

**MINUTES  
HAMILTON TOWN COUNCIL  
REGULAR MEETING  
MARCH 14, 2016**

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**TOWN COUNCIL**

PRESENT: Kenneth C. Wine, Vice Mayor  
Matthew Clark, Council member  
Craig Green, Council member  
Dimitri Kesari, Council member  
Michael Snyder, Council member

ABSENT: David R. Simpson, Mayor  
John Unger, Council member

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

**CALL TO ORDER THE REGULAR MEETING:**

Vice Mayor Wine called to order the regular meeting of the Hamilton Town Council at 7:00PM.

**PUBLIC COMMENT:**

**Brent Campbell** of 62 East Colonial Highway came forward to speak. He stated that here is a business that is interested in his property and one of the issues that has come up is parking. Mr. Campbell handed out copies of Article 6, the parking exception provisions. He stated that there is a parking waiver and a parking exemption and he believes the parking waiver is for new construction. He stated that he was on Council when these provisions were incorporated. Mr. Campbell stated that Section 3 makes reference to a fee and a fee schedule set by the Council. He indicated that as far as he is aware the Town has never charged anyone a fee for parking anywhere around Town and there is no precedent. Mr. Campbell stated that he believes this is just an oversight on the Council's part. Mr. Campbell stated that he did submit an occupancy permit today for an office use above with a coffee shop down below, during his conversations with the Zoning Administrator he was told that a coffee shop does not fit in that zoning district so Mr. Campbell stated that there is still an interest in that but for right now they are requesting an office use and a retail use, both of which are allowed in that district.

**GUESTS:**

Deputy Mote came forward to speak. He stated that there has been some speeding complaints on Rt.704 and he stated that he and several other deputies would be observing vehicles on that road.

**MINUTES:** Council member Kesari made a motion to approve the February 8, 2016 minutes as submitted.

Motion: Council member Kesari  
Second: Council member Snyder  
Carried: 5-0-2

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

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

Vice Mayor Wine stated that Mr. Ralph the person that rents the Town's building next door has spoken with the Mayor and it has been determined that the garage on the lot is in need of repair so the Mayor would like to negotiate a contract with Mr. Ralph to share in the cost of replacing the garage all together.

Vice Mayor Wine stated that DMV Select has contacted to Town to see if there is a place where they can open in Hamilton since they are no longer in Purcellville. He stated that they are looking at a couple of places in Town and apparently it is not a traditional lease. Ms. Jones stated that it is her understanding that someone with the Town would be trained and staff it. Vice Mayor Wine stated that Mayor Simpson would be speaking with them and getting more information that he will relay to the Council at a later date.

#### **WATER & SEWER COMMITTEE:**

Council member Kesari stated that a meeting needs to be scheduled for the Committee. Vice Mayor Wine stated that the staff at the Treatment Plant would like to attend and would like to have it during the day around 1PM. The Committee decided that they would meet Tuesday, March 22<sup>nd</sup> at 1PM at the Water Treatment Plant.

#### **PARKS & RECREATION COMMITTEE:**

Council member Clark stated that there was some light vandalism at the park over the weekend that Deputy Mote was made aware of earlier. The vandalism involved the picnic table "tipping", there were some legs on the tables broken that can be fixed.

A few Boy Scouts came to the Mayor and said that they would be available for spreading mulch at the park when the Town is ready.

**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 Kesari made a motion to approve the Treasurer's Report as submitted.

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

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

**FINANCE COMMITTEE:**

Ms. Jones indicated that the Committee needs to schedule a meeting to discuss the budget. The Committee scheduled the meeting for Wednesday, March 30<sup>th</sup> at 7PM at Town Hall. Ms. Jones stated that she has a draft budget which she will email to the Committee along with hard copies to review prior to the meeting.

Ms. Jones stated that a Tax Equalization Public Hearing will be scheduled for the April 11<sup>th</sup> meeting in case it is needed.

Ms. Jones also stated that the Budget Public Hearing has been scheduled for May 9, 2016 at 7PM at Town Hall.

**PUBLIC SAFETY & ZONING ENFORCEMENT COMMITTEE:**

**Fee-in Lieu of Required Parking, Zoning Ordinance Article 6, Section 1.6** – Vice Mayor Wine stated that it is his understanding that staff is contacting other jurisdictions to review their fee schedules, particularly as it relates to parking.

Council member Kesari stated that he does not believe that the Council ever put the section regarding parking in the Ordinance. Ms. Gilmore indicated that she reviewed her notes and found that the Council did not set the fee.

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The Council discussed different options with Ms. Gilmore, her recommendation was to find out the cost of building the parking lot and divide that cost by the number of spaces and that would determine the fee.

Vice Mayor Wine entertained a question from Mr. Campbell in the audience. Mr. Campbell stated that he has submitted and paid for an occupancy permit and if he is understanding what is being discussed, he is hearing that nothing can be done with that permit and he cannot apply for any uses because his property was built in 1909 and it is historic. He does not believe that that is correct if that is what is being said. He does not believe that it is his fault that the fee has not been set, he stated that he has followed all of the steps to be able to lease his property as a by right use and should be granted the parking permit.

Council member Snyder made a motion that the Town Council have a public hearing at the April 11, 2016 Town Council meet to set the parking fee at \$100.

Motion: Council member Snyder  
Second: Council member Kesari

Mr. Galindo, asked if the \$100 is the fee that they want to set for both sections. Council member Kesari indicated that it would be for both.

Council member Green made a friendly amendment to have the motion say the \$100 vs. whatever a comparable rate would be.

The friendly amendment was not accepted. Vice Mayor called the question on the main motion.

Carried: 4-1-2

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

**PERSONNEL COMMITTEE:**

Nothing new to report

**PLANNING COMMISSION:**

Chairman McCann stated that the Planning Commission will be holding a public hearing on Wednesday, March 16, 2016.

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Chairman McCann stated that he would also like to go on record that everything that was passed by the Town Council regarding the Zoning Ordinance was reviewed by the Town Council and passed and nothing was changed by the Planning Commission after the Ordinance was reviewed by Council and approved.

**OLD BUSINESS:**

**Compensatory Time Policy** – Ms. Gilmore stated that Council member Kesari added some suggestions to the Compensatory Time Policy that was drafted by the Mayor and Town staff. Ms. Gilmore stated that she did research the issue and both the Mayor and Council member Kesari were correct as the Town does have employees that are exempt and non-exempt. Ms. Gilmore clarified the difference between exempt and non-exempt employees.

Council member Green made a motion to approve the draft Overtime/Exchange Time Policy.

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

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

**Authorize FY2017 Tax Equalization Public Hearing for Monday, April 11, 2016**

Council member Green made a motion that the Town Council authorize a Tax Equalization Public Hearing for April 11, 2016 for a tax rate not to exceed .28.

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

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

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Council member Kesari made a motion to authorize for FY2017 Budget Public Hearing for Monday, May 9, 2016.

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

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

Council member Snyder made a motion that the Town Council hold a public hearing for the purpose of considering and possibly voting on a recommendation from the Planning Commission to amend Article 4 and Article 16 of the Hamilton Zoning Ordinance. These actions are authorized by Code of Virginia 1950, as amended, §§ 15.2-2280 et seq. The proposed amendments are summarized below:

HZO Article and Section	HZO Amendments and Changes
Article 4, Section 6: C-2 Commercial Retail and Sales District	<ul style="list-style-type: none"> <li>- Amend Subsection 6.2 and add “Stone Monument Establishment” as a permitted use.</li> <li style="text-align: center;">- OR -</li> <li>- Amend Subsection 6.3 to add “Stone Monument Establishment” as a use permitted by special use permit.</li> </ul>
Article 16, Section 2: Definitions	<ul style="list-style-type: none"> <li>- <u>Add the following definition: “Stone monument establishment. An establishment primarily engaged in the sale of stone monuments which may engage in the finishing, but not the cutting or shaping of stone monuments on the premises.”</u></li> </ul>

On April 11, 2016 at 7:00 PM at the Town Hall.

Motion: Council member Snyder  
Second: Council member Kesari  
Carried: 5-0-2

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

**NEW BUSINESS:**

**Application for Utility Connection/Availability – 103 Lamplighter Court** – Council member Green made a motion that the Town Council approve the application for Utility Connection/Availability at 103 Lamplighter Court.

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

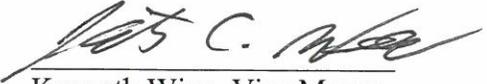
Simpson - Absent  
Unger - Absent  
Kesari - Aye  
Green - Aye  
Snyder - Aye  
Wine - Aye  
Clark - Aye

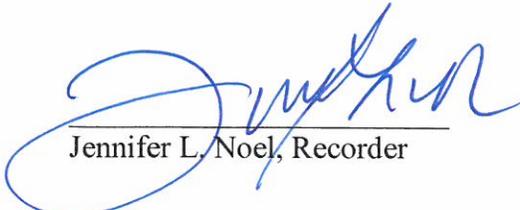
**Legislative Update from Town Attorney** – Ms. Gilmore went over several issues that were approved that may affect the Town specifically,

- Unreasonable Proffers
- Air B&B Bill
- FOIA Bills
- Acceptance of Gifts
- Delinquent Sewer Bills

**ADJOURNMENT:**

There being no further business the meeting adjourned at 8:05 PM.

  
Kenneth Wine, Vice Mayor

  
Jennifer L. Noel, Recorder