

**AGENDA**  
**FY2014 BUDGET PUBLIC HEARING**  
Monday, June 10, 2013  
7:00 PM

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**CALL TO ORDER**  
**PLEDGE OF ALLEGIANCE**  
**ROLL CALL**  
**DETERMINATION OF QUORUM**

- Town of Hamilton Budget Public Hearing Notice (Pg. 3)
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**AGENDA**  
**TOWN COUNCIL MEETING**  
**HAMILTON, VA**  
Monday, June 10, 2013  
*Will begin immediately following the public hearing*

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**CALL TO ORDER**  
**PLEDGE OF ALLEGIANCE**  
**ROLL CALL**  
**DETERMINATION OF QUORUM**

**GUESTS**

**PUBLIC COMMENT**

**MINUTES – Discussion and Approval**

- Town Council Meeting – May 13, 2013 (Pgs. 4-9)

**MAYOR’S REPORT**

- Outstanding Items List (Pg. 10)
- Private Well Adjacent to Well 14 and Easement Update & Loudoun County Conditions (Pg. 11, 15)
- Painting of Town Office Exterior

**WATER & SEWER COMMITTEE** (Campbell, Snyder, Wilmoth, Wine)

- Texas A&M Water System Survey

**PARKS & RECREATION COMMITTEE** (Campbell, Unger, Wilmoth, Wine)

- Playground Inspection – additional information (Pg. 16)

**TREASURER’S REPORT** (Jones)

- Monthly Treasurer’s Report (Pgs. 17-22)

**FINANCE COMMITTEE** (Simpson, Unger, Wilmoth, Wine)

- FY2014 Budget Adoption and Appropriations Resolution Adoption at 7pm on June 17, 2013

**PUBLIC SAFETY & ZONING ENFORCEMENT COMMITTEE** (Kesari, Wilmoth, Wine)

- Zoning Workshop on June 17, 2013 immediately after Special Meeting

**PERSONNEL COMMITTEE** (Simpson, Wilmoth, Wine)

**PLANNING COMMISSION** (McCann, Kesari)

- Planning Commission Public Hearing June 19, 2013

**OLD BUSINESS**

- Addressing Agreement with Loudoun County (Pgs. 23-24)
- Engineering Services RFP – Advertised June 7, 2013 in Purcellville Gazette

**NEW BUSINESS**

- Loudoun County Referral Request – ZOAM 2013-0006 JLMA Utilities Requirements (Pgs. 25-27)

**ADJOURNMENT**

**Town of Hamilton  
Proposed Budget  
Fiscal Year 2013-2014**

Notice is hereby given that the Hamilton Town Council will hold a Public Hearing, for the purpose of receiving comments on the following proposed budget, on Monday, June 10, 2013, at 7:00 pm in the Town Office, 53 E Colonial Highway, Hamilton, VA. The regular Town Council Meeting will follow immediately after at the same location. Copies of the detailed budget may be obtained at the Town Office during regular office hours, Monday-Friday 8:00 am - 4:30 pm, holidays excepted.

**TAX REVENUES**

Current Year RE & PP Taxes	\$	203,599
Prior Year Taxes		960
Penalty/Interest - Taxes		550
Sale of Town Decals		10,000
Sales Tax		48,000
Utility Taxes		28,000
Business License Tax		7,000
Miscellaneous		13,050
<b>TOTAL TAX REVENUES</b>	<b>\$</b>	<b>311,159</b>

**OTHER REVENUES**

Water & Sewer Service Charges	\$	497,000
Water & Sewer Connection & Availability Fees		95,200
Zoning Permits		800
Interest		5,366
Cell Tower Antenna Lease		60,000
VRLF Loan Contributions		246,999
Other Revenue		106,000
Prior Fiscal Year Surplus		245,850
<b>TOTAL OTHER REVENUES</b>		<b>1,257,215</b>
<b>TOTAL ESTIMATED REVENUES</b>	<b>\$</b>	<b>1,568,374</b>

**EXPENDITURES**

Wages & Salaries	\$	374,029
Facilities Maintenance		76,650
Administraton		160,505
Capital Repairs		377,800
Capital Improvements		331,000
Donations		2,000
Utilities		83,000
Operating Supplies		69,000
Truck Expense		14,000
Miscellaneous		80,390
<b>TOTAL ESTIMATED EXPENDITURES</b>	<b>\$</b>	<b>1,568,374</b>

**PROPOSED TAX RATES (No Changes)**

Real Estate Tax - \$0.28 per \$100 of assessed value  
 Personal Property Tax - \$1.10 per \$100 of assessed value  
 Mobile Home Property Tax - \$0.28 per \$100 of assessed value  
 Meals Tax - 4% of meals purchased  
 Transient Occupancy Tax - 2% of lodging charges  
 Motor Vehicle Decal - \$25.00/automobile; \$16.00/motorcycle

**MINUTES  
HAMILTON TOWN COUNCIL  
REGULAR MEETING  
MAY 13, 2013**

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The regular meeting of the Hamilton Town Council was convened at 7:00 PM with the following attendance:

**PRESENT:** Greg K. Wilmoth, Mayor  
Kenneth C. Wine, Vice Mayor  
David R. Simpson, Council member  
Dimitri Kesari, Council member  
Brent Campbell, Council member – Late 7:10PM  
Michael Snyder, Council member

**ABSENT:** John Unger, Council member

**STAFF:** Lori Jones, Treasurer  
David Beniamino, Zoning Administrator  
Maureen Gilmore, Town Attorney  
Jennifer Helbert, Recorder

**CALL TO ORDER:**

Mayor Wilmoth called the regular meeting to order at 7:00PM.

**PUBLIC HEARING:**

- 1) Town of Hamilton Tax Equalization Public Hearing

There being no public comment the hearing was closed.

**GUESTS:**

None

**PUBLIC COMMENT:**

None

**APPROVAL OF MINUTES:**

Vice Mayor Wine made a motion to approve the minutes of April 8, 2013 as submitted.

Motion: Vice Mayor Wine

Second: Council member Kesari  
Carried: 5-0-2 with Campbell and Unger  
absent

Wilmoth -	Aye
Unger -	Absent
Kesari -	Aye
Simpson -	Aye
Campbell -	Absent
Snyder -	Aye
Wine -	Aye

### **MAYOR'S REPORT:**

**Outstanding Items List** – Mayor Wilmoth shared this list with the Council.

**Monitoring Data Loggers – Triad E-Mail** - Mayor Wilmoth stated that they have offered their assistance and indicated that they batteries would eventually need to be changed.

**Private Well Adjacent to Well 14 and Easement** – Mayor Wilmoth stated that it has come to everyone's attention that the well has been placed within an easement that the Town owns.

### **WATER AND SEWER COMMITTEE:**

**East End Water Loop** – Mayor Wilmoth stated that he walked the proposed easement with a contractor that will give the Town an estimate to do the work. He stated that he is working to try to get the project started.

**Painting South Rogers Ground Storage Tank** – Mayor Wilmoth stated that he entered into a contract for the painting of the storage tank and he hopes to have them out in September after the summer demand is over. Mayor Wilmoth stated that he is going to put a line item in the CIP to replace all of the valves between the tower and the ground storage tanks. He estimates the amount to be \$9,000.

**FRIDAY STORM:** Mayor Wilmoth stated that the control for the SCADA was hit by lightning and went out. He stated that because it was an obvious lightning strike the Town will be working with VML on the cost.

### **PARKS AND RECREATION COMMITTEE:**

**Hamilton Day** – Mayor Wilmoth stated that he has not heard all of the feedback about how things went but he believes it went well. He stated that he will be sending out the Thank You notes in the next week.

**Playground Repair and/or Replacement** – Vice Mayor Wine stated that he has spoken with a company that will come out and inspect the playground equipment and advise the Town on what needs to be repaired or replaced. The Council decided that they would get together and inspect the playground themselves and take notes that they will put into minutes.

**TREASURER’S REPORT:**

**Monthly Treasurer’s Report** – Ms. Jones issued a report to the Council and answered any questions that they had about the report.

Council member Unger made a motion to accept the Treasurer’s Report as submitted.

Motion: Council member Snyder  
Second: Council member Kesari  
Carried: 6-0-1 with Unger absent

Wilmoth - Aye  
Unger - Absent  
Kesari - Aye  
Simpson - Aye  
Campbell - Aye  
Snyder - Aye  
Wine - Aye

**FINANCE COMMITTEE:**

**FY 2014 Budget** - Mayor Wilmoth stated that a budget workshop was held on May 1, 2013.

**Budget Public Hearing** – Mayor Wilmoth stated that the Public Hearing is scheduled for June 10, 2013. He also stated that there is a need for a Special Meeting on Monday, June 17, 2013 to approve the budget.

**PUBLIC SAFETY & ZONING ENFORCEMENT COMMITTEE:**

Zoning Ordinance Changes

Mr. Beniamino stated that quite a bit of direction was given to him at the April workshop. He went over some of those items with Council. Mr. Beniamino also discussed Mr. Green’s property as well.

Mr. McCann asked for a firm date for the Council to complete their review.

The Council decided that they would like to meet for another worksession regarding the Zoning Ordinance changes on Monday, June 17, 2013 immediately following the Special Town Council meeting.

**PERSONNEL COMMITTEE:**

None Scheduled

**PLANNING COMMISSION:**

**Planning Commission Meeting of May 15, 2013** - Chairman McCann stated that he would cancel the May Planning Commission meeting and hold the next meeting on Wednesday, June 19, 2013.

**Sprint/Nextel Special Use Permit Application** - Planning Commission Public Hearing to be scheduled Wednesday, June 19, 2013 at 7:00pm in the Town Office.

**OLD BUSINESS:**

**Addressing Agreement with Loudoun County** – Mr. Beniamino stated that he has been working with the County on this item and he has two documents for the Council to review one is an Addressing Agreement between the Town and the County and the other is a map showing Hamilton's addressing responsibilities.

**Engineering Services RFP**– Mr. Beniamino and Mrs. Gilmore explained this process to the Council. Council decided that they would like to send out the RFP on May 31, 2013 and have the RFP's returned to the Town by Monday, July 8, 2013 at 11AM. The review committee will consist of Mayor Wilmoth and Council members Simpson, Unger and Snyder.

**Hamilton Meadows Street Acceptance** – The Town received a letter from VDOT accepting Hamilton Meadows.

**VDOT FY2014-2019 Six Year Improvement Program Public Hearing Notice** – This item is for information purposes.

**NEW BUSINESS:**

**Special Meeting to Adopt FY2014 Budget and Various FY2014 Resolution** – Council member Snyder made a motion that the Hamilton Town Council authorize a special meeting on June 17, 2013 at 7:00 PM to adopt the FY2014 Budget and to approve the FY2014 Appropriations Resolution and the FY2014 VRS Member Contributions by Salary Reduction for Counties, Cities, Towns and other Political Subdivisions Resolution.

Motion: Council member Snyder  
Second: Council member Kesari

Town Council  
Regular Meeting Minutes  
May 13, 2013

Carried: 6-0-1 with Unger absent

Wilmoth - Aye  
Unger - Absent  
Kesari - Aye  
Simpson - Aye  
Campbell - Aye  
Snyder - Aye  
Wine - Aye

**Annexation/BLA** – Mr. Beniamino stated that this item came out of the last worksession. He stated that a request was made to send a letter to Supervisor Higgins with Loudoun County to explore the possibility of annexing some of the JLMA. The Council decided that they would like to add a line item to the budget for Engineering Services. Council decided not to send the letter at this time but to look into this option further.

**CLOSED SESSION:** Vice Mayor Wine made a motion that the Hamilton Town Council recess its open meeting and convene a closed session. To discuss the following:

- 1) Consultation with Legal Counsel pertaining to the discussion of actual and/or probable litigation. This includes consultation with legal counsel employed or retained by the public body regarding specific legal matters concerning the provision of legal advice by such council. The exception is provided in Code of Virginia Section 2.2-3711(A)(7), as amended.

Motion: Vice Mayor Wine  
Second: Council member Kesari  
Carried: 6-0-1 with Unger absent

Wilmoth - Aye  
Unger - Absent  
Kesari - Aye  
Simpson - Aye  
Campbell - Aye  
Snyder - Aye  
Wine - Aye

Vice Mayor Wine made a motion that the Hamilton Town Council adjourn the closed session and reconvene the open meeting.

Motion: Vice Mayor Wine  
Second: Council member Kesari

Town Council  
Regular Meeting Minutes  
May 13, 2013

Carried: 6-0-1 with Unger absent

Wilmoth - Aye  
Unger - Absent  
Kesari - Aye  
Simpson - Aye  
Campbell - Aye  
Snyder - Aye  
Wine - Aye

Vice Mayor Wine made a motion that the Hamilton Town Council certify that while in closed session, to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements under this chapter and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the public body.

Motion: Vice Mayor Wine  
Second: Council member Kesari  
Carried: 6-0-1 with Unger absent

Wilmoth - Aye  
Unger - Absent  
Kesari - Aye  
Simpson - Aye  
Campbell - Aye  
Snyder - Aye  
Wine - Aye

**ADJOURNMENT:**

There being no further business the meeting adjourned at 9:40 PM.

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Greg Wilmoth, Mayor

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Jennifer L. Helbert, Recorder

**Town of Hamilton**  
**Outstanding Projects/Issues as of June 6, 2013**  
*(Text in Bold & Italics are changes)*

	Project/Issue	Action Needed
1	W & S Ordinances	Maureen & Lori working on changes; new format. Will forward draft to TC.
2	Grinder Pump Contract	Discussed at Oct 9 <sup>th</sup> Water & Sewer Committee Meeting. Maureen will incorporate proposed changes to Ordinance in draft to be forwarded to TC.
3	Raw waterline at Harmony – Trees planted over line	Still pending. Have been in contact with LCPS.
4	Zoning Ordinance Changes	<b><i>Zoning Workshop Scheduled for June 17, 2013, after 7:00pm TC Special Meeting.</i></b>
5	Sprint changes to equipment on S Rogers street tank	<b><i>Planning Commission Public Hearing for SUP on June 19, 2013, 7pm.</i></b>
6	Security Cameras for Office	Ordered and arrived. Need to be installed.
7	Surplus Equipment in Basement	Lori to take inventory.
8	Codification of Town Ordinances	<b><i>Municode to proceed with all ordinances except for zoning.</i></b>
9	East End Water Loop	Engineer contracted to prepare easements. Waste Water Management proposal to prepare waterline plans per VDH requirement.
10	FEMA National Flood Insurance Program	Communicating with LC & other town to determine how/if the town will become a member of the program.
11	ME Flow Recommendations	<b><i>Second opinion received 6/6/13. No need to follow recommendations at this time as long as filters are changed.</i></b>
12	Speed Signs	Approved as a CIP item in Loudoun County FY2014 budget.
13	S Rogers Street Tank Painting	50% deposit to contractor to paint in the fall.
14	Annexation/BLA	Council discussing.
15	Verizon Cell Antenna Site	Contacted by Verizon beginning of May for possible antenna site for lease.
16	Easement near well 14 – request to vacate	<b><i>Waiting on response from BOS.</i></b>
17	<b><i>Painting of Town Office front</i></b>	<b><i>Accepted contract – painting to be done in the Fall. Amend proposed budget to accommodate.</i></b>
18	<b><i>Town Park Maintenance</i></b>	<b><i>Council members to evaluate repair need. Lori preparing checklist for regular maintenance checks.</i></b>



Mayor

Greg K. Wilmoth

Town Council

Kenneth C. Wine, *Vice Mayor*

Brent A. Campbell

Dimitri Kesari

David R. Simpson

Michael E. Snyder

John D. Unger

Zoning Administrator

David M. Beniamino

Treasurer

Lori M. Jones, CPA

Town Recorder

Jennifer Helbert

May 23, 2013

BY FACSIMILE AND UNITED STATES MAIL

Loudoun County Board of Supervisors  
1 Harrison Street, S.E., Fifth Floor  
Mailstop #01  
P.O. Box 7000  
Leesburg, VA 20177-7000  
Fax (703)777-0421

RE: Drilling of Private Well on LC PIN: 419-36-4220-000; located within  
County/Town Easement, Adjacent to Town Well 14

Dear Chairman York and Members of the Board of Supervisors:

On April 4, 2013, I sent a letter to you on behalf of the Hamilton Town Council regarding the drilling of a well approximately 200 feet from the Town's Well 14. The letter, a copy of which is attached, communicates the Town Council's concerns about the location of the well, particularly because of the negative impacts on existing adjacent wells. Unfortunately, the Town did not receive a written response to my letter. In order to receive additional information from the County, the Town had to file a Freedom of Information Act request and pay for copies of documents related to the drilling of this well.

Since the sending of my letter, the Town Council has discovered, through the County documents, that the well was drilled before the County searched the appropriate records to determine whether the location was appropriate. The Board of Supervisors ("Board") should be aware that the well was drilled in an easement conveyed to the County and the Town in 2002 as part of a recorded subdivision deed and plat.

The Stone Eden Farm Phase 5 Subdivision Plat and accompanying "Deed of Dedication, Subdivision, Easement, Reservation, Supplementary Declaration, Conveyance and Vacation" was executed by the Board of Supervisors and the Town in 2002. The documents dedicated a 30' wide Emergency Ingress and Egress Easement to the County and the Town. The rights conveyed to Hamilton include, among others, the "...right to construct and maintain utilities, for emergency vehicles and for performing any governmental functions which Hamilton may find necessary or desirable to perform..." The easement also conveys the following:

"2. Hamilton and its agents shall have full and free use of said easements for the purposes named, and shall have all rights and privileges reasonably necessary to the

exercise of the easements, including the right of access to and from the easements and the right to use adjoining land where necessary; ...”

“3. Hamilton shall have the right to trim, cut and remove trees, shrubbery, fences, structures, or other obstructions or facilities in or near the easements being conveyed, deemed by it to interfere...”

“4. Owner (with respect to said easements on the Property) and the Parcel B Owner (with respect to said easement on Parcel B) reserve the right to construct and maintain roadways over said easements and to make such use of the easements herein granted which may not be inconsistent with the rights herein conveyed or interfere with the use of said easement by Hamilton for the purposes named; provided, however, that Owner (with respect to said easements on the property) and the Parcel B Owner (with respect to said easement on Parcel B) shall not erect any building or other structure, except a fence, on the easements without obtaining the prior written approval of Hamilton.”

The easement language requires the written approval of the Town for any use an Owner may make of the easement, other than the erection of a fence. Unfortunately, because the County never notified the Town of the well permit application, the Town was unaware of the Owner’s intended use of the easement.

As previously stated in my April 4, 2013 letter, the Town has significant concerns about the negative impacts of the recently drilled well on existing wells in the surrounding area. In addition, the drilling of the well has a substantial impact on the Town’s property rights with respect to its easement.

Town staff has observed the rapid construction of a residential dwelling on the property and the Town must take action quickly to protect its interests. The Town Council requests that the Board respond within seven (7) days of the date of this letter stating its position and proposed resolution of the matter.

Thank you for your attention.

Sincerely,



Gregory K. Wilmoth, Mayor  
Town of Hamilton

cc: Hamilton Town Council  
Natasha and Stephen G. Kotecki



April 4, 2013

Loudoun County Board of Supervisors  
1 Harrison Street, S.E., Fifth Floor  
Mailstop #01  
P.O. Box 7000  
Leesburg, VA 20177-7000



Mayor  
Greg K. Wilmoth  
Town Council  
Kenneth C. Wine, Vice Mayor  
Brent A. Campbell  
Dimitri Kesari  
David R. Simpson  
Michael E. Snyder  
John D. Unger  
Zoning Administrator  
David M. Beniamino  
Treasurer  
Lori M. Jones, CPA  
Town Recorder  
Jennifer Helbert

Dear Chairman York and Members of the Board of Supervisors,

On February 28, 2013, I contacted Rodion Iwanczuk, Loudoun County Department of Planning, concerning a private well that was recently drilled approximately 200 feet from the Town's Well 14 (PIN:454-20-8349-000). I expressed the Town's concern to Mr. Iwanczuk regarding the location of the private well due to the County's previous apprehension about the effect of Well 14 on other wells in the area.

At the March 11, 2013 Hamilton Town Council meeting, council members voiced concern that this newly drilled well may impact surrounding private wells or the Town's well. The private wells do not have any limits on the amount of water they can pump nor is the volume of pumped water calculated. By contrast, Well 14 does have County imposed limits on its use and the water pumped from the well is monitored daily, with all information forwarded monthly to the Virginia Department of Health ("VDH"). The Town Council believes that this new well has a potential impact on Well 14, with the possibility of contamination and the impact on our ability to pump from our Well.

The Town spent a considerable amount of time and money in a County mandated monitoring program of adjacent wells. Should this new well, in close proximity to Well 14, fall under similar monitoring? Given the history between the Town and the County surrounding Well 14, the Town should have been consulted, or at least notified, regarding the proposed location and size of this new well in an effort to protect against negative impacts that could befall any of the wells in the surrounding area.

The Town of Hamilton's water system supplies water to approximately 700 customers, including 3 Loudoun County Public Schools. All of the water amounts withdrawn from the Town's wells are documented and on record with VDH. We continue to be good stewards of this precious resource and look forward to the County working with us to ensure we remain as such for the benefit of the Town and County residents we serve.

Thank you for your attention.



Gregory K. Wilmoth  
Mayor

**SPEX 2010-0005 WELL 14 STONE EDEN PROPERTY  
APPROVED CONDITIONS OF APPROVAL  
SEPTEMBER 8, 2010**

1. **Special Exception Plat.** The Special Exception use, structure or use for local governmental purposes (public well), shall be developed in substantial conformance with the revised Outlet Lot "A", Well Lot, Town of Hamilton Special Exception Plat prepared by Stantec Consulting Services, Inc., dated March, 2010 and revised through April 28, 2010, and the Revised 1993 Loudoun County Zoning Ordinance. Approval of this application for Tax Map /45//37//WELL/ (PIN # 454-20-8349) (the "Property") shall not relieve the applicant or the owners of the Property from the obligation to comply with and conform to any other Zoning Ordinance, Codified Ordinance, or applicable regulatory requirement.
  
2. **Pumping, Monitoring, and Mitigation Plan.** Use of the well on the Property ("Well 14"), including but not limited to pumping, monitoring, and potential mitigation of impacts due to the use of the well, shall be in accordance with the provisions of the accepted Pumping, Monitoring and Mitigation Plan (PMMP) for Town of Hamilton Well 14, dated October 15, 2007, and the attached Additional Requirements Regarding Pumping, Monitoring, and Mitigation for SPEX 2010-0005 Well 14 Stone Eden Property, provided that the attached Additional Requirements shall take precedence in the event of conflict with the PMMP. The Applicant shall continue monitoring of adjacent wells and shall provide quarterly reports, including all data collected and required to be collected, to the Loudoun County Department of Building and Development as established in the PMMP. In accordance with the attached Additional Requirements, such monitoring and reporting shall, if requested by the Board of Supervisors, continue beyond the initial 2-year monitoring period provided for in the PMMP and extend at least one year beyond the next one-year period October 1-September 30 that exhibits moderate drought conditions in Loudoun County as reported by the U.S. Drought Monitor (which is compiled and/or published jointly by the U.S. Department of Agriculture, the Department of Commerce/National Oceanic and Atmospheric Administration, and others, and is accessible on-line at <http://www.drought.unl.edu/dm/monitor.html>) following approval of SPEX 2010-0005. The Applicant shall also work with Loudoun County staff to develop and implement a reporting system to inform adjacent property owners of monitoring reports and investigate situations in which private wells may have been significantly impacted by Well 14.
  
3. **Noise Attenuation.** The Applicant shall install an earthen berm on the Property at least four (4) feet in height, between the generator and the northern property boundary. The berm will begin at approximately the eastern end of the existing control building and run approximately 70 feet in an easterly direction. The berm shall be completed within 60 days after issuance of the zoning permit for the generator. Until the berm has been completed, the generator shall not be operated for more than thirty (30) minutes per week, and any such operation shall be only between the hours of 10:00 a.m. and 4:00 p.m., Monday through Friday. After installation of the berm, the noise level of the generator will be tested to document that the noise level does not exceed 55 dBA, measured at the northern property line. Such measurement shall be continuous noise measured using a slow meter response of the sound level meter. Should additional noise mitigation be necessary, a board on board fence will be installed on the berm. The

Applicant will work with the County Urban Forester to provide suitable landscaping of the berm. The plantings may include a mix of low maintenance shrubs and trees and will consist of a planting density similar to a Type 2 side/rear buffer. The Applicant shall provide documentation that noise created by operation of the generator is in compliance with the noise standards of Section 5-1507 of the Revised 1993 Zoning Ordinance.

4. **Generator Test.** Generator tests lasting for one half-hour shall only be scheduled each week between the hours of 10:00 a.m. and 4:00 p.m., Monday through Friday.
5. **Lighting.** All lighting on the Site shall comply with the requirements of Section 5-1504 of the Revised 1993 Zoning Ordinance regarding Light and Glare Standards. All lighting shall be full cutoff and fully shielded lighting fixtures such that the light will be directed downward and away from adjacent properties and the direct glare of the bulb shall not be visible beyond the property line of the parcel, and the lighting system shall be operated by motion sensor. The lighting will be designed in such a manner as to minimize the impacts on the nearby residential uses.

## Lori Jones

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**From:** Kelli Magowan [Kelli@Learningstructures.com]

**Sent:** Friday, May 17, 2013 4:03 PM

**To:** Lori Jones

**Subject:** Re: Playground Refurbish

Hi Lori,

It was a pleasure to speak with you recently about Hamilton's community playground.

With great success, Learning Structures has revitalized many older playgrounds and we are confident that your community would be pleased with the results. Essentially, a revitalization workshop will bring the playground back to the vital play environment that families have grown to enjoy. When completed, a workshop will bring the playground into safety compliance, add luster to the weathered material, improve the overall aesthetics of the play environment, and add several years of life expectancy to your playground.

The first step of the process is for Learning Structures to perform a comprehensive safety audit and inspection of the playground. The results of the inspection will allow Learning Structures to provide the school with a detailed, playground revitalization workshop proposal.

The second step is scheduling the revitalization workshop. Similar to the original community-build, Learning Structures will lead volunteers through a 1 to 2 day workshop to complete the repairs and improvements. We will provide you and your revitalization team with the design work needed to accomplish your repair goals, material lists for the repairs, a volunteer list indicating necessary people-power, and a tool list showing needed tools for the workshop.

Almost 13 years have passed since a committed group of community volunteers banded together in a successful event to construct a beautiful, community-built playground in Hamilton. Learning Structures has worked with many communities to revitalize and restore their much-loved playgrounds adding longevity, beauty, and updated safety. We are confident that a community workshop can restore the vitality of the playground and become, once again, a source of pride for the parents and children in Hamilton.

Please let us know how we can assist you further.

Best regards,  
Kelli

Kelli Magowan  
Learning Structures, Inc.  
[www.learningstructures.com](http://www.learningstructures.com)  
800-533-1553

**Treasurer's Report**  
**as of May 31, 2013 - All Funds Summary**

<b>Investment Summary</b>	<b>5/31/2013</b>	<b>4/30/2013</b>	<b>3/31/2013</b>	<b>2/28/2013</b>
BB&T Checking General	\$ 111,268.22	\$ 64,580.64	\$ 68,611.84	\$ 73,476.14
Water	(106,817.00)	(92,282.10)	(172,305.66)	(157,007.51)
Sewer	550,462.01	561,697.15	500,393.64	518,769.31
Total BB&T Checking	<u>\$ 554,913.23</u>	<u>\$ 533,995.69</u>	<u>\$ 396,699.82</u>	<u>\$ 435,237.94</u>
BB&T CDs	671,959.31	671,959.31	669,028.40	669,028.40
Wells Fargo Money Market	338,336.10	338,307.36	338,279.56	338,250.83
Cardinal Bank Money Market & CDs	825,186.05	824,950.51	824,723.32	824,487.92
LGIP	307,673.97	307,636.26	307,596.50	307,561.09
<b>Total All Funds</b>	<u><u>\$ 2,698,068.66</u></u>	<u><u>\$ 2,676,849.13</u></u>	<u><u>\$ 2,536,327.60</u></u>	<u><u>\$ 2,574,566.18</u></u>

**OPERATING BUDGET TO ACTUALS thru 5/31/2013**

Budgeted Revenue - 11 Months	\$ 1,120,135.50 <sup>1</sup>
Actual Revenue - 11 Months	<u>1,172,699.28</u>
<b>Revenue Over (Under) Budget</b>	<u><u>\$ 52,563.78</u></u>
Budgeted Expenses - 11 Months	\$ 1,079,105.92 <sup>1</sup>
Actual Expenses - 11 Months	<u>1,015,479.64</u>
<b>Expenses Under (Over) Budget</b>	<u><u>\$ 63,626.28</u></u>

**Community Park Funds**

<b>Town General Fund Park Maintenance Accounts</b>	
BB&T Money Market Account	\$ 6,482.02
BB&T CD	<u>8,984.00</u>
Total Town GF Park Maintenance Accounts	<u><u>\$ 15,466.02</u></u>
<b>Park Committee Donations</b>	
Cardinal Bank Checking Account	<u><u>\$ 1,790.72</u></u>

**Water & Sewer Activity - May 2013**

721	Regular Cycle Water/Sewer Bills Mailed 6/1/13
125	Regular Delinquent Bills
3	Water turn-offs Due to Non Payment
10	Final Bills
5	New Accounts Created
1	Adjustments (leak or misread)
6	Adjustments (pool fills)
	Changed out meters
	New Water Connections
	New Sewer Connections
\$3,301.12	Penalty Overcharge Adjustments

**Accounts Payable & Payroll Activity**

57 # Accounts Payable Checks	
\$86,679.14	Accounts Payable Checks (List attached)
8 # Employees	
\$18,773.16	Payroll Expense
\$ 2,120.20	Retirement Expense

<sup>1</sup> Does not include PY Transfers In nor Transfers between funds.

**Treasurer's Report  
as of May 31, 2013 - General Fund**

	<b>FY TO DATE BUDGET ANALYSIS</b>				<b>% TOTAL</b>
	<b>FY2013</b>	<b>11 Months</b>	<b>ACTUAL</b>	<b>(UNDER) OVER</b>	<b>BUDGET</b>
	<b>BUDGET</b>	<b>BUDGET</b>	<b>5/31/2013</b>	<b>BUDGET</b>	<b>SPENT</b>
<b>EXPENDITURES</b>					
Wages & Payroll Taxes	\$ 78,027	\$ 71,525	\$ 68,479.14	\$ (3,045.61)	87.76%
Retirement Contribution	4,405	4,038	4,648.94	611.02	105.54%
Health Insurance	19,498	17,873	17,605.20	(267.97)	90.29%
Membership Dues	591	542	661.00	119.25	111.84%
General Office Expense	41,790	38,308	18,898.33	(19,409.17)	45.22%
Legal Services/Codification	41,000	37,583	30,312.50	(7,270.83)	73.93%
Audit	12,000	11,000	12,400.00	1,400.00	103.33%
Trash/Recycling	42,000	38,500	38,046.89	(453.11)	90.59%
Mowing	14,000	12,833	9,110.55	(3,722.78)	65.08%
Street Lights	6,000	5,500	5,626.66	126.66	93.78%
Insurance & Workman's Comp	17,105	15,680	17,634.00	1,954.42	103.09%
Donations	2,000	1,833	0.00	(1,833.33)	0.00%
Planning Commission & Services	7,100	6,508	3,577.30	(2,931.03)	50.38%
Recreation & Activity	2,500	2,292	1,379.67	(912.00)	55.19%
Transfers Out-CIP & Fire Dept	40,250	36,896	7,200.00	(29,695.83)	17.89%
Contingencies	3,591	3,292	2,551.98	(739.77)	71.07%
<b>TOTAL EXPENDITURES</b>	<b>\$ 331,856</b>	<b>\$ 304,201</b>	<b>\$ 238,132.16</b>	<b>\$ (66,070.09)</b>	<b>71.76%</b>
<b>REVENUE</b>					
Real Estate Taxes	\$ 159,190	\$ 145,924	\$ 149,725.12	\$ 3,800.95	94.05%
Personal Property Taxes	34,496	31,621	38,017.66	6,396.33	110.21%
Prior Year Taxes	1,570	1,439	897.30	(541.87)	57.15%
Penalty/Interest on Taxes	500	458	822.25	363.92	164.45%
Automobile Decals	9,500	8,708	10,929.00	2,220.67	115.04%
Zoning Fees	800	733	2,280.00	1,546.67	285.00%
Interest	4,000	3,667	2,612.91	(1,053.76)	65.32%
Sales Taxes	44,000	40,333	44,950.52	4,617.19	102.16%
Utility Taxes	28,000	25,667	27,456.62	1,789.95	98.06%
BPOL Taxes	6,000	5,500	10,512.96	5,012.96	175.22%
Fire Programs Grant	8,000	7,333	0.00	(7,333.33)	-
Park Reservation Fees	400	367	1,250.00	883.33	312.50%
Prior Year Surplus	32,250	29,563	0.00	(29,562.50)	0.00%
Litter Grant/Misc Income	3,150	2,888	11,013.06	8,125.56	349.62%
<b>TOTAL REVENUE</b>	<b>\$ 331,856</b>	<b>\$ 304,201</b>	<b>\$ 300,467.40</b>	<b>\$ (3,733.93)</b>	<b>90.54%</b>
<b>Surplus (Deficit) \$</b>			<b>62,335.24</b>		

**Treasurer's Report  
as of May 31, 2013 - Water Fund**

	<b>FY TO DATE BUDGET ANALYSIS</b>				<b>% TOTAL BUDGET SPENT</b>
	<b>FY2013 BUDGET</b>	<b>11 Months BUDGET</b>	<b>ACTUAL 5/31/2013</b>	<b>(UNDER) OVER BUDGET</b>	
<b>EXPENDITURES</b>					
Wages & Payroll Taxes	\$ 89,711	\$ 82,235	\$ 70,964.72	\$ (11,270.36)	79.1%
Retirement Contribution	7,770	7,123	6,023.24	(1,099.26)	77.5%
Health Insurance	25,822	23,670	17,643.60	(6,026.57)	68.3%
General Office Expense	4,400	4,033	2,909.40	(1,123.93)	66.1%
Workman's Comp/Liability	7,500	6,875	7,780.00	905.00	103.7%
System Consultant	3,000	2,750	0.00	(2,750.00)	0.0%
Electricity & Circuits to Wells	39,000	35,750	33,938.49	(1,811.51)	87.0%
Truck Supplies & Repair	7,000	6,417	3,541.35	(2,875.32)	50.6%
Chemicals & Water Testing	12,000	11,000	14,245.27	3,245.27	118.7%
Repairs - Plant & Equipment	20,000	18,333	18,431.95	98.62	92.2%
Repairs - Lines & Hydrants	12,000	11,000	8,984.22	(2,015.78)	74.9%
Repairs Bldg/Grounds	1,000	917	970.19	53.52	97.0%
Safety Supplies	1,000	917	1,192.80	276.13	119.3%
Cross Connection Program	200	183	0.00	(183.33)	0.0%
Tank Painting & Control	22,000	20,167	11,186.48	(8,980.19)	50.8%
2002 VRA Bond Debt Pmt	100,961	92,548	111,352.50	18,804.92	110.3%
Training and Licenses	460	422	950.04	528.37	206.5%
Contingencies	622	570	421.32	(148.85)	67.7%
Transfer to CIP	115,700	106,058	0.00	(106,058.33)	0.0%
<b>TOTAL EXPENDITURES</b>	<b>\$ 470,146</b>	<b>\$ 430,967</b>	<b>\$ 310,535.57</b>	<b>\$ (120,431.60)</b>	<b>66.1%</b>
<b>REVENUE</b>					
					<b>% REC'D</b>
Water Service Charges	\$ 250,000	\$ 229,167	\$ 213,667.52	\$ (15,499.15)	85.5%
Connection Fees	10,200	9,350	17,000.00	7,650.00	166.7%
VRA Bond Surcharge	76,000	69,667	70,661.00	994.33	93.0%
Cell Towner Antenna Lease	53,200	48,767	49,145.92	379.25	92.4%
Interest	1,660	1,522	1,128.93	(392.74)	68.0%
Transfers In / PY Surplus & GI	79,086	72,496	0.00	(72,495.50)	0.0%
<b>TOTAL REVENUE</b>	<b>\$ 470,146</b>	<b>\$ 430,967</b>	<b>\$ 351,603.37</b>	<b>\$ (79,363.80)</b>	<b>74.8%</b>
<b>Surplus (Deficit) \$</b>			<b><u>41,067.80</u></b>		

**Treasurer's Report  
as of May 31, 2013 - Sewer Fund**

	<b>FY TO DATE BUDGET ANALYSIS</b>				<b>% TOTAL</b>
	<b>FY2013 BUDGET</b>	<b>11 Months BUDGET</b>	<b>ACTUAL 5/31/2013</b>	<b>(UNDER) OVER BUDGET</b>	<b>BUDGET SPENT</b>
<b>EXPENDITURES</b>					
<b>Operating</b>					
Wages & Payroll Taxes	\$ 103,111	\$ 94,518	\$ 97,552.14	\$ 3,033.72	94.6%
Retirement Contribution	9,050	8,296	8,505.22	209.39	94.0%
Health Insurance	28,884	26,477	23,223.20	(3,253.80)	80.4%
Workers Comp/Liability	8,004	7,337	8,303.00	966.00	103.7%
System Consultant	3,000	2,750	0.00	(2,750.00)	0.0%
General Office Expense	4,600	4,217	4,780.61	563.94	103.9%
Sewer Operations	13,000	11,917	9,100.00	(2,816.67)	70.0%
Electricity	30,000	27,500	27,395.30	(104.70)	91.3%
Truck & Generator	6,000	5,500	3,789.78	(1,710.22)	63.2%
Chemicals & Lab Testing	50,000	45,833	51,120.30	5,286.97	102.2%
Repairs - Plant & Equipment	10,000	9,167	3,154.61	(6,012.06)	31.5%
Repairs - Sewer Lines	10,000	9,167	1,571.00	(7,595.67)	15.7%
Reparis Bldg/Grounds	2,500	2,292	2,078.21	(213.46)	83.1%
Safety Supplies	500	458	1,359.94	901.61	272.0%
Training & Licenses	500	458	0.00	(458.33)	0.0%
2002 Water Bond Debt	11,220	10,285	12,372.50	2,087.50	110.3%
1999 VRA Sewer Loan Pmt	200,000	183,333	199,714.46	16,381.13	99.9%
Grinder Pumps/Maintenance	24,500	22,458	16,825.13	(5,633.20)	68.7%
Contingencies	8,431	7,728	3,166.51	(4,561.91)	37.6%
Transfer to CIP	8,000	7,333	0.00	(7,333.33)	0.0%
<b>TOTAL EXPENDITURES</b>	<b>\$ 531,300</b>	<b>\$ 487,025</b>	<b>\$ 474,011.91</b>	<b>\$ (13,013.09)</b>	<b>89.2%</b>
<b>REVENUE</b>					
Sewer Service Charges	\$ 266,000	\$ 243,833	\$ 248,887.12	\$ 5,053.79	93.6%
Connection Fees	25,000	22,917	35,000.00	12,083.33	140.0%
Interest	4,300	3,942	2,643.36	(1,298.31)	61.5%
Surcharge for Sewer Loan	36,000	33,000	34,164.50	1,164.50	94.9%
County Contribution Loan	88,000	80,667	88,000.00	7,333.33	100.0%
Sewer Tax District Loan	112,000	102,667	111,933.53	9,266.86	99.9%
<b>3</b>	<b>\$ 531,300</b>	<b>\$ 487,025</b>	<b>\$ 520,628.51</b>	<b>\$ 33,603.51</b>	<b>98.0%</b>
<b>Surplus (Deficit) \$</b>			<b><u>46,616.60</u></b>		

**Treasurer's Report  
as of May 31, 2013 - CIP**

**FY2013 DATA**

<b>GENERAL FUND CIP</b>	<b>BUDGET</b>	<b>Actual 5/31/2013</b>	<b>(UNDER) OVER BUDGET</b>	<b>% Total Budget</b>
<b>Expenditures</b>				
Streets & Sidewalks	\$ 30,000	\$ 0.00	\$ (30,000.00)	0.00%
<b>Total Expenditures</b>	<b>\$ 30,000</b>	<b>\$ 0.00</b>	<b>\$ (30,000.00)</b>	<b>0.00%</b>
<b>Revenue</b>				
Prior Year Surplus	\$ 30,000	0.00	\$ (30,000.00)	0.00%
<b>Total Revenue</b>	<b>\$ 30,000</b>	<b>\$ 0.00</b>	<b>\$ (30,000.00)</b>	<b>0.00%</b>
 <b>WATER FUND CIP</b>				
<b>Expenditures</b>				
Other Improvements (includes East Loop)	100,000	38,925.00	(61,075.00)	38.93%
Water Meter/Hydrant Replacement	20,000	9,478.32	(10,521.68)	47.39%
Water Integration	50,000	27,717.50	(22,282.50)	55.44%
<b>Total Expenditures</b>	<b>\$ 170,000</b>	<b>\$ 76,120.82</b>	<b>\$ (93,879.18)</b>	<b>44.78%</b>
<b>Revenue</b>				
Prior Year Surplus	\$ 115,700	\$ 0.00	\$ (115,700.00)	0.00%
Availability Fees	54,300	90,500.00	36,200.00	166.67%
<b>Total Revenue</b>	<b>\$ 170,000</b>	<b>\$ 90,500.00</b>	<b>\$ (79,500.00)</b>	<b>53.24%</b>
 <b>SEWER FUND CIP</b>				
<b>Expenditures</b>				
I & I Program	\$ 20,000	\$ 0.00	(20,000.00)	0.00%
Sewer Improvement Fund	50,000	0.00	(50,000.00)	0.00%
<b>Total Expenditures</b>	<b>\$ 70,000</b>	<b>\$ 0.00</b>	<b>\$ (70,000.00)</b>	<b>0.00%</b>
<b>Revenue</b>				
Prior Year Surplus	\$ 8,000	\$ 0.00	\$ (8,000.00)	0.00%
Availabilty Fees	62,000	86,800.00	24,800.00	140.00%
<b>Total Revenue</b>	<b>\$ 70,000</b>	<b>\$ 86,800.00</b>	<b>\$ 16,800.00</b>	<b>124.00%</b>

**Treasurer's Report - June 10, 2013 Council Meeting**  
**Check Listing May 1 - May 31 2013**

<b>CHECK#</b>	<b>PAYEE</b>	<b>PURPOSE</b>	<b>AMOUNT</b>
17429	Anthem Blue Cross Blue Shield	May Health Insurance	4,092.00
17430	Broy & Sun Pump Service Inc.	Line Repair	285.00
17431	Capital Software Inc.	Quarterly Tax Software Maintenance	500.00
17432	Comcast	Internet Service	146.59
17433	Five Star Septic	Park Portable Service	130.00
17434	Hamilton Service Center	Inspection & repair	101.90
17435	HD Supply Waterworks	Supplies	184.64
17436	Instrulogic Corporation	Monthly SCADA	2,655.00
17437	Joiner Micro Laboratories Inc.	Lab Testing	1,782.50
17438	Nichols Hardware	Misc Supplies	87.49
17439	Pittsburgh Tank & Tower Maint.	Deposit on S Rogers St Tank Painting	38,175.00
17440	Quail Run Signs	Copy work for Hamilton Bood Ad	150.00
17441	Schenck Foods Co Inc.	Bleach & Paper Towels	412.50
17442	Univar USA Inc	Chemicals	3,326.88
17443	USA Bluebook	Lab Testing Supplies	504.97
17444	Verizon	Telephone	593.04
17445	Verizon Wireless	Cell Phones	86.94
17446	Virginia Employment Commission	Employment Request Info	80.00
17447	American Disposal Services Inc.	Trash & Recycling Pickup	3,457.71
17448	BB&T Bankcard Corporation	Office Supplies, Parade Candy, Misc	258.68
17449	Broy & Sun Pump Service Inc.	Waterline Repair 2 BB&T Bank	1,377.50
17450	De Lage Landen	Copier Lease	135.00
17451	DMV	DMV Stop Releases	80.00
17452	Dominion Virginia Power	Electricity	6,148.23
17464	The Estate of Mary Phillips	2012 RE Tax Refund-Relief Qualified	462.56
17453	Maureen K Gilmore	Legal Services - April	2,662.50
7454	Instrulogic Corporation	Replaced Transducer-Lightning Damage	889.00
17456	Loudoun County Central Garage	Vehicle Fuel	246.98
17455	Loudoun County	Land Record Access Renewal	300.00
17457	Master Media Group	P'ville Gazette Ads-Budget/PC Schedule	418.02
17458	Matthew Bender	Legal Publications	53.39
17459	Petty Cash	Office Supplies, Payroll Adjustment	50.92
17460	Pifer Office Supply	Copier Maintenance	156.27
17461	Shenandoah Valley Water Company	Office Water Cooler Rental	19.50
17462	Southern States	Lime & Round Up	99.19
17462	Sterling Septic & Sewer Inc.	Pump & Haul 4 loads	1,040.00
17465	Tree Frog Lawn Care	Mowing	1,475.00
17466	USA Bluebook	WWTP Supplies/Safety Supplies	327.72
17467	VUPS	Miss Utilities	40.95
17468	Anthem Blue Cross Blue Shield	June Health Insurance	5,545.00
17469	Breeden, Susan	Utility Account Refund	61.40
17470	Browning Equipment	Misc Supplies	13.31
17471	Comcast	Internet Service	152.79
17472	Cook's Painting & Restoration	Deposit on Painting of Town Office Front	1,886.05
17473	Fireline	Fire Extinguisher Maintenance	181.15
17474	Hamilton Service Center	Brake Repair	294.22
17475	Helbert, Jennifer	May Recorder Services	210.00
17476	Joiner Micro Laboratories, Inc.	Lab Testing	1,900.00
17477	Mr. Print	Folding of Utility Bills	20.00
17478	Postmaster Hamilton	Mailing of Utility Bills	312.63
17479	Proctor, William & Ruth	RE Tax Refund - paid by Mortgage Co	217.17
17480	Purcellville Copy	Printing	90.00
17481	Univar USA Inc	Chemicals	1,648.04
17482	VEPGA	FY2014 Membership Fee	58.00
17483	Verizon	Telephone	591.41
17484	Verizon Wireless	Cell Phones	86.40
17485	Virginia Municipal League	FY2014 Membership Fee	418.00
<b>Total Checks</b>			<b>86,679.14</b>

## Addressing Agreement

This agreement is between the Town of Hamilton, Virginia (Town) and Loudoun County, Virginia (County).

The parties agree as follows:

1. Addresses are assigned to facilitate emergency response.
2. The assignment of addresses within the Town's Joint Land Management Area (JLMA) must be coordinated by the two parties to ensure that structures are addressed to a basic standard that supports public safety. It is very important to avoid mixed Town (3 digit) and County (5 digit) addresses on the same street, odd and even numbers on the same side of the street and the addition of letters and half numbers.
3. The Town will assign addresses in the JLMA in those areas with existing Town (3 digit) addresses as identified on the attached map dated 4/9/2013 (Attachment 1).
4. The County will assign addresses in the JLMA in those areas with existing County (5 digit) addresses as identified on the attached map (Attachment 1).
5. The map may be amended by mutual consent from time to time as conditions change.
6. The Town and County will cooperate on ensuring that address information is transferred to the County's Computer Aided Dispatching System and other public safety systems.

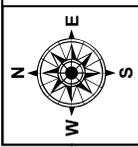
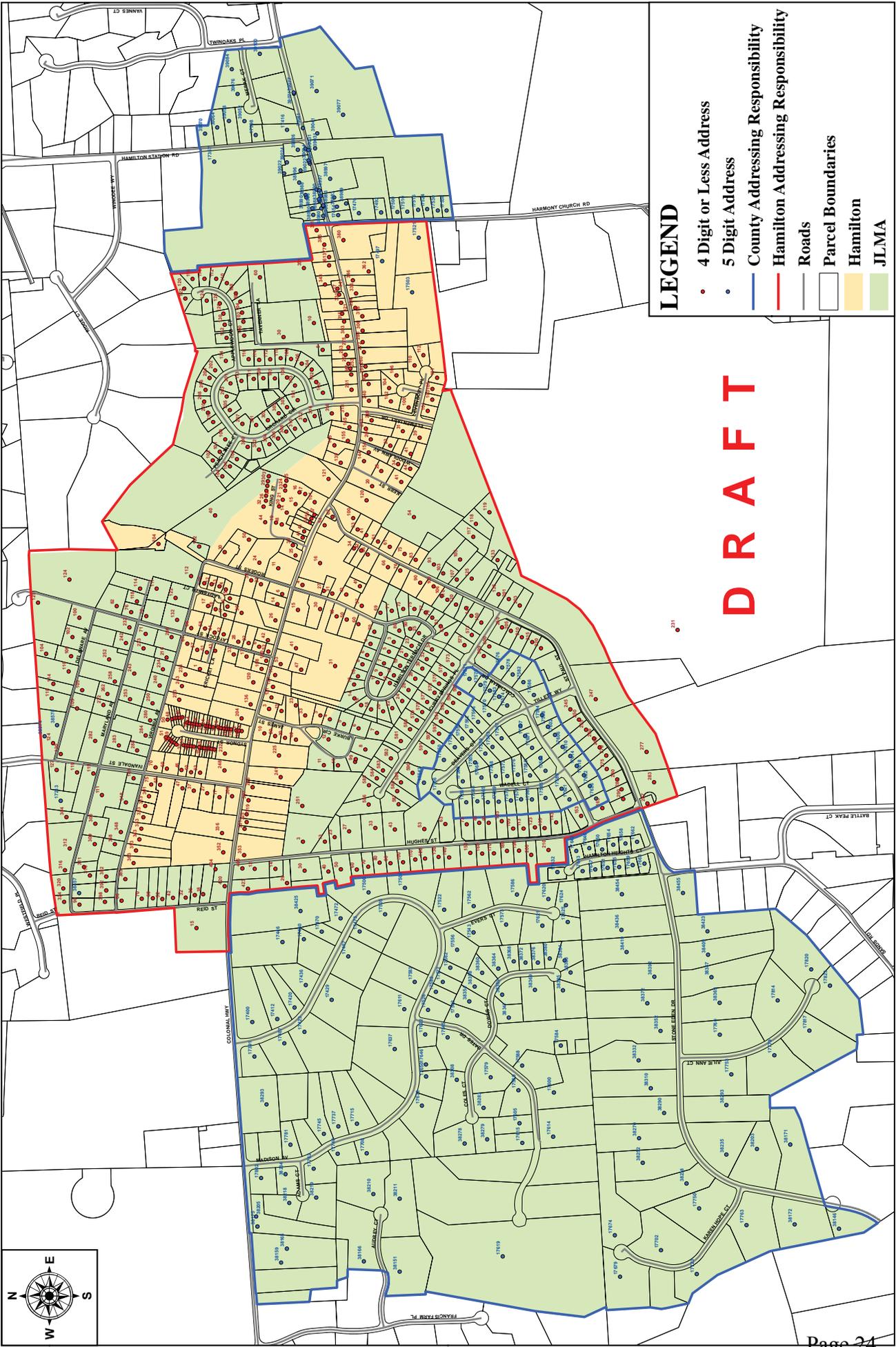
For the Town of Hamilton

\_\_\_\_\_ Date \_\_\_\_\_

For Loudoun County of Loudoun

\_\_\_\_\_ Date \_\_\_\_\_

# ADDRESSING AGREEMENT MAP BETWEEN THE TOWN OF HAMILTON AND LOUDOUN COUNTY



## LEGEND

- 4 Digit or Less Address
- 5 Digit Address
- County Addressing Responsibility
- Hamilton Addressing Responsibility
- Roads
- Parcel Boundaries
- Hamilton
- JLMA

**DRAFT**



**COUNTY OF LOUDOUN**  
**DEPARTMENT OF BUILDING AND DEVELOPMENT**  
**REFERRAL MEMORANDUM**

**DATE:** June 5, 2013

**TO:** Town of Hamilton, David Beniamino, Zoning Administrator  
Town of Leesburg, Susan Berry Hill, Director, Department of Planning  
Town of Purcellville, Patrick Sullivan, Director, Community Development  
Town of Round Hill, Robert Kinsley, Jr., Town Planner, Zoning Administrator  
Building and Development, Engineering, Gary Clare  
Building and Development, Permits, Marsha Keim  
Building and Development, Plans Review, Mike Siegfried  
County Attorney's Office, Ron Brown  
Transportation and Capital Infrastructure, Paul Brown  
Planning, Comprehensive Planning, Cynthia Keegan  
Planning, Land Use Planning, John Merrithew  
Fire, Rescue and Emergency Management, Lou Anne Welsh  
Department of Health, Dr. David Goodfriend

**FROM:** Mark Stultz, Deputy Zoning Administrator, Building and Development

**CC:** Building and Development, Terry Wharton  
Building and Development, Zoning Administration, Nicole Dozier  
County Administration, Charles Yudd  
Planning, Julie Pastor  
Transportation and Capital Infrastructure, Joe Kroboth

**SUBJECT:** ZOAM 2013-0006, JLMA Utilities Requirements

**COMMENT DUE DATE:** **June 21, 2013** (Please provide a paper copy and an electronic copy to [mark.stultz@loudoun.gov](mailto:mark.stultz@loudoun.gov). If you have any questions, please contact me at 703-771-5394.)

**DESCRIPTION:**

The current utilities requirement in the Revised 1993 Loudoun County Zoning Ordinance ("Zoning Ordinance") for the Joint Land Management Area (JLMA) -1, JLMA-2 and JLMA-3 Zoning Districts require Town-owned or County-owned and operated public uses to connect to the Town's municipal water and municipal sewer facilities if available as determined by the Town. If the Town determines that municipal facilities are not available, then the development may be served by private well or septic system. Based on the current Zoning Ordinance language, the Town – and not the County Zoning Administrator - has the authority to determine whether the municipal facilities are available to serve public use sites in the JLMA Zoning

Districts. Currently, the County is not aware of the criteria that the Towns consider in determining availability of municipal utilities.

An issue arose involving the current Zoning Ordinance utilities requirement in the JLMA-1 Zoning District with the design of the Western Loudoun Sheriff Substation (WLSS), located outside of the Town of Round Hill. On February 14, 2012, the Board of Supervisors approved an action item calling for a re-design of the WLSS so that the overall project budget did not exceed the construction debt funded at the time of the meeting. As a result of the Board action, there was a reduction in the size of the proposed WLSS, which then led to the decision to use an on-site well and septic system rather than extending municipal water and sewer to serve the facility. However, pursuant to the current Zoning Ordinance utilities requirement, the site plan for the WLSS cannot be approved using an on-site well and septic system unless the Town of Round Hill determines that the municipal facilities are not available to serve the use. In the absence of a determination from the Town stating that the municipal utilities are available, County Administration Staff requested an advisory opinion from the County Zoning Administrator as to whether the comments provided in a December 19, 2012 letter from Robert E. Kinsley, Planner and Zoning Administrator for the Town of Round Hill, which provided the Town's comments on the fifth submission of the WLSS site plan, can be interpreted as the Town's determination that the municipal utilities are "available" to serve the WLSS. The Town comment stated the following:

***"The Sheriff's Station facility, and any other facility constructed on this site in the future, should be served by an extension of the Town's public water and sewer systems as previously proposed. Capacity is available for both water and sewer connections"***  
*(emphasis added).*

County Zoning Administration Staff provided an advisory opinion, dated January 3, 2013, stating that, based on the comments in the December 19, 2012 letter, the Town has determined that municipal water and municipal sewer facilities are available to serve the WLSS and, therefore, pursuant to the utilities requirement in Section 2-1005(C)(1) of the JLMA-1 Zoning District, the site plan cannot be approved for the WLSS using a private on-site well and septic system.

In order to address the non-predictability of Town determinations regarding whether municipal water and municipal sewer facilities are available to serve public uses within their respective JLMAs; and to permit public uses to use private well and septic systems in the JLMA, the Board of Supervisors, at its May 1, 2013 Business Meeting, directed staff to begin the process of amending the Zoning Ordinance to revise the utilities requirement for Town-owned and County-owned and operated public uses in the JLMA-1, JLMA-2 and JLMA-3 Zoning Districts and further directed Staff to proceed with the design and approval of the WLSS using private on-site well and septic systems, with action on the site plan deferred until the Zoning Ordinance amendment is adopted, and to rebid the project based on this Board direction. In addition, the Board directed Staff to inform the Town that the County will begin the process of hooking up to the Town of Round Hill's municipal water and municipal sewer facilities when the utility lines are available within 300 feet of the WLSS property.

The proposed Zoning Ordinance amendment is drafted to: 1) authorize the County Zoning Administrator to determine the availability of municipal facilities, in coordination with the Towns; 2) retain the requirement for Town approval for connecting to municipal facilities; 3) require the use of municipal facilities for public uses only if the utility lines are located within 300 feet of the public use development site and if the Town approves the connection; and 4) clarify that for existing lots that were established prior to January 7, 2003 (the date that the current JLMA utilities requirement was established), development that does not require any type of subdivision or site plan approval may also use an on-site well and/or sewage disposal system. This would apply to the building of a dwelling on a lot that was established prior to the Zoning Ordinance requirement to use municipal facilities.

Zoning Administration Staff is requesting your review and comments on the proposed Zoning Ordinance amendment to the revised text in Attachments 1 through 3. The proposed amendment is tentatively scheduled for the Planning Commission public hearing on July 16, 2013.

**Attachments:**

1. Zoning Ordinance Section 2-1000, JLMA-1 Zoning District Regulations, Proposed Draft Text for Section 2-1005(C), *Utilities*, dated June 5, 2013
2. Zoning Ordinance Section 2-1100, JLMA-2 Zoning District Regulations, Proposed Draft Text for Section 2-1105(C), *Utilities*, dated June 5, 2013
3. Zoning Ordinance Section 2-1200, JLMA-3 Zoning District Regulations, Proposed Draft Text for Section 2-1206, *Utilities*, dated June 5, 2013