

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

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

Council Members Absent: None.

Staff Present: Town Manager John Wells, Town Attorney Jeanette Irby, Director of Public Works Tom Mason, Research and Communications Manager Betsy Fields, Director of Parks and Recreation Rich Williams, Transportation Engineer Calvin Grow, and Clerk of Council Lee Ann Green

AGENDA**ITEMS****1. Work Session Items for Discussion****a. Battlefield Traffic Light**

Liz Whiting, Chair of the Standing Residential Traffic Committee (SRTC), gave a presentation on the issue of a light at the intersection of Battlefield Parkway and Plaza Street.

- Feedback received from Loudoun County Public Schools
- Software modeling shows reduction of 124 school trips will not have a significant impact on traffic
- Intersection meets the warrants for a signal
- SRTC recommends advancement of installation of the light

Council Comments/Questions:

- Would like installation as soon as possible
- Ask County for use of gas tax funds
- Light cycle should be set by sensor or timer

b. Loudoun Street Parcels

Council Comments/Questions:

- Put a bench, tree and a pet waste station on each of the vacant parcels
- Could be expanded into a full park or removed to locate a building
- Land is a valuable asset to the community and should be used to realize its maximum benefit

c. Izaak Walton Proposed Telecommunications Site

Rich Williams gave a brief report on the proposal to locate a telecommunications site at Izaak Walton Park.

- Site would consist of an antenna located on an existing Virginia Power pole

- A 17 x 40 foot fenced enclosure to hold equipment for the antenna – to be located at the base of the pole
- A 12 foot wide gravel maintenance roadway
- Proposal is for western-most power pole in the park
- Property owner has given permission and will not receive any of the revenue generation from this proposed telecommunications antenna

Council Comments/Questions:

- No interest in pursuing this since the town does not own this property
- Earlier discussion about allowing antennas on poles on Clubhouse Drive was very contentious
- It was decided not to move forward with this proposal

d. Legislative Package

Betsy Fields went over the revised Legislative Agenda and Positions Statement.

Highlights include:

- Requests changes allowing localities to demolish derelict temporary, non-residential structures and place liens on property owners for removal
- Tree save efforts have been restored – granting localities the authority to require private construction projects save existing trees
- Clarified Lyme Disease eradication – support for legislation addressing eradication of deer ticks that carry Lyme Disease as long as appropriate measures have been taken to avoid the unintended eradication of non-harmful insects
- Approximate cost for acquisition and demolition of the property at the corner of Tavistock Drive and Sycolin Road is estimated to be \$900,000 to \$1 million

Council Comments/Questions:

- Not interested in spraying programs for deer ticks as there is no confirmation that it reduces tick populations but may be harmful to beneficial insects – take out of the Legislative Agenda
- Should pick one transportation improvement as a priority focus
- Keep both transportation statements as sub bullets
- Change interest rate cap to 18% above prime
- Change wording on transportation

Ms. Fields reminded Council that the Legislative Dinner is tentatively scheduled for November 27 at 6 p.m.

2. Additions to Future Council Meetings

Council Member Dunn asked for a discussion regarding the process of allocating funds from the Arcadia settlement for park land.

Council Member Butler asked that safety issues along the stretch of N. King Street trail near Bridgette Place and Battlefield Parkway be examined. Further, he asked for an extension of the 25 mile an hour speed limit north towards Tuscarora High School.

Council Member Hammler stated the safety features on North King Street need to be thought about in terms of the vista. Further she asked for a statement regarding the possible move of the Parks and Recreation Department from the Depot Court offices.

Council Member Burk requested a discussion of the signs in the garage.

Mr. Wells noted Bluemont Concert Series has notified the Town that they will be unable to continue with First Night activities.

3. Closed Session

None.

4. Adjournment

On a motion by Vice Mayor Wright, seconded by Council Member Butler, the meeting was adjourned at 8:51 p.m.

Clerk of Council

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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: None.

Staff Present: Town Manager John Wells, Town Attorney Jeanette Irby, Director of Utilities Amy Wyks, Director of Economic Development Marantha Edwards, Senior Planner Irish Grandfield and Clerk of Council Lee Ann Green

AGENDA

ITEMS

1. CALL TO ORDER

2. INVOCATION: Council Member Dunn

3. SALUTE TO THE FLAG: Boy Scout Troop 969

4. ROLL CALL: Showing Council Members present.

5. MINUTES

a. Regular Session Minutes of October 9, 2012

On a motion by Council Member Butler, seconded by Vice Mayor Wright, the minutes of the Regular Session meeting of October 9, 2012 were approved by a vote of 7-0.

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, Martinez, Wright and Mayor Umstattd

Nay: None

Vote: 7-0

7. PRESENTATIONS

a. National Red Ribbon Week – Young Marines

On a motion by Vice Mayor Wright, seconded by Council Member Hammer, the following was proclaimed:

PROCLAMATION

Shenandoah Valley Young Marines

Red Ribbon Week 2012

WHEREAS, The Young Marines is an educational and service oriented program for young girls and boys, ages eight through the completion of high school that promotes the mental, moral and physical development of its members; and

WHEREAS, Red Ribbon Week was established to commemorate the service of Drug Enforcement Administration (DEA) agent Enrique “Kiki” Camerena, who was murdered in the line of duty in 1985 while engaged in the battle against illicit drugs; and

WHEREAS, Red Ribbon Week has been nationally recognized since 1988 and is now the oldest and largest drug prevention program in the United States, reaching millions of young people each year; and

WHEREAS, The Young Marines promote the ideals of Red Ribbon Week and pay tribute to Special Agent Camerena by encouraging a healthy and drug-free lifestyle; and

WHEREAS, The Young Marines encourage everyone to demonstrate their commitment to a healthy, productive and drug-free lifestyle by participating in Red Ribbon Week.

THEREFORE, RESOLVED by the Council of the Town of Leesburg in Virginia that the Council endorses the Shenandoah Valley Young Marines Unit and their commitment to drug abuse prevention and living a healthy, productive drug-free lifestyle.

RESOLVED this 23rd day of October, 2012.

And

PROCLAMATION

Wesley Fox Young Marines

Red Ribbon Week 2012

WHEREAS, The Young Marines is an educational and service oriented program for young girls and boys, ages eight through the completion of high school that promotes the mental, moral and physical development of its members; and

WHEREAS, Red Ribbon Week was established to commemorate the service of Drug Enforcement Administration (DEA) agent Enrique “Kiki”

Camerena, who was murdered in the line of duty in 1985 while engaged in the battle against illicit drugs; and

WHEREAS, Red Ribbon Week has been nationally recognized since 1988 and is now the oldest and largest drug prevention program in the United States, reaching millions of young people each year; and

WHEREAS, The Young Marines promote the ideals of Red Ribbon Week and pay tribute to Special Agent Camerena by encouraging a healthy and drug-free lifestyle; and

WHEREAS, The Young Marines encourage everyone to demonstrate their commitment to a healthy, productive and drug-free lifestyle by participating in Red Ribbon Week.

THEREFORE, RESOLVED by the Council of the Town of Leesburg in Virginia that the Council endorses the Wesley Fox Young Marines Unit and their commitment to drug abuse prevention and living a healthy, productive drug-free lifestyle.

RESOLVED this 23rd day of October, 2012.

b. Retail Forum Update

Jim Sisley, Leesburg Economic Development Commission, gave a brief update to Council on the Retail Opportunity Forum that was held earlier in the year. He noted that data that has been assembled is a snapshot of the previous 12 months and does not take into consideration “real world” conditions in the community.

8. PETITIONERS

The Petitioner’s Section was opened at 7:55 p.m.

Ken Reid, Leesburg District Supervisor, expressed his gratitude for the Council’s cooperation with respect to the Edwards Ferry Road design funding and the way the Town ranked the transportation projects in their request to the state. He noted that the General Assembly has failed to provide new funding sources. He also expressed appreciation for the inclusion of legislation for abandoned buildings in the 2012 Legislative Agenda.

Butch Porter discussed how the City of Portland undertook changes in their zoning to increase economic development. He stated they believed they could mold human behavior through urban design. He stated economic development needs to be about maintaining a flexible, business friendly, property rights centered environment where people are comfortable living and investing. He requested that Council keep form based code to a very small area where a developer is willing to invest in it.

James Griggs, stated he is having an issue with his water. He stated the pipe that leads from the water meter was shortened and the Town of Leesburg is no longer responsible for that pipe up to a certain point. He stated it was his understanding that previously, the town would take care of that situation and somehow it was changed over to be homeowner's responsibility.

Council asked staff to contact Mr. Griggs in the morning.

The Petitioner's Section was closed at 8:11 p.m.

9. APPROVAL OF THE CONSENT AGENDA

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

- a. Civil Air Patrol Request for Fee Waiver

RESOLUTION 2012-115

Approval of an Annual Fee Waiver for the Civil Air Patrol for one Tie Down Spot at the Leesburg Executive Airport

- b. Town Attorney Contract

MOTION 2012-024

I move to approve the Town Attorney's employment Contract

- c. Deed of Subdivision, Conveyance, Easements and Vacation to Virginia Electric and Power Company

RESOLUTION 2012-116

Authorizing the Execution of a Deed of Subdivision, Conveyance, Easements and Vacation and a Deed of Vacation (to Vacate Reservation for Western Transportation Corridor) for Sale of Public Property to Virginia Electric and Power Company ("VEPCO") for Edwards Ferry Road Electric Substation

- d. Holiday Schedule

RESOLUTION 2012-117

Amending the Town of Leesburg Holiday Schedule to Include the Full Day of December 24, 2012, and include the Full Day of December 31, 2012

The Consent Agenda was approved by the following vote:

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

Nay: None

Vote: 7-0

0. PUBLIC HEARINGS**a. TLSE 2012-0004 Davis Home Child Care**

Irish Grandfield gave a brief presentation on this request for a home based child care center for more than five children.

Summary of key points:

- Location is 547 Rockbridge Drive, SE
- Less than five children can be accommodated under a home occupancy permit
- Proposal does not involve any new buildings or improvements
- Has a conditional license from the state and is dependent on obtaining zoning approval
- The Virginia Department of Social Services now requires that applicants prove they have local zoning approval
- Pipestem serves four properties on a shared driveway
- HOA owned property behind the site
- Drop off is located in the driveway in front of the house
- Use is compatible with the Town Plan
- Town jurisdiction for use is for outside activities only
- Fenced area meets zoning criteria for five children at any time
- No children will use the outdoor play area unattended
- All neighbors have voluntarily signed a letter stating they do not have a problem with the use
- Special exception runs with current owners and not with the property

Council Comments/Questions:

- Is requirement for an outdoor attendant a town requirement or a state requirement?
Staff answer: Both.
- The applicant was complimented on working with the neighbors to secure their approval

The public hearing was closed at 8:29 p.m.

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

RESOLUTION 2012-118

Approving TLSE 2012-0004 Davis Child Care, a Child Care Center Located on Property Identified as PIN Number 232-30-9451 and Located at 547 Rockbridge Drive, S.E.

The motion was approved by the following vote:

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

Nay: None

Vote: 7-0

11. RESOLUTIONS AND MOTIONS**a. Legislative Agenda**

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

MOTION 2012-025

I move to approve the 2013 Legislative Agenda as presented this evening and discussed

The motion was approved by the following vote:

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

Nay: Dunn

Vote: 6-1

b. Loudoun Street Parcels – Policy Direction

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

MOTION 2012-026

I move that Town staff, in consultation with the Tree Commission, provide appropriate park-like amenities on the vacant properties on Loudoun Street in front of the Town Parking Garage. Examples of appropriate amenities include trees, park benches and animal waste station(s). Cost should not exceed \$2,500.

Council Comments/Questions:

- Parcels have been unused for a long time and can provide a place for residents and visitors to rest
- Private sector development would enhance and support a long standing economic development goal to extend first floor retail down Loudoun Street
- Sale of the property could help offset looming debt service payments in 2017
- Incorporation of mural/art will make it a dynamic space
- Original design of parking garage facility was set back with the intent to develop parcels at entrance
- Alternate motion is not mutually exclusive
- Effort to advance a liberal, political agenda at great expense to the citizens of Leesburg

The motion was approved by the following vote:

Aye: Burk, Butler, Martinez, and Mayor Umstatted

Nay: Dunn, Hammler, and Wright

Vote: 4-3

Vice Mayor Wright offered a motion, seconded by Council Member Dunn:

I move to direct town staff to start the advertising process for the sale of the Loudoun Street parcels with the conditions as previously discussed by Council and to bring an ad to Council prior to its placement.

Council Comments/Questions:

- Second motion sends a confusing message
- Be open to any and all win-win opportunities
- Does not bind the Council to a decision
- What is the town manager's opinion of Council's direction?
Staff answer: Would not be comfortable in engaging in discussions with the private sector to look at partnerships or other types of arrangements without specific direction
- Must allow the possibility of private sector investment to enhance Council's ability to keep the tax rate stable

The motion failed by the following vote:

Aye: Dunn, Hammler, and Wright

Nay: Burk, Butler, Martinez, and Mayor Umstatt

Vote: 3-4

12. ORDINANCES

- a. None.

13. UNFINISHED BUSINESS

- a. None.

14. NEW BUSINESS

- a. Battlefield Traffic Light

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

RESOLUTION 2012-119

Requesting the Loudoun County Board of Supervisors to Allocate Funding for the Construction of a Traffic Signal at Plaza Street and Battlefield Parkway

The motion was approved by the following vote:

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

Nay: None

Vote: 7-0

- b. Discussion of Relocation of County Parks and Recreation Department Office at Depot Court

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

MOTION 2012-027

I move to have staff send a letter requesting the Loudoun County Parks and Recreation offices remain in Leesburg

The motion was approved by the following vote:

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

Nay: None

Vote: 7-0

15. COUNCIL COMMENTS

Council Member Dunn: Reminded everyone that election day is two weeks away. He stated his hope for record turn out.

Vice Mayor Wright: Also encouraged everyone to vote and to be sure to turn the ballot over to vote for local candidates.

Council Member Burk: Congratulated Jack Azar on the opening of Luvn'Berry Frozen Yogurt. She stated she attended the Douglass School grand opening and noted that she heard lots of comments about how the Town was very good to work with. She stated she had the opportunity to help with the Virginia McGuire memorial tree planting on October 13 and the war memorial dedication at the Courthouse. On October 22, she stated she attended the NAACP dinner, which was wonderful.

Council Member Martinez: Thanked China King for a nice dinner. He encouraged everyone to read John Satagaj's letter to the editor about why he enjoys living in Leesburg. He thanked the Boy Scouts for coming to the meeting. He stated he was sorry to miss the Paxton event earlier in the week and encouraged everyone to attend their Shocktober fundraiser.

Council Member Hammler: Stated the Douglass School opening was inspiring and she attended the tree planting for Virginia McGuire and the NAACP banquet. She stated the dedication of the war memorial at the Courthouse was very moving. She stated the County lost four young men, Scott Lang Kirkpatrick (US Army in Iraq/2007), Stephen Lee Mace (US Army in Afghanistan/2009), Douglas Green (US Army in Afghanistan/2011) and Michael Quinn (USMC in Afghanistan/2012). She stated she appreciated Supervisor Reid's comments with regards to keeping the Courts in the downtown.

Council Member Butler: Stated when he first became the liaison to the EAC, Virginia McGuire was the chair and everyone misses her. He stated he was disappointed he was unable to go to the Luv'nBerry grand opening but has been there lots of times since then. He stated he is concerned about people stealing political signs and is also concerned about how contentious the election could become.

16. MAYOR'S COMMENTS

Mayor Umstatted stated the ribbon cutting at Paxton Attraction (Campus Store) was very good. She stated Mt. Zion Methodist church had its 150th anniversary service

on Sunday. She stated the burning of a political sign in Leesburg is not something that is welcome in the town.

17. MANAGER'S COMMENTS

John Wells noted the most up to date version of the Council's action schedule is included in their folders. He highlighted that there will be no work session at the November 13th meeting due to the Veteran's Day holiday. He stated he would be including more information about the decision by Bluemont Concert Series not to participate in First Night at the end of the year. He also noted at the November 26th work session, the utility shut offs will be discussed. He stated he met with County staff with regards to Crosstrail Boulevard. He reminded Council of the Legislative Dinner on November 27th.

18. CLOSED SESSION

On a motion by Mayor Umstatt, seconded by Vice Mayor Wright, the following was proposed:

Pursuant to Section 2.2-3705.1(12) of the Code of Virginia, I move that the Leesburg Town Council convene in a closed meeting for the purpose of receiving information and discussion regarding:

a. Utility Agreements

The motion was approved by the following vote:

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

Nay: None

Vote: 7-0

Council convened in closed session at 9:20 p.m.

Council reconvened in open session at 9:59 p.m.

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

In accordance with Section 2.2-3712 of the Code of Virginia, I move that Council certify that to the best of each member's knowledge, only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and 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 Council.

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

19. ADJOURNMENT

On a motion by Council Member Martinez, seconded by Council Member Butler, the meeting was adjourned at 9:59 p.m.

Kristen C. Umstattd, Mayor
Town of Leesburg

ATTEST:

Clerk of Council
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