

**MINUTES
HAMILTON TOWN COUNCIL
REGULAR MEETING
SEPTEMBER 9, 2013**

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

PRESENT: Greg K. Wilmoth, Mayor
Kenneth C. Wine, Vice Mayor – Arrived at 7:20PM
John Unger, Council member
Michael Snyder, Council member
David R. Simpson, Council member
Dimitri Kesari, Council member
Brent Campbell, Council member

STAFF: Lori Jones, Treasurer
David Beniamino, Zoning Administrator
Jennifer Helbert, Recorder

CALL TO ORDER:

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

GUESTS:

None

PUBLIC COMMENT:

Steve Kotecki of 38139 Stone Eden Drive came forward to speak. Mr. Kotecki stated that he is here because he noticed that the Town had received a letter from the County regarding his private well that is located in the Town easement. He stated that he would like to request that the Town make a decision as each day that goes by is another day they don't have water service nor any closer to getting into their house. He stated that he thinks that the final proposed solution from the Town was to take the suggestion from the County and adjust the emergency easement through his property and put a concrete tap on the well and secure the Town's asset. He stated that he would really like the Town to make a decision because they are very close to completing the house and he can't do that without having water. He stated that they just want to adjust the well easement at their own expense and asked again that the Town make a decision sooner rather than later because time is of the essence for him and his family.

Robert Russell of 27 North Ivandale Street came forward to speak. Mr. Russell stated that he received his personal property tax bill and the Town sticker bill and he realized that the sticker is only good for 11 months on the current tag and that amounts to \$2.08 a month which is a small amount but with a 1,000 vehicles registered in the Town that's a windfall for the Town for a

couple thousand dollars. He believes the stickers should be at least \$23 for the sticker and the others are still good.

Warren McCrary of 54 East Colonial Highway came forward to speak. Mr. McCrary stated that he is looking forward on clarification on a letter he received from the Mayor regarding overgrown grass. He stated that he mows his grass and does not understand where the violations are.

Honorable Geary Higgins, Loudoun County Board of Supervisors Representative came forward. Mr. Higgins stated that he would like to speak briefly about Mr. Kotecki's well. He stated that Stacey Kerry with his office has come with him tonight as well as Dr. Goodfriend from the County Health Department. Mr. Higgins stated that he would like to apologize for the mistakes that the County has made in this process and the Koteckis, who acted in good faith to get a well built, are caught in the middle. Mr. Higgins stated that he agrees that the Town has the right to consider how a well near Well 14 would affect the Town's Well and he would hope that the current testing and information quality report and the State well water completion report which both came back satisfactory will be sufficient to address the Town's concerns about the harmful impact on Well 14. He stated that it is clear that a number of issues could have been and should have been handled better, he is working with the staff to try and rectify the situation and try to find a solution for the Koteckis without costing them additional expense. He stated that the cost of building another well would prohibit the Koteckis from moving forward with this option as they would bear the entire cost of the well. He would respectfully request a realignment of the easement. It is his understanding that this could be done quickly and easily at no cost to the Koteckis or the Town.

Mr. Higgins again apologized for the County's part in this problem and the lack of communication. He stated that he will work to better that communication between the Town and the County. He stated that since being in office one of the first things he did was go to bat to get the restrictions lifted on Well 14 and he had to fight the Board on that. He stated that he also had to fight to have the solar speed signs remain in the budget because there was a movement to take them out but he was able to keep them in. He stated that he hopes to foster a better relationship between the Town and the County.

Mr. Higgins and the Town Council discussed this issue to try to come up with a resolution for the Koteckis.

APPROVAL OF MINUTES:

Council member Kesari made a motion to approve the minutes of August 12, 2013 as amended.

Motion: Council member Kesari
Second: Council member Snyder
Carried: 6-0-1 with Wine absent

Wilmoth - Aye
Unger - Aye
Kesari - Aye
Simpson - Aye
Campbell - Aye
Snyder - Aye
Wine - Absent

Council member Campbell made a motion to approve the minutes of the special Town Council meeting of August 28, 2013 as submitted.

Motion: Council member Campbell
Second: Council member Unger
Carried: 6-0-1 with Wine absent

Wilmoth - Aye
Unger - Aye
Kesari - Aye
Simpson - Aye
Campbell - Aye
Snyder - Aye
Wine - Absent

MAYOR'S REPORT:

Letter from County Administrator Regarding Private Well In Easement – Mayor Wilmoth stated that as the Council has heard tonight the letter is in question at this point. He stated that he believe the Koteckis were going to drill a well but from what he has heard tonight that doesn't seem to be the case. He stated that everyone is looking for some kind of response but he does not believe that the Town received a good response to the last letter that the Town sent.

VML Safety Grant Approved– Mayor Wilmoth stated that the Town has received approximately \$1,800 from this grant for equipment and cones and such.

October 7, 2013 and November 4, 2013 – Mayor Wilmoth just wanted everyone to put these dates on their calendars for the upcoming Town Council meetings as they are different because of holidays.

WATER AND SEWER COMMITTEE:

Notification to Water Customers Regarding Painting of South Rogers Street Ground Tank

Mayor Wilmoth stated that this should take place the end of September or the beginning of October, he does not expect any issues with the water however the Town is going to send out notice in the water bills to ask people to conserve water during this time. He stated that the Town will probably be without that tank for two to three weeks.

Booster Pump Replacement at South Rogers Street Ground Tank – Mayor Wilmoth stated that while the Town is having the tank painted there are five service valves around the pump that will be replaced. The Council agreed to have these valves replaced.

PARKS AND RECREATION COMMITTEE:

Reston Century Bike Ride of August 25, 2013 – Council stated that Hamilton was the first stop on the ride and it worked very well much better than last year when the Town was all three stops.

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 Unger
Carried: 7-0

Wilmoth - Aye
Unger - Aye
Kesari - Aye
Simpson - Aye
Campbell - Aye
Snyder - Aye
Wine - Aye

FINANCE COMMITTEE:

Council member Unger stated that the Town is expecting a report on the audit in the next few weeks.

PUBLIC SAFETY & ZONING ENFORCEMENT COMMITTEE:

Mr. Beniamino stated that he had emailed a draft copy of the Zoning Ordinance to the Town Council this morning it includes all of the changes that have been made over the last several work sessions. What he would like the Council to do is to refer this to the Planning Commission for the public hearing process.

Mr. Beniamino stated that the one issue that needs to be hammered out is the Special Use Site Plan section.

Council member Unger made a motion that the Council authorize the Zoning Administrator to take the draft Zoning Ordinance back to the Planning Commission for public hearing.

Motion: Council member Unger
Second: Council member Campbell
Carried: 7-0

Wilmoth - Aye
Unger - Aye
Kesari - Aye
Simpson - Aye
Campbell - Aye
Snyder - Aye
Wine - Aye

PERSONNEL COMMITTEE:

None Scheduled

PLANNING COMMISSION:

Chairman McCann was not present.

OLD BUSINESS:

Planning Commission Vacancy – Unexpired Term through July 2015.

Referral Request – SPEX 2013-0014 - & SPMI 2013-003 Kidtime Daycare, LLC– Mr. Beniamino stated that it is his understanding that this will be scheduled for a meeting at Loudoun County sometime this fall and the Town will be notified at that time. He stated that he indicated that the Town’s biggest concern would be the traffic.

Pool Fill Credit Policy – Mayor Wilmoth stated that last month Council had been asked to look at coming up with a policy for this item. He stated that he hoped to have something together by pool season next year.

Relocation of Utility Pole Across from Town Office – Ms. Jones stated that she made contact with Dave Stegmaier from Congressman Wolf’s office about the Town’s issue with the pole across the street. She stated that Council member Snyder helped her draft and email and now Mr. Stegmaier is requesting a more formal letter, she stated that that is not where her strengths lie so she would ask that someone else draft this letter. Ms. Gilmore stated that she would draft the letter. Council member Campbell suggested that Mr. Higgins be carbon copied on the letter.

NEW BUSINESS:

Sewer Availability Application – 260 South St. Paul Street

Council member Unger made a motion to approve 260 South St. Paul Street for an application for sewer availability.

Motion: Council member Unger
Second: Council member Kesari
Carried: 7-0

Wilmoth - Aye
Unger - Aye
Kesari - Aye
Simpson - Aye
Campbell - Aye
Snyder - Aye
Wine - Aye

Water and Sewer Availability Application - 16 Ladysmith Court

Council member Kesari made a motion to approve 16 Ladysmith Court for an application for sewer availability.

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Motion: Council member Kesari
Second: Council member Campbell
Carried: 7-0

Wilmoth - Aye
Unger - Aye
Kesari - Aye
Simpson - Aye
Campbell - Aye
Snyder - Aye
Wine - Aye

2013 Christmas Tree Lighting – This will be held December 8, 2013.

CLOSED SESSION: Vice Mayor Wine made a motion that the Hamilton Town Council recess its open meeting and convene a closed session. To discuss the following:

- 1) Consultation with Legal Counsel pertaining to the discussion of pending litigation regarding the Hamilton Municipal Well 14 and Zoning Town Code Violations and to consult with legal counsel regarding utility and zoning matters, as authorized by Code of Virginia of 1950, as amended, §2.2-3711(A)(7).

Motion: Vice Mayor Wine
Second: Council member Kesari
Carried: 7-0

Wilmoth - Aye
Unger - Aye
Kesari - Aye
Simpson - Aye
Campbell - Aye
Snyder - Aye
Wine - Aye

Vice Mayor Wine made a motion that the Hamilton Town Council adjourn the closed session and reconvene the open meeting.

Motion: Vice Mayor Wine
Second: Council member Kesari
Carried: 7-0

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Wilmoth - Aye
Unger - Aye
Kesari - Aye
Simpson - Aye
Campbell - Aye
Snyder - Aye
Wine - Aye

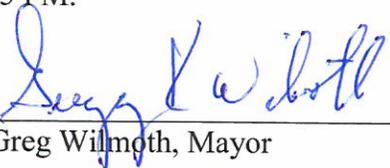
Vice Mayor Wine made a motion that the Hamilton Town Council certify that while in closed session, to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements under this chapter and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the public body.

Motion: Vice Mayor Wine
Second: Council member Kesari
Carried: 7-0

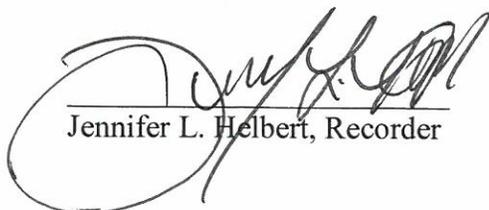
Wilmoth - Aye
Unger - Aye
Kesari - Aye
Simpson - Aye
Campbell - Aye
Snyder - Aye
Wine - Aye

ADJOURNMENT:

There being no further business the meeting adjourned at 8:45 PM.



Greg Wilmoth, Mayor



Jennifer L. Helbert, Recorder