

**Hamilton Town Council Special Meeting
September 22, 2009
Hamilton Town Office**

The meeting was called to order at 7:35 PM. The Pledge of Allegiance was followed by Roll Call.

Present: Mayor H. Ray Whitbey, Vice Mayor John Unger, Mr. Brent Campbell, Mr. Greg Wilmoth (arrived 7:54 p.m.), Mr. Ken Wine (left 8:50 p.m.).

Absent: Mr. Michael Snyder, Mr. Tom Rollins

Also Present: Ms. Maureen Gilmore, Town Attorney
Mr. David Beniamino, Zoning Administrator

Discussion Items

VRA Bond Savings

Ms. Gilmore spoke with VRA on September 18 and was informed that the Town would have to retire the current loan and apply for a new loan in order to receive the lower interest rate offered. VRA would require the Town to hire bond council, with fees averaging \$7,000-\$10,000. If the Town was interested in the current refinancing, they would need to notify VRA by October 21; otherwise, the next opportunity would be in March 2010. Ms. Gilmore noted that the Town could adopt a bond resolution and later decide not to go through with the new loan, but would not be able to take any action without a resolution being passed.

After discussion regarding fees and timelines, Council decided to postpone action on the bond. Ms. Gilmore told the council that she could get information on costs incurred from the current proposal for reference if the Town is offered the chance to refinance in the future.

Well 6 & 8 Integration Plan

Mr. Unger noted that the raw water line from Well 14 goes to the Water Treatment Plant and out to the schools and bypasses Wells 6 & 8. Mr. Wilmoth said that a booster pump will be required to make Wells 6 & 8 strong enough to pump water into the lines and that adding Well 14 to the system will increase pressure to the rest of the town. Council discussed the handout from Stantec (engineering) and requested a more detailed description of the work to be done before making a decision.

Mr. Campbell said that he would like a different engineer to give his opinion on the work that needs to be done and the corresponding pricing. Ms. Gilmore expressed her concern over how long it may take a new engineer to become familiar with the Town's layout and projects. Council agreed to discuss the integration plan further at the October Town Council meeting.

Comprehensive Plan / Annexation

Mayor Whitbey announced that the Planning Commission is nearing completion of the Comprehensive Plan revisions. Ms. Gilmore explained that the Planning Commission will recommend approval of the Plan to the Town Council. After public hearings, the Council will forward the revisions to Loudoun County for review and approval. Mr. Beniamino stated that annexing properties could result in lower taxes and less cost for in-town residents. He explained the different types of annexation possible and noted that the JLMA has been in place for a long time and the properties within the JLMA were always planned on being brought into town.

Mr. Campbell expressed his concern over whether residents within the JLMA would want to be annexed into the town. Mr. Unger mentioned that Hamilton Knolls have requested annexation and Mayor Whitbey said that South Rogers Street and Curry Springs residents have expressed interest as well. Ms. Gilmore told the council that even if the Town has an annexation agreement with the County, it is not required to go through with the annexation; however, the Town would give up its right to ever become a city.

Mr. Beniamino said that the last meeting with Loudoun County was in January 2008 and very little direction was given as to what the Town needs to do for creating an annexation agreement. Mr. Campbell suggested that the Town have another meeting with the County to receive greater detail and find out specifically what the County needs. Mr. Campbell said that he wishes to speak with property

owners in the JLMA to find out their opinions before the council discusses annexation with the Planning Commission.

Zoning Ordinance Revisions

Ms. Gilmore stated that the Planning Commission has both the Manufactured Home and Variance (demonstrable hardship) text changes for review. Mr. Beniamino noted that piecemeal changes to the zoning ordinance are never recommended because there are always unintended consequences and loopholes. Mr. Beniamino further said that in order to approve the Comprehensive Plan, the Town needs to update the Subdivision and Zoning Ordinances anyway. He recommended that the Town finish the Comprehensive Plan update, then it can start on zoning and subdivision changes. He said that it is easier to create a better zoning ordinance when the Town can incorporate its vision as laid out in the Comprehensive Plan.

Mr. Campbell said that the Town has certain issues that need to be addressed and corrected today versus when the zoning ordinance is updated sometime in the future. Mr. Campbell specifically mentioned the Town Park, saying that there are currently too few spaces for the size of the park. The park committee is raising money for the parking lot and should be able to make changes. He stressed that the current regulations are too strict. Mayor Whitbey noted that the Planning Commission is currently working on the Comprehensive Plan and Annexation and he feared that giving the Commission members additional work will slow their current progress down too greatly. Mr. Campbell suggested having the Town Council do the work required and could then give the specific language to the Planning Commission for their approval so that they do not have to do all of the research.

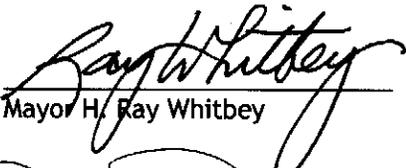
Hamilton Park

Mr. Beniamino stated that allowing gravel lots in town is a major shift from the current zoning ordinance language will affect not only the park, but other businesses in town as well. Mr. Unger said that it seems wrong that town residents with gravel driveways are required to pave their driveways if they want to make any changes. Mr. Wilmoth said that if something is not done about the park now, there will be problems again in the near future. Mr. Campbell said he will work with Mr. Beniamino to come up with solutions for the Hamilton Park and will present them to the council.

Fences

Mr. Campbell said there is no flexibility for fences in the zoning ordinance. Mr. Beniamino explained the most common options for allowing non-conforming structures: Special Use Permits, or a waiver/allowance by the Town Council, Planning Commission, or Zoning Administrator. Mr. Beniamino recommended the second option, which would give the Council or Planning Commission the power to make an allowance, but still recommended requiring public hearings to give notice of the requested variance and allow neighbors and other residents to express their opinions. Ms. Gilmore stated that the Town might not have the ability to grant waivers. She said that she would check the State Code and Town Charter for further information. Mr. Unger said that even if the Town could grant a waiver, the process to request a waiver would have to start before the violation occurred and not after. Mr. Beniamino said that the Town could have different fees for different Special Use Permits and the Town would have to have specific criteria and standards for granting waivers so as not to be discriminatory.

Mr. Wilmoth made a motion to adjourn at 10:28 PM.


Mayor H. Ray Whitbey


Ms. Audrey Reale

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