

Round Hill Town Council

Regular Meeting

May 20, 2010 7:30 p.m.

Town Council Members present

John Heyner, Mayor
Mary Anne Graham, Vice Mayor
Christopher Prack
Janet Heston
Michael Hummel
R. Daniel Botsch
Scott Ramsey (arrived at 8 p.m.)

Staff Members present

Rob Kinsley, Town Planner and Building Administrator
John Barkley, Town Administrator
Maureen Gilmore, Town Attorney
Susanne Kahler, Recording Secretary

Others present

Ruth & Joe McDonald
Jane Ford
Phil Bzdyk
Virginia Ewing
Jeff Browning
Charlie Morgan
Shirley Allison
Jeffrey A. Witt, Pastor- RHUMC
Dan & April Whetsell
Jim & Billie White
Kate Cherry
Bill Heston
John McBride, RHUMC
Craig Fredericks

Loudoun County Staff Present

Melissa Poole, Office of Capital Construction
Sophia Fissell, Office of Planning
Rob Franklin, PSA-Dewberry
Bill Thistle, PSA-Dewberry

A regular meeting of the Round Hill Town Council was held Thursday, May 20, 2010 at the Town Office, 23 Main Street, Round Hill, Virginia.

IN RE: CALL TO ORDER

The meeting was called to order by Mayor John Heyner at 7:35 p.m.

IN RE: PLEDGE OF ALLEGIANCE

Vice Mayor Mary Anne Graham led the attendees in the Pledge of Allegiance

IN RE: COMMUNITY POLICING

Deputy Matt Bressler, Loudoun County Sheriff’s Department reported that there were 36 traffic stops, 23 calls for service and another 30 calls that were Deputy initiated in the area last month. There have been several vehicle larcenies recently, and Deputy Bressler reiterated the need for residents to continue to lock their vehicles. There have been a few brazen daytime burglaries at residences in Western Loudoun in the past couple weeks and Deputy Bressler said that two arrests were made in these cases the previous night.

IN RE: PUBLIC COMMENT

Phil Bzdyk, 9 Church Street, commented on the Round Hill United Methodist Church’s application for a special exception, noting that he was especially concerned about the narrowness of Church Street and his concern that during church-sponsored events, to road might be blocked to fire and rescue personnel. He stated that road improvements needed to be made prior to construction and that enforcement of the special exception provisions was required.

Craig Fredericks, 21 W. Loudoun (and Town Planning Commission member) commented that the proposed structure of the RHUMC was being built to accommodate over 600 people and according to town criteria, a parking lot is considered an accessory structure. The parsonage is also considered an accessory structure. Thus, ordinances apply to all, including required setbacks.

IN RE: APPROVAL OF AGENDA

Vice Mayor Graham moved that the agenda be approved as submitted.

Councilperson Prack seconded the motion.

Mayor Heyner suggested that item V.1. Business – Western Loudoun Sheriff’s Substation on the agenda should be place under #VI – Action between Items #3 and #4.

This change was accepted by Vice Mayor Graham and Councilperson Prack.

The motion to approve the Agenda with the change noted passed unanimously by voice vote of the council present, 5-0-1, Councilperson Ramsey absent for the vote.

IN RE: APPROVAL OF MINUTES

February 18, 2010 Town Council Meeting

Vice Mayor Mary Anne Graham moved that the minutes from this meeting be accepted as submitted.

Councilperson Botsch seconded her motion. There was no further discussion. The motion passed 3-0-3, Councilpersons Heston and Botsch abstaining, Councilperson Ramsey absent for the vote

March 18, 2010 Town Council meeting

Vice Mayor Graham moved that the minutes from this meeting be accepted as submitted.

Councilperson Heston seconded. There was no discussion. The motion passed 3-0-3 with

Councilpersons Botsch and Hummel abstaining and Councilperson Ramsey absent for the vote.

March 25, 2010 Public Hearing minutes

Councilperson Heston noted that several names of residents commenting at the hearing were misspelled. Page 19, Imthorn should read “Imthurn.” Page 47, “Bzdak” should read “Bzdyk.” Page 54, “Wistal” should read “Rudisill.”

Vice Mayor Graham moved to approve the minutes from the May 25, 2010 Public Hearing with the above changes. Councilperson Botsch seconded her motion. The motion passed by unanimous voice vote of the council present, 5-0-1, Councilperson Ramsey absent for the vote.

April 15, 2010 Town Council Meeting

Vice Mayor Graham noted that on page 3, the vote count to appoint members to fill vacancies on the Board of Zoning Appeals should be changed as Mayor Heyner did not vote - the vote count for McMahon should read 5-0-0; the count for Cherry, 4-0-1 with Vice Mayor Graham abstaining; and for Field, 5-0-0. Approval of the minutes was pushed to the next Town Council meeting to verify the voice record.

April 20, 2010 Public Hearing

Councilperson Heston moved to accept the minutes from the Public Hearing as submitted.

Councilperson Botsch seconded the motion. The motion passed in a voice vote 4-0-2, Councilperson Prack abstaining because he was absent from the hearing and Councilperson Ramsey absent for the vote.

IN RE: PROPOSED TEXT AMENDMENTS TO SECTION 15.4 “APPEALS-PROCEDURE” OF THE ROUND HILL ZONING ORDINANCE

Town Planner and Zoning Administrator Rob Kinsley noted that this was basically an administrative issue to align the Town’s language with State code. It is a text amendment to replace and correct two sections of the ordinance. In the first instance they are just correcting to the modern code - the 15.1 section was amended years ago but in some instances the ordinance still refers to the 15.1 section where it should read 15.2. In the second instance, the Town of Round Hill’s ordinance had a 45 day appeal period but the Code of Virginia limits are 30 days so the text amendment is required to assure both dates are in alignment.

Vice Mayor Graham moved that the Town adopt the text changes to Section 15.4 as presented.

Councilperson Botsch seconded her motion. The motion passed unanimously by voice vote 6-0-0 (Councilperson Scott Ramsey had arrived at 8 p.m.).

IN RE: SCHEDULE PUBLIC HEARING - REQUEST FOR MODIFICATIONS TO THE SPEX-2008-01 SPECIAL EXCEPTION PERMIT, HOLTZMAN/COULS ROUND HILL EXXON SERVICE STATION

Mayor Heyner said they had a recommendation on this issue from the Town Planning Commission and the Council needed to schedule a public hearing. Councilperson Hummel stated that the Town Planning Commission had recommended in favor of one modification moving forward - that the existing sign be left in place but recommended against approval of the two other modifications requested – the extension of hours and the use of spotlights. Mayor Heyner questioned whether the two modifications - lighting and extended hours - were tied together. Per Craig Fredericks, Town Planning Commissioner, there was no tying of the usage or type of

lights to the request for extended hours – there was only a design issue with the proposed lights. Councilperson Hummel reiterated that all three special exception requests were considered separately. Mayor Heyner stated that the lighting issue might require additional clarity, given the shorter days of fall and winter.

Councilperson Hummel stated that the standard specifications of the Exxon canopy came with the spotlights. Councilperson Botsch stated that the only debate he recalled taking place was whether to actually remove the lighting fixtures that were in violation of the original Special Exception Plan or not; but the end recommendation was to leave them in place, only not turned on.

Mayor Heyner checked the calendar and stated that the first normal public hearing date would be Thursday, July 1st. Town Planner Rob Kinsley stated that the 60 day waiting period begins after the Public Hearing. John Barkley, Town Administrator and Mayor Heyner then noted that Thursday, June 24th was a possibility. **The Public Hearing for the SPEX-2008-01 was then scheduled for Thursday, June 24th, 2010 at 7:30 p.m.**

IN RE: WESTERN LOUDOUN SHERIFF SUBSTATION

Bill Thistle with Dewberry in Leesburg/site Civil Engineers and Rob Franklin from PSA Dewberry, Architects were on hand to present and discuss two detailed plans, including a new design, for the proposed Western Loudoun Sheriff's Substation. On April 28, 2010, Loudoun County Planning Commission held the first Public Hearing for a Special Exception permit. At that meeting there were several comments made about the orientation of the building, western expansion of the town, access to the building itself and to allow for future uses to the parcel. On May 18, 2010 they also met with representatives from the Town and County where they reviewed a sketched layout. Design modifications were made to reorient the building to face east, with easier access to the eastern property line and have the community portion of the building located towards the town, along with open public space and saving as much of the tree buffer as possible. .

Councilperson Heston questioned whether there was secure parking. Vice Mayor Graham questioned the actual square footage of the project with the answer of 16,300 sq ft as stands, a total of 18,000 allocated for future expansion.

Councilperson Ramsey stated that his first response to the project was to buffer and isolate it as much as possible but given that there will be eventual residential infill in the surrounding areas, he felt that as a natural expansion of the town it was beneficial to orient the site away from the rural policy area to the West and orient it towards the town instead. He hoped to see the County do the majority of the road improvements necessary to create a North-South future public road at their expense with the gridding and paving. Vice Mayor Graham noted that BOS member Jim Burton continued to make comments about trying to reduce the size of the project and also the possibility of co-locating the Fire Department. Councilperson Heston commented that the Town should consider moving forward in the BLA process as it becomes a boundary line issue because co-locating would need rezoning to allow smaller setbacks. It would also expand the project closer to the western property boundaries and the Thomas property.

Vice Mayor Graham said she was told that there would be a BOS public hearing on June 7th. Per Sophia Fischer, Loudoun County Planning Office, the meeting was postponed. The application is currently scheduled for the July 12th BOS hearings but there is a possibility it might be moved.

Mayor Heyner said the comments that came out of the public hearing were that the big issue still is that the town does not believe this is a good location for this building. There was a realization, however, that this property has been purchased for this purpose and that they could try to fight something that was inevitable, or they could try to work with the County instead for this to be a natural extension of the Town. Mayor Heyner turned the subject over to Scott Ramsey for discussion in further detail.

Loudoun County Project Manager Sophia Fischer stated that it was the County's intent to provide the Planning Commission with as much information as possible and make both them and the Town Council aware of the new design changes in return for which they would like a letter from the Town Council with the Town's position regarding the new direction. They hoped to have the letter in hand by the next Planning Commission workshop in June. Fischer continued to say that any reduction in size of the scope or phasing of the project would be in the footprint of the existing plan.

Captain Eric Noble said that he believed drawing the substation into the community makes sense.

Councilperson Heston expressed her feeling that of the two options, she preferred design option #2 which also had a greater southern exposure for achieving solar energy savings. She suggested that the Council vote on a letter indicating their commitment from the town and their desire to add direction in incorporating design elements in the site planning stages.

Councilperson Botsch said it made no sense to oppose the County's plans as there seems to be good faith efforts made by both parties to the project.

Councilperson Ramsey moved that the Town Council send the Loudoun County Planning Commission a letter expressing the Town Council's general support of design concept #2.

Vice Mayor Mary Anne Graham seconded his motion.

Discussion then ensued as to what criteria the Town wished to include in its letter to the County.

Vice Mayor Graham wanted to reiterate the initial position of the Town - that the Town would still like to see a total reduction in size of the project. Councilperson Heston said that she was still in favor of a smaller initial sized project and also requested that the County move forward and enter into a utility agreement with the Town. Vice Mayor Graham asked what the status of the agreement was and Town Administrator John Barkley said that the County Attorney was to respond next week.

Councilperson Ramsey asked if there was a way to move the parking lot away from the public entry.

Vice Mayor Graham asked that the letter include providing an option for future use and co-location which would move towards a natural future extension of the town. She also wanted to ensure maximum screening for surrounding neighbors, especially the rural policy properties. Graham asked further that the County continue to work with the town on design elements.

Councilperson Ramsey asked that they keep the road entrance as far East as possible to ensure future road reservation was provided for.

Councilperson Heston asked for an appropriate traffic study. Town Administrator John Barkley stated that he misread the study, that only peak hour numbers were given.

Craig Fredericks, Planning Commissioner, stated that traffic generated by this site alone will turn through the town and lead to a major increase in traffic.

Councilperson Heston asked that the County consider looking at the intersection as a possible safety issue but Melissa Poole, Loudoun County Office of Capital Construction said that the

project doesn't meet the existing criteria

Councilperson Scott Ramsey asked about exploring the possibility of using the parking areas as a commuter lot. Resident Bill Heston said that having a secure lot providing protection for vehicles used and owned by the County but essentially are paid for by the taxpayer so it was a good idea.

Councilperson Ramsey moved to include said comments/criteria in the letter.

Vice Mayor Graham accepted the changes.

The motion passed unanimously by voice vote, 6-0-0.

IN RE: ROUND HILL UNITED METHODIST CHURCH SPECIAL EXCEPTION

Land Use Committee Chairperson and Town Council member Michael Hummel deferred to Councilperson Ramsey to summarize the status of the RHUMC SPEX-2007-01 special exception proposal for expansion.

Ramsey said that the Land Use Committee and the applicant have discussed all conditions except for one major item – storm water. All proposed changes have been accepted by the applicant in concept including the further edits made by Ms. Maureen Gilmore, Town Attorney, and those discussed at the meeting with the applicant agreeing to those changes as well. Councilperson Hummel also crafted a potential storm water addition to item #24 which is included in the packet. Councilperson Hummel did say that there will be a potential addition to clause #24 which addresses storm water management.

Councilperson Janet Heston made a statement at this time, declaring herself to be a member in the Round Hill United Methodist Church. She certified that neither she nor her family had any personal or financial interest in this matter, nor had she or her family received any money or anything of value in exchange for the performance of her duties as a Town Council representative concerning this matter.

Changes in language were made as follows by item number to the latest development conditions dated 5/19/2010:

Item #1 additional edit concerning plat numbers

#2 Vice Mayor Graham wanted to strike the words “by the general public” according to her, She felt that the parking lot should not be used as a commuter lot by anyone. Jim Burton said there was to be a commuter parking lot at Franklin Park so there was no need for the church to use their parking lot as one.

Councilperson Ramsey said that historically, with the consent of the church, some church members have used the lot as a meeting place to share carpools. Councilperson Botsch shared Graham's concern that when the parking lot increases in size due to the tremendous increase in scale, this might represent more of a problem, while Ramsey stated that historically, the daytime use of the parking lot as a carpool meeting place was not a problem. According to the applicant, a cap on numbers of vehicles allowed to use it as such was OK...it was for the convenience of church members and not a major issue.

Councilperson Hummel stated that usage of the church's parking lot was a 2 way street because the church allowed the Town to use it for public events.

RHUMC Pastor Witt added that carpooling conserved natural resources and the church was a comfortable and convenient place for people to meet to share rides with fellow members. It would not become an issue because the church needed the spaces for use also. Councilperson Botsch said the problem was that it might set a precedent. "If the church could do it, why

couldn't other places?"

Mayor Heyner suggested that as a compromise, they put a cap on the number of vehicles allowed. Councilperson Graham suggested a cap of 24 vehicles. John McBride, RHUMC, said that if a cap made the town more comfortable, that was OK with them.

Councilperson Ramsey suggested changing the wording to “**Any private use of the parking lot for ridesharing or commuting to work by church members shall be limited to no more than 24 vehicles.**”

Councilperson Botsch suggested that also in #2, “without limitations” needed to be stricken or list all the possible conditions for church use and then have special exception permission required for any usages not listed. Town Attorney Gilmore stated that the application enumerated the numerous uses that the church would be holding and if the town was comfortable with that, the wording was fine – anything else could be addressed by the special exception process and the Zoning Administrator could determine if any uses not specifically addressed were acceptable. The applicant stated that the special exception process was burdensome and that “place of worship” was not defined in the town ordinance. John McBride, RHUMC, said they tried to define it as much as possible but they felt they really needed to add "such as." Town Attorney Maureen Gilmore suggested taking out "without limitation" and adding wording “**in the event a use not listed arises pertinent to a place of worship, other uses similar in nature may be approved as determined by the Zoning Administrator.**”

Item #3 & #4 have not been revised.

#5 Councilperson Ramsey noted enforcement issues on the maximum number of persons allowed on the property at any one time. The number 324 will be noted on the occupancy permit and there is agreement by the applicant to that number. The parking ratio was calculated by the number of worship seats. Craig Fredericks commented that the number as a condition was a way to circumvent the ordinance because it was unenforceable and they had confirmation by the Zoning Administrator that the capacity of the building is well beyond that number.

#6 large group activities – Expanded definition of that term and adding notice period of 21 days for events that are not prayer services; planned well ahead of time with coordination with the town for any potential problems that may occur with a larger number of attendees.

#7 Graham preferred an earlier end time than 11 p.m. with cars coming and going.

Councilperson Ramsey concurred. The applicant said the problem is what if they had a non-worship activity that extended beyond that hour. A compromise was reached to change it until **10 p.m. all days of the week**. Councilperson Heston asked who would determine if a complaint was coming from a church or non-church sponsored activity such as the Bluegrass Jam.

Councilperson Botsch asked why the word "generally" was included. Councilperson Ramsey said that there was no need for that in the new wording so the last sentence starts with the second clause.

#8. An exception was added allowing the RHUMC to do "**silent work**" outside the hours originally stated. Any noise generated construction activity cannot be done on a Sunday. Mayor Heyner suggested changing "Saturdays & holidays" to "any other days." Councilperson Hummel said then they were able to do construction on Sundays when they were offering NOT to. Craig Fredericks spoke, saying construction on Saturday should be limited as it was when most people are in their yards. While not working Saturdays might be a heavy burden on the construction schedule, it was a 2 year burden on residents. Mayor Heyner suggested reducing the evening hr to 4:30. He felt that if the concern was the disruption of tranquility in your backyard you would

have noise everywhere on Saturdays anyway with lawn mowers, weed eaters, etc. in use. Craig Fredericks stated that construction noise was much different. Heyner said if it was truly a 2 year project, not working on Saturdays would add an additional 104 days to the construction schedule. Councilperson Ramsey did not feel that would be the case as "quiet" work inside the building could continue. Councilperson Ramsey suggested they find a compromise. Councilperson Botsch said perhaps there was a better way to dictate and define what kind of construction could take place. John McBride, RHUMC said that the local jurisdictions recognized that there was a value to getting the project finished according to schedule; that they became a lot more expensive if they could not work on Saturdays. That didn't mean there wouldn't be some Saturdays that there was no work scheduled.

Town Resident (and owner of Apple House Carpentry) Phil Bzdyk said most construction companies held to a 40 hr workweek as they did not want to pay overtime but there were certain construction cycles, especially site work, which were more noise generating than others. He said that if weather related delays hit and affected deadlines, however, this could cause a problem. Councilperson Hummel said maybe you could limit the trades that were loudest. Councilperson Botsch recognized that Councilperson Hummel was trying to eliminate the ones that would have the biggest impact on their neighbors. Phil Bzdyk said construction went in different cycles, the other reality being radios and workers talking. John McBride suggested limiting it to 2 Saturdays per month. Craig Fredericks said 15% - which worked out to 7 Saturdays a year. Councilperson Hummel said he liked the 2 Saturdays a month. Vice Mayor Graham asked who would keep track of it. Councilperson Ramsey said the neighbors would keep track and notify the zoning administrator of any violations. John McBride said the limitations would be built into the work contracts ahead of time anyway. Mayor Heyner said a third of the Saturdays averaged over the life of the project would be a good compromise. Councilperson Ramsey suggested that during each 3 month window of time construction could take place on 4 Saturdays. The applicant was acceptable to these conditions. Vice Mayor Graham felt that these conditions were unenforceable. Councilperson Ramsey said he disagreed, feeling that it was one of the most easily enforceable provisions by sheer observation. He suggested the hours should remain the same since the number of days was now limited. The clause now reads "**Construction activities shall only be permitted for up to 4 Saturdays over each 3 month period.**"

#9 Councilperson Hummel noted that there needed to be consistency in the wording and that instead of just "site plan" the document should refer to it as "**final site plan**" throughout. They applicants know that they have to meet every standard on the preliminary site plan. Councilperson Hummel will go back through the previous items and amend the wording. Second sentence in #9 will also be changed to read "**final site plan review.**"

Mayor Heyner noted that there was a section of the extension of the Fellowship hall where the height of the plantings was not sufficient to block the side of the building between the Barry property and the building.. John McBride, RHUMC submitted that on the final site plan review by the Planning Commission, there would be an opportunity to review the actual species of plantings.

Mayor Heyner – suggested adding language to read, "**Screening on the southwestern property line have a minimum mature height equivalent to the height of the roof soffit.**"

Councilperson Hummel requested that the Council revisit the use of the term "Final Site Plan" in the preamble to the proposed development conditions.

#10 Mayor Heyner asked Rob Kinsley what the requirements were to build a fence in town. He

replied that they needed to submit a zoning permit application. Craig Fredericks also stated that they needed to get a building permit from the County as well.

#11 The first sentence will change to as part of "**Final** site plan." Last sentence on page shall read "**At final site plan review.**" Vice Mayor Graham asked how the Town would enforce this. Councilperson Ramsey stated that Zoning Administrator Rob Kinsley would certainly review the engineering data and determine how best to enforce the ordinance. Mayor Heyner asked about the inclusion of security lighting. There was none. Craig Fredericks commented on the intensity of the existing street light on Locust Street.

#12 Councilperson Ramsey stated that the most significant change was a triggered provision that they put in due to the possibility of repeated parking problem or if there was inadequate advance provisions for large group activities that the zoning administrator had the authority to suspend large group activities until these issues were resolved. Vice Mayor Graham asked if this was an appropriate time to discuss the parallel parking on Church Street concerning the sentiments expressed by Town residents Phil & Kerry Bzdyk - whether there was some way to eliminate the parallel parking on Church Street so they don't have to worry about the issue of turning vehicles around. John McBride, RHUMC spokesperson said that they were widening the street so 2 vehicles would be able to pass plus the parallel spaces were in ADDITION to the widening being done and they also had the church lot itself to turn around he didn't feel like anyone would be going to the end of the street to turn around.

Vice Mayor Graham asked if there was to be any signage being put up to identify where to turn around. Mayor Heyner felt that signage just past the Parsonage driveway was the way to solve any potential problems. Councilperson Ramsey also said there was some discussion on trying to direct a one-way flow through the site. Phil Bzdyk said that a 2-way flow on Church Street would be complicated by the turn-around process and back up the flow of traffic into the church parking lot. John McBride said that on the final site plan, the specific language of the signage would be addressed and that the returning Church members would become accustomed to the flow. He said the objective of the Land Use Committee review result was the even distribution of trips between Locust and Church Street, to make traffic flow better, reduce congestion and get it in and out as fast as possible. Councilperson Ramsey requested wording on the signage at this point. He felt it should be added as a second sentence on condition #14. **The applicant shall install signage at the Church Street parking lot entrance that directs all Church traffic into the parking lot.** Vice Mayor Graham addressed the assemblage of processions - that they should be done in the Church parking lot rather than the public street, desiring to add a sentence to that effect. The problem of funeral processions in the right of way was already covered in the existing language according to Councilperson Ramsey.

Councilperson Botsch wanted to discuss the addition to #12 in conjunction with item #25. It started with the question if the building is too large for this lot? He looked at the impact of traffic on the neighbors with the cap set at 324 people; parking being limited to 101 spaces. The applicant argued that enforcement of the cap on 324 is self-regulated by the limited number of parking spaces and if parking is unavailable, people will turn away. Per Councilperson Botsch, however, if the Zoning Administrator sets up additional overflow parking spaces as provided for in the addendum language, even for regular Sunday worship, he feels there sets a "real contradiction here and what this allows them to do is facilitate the violation of the limit of 324 people. What this does is eliminate any effective regulator they have on this limit, so they could in fact, be giving the neighborhood a facility that actually serves 600 people instead of 324."

Councilperson Heston thought that was being too restrictive and that was not what this provision was intended to be. Councilperson Botsch said that he asked at the Public Hearing about traffic studies and was told that the parking was adequate. He assumed that these studies were accurate if based on the 101 parking space formula. Councilperson Ramsey said this might be the case in normal worship services but in events such as weddings, "he didn't know too many people who would come, not find a parking spot and turn away. They are going to continue to park and park illegally. The overflow parking provision prevents that problem."

John McBride, RHUMC felt that there were two different scenarios. The large group activities, where one of the conditions is an agreement to park elsewhere, will not cause safety problems. Instead of including regular Sunday service, his suggestion was to exclude it.

Mayor Heyner suggested going a step further - if repeated parking violations occur for large group activities, period. Councilperson Ramsey said this is the "trigger that says they can suspend large group activity for ANY violations." He wants the conditions to be universal to "Any parking problems rather than just large group activities." Applicant agreed to striking "**and may require a provision of overflow parking**" and address that issue in #25.

Council discussed the option of pushing to another meeting if this meeting ran too long with the applicant's permission at midnight. The next meeting would only be a final discussion by Council in the vein of tonight's meeting. The goal was decided forge ahead and to push through a few more of the conditions with the hope of coming up with a fairly clean document for final review.

#13 – there was no discussion

#14 in the Planning Commission process, North Locust Street was proposed to be widened as well. The Land Use Committee recommended that widening of Locust Street **not** take place.

#15 Councilperson Hummel wanted to state that at the beginning, "**During final site plan review, ...**" and after "Plat", strike everything else and insert new language included in email (and packet) to "**the design of the final site plan shall be in conformance with the Town of Round Hill Storm Water Master Plan and the requirements in effect at that time of Chapter 4 of the Virginia Erosion and Sediment Control Handbook. The Applicant will be responsible for obtaining any offsite easements, and constructing offsite improvements required for compliance at its expense.**" Councilperson Ramsey asked if the language was clear in his revised wording that not only was the applicant responsible for the easements if they required any offsite improvements that they perform them at their own expense.

Bring in #24 here - voluntary commitments from applicant. Mayor Heyner did not see any problem with #24 and suggested the Council move on.

#16 The Land Use Committee made changes to reduce the shingles to minor areas, predominantly metal seamed and add color/style matching on the siding. Vice Mayor Graham asked how these would be enforced. It was noted that the criteria would be submitted for approval prior to obtaining a building permit. Final review would be made prior to obtaining an occupancy permit. Mayor Heyner noted that all these details would be in the architectural contract.

#17 Mayor Heyner posed a question - was the height measured to top of roof? What was the vertical height of the walls to the soffit? It was estimated to be 18-19'.

#18 Town Attorney Maureen Gilmore added clause "no **additional signage except as required by these development conditions shall be allowed.**"

#19 no discussion/statement of ordinance

#20 no discussion

#21 speakers changed to "**loudspeakers**"

#22 no discussion

#23 Town Attorney Maureen Gilmore stated that the blanks left for dates could now be removed. Now "Shown on Sheet 4 of the SPEX Plat....Also suggested rewording my Gilmore to read " **In lieu of and at the sole option of the Town Council, the applicant shall install one (1) streetlight...**" Vice Mayor Graham asked why it was a Council decision. Councilperson Ramsey said that because it was a budgetary and capital planning decision item, thus it is a Town Council designation.

#24 addressed previously

#25 Restating of conditions #25 and 26. Vice Mayor Graham asked about the why the number 220 was used. If it was 180 or more, it was defined as a "large group activity." Councilperson Ramsey said that if it was a very large group activity - 250 or more, he felt that was the point he got very nervous about things blowing up all over the place and people parking illegally throughout the town. Vice Mayor Graham asked how you made people park at other designated locations. Councilperson Ramsey said through signage and a sponsored shuttle. Mayor Heyner felt that people generally adhered to the signs. For a large group activity, the parking might not adhere to the standard formula and they wanted to be prepared for that occurrence.

Councilperson Botsch felt that it was contradictory. Councilperson Ramsey said that this provided a remedy in case their scenario is wrong. Councilperson Botsch felt that they needed to be consistent about trying to limit the capacity- if they completely lift the restriction on parking, they will in turn be lifting the capacity on people in the building at any given time.

Councilperson Ramsey said "you can't shut it down the large group activities the first time, that there has to be repeated violations." Councilperson Botsch wanted to limit the number of parking spaces available for overflow. Mayor Heyner said, "He thinks they need to concede that the number of people per vehicle for these large group activities is not going to be consistent with what the Town has in their Zoning Ordinance for worship services." He felt that they had to cap it somehow. Councilperson Ramsey said, "They need to limit the situations where overflow parking can be provided but where it is necessary, he wants it to be adequate." Craig Fredericks said that overflow parking needs to be within 300 ft. Councilperson Ramsey said, "He is not conceding that there is enough parking, they are deciding what will be voted on. I believe there will be parking issues. By going through this process I am trying to determine that whatever gets voted on has remedies for whatever egregious situations that might arise if my fears come true. The applicant assures me that my fears will not come true, that there is enough parking. It is prudent to have a remedy, to have an outlet, in case they are wrong."

Councilperson Botsch said that by doing this he was "dismissing the argument that the applicant had made that they will get it so that the use conforms to available parking; the only lid they have on use is parking." Councilperson Heston said, "That was not a true picture, that there are other ways to get to church except via car and parking." Councilperson Botsch said, "How do we go to the public and say we are holding the number to 324 but since we have no real way of enforcing it, we are going to lift it?" Councilperson Heston said, "We will enforce it just like we enforce any other specification." Councilperson Ramsey said, "He did not want to be the guinea pigs in this experiment," he felt that having to park quite a distance away would be, "odious enough to discourage some people. I want to have a good outcome. Providing overflow removes

that incentive, it makes it easier to support larger events at the facility than what otherwise would have been done. However, the parking is the visible problem, not the population as much. What really scares residents is the prospect of illegal parking."

Councilperson Prack said, "Even with overflow parking you are still going to get illegal parking on the street." John McBride, RHUMC, reminded the Council that the large events are pre-approved by the Town and with advance notice. If they wanted to place a cap on numbers, the applicant would be acceptable to that, and for occasions like weddings, it would become part of the contract. Councilperson Prack said, "that essentially what is happening is this is created because the church is built to a scale that is too big for the lot so that there is not adequate parking. Now we are trying to compromise that issue by having satellite parking."

Mayor Heyner said that in special circumstances where you have large infrequent events it is not unusual to have parking requirements exceed availability. Councilperson Prack said, "I would argue this will happen on a regular basis with regular services because the building being built is too large for the plot provided. We have emails from neighbors complaining about the size of the building, even one from a parishioner that says the building is too big and the use for which it is intended does not warrant the size of the building. The only way we are going to find out is when they have cars parked all up and down the streets and at that point it is too late to close the door - now we are stuck having to hope that the neighbors are kind enough to contract overflow parking."

Mayor Heyner said if they listened to what Councilperson Botsch was saying - that if overflow parking is not allowed for the normal worship services, than this will self-regulate the number of people in the building. "I'd rather see them take alternative measures such as adding another worship service rather than go to overflow parking. We are saying that this is a 324 person building. Even though it allows a lot more we don't want to start giving the Church reasons to exceed that 324 and that is what we do when we give them overflow parking for every event."

Councilperson Botsch agreed to conditions 2 and 3 which allow overflow parking for large group activities, "I will concede these 10 special large group activities but not concede on regular worship services." Phil Bzdyk said his gut feeling is the building is too large but his real concerns are the fire, safety and traffic flow, impact on their streets - if it was a smaller building, there wouldn't be those issues. He would like to find a compromise. 13 times a year (10 large group activities plus 3 major religious holidays) sounds like a lot.

Vice Mayor Graham asked what difference it made if there was overflow parking if it was 5 or 15 activities if it didn't conflict with the neighbors. Councilperson Botsch replied that we don't know what the impact really will be..."The conclusion that I am really trying NOT to arrive at was that the building was too big and what I am hearing tonight was residents of the Town and Council members feel that there isn't enough parking." Councilperson Heston noted that the applicant has been working diligently to get permission for overflow parking. Councilperson Botsch said, "When we look at the impact of this, it will affect other neighborhoods and removes their ability to monitor usage of the parking unless they are going to put turnstiles in or stand outside with a counter." Councilperson Ramsey said this would be a "relief valve" and was worried that relief valve will just encourage more pressure. Councilperson Ramsey said he thought they were talking about regular Sunday worship at this point but Mayor Heyner said "No, they were on #1 which included large group activities and the 3 extra worship days."

Councilperson Botsch said if there was a need to have a relief valve for regular Sundays - the building is too big. Councilperson Ramsey said he is "trying to cope with that situation rather

than admit that it doesn't exist.” Mayor Heyner said that regarding the issue of the whole bldg being too big - they have moved on and already identified in their conditions that the maximum capacity will still be 324 people. Councilperson Ramsey said it is all about the size of the building – “if someone said they were going to build a stadium and only put 324 people inside of it we would all laugh and say you are building a stadium and you're going to put 40,000 people inside of it. We have all heard from the church that they have always filled it up - that the building has never been big enough - so the size of the building is what they are trying to build some mitigation against that.” “If problems occur, what is their remedy? One argument is self regulation - parking becomes a real pain and people stop coming. The other argument is providing overflow parking.”

Mayor Heyner said that, “if this is the argument that you and other Council Members have been making, then we have been disingenuous to the applicant this entire time by going through this long process and all these special conditions when we have already arrived at the conclusion that the building is too big. We should have said at this at the very beginning.”

“At this point they are not going to make it any smaller than it is now,” Ramsey said, “so what is in front of us is what we are going to vote on. I want to hedge my bets because I might lose that vote so I want to have a remedy if I lose that vote. That is the substation argument all over again. I don't like it but if it is going to get shoved down my throat I want to make sure that the worst aspects are mitigated. Councilperson Botsch feels that self-regulation is a mitigating way. The counter argument is that if he is wrong and self regulation doesn't work, many of my neighbors would prefer to have alternatives rather than all the cars on the street.” Councilperson Botsch said he didn't want to get to that point. He understands making special exceptions for some large group activities as people coming to those would not be familiar with Round Hill. John McBride said the provision they are arguing over is reviewable by the Zoning Administrator.

Councilperson Prack said, “It is the every-Sunday thing that is going to blow up in our face.”

John McBride, RHUMC, said he thought the Council had already excluded regular Sunday service from the overflow parking issue. Councilperson Ramsey asked, “If you don't put the overflow parking provision in, is the church then automatically able to do it somewhere else?”

Councilperson Botsch said the Town is facilitating overflow by requiring signage and shuttle bus service. Councilperson Ramsey said in that case they needed to make sure the Church knew overflow parking was not acceptable in any circumstance; his second question was, “If you are wrong, and he is right, and people don't self regulate very well and park in the street and they cancel large group activities - at that point what remedy would you suggest they pursue?”

Councilperson Botsch said that the police would be able to enforce it and he felt that would be a very effective solution. Councilperson Heston said, “There are other ways to remedy overcrowding other than overflow parking...people who want to worship together do not want to worship where there is no room to be together.” The building has not always been too small but it has been for some time and she didn't think that there were any rules in their zoning as far as percentage of land that must be included with the building. Councilperson Prack said, “If you look at the history and the church has been too small and too remedy the situation, they will make this big giant building that can include everyone in one service, the building takes up such a large amount of space that parking will not accommodate even one service. Reality will make it come to bear. They start off really small, but if you build it, they will come to it.”

Councilperson Botsch said the church also had the power of the pulpit to emphasis the commitment to their neighbors.

Councilperson Ramsey suggested they had talked the issue out and to take a straw poll. Vice Mayor Graham asked how many instances were required to make the issue a “repeated violation” - at what point did it trigger additional remedies? Councilperson Ramsey said this gives the Zoning Administrator leeway to use his judgment. Two options were given in the straw poll by Mayor Heyner - to use language as stands or to add more restrictive language. Councilperson Botsch wanted to add additional restrictions for all other circumstances which prohibit offsite parking. Vice Mayor Graham wished to have overflow parking. Councilperson Ramsey wanted to provide an option for the Zoning Administrator to require offsite parking. Councilperson Prack was fine with the 13 days and prohibiting overflow at any other time. The result of the straw poll was that the language stands as is.

Mayor Heyner stated that the second part of the question to put to a straw poll was do they add back in language which gives the Zoning Administrator placing a condition on them requiring overflow parking if repeated violations took place in other circumstances beyond the 13 days (language from #12). Councilperson Botsch was for this inclusion, and Ramsey and Prack were against. Therefore, the Council was to move forward with language as it stands in the 5/19/2010 document.

#26 no discussion

A clean copy with these changes will be available for the next session scheduled for Thursday, June 10th at 7:30 p.m. Mayor Heyner said he wanted to make clear what they will be voting on are the agreed upon changes that they came to in tonight’s meeting. The applicant (RHUMC) is to send an email to Town Attorney Maureen Gilmore agreeing to extend to an additional special session.

IN RE: TOWN ADMINISTRATOR'S REPORT

The report had been included in the Council’s packet. There were no questions.

IN RE: TOWN PLANNER AND ZONING ADMINISTRATOR'S REPORT

This report was included in packet. There were no questions or further discussion.

IN RE: MAYOR'S REPORT

Mayor Heyner had nothing to report.

IN RE: UTILITY COMMITTEE REPORT

The official meeting had been cancelled and business had been conducted by email instead.

IN RE: ADMINISTRATIVE COMMITTEE REPORT

The committee met the previous night to review policies concerning part-time employees. They will have a recommendation at the next meeting.

They are also continuing to move forward on the electronic payment process.

IN RE: LAND USE COMMITTEE

The RHUMC special exception had been addressed earlier in the evening.

IN RE: ADJOURNMENT

Councilperson Ramsey noted the Hometown Festival was May 29th.

Vice Mayor Graham questioned why the Town paid \$600 for the court reporter at the Public Hearing.

With no further questions or comments, Mayor Heyner adjourned the meeting at 1:30 a.m.

Respectfully Submitted,

John Heyner, Mayor

Susanne Kahler, Recording Secretary