

Council Chambers, 25 West Market Street, 7:30 p.m. Mayor Umstattd presiding.

Council Members Present: David Butler, Kelly Burk, Thomas S. Dunn, Katie Sheldon Hammler, Marty Martinez, Kevin Wright and Mayor Umstattd.

Council Members Absent: Council Member Dunn arrived at 7:36 p.m.

Staff Present: Town Manager John Wells, Town Attorney Jeanette Irby, Director of Planning and Zoning Susan Berry Hill, Deputy Director of Planning and Zoning Brian Boucher, Director of Plan Review Bill Ackman, Deputy Director of Capital Projects Tom Brandon, Zoning Administrator Chris Murphy, Economic Development Manager Marantha Edwards, Senior Planner Irish Grandfield, Senior Planner Mike Watkins, Transportation Engineer Calvin Grow, and Clerk of Council Lee Ann Green

AGENDA ITEMS

1. **CALL TO ORDER**

2. **INVOCATION:** Council Member Kelly Burk

3. **SALUTE TO THE FLAG:** Council Member Katie Sheldon Hammler

4. **ROLL CALL:** Showing all present.

5. **MINUTES**

a. Work Session Minutes of May 21, 2012

On a motion by Council Member Butler, seconded by Vice Mayor Wright, the minutes of the work session of May 21, 2012 were approved by a vote of 6-0-1 (Dunn absent).

b. Regular Session Minutes of May 22, 2012

On a motion by Council Member Butler, seconded by Council Member Burk, the minutes of the regular session of May 22, 2012 were approved by a vote of 6-0-1 (Dunn absent).

6. **ADOPTING THE MEETING AGENDA**

On the motion of Vice Mayor Wright, seconded by Council Member Butler, the meeting agenda was approved as presented by the following vote:

Aye: Butler, Burk, Hammler, Martinez, Wright and Mayor Umstattd

Nay: None

Vote: 6-0-1 (Dunn absent)

7. **PRESENTATIONS**

a. Certificate of Appreciation – Kitty Saylor

On a motion by Council Member Hammler, seconded by Council Member Butler, the following Certificate of Appreciation was presented to Kitty Saylor upon her retirement from Rehau.

RESOLUTION OF APPRECIATION*for****DR. KATHLEEN SAYLOR******CHIEF EXECUTIVE OFFICER, REHAU
NORTH AMERICAN HEADQUARTERS IN LEESBURG, VIRGINIA***

WHEREAS, on Tuesday, April 10, 2012 Dr. Kathleen “Kitty” Saylor announced her retirement from REHAU North American Headquarters, Leesburg after eighteen years; and

WHEREAS, Dr. Saylor has been an inspirational leader and steward in the Leesburg business community through her remarkable, forwarding thinking relationship building initiatives including partnerships with the George C Marshall International Center, Loudoun CEO Cabinet and the Arts Community; and

WHEREAS, the Town of Leesburg greatly appreciates the innovative efforts under her direction to expand the market reach and visibility for Leesburg’s business community; and

WHEREAS, her participation in numerous stakeholder, commission and business development meetings provided significant industry leadership

THEREFORE, RESOLVED, by the Council of the Town of Leesburg in Virginia that the Town expresses its deep appreciation for Dr. Kathleen “Kitty” Saylor and her efforts to help expand Leesburg’s business opportunities.

PASSED this 12th day of June, 2012.

b. Proclamation – Ride to Work Day

On a motion by Council Member Hammler, seconded by Council Member Butler, the following Proclamation was made:

PROCLAMATION

21ST ANNUAL MOTORCYCLE AND SCOOTER RIDE TO WORK DAY

JUNE 18, 2012

WHEREAS, over one million workers will commute via motorcycles and scooters; and

WHEREAS, the average traffic congestion delay per person is 47 hours per year and traveling by motorcycle can shorten journey times by as much as 33 minutes of every hour for city travel and 20 minutes of every hour for in non-city conditions; and

WHEREAS, commuting by motorcycle or scooter could reduce our dependency on fossil fuels by saving up to 60 million gallons of fuel per day; and

WHEREAS, three to five motorcycles and/or scooters can occupy a single automobile parking space, thus reducing the need to provide as many parking spaces.

THEREFORE, PROCLAIMED by the Council of the Town of Leesburg in Virginia that Monday, June 18, 2012 as Motorcycle and Scooter Ride to Work Day 2012 in the Town of Leesburg and the Council encourages the citizens of the Town of Leesburg to investigate this lower cost alternative to automobiles to meet their transportation needs.

PROCLAIMED this 12th day of June, 2012

c. Resolution of Appreciation – Mark Gunderman

On a motion by Council Member Hammler, seconded by Council Member Butler, the following Resolution of Appreciation was presented to Mr. Gunderman:

RESOLUTION OF APPRECIATION

for

MARK GUNDERMAN

WHEREAS, Mark Gunderman exemplifies community spirit through his work as Chairman of the Board of Directors of the Good Shepherd Alliance which provides for the needs of the underserved population of Leesburg and Loudoun County; and

WHEREAS, Mr. Gunderman has been instrumental in organizing community prayer events demonstrating the importance of prayer; and

WHEREAS, he regularly assists public service providers by supporting local police stations and offering his volunteer service; and

WHEREAS, his dedication and commitment to the mission of the Good Shepherd Alliance, its clientele and staff, are evident by the generous donation of his time and effort.

THEREFORE, RESOLVED, by the Council of the Town of Leesburg in Virginia that the Town expresses its deep appreciation for Mark Gunderman and his work making the Town of Leesburg and Loudoun County a nurturing and caring place to live for all citizens.

PASSED this 12th day of June, 2012.

- d. Presentation of Flag – James Vigilante
Air Force Master Sgt. James Vigilante presented a flag flown in a C130 over Afghanistan to Council in recognition for allowing the America's 9/11 Ride to pass through the center of town in August 2011.
- e. Certificate of Recognition – Frank Lombardi

On a motion by Council Member Hammler, seconded by Council Member Butler, a Certificate of Recognition was presented to Frank Lombardi for his work with the Disability Services Board of Loudoun County and his upcoming representation of Leesburg and Loudoun County on the Virginia State Disability Services Board.

f. INOVA Cornwall Update

Pat Walters, CEO of INOVA Loudoun Hospital, presented an update of the work being done on the Cornwall Campus. He stated this is the 100 year anniversary of their founding in Leesburg. He also updated the Council on the types of care available through INOVA.

g. Report on Northern Virginia Regional Commission (NVRC) International Exchange to South Korea

Council Member Martinez and Amy Voster of NVRC gave a brief presentation on the international economic exchange trip to South Korea to study the application of innovative development work and foster working relationships between the two countries. He noted no taxpayer funds were expended for this trip.

8. PETITIONERS

The petitioner's section was opened at 8:34 p.m.

Lisa Speet stated she supports Metrorail coming to Loudoun. She stated she understands the concerns, but as an epileptic, she did not drive for six years. She stated public transportation allowed her to get to work and do the errands of daily living. Despite the fact she is now seizure free, the Metro extension would be a great asset for those that cannot drive.

Timothy Schott, 703 Country Club Drive, SW, stated he spoke with Mrs. Ketron at 810 Wage Drive and she has questions about the Wage Anne Storm Drainage project and noted they had not seen any contractors for several weeks. Further, he stated safety improvements are needed at the bypass and the S. King Street trail. He stated the sign providing notice to drivers on Clubhouse Drive be angled so that drivers exiting the bypass can see the sign. He stated the installation of rumble strips and pedestrian operated flashing lights for the traffic coming down the ramp from the westbound bypass onto S. King Street would provide a greater amount of safety for trail users.

Mark Sell, asked Council not to take a position on Metrorail. He stated his opinion that there are a lot of serious questions about Metrorail including supposed economic development benefits.

Bob Patterson, 610 Diskin Place, SW, requested Council turn down the resolution for Metrorail. He stated he has always used mass transit. He asked Council to consider the commuters who are happy with the present system.

Ryan Nichols, Vice President of the Stratford Club Homeowner's Association, expressed his support for allowing the County Board to handle the decision on the Silver

Line. He stated it is not prudent to invite MWAA to have a blank check for Loudoun County taxpayer money because they are unaccountable and unelected. He stated the bus system is robust and metro stations draw crime.

Steve Stockman, spoke against the resolution supporting Metro extension into Loudoun County. He stated it is disconcerting that this decision will be made by nine members of the Board of Supervisors rather than the taxpayers through referendum.

The petitioner's section was closed at 8:49 p.m.

9. APPROVAL OF THE CONSENT AGENDA

On a motion by Vice Mayor Wright, seconded by Council Member Butler, the following items were moved for approval as part of the Consent Agenda:

a. Awarding an Airport Pavement Maintenance Construction Contract

RESOLUTION 2012-060

Awarding a Pavement Repairs Maintenance Construction Contract for the Leesburg Executive Airport

b. Revising the Town's Procurement Policy

RESOLUTION 2012-061

Readopting the Town of Leesburg Procurement Policy and Delegating to the Town Manager the Authority to Implement this Policy.

c. Third Party Coverage for Future Town of Leesburg Line of Duty Benefits

RESOLUTION 2012-062

Town of Leesburg Irrevocable Election Not to Participate in the Line of Duty Fund

d. Awarding the Contract for Worker's Compensation, Property and Liability Insurance

RESOLUTION 2012-065

Awarding the Contract for Worker's Compensation, Property and Liability Insurance, and Third Party Line of Duty Benefit Coverage to the Virginia Municipal League for FY 2013

e. Support for VDOT Sycolin Bridge Project

RESOLUTION 2012-066

Sycolin Road Overpass on Route 7/15 Bypass Location and Design Public Hearing Approval

- f. Donation to Purcellville Police Department

RESOLUTION 2012-067

Donation of Surplus Vehicle to the Town of Purcellville Police Department

- g. Making an Appointment to the Utility Rate Advisory Committee (Burk)

RESOLUTION 2012-068

Making an Appointment to the Utility Rate Advisory Committee

The Consent Agenda was approved by the following vote:

Aye: Butler, Burk, Dunn, Hammler, Martinez, Wright and Mayor Umstatt

Nay: None

Vote: 7-0

10. PUBLIC HEARING

- a. Town Plan

The public hearing was opened at 8:58 p.m.

Irish Grandfield presented a brief summary of the proposed changes to the Town Plan.

Summary of Key Points:

- Process started two years ago and included various town commissions
- Planning Commission certified the original draft on February 2, 2012
- Council must act by July 18, 2012
- This update is meant to take into account changed conditions since 2005

Pete Jewell, HC Land Company, stated his company is the contract purchaser of the former WAGE Radio site off Wage Drive. He requested Council consider changing the designation from low density to medium density. He stated the property is currently an eyesore and the current permitted use is very narrow with few potential uses. He stated there are enormous costs considerations with respect to the site so medium density would be the only use that would permit the property to be profitable for a purchaser.

Peter Kalaris, stated he likes the concept of a mixed use development for the southeast quadrant of Route 15 and Evergreen Mill Road. He stated he has a concern with the suggestion for a limit of the size of the secondary anchor store for the development. He stated he understands the concern about a “big box” store, but limiting the size may cause a problem. Further, he stated having a fixed amount of office may not be achievable in this economic climate.

Ann Bollinger, stated she opposes the 233% increase in the town plan. She stressed that the neighborhood has not seen the uses the builder has in mind for this development. She stated traffic is a huge concern for the neighborhood

and asked Council to keep the people of the southwest quadrant in mind when approving these changes.

The public hearing was closed at 9:15 p.m.

- b. TLSE 2012-0002 Destiny Preschool Special Exception
The public hearing was opened at 9:16 p.m.

Mike Watkins presented the application for a Special Exception for Destiny Preschool.

Summary of Key Points:

- Applicant is already using the shopping center unit for their preschool
- 150 children in two programs operating from 9-12 and then from 12-3 with a maximum of 75 children per session.
- Summer school for three weeks in June, three weeks in July and then three weeks in August
- Applicant is requesting a waiver of the outdoor recreation requirement
- Located in the Bellewood Commons Shopping Center
- Currently zoned B-2
- Special exception use is of limited duration
- Staff recommends the applicant provide four additional parking spaces
- Planning Commission recommended approval of the recreation area modification and extending the limited duration period from three years to five years

Council Comments/Questions:

- Is staff comfortable with parking for this use?
Staff answer: The conditions of approval require the striping of loading and unloading spaces to facilitate safe drop off and pick up of children.

Bob Sevila, representative for the applicant, Destiny Church, presented the applicant's report.

Summary of key points:

- Use has been in operation for the past three years
- Will submit a formalized traffic plan and distribute to parents
- Want to make sure the language in the conditions does not prohibit use of the space in the afternoon and evening hours as it is sublet to a single piano teacher during after school hours

Council Comments/Questions:

- With regard to the drop off route in the parking lot, is there sufficient signage to direct vehicle movements?
Staff answer: Staff will determine whether signage exists and address the lack thereof, if necessary.

- What generated this application?
Applicant answer: The space has been utilized as a school for approximately three years as a school of special instruction, but it was determined that the use did not qualify strictly under the current language. The applicant decided not to contest the technicality and apply for a special exception to cure the perceived violation.
- Is there currently a problem with stacking?
Applicant answer: No.

There were no members of the public to speak at this public hearing.

The public hearing was closed at 9:33 p.m.

On a motion by Council Member Martinez, seconded by Council Member Dunn, the following was proposed:

RESOLUTION 2012-069

Approving TLSE 2012-0002, Destiny Creative Arts Center, A Child Care Center Located on the Property Identified as PIN Number 188-15-9031 and Located at 545-D East Market Street

The motion was approved by the following vote:

Aye: Butler, Burk, Dunn, Hammler, Martinez, Wright and Mayor Umstatt

Nay: None

Vote: 7-0

c. TLZM 2011-0002 Village at Leesburg Concept Plan and Proffer Amendment

The public hearing was opened at 9:33 p.m.

Mike Watkins gave a brief presentation regarding this application.

Summary of Key Points:

- Regards Land Bay C of the Village Leesburg development
- Unit type change from multi-family to townhouse and two-over-two stacked townhouse type units only
- Changes to layout, modifications to setbacks and turn arounds, decrease in density, alternative alignment for a portion of Tuscarora/Greenway trail, and details for community design elements
- Proffer amendments include:
 - Separate Land Bay C from Land Bays A, B, D, and E.
 - Provides the school capital facility payment
 - Provides AADP payment
 - Memorializes requirements for certain community design features
 - Provides architectural design guidelines
- Planning Commission recommended:

- Consideration of pervious surfaces for walks and trails
- Granting of setback modification from Russell Branch Parkway
- Voted 6-0 recommending approval of the application
- Uses and density are consistent with previous approvals and generally consistent with the elements of the Town Plan's goals and objectives
- Proposed changes have no negative impact on the adjacent road network
- No changes to the boundaries or designations of the zoning districts
- Ingress/egress remains unchanged from previous concept plan
- All on-site streets will be private
- Setback modification will be a reduction from 35 feet to 25 feet along Russell Branch
- Additional landscaping and canopy trees have been added along the frontage to Russell Branch
- Building orientation change will have some units facing Russell Branch
- Additional detail added to design to avoid flat, unarticulated facades
- Community amenities such as decorative seating, path, central green with seating walls
- Community recreation area has been changed to an open walking path arrangement rather than tennis courts
- Applicant has proffered future connections to the Tuscarora-Greenway trail
- Staff recommends against the use of vinyl siding on units along Russell Branch Parkway
- Hardy Plank siding is recommended, as per the H-2 Design Guidelines, for the areas of high visibility

Council Comments/Questions:

- Is H-2 compliance voluntary?
Staff answer: The applicant has proffered to remain in the H-2 Overlay.
- Will the applicant need to come before the BAR for design approval?
Staff answer: Administrative approval will be possible in the future.
- What is the height of the two-by-two units?
Staff answer: 48 feet or four stories.
- AADP payment alleviates the need for ADUs?
Staff answer: Correct
- What is current proffer language regarding contributions to Ida Lee/Parks and Recreation?
Staff answer: Currently, the language indicates it is a contribution to Ida Lee.
- Suggest that the applicant use broader language for the parks and recreation proffer to give the town more flexibility on how to designate disposition of those proffer monies
- Can staff advise on the status of county proffers?
Staff answer: The county and town have agreed to disagree. This proffer is written differently than the original proffer – this language has been

cleaned up and the town does not believe the county has any claim to these funds because the town's obligations under the AADPs have been over-satisfied

Mike Banzhaf, representative for the applicant, noted the Parks and Recreation proffer is unchanged.

Charlie Keeler presented the applicant's position.

Summary of Key Points:

- Amendments will create a more walkable community
- There is no citizen opposition to this amendment
- Providing 3.8 acres of active recreational area for 168 units.
- 28 acres will remain in permanent open space
- Constructing the Tuscarora-Greenway trail
- Loudoun County has no issues with this application
- Additional residential will help drive the success of Village at Leesburg
- Having difficulty selling the age restricted unit type
- Units have been turned so they face Russell Branch and the town center
- Proffering masonry on first level of buildings
- Agreed to bump outs on at least 50% of the units to add visual interest
- Minimum of three colors on each building
- Colonial color scheme on the entire project
- No unpainted wood
- Soils are not conducive to pervious pavement in the area of the trail
- Current vinyl products are better than previous products with less maintenance issues than Hardy Plank
- Proffered to all Energy Star appliances

Council Comments/Questions:

- Who will maintain Filtera units?
Applicant answer: The Homeowner's Association will be responsible for maintenance of the Filtera units.
- Explain the tree save area.
Applicant answer: Majority of site is already cleared. The only area that is not currently cleared is 2.85 acres
- Explain safe pedestrian traffic to the main area of the Village.
Applicant answer: Main intersection has existing traffic signal with pedestrian crossing signals and street imprint crosswalk.
- Porches seem too small.
Applicant answer: Porches/decks will extend over driveway parking space.
- Would appreciate more flexibility on disposition of proffer dollars for parks and recreation
Staff answer: Language can be adjusted

There were no members of the public wishing to address this public hearing.

The public hearing was closed at 10:22 p.m.

On a motion by Vice Mayor Wright, seconded by Council Member Martinez, the following was proposed:

ORDINANCE 2012-O-014

Approving Concept Plan and Proffer Amendment TLZM 2011-0002, Village at Leesburg, Amending TLZM 2010-0003 to Revise the Unit Type, Density and Design of Residential Dwellings in Land Bay C, on the Property Identified as PIN 149-17-4430, Located at Crosstrail Boulevard and Russell Branch Parkway

It was noted that the modification and the amendment to the Parks and Recreation language is included in this motion.

The motion was approved by the following vote:

Aye: Butler, Burk, Dunn, Hammler, Martinez, Wright and Mayor Umstattd

Nay: None

Vote: 7-0

d. Town Code Amendments

The public hearing was opened at 10:26 p.m.

Jeannette Irby gave a brief staff report for this public hearing.

Summary of Key Points:

- Amendments to bring the Town Code into compliance with newly passed legislation at the General Assembly level
- Utility fee revisions will be brought at a later meeting

There were no members of the public wishing to address this public hearing.

The public hearing was closed at 10:27 p.m.

On a motion by Vice Mayor Wright, seconded by Council Member Butler, the following was proposed:

ORDINANCE 2012-O-015

To Amend and Reordain the Town Code:

Chapter 20 (Licenses, Taxation and Miscellaneous Regulations), Article IX (Business, Professional, and Occupational License Tax), Section 20-233(b) and (c) (License Requirement) to Amend Date of License Renewal and Tax to on or Before May 1 of the License Year;

Chapter 24 (Offenses and Miscellaneous Provisions), Article III (Offenses Against Property), Division 3 (Miscellaneous Mischief), Section 24-94 (Reserved) to Add Section 24-94 to Allow the Town to Recover Clean up Costs of Methamphetamine Labs upon Conviction for Violation of the Same;

Chapter 24 (Offenses and Miscellaneous Provisions), Article IV (Offenses Against Public Safety), Division 2 (Weapons) Section 24-156 (Carrying Dangerous Weapon to Place of Worship) to Conform to Code of Virginia Section 15.2-915;

Chapter 32 (Traffic and Vehicles), Article V (Stopping, Standing and Parking), Division 1 (Generally), Section 32-148 (Removal and Disposition of Vehicles Unlawfully Parked) to Amend to Add Additional Requirement for the Towing of Vehicles to Another Locality; and

Chapter 32 (Traffic and Vehicles), Article V (Stopping, Standing and Parking), Division 1 (Generally), Section 32-149 (Removal and Disposition of Unattended Vehicles Generally) to Amend to Add Additional Enforcement Personnel (to Remove Said Vehicles); and

Chapter 32 (Traffic and Vehicles), Article V (Stopping, Standing and Parking), Division 1 (Generally), Section 32-150 (Removal or Immobilization of Motor Vehicles for Outstanding Parking Violations) to Amend to Add Motor Vehicles and Trailers

The motion was approved by the following vote:

Aye: Butler, Burk, Dunn, Hammler, Martinez, Wright and Mayor Umstatt

Nay: None

Vote: 7-0

11. RESOLUTIONS AND MOTIONS

a. Implementing Required VRS Employee Contribution

On a motion by Vice Mayor Wright, seconded by Council Member Burk, the following was proposed:

RESOLUTION 2012-063

Virginia Retirement System Employer Contribution Rate Effective July 1, 2012

RESOLUTION 2012-064

Approving the Amount of Member Contributions for the Virginia Retirement System that Town Employees will Pay Beginning July 1, 2012 and Certifying that Employees will Receive a Comparable Offsetting Salary Increase Effective July 1, 2012

Council Questions:

- Is the impact of approximately \$535,000 an additional impact?
Staff answer: The impact is to the employees and the town because of the added employer costs tied to social security, FICA, and the other benefits

that go along with the 5%. Because employees will be paid a higher salary, they will have a higher deductible amount taken out of their pay. The town will offset that so that the Council's 3% pay adjustment can be maintained. Those costs will be covered through the savings offered by VRS the contribution rate the town has to pay is discounted due to having implemented the full 5% change at one time.

- Would like to entertain saving money by converting from town employees to contract services

The motion as approved by the following vote:

Aye: Burk, Butler, Dunn, Hammler, Martinez, Wright and Mayor Umstatt

Nay: None

Vote: 7-0

- b. TLAP 2012-0001 Leesburg Toyota – Appeal of a Decision by the B.A.R. (continued from March 27, 2012)

On a motion by Council Member Martinez, seconded by Vice Mayor Wright, the following was proposed:

MOTION 2012-011

I move to keep the Public Hearing for TLAP 2012-0001 Leesburg Toyota open through July 24, 2012 at the request of the applicant

The motion as approved by the following vote:

Aye: Burk, Butler, Dunn, Martinez, Wright and Mayor Umstatt

Nay: None

Vote: 6-0-1 (Hammler abstaining)

- c. Authorizing Funding and Installation of Pedestrian Safety Warning Lights on the South King Street Trail

On a motion by Council Member Hammler, seconded by Council Member Butler, the following was proposed:

RESOLUTION 2012-070

Authorizing Funding and Installation of Flashing Warning Lights at the South King Street Trail Crossing of the Leesburg Bypass Interchange Ramps

Council Comments:

- Cost of lights can be covered using unspent funds in the CIP
- Possible application for installation of rumble strips on the off/on ramps
- Originally recommended by the SE Trails Committee
- Possibility of a pressure-activated flashing light to alert drivers to the possible presence of pedestrians

The motion was approved by the following vote:

Aye: Burk, Butler, Dunn, Hammler, Martinez, Wright and Mayor Umstatt

Nay: None

Vote: 7-0

d. Form Based Code

On a motion by Vice Mayor Wright, seconded by Council Member Butler, the following was proposed:

RESOLUTION 2012-071

To Consider Revisions to the Crescent Form Based District

Council Comments/Questions:

- Benefits of Form Based code without some of the concerns that have been highlighted throughout the process
- Disappointment in the process and result
- Cumbersome and limited in scope
- Focus on such a small area lost sight of improvement that could be made outside the bypass

Council Member Butler offered a friendly amendment, which was accepted, on #1 to split it into two bullet points.

- Rezoning required for increased residential density. Maximum densities shall be set for by-right residential use beyond which a rezoning approved by the Town Council shall be required
- Rezoning required for increased height. Maximum height shall be set for by-right use beyond which a rezoning approved by the Town Council shall be required to increase height up to 70 feet.

Council Member Butler offered a second friendly amendment, which was accepted, on new #7:

- Geographic area of Crescent Form Based District. While drafting the provisions for 1-6, above, staff shall consider adjustments to the Crescent District Area adaptability for the Form Based District and shall be prepared to report to the Town Council with recommendations.

Council Member Dunn offered a motion, seconded by Council Member Martinez, to remove the amendment to #7 made through the previous friendly amendment.

The motion to remove the friendly amendment was approved by the following vote:

Aye: Dunn, Hammler, Martinez, and Mayor Umstattd

Nay: Burk, Butler and Wright

Vote: 4-3

Mayor Umstattd made a motion, seconded by Council Member Dunn, to amend the previously amended language of #1 to remove the word "residential".

Council Comments on the current amendment on the floor:

- All increased density, residential or commercial, will have impacts on traffic and utilities
- Limits on commercial density can be addressed through height restrictions

The motion to amend the previously amended language of #1 to remove the word “residential” failed by the following vote:

Aye: Dunn and Mayor Umstattd

Nay: Burk, Butler, Hammler, Martinez and Wright

Vote: 2-5

Motion for amended resolution was approved by the following vote:

Aye: Burk, Butler, Hammler, Martinez, Wright, and Mayor Umstattd

Nay: Dunn

Vote: 6-1

e. Making a Recommendation to the Circuit Court for Appointment to the Board of Zoning Appeals

On a motion by Council Member Burk, seconded by Council Member Martinez, the following was proposed:

RESOLUTION 2012-072

Recommending a Candidate for a Vacancy on the Board of Zoning Appeals to the Circuit Court – Chance Harrison

Council Comments:

- Concern over conflict of interest
- Previous office holder is interested in reappointment

The motion was approved by the following vote:

Aye: Burk, Butler, Hammler, Martinez, and Mayor Umstattd

Nay: Dunn and Wright

Vote: 5-2

f. Connect Northern Virginia

Andy Johnston, Loudoun Cares, stated he is representing the Chamber of Commerce non-profit initiative to develop a community based web portal about all things nonprofit that will act as a facilitator between the community and nonprofits.

Council Comments/Questions:

- Who builds the portal?
Answer: Community Foundation of Northern Virginia serves as fiscal agent on this project. Portal is a platform that has been developed by the Urban Institute
- Why was this not included in the budget?

Answer: Recently the opportunity to partner with Volunteer Fairfax presented itself as a truly cost-effective approach

- How does this relate to Council policy regarding funding for nonprofits?

Staff answer: Unspent funds in the current fiscal year can be used.

Normally the Council has opted to not fund human services type of nonprofits because those are principally dealt with at the county level. But \$1,000 start up grants have been provided over the past year for those types of organizations.

- This listing will include all types of nonprofit organizations?

Answer: Yes.

- Benefits the community in general, rather than one single nonprofit
- Concern regarding the viability of the program

On a motion by Council Member Burk, seconded by Council Member Martinez, the following was proposed:

MOTION 2012-012

I move that the Town Council allocate \$1,000 from unspent FY 2012 appropriations for the “Connect Northern Virginia” initiative

The motion was approved by the following vote:

Aye: Burk, Butler, Hammler, Martinez, and Mayor Umstatted

Nay: Dunn and Wright

Vote: 5-2

g. Dulles Rail

On a motion by Council Member Butler, seconded by Council Member Martinez, the following was proposed:

RESOLUTION 2012-073

Support of Extending Metrorail into Loudoun County

Council Comments:

- Concern over loss of gas tax funds once the extension reaches Dulles Airport

Council Member Hammler offered the following amendment seconded by Mayor Umstatted, for consideration:

- Change the title to: *In Support of Extending Metro into Loudoun County if a Special Tax District is Created*

Comments on the current motion on the floor to amend the title:

- Limits the funding options

Motion to amend the title failed by the following vote:

Aye: Dunn, Hammler and Mayor Umstatted

Nay: Burk, Butler, Martinez and Wright
Vote: 3-4

Council Member Dunn made a motion to reword the body of the resolution to read “Leesburg Town Council supports Metrorail to Loudoun County that results in no increase in taxes to Leesburg residents or businesses”. The motion was seconded by Council Member Hammler.

Comments on the current motion on the floor to amend:

- Town residents will benefit from extension of the Metrorail so they should help pay for it.
- Transportation is a state and federal responsibility
- Loss of Virginia Regional Transit routes once Metro enters Loudoun County
- As the largest town in the county, Leesburg needs to weigh in on an item of major importance to the citizens of the county
- It is the Board’s decision on how to fund the Metro extension
- Short distance between Reston and final Loudoun County stop is not worth the expense

Council Member Butler made a motion to amend Council Member Dunn’s motion to read “Leesburg Town Council supports Metrorail into Loudoun” as the body of the resolution. Council Member Martinez seconded the motion to amend the motion on the floor.

The motion to amend was approved by the following vote:

Aye: Butler, Burk, Martinez, and Wright
Nay: Dunn, Hammler and Mayor Umstatt
Vote: 4-3

Council Member Dunn made a motion to amend the previously approved motion to state: “Leesburg Town Council supports Metrorail. Council’s actions are solely on its own initiative without any public hearing from its citizens and the views they represent are those of the individual Council Members and not those of the citizens of Leesburg”. Council Member Hammler seconded the motion.

The motion failed by the following vote:

Aye: Dunn, Hammler and Mayor Umstatt
Nay: Butler, Burk, Martinez and Wright
Vote: 3-4

Council recessed at 11:55 p.m.

Council reconvened at 11:58 p.m.

Council Member Dunn made a motion to table, seconded by Vice Mayor Wright.

Discussion ensued regarding the definition of various types of motions and the time when the item will return.

There was no agreement on the time frame of the tabling motion between the motion maker and seconder.

Council Member Hammler made a motion to postpone until June 26. The motion to postpone was seconded by Vice Mayor Wright.

The motion to postpone was withdrawn.

Council Member Hammler rescinded her second of Council Member Dunn's motion.

Mayor Umstattd clarified that the motion on the floor consists of the draft resolution as presented with the addition of whereas clauses in red and:

- ...all Loudoun County taxpayers or a commercial and industrial tax on Loudoun County businesses...
- Red text in the "therefore resolved" is deleted.

Council Member Dunn offered an amendment to read "Whereas this motion represents the individual views of Council Members and not those of the citizens of Leesburg". The motion failed for lack of a second.

The motion, as clarified by Mayor Umstattd, was approved by the following vote:

Aye: Burk, Butler, Hammler, Martinez and Wright

Nay: Dunn and Mayor Umstattd

Vote: 5-2

12. ORDINANCES

a. None.

13. UNFINISHED BUSINESS

a. None.

14. NEW BUSINESS

a. None.

15. COUNCIL COMMENTS

Council Members Butler, Martinez and Hammler noted they had meeting disclosures and would turn in written notice of same.

16. MAYOR'S COMMENTS

No comments.

17. MANAGER'S COMMENTS

No comments.

18. CLOSED SESSION

None.

19. ADJOURNMENT

On a motion by Council Member Martinez, seconded by Vice Mayor Wright, the meeting was adjourned at 12:20 a.m., Wednesday, June 13, 2012.

Kristen C. Umstattd, Mayor
Town of Leesburg

ATTEST:

Clerk of Council
2012_tmin0612

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