

Council Chambers, 25 West Market Street, 7:00 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 Martinez arrived at 7:33 p.m.

**Staff Present:** Town Manager John Wells, Town Attorney Jeanette Irby, Deputy Town Manager Kaj Dentler, Research and Communications Manager Betsy Fields, Director of Capital Projects Renee Lafollette, Transportation Engineer Calvin Grow and Clerk of Council Lee Ann Green

AGENDA ITEMS

1. **CALL TO ORDER**

2. **INVOCATION:** Vice Mayor Wright

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

4. **ROLL CALL:** Showing Council Member Marty Martinez arriving at 7:33 p.m.

5. **MINUTES**

a. Regular Session Minutes of August 28, 2012

*On a motion by Council Member Burk, seconded by Council Member Butler, the minutes of the Regular Session meeting of August 28, 2012 were approved by a vote of 6-0-1 (Martinez absent).*

6. **ADOPTING THE MEETING AGENDA**

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

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

*Nay: None*

*Vote: 6-0-1 (Martinez absent)*

7. **PRESENTATIONS**

a. Catoctin Crescent Association

Cyndi Urbano gave a brief presentation regarding the newly formed Catoctin Crescent Association representing the over-300 businesses located on Cactoctin Circle from Vintage 50 to the Village Square Shopping Center.

b. Town Annual Report

Betsy Fields presented the 2012 Annual Report for the Town of Leesburg. She noted that it is not intended to be a comprehensive report of everything the Town accomplished over the past year, but rather a highlight the most important accomplishments.

**8. PETITIONERS**

The Petitioner's Section was opened at 7:08 p.m. There being no citizens wishing to speak, the Petitioner's Section was closed at 7:08 p.m.

The Petitioner's Section was reopened at 7:31 p.m.

Suzanne Larkins, 3 Royal Street, stated the largest problem Royal Street has is there is a lot of mixed use. She stated there are only 12 parking spots on the street so it would be a problem if one building had five residential tenants and each residential tenant got one permit. Further, she stated metered parking discourages the commercial aspect of the street.

The Petitioner's Section was closed at 7:34 p.m.

**9. APPROVAL OF THE CONSENT AGENDA**

*On a motion by Council Member Burk, seconded by Council Member Butler, the following item was moved for approval as part of the Consent Agenda:*

- a. Land Acquisition Easement Authorization for South King Street Widening

**RESOLUTION 2012-104**

*Declaring that a Public Necessity and Use Exists and Authorizing an Offer to Acquire Right of Way Dedications and Easements for the Route 15 (South King Street) Widening Phase II Project*

*The Consent Agenda was approved by the following vote:*

*Aye: Burk, Butler, Dunn, Hammler, Wright and Mayor Umstadd*

*Nay: None*

*Vote: 6-0-1 (Martinez absent)*

**10. PUBLIC HEARING**

- a. None.

**11. RESOLUTIONS AND MOTIONS**

- a. Authorizing Re-Appropriation of Funding in the Amount of \$250,000 to the FY 2013 Budget for the Airport Land Acquisition – North Runway Protection Zone

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

**RESOLUTION 2012-103**

*Authorizing the Re-Appropriation of Funding in the Amount of \$250,000 to the Fiscal Year 2013 Budget for the Airport Land Acquisition – North Runway Protection Zone*

*The motion was approved by the following vote*

*Aye: Burk, Butler, Dunn, Hammler, Wright, and Mayor Umstatt*  
*Nay: None*  
*Vote: 6-0-1 (Martinez absent)*

- b. Statement Against Eminent Domain Constitutional Amendment  
*On a motion by Council Member Butler, seconded by Council Member Hammler, the following was proposed:*

**RESOLUTION 2012-015**

*Statement Against Eminent Domain Constitutional Amendment*

Council Member Comments/Questions:

- Proponents believe this will increase costs for projects due to the lost profits/lost access clause
- Beneficiary will be businesses, not taxpayers
- Not a good idea for additional taxpayer money to go to businesses
- Constitutional Amendment was politically motivated
- Poorly drafted amendment should not be adopted

*Council Member Dunn offered an amendment to substitute the word “will” with the word “may” in the second and sixth whereas clauses and to add the word “possible” to increased costs in the seventh whereas clause. The motion was seconded by Council Member Hammler.*

*The motion to amend failed by the following vote:*

*Aye: Dunn and Mayor Umstatt*  
*Nay: Burk, Butler, Hammler, and Wright*  
*Vote: 2-4-1 (Martinez absent)*

*Council Member Butler made a friendly amendment to change the language of the second and seventh whereas clauses to add the word “likely” before the word “will” and in the sixth whereas clause change “almost certainly” to “likely”. The amendments were accepted as friendly by Council Member Hammler.*

Council Comments/Questions:

- Inappropriate to try to sell the citizens on an idea that Council wants.
- Virginia Municipal League and Virginia Association of Counties are all in opposition to this constitutional amendment because of the possible negative impacts
- Amendment has a significant chance of negatively affecting economic development

*The motion was approved by the following vote:*

*Aye: Burk, Butler, Hammler and Wright*  
*Nay: Dunn and Mayor Umstatt*  
*Vote: 4-2-1 (Martinez absent)*

**12. ORDINANCES**

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

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

**ORDINANCE**

*To Amend and Reordain Chapter 32 (Traffic and Vehicles), Article V (Stopping, Standing and Parking), Division 4 (Permit Parking Zones) to Add a Mixed Residential Zone as a Permit Parking Zone*

Council Comments/Questions:

- Need to get the discussion started
- Intent of this ordinance is to expand the parking options for a mixed use area
- Need to embrace the trend of mixing uses
- Council needs to direct the Town Manager to hold a public hearing

*Council Member Burk withdrew her motion.*

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

**RESOLUTION 2012-106**

*Directing the Town Manager to Hold a Public Hearing to Assess Options for Mixed Use Parking Zones in the Old and Historic District*

*The motion was approved by the following vote*

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

*Nay: None*

*Vote: 7-0*

**13. UNFINISHED BUSINESS**

- a. None.

**14. NEW BUSINESS**

- a. Additions to Future Council Meetings

Council Member Martinez asked for a work session discussion regarding lighting for Robinson Park.

Council Member Butler asked for an item regarding signage issues for Primo Subs.

**15. COUNCIL COMMENTS**

- None.

**16. MAYOR'S COMMENTS**

None.

**17. MANAGER'S COMMENTS**

John Wells stated the Virginia Regional Parks and Recreation Association has chosen the Ida Lee Maintenance Building as recipient of "Best New Building" award for green practices incorporated in construction. He stated the Leesburg Airshow was given an award for "Best New Event" and the "Best Traditional Marketing Piece" went to the Leesburg Airshow poster and "Best Non-Traditional Marketing Piece" was awarded for the Ida Lee and AV Symington Aquatics Center car magnets.

In addition, Mr. Wells noted that through an agreement with Virginia Tech and Monroe Vo-Tech, high school students are performing the broadcast duties for Council and Planning Commission meetings.

**18. CLOSED SESSION**

a. None.

**19. ADJOURNMENT**

*On a motion by Council Member Martinez, seconded by Vice Mayor Wright, the meeting was adjourned at 8:10 p.m.*

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Kristen C. Umstattd, Mayor  
Town of Leesburg

ATTEST:

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Clerk of Council  
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