated August 12, 2009, which was included in the Council's packet. She outlined the contents of the letter, stating that Merck was willing to spend any amount of money to purchase the credits that they need from surrounding municipalities such as Leesburg and Round Hill. Councilperson Prack stated that Merck was planning to purchase 38,000 and they were given carte blanche to choose which jurisdictions' credits they could have. Vice-Mayor Graham commented that since the Town's staff had done such a good job handling the nutrients, that the Town was being punished. She added that Mr. Wolverton had asked to be on the committee, or at least, allow him to be present at the meeting. Mr. Wolverton had recommended that the report be presented to the DEQ by the Town's engineer, rather than having a staff member or Town official make the presentation. She stated that the Committee had recommended that the Town draft letters to Congressman Frank Wolf, Senator Jill Holtzman Vogel, Delegate Joe May and to the DEQ, advising them of the Town's concerns with this situation. Councilperson Prack stated that Mr. Wolverton's position and complete bewilderment was that the DEQ cannot understand how Town staff had obtained such exceptional numbers. The Utility Department staff members devised the system on their own and apparently, the numbers were so amazing that an independent company tested the results for

the Town and confirmed the results. The DEQ wants to see the process and become more educated about the system, so they would have a better understanding of how other municipalities could improve their treatment systems. He added that the Town was considering spending \$2.5 million on the improvements to the water treatment plant, and the loss of these credits would significantly impact the situation. He stated that if the sewer treatment plant were reduced from 750k to 500k load or less, then even with the proposed improvements, the plant would struggle to meet the requirements. The Council members discussed the reasoning behind Merck purchasing credits rather than becoming more efficient and the fact that the money for these purchased credits would go to the DEQ rather than to the municipality. Mr. Barkley advised the Council that staff would draft a letter in response to the DEQ, as well as trying to get Russell from Peed and Bortz on the panel. He referred to the draft letter for Frank Wolf that was distributed before the meeting, and stated that he wanted to wait until the following day to finalize the letter, so he could incorporate Peed and Bortz's numbers into the letter. Vice-Mayor Graham suggested that a "posse" should attend the meeting on September 15, 2009. She advised Mr. Barkley that she had some suggested changes for his draft letter, including the idea of selling the State on promoting the oxidation suction retention process. Mayor Heyner stated that he did not see what bearing that would have on the process. He explained that Town complained that the DEQ was taking the credits away, and Congressman Wolf performed his due diligence, he would respond that the DEQ had the data supporting the reduction. The data shows that the Town is only using "x" number of credits, which is 500,000 gallons below what they are rated for. He stated that he believed that the letter needed to make a case for why this reduction would be problematic. For example, the Town financed a bond to perform upgrades to the system that the State has pushed on them and essentially, the Town will go bankrupt and that is what they need to say in the letter. Vice-Mayor Graham responded that she wanted to mention the system that the Town had developed was because it was the type of procedure that should be implemented throughout the State. Mayor Heyner reiterated that it would not have bearing on the current situation. Councilperson Prack stated that this issue had also resulted in the realization that they need to commence the building of the new waste treatment plant as soon as possible, perhaps as a design/build project rather than using the bid process. He explained that they could not respond to the DEQ with the intention of building a new sewer treatment plant, if they had not even begun entertain bids. Mayor Heyner responded that the Town could build the new treatment plant, and the DEQ could still come and take the 250k/day from them. Councilperson Prack responded that they needed to prevent that from happening and asked if staff had heard from the Town of Leesburg. Mr. Barkley responded that he had just contacted Leesburg the previous day, and he had not heard back from them. Councilperson Prack stated that Leesburg was also getting credits taken, and he expected that Leesburg would scream. He was concerned that if Leesburg acted first, then the DEQ would not listen to Round Hill, since Leesburg is a larger jurisdiction. Vice-Mayor Graham commented that the design/build scenario was controversial and Russell had said to hold off, since they were supposed to receive the CTO by the end of 2010. Mr. Barkley stated that Russell had also told him that they could make a good case to fight this, and he advised the Council that this was not a "done deal", the DEQ was asking them to substantiate the 750k. Mayor Heyner stated that he did not understand how the Town could make a case based on current use of 220k, which really means 400k, and a future need of 750k. He asked why every other jurisdiction would not try to use the same argument to avoid losing credits. Vice-Mayor Graham responded that other jurisdictions like Purcellville, were not complying with the State requirements as well as the Town of Round Hill, so the DEQ

could not take anything away from those jurisdictions. Councilperson Prack stated that jurisdictions that were not meeting, or even trying to meet the DEQ expectations, were allowed to keep their credits; where other jurisdictions that were improving the process and meeting or beating the expectations were being penalized by having their credits taken away. He added that Mr. Wolverton was taking this personally, since he and his staff had worked so hard, and then credits were being taken away. Mayor Heyner stated that the real issue was that they have more credits than they currently need and they have used that as an advantage in a number of ways. They would try to use this to their advantage again when making modifications to the DEQ Allocation Plan, but in the DEQ's eyes, Round Hill is no different from any other jurisdiction. He stated that he believed that they needed to make a monetary case against taking the credits. They were unable to get stimulus money for their projects because of the zip code they are in, but the median income for the surrounding area is much higher than within the Town proper. He reiterated that they need to stress the fact that this would bankrupt the Town. Vice-Mayor Graham disagreed, stating that she felt they should make the case more about why this was being done to them, rather than just the financial component. Mayor Heyner responded that clearly, they have too many credits, and the data substantiates that fact. Councilperson Prack commented that he did not know if Congressman Wolf had knowledge of waste water treatment, or if he was aware of the process. He agreed with the Mayor's point that this is a matter of dollars and cents and the Town is in jeopardy of going bankrupt. He noted that, ironically, the DEQ was pulling Round Hill's credits to give them to Merck, who manufactures chemicals used to treat waste water. He suggested that headlines reading "big business taking over small America" or "a big company is going to bankrupt a small town" were going to mean more to the politicians than telling them "the Town is doing a great job and being punished for it." He added that Merck is not being green, they are willing to pay to purchase credits at the possible financial risk of the Town, so they can continue to pollute the environment. Councilperson Hummel suggested that the DEQ may be sending out these letters to see which jurisdictions fight back. Mr. Barkley stated that they were currently using 400k to 500k/day on average, and with 35% projected growth over the next 3-5 years (equivalent to 600 homes that were already approved), then the system would grow to 500,000 WLA. He added that they would be right where they started, after spending \$2.5 million on improvements, they would be right back at 500k WLA. Vice-Mayor Graham suggested that they make the point that they have a commitment to serve Oak Hill. Mayor Heyner agreed, suggested that they use language to the affect that "with the approved development they were committed to serve well beyond the current demand." The Council discussed the draft letter and the outstanding issues. Mr. Barkley advised the Council that he understood the necessity of the monetary component, but added that he believed that they needed to convey the practical fact, since the DEQ did not understand the Town's situation. Mayor Heyner suggested that the politicians do not care about the details, they only care about the issues that would affect them. He added that a million dollars is a drop in the bucket for Merck, but a million dollars could easily bankrupt the Town. He suggested that staff draft two separate letters: 1) to send to politicians; and 2) to send to the DEQ. Councilperson Prack suggested that they issue a press release to the Loudoun Times Mirror. Mr. Barkley suggested that once the letters were finalized, he could pull language from the letters to include in the press release. Mayor Heyner agreed and suggested that they distribute the press release to local papers as well.



**IN RE: ACTION ITEMS**

**1. Approval of Meeting Minutes**

**a. July 16, 2009, Regular Meeting Minutes**

**Councilperson Mike Hummel moved to approve the July 16, 2009, Regular Meeting Minutes as presented, with Vice-Mayor Mary Anne Graham seconding the motion.**

**The motion to approve the July 16, 2009, Regular Meeting minutes did not pass by voice vote of the Council present, 2-0-2-2, the votes being recorded as shown below:**

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

**Mayor Heyner noted that with two abstentions, they did not have a quorum present to approve the minutes. He asked Mr. Barkley to add the minutes to the agenda for the September 17, 2009, regular meeting.**

**b. July 23, 2009, Special Meeting Minutes**

**Vice-Mayor Mary Anne Graham moved to approve the July 23, 2009, Special Meeting Minutes as presented, with Councilperson Janet Heston seconding the motion.**

**The motion to approve the July 23, 2009, Special Meeting Minutes as presented passed by a voice vote of Council present, 4-0-0-2, the votes being recorded as shown below:**

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

**2. Engineering Services: Basic Ordering Agreement**

**Vice-Mayor Graham advised the Council that the Utility Committee had completed the process of reviewing the applications submitted, along with comments provided by staff, which**

were greatly appreciated. The Utility Committee recommended that the Town enter into Basic Ordering Agreements with Peed and Bortz, Stantec and Greenway Engineering.

**Vice-Mayor Mary Anne Graham moved that the Town send a Basic Ordering Agreement to Peed and Bortz Engineers for facility matters. Councilperson Chris Prack seconded the motion.**

Mayor Heyner and the Council members discussed the fact that they should engage more than one firm to facilitate competition in bidding for major and minor projects. Mr. Barkley suggested that the motion could be made subject to the consulting engineering services contract, which would consist of a one year contract with two options for renewal. They agreed that they did not want to be locked into one engineering firm, particularly since they had several projects on the horizon.

**Vice-Mayor Graham withdrew her motion.**

**Vice-Mayor Mary Anne Graham moved for the Town of Round Hill to enter into non-exclusive Basic Ordering Agreements with Peed and Bortz, Stantec and Greenway Engineering. Councilperson Chris Prack seconded the motion.**

Councilperson Heston voiced her concern about Stantec's hourly rate of \$347 per hour. Mayor Heyner responded that they should be able to cap the rate the Town was willing to pay. Mr. Barkley stated that Stantec was a global firm, which may drive the advertised rates up, but Dave Bowers, who would be their Project Manager, charges \$200 per hour. Mr. Barkley stated that, inherently, contracts are proposal based projects, and the cost for the project would be broken down based on the engineer's estimation. The Town would sign off on any contract and the engineering firm would not be able to charge for anything outside of the contract. Councilperson Heston commented that if one company bids \$200 per hour and another company bids \$150, then the Town would get more for their money using the lower hourly rate. Mayor Heyner disagreed, stating that there are times when a more experienced, more expensive engineer could save time and money by being experienced and efficient. In response to questions from Council members, Mayor Heyner stated that a non-binding Basic Ordering Agreement would give these three companies the ability to bid on projects for the Town. The Town would not be committed to anything more, since the agreements are non-binding. He raised a question that he had asked Mr. Barkley earlier in the week, regarding staff comments regarding an employee of Greenway Engineering who was found to be unacceptable to Town staff. Mr. Barkley responded that he met with Randy Keppler, and he liked him. He had a good personality and he knows the Town and the surrounding area. He understands that during the project in question, Mr. Keppler worked for another company and circumstances caused him to make the transition to Greenway, yet he technically remained the lead on the project at the waste water management plant. Apparently, there were cost overruns or there had to be redesigns, but he was in transition during that time. Councilperson Prack stated that it was possible that Mr. Keppler was thrown into a situation that he was not professionally prepared to handle, and his company gave him the opportunity to "sink or swim." Since that time, Mr. Keppler had had time to gain more experience in the field. Mayor Heyner noted that the problem had occurred eight or nine years earlier. Mr. Barkley commented that he had taken a side trip to Stephen City

to see Greenway's work on sidewalks, curbs, gutters and stormwater infrastructure for Main Street. The Council members continued to discuss the firms and their qualifications, including Stantec's location in Christianburg. Mr. Barkley responded that travel time was included in the hourly rate.

**The motion to for the Town of Round Hill to enter into non-exclusive Basic Ordering Agreements with Peed and Bortz, Stantec and Greenway Engineering passed by a voice vote of Council present, 4-0-0-2, the votes being recorded as shown below:**

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

## **IN RE: REPORTS**

### **1. Town Administrator's Report**

Written weekly reports from August 3 through August 17, 2009, were included in the Council packet.

Councilperson Heston commented that Leesburg would no longer be accepting the Town's sludge, and she asked what action the Town would take to dispose of sludge in the future. Mr. Barkley responded that they would take it to Loudoun Water, because Leesburg was suffering from terrible inefficiency.

Councilperson Hummel asked if staff knew the cost of the May local election. Mr. Barkley responded that he had not received that information. Vice-Mayor Graham stated that the Town always paid for elections, so she did not see that it would make a difference. Mayor Heyner asked how the Town would benefit from moving the elections from August to November. Mr. Barkley responded that they were implying that it would be more effective if all jurisdictions were on the November election schedule. Councilperson Heston noted that out-of-towners would still have to get a different ballot. Mayor Heyner suggested that if enough of the larger towns wanted to switch, then Round Hill could "jump on the bandwagon."

Councilperson Heston asked which branch of the Fire Department had tapped into the hydrants; the County or the Volunteers. Mr. Barkley responded that he could not answer that question. Vice-Mayor Graham commented that even though the Town had requested that the Fire Department notify them of water use, it had always been an issue. Councilperson Heston commented that last Thursday, she saw a Purcellville ladder truck in Round Hill and they were washing the windows using water from the hydrant. Mayor Heyner advised the Council that the Town charges the Fire Department for water that comes out of the taps, but not the water that is

taken from the hydrants, since it was impossible to monitor. Mr. Barkley stated that he had spoken to Fred Muller about the situation and he would keep them posted.

Vice-Mayor Graham commented that a citizen had asked her about the status of the Dr.'s office at 6 Loudoun Street. Several meetings ago, issues were raised about the lined parking and the state of the yard. Councilperson Hummel stated that Rob advised him that the owner had been notified and a new calendar had been established for compliance. Councilperson Prack added that Round Hill service center was no longer allowed to park cars there, and there had been a large quantity of dirt dumped along the property line fence. There was nothing to retain the soil, so it will erode into the adjacent yard. Councilperson Hummel responded that in order to give the property owner a citation, there would need to be 2,500 square yards of dirt, but this was a much smaller quantity. Mr. Barkley added that it would be a civil matter between the property owners.

Councilperson Heston noted two neglected properties and asked for their status. Mr. Barkley responded that "weed letters" had been sent to 7 Main Street and to Hamerly House. He believed that they would need to work with VDOT or Verizon to deal with the pole in front of the property.

## **2. Town Planner/Zoning Administrator's Report**

The Council members received Mr. Kinsley's August 17, 2009, report in their packets. Mr. Kinsley was not present.

## **3. Mayor's Report**

Mayor Heyner noted that Mr. Barkley had been representing the Town at the meetings of a group in the County called "Places" which was the predecessor to the Loudoun County Main Street Program, and Mr. Barkley was recently named the Chairman of the group. The Council members congratulated Mr. Barkley on his appointment. Mayor Heyner stated that they would look forward to receiving regular meeting reports from Mr. Barkley in the future.

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

Meeting notes from August 14, 2009, were included in the Council packet.

Councilperson Prack noted that the Town of Purcellville continued to evaluate Sleeter Lake as a potential water source. Town staff had notified the Utilities Committee that it appeared that Purcellville was spending an exorbitant amount of money continuing to survey the lake and performing tests. He acknowledged that the Town had met with Purcellville's Mayor Lazaro, who stated that they were "hands off." Considering that Purcellville claims it is not interested in the lake as a potable water source, it seemed strange that they were spending several hundred thousand dollars for testing. He suggested that Purcellville's interest may spark the necessity of having the water study that would be provided by ANA to get a clearer picture of the possibilities. Mr. Barkley stated that the report would not be pro bono, but paid for with a grant. Vice-Mayor Graham noted that the Committee had gone back and forth as to whether

they should push to explore the possibility of using the lake as a water source. Councilperson Prack stated that rather than drilling test wells, perhaps they should consider using the lake. Mayor Heyner stated that Purcellville was performing due diligence investigations for future contingencies, even though they have virtually no residential development going on in their Town. Apparently, the annexation that Purcellville is planning is for commercial development and their specific requirements for water would be driven by that commercial growth. Councilperson Prack asked if the idea of using Sleeter Lake as a potable water source might be a viable investment for future sale to other municipalities. Vice-Mayor Graham suggested that Peed and Bortz would be able to evaluate that possibility. Mayor Heyner stated that the Town had already advised Purcellville that they were open to discussion and asked that they keep Round Hill informed of their progress. He felt that Purcellville was just gathering data for the possibility of moving forward in the future.

## **5. Administration and Communications Committee**

There was no report from this committee.

## **6. Land Use Committee**

PD-CC Amendment draft dated August 17, 2009, was included in the Council packet.

Councilperson Hummel reported that the Committee had discussed the Sheriff's Substation and the Committee recommended approval and forwarded the updated PDCC chapter to this Council to schedule a public hearing. A public hearing was held last November, but the Committee felt that due to the length of time that had passed, another public hearing should be held. There was no room on the agenda for the meeting of September 3rd, so Mayor Heyner recommended that the Council take a look at the changes and schedule a date for the public hearing at their next meeting. He asked Councilperson Hummel to highlight the major changes. Councilperson Hummel responded that the Land Use Committee and Planning Commission had spent a great deal of time reviewing every aspect of the changes. The Council members discussed whether or not the revisions were more restrictive or less restrictive, and it was decided that the amendments had elements that were more restrictive and elements that were less restrictive. On page 4-200-3 (1) and (2) lot sizes could be increased and setbacks could be reduced in certain situations with approval of a Special Exception. On page 4-200-4, Section 4-205 (A) Planning Design Criteria: subsections (1 through 3, 5-9) were stricken. Banks with a drive-thru are always under Special Exception to give the Town control of the size of the lanes, where the drive-thru is located on the property, etc.

## **IN RE: COUNCIL COMMENTS**

**Councilperson Prack** advised the Council that he would not be attending the meeting on September 3, 2009.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 9:25 p.m.

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John W. Heyner, Mayor

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Patsy J. Tappan, Recorder