

**Hamilton Town Council
December 14, 2009
Hamilton Town Office**

The meeting was called to order at 7:30 PM by Mayor H. Ray Whitbey. The Pledge of Allegiance was followed by Roll Call.

Present: Mayor H. Ray Whitbey, Vice Mayor John Unger, Mr. Michael Snyder,
Mr. Tom Rollins, Mr. Gregory Wilmoth, Mr. Ken Wine, Mr. Brent Campbell.

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

Guests

Ms. Margaret Morton, Leesburg Today

Deputy Matt Bressler of the Sheriff's Department reported on actions being taken to deter speeding in town and also reported that there have not been any recent issues in the Park. The burglary of the Round Hill Town Office was related to an issue between a resident and the Town of Round Hill and the Sheriff's Department. Mayor Whitbey inquired if there is an Officer in the Sheriff's Department who might be able to discuss ways to increase the security and safety of the Hamilton Town Office. Mr. Campbell asked if Sheriff's Department could recommend language that the Town could put on the new park signs in regard to hours and trespassing. Mayor Whitbey advised that the signs were completed but will review the language and email the details to the Sheriff's Department for review.

Public Comment

Mr. David Perry, 30162 E. Colonial Hgwy, introduced himself and provided an overview of his car dealership on the East end of Town.

Minutes

Mr. Unger made a motion to adopt the November 9, 2009 Town Council Public Hearing minutes in record. Mr. Wine made a second on the motion and the vote passed 7-0-0, (Aye: Wilmoth, Unger, Snyder, Rollins, Wilmoth, Wine, Campbell. Nay: none).

Mr Snyder made a motion to defer approval of the Town Council meeting minutes from November 9, 2009 until January 11, 2010 to allow a review of the recording. Mr. Wilmoth made a second on the motion and the vote passed 7-0-0, (Aye: Wilmoth, Unger, Snyder, Rollins, Wilmoth, Wine, Campbell. Nay: none).

Mayor's Report

Mayor Whitbey advised that he will schedule a meeting (TBA) with Loudoun Water so other Council members can attend.

Mr. Campbell motioned to move Old Business to the top of the agenda for discussion. Mr. Rollins made a second on the motion and the vote passed 7-0-0, (Aye: Wilmoth, Unger, Snyder, Rollins, Wilmoth, Wine, Campbell. Nay: none).

Old Business

Mr. Unger motioned to recommend, by appointment by the Circuit Court, Mr. David Simpson to fill the vacant seat on the Hamilton BZA. Mr. Snyder made a second on the motion and the vote passed 7-0-0, (Aye: Wilmoth, Unger, Snyder, Rollins, Wilmoth, Wine, Campbell. Nay: none).

Gallagher Sewer Update, Ms. Gilmore reported that she has been working with Ms. Michelle Rosati, Attorney for the Gallagher's, toward the finalization of the paperwork and necessary documents for the Gallagher project. Mr. Campbell stated for the record that Ms. Rosati represents a group that he is involved with in Purcellville. Though Mr. Campbell has prior involvement in Catoctin Corner LLC, of which Ms. Rosati is associated, his position in the Gallagher situation in Hamilton has not been influenced.

Ms. Rosati has been asked by the Gallagher's to help resolve the issue of getting a sewer connection fee granted for the amount of \$6,500. The Gallagher's acknowledge that the Town of Hamilton has been warm and accommodating in helping to resolve the connection fee issue and appreciate that the members of the Town Council were willing, in principal, to try to accommodate the \$6,500 sewer availability fee request. The Gallagher's also acknowledge that the Council is concerned that this could be viewed as a waiver or could undermine the Town's position for past and future availability fee requests. Ms. Rosati was asked by the Gallagher's to look at the situation and try to provide comfort to the Hamilton Town Council in hopes that the request could be granted. Ms. Rosati stated that she has reviewed the Sewer Ordinance and believes that the Council can allow a connection fee of \$6,500 as this would not be a waiver or modification that would create a precedent. The opinion is based on the fact the connection was approved in 2004 when the availability fee was \$6,500. Ms. Rosati has reviewed the 2004 Resolution which does have 3 conditions stated. The Sewer Ordinance has very specific provisions for what conditions can be applied to extend sewer, but the actual connection to sewer does not have any conditions. The Sewer Ordinance does state that the Mayor can ask for additional information. After additional review Ms. Rosati has concluded that the 2004 loan had never been performed and that a new loan was offered in 2006, under different terms, but again the loan was not performed. Ms. Rosati is unsure why the 2004 and 2006 loans were not performed but believes that the Gallagher's have essentially owed the Town of Hamilton \$6,500 since the 2004 connection approval, which remains unpaid. Ms. Rosati continued to state that the Hamilton Sewer Ordinance does not permit revocation of the permit once it has been approved for the reason of nonpayment. There are specific reasons outlined to make void, withdraw or retract the approval for the extension of sewer, but non-payment is not one of the stated reasons. This remains an owing & outstanding issue and Ms. Rosati believes that the Council can direct the Mayor to issue the permit and then the payment (proxy payment in this instance) will be due and once the availability notice is granted the Gallagher's will have 180 days to connect. Ms. Rosati acknowledged that the failure to connect in 180 days is a cited reason to lose a granted permit. Ms. Rosati would assert to the Council that you can rest easy; you are not making a bad decision nor will set a bad precedent for the Town moving forward as a valid approval has already been made and only the payment is outstanding. Ms. Rosati respectfully requests that the Council affirm that the request for the \$6,500 fee be allowed. Mr. Snyder asked for clarification from Ms. Rosati that there are presently no payment timeline requirements in the Sewer Ordinance but rather there are time limits for connection once the payment has been made. Ms. Rosati agreed and explained that there are 4 things which must occur: approval, payment, notice of availability of sewer and connection completion in 180 days. The current ordinance does not state a timeline for payment but rather a timeline for completion once the notice is issued for connection. Ms. Rosati understands and agrees that no sewer connection can be completed until a letter of availability has been received.

Ms. Gilmore acknowledged that this information would have been very helpful if it would have been received in advance so it could be reviewed, but the Council has discussed the issue at length and time is running out for the Gallagher's in order for them to qualify for the grant money. Ms. Gilmore stated that the information that has been received from the holder of the Town's loan documents is contrary to Ms. Rosati's interpretation of the information. Ms. Gilmore expressed that she wishes this would have been raised when she and Ms. Rosati first began working together so they could have prepared to present this to Council for review and to answer the questions that would be raised but at this point there are no more Council meetings scheduled in December. Ms. Gilmore was also unaware that

the issue of the payment amount was going to be raised at the meeting tonight. Ms. Rosati responded that she also was not given much time to review and prepare her information. Mr. Snyder asked what the timeframe is for the Gallagher's. Ms. Rosati responded that she understands that construction must commence prior to the end of 2009. Mayor Whitbey inquired about the November 30, 2009 deadline and Ms. Rosati responded that she thought that the November 30, 2009 was not a firm deadline and understood that the work needed to start prior to year end. Mayor Whitbey stated that he understood that if work was started by November 30, 2009 an extension might be able to be granted to December 30, 2009 as a completion deadline.

Mr. Unger inquired if this has any bearing on the Virginia loan funds stipulations on the sewer loan. Ms. Gilmore stated that she is only familiar with the terms under the VRA and the lending authority. Ms. Gilmore advised that the VRA does have a copy of the Town's ordinance which states that no portion of the fee can be waived. The fees were raised in March 2006 to \$25,000 which means that this request would be a waiver of a portion of the fee which would put Hamilton in technical violation of the load covenants.

Mr. Campbell asked when the 2004 motion would have expired or no longer become good and Ms. Gilmore stated that she is not familiar with the motion made in 2004 so she cannot say without looking back but she will listen to the tapes for clarity. Mr. Campbell noted that he was not in Hamilton in 2004 but he cited references to the 2004 motion that were made at both the November 2010 meeting and in the 2006 motion.

Ms. Rosati read a copy of the 2004 Resolution:

To agree to provide sewer service to the Gallagher residence on Route 704 with the following conditions:

1. The Gallagher's will provide a letter from the County of Loudoun certifying that the septic system has failed and they are unable to continue to occupy the residence.
2. The Town of Hamilton agrees to finance the availability fee at the rate of Prime Wall Street Journal 2/-2
3. The Gallagher's will sign a Deed of Trust to secure the unpaid balance of the note in full over a term of 10 years.
4. Follow conditions of extension as outlined in the provisions under section 19.20 of the Sewer Ordinance.

Ms. Rosati contends that the Town must abide by the loan conditions as cited in the ordinance but Ms. Gilmore disagreed stating that the Town is not a lender but is merely allowing the Gallagher's to pay over time. Mrs. Rosati responded that this is then a resolution allowing them to pay over time but they are not permissible lawful conditions of the approval to extend the sewer. Ms. Gilmore disagrees as the Town is not required to provide sewer to out of town residents unless they reside in the sewer tax district. Ms. Gilmore continued to say what the Town would place conditions on would be the fact that it is allowing the person who wants to hook up to pay over time. The Town has no other situation where this has happened and the Town would like to help the Gallagher's understanding the unique circumstance of the situation. The Town has the authority to impose these conditions and goes beyond the Sewer Ordinance because payment of the availability fee is required prior to hook up. The fact that the Gallagher's have asked the Town to take a risk by approving a connection and issuing a permit so construction can commence without receiving payment allows the Town the authority, as a governing body, to impose conditions related to allowing them to pay over time. Previously the Town Council had considered adopting an ordinance that would allow availability fees to be paid over time but the Council decided not to pursue this option which makes this a very unique situation. Ms. Rosati believes that the conditions were for the town's willingness to allow the payment over time and that the Town's authority to connect people to sewer is regulated by the Sewer Ordinance that is adopted.

Ms. Gilmore disagreed and stated that since the VRA holds the sewer loan she has been advised that the Town cannot waive of any portion of a sewer fee or it would be a violation of the loan documents and therefore she cannot advise the Town to allow a waiver to take place. Ms. Rosati disagreed stating that this is not a waiver and is not certain that that the VRA is aware of the resolutions that the Town made or is aware that the Town approved this connection in 2004.

Mr. Unger inquired how 6 years ago this was a desperate matter when the Gallagher's first came to the Town and what is happening now that delays for decisions can be tolerated rather than proceeding with action for resolution. Ms. Rosati responded that it is her understanding that it has been a bad situation for a long time and believes there was some confusion but is unsure of what else is occurring.

Mr. Campbell believes this to be an issue of whether this would be a waiver or not and Mr. Under understands it to be whether the fee is \$6,500 or \$25,000. Mr. Snyder believes the issue to be whether Hamilton would be in violation of the loan documents in order to help the Gallagher's. Mr. Snyder and Mr. Wine suggested that the VRA might be able to review the details of the situation with input from both lawyers in order to provide clear direction but is presently reluctant to go against the advice of Ms. Gilmore in light of the possible repercussions of a loan violation. Issues have been raised by both sides that have not been raised before that could change the outcome.

Mr. Snyder made a motion that we let Maureen present the information as reflected in the Town minutes and recordings and in the tapes that we send that to Bond Counsel, Mr. Unger suggested VRA and Mr. Snyder stated "or VRA", and we Michelle prepare her position and we attach that and send both ask them to review it and the question is whether or not that we would be in violation of our loans if we were to do this and if we were to honor the \$6500 fee, that is my motion. Mr. Unger made a second on the motion.

Mayor Whitbey asked if we could add a friendly amendment that we would put a maximum that we are willing to split if we present the letter

Mr. Snyder interjected saying well let's see if we are willing to do this and then we can make a motion on the fees is what I am suggesting because if we cannot get this far then there is no point in talking about the money. But I will accept that amendment but that he did not have a second.

Mayor Whitbey stated that John had made a second and we are just waiting for further discussion.

Mr. Snyder asked Mayor Whitbey what do you want the amendment to be?

Mayor Whitbey responded maybe if they would agree to what the maximum total would be and would they be willing to accept half of it?

Ms. Gilmore asked maximum total of what?

Mayor Whitbey responded the fee for the Bond Counsel review and if the Bond Counsel quickly looks at the information and said hey this is going to take twice that amount then they could tell us that up front and we would be back to square one. But is there a number where we could move forward financially that is done.

Mr. Snyder asked Ms. Rosati if she wanted to talk to her client?

Ms. Rosati responded yes.

Mr. Rollins asked what happens if the VRA says no?

Mr. Snyder said then we have to decide.

Mr. Rollins then asked then or what if we do not even go to them and make a decision tonight, what are the ramifications from them, will they call the loan?

Ms. Gilmore responded that they could, I don't know if they will but I can't advise you that you could do that because the Town signed documents saying that we will comply with these.

Mr. Rollins asked that even though the Town dropped the ball in the middle of it,

Mr. Unger said well that is not fair

Mr. Rollins responded that there are no documents proving this in the folder.

Mr. Wine acknowledged that the lender will not care if we dropped it, they dropped, whoever dropped it.

Mr. Snyder stated that in some extent it does not matter and it is like the movie Big Jake in that it is your fault, my fault, it does not matter, no cigar, the boy dies. I mean, it is what they think that is important and it seems to me that they do not have the argument that Michelle made tonight and Maureen has said that they need to have the facts from the minutes so, you know, let's go the extra mile, this Council has before to help the Gallagher's out but we have a responsibility to the other citizens, not only the Gallagher's.

Ms. Gilmore responded that well, the Gallagher's are out of Town.

Mr. Snyder responded that he understands but we are wall citizens of the Town too and we have a fiduciary or fiscal responsibility and I would love to help them out but lets get as much before them and see what they say. We can have a special meeting and if the Council votes to take a chance then we do but at least we have done everything to minimize our risk and possibly get them what they want.

Mr. Unger stated that we are elected by 600 people of the Town and we are the stewards of the Town's money and the infrastructure and that is an important consideration to me. I need to know what would happen if things backfire and things go the wrong way.

Mr. Campbell ask Ms. Rosati if they have reviewed the information?

Ms. Rosati responded that they asked that if Counsel could review it for a cap of \$1000 in legal fees then they are willing to bear half of that and roll it into the loan ultimately. That would be how many hours? I will attach everything I have and try to make it as clear as I can.

Mr. Snyder asked if the friendly amendment to the motion would be responsible for up to \$500.00 for review by the Bond Counsel.

Ms. Gilmore advised that would be about 1.5 hours of the Bond Counsel's time and ask would the Town be liable for the rest?

Mr. Wine said no and to cap it.

Mayor Whitbey said no only for equal amounts.

Mr. Under stated no.

Mr. Campbell stated that one other thing he would add to this is lets say someone body came in the door here, the developers down the street or whatever and we extend them some sewer taps and then the following month we raise the fee to \$100,000 per tap instead of whatever the heck it is today, what happens to that? Are they then able to pay whatever it was when we approved it or does it then go up? Do you have a position on that Maureen?

Ms. Gilmore advised that it would depend on the circumstances, I think what the form says is that you get the permit after you pay the fee so it would depend on whether or not, I mean one thing I remember from the minutes in 2006 when Town Council was contemplating increasing fees, Council member Wilmoth made the motion that it not be effective until a certain date to allow people to come in and pay for them in a certain time. So certainly you would handle it in that way, you would just not increase the fee but you would have a public hearing, advertise it,

Mr. Campbell interjected that sure you do it the right way and then again I want to know when does it change, does the fee still apply or is there some provision, something that causes it to adjust? Is this a floating thing that whatever the fee happens to be at that particular time, regardless of what it was when it was approved?

Ms. Gilmore responded that when payment is made is what the, whatever the fee is at the time payment is made is what they are charged.

Mr. Campbell asked so regardless, if the motion is Sir I approve that tap fee for you at \$55,000, which is like what happened in this motion there was a specific dollar amount that was in the motion?

Ms. Gilmore responded that at the time that you pay it, I mean there is no guarantee that the fee will not go up.

Mr. Campbell stated so that when the Town Council makes a motion and there is a fee in that motion that does not matter?

Ms. Gilmore responded that she believes it would be the current availability fee that they would be responsible for, however that plays out in your hypothesis.

Right, (Mr. Campbell), you are saying that the amount the Town Council states in the motion approving the Sewer is and

Ms. Gilmore interjected saying I don't know, I think you would have to look at the form that people actually fill out because you have to remember that the Town Council approves it but then the form is filled out and I am trying to remember if Mr., we have a situation with an out of Town customer and I guess we could search through the minutes and see what happened with Mr. Radford because he was approved but he never paid for it so then when he came back he had to pay the increased fee.

Mr. Campbell stated that it depends on the approval, if your sewer connection was approved and there was no amount and

Ms. Gilmore interjected and stated that you cannot freeze the fee because it has to do with the time the payment is made.

Mr. Campbell responded that that is very interesting and Ms. Gilmore added that unless it is the Sewer Tax District.

Mr. Snyder stated that he thinks they were not getting any sort of special treatment on the fee and

Mr. Unger added it was just that we were financing it and

Mr. Snyder continued to state that we were financing it that is what you are missing. The issue is not, I mean what Michelle is saying is your ordinance says X and this is my argument about your ordinance and this is why it is not a waiver. What I am hearing is that specific argument may not been presented to VRA is what I am saying, let's present it. And Maureen is saying Yes and we also ought to give them everything we have and ask them whether we can still do this, and that is the issue to me. The issue to me is not so much what happened or who dropped the ball or who shot John, it is whether we can do it and still keep the loan or do we want to take the risk and the only way to resolve that issue is to ask them and let the 2 lawyers provide what they think they need to make a decision and see what they say.

Mr. Campbell thinks that is reasonable and his only other concern with that is that on the flip side, so VRA says this we cannot waive it and we consider it a waive I feel like our liability continues to extend whereas if these people come after us and say the way this thing was handled is not right and we are due some compensation or some such thing like that.

Ms. Gilmore added that you have no obligation to serve them. They are not Town residents and you are not required and

Mr. Campbell interjected saying that you made a motion that said we will serve you and

Mr. Unger stated that we will give you the opportunity to hook up and

Ms. Gilmore added to purchase a connection, that is what you have done.

Mr. Campbell says right you have got to sign this Deed of Trust,

Ms. Gilmore added or pay for

Mr. Campbell said that we said you never signed it and they said we never go it.

Mr. Unger stated that this is an ancillary kind of thing, if they were to come in with the money from some other kind of source there would not be any problem, right? Getting their hook up fee was one thing and the fact of how they are going to get their money is another thing.

Mr. Campbell states that that was instrumental in the motion and they did not have the money and that is why it was a loan.

Ms. Mann asked if she could say something?

Mayor Whitbey advised that there is no Public Comment and they are represented by Attorneys.

Ms. Mann again asked to speak

Mayor Whitbey responded that I understand your interest but they are represented by Attorneys now.

Ms. Mann continued to ask to speak

Mayor Whitbey again stated that they are represented by Attorneys and Public comment is over.

Ms. Mann continued speaking

Mayor Whitbey again advised that there is not additional Public Comment.

Ms. Mann continued to speak even though the floor was not hers.

Mayor Whitbey asked Mr. Snyder to restate the motion.

Mr. Snyder stated that his motion was that they agreed to pay up to \$500.00 in Attorney's fees and so that was my motion and what is still unresolved is that if it costs \$3000 then we are going to be on the hook for \$2500 and they are willing to pay \$500 so I put in my motion what they are willing to pay. So just so everybody is clear what my motion is, my motion is you know, Maureen provides the information she thinks is appropriate and Michelle wants to provide a letter she can do that and send them both to VRA and ask them whether in light of this new information is it still their opinion that this will be a violation, that is the issue to me.

Ms. Tussing asked for motion clarification in that it was up to \$500 in fees that the Gallagher's would pay toward the cost in Attorney fees.

Mr. Snyder stated that it was half or up to \$500 toward Attorney's fees

Mr. Campbell suggested that he thinks it is important for the Town, regardless of these folks, that we know the answers to this issue for future things. I think there is a benefit to the Town to get this information clarified with VRA.

Mr. Snyder said but my motion is \$500 and

Mr. Campbell suggested that if we are over it that amount then the Town cover it and I think there is a benefit to the Town and Mr. Snyder stated that the Town will have to cover it and Mr. Campbell clarified that we were discussing should they pay half of it and I think it is fair to limit it.

Ms. Tussing clarified the motion with Mr. Snyder and he confirmed that they are willing to pay \$500 towards Attorney's fees for the review of the new information and I asked for clarification that they were paying a cap of \$500 and that was confirmed by Mr. Snyder, Mr. Wine and Mayor Whitbey.

The voice vote passed 7-0-0, (Aye: Wilmoth, Unger, Snyder, Rollins, Wilmoth, Wine, Campbell. Nay: none). Mr. Snyder asked Maureen if she and Michelle will work on the timing of this and Ms. Gilmore advised that she will impress upon the Town's Bond Council that we would like to have an answer but it is the 14th of December and I guess they need to be under construction and Mr. Wine stated that they have to at least broke ground by December 31, 2009. Ms. Rosati stated that she will have her information by tomorrow to the Town. Ms. Gilmore stated that they cannot get their permit until they have signed their note. Ms. Rosati stated she will have her information prepared and to the Town of Hamilton by the close of business on December 15, 2009.

Mr. Unger suggested that all Council members provide their availability dates for a special meeting to Ms. Jones to allow scheduling and advertising for once the Bond Council determination is made.

Water & Sewer Committee

Mr. Wilmoth reviewed the December 7, 2009 Water & Sewer meeting. Mr. Snyder made a motion to award a contract to Waste Water Management to come up with an integration plan for the proposed amount of \$13,700.00. Mr. Wine made a second on the motion and the voice vote passed 7-0-0, (Aye: Wilmoth, Unger, Snyder, Rollins, Wilmoth, Wine, Campbell. Nay: none).

Well 14 - Ms. Gilmore advised that Hamilton is looking into the Round Hill wells as most of their wells are outside the corporate limits and most of which were approved without special exception permits. More information will come in 2010.

DEQ Waterline extension update - the construction company is requesting to delay due to bonding issues.

Commercial Availability/Connection Fee – Mr. Unger is working on this proposal and will review in January 2010. Mr. Beniamino will email the current document to the Council for preliminary review and reference for January discussion.

I & I – need to reschedule meeting

Sump Pump update – a notice will be placed on the water bills to raise resident awareness of the present ordinance that a sump pump cannot be hooked up to the sewer system and to urge cooperation and voluntary action. Mr. Campbell asked Ms. Morton if this issue could be mentioned in the newspaper as another way to raise awareness and Mr. Unger reviewed the ordinance in detail for the Council and Ms. Morton. If the issue cannot be resolved a 500,000 gallon basin will need to be installed to control the issue but Mr. Wilmoth inquired if an incentive program could be an option in order to help cover resident costs and to encourage resident cooperation. Mr. Snyder suggested publicizing the problem with I & I and the ordinance and what constitutes a violation, obtain a cost estimate for the 500,000 gallon basin and followed by holding public hearings as a way to apprise people of the current situation. After these steps are complete the next steps plan can be coordinated.

Parks & Recreation Committee

Mayor Whitbey reviewed that plan for the Luminary placement and lighting.

Mayor Whitbey is asking for volunteers for Hamilton Day. To date no interest has been expressed to help coordinate the event.

Treasurer's Report

Ms. Jones reviewed the Treasurer's report and provided a review of the 25 delinquent utility accounts as of December 1, 2009 billing.

Mr. Unger made a motion to adopt the Treasurer's Report into record. Mr. Wine made a second on the motion and the voice vote passed 7-0-0, (Aye: Wilmoth, Unger, Snyder, Rollins, Wilmoth, Wine, Campbell. Nay: none).

Mr. Wilmoth made a motion to authorize the Treasurer to take the next step in regard to the delinquent water accounts. Mr. Snyder made a second on the motion and the vote passed 7-0-0, (Aye: Wilmoth, Unger, Snyder, Rollins, Wilmoth, Wine, Campbell. Nay: none).

Public Safety & Zoning Enforcement Committee

Mr. Unger reviewed the recent committee for the sidewalk grant with the attached map with phase 1 and phase 2.

Planning Commission

Mr. Robert McCann advised that there was no December meeting due to a lack of Quorum. Annexation and Implementation plans are incomplete and waiting on input from the Town Council but otherwise the Comprehensive Plan is complete.

Hamilton Heights/Gold Eagle, no action has been taken due to outstanding County issues. Mr. Beniamino has been in written communication with them advising of the County issues and acknowledged that the tap fees are a Town issue.

New Business

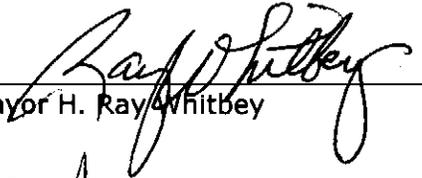
Mr. Wilmoth made a motion to authorize a public hearing on January 11, 2009 at 7:00 PM to hear public comment on recommended changes to the Hamilton Zoning Ordinance. Mr. Rollins made a second on the motion and the vote passed 7-0-0, (Aye: Wilmoth, Unger, Snyder, Rollins, Wilmoth, Wine, Campbell. Nay: none).

Executive Session began at 9:38 PM. Executive Session ended at 10:51 PM.

Mr. Snyder made a motion to approve Christmas bonuses as discussed in Executive Session. Mr. Unger made a second on the motion and the voice vote passed 7-0-0, (Aye: Wilmoth, Unger, Snyder, Rollins, Wilmoth, Wine, Campbell. Nay: none).

Mr. Unger made a motion made a motion to set regular Town Council meeting dates as the second Monday every month at 7:00 PM starting January 11 – July 12, 2010 unless the meeting is scheduled on a legal holiday. In this event the meeting will be held the third Monday of the month. If the meeting should be cancelled due to emergency reasons, (inclement weather, acts of God, etc) the meeting will be held on the following Monday at 7:00 PM. Mr. Rollins made a second on the motion and the motion passed 7-0-0, (Aye: Wilmoth, Unger, Snyder, Rollins, Wilmoth, Wine, Campbell. Nay: none).

Mr. Unger made a motion to adjourn at 11:50 PM.



Mayor H. Ray Whitbey



Ms. Mary Tussing, Recorder