

**Hamilton Town Council Meeting
August 9, 2010
Hamilton Town Office**

Mayor Wilmoth called the meeting to order at 7:04 PM. The Pledge of Allegiance was followed by Roll Call.

Present: Mayor Greg Wilmoth, Mr. Michael Snyder (7:10 PM), Mr. Tom Rollins,

Mr. Ken Wine, Mr. David Simpson, Mr. Dimitri Kesari

Absent: Vice Mayor John Unger

Also Present: Ms. Maureen Gilmore, Town Attorney

Ms. Lori Jones, Town Treasurer

Mr. David Beniamino, Zoning Administrator

Guests

Mr. Alan Kyte, Troop 969, presented his Eagle Scout project proposal for border replacement, landscaping and updating to the Town Park entrance. The project completion deadline is October 21, 2010 and work would begin in early September. A diagram reflecting the proposed changes was presented with a description of the plants that will be used. Mr. Kyte also suggested replacing the tree in the middle with a smaller, more manageable tree which would be the perfect size for use as a Christmas tree. Mr. Rollins asked if the current tree could be relocated within the park and if it had been donated by a citizen. Ms. Jones advised that she will check but she believes the tree was a replacement after a bus hit the previous tree. Mr. Kesari made a motion to approve and Mr. Rollins made a second on the motion. The vote passed 6-0-1, (Aye: Wilmoth, Snyder, Rollins, Wine, Simpson, Kesari. Nay: none. Absent: Unger).

Minutes

Mr. Kesari moved to approve the July 12, 2010 Town Council minutes as corrected. Mr. Wine made a second on the motion and the vote passed 6-0-1, (Aye: Wilmoth, Snyder, Rollins, Wine, Simpson, Kesari. Nay: none. Absent: Unger).

Mayor's Report

Deputy Matt Bressler sent a report to Mayor Wilmoth and advising that "display only" smart trailers are able to be displayed in Town. The other trailers that collect traffic stats must be requested through the County Transportation Office and Deputy Bressler offered assistance if the Town desired to move forward with this request. Mr. Snyder suggested requesting having the signs in place before and after school is in session so there is a baseline established for comparison purposes. Mr. Simpson offered to approach the Sherriff's Department and the Virginia State Police to discuss enforcement.

Devine Waterline Extension: is out to bid and a bid meeting is scheduled for August 18, 2010 at 10:00 AM. The bidding deadline is August 25, 2010.

Hamilton Walking Tour: Dominion Power has commissioned a walking tour of Hamilton and is requesting authorization to use pictures of Hamilton structures on the tour with attached descriptions, noting that the properties would not be entered. Mr. Kesari suggested sending an official letter to Dominion and Verizon to request that the old and unused poles be removed within the Town and Mr. Snyder agreed that it was a good suggestion due to safety reasons and added that he had tried to accomplish this before with no success. Mr. Campbell stated that he contacted Dominion a month ago to obtain a cost estimate to bury all of the lines in Town. The information has not been received yet and Ms. Jones noted that October 2009 is the last time Dominion, Verizon and Comcast were contacted about this issue at which time no resolution was ever reached.

LCSA FOIA Request Response: the response from LCSA was received by the Town and the LCSA stated that the scope of the request was too broad to be answered in the required response time. Ms. Gilmore advised that once something comes back to the Town a new submission can be made if necessary.

Water & Sewer Committee

Integration Plan: Mayor Wilmoth suggested the committee meet this month and the Mayor has copies of Mr. Rigby's plans if anyone would like to review the information.

Harmony Church Road Grass watering: grass is growing. Mr. Rollins asked if this could be reviewed in October to see if any additional action is required. Mayor Wilmoth inquired why the 10% was withheld from Schooley and Ms. Jones responded that it is standard practice.

Hamilton Artesian Well: Artesian Wells require Health Department approval for any changes that might be made. Mr. Snyder believes that if the Town spends the \$500.00 necessary to meet the property owner's request that it will make the Town look good but Mr. Snyder also believes that the homeowner does not understand what an artesian well is. The homeowner would like the well uncapped to allow monitoring and believes the Town has an ulterior motive and does not want to do this. Mr. Snyder stated that he is unsure how to convince him otherwise. Mr. Snyder is not sure if the Town has a choice in taking this action because the well was part of a group that was originally identified to be monitored in the original survey. Mr. Wine expressed concern that this could become expensive depending on what happens when the well is uncapped. Mr. Snyder made a motion to take steps to monitor Mr. Cook's well as appropriate. Mr. Wine offered an amendment to the motion to cap the cost at \$500.00. Mr. Snyder accepted the amendment. Mr. Kesari made a second on the motion and the vote passed 6-0-1, (Aye: Wilmoth, Snyder, Rollins, Wine, Simpson, Kesari. Nay: none. Absent: Unger).

Well 14 update: Mr. Snyder believes that legal advice is needed on this subject and shared his understanding of the situation. More discussion will occur in Executive Session but Mr. Snyder believes that this is not a hostile situation and all parties want resolution.

Triad – adding wells to the pump, will be discussed in Executive Session

Loudoun Water – will be discussed in Executive Session

I & I Abatement Plan: Mayor Wilmoth will request assistance from Purcellville, Leesburg and Loudoun Water in the interest of cost savings for the necessary sewer line cameraing required for the Route 7 corridor.

Parks & Recreation Committee

Eagle Scout project: approved at the last meeting and Mr. Beniamino will check into the Zoning Ordinance for the proposed expansion to the north and south sides of the parking area. There will be a 20' foot space left open on the west end to allow utility and emergency vehicles to enter into the area.

Park use after hours: a complaint has been received about after hours usage and Mr. McCann advised that sometimes that gate is raised to allow entry and other times the people are in the Park prior to closing. Mr. Rollins feels that residents should be advised not chase violators but instead document the information and advise the local authorities for action. Mr. Wine advised that he will take care of some necessary maintenance to the horseshoe pit area in the Park.

Treasurer's Report

Ms. Jones reported that this is the first month of a new year and there is a sewer loan payment is due. There is also not much real income in July but more has been received in the early days of August.

Mr. Snyder made a motion to approve the disconnections in accordance with the provisions of the existing ordinance. Mr. Wine made a second on the motion and the vote passed 6-0-1, (Aye: Wilmoth, Snyder, Rollins, Wine, Simpson, Kesari. Nay: none. Absent: Unger).

Mr. Snyder made a motion to approve the Treasurer's Report. Mr. Simpson made a second on the motion and the vote passed 6-0-1, (Aye: Wilmoth, Snyder, Rollins, Wine, Simpson, Kesari. Nay: none. Absent: Unger).

Public Safety & Zoning Enforcement Committee

Mr. Beniamino advised that he is still working on the outstanding issues with the chickens that are in Town and he will meet with Ms. Gilmore to begin writing a civil violation. Mr. Beniamino has visited the property at least 3 times in the last month and he has not been able to catch the chickens when they are outside.

A complaint has been received about the Oak Ridge temporary building sign, which can only erected for 2 years under Article 7, Section 1.8.4 of the Zoning Ordinance. It is the opinion of the Zoning Administrator that it should be taken down for equal the time the sign was displayed and then it can be redisplayed, thus differentiating it from a permanent sign. The sign is has been displayed for about 5 years.

Planning Commission

Mr. Beniamino reviewed discussion which was held at the last meeting about Park zoning. The options are:
1-create a public/semi public zoning district which could have a variety of public uses. Mr. Beniamino has prepared a draft zoning ordinance for review and discussion.

2-create a public park use as a permitted use allowable under R2 zoning. This is easier, quicker and there is no down-side to this.

Mr. Beniamino advised that either option requires public hearings and the Planning Commission would like guidance from the Town Council on how to move forward. Discussion was held about the options presented and Ms. Gilmore and Mr. Beniamino advised that they will look into what is required for both options and what would prove most beneficial to the Town. Mr. Snyder stated that this has been in discussion for 5 years and he would finally like to move forward and do what is best for the Town and for the children.

Mr. Snyder made a motion to direct the Planning Commission to explore the possibility of a text amendment and to get the information to the Town Council ASAP. Mr. Simpson made a second on the motion and the vote passed 6-0-1, (Aye: Wilmoth, Snyder, Rollins, Wine, Simpson, Kesari. Nay: none. Absent: Unger).

Mr. Kesari motioned to simultaneously work on a zoning ordinance for a park zoning district P1 ASAP. Mr. Rollins made a second on the motion and the vote did not pass 0-6-1. (Nay: Wilmoth, Snyder, Rollins, Wine, Simpson, Kesari. Aye: none. Absent: Unger). Discussion included concerns that option 2 could take 2 years to conclude and Mr. Beniamino advised that the Town should take advantage of the economic downturn and take advantage of options that are available now because you cannot continue to place tax burdens on the resident's backs. Mr. Beniamino advised that he believes the Council and Planning Commission should meet more often and have a completed and revised zoning ordinance in 6 months, not 2 years. Mr. Beniamino believes that it is imperative that this get done soon in order to help grow economic opportunities in Town and urged the Council and Planning Commission to figure out how to make Hamilton a competitive environment to do business in and figure out how to create unique economic development opportunities. Mr. Beniamino believes this can be accomplished by increased Planning Commission meetings or through sub-committee work.

Mr. Snyder motioned for the Planning Commission have a first draft of a comprehensive rewrite of the Zoning Ordinance to the Town Council by the March 2011 Town Council meeting. Mr. Kesari made a second on the motion and the vote passed 6-0-1, (Aye: Wilmoth, Snyder, Rollins, Wine, Simpson, Kesari. Nay: none. Absent: Unger).

Ms. Gilmore inquired whether this deadline included the public hearing process and was advised no, this would be a draft only. Ms. Gilmore advised the Council that everyone will need to read the current ordinance the Comprehensive Plan and Council will also need to meet with the Planning Commission to ensure guidance is provided so that time is not wasted. This will also ensure that everyone is familiar with the documents and what changes are desired. Ms. Gilmore highlighted some of the main concerns: most of the properties in Town are residential and are non-conforming, parking for the commercial areas in the central district in Town, signage, etc. A joint meeting date will be held either August 24, 2010 or September 8, 2010, and an advisement will be made once all attendee availability can be confirmed. Mr. Campbell expressed doubt that this could be accomplished in 6 months and believes that it will take closer to a year to complete. Mr. Snyder restated that he just wants a draft, not a completed document. Action items for the Council: read the Zoning Ordinance and the Comprehensive Plan.

Old Business

Town of Hamilton Main Street Entrance Sign Approval: Mr Wine offered to supervise the sign installation.

Water & Sewer Connection: Mr. Kesari made a motion to approve the application. Mr. Wine made a second on the motion. Mr. Snyder offered an amendment that the motion read: for the Thomas Hitchens property at 17516 Harmony Church Road, PIN 382167979. Mr. Kesari and Mr. Wine accepted the amendment and the vote passed 6-0-1, (Aye: Wilmoth, Snyder, Rollins, Wine, Simpson, Kesari. Nay: none. Absent: Unger). Mr. Gilmore advised that Mr. Hitchens has signed the water easement since the July 2010 meeting.

New Business

Ms. Jones reviewed the Total Revenue Software System that has been developed by the BRUG (Blue Ridge Users Group). Ms. Gilmore advised that Purcellville and Berryville will be the leaders for working out the errors and Round Hill and Hamilton have been successful in getting the company to agree to allocate the cost over 2 fiscal years. Ms. Gilmore reviewed the details of the contract and list of deliverables that have been agreed on and stated that a public hearing will be necessary next month to appropriate and allocate the additional money that will be needed. Ms. Jones advised that the total cost to Hamilton is \$13,500 which will be split over 2 years and in addition the cost of the server will hit next year, but there is time to plan for that in the budget.

Mr. Snyder made a motion that the Hamilton Town Council authorize the Town Staff and the Town Attorney to execute a contract with Logics, LLC to purchase the Total Revenue Management System. Mr. Snyder also moved that the Hamilton Town Council authorize a reallocation of General Funds hardware expenditures to software expenditures in the amount of \$3,000, and a budget amendment to include Revenue of \$3,750 from CD's held in reserve and expenditures of \$3,750 for General Fund Software costs and that we have a Public Hearing on this budget amendment prior to the September 13, 2010 Town Council meeting. Mr. Kesari made a second on the motion and the voice vote passed 6-0-1, (Aye: Wilmoth, Snyder, Rollins, Wine, Simpson, Kesari. Nay: none. Absent: Unger).

Aid to Localities: Mr. Wine provided a summary of the proposed Budget amendment to appropriate aid to localities funds. This money comes from the State to the Town and is given to the local firefighting agencies to cover training, equipment and clothing expenses. Mr. Wine motioned that the Hamilton Town Council authorize a public hearing on September 13, 2010 at 7:00 pm to consider a budget amendment to the Town of Hamilton FY2011 Budget to include Revenue from the Aid to Localities grant program in the amount of \$41,000 and Expenditures to the Hamilton Volunteer Fire Department not to exceed \$41,000. Mr. Simpson made a second on the motion and the voice vote passed 6-0-1, (Aye: Wilmoth, Snyder, Rollins, Wine, Simpson, Kesari. Nay: none. Absent: Unger). Mayor Wilmoth noted that other Towns pay this out immediately when the money comes to the Town but Hamilton will release the funds based on qualifying expenses.

Acceptance of Worker's Compensation Panel of Physicians: Mr. Kesari motioned to approve the list of Workman's Compensation doctors. Mr. Snyder made a second on the motion and the vote passed 6-0-1, (Aye: Wilmoth, Snyder, Rollins, Wine, Simpson, Kesari. Nay: none. Absent: Unger).

Water usage adjustment requests:

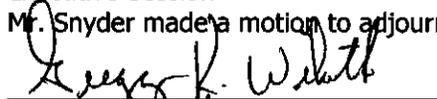
312 Orchard Circle: Ms. Samantha Smith has submitted a request for an adjustment to be made to her water bill due to a hose that was found running when the family returned from vacation. Nothing can be done at this time since no bill has yet been presented but the bill is expected to be presented at the September meeting. Mayor Wilmoth mentioned that there was another request that will come before the Town for a rate adjustment for a resident of Carriage Ridge. The billing period and details of what happened still need to be clarified and Mr. Kesari made a motion to "allow the Mayor the authority to research this and if the Mayor feels a refund is due then to give him a discount or refund." Mr. Wine made a second on the motion and the vote passed 6-0-1, (Aye: Wilmoth, Snyder, Rollins, Wine, Simpson, Kesari. Nay: none. Absent: Unger).

Water & Sewer Connection Application: Ms. Gilmore advised that Mr. Beniamino had asked if a condition of approval could be attached to the utility connection request submitted by Oak Ridge Inc. in order to come into compliance with the zoning ordinance violation. Mr. Snyder advised that he does not want to hold Oak Ridge hostage and wants them to come forward and resolve the issue and also to pay the \$38,000 fee. Mr. Snyder suggested that a letter be sent advising Oak Ridge of the violation and ask them what they intend to do moving forward. Mr. Snyder made a motion to approve the application for Utility Connection/Availability made by Oak Ridge Inc. for the total fees due of \$38,900 that was submitted to the Town on July 29, 2010. Mr. Kesari made a second on the motion. Mr. Wine offered an amendment to include the address of 110 Levenbury Place. Mr. Snyder and Mr. Kesari accepted the amendment. The vote passed 6-0-1, (Aye: Wilmoth, Snyder, Rollins, Wine, Simpson, Kesari. Nay: none. Absent: Unger).

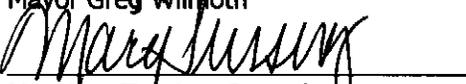
Mayor Wilmoth advised that a letter has been received from Hamilton Knolls asking about tree trimming responsibilities. Mr. Rollins advised that he will look at the trees on Saturday and verify the exact location. It is the belief that the trees that are hanging on the road are located on Town property.

Executive Session

Mr. Snyder made a motion to adjourn.



Mayor Greg Wilmoth



Ms. Mary Tussing, Recorder

August 9, 2010