**Joint Town Council and Planning Commission Meeting**
**February 1, 2010**
**Hamilton Town Office**

The meeting was called to order at 7:03 PM by Mayor H. Ray Whitbey.
Mayor Whitbey advised that the meeting will be lead by both himself and Mr. McCann.
Mayor Whitbey thanked everyone for attending.
The Pledge of Allegiance was followed by Roll Call.
Town Council Attendees: Mayor H. Ray Whitbey, Vice Mayor John Unger,
Mr. Mike Snyder, Mr. Greg Wilmoth, Mr. Tom Rollins, Mr. Ken Wine,
Mr. Brent Campbell.
Planning Commission Attendees: Chairman Robert McCann, Vice Chairman Les Carlson,
Mr. Russ Beal, Mr. Bill Gallant, Mr. Tom Rollins, Mr. Dimitri Kesari.
Also Present: Mr. David Beniamino, Zoning Administrator
Ms. Maureen Gilmore, Town Attorney
Ms. Margaret Morton, Leesburg Today
Ms. Vicki Gallant
Ms. Sally Mann

Mayor Whitbey stated that the purpose of the meeting is to establish 5 years goals for the Planning Commission and to provide input from the Town Council regarding the Annexation chapter of the Comprehensive Plan.

**Annexation**
Mayor Whitbey opened discussion asking for thoughts from the Council concerning what they want the Town to look like in 5 years in terms of size, commercial complexity, etc. Mr. Beniamino stated that the Planning Commission is in the process of a State Law mandated 5 year review of the Comprehensive Plan. After a year and a half of work the Commission is now at a point where they want to review the Annexation Plan and are seeking guidance and recommendations from Council for possible annexations in the next 5 years. There has been discussion whether to annex just commercial property or whether to include residential properties in the plan.
Mayor Whitbey advised that at the last Council meeting it was the consensus of Council to not include residential properties in the Annexation Plan and to bring in properties in both the east and west ends of Town, and that the County seems to be in favor of the plan thus far. Mr. Rollins asked to be reminded of the reasons that residential properties were not being considered for annexation, specifically the Assad property. Mr. Beniamino responded that his recollection from the last meeting with the Mayor, himself and Ms. Gilmore with the County Board of Supervisors was that the Assad property was outside the JLMA and 5 years ago when the Comprehensive Plan was reviewed the size of the JLMA was shrunk. Mr. Beniamino advised that the County does not urge to Town to increase the JLMA area but that does not mean you cannot go to the County with a proposal to increase the present size, but it would make the review process that much more cumbersome.
Ms. Gilmore stated that the County, specifically Supervisor Burton, wanted to make sure the Town has sufficient water and sewer capacity for any properties that might be eligible for annexation, particularly with respect to undeveloped residentially zoned properties. There is concern about utilities from the representatives of the County Administration and the County Attorney and they are reluctant to annex anything that does not have existing utilities (water, sewer and road infrastructure). Mr. Snyder raised the question that if these properties were annexed who would bear the cost of extending water and sewer lines into areas where there are none. Ms. Gilmore responded that in Round Hill there was a Boundary Line Adjustment that took place and the many properties that would eventually require water and sewer were already underway as a result of an agreement with Lerner Enterprises. Ms. Gilmore stated that for the question of "who bears the cost?", in the Leesburg and Purcellville voluntary annexations, which are the models Hamilton has been

discussing with the County, the Town of Hamilton and the County of Loudoun would enter into essentially a contract. That would require the Town of Hamilton to permanently renounce its right to become a City and there would be a defined area that would be possible for annexation. In Purcellville that area corresponds with their JLMA. Then you could take properties in by adopting an ordinance with 3 additional requirements being applied: 1) a meets and bounds description, 2) a plat and 3) you have to make a determination that sufficient infrastructure exists to serve the property for how it is zoned. Often times when properties come into a town they come in as transition X and they basically come in with the base zoning the have in the County. Before you could annex them in you would have to determine as a Council that you have sufficient facilities (water, sewer, transportation, garbage collection, etc) that would be necessary to serve them and that the infrastructure exists. If they came in and applied for rezoning from the Town Council for a more dense use they would be responsible for extending the line to get to wherever the Town mains are.

Mr. Snyder asked that if Black Acre was annexed and there was no water and sewer to serve one of the houses if it was sold, and the Town did not have the money to extend the line to Black Acre, who would pay for that line? Ms. Gilmore responded that per the current ordinance the Town is required to serve them but the Town is not required to build the line and the cost would not fall to the Town. Ms. Gilmore stated the County's desire to have phasing in place for any type of agreement is based on their perennial concern for water and sewer capacity in Hamilton. Mr. Snyder noted that when the JLMA was shrunk it was based on the notion that water and some sewer had been provided to everyone in the JLMA. Mr. Gallant provided background information on the decision as he was very involved as far back as 1990 in the decision to seal the borders due to concerns for water availability. When the JLMA was reduced 80% of the people in Town signed off and agreed that this was the right direction to move in and 70% of the people in the surrounding also signed off because they wanted their fields and properties protected from potential water limitations due to possible residential growth.

Mr. Rollins stated that more residential development would yield more money for the Town and Mr. Snyder wondered where the money would come from to extend the lines which could become problematic.

Mr. Unger inquired how density could be controlled for properties still in the County but in the JLMA. Ms. Gilmore responded that if a rezoning came in it would be a County rezoning request with the Town being a referral agency. The applicant would need to establish with the County for the purpose of rezoning and they would need a Will Serve letter provided by the Town of Hamilton for the water and sewer required for their proposed density. This ensures that the Town has the capacity to serve the desired change in density. The first thing the approving authority/County would look at if a rezoning request was received would be the Comprehensive Plan to ensure conformance.

Mr. Snyder stated that there consensus was reached by the Council at the last meeting to annex commercial properties on the east and west ends of Town. Mr. Beniamino referred to the map on the wall for property clarification. Mr. Snyder would like the Planning Commission to review the ideas raised by Mr. Campbell concerning land use for the property behind Jack Lee's property. Mr. Campbell explained his idea to the Council and Commission pertaining to possible uses of the property and what type of commercial development might be desired. Mr. Campbell personally thinks that it is a good idea for the Town to annex the property as a way to control the land use and not leave this to the decision of the County for planning, zoning, etc. Mr. Snyder thinks this is important for the Commission to consider and Mr. Beniamino raised the question of whether the Safety Center should be annexed. Mr. Snyder recollects that the Safety Center sits on a hill in which the elevation is about the same height as the existing water tower and if needed in the future a second water tower could be built at the same height, and both ends of Town would be served. Mr. Snyder also clarified that if water were to be extended to the Safety Center then it does not mean that the Town will have to provide water for a public use property that is contiguous to the JLMA. The Town may provide water but is not required to provide water, per the amendment the County made to the Comprehensive Plan. Mr. Kesari raised the question as to whether the

Safety Center sits next to the Jack Lee property and Mr. Beniamino stated that yes it does. The Council decided that the Safety Center should be included in the annexation due to Town symmetry, well problems and overall Town support. Mr. Kesari inquired why Hamilton Elementary is not being incorporated in case it would ever get decommissioned and Mayor Whitbey thinks it has been discussed once and Mr. Beniamino advised that in the Comprehensive Plan there is language for the use of Hamilton Elementary and it will be interesting to see what the County comes back with on that. Everyone on the Council and Commission seemed to think it would be a good idea to include that for consideration and Mr. Beniamino will informally check with the County about this. Mr. Snyder said that previously the Council has asked for a clear statement from the County about what the current zoning that is permitted for the east and west end properties that are being considered for annexation. Mr. Beniamino advised that the Town has not received this information yet and Mr. Snyder stated he would like this information prior to annexing the properties.

Ms. Gilmore explained that that request came when the Town was considering a BLA versus a voluntary annexation agreement. When the idea for a BLA came up, similar to what Round Hill did, this Planning Commission and the Town Council created that zoning category that had very similar uses to the RC with some exceptions.

Mayor Whitbey opened discussion of a central commercial core and Mr. Beniamino showed the proposed district on the map (Laycock Street to N. Rodgers Street, North side of Business Route 7). Central core commercial uses would be smaller, personal and locally supported businesses with communal parking. More community driven and auto accessed commercial development would be on the east and west ends of Town. Mr. Beniamino asked the Council to think about how they would like this developed.

Mr. Campbell asked what territory does the Comprehensive Plan cover and Ms. Gilmore responded just the JLMA and the Town. Mr. Campbell asked if the Nicholls property was in the JLMA? No. Mann property? No. Assad property? No. Mike Myers? Yes.

Mr. Campbell asked who has discussed the loan industrial property in Town? Mr. Beniamino responded that it is not on our Comprehensive Plan right now. We can leave it alone or the Town could explore the option of down-zoning the property. Mr. Campbell thinks it would be nice to not have dots of commercial zoning and have a district instead. Mr. Beniamino advised that due to the many different zoning types in Town and the many non-conforming lots it may become necessary to go through the Town street by street and explore options for the creation and changes to the zoning districts. This will not be part of the Comprehensive Plan exercise but could be a part of the Zoning Ordinance review process.

Mr. Kesari asked if thought had been given to including annexing the Sewer Tax District and undeveloped residential properties. Mr. Beniamino suggested finding out if there was community interest before pursuing this option and suggested that this be explored in the next Comprehensive Plan review or at least open the door for discussion. Many meetings would be required, cost implications would need detailed and explained and benefits to being annexed considered.

Mr. Snyder asked that the future costs of existing infrastructure upgrades be touched on and Mr. Beniamino said that the ground work can be mentioned in the Utilities Chapter of the Comprehensive Plan.

Mr. Beal asked about the possible realigning of Rt. 704 and the impact to the proposed commercial area on the east end of Town. Mr. Beniamino advised that it is not in the 6 year plan but it can be mentioned in this Comprehensive Plan as an item to watch in the future.

**Goals**
Zoning Ordinance
Sub Division Ordinance
Residential Outreach in Conjunction with the Council

Mr. Wine provided a brief overview of the failures of the present Zoning Ordinance since he began reviewing the document about a year ago. It is need of a complete overhaul and does not enforce the goals of the current Comprehensive Plan.
Mr. Beniamino noted that there is no Historic District in Town and there seems to be little interest in Hamilton for this. It is difficult to enforce because manpower is needed and enforcement is necessary. Mr. Wine noted that it puts an undue strain on people's finances if they reside in a Historic District when it comes to property maintenance and guidelines that must be met. Mr. Beniamino explained that the advantages can be sustained or increased property values, communal protection, no significant changes, etc. Mr. Campbell stated that he believes that a Historical District has made Purcellville eligible for money to bury power lines that ran down the streets and Mr. Beniamino explained that this is called a Certified Local Government Program in the State of Virginia, which is run through DHR. This program has many costly and time consuming requirements, restrictions and guidelines. Mayor Whitbey advised that it does not sound like something Hamilton wants and others agreed.
Mr. Beniamino asked whether the Council wants the Planning Commission to start on the updates to these Ordinances after the Comprehensive Plan proposal is finished? The 2003 Comprehensive Plan is not drastically different than the proposed revision but once this proposed plan goes to the Council for review and then to the County for approval, which could take up to a year, do you want the Commission to start work on the Ordinances?
Mr. Snyder asked Mr. McCann what kind of help or resources are needed by the Planning Commission for the review and proposed changes that are necessary. Mr. McCann asked that Mr. Beniamino be given additional hours in order to assist. Mr. McCann also asked for the help of an additional Planner (County, City of Leesburg) to help as needed and to provide additional resources and direction during Ordinance discussion. Mr. Beniamino advised that he will start discussions now with other planners to generate interest and see what he can find.
Mr. McCann advised that every other month the Planning Commission has designated even numbered months for work-sessions and odd number months for Planning Commission meetings.
Residential Outreach will be initiated by the Council. This will involve meetings in a larger space on more neutral ground where both residents who are served by water/sewer or just sewer can attend and give input about how they feel about being annexed. Mr. Snyder would like to include the adjacent undeveloped residential land owners for input. Mr. Wine suggested gathering fiscal facts before having these meetings and Mayor Whitbey advised that the County has offered to help set up and run meetings, but they have to get approval for this. Mr. Beniamino also suggested including the HOA Presidents.
Mr. McCann advised that the Planning Commission will meet on February 17, 2010.
Mr. Wine made a motion to adjourn at 8:37 PM.

Mayor H. Ray Whitbey

Mr. Robert McCann, Planning Commission Chairman

Ms. Mary Tussing, Recorder