

**Hamilton Town Council
September 14, 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. Tom Rollins,
Mr. Greg Wilmoth.

Absent: Mr. Michael Snyder, Mr. Ken Wine

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

Minutes

Mr. Unger made a motion to adopt the amended August 10, 2009 Town Council meeting minutes into record. Mr. Wilmoth made a second on the motion and the vote passed 5-0-2, (Aye: Wilmoth, Unger, Campbell, Rollins, Whitbey. Nay: none. Absent: Snyder, Wine).

Mr. Unger made a motion to adopt the September 10, 2009 Special Town Council meeting minutes into record. Mr. Campbell made a second on the motion and the vote passed 5-0-2, (Aye: Wilmoth, Unger, Campbell, Rollins, Whitbey. Nay: none. Absent: Snyder, Wine).

Guests

Ms. Shannon Sollinger, Loudoun Times Mirror
Ms. Margaret Morton, Leesburg Today
Ms. Shirley Pearson

Billy Ober and Pete Gugliotta from Boy Scout Troop 969 led the Town Council in the Pledge of Allegiance.

Lt. Chris Hines announced that there are going to be budget cuts in the Sheriff's Office, although he is currently unsure of what they will be. The Sheriff's Office has also been hosting quarterly meetings involving safety, gangs, new school initiatives, etc. and has also held planning meetings for new substations to be built in the county. He also mentioned that a complaint had been made by a town resident regarding excessive noise and odor at Lowry's Crab Shack, just west of town limits. Lt. Hines was not aware of any violations that had occurred as far as the Sheriff's Office was concerned.

Mayor Whitbey informed Lt. Hines that a chain has been set up at the entrance to Hamilton Park but the Town still needs to find someone to put up the chain in the evening and take it back down in the morning.

Public Comment

None.

Action Items

The Planning Commission approved the plat for Radford Subdivision, Lot B at their last meeting and recommended approval by the Town Council. Lot B, the open space parcel, was divided up to include an extra lot (lot 13) and the modified open space parcel is now termed B1. Mr. Unger made a motion to approve the revised final plat of the Radford Subdivision with the modified Lot B and added Lot 13. Mr. Campbell made a second on the motion and the vote passed 5-0-2 (Aye: Wilmoth, Unger, Campbell, Rollins, Whitbey. Nay: none. Absent: Snyder, Wine).

Mayor's Report

Mayor Whitbey announced that he would like to have a joint meeting with the Planning Commission to discuss the direction for annexation on October 1, and would be willing to have a special Town Council meeting to discuss the annexation prior to the October joint meeting.

Mayor Whitbey showed two letters to the council that had been drafted by the TANV (Town Association of Northern Virginia) as well as a follow up email referencing the second letter. The first letter, dated August 31, 2009 and signed by all Towns in the TANV, opposes the "Public Safety Employer-Employee Cooperation Act of 2009," which is a collective bargaining agreement between local governments and public safety employees.

The second letter, dated September 9, 2009, opposed a draft amendment to S. 1023 that would preempt state and local taxation of hotel room rentals when booked by a travel agent or through an online travel company. The follow up email, received on September 10, stated that the amendment was being withdrawn from the bill and would not be pursued at this time.

Patty Maher-Wade has moved out of town and therefore will be resigning from the Board of Zoning Appeals. Notice will be posted allowing applications for the position until close of business on October 5.

Parks and Recreation Committee

The Park Committee Meeting that was scheduled for September 16th has been postponed and will be rescheduled for a future date.

The Reston Bike Club used the Hamilton Park on August 23rd as a rest stop in their annual tour. Mr. Unger estimated that around 1,150 people participated in the tour that day, though not all of them went through Hamilton. As Hamilton was the only western rest stop, however, many cyclists ended up passing through Hamilton. Cyclists participating in the full century would pass through Hamilton three times.

The Hamilton Park entrance gate is ready for use, but the Town needs to find people able to put up and take down the chain each day. The decision to close the park was made at a previous park committee meeting and posting specific hours at the park makes it easier for the sheriff to enforce loitering after the park has closed.

Mr. Campbell mentioned that he has spoken with some engineers and may be able to obtain a discount on a survey of Hamilton Park, as the Town needs to have a survey and staking done in order to expand the gravel parking lot. The Virginia Association of Surveyors might be able to coordinate with the Boy Scouts for free to train them in surveying. Mr. Beniamino mentioned that the Northern Virginia Community College and George Mason do a lot of work with Global Positioning as well and may be able to help out. Mr. Campbell said that he would like to discuss the parking lot issue in the future - possibly in the next couple of weeks.

Treasurer's Report

Ms. Jones reported that she will be meeting with Mitchell & Co. on Wednesday to discuss the 2009 FY audit and the auditors should be at the October Town Council meeting. Revenues listed on her report are larger than normal due to the PPTRA, Personal Property Taxes, Sewer Tax and the County's FY10 contribution. Operating expenses are on target and the new sewer rates go into effect on October 1 and will show up on the December bills.

Mr. Unger made a motion to accept the Treasurer's Report into record and Mr. Wilmoth made a second on the motion. The voice vote passed 5-0-2 (Aye: Wilmoth, Unger, Campbell, Rollins, Whitbey. Nay: none. Absent: Snyder, Wine).

Finance Committee

Mr. Whitbey announced that the Virginia Resources Authority may be able to reduce the payments on the water loan by \$53,000. The term would stay the same, but the payments by the Town would be smaller. Ms. Gilmore and Mr. Unger will review and discuss at the next council meeting. Ms. Gilmore noted that refinancing may require passing a new bond. If a refund option is offered, the current bond would be closed out and reissued; this would require public hearings, bond counsel, etc. Mr. Unger did not believe that there were any costs associated with the changes proposed. Ms. Jones will contact VRA to find out the exact terms.

Public Safety & Zoning Enforcement Committee

Mr. Beniamino stated that he will be meeting with Mrs. Mann and Mike Siegfried regarding the Mann Subdivision Final Plat on Wednesday, September 16 at the County office building. He hopes to have the issues resolved by the November meeting.

Ms. Gilmore suggested that the Jaqueline Heard fence issue be referred to the Planning Commission for review. She stated that there is ongoing litigation and pleadings have been filed by the Town and no settlements have been offered yet. Mr. Campbell asked the Town Council to consider looking at the issue and possibly creating an amendment that would increase the zoning administrator's flexibility by allowing him to make certain exceptions or provisions in the zoning ordinance. Ms. Gilmore stated that the Town could pass an amendment to the zoning ordinance that would allow the zoning administrator to waive certain conformances to physical modifications. Mr. Beniamino added that that power is usually reserved for larger jurisdictions and usually only allows for a 10-15% modification but there were still standards associated with the changes. Mr. Campbell said that he would like the Town Council to look at it and suggest changes instead of referring the entire matter over to the Planning Commission for review. Mr. Campbell made a motion to refer text changes regarding variances to the Planning Commission in order to bring the zoning ordinance into compliance with the State code. Mr. Rollins seconded the motion and the vote passed 5-0-2 (Aye: Wilmoth, Unger, Campbell, Rollins, Whitbey. Nay: none. Absent: Snyder, Wine).

Personnel Committee

No comments.

Water & Sewer Committee

The Water & Sewer Committee met with Mr. Staley on Thursday, September 10 regarding the Route 704 Waterline Easement. Mr. Staley does not want the easement to hinder use of his property. Mr. Campbell stated that during the Water & Sewer meeting the council agreed that the easement proposed by the Town would not prohibit any construction or development. Ms. Gilmore said that in April of 2009 the Town had three issues with the waterline easement. 1) Regarding the waterline stub - the Town would install the "T" during construction and would replace the underground line. 2) Fire hydrants were removed from the easement and there are no plans to install a fire hydrant in the easement. 3) The property owner will be charged for any damages caused to the waterline. Mayor Whitbey is concerned that if this issue is not resolved soon, the work will be delayed until the spring. There have been communication difficulties between the Town and Mr. Staley on resolving issues in the easement. Mr. Wilmoth will be the contact between the Town and Mr. Staley and will update Ms. Gilmore as necessary.

Stantec has signed off on the Harmony Water Treatment Facility, saying that everything should be completed and working properly. Mr. Wilmoth said that currently the Town has an excess of water, as it is only serving the school right now and they are not using much water. Dave Bowers at Stantec has suggested that the first part of Phase I should be to integrate Wells 6 & 8 back into the system and have estimated the cost to be \$30-40,000. Wells 6 & 8 should not be expensive to maintain after they are added back into the system. Mr. Wilmoth mentioned that booster pumps may help with water pressure on the east end of town. Mayor Whitbey suggested that FEMA may fund the building of a water tower on the eastern end of town.

Mr. Wilmoth made a motion to go forward with Phase I of integrating Wells 6 & 8 into the Town's water system to be treated at the new water treatment plant. Mr. Rollins made a second on the motion. After discussion by the Council regarding cost and what would actually be involved in the integration, Mr. Wilmoth withdrew his motion and Council agreed to discuss the issue at a future date.

Mayor Whitbey mentioned that Well #12 had been down but is now functional again. Mr. Wilmoth added that the newly installed pump failed, causing the problems with Well #12.

Miller & Anderson have been awarded the bid for the generator at Well #14 and were given the notice to proceed on September 3rd. The project should be completed by December 2nd.

Council set a special meeting for September 22 at 7:30 p.m. to further discuss items from the September Council meeting.

Planning Commission

The Planning Commission has had a regular meeting as well as a Comprehensive Plan meeting since the last Town Council meeting. The Commission recommended approval for the Radford final plat at their Comprehensive Plan meeting on August 12.

Mrs. Mann asked for a 30-day continuation on her final plat, as not all of the referrals have come back yet and due to issues with Loudoun County. Mr. McCann hopes to have all issues resolved by the Comprehensive Plan meeting in October.

Individual Planning Commission members are reviewing and working on specific sections of the Comprehensive Plan and will discuss revisions with Mr. Beniamino before the next meeting on October 14. The goal is to have the Planning Commission's part of the review finished before the end of the year so that they may refer it to the Town Council for action in December.

Old Business

East End Waterline Easement - Mr. Wine spoke with both property owners and Ms. Gilmore drafted easements for both properties. Mr. Rollins will deliver the easements to the property owners. The Town needs to have plats made of the properties before the easements can be signed. Ms. Gilmore noted that both properties have current Deeds of Trust that have not been released yet.

New Business

Mr. Campbell made a motion that the Hamilton Town Council direct the Hamilton Planning Commission to amend Article 5 of the Hamilton Zoning Ordinance, titled "Non-Conforming Uses," so that it comes into compliance with §15.2-2307, titled "Vested rights not impaired; nonconforming uses" of the Code of Virginia, 1950, as amended. Mr. Wilmoth seconded the motion and the vote passed 5-0-2 (Aye: Wilmoth, Unger, Campbell, Rollins, Whitbey. Nay: none. Absent: Snyder, Wine).

Mr. Campbell stated that he had several conversations with Bob Moore to discuss the fire siren in town. Mr. Campbell said that he believes the siren is an important notification tool for fire fighters as they do not currently own enough minuters to supply one to every fire fighter. He suggested that the residents may wish to donate money to help the fire fighters buy more minuters and believed that Mr. Moore was in favor of that idea.

Mr. Campbell has spoken with three people from Dominion Power regarding the old telephone poles in town. According to Dominion, the old telephone poles have not been taken down because the telephone company has not yet moved their phone lines from the old poles to the new electric poles. He suggested that the Town send a letter requesting that the telephone company move the lines to the new poles so that the old poles can be taken down and removed.

Mr. Unger made a motion to adjourn at 9:28 PM.



Mayor H. Ray Whitbey



Ms. Audrey Reale