

**Hamilton Town Council Meeting  
May 11, 2009  
Hamilton Town Office**

The meeting was called to order at 7:30 PM followed by the Pledge of Allegiance.  
Present: Mayor H. Ray Whitbey, Vice Mayor John Unger, Mr. Michael Snyder,  
Mr. Greg Wilmoth (7:38), Mr. Ralph Baxter, Mr. Tom Rollins, Mr. Ken Wine  
Also Present: Ms Maureen Gilmore, Attorney, Mr. David Beniamino, Zoning Administrator,  
Mr. Robert McCann, Planning Commission Chairman

**Minutes**

Mr. Unger made a motion to adopt the April 13, 2009 minutes into record and Mr. Wine made a second on the motion. The vote passed 5-0-1, (Aye: Baxter, Rollins, Snyder, Unger, Wine. Nay: none. Absent: Wilmoth).

**Guests**

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

Mayor Whitbey presented recognition certificates to Mr. Evan Smith, Mr. Thomas Wilson and Mr. Alexander for their achievement of Eagle Scout. Mr. Nicholas Strauch was unable to attend the meeting but has also achieved the rank of Eagle Scout and will be presented his certificate on a later date.

Principal Wagner Grier of C.S. Monroe Tech and Mr. Phillip Denino gave a demonstration of the work that several students have completed with the creation of 3D models of buildings in Hamilton, which are posted on Google Earth for viewing. Mr. Robert Shaw, a student at the school, provided an overview of the project and explained how the students accomplished their work.

Mr. Snyder made a motion to move Parks & Recreation discussion to the top of the agenda. Mr. Rollins made a second on the motion and the vote passed 7-0, (Aye: Baxter, Rollins, Snyder, Unger, Whitbey, Wilmoth, Wine. Nay: none).

**Parks & Recreation Committee**

Ms. Cindy Trochlil, 17820 Julie Ann Ct, provided an overview of what the fundraising committee is working on for goal of \$10,000 in 6 months, all to go toward park improvements. A checklist will be included for completion after every cleanup to ensure awareness for necessary maintenance issues. Ms. Trochlil introduced Tanner Michon and explained that he has been working on the trash committee. Tanner Michon, 20158 Curry Springs Place, reviewed ideas for park cleanup planning. Tanner has been very successful in his efforts to contact several local Scout troops and church organizations to help keep the park clean. In addition, Loudoun County has been contacted to get larger trash cans to keep the park and a park slogan is being developed to help raise awareness of the need for park cleanliness. Mr. Brent Campbell, 62 E. Colonial Hgwy, spoke about parking challenges and presented some options for parking resolution consideration. Mr Campbell gave an example of how parking could be doubled and spoke of the possibility of adding gravel, which would require ordinance changes.

Mr. Snyder made a motion asking the Planning Commission to review the Zoning Ordinance and consider all of the necessary changes, requirements and time needed to expand the lot from 13 to 26 spaces, reporting back to the Town Council at the June 8, 2009 meeting with information about the total time that will be needed to make the proposed changes. The vote passed 6-1, (Aye: Rollins, Snyder, Unger, Whitbey, Wilmoth, Wine. Nay: Baxter). Mr. Beniamino advised that the issues and concerns have been outlined and presented to Mr. Wilmoth and Mr. Campbell. Mr. Baxter believes that it is a bad idea for a private entity or government to change zoning ordinances for 1 person as the Council needs to legislate to the entire population. Mr. Baxter questioned whether the issue in question was gravel or parking and asked if there a demonstrated need for increased parking. Ms. Gilmore stated that there a number of issues to consider for the discussed changes and at least 4 chapters of the Zoning Ordinance would be affected. Mayor Whitbey noted that he attended a May 7, 2009 park-n-ride meeting and it was announced that a Tot Lot with permanent restroom facilities will be added and that location is only 2 miles down the road from the Park. Mr. Baxter noted, and Mr. Unger agreed, that no accurate data has been gathered to determine what is needed for parking but added that there is a group of motivated

and dynamic citizens who are working toward resolution. Mr. Rollins advised that all 3 of the Park sub-committees (trash, fund-raising, parking) are making good progress. Mr. Rollins made a motion to lift the June 15, 2009 parking ban of cars in the Park. Mr. Wilmoth made a second on the motion and the vote passed 7-0, (Aye: Baxter, Rollins, Snyder, Unger, Whitbey, Wilmoth, Wine. Nay: none).

#### **Public Comment**

Mr. Scott Freiburg, 17911 Battle Peak Ct, requested permission to hold a youth fund raiser car wash on June 6, 2009 from 9:00 AM - 2:00 PM at the Hamilton Baptist Church. Ms. Gilmore recommended that a written request be submitted as required previously with other organizations. Mr. Unger made a motion to allow the Hamilton Baptist Church Youth Group to hold a fund raiser car wash on June 6, 2009 from 9:00 AM - 2:00 PM, pending the receipt of a written request. Mr. Rollins made a second on the motion and the vote passed 7-0, (Aye: Baxter, Rollins, Snyder, Unger, Whitbey, Wilmoth, Wine. Nay: none). Mr. Tom Gallant, 225 W. Colonial Hgwy, requested that next year a representative from the Town be named for the coordination and planning of Hamilton Day 2010. This year there was no chairperson named and the Ruritans are helping but have advised that it would be helpful to have a Town contact established early in the year.

#### **Mayor's Report**

Hamilton Day Volunteers are still needed. The Ruritans are involved and vendors are being coordinated by Ms. Reale. Mr. Wine is working on flag placement in Town and has volunteered to help with the parade formation.

A community outreach meeting was held on April 27, 2009 and though attendance was low quarterly meetings will continue.

#### **Treasurer's Report**

Ms. Jones reviewed the budget YTD and announced that tax bills are due June 5, 2009, noting that all water & sewer account payments are up to date or in the process of being paid as agreed. Mr. Wilmoth made a motion to adopt the report into record and Mr. Unger made a second. The vote passed 7-0, (Aye: Baxter, Rollins, Snyder, Unger, Whitbey, Wilmoth, Wine. Nay: none).

#### **Finance Committee**

Mr. Unger reviewed the draft 2009/2010 FY Budget. Discussion was held in regard to several areas of the budget, primarily around the Cost of Living Increase, Retirement Contribution Decrease and the RE Tax Increase. Mr. Rollins made a motion to eliminate the yearly salaries of the Town Council members For FY 2009/2010 and Mr. Wine made a second on the motion. The voice vote did not pass 1-6, (Aye: Rollins. Nay: Baxter, Snyder, Unger, Whitbey, Wilmoth, Wine). In discussion of the motion Mr. Snyder disagreed with the idea that the Council should not receive a salary citing that value is attached to the work of the Council and that the citizens are willing to pay these salaries. Mr. Baxter suggested that members could elect whether to receive salaries for the coming year, and Mr. Snyder reiterated that everyone on the Council has value and suggested taking a % pay cut in salary if necessary. Discussion continued on how to achieve a budget that was agreeable to all Council members, with focus on the proposed RE tax increase and the proposed Retirement Contribution decrease. Mr. Unger stated that though the tax rate is a proposed increase, RE taxes are not increasing due to the lower property assessments this year. Ms. Trochlil, who was in attendance at the meeting, spoke that she did not believe that the Council should be an unpaid / volunteer position. Mr. Rollins passionately stated that he is not here to raise taxes nor is he here the money. Mr. Rollins is here because he loves Hamilton and is the 4<sup>th</sup> generation to live here. Mr. Baxter agreed with Mr. Rollins in regard to the proposed RE tax increase and stated that he was impressed with work that was done on the budget. Mr. Unger restated that the taxes are not being increased due to the lower assessments this year and more modification ideas were raised and discussed. Mr. Baxter made a motion to amend the draft FY 2009/2010 budget as follows: remove the \$12,500 RE tax increase, eliminate the \$6,466 decrease in retirement contribution, eliminate the \$11,966 cost of living increase and freeze current salaries which would allow current benefits to remain constant. Mr. Wilmoth made a second on the motion and the voice vote passed 7-0, (Aye: Baxter, Rollins, Snyder, Unger, Whitbey, Wilmoth, Wine. Nay: none). Mr. Unger continued with a review of the Sewer Fund and provided an explanation of the proposed sewer rate increases which is due to an almost \$60,000 deficit in the sewer fund, referring to the graph and figures provided. Future proposed billing will be on actual usage and the average in town usage is 8,000-10,000 gallons per household every 2 months, which will result in a \$12-\$15 monthly increase.

Out of town usage is higher at an average of 12,000-14,000 per household every 2 months, which will result in a \$20.00-\$24.00 per month increase. The usage percentage difference varies between 20-30% between in town and out of town rates and the proposed increase will yield almost \$35,000 a year in revenue. Mr. Unger repeated the fact that the per household, water usage for out of town properties is almost double the usage of in town properties and usage for the last 5 periods, in 2 month billing cycles, was reviewed. Mr. Unger made a motion to advertise the amended FY 2009/2010 Budget prior to the Public Hearing on June 8, 2009 at 7:00 PM. Mr. Snyder made a second on the motion and the voice vote passed 7-0, (Aye: Baxter, Rollins, Snyder, Unger, Whitbey, Wilmoth, Wine. Nay: none).

#### **Public Safety & Zoning Enforcement Committee**

Mr. Beniamino presented and reviewed the proposed changes to the Pet Ordinance, as requested previously by Council. Questions about the definition of livestock and concern for the number of animals permitted were raised and Council deferred further discussion to a later date.

#### **Water & Sewer Committee**

Chemical Feed Building, Mr. Wilmoth reported that the Town now owns the building and is working toward obtaining the certificate that is needed to operate.

704 Waterline - no change

Harmony Water Treatment Facility, Mr. Wilmoth advised that this project is on schedule and the tanks are being filled so testing can begin. Mr. Baxter inquired whether the mandatory water restriction was necessary now that well 14 is pumping 300+ gallons a minute and Mr. Wilmoth responded that it could be lifted but perhaps voluntary restrictions could be considered. Mr. Baxter made a motion to lift the mandatory water restriction and implement a voluntary water restriction. Mr. Snyder made a second on the motion and the vote passed 7-0, (Aye: Baxter, Rollins, Snyder, Unger, Whitbey, Wilmoth, Wine. Nay: none). Mayor Whitbey noted that it will be interesting to see if there is a change in usage due to the restriction being lifted and Mr. Baxter thought that it could be a way to generate more revenue. Mr. Snyder made a motion to authorize the Mayor and Mr. Wilmoth to contact Pool Companies to explore the sale of 200,000 gallons of tank water as a source of revenue for the Town, and also to possibly give access to the Fire companies so as not to waste the tank water. Mr. Unger made a second on the motion and the vote passed 7-0, (Aye: Baxter, Rollins, Snyder, Unger, Whitbey, Wilmoth, Wine. Nay: none). Ms. Jones will work on signage for each end of Town about the change in water restrictions.

#### **Planning Commission**

Mr. McCann advised that the May 13, 2009 Planning Commission will continue work on the Comprehensive Plan Review, with focus on the Land Use action items prioritization, the transportation section and a preliminary plat review for the Mann Property. McCann asked the Council to please place a priority on items that they request to be reviewed, as all of the work is interrelated to ordinance changes and the ongoing Comprehensive Plan review. Mr. Beniamino advised that he provided Mr. Campbell and Mr. Wilmoth, via email on April 21, 2009, an outline of the preliminary issues for the parking proposals and will get copies to all council members tonight.

#### **Old Business**

Ms. Jones provided an overview of the FY 2009/2010 Town of Hamilton Mowing Bids that has been received for consideration. Lawn Monster did not submit a bid at all even though they were requested to bid. Sycamore is a new business which has the equipment but only had 1 crew which the Council believes to be inadequate to meet the needs of the Town and in addition there are no professional references provided, only personal references. Mr. Wilmoth has spoken to the owner of Pro Cutters and they are mowing at well 14 at no extra charge from the submitted bid. Mr. Wilmoth made a motion to accept the bid from Pro Cutters for the 2009/2010 year and Mr. Unger made a second on the motion. The voice vote passed 7-0, (Aye: Baxter, Rollins, Snyder, Unger, Whitbey, Wilmoth, Wine. Nay: none). Ms. Jones provided a review of the bids that have been submitted for Trash Collection in FY 2009/2010 for the Town of Hamilton. Mr. Wine made a motion to accept the bid from American Disposal with the amendment of \$1375 per unit. Mr. Rollins made a second on the motion and the voice vote passed 7-0, (Aye: Baxter, Rollins, Snyder, Unger, Whitbey, Wilmoth, Wine. Nay: none).

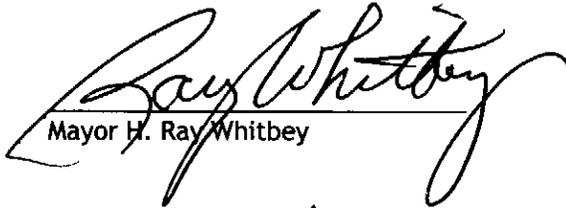
**New Business**

Ms. Jones read the ordinance pertaining to yard maintenance in reference to 361 E. Colonial Highway. Ms. Jones stated that before any action can be taken an updated photograph will be needed and owner notification will have to take place. Mr. Snyder made a motion that in accordance to the Town Code, the property at 361 E. Colonial Highway will receive notification via a letter to cut the grass within 10 days or the Town will have the mowing contractor cut the lawn and bill the owner. If the bill goes unpaid a lien will be placed on the property for the cost of service. Mr. Unger made a second on the motion and the vote passed 7-0, (Aye: Baxter, Rollins, Snyder, Unger, Whitbey, Wilmoth, Wine. Nay: none). Mr. Wine offered to try to contact the owner in an effort to resolve the issue.

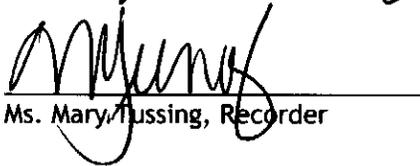
A recap of the option to join the National Flood Insurance Program was provided. Hamilton is not in the floodplain as determined by FEMA, but can join the Insurance Program which would provide federally discounted flood insurance to the Town residents, should they wish to purchase the coverage.

Executive Session began at 10:14 PM.  
Executive Session ended at 10:42 PM

Mr. Unger made a motion to adjourn at 10:42 PM.



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Mayor H. Ray Whitbey



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Ms. Mary Tussing, Recorder