

**MINUTES  
HAMILTON TOWN COUNCIL  
REGULAR MEETING  
AUGUST 13, 2012**

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The regular meeting of the Hamilton Town Council was convened at 7:00 PM with the following attendance:

PRESENT: Greg K. Wilmoth, Mayor  
Brent Campbell, Council member  
David R. Simpson, Council member  
Michael Snyder, Council member  
Dimitri Kesari, Council member

ABSENT: Kenneth C. Wine, Vice Mayor  
John Unger, Council member

STAFF: Lori Jones, Treasurer  
David Beniamino, Zoning Administrator  
Maureen Gilmore, Town Attorney  
Jennifer Helbert, Recorder

**CALL TO ORDER:**

Mayor Wilmoth called the Town Council meeting to order at 7:00 PM.

**PUBLIC HEARING ITEM:**

- a) **Proposed Ordinance Amendments to Water Ordinance Chapter 4, Article III, Sections 3-3, 3-9, 3-12 and 3-13:** to clarify that utility service accounts shall be established in the name of the property owner(s); that the property owner(s) are responsible for unpaid/delinquent charges and that such unpaid/delinquent charges may be collectible as a lien on the property; to increase the account service charge from \$10.00 to \$25.00; and to extend that time period from 10 days to 60 days after the past due date within which water service may be disconnected for non-payment.

**Fred Lucas** of 131 Robelie Drive, Ranson, WV came forward to speak. Mr. Lucas stated that he is a property owner in the Town of Hamilton. He stated that he does not believe that this is fair to the property owner, he stated that the renter could run up a high water bill without the property owner knowing it and then leave Town and leave the owner owing the Town and having the responsibility of tracking down the renter and getting the money back.

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Eric Dooley, Sr. of 36811 Snickersville Turnpike, Philomont, VA came forward to speak. Mr. Dooley stated that he owns property in Hamilton and he has been renting it out for about seven years. He stated that he believes this ordinance will put him at a disadvantage with other people that rent property in the County he stated that this is no different than holding him responsible for someone else's water bill. Mr. Dooley stated that a fair system would be raising the deposits for the people that the Town services to cover the cost of a water bill. He stated that it would be virtually impossible to try and determine how much water each tenant will use and ask for an upfront deposit or have them pay it in their rent, if he under estimates then he will be stuck with the overage due to the Town. Mr. Dooley stated that the Town does have other options when it comes to collecting unpaid water and sewer bills that a landlord does not and that is to file through DMV for collection.

Mayor Wilmoth stated that he had also received a letter from another property owner to be entered into the record.

There being no further comment the public hearing was closed.

Council member Snyder made a motion to amend the agenda to move that the Proposed Ordinance Amendments to Water Ordinance Chapter 4, Article III, Sections 3-3, 3-9, 3-12 and 3-13 up on the agenda so that the Council can discuss it now while the property owners are in the audience.

Motion: Council member Snyder  
Second: Council member Campbell  
Carried: 5-0-2 with Wine and Unger  
absent

Ms. Gilmore gave the Council a report regarding this Ordinance change regarding how it came about and the Town's options.

Council member Kesari made a motion to adopt the amendment.

Motion: Council member Kesari  
Second: Council member Snyder  
Carried: 4-1-2 with Campbell voting  
Nay and Wine and Unger absent

**GUESTS:**

None Scheduled

**PUBLIC COMMENT:**

None Scheduled

**APPROVAL OF MINUTES:**

Council member Kesari made a motion to approve the Town Council meeting minutes of July 9, 2012 with minor changes.

Motion: Council member Kesari  
Second: Council member Snyder  
Carried: 5-0-2 with Wine and Unger  
absent

**MAYOR'S REPORT:**

**Outstanding Items List** – Mayor Wilmoth shared this list with the Council.

**Meeting with County Administrator/Follow-Up** – Mayor Wilmoth stated that he had a meeting with Tim Hemstreet the end of July to follow up on some issues that they had spoken about previously.

Mr. Beniamino stated that he is not particularly clear on the issue with addressing within the Town of Hamilton.

Mayor Wilmoth stated that he was not clear on that issue either and did not believe that Mr. Hemstreet's correspondence was clear.

Mr. Beniamino stated that he would work with the Mayor and the County to get this issue resolved.

**QR Fit Trail** – Mayor Wilmoth stated that the Town had been contacted by someone that would like to have the Town create a QR for the Town park.

**Call from Department of Emergency Management** – Mayor Wilmoth stated that he received a call from Jeff Fletcher to check in about the storm and make sure that the Town received the help that it needed from the County.

**WATER AND SEWER COMMITTEE:**

**Well 14 Generator** – Mayor Wilmoth stated that the stater went out of the generator and the Town was quoted \$11,000 to fix the generator. He stated that there was evidence that there were mice in the generator. He stated that the Town has to move forward with fixing the generator and will also move forward with a finding a solution to keeping the mice away from the generator.

**East End Water Loop** – Mayor Wilmoth stated that it is still an open issue that the Town and property owner are working on.

**Water and Sewer Changes – Grinder Pump** – Ms. Gilmore stated that the Town is paying for maintenance on the Grinder Pumps and the Mayor would like for the Water and Sewer Committee get together in the near future with the Town Attorney to discuss this issue.

**Chesapeake Bay Committee** – Mayor Wilmoth stated that the Town had been contacted by the Northern Virginia Regional Commission and asked for a representative from the Town to be assigned to the Committee. Mr. Beniamino stated that he would be happy to handle it since he was already appointed to go through his job with the Town of Middleburg. The Council agreed.

**PARKS AND RECREATION COMMITTEE:**

None Scheduled.

**TREASURER'S REPORT:**

**Monthly Treasurer's Report** – Ms. Jones issued a report to the Council and answered any questions that they had about the report.

Council member Kesari made a motion to accept the Treasurer's Report as submitted.

Motion: Council member Kesari  
Second: Council member Snyder  
Carried: 5-0-2 with Wine and Unger  
absent

**FINANCE COMMITTEE:**

None Scheduled

**PUBLIC SAFETY & ZONING ENFORCEMENT COMMITTEE:**

None Scheduled.

**PERSONNEL COMMITTEE:**

None Scheduled.

**PLANNING COMMISSION:**

Chairman McCann stated that the Planning Commission has a public hearing scheduled for the next meeting and hopefully will be able to get something to the Council in the very near future.

Mr. Beniamino stated that he has received notice from the County that there will be a preapplication meeting for a day care that is requesting to be located in the former Rescue Squad. Mr. Beniamino stated that he would like guidance from the Council as to how they would like him to proceed with this notification. He wanted to know if they would like staff to respond or would Council rather the Planning Commission be given the task or would Council like to handle the issue themselves. He stated that there is a time constraint on this item. Council decided that they would like to review the application and may have a special meeting to do so, they would also welcome comments from the Planning Commission as well.

**OLD BUSINESS:**

**Planning Commission Vacancy**

The Town has received no applications for the vacancy at this time.

**Moving of Meters**

Mayor Wilmoth stated that he spoke with Mr. Kirby and he apologized for his behavior and asked that the Mayor convey that apology to the Council.

Mayor Wilmoth stated that he has not sent out the letter yet because he wanted to get more information about this issue and would like to look at the larger impact to the Town and do a survey to see how many meters the Town has with this issue. The Council would also like to look into a policy on this issue.

**NEW BUSINESS:**

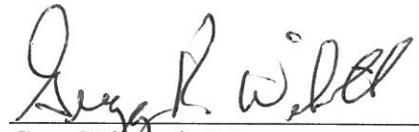
**17655 Hamilton Heights Court Application for Utility Connection**

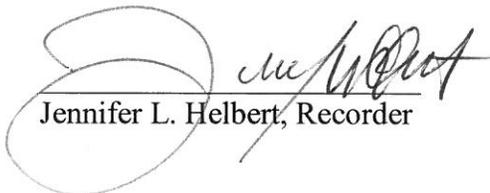
Council member Kesari made a motion to approve the application for utility connection.

Motion: Council member Kesari  
Second: Council member Campbell  
Carried: 5-0-2 with Wine and Unger  
absent

**ADJOURNMENT:**

There being no further business the meeting adjourned at 8:46 PM.

  
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Greg Winmoth, Mayor

  
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Jennifer L. Helbert, Recorder