

**MINUTES
HAMILTON TOWN COUNCIL
PUBLIC HEARING AND REGULAR MEETING
OCTOBER 19, 2015**

TOWN COUNCIL

PRESENT: David R. Simpson, Mayor
Kenneth C. Wine, Vice Mayor
Matthew Clark, Council member – 7:04PM
John Unger, Council member
Craig Green, Council member

ABSENT: Dimitri Kesari, Council member
Michael Snyder, Council member

STAFF: Lori Jones, Treasurer
Daniel Galindo, Zoning Administrator
Maureen Gilmore, Town Attorney
Jennifer Noel, Recorder

CALL TO ORDER THE PUBLIC HEARING:

Mayor Simpson called to order the Public Hearing of the Hamilton Town Council at 7:00PM.

PUBLIC HEARINGS:

1) Water Ordinance Article III, Section 3-5, Swimming Pools & Sewer Ordinance, Article IV, Extension of Public Sewer, Section 19-20 (d)

Carl Kirby of 119 South St. Paul Street came forward to speak. Mr. Kirby stated that he would be appealing the decision of the Council if they vote on the Ordinance the way it is written today. He stated that he will be having a meeting with staff next week and some of the items will be discussed.

Ray Whitby of 17 North Ivandale Street came forward to speak. Mr. Whitby stated that most property owners in Town view their property line as ending at their front yard and he believes to take the liability for the homeowner to extend past that to cross VDOT easements as well as under the street could be a burden on Town residents as the cost to repair the street could be two to three times the cost of the sewer cost repair. He believes that the number of occurrences are very infrequent for the Town not to be able to absorb an occasional one or two that may occur and believes that this could be a real financial burden to the residents.

2) Removal of Snow and Ice from Sidewalks Ordinance

Ray Whitby of 17 North Ivandale Street came forward to speak. Mr. Whitby stated that there is an aging population in Hamilton and a lot of residents are not able to do their own snow removal. He stated that another issue is that residents can shovel the sidewalks and

VDOT comes right behind and covers them again. He believes that the Town could have staff clear the sidewalks and that would be a great contribution to the Town and believes that the budget could make that work.

There being no further comments on either Public Hearing Items, the Mayor closed the Public Hearing.

CALL TO ORDER THE REGULAR MEETING:

Mayor Simpson called to order the regular meeting of the Hamilton Town Council at 7:10PM.

PUBLIC COMMENT:

Tate Michon came forward to speak. Mr. Michon stated that he would like to volunteer to do the luminaries this year. The Council accepted and stated that they would help as well.

Carrie Michon came forward to speak. Ms. Michon came forward to thank the Council for their support for this year's Hamilton Day which she believes was a huge success and stated that she would again like to volunteer to organize Hamilton Day for the Town next year. She would like to propose that Hamilton Day be held on Saturday, June 4, 2016 and would also suggest moving it back to the park and still have the children's run at the Hamilton Elementary property. Ms. Michon stated that she will be looking for someone to take over for her in 2017 as she promised her family 2016 would be the last one that she handles.

Ray Whitby of 17 North Ivandale came forward to speak. Mr. Whitby stated that he attended the Zoning meeting last week and he has two general comments about it. He stated that he realizes that the Town is looking to extend the height of antenna's which he has no issue with but he wants to make sure that the Ordinance gets amended to do that and make sure that the Town encompasses all of the other State requirements. Mr. Whitby stated that an issue also came up about confining pets and he is glad that the Commission agreed that pets should be confined to the homeowners lot, but he would like to ask that it be changed so that it indicates that pets should be confined to the back yard especially chickens and other fowls. He stated that a good example would be the house next to BB&T as the chicken coops are almost right at the sidewalk as you walk by it and it doesn't smell good. He believes that most animals should be confined in the rear with the exception of electronic fences for dogs or anything you can collar or electronically control would be the exception to him.

GUESTS:

Kara Santmyer with Mitchell & Company, PC the Town's auditing firm. Ms. Santmyer went over the FY2015 Comprehensive Annual Financial Report which was handed out at the Council meeting. Ms. Santmyer indicated that the Town is in good financial shape and there are no outstanding concerns or issues. Ms. Santmyer went over a few new items that needed to be tracked starting this year.

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MINUTES: Council member Unger made a motion to approve the September 14, 2015 minutes as submitted.

Motion: Council member Unger
Second: Council member Green
Carried: 5-0-2

Simpson -	Aye
Unger -	Aye
Kesari -	Absent
Green -	Aye
Snyder -	Absent
Wine -	Aye
Clark -	Aye

MAYOR'S REPORT:

Mayor Simpson stated that he is moving forward with finishing up the purchase of the property next door. He anticipates moving the funds next month to finish out the purchase of the property.

WATER & SEWER COMMITTEE:

Nothing to report.

PARKS & RECREATION COMMITTEE:

Council member Clark stated that a Committee meeting was held last month in the park on the 24th and the members looked at how the parking lot expansion would work and took some measurements and will move forward soon with the work.

TREASURER'S REPORT:

Monthly Treasurer's Report – Ms. Jones presented her report to the Town Council and entertained any question the members may have.

Council member Unger made a motion to approve the Treasurer's Report as submitted.

Motion: Council member Unger
Second: Vice Mayor Wine
Carried: 5-0-2

Simpson -	Aye
Unger -	Aye
Kesari -	Absent

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Green - Aye
Snyder - Absent
Wine - Aye
Clark - Aye

FINANCE COMMITTEE:

Council member Unger reported that the audit was complete and the process smooth and successful.

PUBLIC SAFETY & ZONING ENFORCEMENT COMMITTEE:

Nothing to report.

PERSONNEL COMMITTEE:

Nothing to report.

PLANNING COMMISSION: Chairman McCann stated that the Planning Commission has been hard at work. He stated that on September 15th the Commission had two requests, one was a site plan waiver for which the Commission voted 7-0 recommending that the Council approve the application. They also heard a request for plat size reduction which again the Commission voted 7-0 recommending the Council approve the request. Chairman McCann stated that on October 14, 2015 the Planning Commission did a major review of all of the Zoning amendments and the Planning Commission is recommending that the Town Council approve those amendments with one minor exception changing the verbiage relating to animals, birds or fowl confined to a lot. Chairman McCann stated that the Commission also took under consideration Mr. Whitby's comments. The decision of the Commission was to address that issue at the next time around for changes to the Zoning Ordinance and they would like to move forward with these updates at this time and ask that the Council move forward with approving the amendments as well.

OLD BUSINESS:

a) Proposed Water Ordinance Amendment

Council member Green made a motion to approve the Water Ordinance Amendment, Article III, Section 3-5, Swimming Pools.

Motion: Council member Green
Second: Vice Mayor Wine
Carried: 5-0-2

Simpson - Aye
Unger - Aye
Kesari - Absent
Green - Aye
Snyder - Absent
Wine - Aye
Clark - Aye

b) Proposed Sewer Ordinance Amendment

Council member Green made a motion to approve the Sewer Ordinance Amendment, Article IV, Extension of Public Sewer, Section 19-20(d).

Motion: Council member Green
Second: Council member Unger

Council member Green moved that the Town Council table the current motion.

Motion: Council member Green
Second: Vice Mayor Wine
Carried: 5-0-2

Simpson -	Aye
Unger -	Aye
Kesari -	Absent
Green -	Aye
Snyder -	Absent
Wine -	Aye
Clark -	Aye

c) Proposed Snow Removal Ordinance

Council member Green made a motion that the Town Council adopt an Ordinance entitled Removal of Snow and Ice from Sidewalks.

Motion: Council member Green
Second: Vice Mayor Wine

The Council discussed the wording of the proposed Ordinance and asked that the wording be changed as follows;

§a.”....These requirements shall not apply with the occupant or owner is unable to remove snow, sleet or ice because of a physical disability *and/or infirmity.*”

Failed: 5-0-2

Simpson -	Nay
Unger -	Nay
Kesari -	Absent
Green -	Nay
Snyder -	Absent
Wine -	Nay
Clark -	Nay

Council member Clark made a motion that the Hamilton Town Council adopt the Ordinance entitled Removal of Snow and Ice from Sidewalks as amended to include the words and/or infirmity at the end of subparagraph (a).

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Motion: Council member Clark
Second: Council member Unger
Carried: 5-0-2

Simpson -	Aye
Unger -	Aye
Kesari -	Absent
Green -	Aye
Snyder -	Absent
Wine -	Aye
Clark -	Aye

- d) **Comcast Franchise Agreement** – This item will be discussed in Closed Session
- e) **Sewer Moratorium Clarification** – This item will be discussed in Closed Session
- f) **Proposed Zoning Ordinance Amendments**
Council member Unger made a motion to authorize a public hearing on the Proposed Zoning Ordinance Amendments for December 14, 2015.

Motion: Council member Unger
Second: Vice Mayor Wine
Carried: 5-0-2

Simpson -	Aye
Unger -	Aye
Kesari -	Absent
Green -	Aye
Snyder -	Absent
Wine -	Aye
Clark -	Aye

- g) **VDOT MAP-21 Grant Progress** – Mayor Simpson stated that the Council will have the public hearing next month to move forward on the sidewalk grants they have received. He stated that the Town is also moving forward in requesting matching funds from Loudoun County for the sidewalk grant.

NEW BUSINESS:

- a) **Halloween Hours – Saturday, October 31, 2015**
Council decided to make the Trick or Treating hours from 5PM until 9PM.
- b) **TH-2015-01 Miller Subdivision Plat**

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1. Waiver Request

2. Plat Approval

Council member Green made a motion to approve TH-2015-01 Miller Subdivision Plat Waiver Request and Plat Approval.

Motion: Council member Green
Second: Vice Mayor Wine
Carried: 5-0-2

Simpson -	Aye
Unger -	Aye
Kesari -	Absent
Green -	Aye
Snyder -	Absent
Wine -	Aye
Clark -	Aye

c) Proposed Budget Amendment – Resolution 2015-18 to Schedule a Public Hearing

Council member Unger made a motion that the Hamilton Town Council adopt Resolution 2015-18 authorizing a public hearing to receive comments on proposed amendments to the Town of Hamilton FY2016 Budget.

Motion: Council Member Unger
Second: Vice Mayor Wine
Carried: 5-0-2

Simpson -	Aye
Unger -	Aye
Kesari -	Absent
Green -	Aye
Snyder -	Absent
Wine -	Aye
Clark -	Aye

d) Loudoun County Request for FY2017 CIP Funds

This item has already been done via letter from the Mayor.

e) Application for Water Availability – Lot 63, Madison Avenue

Vice Mayor Wine made a motion to approve the application for water connection for Lot 63, Madison Avenue.

Motion: Vice Mayor Wine

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Second: Council member Unger
Carried: 5-0-2

Simpson -	Aye
Unger -	Aye
Kesari -	Absent
Green -	Aye
Snyder -	Absent
Wine -	Aye
Clark -	Aye

f) Application for Water & Sewer Availability – 102 Lamplighter Court

Council member Green made a motion to approve the application for Water and Sewer connection for 102 Lamplighter Court.

Motion: Council member Green
Second: Vice Mayor Wine
Carried: 5-0-2

Simpson -	Aye
Unger -	Aye
Kesari -	Absent
Green -	Aye
Snyder -	Absent
Wine -	Aye
Clark -	Aye

g) Hamilton Elementary PTA Request for Corporate Sponsorship

The PTA has essentially requested that the Town Council donate to the school.

Council member Green made a motion that the Hamilton Town Council donate \$1500 to the Hamilton Elementary PTA.

Motion: Council Member Green
Second: Council member Unger

The Town Council discussed this item and concluded that they would like to have more information on what the donation would be used for and therefore would like to have someone from the PTA come to their next meeting or the Mayor will go and speak with them.

Council member Unger made a motion to table the motion to the next meeting.

Motion: Council member Unger
Second: Council member Green

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Carried: 5-0-2

Simpson -	Aye
Unger -	Aye
Kesari -	Absent
Green -	Aye
Snyder -	Absent
Wine -	Aye
Clark -	Aye

h) Schedule Public Hearing to Endorse FY2017 VDOT MAP-21 Grant Application for November 9, 2015.

Vice Mayor Wine made a motion that the Town Council authorize a public hearing to receive comments and consider taking action regarding a transportation alternative project for the Town of Hamilton, Virginia Resolution 2015-20 for November 9, 2015.

Motion: Vice Mayor Wine
Second: Council member Unger
Carried: 5-0-2

Simpson -	Aye
Unger -	Aye
Kesari -	Absent
Green -	Aye
Snyder -	Absent
Wine -	Aye
Clark -	Aye

i) BZA Seats

1. James A. Moon – Expires November 18, 2015

Vice Mayor Wine made a motion to request the Circuit County reappoint James A. Moon of 307 West Colonial Highway, to the Board of Zoning Appeals for a five year term running from November 19, 2015 through November 18, 2020.

Motion: Vice Mayor Wine
Second: Council member Unger
Carried: 5-0-2

Simpson -	Aye
Unger -	Aye
Kesari -	Absent
Green -	Aye
Snyder -	Absent
Wine -	Aye
Clark -	Aye

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2. John C. Kelly – to Fill a Vacant Seat

Vice Mayor Wine made a motion to request the Circuit County appoint John C. Kelly of 33 South James Street, to the Board of Zoning Appeals for a five year term running from November 19, 2015 through November 18, 2020.

Motion: Vice Mayor Wine
Second: Council member Green
Carried: 5-0-2

Simpson -	Aye
Unger -	Aye
Kesari -	Absent
Green -	Aye
Snyder -	Absent
Wine -	Aye
Clark -	Aye

CLOSED SESSION:

Vice Mayor Wine made a motion that the Hamilton Town Council recess its regular meeting and convene a closed meeting. The purposes of the closed meeting are as follows

1. Consultation with the Town Attorney regarding the sewer moratorium approved on September 14, 2015, requiring the provision of legal advice, and;
2. Consultation with the Town Attorney regarding the proposed franchise agreement with Comcast requiring the provision of legal advice.

The following individuals are invited to attend the closed session:

All Town Council Members
Maureen K. Gilmore, Town Attorney

Motion: Vice Mayor Wine
Second: Council member Green
Carried: 5-0-2

Simpson -	Aye
Unger -	Aye
Kesari -	Absent
Green -	Aye
Snyder -	Absent
Wine -	Aye

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Clark - Aye

Vice Mayor Wine made a motion that the Hamilton Town Council adjourn its closed session and reconvene its public meeting and that the minutes of the public meeting reflect that no formal action was taken in closed session.

Motion: Vice Mayor Wine
Second: Council member Unger
Carried: 5-0-2

Simpson - Aye
Unger - Aye
Kesari - Absent
Green - Aye
Snyder - Absent
Wine - Aye
Clark - Aye

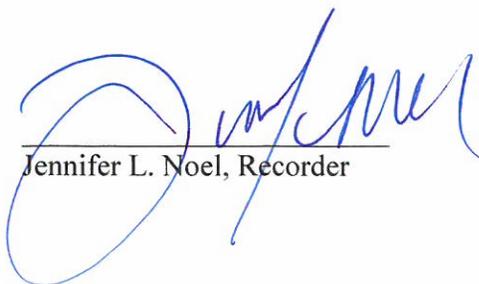
Vice Mayor Wine made a motion that the Hamilton Town Council certify that in addition to the issues contained in the closed session motion the Town Council discussed real estate purchase costs and pending litigation.

Motion: Vice Mayor Wine
Second: Council member Unger
Carried: 5-0-2

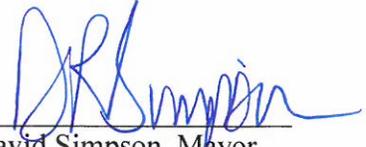
Simpson - Aye
Unger - Aye
Kesari - Absent
Green - Aye
Snyder - Absent
Wine - Aye
Clark - Aye

ADJOURNMENT:

There being no further business the meeting adjourned at 8:58 PM.



Jennifer L. Noel, Recorder



David Simpson, Mayor