

**ROUND HILL TOWN COUNCIL  
REGULAR MEETING MINUTES  
October 15, 2009**

A regular meeting of the Round Hill Town Council was held in the Town Office, 23 Main Street, Round Hill, Virginia, on Thursday, October 15, 2009.

**Council Present**

John Heyner, Mayor  
Daniel Botsch  
Janet Heston  
Mike Hummel  
Chris Prack

**Staff Present**

John Barkley, Town Administrator  
Patsy Tappan, Recorder

**Absent**

Mary Anne Graham, Vice-Mayor  
Scott Ramsey

**Others Present**

Deputy Matt Bressler  
  
1 Citizen

**Attachments**

- I. Agenda – October 15, 2009
- II. Town Council Meeting Minutes:
  - a. July 16, 2009 - Regular Meeting
  - b. August 20, 2009 - Regular Meeting
  - c. September 3, 2009 - Public Hearing
  - d. September 17, 2009 - Regular Meeting
- III. PNC Bank - Payer Express
- IV. Draft - Town of Round Hill Resolution Supporting The Observance of Red Ribbon Week
- V. Town Administrator's Weekly Report, dated October 13, 2009
- VI. Town Planner/Zoning Administrator Report, dated October 9, 2009
- VII. Utility Operations, Public Facilities & Projects Committee Meeting Notes dated October 9, 2009
- VIII. Administration and Communications Committee Notes, dated October 14, 2009
- IX. Land Use Committee Notes, dated October 14, 2009
- X. Letter from Rob Kinsley to Eric Jewell dated August 26, 2009 - Round Hill - West Lake Subdivision (SBRD-2007-0041)

**IN RE: CALL TO ORDER**

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

**IN RE: PLEDGE OF ALLEGIANCE**

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

**IN RE: COMMUNITY POLICING**

Deputy Matt Bressler introduced himself and advised the Council that he was recently assigned to Round Hill as well as to the Community Policing Unit, which encompasses everything west of Leesburg. He offered his support to the Council and to the Community, and stated that he hoped to help out wherever he could. He would respond to immediate concerns, but he would also address long-term issues in the area. He had already been introduced to several on-going projects, such as tunnel graffiti and Jackson Avenue issues, which he would be working on in conjunction with the Virginia State Police. He provided his contact information and assured the Council that he would respond quickly to their concerns.

Mayor Heyner commented that the Program had been very good for Round Hill. He added that Deputy Taylor, who worked with the Town the longest, had identified some issues involving drugs that they had been resolved, leaving Deputy Bressler with a "clean slate." He assured Deputy Bressler that the citizens would keep him informed of their concerns, such as speeding, which he should make every effort to bring under control quickly.

Councilmember Prack commented that the streets in Town are narrow, there is a large number of children in Town, and the speed limit is 25 miles per hour, which has caused speeding to become a "hot button" issue with the citizens.

Deputy Bressler suggested the installation of the Smart Trailers, which monitor speeds and remind drivers to slow down in residential areas.

Mayor Heyner noted that the two main streets in Town are Loudoun and Main Streets, and stated that the trailers would be a good reminder for citizens. He added that the Town would be receptive to trying new methods of enforcement.

Deputy Bressler asked for the Town let him know if there was a specific location they would like the trailers set up.

Councilperson Prack commented that on several occasions he had seen a Deputy parked at the entrance of the Villages of Round Hill early in the morning, and he had been very successful catching speeding commuters on their way to Route 7. He suggested placing a trailer near the entrance of the Villages of Round Hill.

Deputy Bressler agreed and stated that he enjoyed traffic enforcement, and he keeps his radar on whenever he is driving.

Mr. Barkley commented that Deputy Bressler was reviewing the Town Code trying to differentiate between the County Code and the Town Code.

Deputy Bressler added that he was working with the County Attorney on the applicable Town and County Codes.

**IN RE: PUBLIC COMMENTS**

Nancy Weston of 35491 Sassafras Drive, stated that she received a high water consumption notice and a higher than normal water bill. She had not increased her water usage, but the next morning, she noticed her ceiling was sagging, which was a result of water leakage. She contacted her home warranty company and a plumber was dispatched to diagnose the problem. He cut a hole in the drywall and found pin sized holes in her copper pipes between the main floor and the upstairs, that were spraying water into the surrounding area. The plumber explained that the pinholes were caused by hard water, and he suggested that she replace all of the pipes in her house with PVC pipes, but the cost was prohibitive. She said that the water bill was higher than her consumption for the entire year, and it was a financial burden for her to pay the bill, so she was requesting relief from the Town.

Mayor Heyner explained the Town's process for considering such requests, and noted that the Town would consider relief of the sewer charges, but since the water was used, she would be responsible for the water charges. He referenced the bill, and noted that the water charges were \$177.91 and the sewer charges were \$266.62 for the period in question, so staff would calculate her average sewer usage based on the entire year, and they could credit back the overage. He asked if Ms. Weston had already paid the outstanding bill.

Ms. Weston responded that she had, since the Town staff had told her she needed to bring the account current before she could ask the Town Council for relief.

Mayor Heyner stated that the Town could reimburse the overage, or they could place a credit on her account to be used toward future invoices.

Councilperson Hummel commented that she should scrutinize her next bill, since it seemed peculiar that so much water could have been released without her noticing.

Mr. Barkley commented that the recent use was approximately three times her average water usage.

Mayor Heyner asked if her plumber had recommended a softener for her water system.

Ms. Weston responded that he had made the suggestion, but she had contacted some of her neighbors to see what they had done to remedy the situation. She noted that some of the neighbors had PVC pipes and some had installed water treatment systems. She stated that if this was going to be a recurring problem, she needed to make a decision now as to how to resolve it.

**IN RE: APPROVAL OF AGENDA**

Mayor Heyner noted the cancelation of the scheduled presentation, "Talk Loudoun" in item V. Business.

Councilperson Botsch noted that the Committee still had questions for PNC Bank regarding the Automated Payment System, the possibility of including payment of property taxes at the same rate as utility bills. He suggested that they table the discussion until a future meeting.

**Councilperson Mike Hummel moved approval of the agenda as submitted with removal of items V.1 and VI. 2. Councilperson Janet Heston seconded the motion.**

**Motion to approve the agenda as amended was approved by unanimous voice vote of the Council members present, 4-0-0-2 (Vice Mayor Graham and Councilperson Ramsey were absent for the vote.)**

## **IN RE: ACTION ITEMS**

### **1. Approval of Meeting Minutes**

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

A quorum was not present to approve the July 16, 2009, Regular Meeting Minutes. Mayor Heyner asked for staff to include a signature line and change the words "permanent Garden Park" to read "permanent Town Park" in item #1 of the Business section.

#### **b. August 20, 2009, Regular Meeting Minutes**

**Councilperson Mike Hummel moved to approve the August 20, 2009, Regular Meeting Minutes as presented, with Councilperson Dan Botsch seconding the motion.**

After discussion, it was agreed that the following changes would be made to the minutes:

- Page 6 - #1: Line #17 include the word discussion after "push the project"; Line #19 remove the words "waiting for" and replace them with receiving community input;
- Page 8 - #2: Line #12 add the words DEQ Allocation Plan after "when making modifications";
- Page 10 - #2: Line #13 remove the word "they" and replace it with The Town; Line #14 remove the word "obligated" and replace it with the words committed to;
- Page 11 - #1: first sentence in paragraph 3 remove the word "August" and replace it with the word May;
- Page 13 - #7: First line of paragraph 2 remove the words "and moved to" and after the word Substation, insert a comma and correct the words to read the Committee recommended approval and forwarded

**The motion to approve the August 20, 2009, Regular Meeting Minutes as amended passed by a voice vote of Council present, 3-0-1-2, the votes being recorded as shown below:**

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

**c. September 3, 2009, Public Hearing Minutes**

A quorum was not present to approve the September 3, 2009, Public Hearing Minutes.

**d. September 17, 2009, Regular Meeting Minutes**

**Councilperson Chris Prack moved to approve the September 17, 2009, Regular Meeting Minutes as presented, with Councilperson Janet Heston seconding the motion.**

After discussion, it was agreed that the following changes would be made to the minutes:

- Page 2 - Community Policing: Correct Mayor Heyner's name in two places where it was incorrectly spelled "Heynor", and correct "Mac Restler" to read Deputy Matt Bressler;
- Page 3 - Public Comments: Correct John "Kools" to read Couls in two places in the first paragraph, add the word or before "Mr. Holtzman" in the second sentence, and correct the vote on the agenda to read 6-0-0;
- Page 5 - b.: Line 21 remove the word 15 "to" 20 and correct the sentence to read 15/20 or a great deal more filters., in the last sentence, remove the words "of" and "for" and correct the sentence to read notified that the Town Council requested additional information;
- Page 6 - c.: in the second sentence, correct the word "He" to read Her plumber;
- Page 9 - #2: in Line 19 remove the word "approve" and replace it with accept, in Line 21 remove the phrase "and have Loudoun service it," and correct "Mr. Lou Ralph" to read Mr. Lou Rauch in two places;
- Page 10 - #4: Correct Line 1 to read Administration Committee rather than "Administrative" Committee;
- Page 11 - b.: Correct the vote to read 5-0-1 instead of "4-0-2", correct Mr. Botsch's vote to read Abstain instead of "Absent", correct the date of the August 20, 2009, Regular Meeting Minutes in seven places instead of August 23, and remove the words "did meeting" in the motion in the last paragraph,
- Page 14 - #3: Line 3 of the first paragraph insert word and between "phosphorous" and "nitrogen", correct the vote in the motion to read 5-0-1 instead of "6-0-0", and change Councilperson Botsch's vote from "Aye" to Abstain;
- Page 16 - #5.1: In Line 4 of paragraph 4 remove the word "not" after "the easement was", in Line 9 correct "Dr. Hubbard's property" to read Dr. Hudler's, and in Line 13 remove the word "entrance" and replace it with sidewalk;

- Page 17 - #5.1: in Line 14 of the first paragraph insert completed, after "get the Franklin Park Trail project", in Line 26 correct the word "believe" to read belief, in Line 37 remove the words "not do" after "Mr. Holtzman did", and correct "Mrs. Rody" to read Mrs. Roby in two places;
- Page 18 - #5.1: in the second paragraph correct "Mr. Holtzman" to read Mr. Albright;
- Page 23 - #7: in Line 3 of the third paragraph add O'Brien after "Margaret";
- Page 23 - #8: in the second paragraph remove the word "from" and replace it with the word for in the last sentence before "landscaping";
- Page 25 - #1: in Line 6 of the second paragraph, correct "Dimeano" to read Phil Denino
- Page 26 & 27: correct the numbering to read 3. Mayor's Report, 4. Utility Operations, Public Facilities and Projects Committee, 5. Administration and Communications Committee, and 6. Land Use Committee, which were numbered incorrectly.

**The motion to approve the September 17, 2009, Regular Meeting Minutes as amended passed by a voice vote of Council present, 4-0-0-2, the votes being recorded as shown below:**

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

## **2. Automated Payment System Proposal: PNC Bank - was removed from the Agenda**

## **3. Resolution 2009-05: Red Ribbon Week October 23-31, 2009**

Mr. Barkley advised the Council that he had received an e-mail from Denise Corder, who is one of the regional coordinators for this program, and she gave him information about the process which was included in the Council's packet. Mr. Barkley stated that this seemed like a positive program with many participants from this area, and he included a Draft Resolution in the packet for the Council's consideration.

After discussion the Council agreed to correct the Draft Resolution to read:

- In the second WHEREAS, add the words and distribution of illegal drugs after "intolerance towards the use of"

**Councilperson Dan Botsch moved to approve Resolution 2009-05 Supporting the Observance of Red Ribbon Week, as amended. Councilperson Janet Heston seconded the motion.**

**The motion to approve Resolution 2009-05, as amended, passed by a voice vote of Council present, 4-0-0-2, the votes being recorded as shown below:**

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

Mayor Heyner asked if the Town would be distributing red ribbons for this program.

Mr. Barkley responded that he had not planned on distributing ribbons, but stated that he would be happy to coordinate the process if the Town Council wanted him to.

The Council members discussed the logistics of distributing ribbons.

## **IN RE: REPORTS**

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

Written weekly reports from September 21, 2009, through October 13, 2009, were included in the Council's packets.

Mr. Barkley apologized that he did not have an update on the Franklin Park Trails project, but stated that he would have the update by November. He advised the Council that he was considering application for an Energy Block Grant from the Department of Mines and Minerals, for funding to perform an efficiency audit of the Town Office.

Mayor Heyner asked if they applied for and received this funding for the audit, if they would take the results of that analysis and apply for funding for the next phase of action.

Mr. Barkley responded that they could indicate that intention in their application. He stated that he needed Town Council approval to pursue this funding. He noted that this was a Federal grant, although with the economy nothing was guaranteed, but he believed it had been an annual funding source.

Councilperson Heston asked if there was an application fee.

Mr. Barkley responded that there was no application fee and no matching funds required. He added that he could apply on-line with an application deadline of November 6th. He stated that he would forward the application electronically to the Council members for review prior to submission.

Councilperson Heston asked if there were restrictions involved with the funding, such as reporting requirements, time limits on using the funds or commitments to move forward if they do not receive additional grant funds.

Mr. Barkley responded that there were no out year obligations, but there were reports required to document the use of the funding. He stated that he would like to approach this as a long-term Town project and wait for the results of the grant funding.

Councilperson Hummel asked for the status of the Gem Ram parking lot.

Mr. Barkley responded that the Town had received a letter from the attorney, which had been reviewed by Maureen Gilmore, Town Attorney. Mr. Kinsley had been working on the striping issue and possible violation.

Mayor Heyner commented that he had spoken to Ms. Gilmore at length about this issue, and she said that when they threw out the BZA ruling on a technicality, everything reverted back to that last letter, which stated that there were no violations. Anything that was a condition as of that date, was technically grandfathered. Ms. Gilmore's recommendation as their attorney, was that if the Town was dragged into a court proceeding, that there was a high probability that the Town would lose.

Commissioner Hummel asked if the Zoning Administrator was aware of this information.

Mayor Heyner responded that he was. He added that Mr. Kinsley was still trying to pursue the issue of the aerial photos showing nothing in the zone. Mr. Albright had claimed that he had photos of cars parked in the lot. The Town would have to decide if they should pursue this further.

Councilperson Heston asked if there was anything they could do about the front part of the property.

Mayor Heyner responded that this dispute did not involve the front part of the property, it was essentially relevant to the Proffer.

Mr. Barkley commented that Sam Myers was going to cut some trees to take the liability off of the Town. He would charge \$1,000, which was in the budget, and he would perform the task in one day, hopefully by the middle of the next week.

Councilperson Heston suggested that they close the park "due to maintenance" to prevent the public from entering the work zone.

The Council agreed and suggested that they donate the firewood to needy families.

Mr. Barkley announced that Wednesday, November 11, 2009, was Veteran's Day, and the Land Use Committee would be rescheduled to another date.

Councilperson Heston asked if the Town had received any applications for Special Exception concerning the gas station.

Mayor Heyner asked if staff had contacted the 24-hour station in Purcellville.

Mr. Barkley responded that he spoke to Pat, and was told that there is someone present at the station 24 hours a day.

Councilperson Prack complimented Mr. Barkley's new format for the Town Administrator's report.

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

The Town Planner/Zoning Administrator's report dated October 8, 2009, was included in the Council's packets.

Mr. Kinsley was not present and there were no questions from the Council regarding this report. It was noted that the Planning Commission public hearing was scheduled for November 10, 2009 at 7:30 p.m.

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

Mayor Heyner noted that he, Councilperson Ramsey, Ms. Gilmore, and Mr. Barkley had met with Kevin Rogers to discuss Mr. Kinsley's referral comments to Loudoun County. He summarized that Mr. Rogers was hoping that the Town would handle the easements. The Town agreed to help send out the adjacent property letters, since it was felt that they would get better reception if the letters went out on Town letterhead than if the developer sent them, but Mr. Rogers would pay all costs involved. Mayor Heyner commented that they have a lot to work out, but they seem motivated to move forward. He added that they had scheduled a meeting with Russell Jackson for the following week. Mr. Rogers had asked that the Town send Eric Jewell a letter telling him that the conditions were not accurate, but the Town did not plan on complying with Mr. Rogers' request. (A copy of Mr. Kinsley's August 26, 2009, letter to Mr. Jewell was included in the Council's packet.)

Councilperson Botsch asked if there was a timeline for this development.

Mayor Heyner responded that there was no plan for development, they just want to get this recorded.

The Council discussed several topics including the Westlake development; the existing homes, the aquatic facility, which had Health Department approval, new transmission lines proposed for the area.

Mr. Barkley asked if the Council was aware of a solar array at Franklin Park.

Councilperson Heston responded that it was outdated and could not be used.

Mr. Barkley suggested with the concerns about new transmission lines, perhaps the solar power option would be helpful.

Councilperson Heston responded that she believed there was some problem with the array.

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

The Council members received Committee meeting notes from October 9, 2009, in their packets. Councilperson Prack commented that Russell Jackson and Keith Lane of Peed and Bortz were present at the meeting, along with Town Attorney, Maureen Gilmore. They discussed West Lake, the Substation, Allocation Credits, Stoneleigh, and 19 Bridge Street sewer connection. He noted that it was a long meeting and everything was outlined in the written notes.

Mayor Heyner commented that the consensus between himself, Councilperson Ramsey, and Ms. Gilmore regarding Stoneleigh, was that Well 11 was off the table, but the Town might entertain a Waiver balancing the electric service for the sewer portion of the bill.

Mr. Barkley commented that the Mayor had brought up ethical considerations.

Councilperson Prack commented that the Town Attorney had drafted letters and made attempts to contact the representatives regarding the easements for the Substation.

Mayor Heyner commented that they were considering a Will Serve Letter without a Utility Agreement.

The Council members and Mr. Barkley discussed a strategy for moving forward with this letter.

Councilperson Prack stated that the DEQ had authorized Keith Lane of Peed and Bortz to serve on the panel, with the next meeting scheduled for November 4, 2009, in Woodbridge, Virginia. He stated that he believed that Mr. Wolverton would also be attending this meeting.

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

The Council members received Committee meeting notes from October 14, 2009, in their packets. Councilperson Botsch noted that they discussed automated payments, which should be presented for action at the next Town Council session. They also discussed possible changes to the website and the potential for volunteers to help with updates.

#### **6. Land Use Committee**

The Council members received Committee meeting notes from October 14, 2009, in their packets. Councilperson Hummel noted that they had a brief meeting, discussing the Community

Garden Committee's requests and a County wide Transportation Plan. He added that Mr. Kinsley was looking into the possibility of entrance signs on either side of Town, but he asked if anyone had knowledge of previous designs for the signs.

Mr. Barkley stated that Councilperson Ramsey had mentioned a recollection of a design for the signs, but they had not been able to locate a file with drawings.

Mayor Heyner commented that he was sure that on the eastern side of Town the plan was for a monument sign, and the others were supposed to be pole signs. He added that there was also supposed to be a monument sign at the south entrance of the Andrews development.

The Council members discussed possible strategies to move forward with the installation of these identification signs. Mr. Barkley offered to create a plan for the location and installation of the signs.

Mayor Heyner responded that they had the location for the east side, they just needed the design and construction details. He stated that he believed there was money in the budget for this project.

The Council members discussed their options to determine the placement of these signs and decided to proceed with this project in the near future.

Councilperson Hummel reported that during the Planning Commission Regular Meeting, they scheduled the Round Hill United Methodist Church public hearing for November 10th and the applicant was presenting the Concept Plan at a Design Charrette on November 5th at 7:00 p.m. in the Town Hall, although this would not be a Town sponsored event. They have continued to work on the B-1 Business Zoning Ordinance update; Betty was meshing the permitted uses with the permitted Business License uses. They were beginning to organize a Comprehensive Plan update, which would take time, but they were starting with the Accessory Building regulations for each zoning district. The Planning Commission also moved to recommend a Resolution to Designate portions of Route 7 and Route 719 as Scenic Byways. The Town Council had tabled this action some time earlier, due to concerns that it would jeopardize the Franklin Park Trail project. Councilman Wagner's son was taking this project as his Eagle Scout project, and Purcellville and Loudoun County had already endorsed the application, so they needed Round Hill to support the designation in order for the application to move forward. Commissioner Kathleen Luckard supported this effort, and they were cautious in the wording of the Resolution to ensure that this action would not affect the Franklin Park Trails project or the Main Street Enhancement project. He encouraged Council members to send their comments or suggestions to the Planning Commission. Councilperson Hummel concluded by announcing that the Planning Commission had decided to reschedule the Regular Meeting from November 3rd to November 10th, due to Election Day.

**IN RE: COUNCIL COMMENTS**

**Councilperson Heston** asked if the Town was going to issue a statement about Trick or Treating this year.

Mayor Heyner responded that the Town normally had issued a statement regarding the date and times Trick or Treating would be held. This year October 31st falls on a Saturday, so he suggested that they use the same format used the previous year.

Mr. Barkley offered to issue a Press Release announcing this information.

**Mayor Heyner** stated that he had received a request from Mayor Bob Lazaro of Purcellville, inviting the members of Town Council to attend a "Thank You" event recognizing community service organizations that would be held at the Purcellville Baptist Church. Mayor Lazaro had asked for representatives from Purcellville, Round Hill and Hamilton to attend this event. The event is scheduled for Tuesday, November 24th from 7:00 to 8:30 p.m., which he would be unable to attend, and he invited the other Council members to attend. Mayor Heyner announced that he would not be attending the November 19, 2009 Regular Meeting.

**Councilperson Prack** announced that he may not be able to continue to serve on the Utility Operations, Public Facilities and Projects Committee due to a change in his employment.

Mayor Heyner suggested that he consult with the Committee members to see if they could meet at any other time.

Councilperson Prack responded that the Committee had already considered changing the meeting schedule, but due to conflicts with staff and the Committee members, they had been unable to find an alternate meeting time. He stated that he would update the Council at the next meeting.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 9:27 p.m.

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John W. Heyner, Mayor

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Patsy J. Tappan, Recorder