

**Town Council Meeting
June 8, 2009
Hamilton Town Office**

Mayor Whitbey opened with the meeting at 7:12 PM.

Roll Call

Present: Mayor H. Ray Whitbey, Mr. Greg Wilmoth, Mr. Tom Rollins, Mr. Kenneth Wine,
Mr. Michael Snyder (7:20)

Absent: Mr. Ralph Baxter, Vice Mayor John Unger

Also Present: Ms. Maureen Gilmore, Town Attorney
Mr. David Beniamino, Zoning Administrator
Ms. Lori Jones, Treasurer
Mr. Robert McCann, Planning Commission Chairman

Guests

Ms. Margaret Morton, Leesburg Today
Ms. Shannon Sollinger, Loudoun Times Mirror.
Former Mayor Keith Reasoner

Mr. Wilmoth made a motion to amend the agenda under Action items to add the resolution for the appropriating and the expenditure of funds for the 2009/2010 Budget. Mr. Wine made a second on the motion and the vote passed 4-0-3, (Aye: Whitbey, Wilmoth, Rollins, Wine. Nay: none. Absent: Snyder, Unger, Baxter).

Minutes

Mr. Rollins made a motion to adopt the May 11, 2009 Town Council minutes into record. Mr Wine made a second on the motion and the vote passed 4-0-3, (Aye: Whitbey, Wilmoth, Rollins, Wine. Nay: none. Absent: Snyder, Unger, Baxter).

Public Comment

Mr. Bob McCann, 41 W. Colonial Hgwy, referred to an article in the Purcellville Gazette that Company #2 had turned off their fire and rescue siren. Mr. McCann requested that Council consider similar action in Hamilton but to keep the siren in place for weather alerts and other emergencies/warnings. A copy of the article was provided for the Council to review.

Mr. Brent Campbell, 62 E. Colonial Hgwy, echoed Mr. McCann's suggestion

Mayor Reasoner advised that when the siren was installed it was to alert the Town residents of an emergency and at that time most of the volunteers lived on the outskirts of Town or on farms. Now things are different and Mayor Reasoner is also in favor of turning off the siren except in the case of other types of emergencies.

Ms. Sally Mann spoke about the status of her preliminary plat, specifically about the request to vacate the plat. Mayor Whitbey stated that he will meet with Ms. Gilmore and Mr. McCann and will send a letter to the Town Council summarizing the situation in regard to the plat request.

Ms. Cindy Trochlil reported that Hamilton Day was a success in fundraising efforts for the Park. McDonald's in Purcellville will be donating a portion of sales to the Hamilton Park Fund, date TBA, and more details will be posted when they are available.

Action Items

Mayor Whitbey commended the Council on their hard work on the Budget and thanked each member for their individual contributions.

Mr. Wine made a motion to approve the proposed FY 2009-2010 Budget. Mr. Wilmoth made a second on the motion and the voice vote passed 5-0-2, (Aye: Whitbey, Snyder, Wilmoth, Rollins, Wine. Nay: none. Absent: Unger, Baxter).

Mr. Snyder made a motion to adopt the proposed tax rates for Real Estate at \$.25 per \$100 of assessed value (no change), Personal Property Tax at \$1.10 per \$100 of assessed value (no change) and Motor Vehicle Decal Tax at \$25.00 per automobile: \$16.00 per motorcycle and to adopt the 4% Meals Tax (no

change.) Mr. Wilmoth made a second on the motion and the voice vote passed 5-0-2, (Aye: Whitbey, Snyder, Wilmoth, Rollins, Wine. Nay: none. Absent: Unger, Baxter).

Mr. Snyder made a motion to adopt the 2% transient occupancy Tax (no change) as reflected in the Town Ordinance. Mr. Wilmoth made a second on the motion and the voice vote passed 5-0-2, (Aye: Whitbey, Snyder, Wilmoth, Rollins, Wine. Nay: none. Absent: Unger, Baxter).

Mr. Wilmoth made a motion to adopt the Resolution 2009-01 authorizing appropriation and expenditure for release of FY 2009/2010 funds. Mr. Snyder made a second on the motion and the voice vote passed 5-0-2, (Aye: Whitbey, Snyder, Wilmoth, Rollins, Wine. Nay: none. Absent: Unger, Baxter).

Mayor's Report

Mayor Whitbey remarked that the Hamilton Day celebration was declared a success marked by good weather, a wonderful parade and an appearance by the Navy Ceremonial Guard.

Parks & Recreation Committee

Ms. Jones advised that Mr. Unger is working on the parking counts in the Park in relation to time of day. Mayor Whitbey advised that trash in the Park has been less of a problem, thanks to the efforts of Harold and heightened public awareness. Mr. Wilmoth made a motion to add a Port O John in the Park and Mr. Snyder made a second on the motion. Mr. Beniamino advised to check the language in the Ordinance to ensure compliance and Ms. Trochlil stated that she believes she can obtain corporate sponsorship for the cleaning and maintenance of the lavatory. Mr. Snyder amended the motion to read that the addition would comply with all state, county and local regulations. Mr. Wilmoth accepted the amendment and the motion passed 5-0-2, (Aye: Whitbey, Snyder, Wilmoth, Rollins, Wine. Nay: none. Absent: Unger, Baxter).

Treasurer's Report

Ms. Jones reviewed the report and Mr. Snyder inquired about the large checks that were issued to Patterson. Ms. Jones advised that the bond was used and the Town is now using money from last year. Delinquent Water & Sewer accounts were reviewed and discussed. Mr. Wilmoth made a motion to approve the Treasurer's Report and Mr. Rollins made a second on the motion. The voice vote passed 5-0-2, (Aye: Whitbey, Snyder, Wilmoth, Rollins, Wine. Nay: none. Absent: Unger, Baxter).

Public Safety & Zoning Enforcement Committee

Mr. Beniamino has provided a Timetable for Hamilton Park Changes and Mr. Snyder thanked Mr. Beniamino for his work and asked if a summary could be provided. After the summary concluded, Mr. Snyder asked about parking and driveway requirements for the Park and Mr. Beniamino explained that the Park is zoned for institutional use which has different guidelines for parking and driveways than if it were residentially zoned. Mr. Beniamino continued to state that the Park is owned by the Town, in similar fashion as the water tower, cell Tower, etc. Mr. Campbell asked the Town Council to consider a work-session to review identified issues and see what changes might be necessary in order to send to the Planning Commission for action under clearly defined parameters. Mayor Whitbey thanked Mr. Beniamino for the good work on the Staff Report and Mr. Snyder suggested that the Council members take the time to read and digest the report.

Water & Sewer Committee

Route 704 waterline update: Ms. Gilmore reported that the property owner wants the Town to install a T and to provide a guarantee that the replacement line will not interfere with the use of the property. Mr. Snyder summarized that there are 3 choices at this time: we can come to an agreement on the easement, not build the much needed water line at all or get a prescriptive easement. The idea to go under the highway and away from the property would substantially increase the project costs and is not feasible at this time. Mr. Snyder believes that negotiations have broken down and that things got started on the wrong foot. At this time nothing new can be offered as the easement that is being offered is the standard easement used by the Town of Hamilton. Mr. Staley has additional concerns that a hydrant will be placed on the property even though the Town has advised that there are no plans for this. Ms. Gilmore will send a letter to Mr. Staley's Attorney re-stating the Town's position and will allow 15 days for a response.

Harmony Water Treatment Facility: power is needed to the plant but some repairs costs need to be covered from installation for resolution before the title transfers into the name of the Town.

Financial Assistance - Residential Sump Pump Relocation: I & I asked in the last review for Sump Pump Relocation of properties that are hooked into the Town sewer line. Mr. Snyder expressed concern of fundamental fairness in that the Town cannot pay for improvements to personal property and cannot make the determination of need. Mr. Snyder stated that the Town needs to know how big the problem is before making a decision.

Water & Sewer Rate Changes: referred to the Water & Sewer Committee for review with regard to the apartments in Hamilton.

Mr. Snyder asked Ms. Jones to send him the amount of money that has been paid to Stantec and to Mr. Rigby for engineering of the Chemical Feed Building and the Well 14 project.

Planning Commission

Mr. McCann provided an summary of the conditional approval that was given to Ms. Mann at the May Planning Commission meeting and stated that the Commission is ready to sign the final plat as long as all of the conditions are met, especially the withdrawal of the original plat. Mr. McCann continued to state that there is no vendetta toward Ms. Mann and all legal time parameters have been met as required. The next Planning Commission meeting is in June for a Comprehensive Plan review of the Transportation section.

Ms. Gilmore addressed some of the statements made by Ms. Mann. In regard to the request to withdraw her approved plat the suggestion was made to put all changes on 1 current plat for easy review. The State Code requires that when you have an approved preliminary plat you have vested rights to develop the property according to the layout on the plat. When the final plat is recorded, the Planning Commission is then required to make sure the plat is substantially the same as the approved preliminary plat. For some reason, Ms. Mann has revised the approved preliminary plat with substantial changes (lot count, street removal, driveway placement). The County has suggested the withdrawal or "vacating" of the first plat and to continue with the new plat request since the first plat has vested rights. Ms. Gilmore explained that a property owner cannot have vested rights on 2 plats for the same property and vacating would extinguish the vested rights of the first plat. Vesting is a very important property right and is recognized as the development intentions for the plat. Mr. McCann advised that Ms. Mann will not allow Mr. Beniamino to talk with her Engineer, which is a normal part of the consultative and approval process.

New Business

The Habitat for Humanities House Build is in June and July and volunteers are needed.

Mr. Wilmoth inquired about the possibility to elect not to receive a paycheck and Ms. Gilmore advised that she will need to check on this. Ms. Gilmore noted that a donation can be made and Mr. Wilmoth donated his paycheck to the Town to use as necessary.

Mr. Snyder would like to open discussions with the Fire Department about the siren and its use. Mayor Whitbey will visit the station to open discussions and also to find out who the new Fire President is.

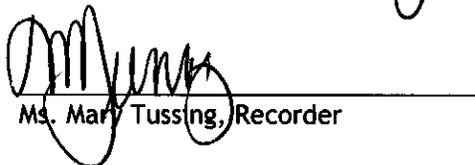
Executive Session began at 9:00 PM.

Executive Session ended at 9:22 PM.

Mr. Snyder made a motion to adjourn at 9:25 PM.



Mayor H. Ray Whitbey



Ms. Mary Tussing, Recorder