

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, Deputy Town Manager Kaj Dentler, Assistant Town Manager Scott Parker, Director of Public Works Tom Mason, Director of Director of Plan Review Bill Ackman, Director of Planning and Zoning Susan Berry Hill, Deputy Director of Planning and Zoning Brian Boucher, Senior Planner Michael Watkins, and Clerk of Council Lee Ann Green

AGENDA**ITEMS****1. Work Session Items for Discussion**

- a. Transit System Management Analysis by Kimley-Horn
Betsy Fields stated that earlier in the year, the eastern Loudoun/Leesburg bus routes became ineligible for federal funding under the rural transportation grant program.

Key Changes:

- Identified four major goals for the system:
 - Increased ridership
 - Funding
 - Improved efficiency
 - Fills the transportation need
- Use of transit hubs will improve efficiency
- Increased cost to the Town is a result of loss of rural transit subsidy, increased service hours, and increase in operating cost due to vehicle cost
- Recommend that Loudoun County and the Town of Leesburg remain grantees of DRPT to receive funding
- Procurement for a new operator by Loudoun County
- Town can ride the County contract
- Finalize the required Transit Development Plan

Council Comments/Questions:

- Who will be the provider?
Consultant answer: VRT will have to bid just like any other service.
- Why are hubs more efficient?
Consultant answer: Wait times are materially less. Busses come to the hub at the same time.
- How do we pay for the hubs?

Consultant answer: As development occurs, developers proffer hub amenities.

- Concerned about traffic at the hub.
Staff answer: Different locations were looked at. Downtown was chosen because it is currently the hub, but it is anticipated that it may move somewhere in the Crescent District
- Rename the Spring Arbor route to identify that it goes to Ida Lee and Rust Library
- Need to help people get to the commuter lot
- Would like to offer “green” buses
- Why does study show the cost to Leesburg going up in FY 19?
- How many riders board more than once per day?
- How was the current funding situation determined?
County Staff: Cannot find that information
- Supervisor Reid – no coverage for southern Loudoun County but some redundancies in other areas of the system
- Supervisor Reid – town needs to decide what level of service they want to provide

b. Balch Endowment

Jeanette Irby stated that several large donations were given to the Balch which raised the need to put the money into an endowment.

Key Points:

- Board would consist of the Director of the Library, member from the Friends, member from the Thomas Balch Library Commission, a Council appointee, and someone from the community who has library experience appointed by the other four members of the Board.
- Funds could not be used for operating expenses

Ron Rust, President of the Friends of Thomas Balch Library, stated that the Friends group can add their funding to the bequests as a base for the endowment. He stated the Friends are a 501(c)3, and can be the vehicle for fundraising.

Council Comments/Questions:

- Great opportunity for the Library
- Only for use as one time funds?
Staff answer: It was decided that the endowment would be limited from being used to fund operating costs
- Can this stipulation be changed at a later date, if the governing board decides it is prudent?
Rust: Yes, on a majority vote of the Board of Directors
- Would prefer that language not exclude operating expenses
- Would like an at large member of the Board

- Would like to see the fund kept completely separate from what the town provides
- Would like the Thomas Balch Library to specifically be called out in the ordinance language

c. Morven Park Annexation Boundary/Inclusion of Rt. 15

Scott Parker stated the Council instructed staff to pursue a boundary line adjustment to bring Morven Park into the town limits.

Key Points:

- Staff recommends not including the portion of Rt. 15 adjacent to Morven Park in the Boundary Line Adjustment
- Future improvements to the area may become the town's responsibility if Rt. 15 is within town limits
- Virginia Tech has not opined on whether they would like to be within town limits

Council Comments/Questions:

- Equine Center uses have to be tied to their current mission
- County is looking at changing their regulations to allow unlimited events at facilities such as Morven Park

d. NVTA/HB 2313 Implementation Update

John Wells stated the county has requested that the town identify how the Council wishes to use their potential NVTA funding.

Tom Mason presented staff's recommendation for use of NVTA funds:

- County estimated Leesburg's share of the 30% money to be \$1.8 million and of the 70% money to be about \$4 million
- Estimates are based on point of service including sales tax, transient occupancy tax, grantor's taxes that are generated in Leesburg
- To qualify for 70% funding, the project must be regional in nature and be a project that has been identified by VDOT in their 2040 plan
- Intersections at Edwards Ferry and the Bypass, Rt. 7 and Battlefield Parkway and Battlefield and the Bypass have been included
- Widening Sycolin Road and Evergreen Mill Road are included in the 30% request

Council Comments/Questions:

- Will the bus system qualify as an allowable use?
Staff answer: Yes, for 30% money. Question will be how much of the system is considered pre-existing

e. Crescent Place

Hobie Mitchell, the applicant, stated he would be updating Council as to some of the changes he has made to his application.

Council Comments/Questions:

- Concern over the parking situation
- Not compliant with the Crescent District Master Plan
- Concerned over lack of open space and recreational amenities
- Would like architectural additions that make the project look less “new”
- Need to consider reducing the amount of parking required by the zoning ordinance
- What is the status of the fence on the east side?
Mitchell: Maintaining fence line as currently exists with opaque fencing that includes stone columns
- Can you use some of the area you gain from waivers and modifications for parking?
Mitchell: Already reduced the residential development by a large percentage.
- Buffer waivers are not equivalent to a subsidy
- Do not want to urge more commercial than the market can bear
- Concerned that part of the parking problem is caused by Council’s desire to see more commercial
- How many parking spaces will be created on Harrison Street?
Mitchell: 40 spaces. There is space to park three to four cars in the existing pull off area. Will create a more defined streetscape for Harrison Street on both sides.
- What will the street network look like through the area?
Mitchell: We will work with staff to get you a visual. The streets in the development will be a stamped brick pattern on concrete rather than black asphalt
Staff: Previous proposal included a boulevard street that made the connection through the property.

f. Building Enforcement Memorandum of Understanding

Jeanette Irby stated this MOU would help prevent problems similar to the one that existed in Tavistock.

There was no Council discussion of this item.

2. Additions to Future Council Meetings

Council Member Burk asked for:

- a. A discussion regarding restroom facilities in the downtown area
- b. A discussion of the information item on minority hiring
- c. Information on the Menorah lighting occurring after Hanukah

- d. Boards and Commissions webpage conformity

Council Member Hammler asked for:

- a. Council endorsement of the Metro Momentum plan
- b. Structured parking and payment in lieu for infill in the Crescent District
- c. Information on the fatal car accident on Catoctin Circle

Vice Mayor Butler asked for:

- a. Examination of what was passed with regards to Boards and Commissions and the process for memorializing Council resolutions

Council Member Dunn asked for:

- a. How to keep “mobile” panhandling out of town
- b. Work session on the Town Manager hiring process
- c. Disclosed a meeting with Hobie Mitchell and staff regarding Crescent Place

Mayor Umstatt:

- a. National search for a new town manager would need to be voted on at the December meeting.

3. Closed Session

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

Pursuant to Section 2.2-3711(A) (3) 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. Land Acquisition

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 11:16 p.m.

Council reconvened in open session at 11:27 p.m.

On a motion by Mayor Umstatt, seconded by Vice Mayor Butler, 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 Umstattd

Nay: None

Vote: 7-0

4. Adjournment

On a motion by Council Member Martinez, seconded by Vice Mayor Butler, the meeting was adjourned at 11:27 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 Dunn, Marty Martinez, Katie Sheldon Hammler, Kevin Wright and Mayor Umstattd.

Council Members Absent: None.

Staff Present: Town Manager John Wells, Deputy Town Attorney Barbara Notar, Assistant to the Town Manager Scott Parker, Library Manager Alexandra Gressitt and Clerk of Council Lee Ann Green

AGENDA ITEMS

1. CALL TO ORDER

2. INVOCATION: Council Member Hammler

3. SALUTE TO THE FLAG: Mayor Umstattd

4. ROLL CALL: showing all members present.

5. MINUTES

a. Regular Session Minutes of November 12, 2013

On a motion by Council Member Martinez, seconded by Vice Mayor Butler, the minutes of the regular session meeting of November 12, 2013 were approved by a vote of 5-0-2 (Burk / Wright abstaining).

b. Special Work Session Minutes of November 13, 2013

On a motion by Council Member Martinez, seconded by Vice Mayor Butler, the minutes of the regular session of November 13, 2013 were approved by a vote of 5-0-2 (Burk / Wright abstaining).

6. ADOPTING THE MEETING AGENDA

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

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

Nay: None

Vote: 7-0

7. PRESENTATIONS

a. None.

8. PETITIONERS

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

There were no petitioners wishing to address Council.

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

The Petitioner's Section was reopened at 7:51 p.m.

Joshua Schwanborg requested that Council perform a trial "mock up" of the approved Downtown Improvements on King Street which would entail marking off the parking to create a wider area for pedestrians and dining on King Street. He proposed this be done prior to April of 2014. He presented a petition asking for this two month trial starting February 17, 2014.

Robbie Jackson, stated he was attending the Council meeting as one of the requirements for a merit badge.

The Petitioner's Section was re-closed at 8:04 p.m.

9. APPROVAL OF THE CONSENT AGENDA

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

- a. *Initiating an Amendment to the Town Code regarding Portability of Availability Fees*

RESOLUTION 2013-136

Initiating Amendments to the Town Code Chapter 34, Sections 34-29 and 34-127 and Authorizing a Public Hearing Regarding Portability of Water and Sewer Availability Fees

- b. *Battlefield Parkway – Edwards Ferry Road to Fort Evans Road Mitigation Credit Award*

RESOLUTION 2013-137

Awarding Purchase of Battlefield Parkway – Edwards Ferry to Fort Evans Stream Mitigation Bank Credits to Bolling Branch Mitigation Bank, LLC in the Amount of \$322,864.50

- c. *Initiation of an Amendment to the Town Code regarding a Building Code Enforcement Memorandum of Understanding*

RESOLUTION 2013-138

To Initiate Amending Chapter 8 (Building and Building Regulation), Article I (In General), Section 8-1 (Building Code and Other Codes) of the Town Code by Adopting Optional Provisions of the Virginia Maintenance Code Including Chapters 3 and 4 and to Authorize the Town Manager to Execute an Amended Memorandum of Understanding Replacing the Existing Memorandum of Understanding Between Loudoun County and the Town for Enforcement of the Virginia Maintenance Code within the Town Limits

d. Initiating an Amendment to the Zoning Ordinance regarding HVAC Equipment

RESOLUTION 2013-139

Initiating Amendments to Section 10.4.5.C of the Leesburg Zoning Ordinance to Consider a Reduced Setback for HVAC Equipment

The Consent Agenda was approved by the following vote:

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

Nay: None

Vote: 7-0

10. PUBLIC HEARINGS

a. Balch Endowment

The public hearing was opened at 7:37 p.m.

John Wells stated this public hearing is the culmination of a number of years of work to establish a mechanism to allow significant contributions to the library to be used for improvement of services.

Key Points:

- State code change was necessary and received
- Library draw people in from surrounding counties, across the state and nation
- An endowed foundation opens doors for donations

Lewis Lee, Jr. 38785 Leighfield Lane stated he is speaking on behalf of Ron Rust, president of the Friends of Thomas Balch Library. He read the following from Mr. Rust: “Madame Mayor, Council Members – I am sorry that I cannot be with you this evening but I am traveling to Minneapolis to visit my mother over Thanksgiving.

First, on behalf of the Friends of the Thomas Balch Library, I want to thank Council and the Town of Leesburg for their continuing support of the Thomas Balch Library. The Balch is an asset to the Town, the County and the Region and its financial support is gratefully appreciated. The Friends fully supports the establishment of the Thomas Balch Library Endowment Foundation. We are a 501c3 organization which provides funding of speakers for the excellent Balch lecture series as well as special projects and databases. One of our committees, the Black History Committee, focuses on documenting and preserving the rich history of the black community in Loudoun County.

The Friends has its own endowment for which we raise funds each year. Once the Balch Foundation is approved, the Friends’ endowment can, with approval of our board, be transferred to the Foundation. Our annual fundraiser can be broadened to raise additional funds for the Foundation and our 501c3 status can be a vehicle for bequests such as the generous one provided by the late Virginia L. Bowie.

In closing, on behalf of the Friends, I want to again thank the Council and the Town of Leesburg and express our hope that the Council will approve the Foundation as another tool in support of the library.”

Mr. Lee stated he has served 15-16 years on the Board of the Friends.

The public hearing was closed at 7:47 p.m.

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

ORDINANCE 2013-O-016

Establishing an Endowment Fund for the Purpose of Supporting a Library Owned or Operated by the Town

Council Member Comments/Questions:

- This will provide funding for exciting new programs

The motion was approved by the following vote:

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

Nay: None

Vote: 7-0

- b. Amending the Town Code regarding Boards and Commissions Compensation and Electronic Participation and Rules of Order

The public hearing was opened at 7:48 p.m.

Barbara Notar stated these ordinances will clean up several items in the Code that need addressed:

Key Points:

- Difficulties getting Boards and Commission appointees to complete required forms to receive compensation
- Mirrors the state code language allowing participation by electronic means from a remote location

There were no speakers wishing to address this public hearing.

The public hearing was closed at 7:51 p.m.

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

ORDINANCE 2013-O-017

To Amend and Reordain Chapter 2 (Administration), Article V (Boards and Commissions), Division I (Generally), Section 2-197 (Compensation)

Council Member Comments/Questions:

- Why is this language necessary since these are state and federal regulations that must be complied with?
Staff answer: They are required by state and federal law and this language confirms that
- Confirms that pay does not start until forms are submitted

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 Burk, seconded by Vice Mayor Butler, the following ordinances were proposed:

ORDINANCE 2013-O-18

To Amend and Reordain Chapter 2 (Administration), Article II (Town Council), Section 2-23 (Rules of Order and Procedure)

The motion was approved by the following vote:

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

Nay: None

Vote: 7-0

11. RESOLUTIONS AND MOTIONSa. Morven Park Annexation Boundary/Inclusion of Rt. 15

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

RESOLUTION 2013-140

To Exclude US Route 15 from the Boundary Line Adjustment for Morven Park

Council Comments/Questions:

- Inclusion of Rt. 15 potentially could cost the town money
- Keeping Rt. 15 in town limits would be consistent with extension of water and sewer to Raspberry Falls

The motion was approved by the following vote:

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

Nay: Dunn

Vote: 6-1

- b. NVTA/HB 2313 Implementation Update
On a motion by Council Member Martinez, seconded by Vice Mayor Butler, the following was proposed:

MOTION 2013-047

I move to approve the NVTA/HB2313 project list to the Board of Supervisors

The motion was approved by the following vote:

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

Nay: None

Vote: 7-0

12. ORDINANCES

- a. None.

13. UNFINISHED BUSINESS

- a. None.

14. NEW BUSINESS

- a. Letter to Loudoun County Board of Supervisors re Fixed Route Bus Service

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

MOTION 2013-048

I move to approve the letter to the Loudoun County Board of Supervisors regarding Fixed Route Bus Service

Council Member Hammler offered a friendly amendment to add the words “and administration” to the second bullet point and “the county consider full funding of the entire system as town residents pay full county taxes”. The amendments were accepted as friendly.

Mayor Umstattd offered a friendly amendment to change the name of the analysis to “Kimley-Horn”. The amendment was accepted as friendly.

Council Member Dunn offered a friendly amendment to change the word “consider” to “implement” in the first paragraph and remove all other instances of “consider”. These amendments were accepted as friendly.

Council Member Wright offered a friendly amendment to change the second bullet to: “That the County and Town enter into a broader discussion of overall financing and administration of the transit system”. The amendment was accepted as friendly.

Council Comments/Questions:

- Do not like editing correspondence from the dais
- Letter is time sensitive, so must be approved at this Council meeting

The motion was approved by the following vote:

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

Nay: None

Vote: 7-0

b. Authorizing Settlement of the Condemnation Action of Town Council of Town of Leesburg v. American National Red Cross

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

RESOLUTION 2013-141

Authorizing the Settlement of the Condemnation Action of Town Council of Town of Leesburg v. American National Red Cross

The motion was approved by the following vote:

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

Nay: None

Vote: 7-0

c. Discussion of Town Manager Recruitment Process

This item was deferred to the December 9 work session.

15. COUNCIL COMMENTS

Council Member Dunn: Disclosed his meeting with Hobie Mitchell regarding Crescent Place. He stated he is looking forward to the town's Christmas festivities. He wished everyone a great Thanksgiving.

Vice Mayor Butler: Disclosed a meeting with Hobie Mitchell and his associates as well as multiple telephone conversations with Mr. Mitchell. He stated he met with representatives of Oaklawn regarding Hope Parkway and other items of interest to them. He wished everyone a happy Thanksgiving. He stated he hopes to see everyone at the Christmas Tree and Menorah lighting.

Council Member Burk: Reminded everyone that McElhearney Real Estate will be holding a fundraiser for the Friends of Leesburg Public Art during First Friday festivities on December 6.

Council Member Martinez: Disclosed a conversation with Christine Gleckner regarding Crescent Place. He wished everyone a happy Thanksgiving.

Council Member Hammler: Disclosed meetings, phone calls and texts with Hobie Mitchell and his team regarding Crescent Place. She thanked the Mayor for allowing Supervisor Reid to participate in the discussions regarding fixed route bus service at the work session. She stated she is thankful for the opportunity to work with Council and staff and wished everyone a safe holiday.

Council Member Wright: Disclosed meetings with Hobie Mitchell and his team regarding Crescent Place. He wished everyone a happy Thanksgiving. He stated he is thankful he is not traveling this week or next week.

Council Member Martinez: Stated many of his family members work for Costco. He thanked them for respecting their workers by not opening on Thanksgiving and allowing their employees to spend the holiday with their families.

16. MAYOR'S COMMENTS

Mayor Umstattd disclosed a phone conversation with Hobie Mitchell. She wished everyone a happy Thanksgiving.

17. MANAGER'S COMMENTS

Mr. Wells wished everyone safe travels over the Thanksgiving holiday.

18. CLOSED SESSION

None.

19. ADJOURNMENT

On a motion by Council Member Martinez, seconded by Vice Mayor Butler, the meeting was adjourned at 8:40 p.m.

Kristen C. Umstattd, Mayor
Town of Leesburg

ATTEST:

Clerk of Council
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