

**Town Council Meeting
February 9, 2009
Hamilton Town Office**

Mayor Whitbey called the meeting to order at 7:30 PM.

The Pledge of Allegiance was followed by Roll Call.

Present: Mayor Whitbey, Vice Mayor John Unger, Mr. Tom Rollins, Mr. Greg Wilmoth,
Mr. Michael Snyder (7:40 PM)

Absent: Mr. Kenneth Wine, Mr. Ralph Baxter

Also Present: Ms. Maureen Gilmore, Town Attorney
Mr. David Beniamino, Zoning Administrator
Ms. Lori Jones, Treasurer
Mr. Robert McCann, Planning Commission Chairman

Minutes

Mr. Unger made a motion to adopt the January 12, 2009 minutes into record. Mr. Wilmoth made a second on the motion and the vote passed 4-0-3, (Aye: Unger, Wilmoth, Rollins, Whitbey. Nay: none. Absent: Snyder, Wine, Baxter).

Mr. Unger made a motion to adopt the amended January 24, 2009 Work Session minutes into record. Mr. Wilmoth made a second on the motion and the vote passed 4-0-3, (Aye: Unger, Wilmoth, Rollins, Whitbey. Nay: none. Absent: Snyder, Wine, Baxter).

Guests

Ms. Shannon Sollinger, Loudoun Times Mirror.

Public Comment

Mr. Dave Culbert, Attorney, is representing Ms. Jacqueline Heard in the appeal regarding the fence on her property which is in violation of the Town Zoning Ordinance. The request was made for consideration of a spot exception or waiver to the Ordinance for reasons of safety and personal privacy. Mr. Colbert is not seeking a permanent change to the ordinance, but a 1 time consideration. Mr. Brent Campbell, 62 E. Colonial Hgwy, provided Council information from the neighboring Towns of Round Hill, Purcellville, Leesburg and Loudoun County Rural Commercial regarding the requested change of C2 Zoning changes for residential use of commercial property. Also provided was a copy of all commercial zoned properties in Hamilton, which are all surrounded by residential properties.

Ms. Amy Olson, 241 E. Colonial Highway, was asking for follow-up to the questions she asked at the January meeting regarding water quality and when the next radioactive particle checks are due. Mayor Whitbey responded that the information is prepared and will be reviewed under the Mayor's Report. Ms. Olson also inquired whether the gasoline tanks at Autolink were removed or emptied when the business ceased operations.

Mr. Barry Staley, 38991 E. Colonial Highway, expressed that he was not trying to delay the progress of the Route 704 Waterline update by asking questions about the proposed easement on his property, but wanted to make sure his interests were protected. He continues to cooperate with the Town and wants the water connection to move forward with written assurance that he will have full use of the property from the grass line up. Miscommunication with language in the previous easement should now be cleared up according to Ms. Gilmore and Mr. Staley's Attorney was sent the revised easement in January 2009. This is the standard easement which contains language that is consistent in all other Town easement requests. If Mr. Staley needs further assistance Mayor Whitbey offered to be of help.

Mayor's Report

The next Annexation meeting is scheduled for February 17, 2009 at 7:00 PM in the Town Office. Mayor Whitbey provided a water quality report in which Mr. Bob Edelman was contacted for advisement. Ms. Olson inquired about a radioactive particle check in the water and Mayor advised that he was unsure of this and advised that testing will continue. Mayor Whitbey advised that the tanks and soil in question about Autolink have been removed and replaced. Soil samples have tested safe since the work was completed and there are no residual problems. Mr. Snyder noted that Hamilton spends over \$20,000.00 a year for water testing which was formerly funded by the State and Mayor Whitbey stated that the Town will remain vigilant with the testing and reporting.

Parks & Recreation Committee

Mayor Whitbey is meeting with the Mom's Club of Purcellville on February 24 in an effort to improve park maintenance and clean-up efforts. Parking on the grass continues even with the new signs.

Treasurer's Report

Ms. Jones advised that budgeted operational expenses are on target. Water & Sewer disconnection notices will go out February 10, 2009 with February 12, 2009 planned as the disconnect date for unresolved water & sewer balances. Mr. Snyder inquired as to whether there is a written agreement when water payment plans are arranged and Ms. Jones advised that the agreements are verbal. Mr. Unger made a motion to adopt the Treasurer's report into record and Mr. Wilmoth made a second on the motion. The vote passed 4-0-2, (Aye: Unger, Wilmoth, Rollins, Snyder. Nay: none. Absent: Wine, Baxter).

Finance Committee

Mr. Unger would like to have a budget planning meeting to review what changes might be necessary based on upcoming Town revenue changes. Property Tax Assessments have been received and there is a projected shortfall in the budget.

Public Safety & Zoning Violation Enforcement Committee

Mr. Beniamino reported that the 30 day time limit was set to expire this week for the latest cited zoning violations. The owners of 44 S. Woodlawn advised that they will not appeal their violation notice and will work to clean up the property over the coming months. A letter will be submitted to the Town with a timeline for action and Mr. Wilmoth added that an effort is already being made.

Water & Sewer Committee

Mr. Wilmoth reported that there is progress being made at the Chemical Feed Building despite the weather delays and Mayor Whitbey has a meeting planned with the Project Manager for status updates. Mr. Wilmoth also reported that progress is also being made at the Harmony Water Treatment Facility. A tentative meeting is scheduled for February 20, 2009 with Mr. Patterson to establish a written schedule for completion.

Mayor Whitbey reviewed the I & I plan status. Mr. Snyder advised that a motorized snake was purchased by the Town which will assist with the lateral cleaning and the cleaning of the lines at the sewer plant.

Planning Commission

The next Planning Commission Meeting will be March 9, 2009 at 7:30 PM.

Mr. McCann provided an update of the Planning Commission Public Hearing that was held on January 21, 2009 for proposed text amendment changes allowing residential use in the C-2 Zoning District. There were 2 speakers present at the hearing, 1 in favor of the change and 1 in opposition of the change. The Planning Commission recommended, by vote of 5-1, the denial of the By Right use and recommended approval be allowed via a Special Use Permit. A staff report by Mr. Beniamino was presented to Council for their review with 3 options for approval. Mr. McCann advised that he will submit a detailed report to the Town containing all hearing details and justification by the Planning Commission for the decision rendered. The Planning Commission is also in support of a recommended review of the present fee schedule. Mr. Rollins made a motion to hold a Public Hearing March 9, 2009 at 7:00 PM to hear comment on the proposed text amendment changes to the C-2 Zoning District in which use would be permitted "By Right". Mr. Wilmoth made a second on the motion and the vote passed 4-0-2, (Aye: Unger, Wilmoth, Rollins, Snyder. Nay: none. Absent: Wine, Baxter).

Executive Session began at 9:03 PM

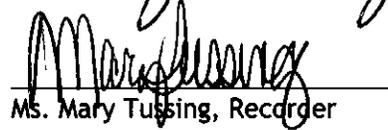
Executive Session was adjourned at 9:16 PM.

Mayor Whitbey advised that he was embarrassed of the Council's pattern of indecision and the public comments about the Council's inability to handle complex decisions. Mayor Whitbey observed that the Purcellville Town Council meetings are more professional and the Council members more prepared, which is achieved in part with the assistance of a larger staff. Mr. Beniamino suggested the addition of a Council Response on the agenda after Public Comment where a time limit could be established.

Mr. Wilmoth made a motion to adjourn at 9:27 PM.



Mayor H. Ray Whitbey



Ms. Mary Tussing, Recorder