

**Hamilton Town Council  
July 13, 2009  
Hamilton Town Office**

The meeting was called to order at 7:30. The Pledge of Allegiance was followed by Roll Call.

Present: Mayor H. Ray Whitbey, Vice Mayor John Unger, Mr. Michael Snyder (7:38 PM),  
Mr. Tom Rollins, Mr. Greg Wilmoth (8:28 PM), Mr. Ken Wine.

Absent: Mr. Ralph Baxter

Also Present: Ms. Maureen Gilmore, Town Attorney  
Mr. David Gilmore, Zoning Administrator  
Ms. Lori Jones, Treasurer

**Minutes**

Mr. Wine made a motion to adopt the June 8, 2009 Town Council meeting minutes into record. Mr. Rollins made a second on the motion and the vote passed 5-0-2, (Aye: Wilmoth, Unger, Rollins, Wine. Nay: none. Absent: Baxter, Wilmoth).

Mr. Unger made a motion to adopt the amended July 17, 2009 Town Council meeting minutes into record. Mr. Snyder made a second on the motion and the vote passed 5-0-2, (Aye: Wilmoth, Unger, Rollins, Wine. Nay: none. Absent: Baxter, Wilmoth).

**Guests**

Ms. Shannon Sollinger, Loudoun Times Mirror

**Mayor's Report**

Members of the public are encouraged to attend an upcoming gang education and information seminar at 7:00 p.m., Tuesday, July 14, 2009, at Harmony Intermediate School in Hamilton. The seminar is hosted by the Loudoun County Gang Response Intervention Team (GRIT). This is the final year for the terms of 3 Town Council positions and the Mayor. Mayor Whitbey requested new project ideas be raised for the coming next 11 months now that the utility projects are winding down.

The Town Signs are estimated to come in at under \$40,000 which is the amount of the grant that was received. Hopes are that the signs will be ready by the August meeting and ready for VDOT approval.

There are vacancies on the Town Council and the Planning Commission now that Mr. and Mrs. Baxter have moved out of Hamilton. The openings will be posted with a deadline of August 1, 2009 for interested Town residents. The open Council position will be appointed with a term expiration of June 30, 2010, per the Town Charter. Town elections will be held in May 2010. Ms. Jones will advertise the vacancy and Ms. Sollinger will mention the open position in her article. Mr. Unger inquired about a 2 year term in May elections versus a 3 year term that was vacated. Ms. Gilmore quoted from the Town Charter that vacancies on the Town Council shall be filled by majority vote of the Town Council from the qualified voters of the Town, and such persons shall serve until the next regular Town election, at which time that vacancy shall be filled by election for the remainder of the term.

INOVA has offered to bring a mobile clinic to Hamilton to attend a public event held in Hamilton to offer flu immunizations, at a cost of \$25.00, for the coming flu season. Ms. Trochlil suggested that this might be able to be used as a fundraiser for the Town, similar to how the school did last year, though it was not through INOVA. It was successful in raising money back to the school for every shot given. Mr. Rollins suggested Election Day on November 3, 2009 as a possible date and event for this and Council agreed that this was a good idea to pursue.

Mr. Bailey paid \$6500.00 in March 2006 to hook up to sewer though there are no signed documents but the payment has been verified. Mr. Snyder questioned the timeframe required to hook up sewer, per the ordinance, and understands that if there is no hook up completed the fee will be returned back to the land owner. Ms. Gilmore verified that the timeframe for sewer hookup completion is within 6 months of payment. Ms. Jones stated that the Town has been granting sewer connections every year to residents in the sewer tax district who paid the \$6500.00 within that timeframe. Ms. Jones will review the audit to see who has paid the fee and has not hooked up as there might be money due back to them. Ms. Gilmore suggested checking the minutes for clarification.

### **Parks and Recreation Committee**

Discussion was held and Mr. Unger asked how the Loudoun Count Department of Health defines temporary in reference to the portable toilet that is being considered for installation in the Park. Mr. Unger also inquired about how the WO & D bike path has facilities available? Mr. Rollins stated that Hamilton should try to see if the Department of Health could consider this option and Mayor Whitney advised that he will contact agency and ask for suggestions on how to resolve the problem to allow use in the Park.

Park Pavilion reservations were discussed and questions were raised about whether reservations were needed, the difference in requests from in town residents and out of town residents and use for non-profit organizations and fundraising opportunities. Mr. Rollins suggested asking for donations rather than enacting a fee and Ms. Gilmore noted that Franklin Park charges a \$150.00 fee for advance pavilion reservations. Ms. Trochlil likes the idea of charging a fee for advance reservations and the money could go toward the Park. Mr. Unger made a motion to charge a \$50.00 a day for advance reservations for Park pavilion use, for both in and out of town residents, with signage posted. Mr. Snyder amended the motion to include that the fee is applicable to full day use or part day use and Mr. Unger accepted the amendment to the motion. Mr. Snyder made a second on the motion and the voice vote passed 4-1-2, (Aye: Whitbey, Unger, Snyder, Wine. Nay: Rollins. Absent: Wilmoth, Baxter). Fees will be paid to the Town Office on a first come first served basis. All revenue collected will go into the General Fund.

Mr. Snyder asked the Council to consider planting American chestnut trees in the Park for the enjoyment of future generations.

### **Treasurer's Report**

Mr. Jones reported that this was the last month of the fiscal year and Mr. Unger stated that the Town did not lose any money this year. Mr. Unger made a motion to accept the Treasurer's Report into record and Mr. Snyder made a second on the motion. The voice vote passed 6-0-1, (Aye: Wilmoth, Unger, Snyder, Rollins, Wine, Wilmoth. Aye: none. Absent: Baxter).

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

Mr. Beniamino asked the Council if they had any additional questions regarding the Ordinance changes and time frame the Planning Commission had provided about the proposed changes to the Park. Mr. Snyder advised that the Council needs to provide input to the Commission about how to proceed and Mr. Beniamino offered to provide the information to the Council members via email for review. Mr. Campbell asked Council to consider a work-session to discuss and resolve the outstanding Park issues. Mr. Beniamino reviewed some of the concerns and consequences of changing current Ordinances for the Park, voicing caution regarding changes that would be applicable to the whole Town not just the Park.

### **Water & Sewer Committee**

Route 704 Waterline update - Ms. Gilmore advised that there has not been any response to her last communication with Mr. Staley's lawyer about the easement request. Mayor Whitbey reported that Mr. Staley has asked to meet individually with the Council members and Mayor Whitbey invited Mr. Staley to the meeting tonight but he is out town and unable to attend. Mr. Wilmoth believes that once Mr. Staley returns that this issue will be resolved. Mayor Whitbey stated that a deadline needs to be put on this in order to move forward and Mr. Wilmoth noted that he will speak with Mr. Staley will upon his return. Ms. Gilmore reminded the Council that any meeting with 2 or members talking together constitutes an official meeting which requires public notification.

Harmony Water Treatment Facility update - The inside looks good and work has started on the tower.

Acquisition of East End Waterline Easement - Mr. Wine advised that Mr. Wence is alright with the proposed easement and that there is already a power line easement in place around the same location and maybe work can be completed in the same area. Mr. Payne still needs to be contacted about the easement. Mr. Snyder suggested opening discussions with the Loudoun County School Board about running the water line across the school property to hook up with the proposed water line on St. Paul Street, as previously agreed.

Mr. Unger explained the water and sewer rate changes that are in review for the apartment and commercial properties were neglected in the last rate review. Mr. Snyder made a motion to hold a Public Hearing on August 10, 2009 at 7:00 PM to enact the ordinance and to adopt the proposed fees. Mr. Wilmoth made a second on the motion. Mr. Rollins asked about the email that was sent by Mr. Kesari voicing concern about rate increases and Mr. Unger responded and acknowledged that a rate study has been completed and what Hamilton is doing is completely different than what Leesburg has done. The vote passed 6-0-1. (Aye; Wilmoth, Unger, Snyder, Rollins, Wine, Wilmoth. NAY: None. Absent: Baxter).

Water & Sewer Ordinance Changes - will be advertised to be heard at the August Public Hearing.

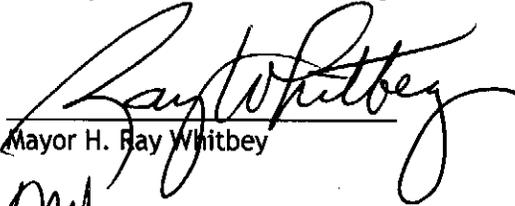
#### **Planning Commission**

Mr. Beniamino advised that the next meeting is Wednesday July 15, 2009.

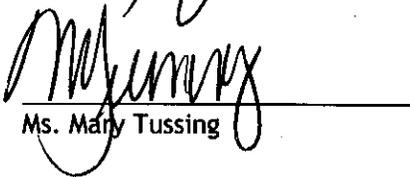
#### **New Business**

Mr. Rollins attended the pancake breakfast at the Mormon Church and accepted a Certificate of Appreciation for the Town Council and their work, presented by the church.

Mr. Unger made a motion to adjourn at 9:00 PM.



Mayor H. Ray Whitbey



Ms. Mary Tussing