

**Emergency Town Council Meeting
June 17, 2010
Hamilton Town Office**

Greg Wilmoth called the meeting to order at 4:15 PM.

The Pledge of Allegiance was followed by Roll Call.

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

Also Present: Ms. Lori Jones, Treasurer, Mr. David Simpson, Mr. Dimitri Kesari (arrived at 4:21) and Ms. Margaret Morton, Leesburg Today

Minutes

The council members reviewed and referenced the STPL 2007-0076 (SPEX 2007-0022) Site Plan for the Town of Hamilton Water Storage and Treatment Plant at Harmony School, dated March 11, 2008, page 2 conditions. This special exception references Well 14.

Reference was also made to Record Plat Phase 5 Stone Eden Farm revised December 5, 2001, sheet 3 of 3, which shows a well lot. This plat has been approved by Loudoun County back in 2002. The county was well aware of the well on these plans. The plans specifically state "Well Lot to be dedicated to the Town of Hamilton."

Brent Campbell noted, to the best of our knowledge, that there has never been a municipal well in Loudoun County that required a special exception. We don't know why we are being required now to have a special exception for the well. If we were required to have one, it should have been required when we received the special exception for the water treatment plant.

Mr. Kesari claims that we are vested if the Stone Eden plans were approved. Mr. Kesari spoke to Mike Banzoff and his recommendation is that the well is probably vested. Mr. Campbell stated that this is one point we have to stand on with the County.

Mr. Campbell stated that on the site plan for the WTP, conditions of approval on the approved plan states "The Water Treatment Plant will use Town of Hamilton Well No. 14 as a water source" and "Use of the water supply from Well NO. 14 for the water treatment plant shall be in accordance with the provisions of the accepted PMMP." If the County is to deny SPEX 2010-0005, we would be in violation of SPEX 2007-0022 for the water treatment plant. This is another point we have to stand on with the County.

Mr. Wilmoth added that both Mr. Simpson and Mr. Kesari reviewed County code and they have not been able to find that a well site itself needs a special exception. Also a representative at Loudoun Water claimed to have never gone through a special exception for a well site.

Mr. Wine made a motion that the Hamilton Town Council recess its open meeting and convene a closed session to discuss the following: Discussion of legal matters in which legal advice may be required as found in §2.2-3711 (A)(7). Mr. Wilmoth seconded the motion and the voice vote passed 4-0-3 (Aye: Rollins, Wine, Wilmoth, Campbell. Nay: none. Absent: Whitbey, Unger, Snyder.)

Mr. Wine made a motion that that Hamilton Town Council adjourn the closed session and reconvene the open meeting. Mr. Wilmoth seconded the motion and the voice vote passed 4-0-3 (Aye: Rollins, Wine, Wilmoth, Campbell. Nay: none. Absent: Whitbey, Unger, Snyder.)

Mr. 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. Mr. Wilmoth seconded the motion and the voice vote passed 4-0-3 (Aye: Rollins, Wine, Wilmoth, Campbell. Nay: none. Absent: Whitbey, Unger, Snyder.)

Executive Session began at 4:50 PM.
Executive Session ended at 5:20 PM.

The Town Council reviewed and edited a draft letter to the Board of Supervisors. The final letter, which is dated June 18, 2010, is as follows:

Dear Chairman York and Members of the Board of Supervisors:

The Hamilton Town Council met on June 17, 2010. As a result of that meeting and based on a review of additional information, the Town Council has decided to withdraw its SPEX-2010-005 application and insists that the Board not take any action. Furthermore, the Town Council does not consent to an extension of the 90 day period for Board action and declines the County Staff's June 16, 2010, e-mail request to extend the 90 day period which is set to expire June 20, 2010.

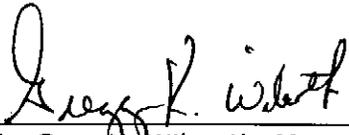
The County has been unable to provide evidence to the Council that the law requires a special exception for Well 14. All of the information that the Town has available overwhelmingly indicates that a special exception is not necessary for Well 14.

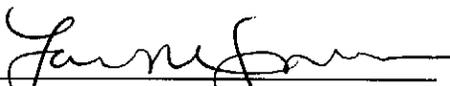
Sincerely,

Hamilton Town Council

Mr. Wine made a motion to send the above letter to the Board of Supervisors. Mr. Rollins seconded the motion and the voice vote passed 4-0-3 (Aye: Rollins, Wine, Wilmoth, Campbell. Nay: none. Absent: Whitbey, Unger, Snyder.)

Mr. Wine made a motion to adjourn at 5:43 PM.


Mr. Greg G. Wilmoth, Mayor Elect


Ms. Lori M. Jones, Treasurer