

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

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

**Council Present**

Mary Anne Graham, Vice-Mayor  
Daniel Botsch  
Janet Heston  
Mike Hummel  
Scott Ramsey (Arrived at 7:35 p.m.)

**Staff Present**

John Barkley, Town Administrator  
Maureen Gilmore, Town Attorney  
Patsy Tappan, Recorder

**Absent**

John Heyner, Mayor  
Chris Prack

**Others Present**

Deputy Matt Bressler, L.C. Sheriff's Dept.  
3 Citizens

**Attachments**

- I. Agenda – November 19, 2009
- II. Town Council Meeting Minutes:
  - a. July 16, 2009 - Regular Meeting
  - b. September 3, 2009 - Public Hearing
  - c. October 15, 2009 - Regular Meeting
- III. Talk Loudoun e-zine
- IV. Draft - Town of Round Hill Resolutions of Support
  - a) Resolution of Support for the Designation of State Route 7 (Business), from the Eastern Corporate Limits of the Town of Round Hill West to the Intersection with State Route 7 Bypass as a Virginia Byway
  - b) Resolution of Support for the Designation of State Route 719 Through the Corporate Limits of the Town as a Virginia Byway
- V. Town Administrator's Weekly Report, dated November 16, 2009
- VI. Town Planner/Zoning Administrator Report, dated November 16, 2009
- VII. Utility Operations, Public Facilities & Projects Committee Meeting Notes dated November 13, 2009
- VIII. Administration and Communications Committee Notes, dated October 14, 2009
- IX. Letter from Mark Nelis, P.C. Re: Stoneleigh Golf, dated November 13, 2009

**IN RE: CALL TO ORDER**

Vice Mayor Graham called the meeting to order at 7:33 p.m.

**IN RE: PLEDGE OF ALLEGIANCE**

Councilperson Botsch led Council members and attendees in the Pledge of Allegiance.

**IN RE: COMMUNITY POLICING**

Deputy Matt Bressler reported that there had been no criminal complaints, but there had been several traffic stops performed in the vicinity of Round Hill. He noted that he had implemented the speed trailer across from Round Hill Elementary School, and he would be identifying other locations to place the trailer in the near future. He added that the trailers do not collect data, but merely remind drivers to slow down as they are entering 25 m.p.h. zones. Deputy Bressler commented that the individual who was causing problems on Jackson Avenue moved back to Pennsylvania, which should resolve that situation.

**IN RE: PUBLIC COMMENTS**

There were no public comments.

**IN RE: APPROVAL OF AGENDA**

**Councilperson Dan Botsch moved approval of the agenda as submitted with removal of item VI.2 Chapter VIII and replacement with Chapter VII: Grievance Procedure. Councilperson Janet Heston seconded the motion.**

**Motion to approve the agenda as amended was approved by unanimous voice vote of the Council members present, 5-0-0-2 (Mayor Heyner and Councilperson Prack were absent for the vote.)**

**IN RE: BUSINESS**

**1. Presentation: "Talk Loudoun" News - Miriam Nasuti, CEO & Publisher**

Miriam Nasuti of Talk Loudoun, an e-mail newsletter, stated that she had distributed a copy of the most recent edition to the Council members via their inboxes. She outlined the history of Talk Loudoun, which began on July 24, 2009, and is distributed free of charge via e-mail to their readers every Wednesday. She asked that any interesting stories be forwarded to her for inclusion in the newsletter.

**2. Request for Forgiveness of Outstanding Water and Sewer Charges: Mark Nelis, P.C., Stoneleigh Golf & Country Club**

Mark Nelis, representing Stoneleigh Golf and Country Club, stated that he had been discussing this outstanding issue with staff and the Utility Committee since 2007. He outlined his September 8, 2009 letter to the Utility Committee and his November 13, 2009 letter to the Mayor and Town Council, both of which are on file in the Town office. The letters included the history of the electric charges for Well #12, which were inadvertently paid by Stoneleigh for a period of approximately 12 years, and the 2008 water leak, which went unnoticed for over a month. He acknowledged that the Town had removed the sewer charges, but the outstanding water bill was \$11,500. He included copies of the 2005 Dominion Power invoices, which amounted to \$5,187.39 for the year, which he believed were representative of the annual charges

for service, but he apologized for not being able to locate any other invoices for the service to Well #12. As a settlement of these outstanding matters, Mr. Nelis proposed the following:

1. Forgiveness of the outstanding water invoices.
2. Vacation of the Deed of Easement for Well #11 (adjacent to the Pro Shop.)
3. Exchange of water taps.

Councilperson Hummel asked if the electric account was currently being paid by the Town.

Councilperson Ramsey responded that service was transferred to the Town a couple of years earlier, sometime during 2007. He asked if Town staff had copies of the correspondence between Stoneleigh and the Town regarding this issue.

Mr. Barkley responded that he had a file on the matter that would be transferred to the Town Attorney.

Vice Mayor Graham asked if staff would have additional information before the next Utility Committee meeting.

Ms. Gilmore responded that they would.

Vice Mayor Graham noted that this issue would be considered at the December Utility Committee meeting.

### **3. FY 2009 Audit: Jeff Mitchell, Mitchell & Co. CPA's**

Jeff Mitchell, CPA, distributed the results of the FY 2009 audit for the Council members to review (which is also on file in the Town office.) He highlighted the assets and liabilities as follows:

Assets:

General fund:	\$581,000
Water/Sewer:	\$479,000
Accounts Receivable:	\$265,000 (Note that July 1 billing was \$245,000)
Real Estate:	\$3,000
Sales Tax/Commission:	\$22,000
Bond Escrow:	\$2.6 million
Broken into two accounts:	\$ 70,000 - 2009 bond
	\$2.5 million - 2003 bond - refinanced in 2008
Cost to reissue the bonds and pay off the old bonds:	\$470,000

Liabilities:	\$ 64,000
Accrued vacation and sick leave	\$ 27,000
Darling funds	\$ 37,000
Water/Sewer Accts. Payables:	\$ 13,000 recurrent
Total:	
Assets:	\$14 M
Obligations:	\$ 7 M

Mr. Mitchell noted that this year the water fees were increased, but due to a reduction in water usage, the revenues were down from last year. Sales taxes in Virginia were also down this year. He stressed the fact that budgeting is very important for municipalities and he applauded Round Hill for the job it had done.

Vice Mayor Graham referred to Page 3, overall surplus income, and asked if the net operating expense was the right way to handle the surplus.

Mr. Mitchell responded, "Yes, because you worked hard to reduce rates and manage your system. That is a very good observation, and your operating deficit has also been reduced. Remember that the operating deficit includes the principal debt service."

The Council members and Mr. Mitchell discussed the audit and Mr. Mitchell noted that more detailed information was included in the full report, which is on file in the Town office.

#### **4. Round Hill Community Garden: Request for Authorization of Renewal in 2010**

Councilperson Hummel advised the Council that the request was outlined in the Land Use Committee meeting notes dated November 18, 2009. He noted that the Land Use Committee had unanimously recommended that the Community Garden concept be approved for 2010, following the same regulations that the Town adopted for 2009. The Land Use Committee made the following recommendations:

- For Town staff to contact the utility companies to deal with the exposed wires either by burying them or covering them in a suitable fashion.
- To allow the fencing to remain through the winter (with the gardeners cleaning up any debris that remains on-site)
- To store the cistern and tools
- To allow the dirt dump pile to remain (with the gardeners removing any wire or wood for disposal)

John Sheckler of 17306 Bighorn Court, stated that the gardeners could not see any reason to change the Bylaws for 2010.

**Councilperson Mike Hummel moved to approve the Resolution for Renewal of the Round Hill Community Garden for 2010, with Councilperson Dan Botsch seconding the motion.**

Councilperson Ramsey commented that the issue of the utility wires had come up previously, and he stated that it was not really the Community Garden's responsibility. The Town of Round Hill is the property owner, and the wires are potentially hazardous, although the wires are not active, they could pose a tripping hazard for the gardeners.

Mr. Barkley noted that the Town could facilitate the removal of the wires, rather than handling the removal.

Mr. Sheckler stated that he believed there were electric wires, cable and telephone wires on the site.

Councilperson Ramsey stated that the utilities were left in anticipation of building on the lot, but the Town did not plan to build on this lot for quite some time, so they needed to decide how to handle these wires.

Councilperson Hummel suggested that a utility box be installed to house the wires and protect the gardeners from any hazard.

Mr. Barkley noted that staff would be happy to help facilitate the correction of this problem.

**The motion to approve the Resolution for Renewal of the Round Hill Community Garden passed by a voice vote of Council present, 5-0-0-1, the votes being recorded as shown below:**

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

**5. Resolution Supporting Designation of State Route 7 (Business) as a Virginia Byway**

Councilperson Hummel advised the Council that the Planning Commission had unanimously recommended approval of both Resolutions, and suggested that the Resolutions be handled separately.

Councilperson Botsch asked if the e-mail from VDOT was an acceptable response to the Town's concerns about the Franklin Park Trail and Main Street Enhancement projects.

Ms. Gilmore responded that the e-mail was not a binding interpretation. She suggested that they request a letter from VDOT .

The Vice Mayor Graham and the Council members discussed their concerns about the Byway status jeopardizing the trail and street enhancement projects that were already in motion.

Ms. Gilmore advised the Council that there were restrictions for roads designated as Virginia Byways. She reviewed the Resolution and stated that she was not familiar enough with the Byway restrictions to offer advice about adoption of a Resolution supporting such a designation. She agreed with Vice Mayor Graham that it may be better to wait until the Council's questions were answered.

Councilperson Hummel noted that the Planning Commission had recently recommended approval of the Resolutions, but the issue had been raised previously and the Town Council had tabled it for some time.

Councilperson Ramsey commented that he was not as concerned about the Franklin Park Trail project, because it was the County's project, which they had already approved. He noted that he was more concerned about the enhancements planned for Route 719, which included curb and gutter, and expanding pavement into areas that are currently unpaved. He stated that he was supportive of the Route 7 Byway designation, but concerned about supporting the Route 719 designation. He added that he was in favor of having the Byway designation for both areas, but no one had really told them what the ramifications would be for the proposed improvements, and he was not sure what the Town would get from the designations, other than a nice sign.

Councilperson Hummel stated that he did not know who instigated the process, but Commissioner Luckard had been working on this designation with Purcellville Council member Greg Wagner.

Ms. Gilmore, Mr. Barkley and the Council members discussed the issues involved with this action, including the fact that the status may limit the Town in improvements that could be made to a Virginia Byway, and that the Main Street Enhancement project could take several more months to be approved, which should be considered.

**Councilperson Scott Ramsey moved to approve the Resolution of Support for the Designation of State Route 7 (Business), from the Eastern Corporate Limits of the Town of Round Hill West to the Intersection with State Route 7 Bypass as a Virginia Byway. Councilperson Mike Hummel seconded the motion.**

Councilperson Heston asked if there were any future plans for development on Route 7.

Councilperson Ramsey responded that Route 7 was a secondary road for Virginia, which was already built up, and that he was not aware of any plans for future changes.

Councilperson Heston asked if there was a possibility for expansion of the Town limits.

Councilperson Ramsey responded that the Comprehensive Plan did not include expansion of the Town limits eastward on Route 7.

Councilperson Botsch stated that there were 13 acres on the eastern side of Town

Vice Mayor Graham asked if VDOT could take action against the Town, or if they could sue the Town.

Ms. Gilmore responded that she did not believe VDOT would sue the Town, but stated that there may be limitations on the Town or waivers for public safety.

Mr. Barkley stated that he had researched the Virginia Byway website and he found that the limitations were primarily for aesthetics, such as limiting the placement of advertising signage, but it would not limit land use controls or road improvements.

Councilperson Botsch asked if there would be any harm in waiting for a month or more to make this decision.

Vice Mayor Graham responded that this issue had been on hold for some time, and she did not see any harm in waiting.

Councilperson Ramsey suggested that if the issue was tabled, that the Town should wait until the Main Street project was far more mature. He added that they should get a response in writing from VDOT responding to the Council's questions pertaining to the Virginia ByWays.

Councilperson Heston called the question.

**The motion to approve the Resolution of Support for the Designation of State Route 7 (Business), from the Eastern Corporate Limits of the Town of Round Hill West to the Intersection with State Route 7 Bypass as a Virginia Byway failed by a voice vote of the Council present, 0-5-0-1, the votes being recorded as follows:**

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

**6. Resolution Supporting Designation of State Route 719 as a Virginia Byway**

Councilperson Botsch suggested that they table the discussion for Route 719.

## **7. Town Park: Master Plan/Policy for Special Requests**

Vice Mayor Graham explained that the Town had received a request from a resident to place a sundial in the park in memory of someone on the Fire Department, but the Town's policy did not address this type of requests. She added that there was a program in place for residents to sponsor park benches.

Mr. Barkley stated that there was no Master Plan in place, and he felt they should revisit the Town Park Plan for Memorial Structures.

Vice Mayor Graham offered to contact Toby Moriarty, who was one of the initiators of the Town park.

Mr. Barkley suggested that the Council may want to develop a framework for memorials, such as trees, benches, etc.

Councilperson Ramsey suggested that they forward the Master Plan to the Planning Commission or the Land Use Committee for review regarding memorials.

Vice Mayor Graham commented that there had been discussion about the stage area, but the former Mayor had not liked the idea.

Councilperson Ramsey stated that the Plan shows a permanent gazebo, although the Hometown Festival committee had discussed moving the stage to the eastern side of the park. He suggested that it would be more appropriate for the Planning Commission to review the Plan and its Amendments.

Councilperson Hummel stated that the Planning Commission agendas, aside from the United Methodist Church application, were limited to very few items in the coming months.

Vice Mayor Graham asked about the Planning Commission's task to work on the Comprehensive Plan.

Councilperson Hummel responded that the Commission had decided to work on the Comprehensive Plan over the entire year, so it may be a good time to tackle this issue.

Councilperson Ramsey commented that it may be a good idea to form a citizen committee.

Vice Mayor Graham asked how many benches remained unsponsored, since they may want to suggest that resident sponsor a memorial bench, rather than installing the sundial.

Councilperson Ramsey asked if staff could research the number of benches that remain unsponsored, and if one is available, they could offer that option to this resident in the short term. He added that he believed that some of the benches had nameplates that had fallen off, so it was difficult to tell which benches were sponsored and which ones were not.

Ms. Gilmore advised the Town Council that they did not need to make a motion, but they should go on record to refer this item to the Planning Commission.

Councilperson Heston stated that the Town had detailed plans of the park, and they should locate the plans before moving forward.

Mr. Barkley agreed to locate the Plans and use them as a foundation for referring this item to the Planning Commission.

Councilperson Ramsey asked that staff also locate the records of sponsorship for the benches.

Mr. Barkley asked if there were financial transactions connected with the sponsorships.

Vice Mayor Graham responded that she believed the sponsorship fee was \$200 or \$250 for benches without backs or arms, and the fee was higher for benches with backs and arms.

The Vice Mayor, Council members and Mr. Barkley discussed the fact that the memorial bench program had been instigated approximately five years earlier, but the signs were not of high quality and many of them had fallen off of the benches. Sometime around 2000, there was a 10 year plan created for the Park that included a rock wall, which was finished in 2001 or 2002, but the iron work and a gazebo were never completed. It was suggested that the Town install a brick pathway, and offering sponsorship of the bricks as a fundraiser.

Councilperson Ramsey noted that the Town may request the Franklin Park Trail contractor to upgrade the brick pavers in the central intersection, and it was suggested to offer a memorial program to help offset the \$70,000 cost of the bricks.

Vice Mayor Graham noted that the Town Park: Master Plan/Policy for Special Requests would be referred to the Planning Commission for further consideration.

### **8. Town Gateway Signs**

Councilperson Hummel advised the Council that the Land Use Committee had narrowed the sign choices to down to two signs (which he submitted for the Council members' review), each with two black posts, and they had solicited a quote for the manufacture and installation of the signs in four locations. He asked Ms. Gilmore if the Town needed a letter of permission to place the signs on a resident's property, or if a formal easement was necessary, and if payment was customary.

Ms. Gilmore responded that the Town would need permission from the current landowner, in the form of an easement or a letter of permission. She added that she had never seen an easement that was purchased, because landowners are usually happy to place signs on their property.

Councilperson Ramsey commented that Oak Hill had dedicated an out lot for the sign, but he was not sure if they would execute an easement or a letter of permission.

Ms. Gilmore noted that letters of permission could be revoked at any time, where an easement runs with the land and would be permanent.

Councilperson Ramsey stated that one of the other sign locations was on the Andrews property at Lake Ridge Estates, where they actually have a signed easement, but until the development is built, the sign may not be placed in the permanent location.

Ms. Gilmore responded that since the easement was part of a rezoning, the Town could request that the developer recognize that there will be a permanent place for the sign. She suggested that the Town request a letter of permission for the sign, pending the final development and easement recordation.

Vice Mayor Graham, the Council members and Ms. Gilmore discussed the potential locations for sign placement, replacement of the sign "Entering the Town of Round Hill" on the west side of Town in the right-of-way. They also discussed the VDOT provided sign that states "Round Hill Corporate Limits" and whether that sign would affect the Town's financial liabilities. Ms. Gilmore stated that she would research that question.

Councilperson Heston commented that she had contacted Patty House in Purcellville, who made the original signs designating Round Hill as a Historic Town. Ms. House still has the drawings for the monument sign which is already designated, and she estimated that the cost would be \$355. She also spoke to a stonemason and asked for an estimate for construction of a stone monument that would be used for signage. She asked staff to research the person who built the stonewall at the Park and the price the Town paid for that work, as well. She agreed with the plan to move forward with the signs as proposed by Councilperson Hummel, but suggested that the Town consider referring back to the original stonework designs and consider seeking bids for future implementation as the budget allows.

Councilperson Ramsey asked if the plat indicated the actual siting of the sign.

Councilperson Heston responded that she had not seen the plat, but she believed that Mr. Kinsley had that information.

Councilperson Hummel stated that Dennis Powers owns the lot, and he would know that the easement was in effect. He stated that the next step was to obtain an actual Site Plan and shop drawings to apply for a building permit in Loudoun County. He noted that the cost would be approximately \$2,000 or less.

The Council members and Ms. Gilmore discussed the size of the easement and the slope of the property, and how the sign would be placed so that it would be best viewed from the road. Councilperson Hummel offered to do the legwork and report back to the Council

Councilperson Ramsey estimated the cost of this project to be approximately \$13,000.

Vice Mayor Graham asked staff if the Town had money in the budget for this expense.

Mr. Barkley responded that the Town budget had \$2,100 for signs, \$20,000 for sidewalks that could be transferred and \$4,000 for building and grounds.

The Council members discussed installation scenarios for the signs.

Councilperson Botsch asked if the \$20,000 designated for sidewalks was the money that they were going to use for pavers.

Councilperson Ramsey responded that they had separate funds for the pavers.

**Councilperson Mike Hummel moved to allow the Town Administrator to spend up to \$1,000 to install three signs, as outlined in the proposal submitted to the Town Council at the regular meeting of November 19, 2009.**

Councilperson Heston commented that she had a problem with accepting "one price."

Councilperson Ramsey noted that they had received two prices per sign, \$452 and \$355.

**Councilperson Mike Hummel withdrew his motion.**

Ms. Gilmore suggested that the Town obtain the letters of permission for the locations of the signs, particularly the property with the Homeowners' Association, because the membership could change, and people could forget the agreement if it is not in writing.

Councilperson Hummel stated that he would work with Mr. Barkley to determine the best methods of obtaining permission from the property owners of the three locations, as well as including a hanging sign below the main sign indicating that the Town of Round Hill has been included on the National Registry of Historic Places.

**Councilperson Scott Ramsey moved to allow the Town of Round Hill to proceed with erecting three signs, at the north, the south and the west entrances to the Town at locations to be determined by the Town Administrator and Councilperson Hummel. The Town shall seek Letters of Permission as necessary for the approved locations. The sign shall include a hanging sign below the main sign that indicates that the Town has been included on the National Registry of Historic Places. The sign posts shall be black in color. Councilperson Mike Hummel seconded the motion.**

**The motion to allow the Town of Round Hill to proceed with erecting three signs, at the north, the south and the west entrances to the Town at locations to be determined by the Town Administrator and Councilperson Hummel. The Town shall seek Letters of Permission as necessary for the approved locations. The sign shall include a hanging sign below the main sign that indicates that the Town has been included on the National Registry of Historic Places. The sign posts shall be black in color, passed by a voice vote of the Council present, 5-0-0-1, the votes being recorded as follows:**

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

## IN RE: ACTION ITEMS

### 1. Approval of Meeting Minutes

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

Councilperson Janet Heston moved to approve the July 16, 2009, Regular Meeting Minutes, as presented, with Councilperson Scott Ramsey seconding the motion.

The motion to approve the July 16, 2009, Regular Meeting Minutes as presented passed by a voice vote of Council present, 3-0-2-1, the votes being recorded as shown below:

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

#### b. September 3, 2009, Public Hearing Minutes

Councilperson Janet Heston moved to approve the September 3, 2009, Public Hearing Minutes as presented, with Councilperson Dan Botsch seconding the motion.

After discussion, it was agreed that there were corrections necessary, and Ms. Gilmore suggested that Town staff send a request to the Court reporter to make the corrections and resubmit the minutes.

The motion to approve the September 3, 2009, Public Hearing Minutes failed by a voice vote of Council present, 0-4-1-1, the votes being recorded as shown below:

<u>MEMBER:</u>	<u>VOTE:</u>
Dan Botsch	Abstain
Mike Hummel	Nay

Janet Heston	Nay
Mary Anne Graham	Nay
Scott Ramsey	Nay
Chris Prack	Absent

**c. October 15, 2009, Regular Meeting Minutes**

Ms. Gilmore advised the Town Council that according to Robert's Rules of Order, the amendments to the minutes should be listed by the Council members prior to making a motion to approve the "amended minutes."

After discussion, it was agreed that summary minutes were preferable to verbatim minutes, except for Public Hearings or other special cases. The Council members agreed that the following changes would be made to the October 15, 2009, Regular Meeting minutes:

- Page 10 - #4, Paragraph 3: strike the sentence "Mr. Barkley commented that the Mayor had brought up ethical considerations." #5, Paragraph 1, Line 2: strike "discussed automated payments, which should be" and replace it with discussed Personnel policy related to the hiring of relatives, which would be before "presented for action at the next Town Council session."
- Page 11 - Paragraph 7, Line 11: add the word Purcellville before "Councilman Wagner's son"

**Councilperson Dan Botsch moved to approve the October 15, 2009, Regular Meeting Minutes as amended, with Councilperson Janet Heston seconding the motion.**

**The motion to approve the October 15, 2009, Regular Meeting Minutes as amended passed by a voice vote of Council present, 3-0-2-1, the votes being recorded as shown below:**

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

**2. Amendment to Personnel Policy: Chapter VIII - replaced by Section VII: Grievance Procedure**

Councilperson Botsch reported that the Administration and Communications Committee had discussed this policy at the meeting on Wednesday, November 18, 2009. The Committee

members agreed that the policy was acceptable, but they questioned whether ten (10) working days to resolve an issue was too long a period.

Vice Mayor Graham and the Council members discussed several issues that would warrant immediate action, such as sexual harassment.

Ms. Gilmore suggested the following wording: "In the event that conduct or an activity may result in eminent threat to safety of employees or the Town." She offered the example of an employee mixing the wrong chemicals at the water treatment plant, and another employee took that report to the Town Administrator; they would certainly want that "shut down" right away, so the Town Administrator might have to place the accused employee on some type of leave during the investigation period.

Councilperson Ramsey suggested that they include language to the effect that, "Nothing in this policy is meant to preclude any employee from bringing immediately to the attention of any responsible personnel, including the Mayor, an issue of the safety of or eminent harm to an individual or to the Town or a criminal act." He explained that he wanted to make it clear that the Town would not want to quash any report of an emergency or serious illegality that may be occurring.

Vice Mayor Graham noted that the Grievance Policy is meant to outline the "chain of command" in the event that an employee needs to make a report, but they are aggrieved against, for example, the Town Administrator, then they have another person that they can report the grievance to.

Councilperson Heston concurred that the policy would offer the opportunity for any employee to make a report to the Mayor or Vice Mayor.

Councilperson Ramsey added that the language would not require the employee to wait 10 days to make the report, if there was eminent danger.

Councilperson Botsch offered the following language, "Nothing in this policy will preclude an employee from bringing an issue to the attention of the Mayor, Vice Mayor or other responsible party, when that issue represents a threat to the health and safety of an individual or may involve a criminal act."

After additional discussion, the Council members agreed to the following amendments to the July 21, 2005 draft amendment to Personnel Policy Section VII: Grievance Procedure, Section 3. Grievance Procedure, Step Two:

- Paragraph #1: strike "in the absence of the Mayor" in two places;
- At the end of the first paragraph, after "her choice present at the meeting." add, "Nothing in this policy will preclude an employee from bringing an issue to the attention of the Mayor, Vice Mayor or other responsible official and subsequent

action when that issue represents a threat to the health and safety of an individual or the general public or may involve the commission of a criminal act."

**Councilperson Dan Botsch moved to approve the Draft Amendment to Personnel Policy Section VII: Grievance Procedure dated July 21, 2005, as amended, with Councilperson Janet Heston seconding the motion.**

**Section 3. Grievance Procedure, Step Two is amended as follows:**

- **Paragraph #1: strike "in the absence of the Mayor" in two places;**
- **At the end of the first paragraph, after "her choice present at the meeting." add, "Nothing in this policy will preclude an employee from bringing an issue to the attention of the Mayor, Vice Mayor or other responsible official and subsequent action when that issue represents a threat to the health and safety of an individual or the general public or may involve the commission of a criminal act."**

**The motion to approve the Draft Amendment to Personnel Policy Section VII: Grievance Procedure dated July 21, 2005, as amended, passed by a voice vote of Council present, 5-0-0-1, the votes being recorded as shown below:**

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

## **IN RE: REPORTS**

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

Written weekly report dated November 16, 2009, was included in the Council's packets.

Mr. Barkley reported that the Town was also talking to BB&T officials, who may be interested in offering the automated payment services.

Councilperson Ramsey asked if the Town was considering moving their accounts back to BB&T. He commented that there was a history with BB&T, which had a branch in Round Hill, and they advertised that they were a "hometown bank," but then they closed the branch because it was not profitable.

Mr. Barkley responded that they would take the information into consideration as they moved forward through this process.

In regard to the Town's Personnel Policy - Hiring of Relatives, Councilperson Botsch asked for Ms. Gilmore to offer a definition of a dependant.

After some discussion, Ms. Gilmore offered to research if the term "dependant" had been defined in any case law.

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

The Town Planner/Zoning Administrator's report dated November 16, 2009, was included in the Council's packets. Mr. Kinsley was not present.

Councilperson Ramsey referred to the Holtzman/Pennystone property and noted that he had heard some complaints that the lighting was not in conformance with the Special Exception conditions. He asked if any formal complaints had been filed with the Town, or if the Zoning Administrator had investigated the situation.

Mr. Barkley responded that he was not aware of any investigation of this property.

Councilperson Ramsey stated that he felt it would be a good idea for Mr. Kinsley to evaluate whether the lighting meets the conditions of the Special Exception. He noted that it appeared that there were some lights that were not downward facing, but are actually directed toward the street. There was also concern about the lights being left on after hours.

Councilperson Heston asked if Mr. Kinsley had made a determination regarding the Dr.'s office parking lot striping.

Mr. Barkley responded that he would check with Mr. Kinsley.

Councilperson Botsch asked if the Zoning Administrator would be attending future Town Council meetings.

Mr. Barkley responded that he would attend the meetings if there was a compelling issue, or if the Council required answers to technical questions. He added that Mr. Kinsley would attend every meeting, if that is what the Town Council desired.

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

Mayor Heyner was not present.

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

The Council members received Committee meeting notes from November 13, 2009, in their packets.

Vice Mayor Graham noted that Peed & Bortz representatives had attended the meeting, and they had voiced their concern about the urgency of the DNR and credit issue that had been

brought up previously. She added that Ms. Gilmore is working on an easement for Hayman Lane

Councilperson Ramsey asked if, in regards to the Western Loudoun Sheriff's Substation, if they were still waiting for developments before drafting the Utility Service Agreement.

Mr. Barkley responded that Russell Jackson was going to provide the Town with some example agreements to consider, and then staff was going to draft an agreement for presentation to the Utility Committee for review, and then it would be sent to the Town Attorney for her review.

Ms. Gilmore noted that they needed to confirm the number of gallons.

Councilperson Ramsey agreed, and stated that they needed to include language regarding any changes in use, as well as inclusion that they may be seeking permission to establish a well on the property.

Ms. Gilmore responded that Peed & Bortz had received information regarding the potential use, which they were reviewing, and she would be drafting an agreement, which would state the potential use, with a clause that stipulates that if the usage exceeds the estimates, then the Town will seek additional availability fees. She asked if they found a well on the property, would the Town want them to dedicate the well to the Town.

Councilperson Ramsey responded that they would like the well dedicated, as well as the 50-foot radius surrounding it.

Vice Mayor Graham asked about the Utility Agreement for Oak Hill.

Ms. Gilmore responded that there was discussion about the Oak Hill wells and the Stoneleigh wells being treated by the joint water treatment plant.

Councilperson Ramsey added that if they removed the Stoneleigh wells from the equation, and said that the treatment plant would only be treating the wells provided by Oak Hill and possibly well #12, then the project would be more substantially an Oak Hill project than a town wide project. If that is the case, then the Town may be more inclined to have Oak Hill build the plant.

Ms. Gilmore stated that she attended a meeting recently where an issue had been raised regarding the utility easement through Lake Ridge property, which was delivered to Round Hill Investors (Oak Hill) for signature last year. She explained that part of the shared utility/construction agreement included the utility easement through Lake Ridge, and Oak Hill's representative claimed that he had never seen the agreement, but he did have it, he just never signed it.

Councilperson Ramsey asked for the reason why Oak Hill had involved Westlake.

Mr. Barkley responded that West Lake's easement had to match up to Lake Ridge's easement.

Ms. Gilmore and the Council members discussed the agreement, and Ms. Gilmore advised them that she would forward a new copy of the agreement to Randy Minchew, Lake Ridge's attorney and Jordon Dimoff for signature. She advised the Council that the easement had not been finalized or recorded.

Mr. Barkley added that the consent decree spoke in the Town's favor.

Vice Mayor Graham noted that Peed & Bortz will get back to the Utility Committee by the December meeting, and she advised Ms. Gilmore that they may need her to attend that meeting.

Ms. Gilmore responded that she was supposed to be on the west coast, but she thought she could have the documents ready for presentation by the December meeting.

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

Councilperson Botsch noted that they discussed the Town's website and the possibility of having folders that the Town Council members and Planning Commissioners could access, but the Committee found that it would be a violation of FOIA to have this type of folders. Staff was asked to look into the possibility of a conversion for sick leave to "paid time off."

Councilperson Ramsey asked if such a conversion would discourage contributions to the sick leave bank.

Ms. Gilmore offered to research the issue, stating that whenever there is a conversion from sick leave to accrued time off, they run into certain limitations.

The Council members and Mr. Barkley discussed the liabilities of both forms of compensation and the ramifications of a possible conversion.

## **6. Land Use Committee**

The Council members received Committee meeting notes from November 18, 2009, in their packets. Councilperson Hummel noted that he had already presented the Community Garden requests earlier in the meeting, and he had no further comments.

## **IN RE: COUNCIL COMMENTS**

**Councilperson Heston** asked for the status of the cell phone antennae on the water tower.

Mr. Barkley responded that T-mobile had requested the template agreement that the Town had used for the Verizon's antenna, but he had not heard back from T-mobile. He added that the Town was considering a new Special Exception process for any new carriers who request placement of antennae on the water tower.

**Vice Mayor Graham** asked if there were conflicts for the December 17, 2009 meeting. There were no conflicts voiced by the Council members.

**Councilperson Ramsey** announced that Saturday, December 5th was scheduled for "Holidays in Round Hill," including the grand reopening of the Round Hill Arts Center at Hill High Orchard, the Annual Tree Lighting would take place at 4:00 p.m. and in the evening, the Round Hill PTA was holding a Spaghetti Dinner.

### **ADJOURNMENT**

There being no further business, the meeting was adjourned at 10:47 p.m.

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Mary Anne Graham, Vice Mayor

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John C. Barkley, Recorder