

Council Chambers, 25 West Market Street, 6:30 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: Council Member Martinez arrived at 7:34 p.m.

Staff Present: Town Manager John Wells, Deputy Town Manager Kaj Dentler, Town Attorney Jeanette Irby, Assistant Town Manager Scott Parker, Director of Public Works Tom Mason, Director of Finance Norm Butts, Human Resources Manager Karen Dilley, and Executive Associate I Tara Belote

AGENDA**ITEMS****1. Work Session Items for Discussion****a. Town Employee Health Insurance**

John Wells stated staff anticipates health insurance rates increasing by 12%; however, the method of staying at the 12% increase in funding cost is predicated on changing the funding method.

Key Points:

- Change from a fully insured program to a program that is partially self-funded.
- Employees should see no changes.
- Administration will still go through Anthem.
- Will allow usage of GASB and OPEB reserve funds to develop the pool
- Anticipate a need for a reserve fund of \$425,000 - \$475,000 which would be adjusted each year
- Stop/loss insurance for high claims
- State mandated benefits can be excluded, if desired.
- Want to maintain stability and flexibility despite changing conditions
- No additional dollars over what was budgeted for healthcare will be necessary

Council Comments/Questions:

- If interest rates were higher, would the consultant recommend end of year settlement, or continue to recommend monthly settlement?
Consultant answer: We would have to look at the numbers, but most clients would still settle monthly.
- Does this place more administrative overhead on the HR department?
Consultant answer: No. Anthem will still perform most administrative functions
- Do your other clients use this as a way to provide more self-directed health care strategies to keep costs down?

Consultant answer: Allows employees to find the best price for certain services to save money such as finding cost effective providers

- Is there a possibility of litigation by covered employees if a state mandated coverage is dropped?

Consultant answer: Since there is no requirement to continue state mandated coverage, the answer is no.

- Will switching to self-funding affect VML insurance rates?

Staff answer: Probably, but will need to find out

- If we change to self-funded, how hard is it to go back?

Staff answer: You can go back next year, if you change your mind.

Council consensus was that they would be ready to vote on this item at the Tuesday night meeting.

b. Loudoun County Courthouse Complex Concept Presentation

Jim Beight of Dewberry stated they had made this presentation to the County last week. He introduced the design team.

Key Points:

- Four preliminary concepts
- No elevations available yet
- Houses on Edwards Ferry Road will need to be removed
- Will build a parking deck on the Pennington Tract – neighbors had good feedback to this concept
- Space planning is taken in five year increments
- Would like Council's input on Church Street
- Semones lot will be restriped

Council Comments/Questions:

- Will fencing be the same?
Presenter's answer: We haven't talked about fencing yet.
- Keep Church Street open
- Like the third option because of the amount of open space on Edwards Ferry Road and buffers the cemetery
- Need to discuss parking options
- Security can still be effective with Church Street open
- Are we trying to achieve a more "form based code" feel?
- Limestone area
- Would like the preservation planner to be included in design discussions as soon as possible
- Must be sensitive to the smaller properties along North Street

2. **Additions to Future Council Meetings**

Council Member Wright stated he would like the Relay for Life proclamation on the next agenda.

Council Member Hammler asked for recognition for former Technology and Communication Commission member Ricky Leach and a policy discussion about usage of the Council Chambers. It was decided that an information memo regarding this subject would be appropriate for the first meeting in June.

Vice Mayor Butler asked for more information about Hope Parkway. He noted that the tent issue can be moved further out into the later summer months.

3. Closed Session

On a motion by Mayor Umstatt, seconded by Council Member Hammler, 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 Session for the purpose of receiving information and discussion regarding:

- a. Real estate matter*

The motion was approved by the following vote:

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

Nay: None

Vote: 7-0

The Council convened in Closed Session at 9:10 p.m.

The Council reconvened in Open Session at 9:45 p.m.

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

In accordance with Section 2.2-3712 of the Code of Virginia, I move that Council certify 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, Martinez, Hammler, Wright and Mayor Umstatt

Nay: None

Vote: 7-0

4. Adjournment

On a motion by Council Member Wright, seconded by Vice Mayor Butler, the meeting was adjourned at 9:46 p.m.

Council Chambers, 25 West Market Street, 7:30 p.m. Mayor 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, Deputy Town Manager Kaj Dentler, Town Attorney Jeanette Irby, Chief of Police Joseph Price, Director of Plan Review William Ackman, Director of Public Works Tom Mason, Library Director Alexandra Gressitt, Director of Economic Development Marantha Edwards, Assistant Town Manager Scott Parker, Director of Planning and Zoning Susan Berry Hill, Zoning Administrator Chris Murphy, Business Development Manager Doug Parsons, and Executive Associate I Tara Belote

AGENDA

ITEMS

1. CALL TO ORDER

2. INVOCATION: Council Member Dunn

3. SALUTE TO THE FLAG: Council Member Martinez

4. ROLL CALL: Showing all Council Members present

5. MINUTES

a. Regular Session Minutes of April 8, 2014

On a motion by Council Member Hammler, seconded by Vice Mayor Butler, the minutes of the regular session meeting of April 8, 2014 were approved by a vote of 7-0.

b. Work Session Minutes of April 21, 2014

On a motion by Council Member Hammler, seconded by Vice Mayor Butler, the minutes of the work session meeting of April 21, 2014 were approved by a vote of 7-0.

c. Regular Session Minutes of April 22, 2014

On a motion by Council Member Hammler, seconded by Vice Mayor Butler, the minutes of the regular meeting of April 22, 2014 were approved by a vote of 7-0.

6. ADOPTING THE MEETING AGENDA

On the motion of Council Member Martinez, seconded by Council Member Wright, the meeting agenda was approved after adding an item to fill the NVRC appointee position left vacant by Council Member Martinez by the following vote:

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

Nay: None

Vote: 7-0

7. PRESENTATIONS

- a. Certificate of Appreciation – Milt Herd
On a motion by Council Member Hammler, seconded by Vice Mayor Butler, a Certificate of Appreciation was presented to Milt Herd for his service on the Leesburg Planning Commission.
- b. Certificate of Appreciation – Peggy Coleman
On a motion by Council Member Hammler, seconded by Vice Mayor Butler, a Certificate of Appreciation was presented to Peggy Coleman for her service on the Leesburg Planning Commission.
- c. Proclamation – Small Business Week
On a motion by Council Member Hammler, seconded by Council Member Burk, the following was proclaimed:

PROCLAMATION

SMALL BUSINESS WEEK ***May 12th – May 16th, 2014***

WHEREAS, the Small Business Administration (SBA) celebrates nationwide, Small Business Week May 12th – May 16th; and

WHEREAS, Virginia and its localities recognize that jobs and investment follow private businesses that seize opportunities to expand markets, develop new products, and invest in equipment that improves productivity; and

WHEREAS, in Loudoun County, including Leesburg there are more than 8,500 small business with fewer than 20 employees ; and small businesses nationwide account for 64% of all new jobs since 1993; and

WHEREAS, the Town of Leesburg has joined the Commonwealth and the County to enhance the business climate of opportunity to encourage investment, entrepreneurial creativity, 21st century jobs and innovation; and

WHEREAS, small businesses in Leesburg are the foundation of our community commerce and quality of life; and

WHEREAS, within the year, several state legislators have visited Leesburg to tour shops and speak with local entrepreneurs about the important business environment in our community.

THEREFORE, the Mayor and Town Council of the Town of Leesburg in Virginia hereby proclaim the week of May 12th through May 16th as Small Business Week in the Town of Leesburg and urge the citizens of Leesburg to

support our local businesses and do their part to support a vibrant, sustainable economic environment for the Town of Leesburg.

PROCLAIMED this 13th day of May, 2014.

- d. Presentation – Planning Commission Annual Report
Doris Kidder, former chair of the Leesburg Planning Commission presented the 2013 Annual Report of the Leesburg Planning Commission.
- e. Presentation – Small Business Development Center (SBDC)
Robin Suomi gave a brief presentation on the services offered by the SBDC to small businesses in Leesburg. She noted a dramatic increase in the number of clients they have assisted in the past year.

8. **PETITIONERS**

The Petitioner's Section was opened at 8:05 p.m.

Larry Rodeer stated he lives in South Riding, but thinks of Leesburg as his home. He stated he would like to talk about minority religious protection, specifically about religious invocations at Town Council meetings. He said that hearing some speak of their religious beliefs makes him feel that Town Council does not respect his beliefs. He said despite the fact that the Supreme Court has stated it is legal, it is not appropriate.

The Petitioner's Section was closed at 8:09 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. Supplemental Appropriation from a Grant for Thomas Balch Library

RESOLUTION 2014-053

Approving a Supplemental Appropriation of a grant of \$6,800 from Loudoun Library Foundation to Thomas Balch Library for Archival Processing

- b. Authorizing a Time Extension for Completion of Public Improvements – PMW Farms – Section 1 (TLCD 2009-0002) and PMW Farms – Section 2 (TLCD 2010-0005)

RESOLUTION 2014-054

Authorizing a Time Extension for Completion of the Public Improvements for PMW Farms – Section 1 (TLCD 2009-0002) and PMW Farms – Section 2 (TLCD 2010-0005)

- c. Approval of the Next Town Hall Art Exhibit – Exhibit by Steve Edgar

RESOLUTION 2014-055*Town Hall Art Gallery – Approval of the Next Art Exhibit by Steve Edgar*

- d. *Making an Appointment to the Environmental Advisory Commission (Wright)*

RESOLUTION 2014-056*Making an Appointment to the Environmental Advisory Commission (Spencer Morgenthau)*

- e. *Approving a Memorandum of Understanding between Loudoun County and the Town of Leesburg regarding Fixed-Route Transit Service and Extending the Term of Agreement for Operation of Transit Service with Virginia Regional Transit for Two (2) Months*

RESOLUTION 2014-058*Approving a Memorandum of Understanding (MOU) between the Town of Leesburg and the County of Loudoun Regarding Fixed-Route Transit Service and Approving a Two (2) Month Time Extension of the Virginia Regional Transit (VRT) Agreement for the Current Fixed-Route Transit Service*

- f. *Virginia Retirement System Employer Contribution*

RESOLUTION 2014-057*Virginia Retirement System Employer Contribution rate Effective July 1, 2014*

- g. *Town Employee Health Insurance*

RESOLUTION 2014-059*Authorizing and Directing the Town Manager to Establish a Self-Funded Health Insurance Program for Town Employees**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**

Revisions to the Town Code, Design and Construction Standards Manual, Land Development Fee Schedule and Subdivision and Land Development Regulations regarding Stormwater

The public hearing was opened at 8:12 p.m.

William Ackman introduced Megan Boone from AMEC, who was an integral part of this project.

Key Points:

- This ordinance has little to do with the TMDL requirements

- Water quality leaving project sites will be cleaner
- New construction moving forward will be neutral as far as TMDLs
- Amended fee schedule will assist in administering the increased level of regulation
- Smaller projects meeting certain criteria could receive a waiver of requirements

Council Comments/Questions:

- Why are swimming pools excluded?
Staff answer: Cost of mitigation for a small project, such as a swimming pool could exceed the homeowner's budget for the entire project

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

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

ORDINANCE 2014-O-013

To Revise Article 5 of the Design and Construction Standards Manual (DCSM) of the Town of Leesburg, Virginia, June 27, 1990, as Amended

The motion was approved by the following vote:

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

Nay: None

Vote: 7-0

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

ORDINANCE 2014-O-014

To Revise Part II, Chapter 14 (Environment), Article II (Stormwater Management), Section 14-19 (Definitions), Section 14-21 (Authority), Section 14-23 (Program Components), Section 14-24 (Violations), Section 14-25 (Hearings) and Section 14-26 (Appeals) of the Code of the Town of Leesburg in Virginia

The motion was approved by the following vote:

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

Nay: None

Vote: 7-0

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

ORDINANCE 2014-O-015

To Revise the Town of Leesburg Land Development Review and Inspection Fee Schedule, November 30, 2010, as amended

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

ORDINANCE 2014-O-016

To Revise Division 3 – Development, Sections 3.08 (Mini Site Plan) and 3.09 (Site Plan Waiver) of the Subdivision and Land Development Regulations (SLDR) of the Town of Leesburg in Virginia, June 28, 2011, as amended

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. Nominations – 2014 Virginia Municipal League Policy Committees

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

RESOLUTION 2014-060

Nominating Members to the VML Policy Committees

Key Notes:

- Council Member Burk for Community and Economic Development
- Vice Mayor Butler on Environmental Quality
- Council Member Wright on Finance
- Council Member Martinez on General Laws
- Council Member Hammler on Human Development and Education
- Council Member Dunn on Transportation

The motion was approved by the following vote:

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

Nay: None

Vote: 7-0

b. Cease Work on Morven Park Boundary Line Adjustment and Zoning Ordinance Change

This item was a postponement from a previous meeting. On a motion by Council Member Dunn, seconded by Vice Mayor Butler, the following was proposed:

RESOLUTION

To Stop Further Work on the Boundary Line Adjustment Process and Zoning Amendment for Morven Park

Council Comments/Questions:

- Goal was to divert some of the work on this project

- Benefits to the town are already realized – no real additional benefits to the Town of Leesburg
- Concern over request for a repeat postponement
- Concern over the limestone overlay and future development
- Public hearing is the correct forum for this type of discussion
- How many residential units could be allowed on this property?
Staff answer: Draft zoning ordinance regulations brought forth from the Planning Commission would allow for a total of 25 units on the entire property.
- Lowest number of residential units associated with this option
- Morven Park can sell the land to a developer who will rezone at a higher density

The motion was denied by the following vote:

Aye: Burk, Butler, and Dunn

Nay: Hammler, Martinez, Wright and Mayor Umstatt

Vote: 3-4

c. NVTA Planning Coordination Advisory Committee (PCAC)
Appointment

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

MOTION 2014-017

I move to appoint Council Member Burk as the Leesburg Town Council's representative on the Northern Virginia Transportation Authority's Planning Coordination Advisory Committee

The motion was approved by the following vote:

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

Nay: None

Vote: 7-0

d. NVRC Representative

Council Member Martinez stated he would need to resign from this appointment.

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

MOTION 2014-018

I move to appoint Vice Mayor Butler as the Council's representative to the Northern Virginia Regional Commission. Council Member Hammler will remain the alternate.

The motion was approved by the following vote:

Aye: Burk, Butler, Dunn, Hammler, Martinez, Wright and Mayor Umstatt
Nay: None
Vote: 7-0

13. UNFINISHED BUSINESS

a. None.

14. NEW BUSINESS

c. None.

15. COUNCIL COMMENTS

Council Member Hammler thanked everyone for serving on VML Policy Committees. She stated she is going to the Executive Committee meeting this weekend. She stated the King Street Comcast payment center is closing. She highlighted that the police department crime report is now available. She stated the town needs to look at resources available to assist the police department with a growing narcotics problem. She congratulated everyone on a successful Flower and Garden Show and noted that the Parks and Recreation Department were awarded the Best Festival, Best Fitness Center and Best Waterpark by the Loudoun Times Mirror.

Council Member Martinez did not have his microphone on.

Council Member Burk stated that the Flower and Garden show exceeded her expectations. She stated she attended the Oatlands Gala. She stated she is looking forward to the Business Awards and thanked Larry Rodeer for coming out to speak.

16. MAYOR'S COMMENTS

Mayor Umstattd thanked the Police Department for their work decreasing crime across multiple categories over the past month. She noted that major crimes are down 21%. She thanked the department for the tactics that have resulted in an almost 40% reduction in larcenies. She disclosed a meeting with Molly Novotny regarding a mixed use proposal for Leesburg Plaza. She stated she met with Hobie Mitchell for an update on the Crescent Place development and the Crescent Park proposal.

17. MANAGER'S COMMENTS

John Wells stated that Parks and Recreation did a great job on the Flower and Garden Show as well as the additional work performed by the Police Department and the Public Works staff. He noted that he approved the Belmont Drive, S.W. permit parking zone.

18. CLOSED SESSION

On a motion by Mayor Umstattd, 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. *Sale of Right of Way*

The motion was approved by the following vote:

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

Nay: None

Vote: 7-0

The Council convened in Closed Session at 9:16 p.m.

The Council reconvened in Open Session at 9:42 p.m.

On a motion by Mayor Umstattd, 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 Umstattd

Nay: None

Vote: 7-0

19. ADJOURNMENT

On a motion by Council Member Martinez, seconded by Vice Mayor Butler, the meeting was adjourned at 9:42 p.m.

Kristen C. Umstattd, Mayor
Town of Leesburg

ATTEST:

Clerk of Council
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