

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

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

Council Members Absent: Council Member Dunn arrived at 7:46 p.m.

Staff Present: Town Manager John Wells, Town Attorney Jeanette Irby, Deputy Town Manager Kaj Dentler, Director of Capital Projects Renee LaFollette, Director of Utilities Amy Wyks, Land Acquisition Manager Keith Wilson, Deputy Director of Capital Projects Tom Brandon, Director of Human Resources Nancy Fixx, Assistant Town Manager Scott Parker, and Clerk of Council Lee Ann Green

AGENDA ITEMS

1. **CALL TO ORDER**

2. **INVOCATION:** Mayor Kristen Umstattd

3. **SALUTE TO THE FLAG:** Council Member Kelly Burk

4. **ROLL CALL:** Showing Council Member Tom Dunn arriving at 7:46 p.m.

5. **MINUTES**

a. Regular Session Minutes of July 10, 2012

On a motion by Council Member Martinez, seconded by Council Member Butler, the minutes of the Regular Session meeting of July 10, 2012 were approved by a vote of 6-0-1 (Dunn absent).

b. Work Session Minutes of July 23, 2012

On a motion by Vice Mayor Wright, seconded by Council Member Burk, the minutes of the July 23, 2012 work session were approved by a vote of 4-0-2-1 (Butler/Martinez abstaining, Dunn absent).

c. Regular Session Minutes of July 24, 2012

On a motion by Council Member Martinez, seconded by Council Member Burk, the minutes of the Regular Session of July 24, 2012 were approved by a vote of 5-0-1-1 (Butler abstaining, Dunn absent).

6. **ADOPTING THE MEETING AGENDA**

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

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

Nay: None

Vote: 6-0-1 (Dunn absent)

7. PRESENTATIONS**a. Proclamation – National Payroll Week**

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

PROCLAMATION

National Payroll Week

September 3-7, 2012

WHEREAS, the American Payroll Association and its 23,000 members have launched a nationwide public awareness campaign that pays tribute to the more than 156 million people who work in the United States and the payroll professionals who support the American system by paying wages, reporting worker earnings and withholding federal employment taxes; and

WHEREAS, payroll professionals in Leesburg, Virginia play a key role in maintaining the economic health of Leesburg, Virginia, carrying out such diverse tasks as paying into the unemployment insurance system, providing information for child support enforcement, and carrying out tax withholding, reporting and depositing; and

WHEREAS, payroll departments collectively spend more than \$15 billion annually complying with myriad federal and state wage and tax laws; and Whereas payroll professionals play an increasingly important role ensuring the economic security of American families by helping to identify noncustodial parents and making sure they comply with their child support mandates; and

WHEREAS, payroll professionals have become increasingly proactive in educating both the business community and the public at large about the payroll tax withholding systems; and

WHEREAS, payroll professionals meet regularly with federal and state tax officials to discuss both improving compliance with government procedures and how compliance can be achieved at less cost to both government and businesses; and

THEREFORE PROCLAIMED by the Council of the Town of Leesburg in Virginia that the week in which Labor Day falls is National Payroll Week in the Town of Leesburg and the Council gives additional support to the efforts of the people who work in Leesburg, Virginia and of the payroll profession.

PROCLAIMED this 28th day of August, 2012.

b. Green Energy Partners Update

John Andrews, Jr., gave a brief synopsis of the status of the Green Energy plant project. He reviewed various changes to the site plan and a timeline of expected approvals.

8. PETITIONERS

The petitioner's section was opened at 7:46 p.m.

Neal Zimmerman, Special Operations Warrior Foundation, stated this is the ninth year they will hold a benefit ride for the foundation. He stated it starts in Leesburg and ends in Gettysburg, traveling through four states, 19 counties, 3 national battlefields over a 3 ½ hour period. He asked for a fee waiver for police support for the start of the ride. He stated he would like to see at least two to three escorts for the front of the column. He stated this is among the top five ride events in the region.

Mayor Umstatted summarized that the purpose of the Special Operations Warrior Foundation is to raise money to take care of the college educations for the children of fallen Special Operations service men and women.

Council Member Burk made a motion to Suspend the Rules, seconded by Council Member Martinez. The motion was approved by the following vote:

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

Nay: None

Vote: 7-0

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

MOTION 2012-020

I move to waive the fees associated with the 9th Annual Battlefield Run supporting the Special Operations Warrior Foundation

The motion was approved by the following vote:

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

Nay: None

Vote: 7-0

Linda Gwinn-Casey, 823 Catocin Circle, NE, stated she represents the interests of the Exeter community. She stated they have noticed increased traffic due to the opening of Battlefield Parkway and the opening of three new schools. She asked for a traffic light at Catocin and Battlefield or Plaza and Battlefield. She stated traffic calming is needed because the stretch of roadway is too long and there is still speeding.

The petitioner's section was closed at 8:01 p.m.

9. APPROVAL OF THE CONSENT AGENDA

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

- a. Old Waterford Road Sidewalk Construction Contract Award

RESOLUTION 2012-091

Awarding the Construction Contract for the Old Waterford Road Sidewalk Project to Arthur Construction Co., Inc., in the Amount of \$344,990.00

- b. Authorizing Acquisition of Easements for Lower Sycolin Sewage Conveyance Systems Phase II

RESOLUTION 2012-092

Declaring that a Public Necessity and Use Exists, Authorizing an Offer to Acquire Permanent and Temporary Easements for the Lower Sycolin Creek Sewage Conveyance System, Phase II – Sycolin Branch Sewer Project

- c. Awarding a Construction Contract for Airport South Apron Helipads and North End Access Road Projects

RESOLUTION 2012-093

Awarding the Construction Contract for the Airport South Apron Helipads Construction and the Airport North End Access Road Rehabilitation Projects and Accepting a Grant from the Virginia Department of Aviation

- d. Authorizing Design Change Order for Design and Engineering Services for Lowenbach Improvements Project

RESOLUTION 2012-094

Lowenbach Street Improvements Project Change Order for Design and Engineering Services

- e. Police Station Technical Support Building Expansion and Renovation Change Order No. 5 for Construction Administration Services

RESOLUTION 2012-095

Police Station Technical Support Building Expansion and Renovation Change Order No. 5 for Construction Administration Services

- f. Revising the Sycolin Road Widening, Phase III Town/Virginia Department of Transportation Agreement

MOTION 2012-096

Approving a Revision to the Sycolin Road Widening Phase III Town/ Virginia Department of Transportation Administrative Agreement Reflecting FY 2013 Revenue Sharing Funding and Authorizing the Town Manager to Execute this Agreement

- g. Approval of the Next Town Hall Art Gallery Exhibit by Robert Merhaut

RESOLUTION 2012-097

Town Hall Art Gallery – Approval of the Next Art Exhibit by Robert Merhaut

- h. Supplemental Budget Appropriation to the Community Outreach Program

RESOLUTION 2012-098

Approving a Supplemental Budget Appropriation from a Donation of \$442.90 from the Leesburg Presbyterian Church to the Community Outreach Program

- i. Authorizing an Agreement and Approving a Performance Guarantee for PMW Farms, Fort Evans Road, Phase 2 and Riverside Parkway

RESOLUTION 2012-099

Authorizing an Agreement and Approving a Performance Guarantee for PMW Farms, Fort Evans Road Phase 2 and Riverside Parkway

The Consent Agenda was approved by the following vote:

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

Nay: None

Vote: 7-0

10. PUBLIC HEARING

- a. Authorizing Acquisition of Easements for Edwards Ferry Road Right Turn Lane Project

The public hearing opened at 8:04 p.m.

Keith Wilson gave a brief summary of the item.

Summary of important points:

- Project will construct dual right turn lanes for vehicles traveling from eastbound Edwards Ferry Road to southbound Rt. 15 bypass.
- Land rights are needed from four land owners for the project.
- Two of the properties have not been voluntarily conveyed

Council Questions/Comments:

- Not thrilled about condemnation
- Possible interchange in the future
- What are the issues involved regarding the two properties that have not yet been conveyed?

Staff answer: One is a compensation issue. The other is a corporate entity that has placed requirements on the conveyance that the Town Attorney's office cannot agree to.

- Would inability to move forward quickly have financial ramifications?
Staff answer: Change in scheduling would require rescheduling of the project by VDOT.
- Would completion of this project affect a possible future interchange project?
Staff answer: The additional lane width needed for this project could be used to keep traffic flowing during construction of a future interchange project
- Turn lane is needed to relieve congestion at this intersection.
- This is a “throw-away” project. What is a potential schedule for a full interchange?
Staff answer: There is nothing in the VDOT Six-Year plan that addresses an interchange at this location. Design of such a project would take a minimum of five to six years and construction would take at least 2-3 years. If the project is not moved forward, the town’s congestion mitigation funding will be lost.
- Can some of the VDOT funds be used to find a better way to direct pedestrians?
Staff answer: This is a limited access facility, so VDOT will not make any accommodations for pedestrians.

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

The public hearing was closed at 8:15 p.m.

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

RESOLUTION 2012-100

Declaring that a Public Necessity and Use Exists, Authorizing an Offer to Acquire Right of Way Dedication and Easements from PIN 188-39-8114-000 and PIN 188-39-6616-000 for the Edwards Ferry Road at Route 15 Bypass Right Turn Lane Improvement Project, and Authorizing Condemnation if the Offer is not Accepted

Council Member Comments/Questions:

- There is no funding for a full intersection.
- There are adverse impacts associated with not performing the requirements for a grant.
- Even if funding was identified, construction would not be able to occur for at least 5-6 years with completion at least 10 years away.
- Speeding cars through the intersection will negatively affect pedestrians

The motion was approved by the following vote:

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

Nay: Butler and Dunn

Vote: 5-2

b. Amending Chapter 32 of the Town Code Regarding Permit Parking Zones

The public hearing was opened at 8:22 p.m.

Calvin Grow gave a summary of the public hearing:

- Residents of Royal Street (between King and Church) requested permit parking
- Majority of street is not residential and not eligible for permit parking under the existing Town Code
- Recommended amendment to the town code would allow a mixed residential zone to have permit parking in non-metered areas of the old and historic district
- Change Town Code now and institute permit parking zone later in September
- Other areas of the Old and Historic District might also be appropriate
- Notification letters will be sent to all property owners
- Non-residents would be held to 3 hr. parking

No members of the public wished to speak at this public hearing.

Council Comments/Questions:

- Only allows a permit parking zone to exist in a mixed residential area, does not actually create a permit parking zone
- What is the process for the street to have a permit parking zone?
Staff answer: Would have to meet the criteria. Street survey would be performed – 75% of the users of the parking spaces would need to be taken by non-residents of the area. Town Manager’s Public Hearing would be held.
- Suggest installation of parking meters – possibly relocate from Harrison Street
- How many other streets would this affect?
Staff answer: Royal from Church to Liberty, parts of Wirt, and a section of Cornwall towards the courthouse.
- Can we give residences a permanent parking spot?
Staff answer: that would be giving away public right of way

The public hearing was closed at 8:54 p.m.

Council Member Martinez made a motion to postpone this discussion until the next meeting for more discussion. The motion was seconded by Council Member Dunn.

Council Debate:

- Issue needs more discussion.

- Parameters need to be set

The motion to postpone until the next meeting was approved by the following vote:

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

Nay: None

Vote: 7-0

- c. Authorizing the Re-Appropriation of Funding in the Amount of \$1,500,000 from the Fiscal Year 2012 Budget for the Land Acquisition – Airport Expansion South West End of the Airport to the Fiscal Year 2013 Budget

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

Renee Lafollette gave a brief summary of the important points:

- Moves funding from FY 12 to FY 13 for the purchase of land on the southwest end of the airport
- Council previously approved the settlement agreement
- Amount is within the previously approved budget for the project
- Closing will be scheduled in the next few weeks

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

The public hearing was closed at 9:00 p.m.

RESOLUTION 2012-101

Authorizing the Re-Appropriation of Funding in the Amount of \$1,500,000 from the Fiscal Year 2012 Budget for Land Acquisition – Airport Expansion South West End of the Airport to the Fiscal year 2013 Budget

On a motion by Council Member Martinez, seconded by Vice Mayor Wright, the motion was approved by the following roll call vote:

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

Nay: None

Vote: 7-0

11. RESOLUTIONS AND MOTIONS

- a. Parking Garage Art Mural

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

RESOLUTION 2012-102

Development of a Public Art Mural for the Town Parking Facility

Council Member Butler asked to amend his motion to include a call for art as an additional way to ask for submissions.

Mollie Crist, Vice Chair of the Commission on Public Art (COPA), stated the COPA is requesting an extension for the request for recommendations on a potential mural on the Loudoun Street side of the town parking garage from August 28, 2012 to March 2013. She stated the time extension would provide the COPA the opportunity to develop a theme, determine commitment to funding options that have been offered and solicit the Council's feedback on the theme. She stated the initial proposed theme is a reflection of a thematic aspect of the community such as history, growth, change, diversity or commerce and should be created in a media that is suitable for exterior application directly on a painted concrete wall. Further, she stated the intent is for it to become a focal point for visitors and enhance the sense of pride in the town.

Council Member Comments/Questions:

- Resolution will replace inadequate previous resolution by providing specifics for the recommendation
- Additional time may be needed due to changes in the COPA membership and the holidays
- Guidelines are already in place
- Issue of a building on the site may be revisited if there are changes on Council in January
- Do not believe this is the best use for the property in question

Council Member Hammler proposed an amendment to change the first whereas to strike "town garage" and add "town owned property" and add a whereas to read "Whereas, Town Council may choose to accept an unsolicited proposal under the town's public private education act for a building that could incorporate a mural" and change the therefore resolved to read "Therefore, Resolved by the Council of the town of Leesburg in Virginia that the Leesburg Commission on Public Art develop a recommendation for a mural on the Loudoun Street side of the town parking garage and/or a plan to incorporate it on any new building should the town decide to sell the property..."

The motion was seconded by Council Member Dunn for discussion purposes.

The motion to amend failed by the following vote:

Aye: Dunn and Hammler

Nay: Burk, Butler, Martinez, Wright and Mayor Umstatt

Vote: 2-5

The original amended motion was approved by the following vote

Aye: Burk, Butler, Martinez, and Mayor Umstatt

Nay: Dunn, Hammler and Wright

Vote: 4-3

12. ORDINANCES

- a. None.

13. UNFINISHED BUSINESS

- a. None.

14. NEW BUSINESS

- a. Additions to Future Council Meetings

After discussion of whether there would be a quorum present for the work session meeting of September 10, it was determined that scheduled Back to School nights at several schools would interfere with the ability to obtain a quorum. It was decided to cancel the work session meeting of September 10 and reschedule those items.

Council Member Burk asked for a recognition for Home Depot and the Loudoun County Disability Services Board for their work in helping a handicapped resident make repairs for her home.

Council Member Butler asked for a resolution stating Council's position on the constitutional amendment that will be on the ballot in November. He asked for a resolution stating Council's position to a possible move of the Courts to the Sycolin Road government center. He also asked for a resolution stating Council's position on the disposition of the grassy areas in front of the town parking facility on Loudoun Street. He also asked for a work session item dealing with crosswalks across the bypass, specifically at Edwards Ferry Road and Battlefield Parkway. He requested VDOT attendance.

15. COUNCIL COMMENTS

Council Member Hammler disclosed a meeting with Jan Zachariasse and Rick from Waterford Development. She thanked Council Member Martinez for his efforts with respect to a light on Battlefield Parkway. She stated she looks forward to Council getting involved and requesting gas tax money as soon as the SRTC makes their recommendation. She expressed her concern for the residents of New Orleans as hurricane Isaac is expected to make landfall there.

Council Member Martinez – comments were inaudible. He stated the St. John's ceremony was wonderful and he was honored to meet President Obama. He noted that the owner's of Melt's Cheeseburgers would like to have a ribbon cutting.

Council Member Burk commended Leesburg Presbyterian Church for their donation to the R.O.C.K. program. She stated she attended the opening of St. John's Catholic Church. She stated she also attended the Friends of Balch Library's fundraiser. She stated the speaker was riveting. Further, she stated she enjoyed the opportunity to welcome the President of the United States to Leesburg.

Vice Mayor Wright asked residents to remember to lock their vehicles in response to the recent rash of vehicle break-ins. He stated he had a slightly different vantage point on the Presidential visit. He stated he was impressed with the hard work of the town's public safety officials. He stated he appreciates Council's willingness to adjust the

schedule for Back to School Nights as it is an important message to send about the importance of being involved in children’s lives.

16. MAYOR’S COMMENTS

Mayor Umstatttd stated that Melt’s is in the same shopping center as the new stores, Pinch a Dollar and Cooking Up Books – Bellewood Commons. She also noted the ribbon cutting for Chimole Honduran Art Gallery at 10 South King Street.

17. MANAGER’S COMMENTS

Mr. Wells stated that the Town Attorney will be providing Council with an update on legal matters. Further, he stated there will be a reception for the Council and the Board of Supervisors hosted by the Airport Commission on September 5 from Noon until 1:15 p.m. where a light lunch will be provided.

He also complimented the Police Department on their efforts during the Presidential visit.

18. CLOSED SESSION

- a. None.

19. ADJOURNMENT

On a motion by Council Member Martinez, seconded by Vice Mayor Wright, the meeting was adjourned at 9:54 p.m.

Kristen C. Umstatttd, Mayor
Town of Leesburg

ATTEST:

Clerk of Council
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