

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

**Council Members Present:** Kelly Burk, Thomas Dunn, Marty Martinez, Kevin Wright and Mayor Umstattd.

**Council Members Absent:** Council Members Butler and Hammler. Council Member Dunn left at 9:41 p.m.

**Staff Present:** Town Manager John Wells, Town Attorney Jeanette Irby, Director of Planning and Zoning Susan Berry Hill, Director of Utilities Amy Wyks, Deputy Director of Utilities Aref Etemadi, and Executive Associate I Tara Belote

AGENDA

ITEMS

**1. Closed Session**

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

*Pursuant to Section 2.2-3711(A)(8) 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 Property*

*The motion was approved by the following vote:*

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

*Nay: None*

*Vote: 4-0-3 (Butler, Dunn and Hammler absent)*

The Council convened in Closed Session at 7:30 p.m.

The Council reconvened in Open Session at 8:10 p.m.

*On a motion by Mayor Umstattd, seconded by Council Member Wright, 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, Dunn, Martinez, Wright and Mayor Umstattd*

*Nay: None*

*Vote: 5-0-2 (Butler and Hammler absent)*

**2. Work Session Items for Discussion**a. Re-evaluation of Permit Parking Zones

John Wells stated in response to the question as to how a permit parking zone is removed, the pertinent code section is included in the packet.

Council Comments/Questions:

- Would like to include this in the comprehensive parking discussion
- Would like to see a combination of permit parking zones/meters

Council will discuss this item in more depth with the comprehensive parking item at the July 22 meeting.

b. Tuscarora Crossing

Susan Berry Hill recapped the changes to this proposal.

Key Points:

- Going to the county Planning Commission on July 15.
- Changes include:
  - Expanded construction from two to four lanes of Crosstrail Boulevard to the county improvements
  - Proffering the bridge crossing
  - Bonding two of the southbound lanes in phases concurrent with adjacent development
  - Introduced multi-family into the unit type
- Reiterated concerns about the phasing

Council Comments/Questions:

- Have to stick to what we said we wanted
- Would prefer that Council does not endorse staff comments
- Serious concerns about triggers for transportation infrastructure
- Recommend that road improvements be triggered sooner
- Have they noted who will provide utilities?  
Staff answer: No. But the town is their only choice.
- Proffers maintain maximum flexibility through vagueness
- Do they intend to keep the heavy industrial component?  
Staff answer: Yes
- Would like to see phasing for commercial to residential

A version of the letter will be brought back to the Tuesday night meeting for approval.

c. Water and Sewer Rate Study

John Wells stated that staff is looking for enough guidance to run the ad for the public hearing that is required to vote on an ordinance raising rates. Rob Ori gave a quick recap of the issues.

Key Points:

- Rate structure changes will create impacts to customers
- Eliminate high water use charge
- Increased fixed cost recovery to create financial stability
- 10,000 gallon increase in quarterly cap produces enough to reduce the rate
- Recommend advertising the 5.21 rate for commercial bills; higher rate of the two scenarios for the residential rate.

Council Comments/Questions:

- Comfortable with the 40,000 gallon cap because it will capture most of the users
- Consideration for not changing rates because behavior will change
- Is the percentage of I/I correct? Does over-irrigation contribute to I/I?  
Consultant answer: Probably not.
- If we are trying to encourage conservation, why are we hitting the high end users?  
Consultant answer: Because high end users have the discretionary use – using water above what has been allocated for their use. If rate structure does not incentivize conservation, you will tax your capacity
- Would like to see an analysis of the conservation factor to the rate factor

**3. Additions to Future Council Meetings**

Mayor Umstadt stated that Gary Dickens' would be requesting a fee waiver for the Mt. Zion Cemetery sign ceremony and also the Special Operations Warrior Foundation would also be requesting a fee waiver for their annual Battlefield Run.

**4. Adjournment**

*On a motion by Council Member Martinez, seconded by Council Member Wright, the meeting was adjourned at 9:55 p.m.*

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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, Thomas Dunn, Katie Sheldon Hammler, Marty Martinez, Kevin Wright and Mayor Umstattd. Vice Mayor Butler participated remotely.

**Council Members Absent:** None.

**Staff Present:** Deputy Town Manager Kaj Dentler, Town Attorney Jeanette Irby, Director of Economic Development Marantha Edwards, Director of Planning and Zoning Susan Berry Hill, Deputy Director of Parks and Recreation Kate Trask, Senior Planner Irish Grandfield, Senior Project Manager Lee Phillips, Business Development Manager Doug Parsons, and Executive Associate I Tara Belote

AGENDA ITEMS

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**1. CALL TO ORDER**

**2. INVOCATION:** Council Member Dunn

**3. SALUTE TO THE FLAG:** Boy Scout Troop

**4. ROLL CALL:** Showing all Council Members present

**5. MINUTES**

a. Work Session Minutes of June 23, 2014

*On a motion by Council Member Martinez, seconded by Council Member Burk, the minutes of the work session meeting of June 23, 2014 were approved by a vote of 7-0.*

b. Regular Session Minutes of June 24, 2014

*On a motion by Council Member Martinez, seconded by Council Member Wright, the minutes of the Regular session meeting of June 24, 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 Hammler, the meeting agenda was approved by the following vote:*

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

*Nay: None*

*Vote: 7-0*

**7. PRESENTATIONS**

a. Certificate of Recognition – AH&T

*On a motion by Council Member Burk, seconded by Council Member Hammler, a Certificate of Recognition was presented to representatives of AH&T Insurance in recognition of their being ranked amongst the Best Places to Work in Virginia.*

- b. Certificate of Recognition – Ben Franklin  
*On a motion by Council Member Martinez, seconded by Council Member Burk, a Certificate of Recognition was presented to the owners of Ben Franklin to commemorate the business' years in Leesburg.*
- c. Patriot Cup Winner – Art Squared  
*On a motion by Council Member Burk, seconded by Council Member Dunn, the Patriot Cup was awarded to Art Squared for their 2014 Independence Day parade entry.*
- d. Introduction of Beth Erickson – Visit Loudoun  
Marantha Edwards introduced Beth Erickson, the new President and CEO of Visit Loudoun.

## 8. **PETITIONERS**

The Petitioner's Section was opened at 7:47 p.m.

Col. Neal Zimmerman, 43555 Riverpointe Drive, addressed Council on behalf of the Special Operations Warrior Foundation. He stated their 125 mile motorcycle ride goes through 4 states, 19 counties, 3 national battlefields and is considered one of the top 10 group rides in the nation. He stated that the Battlefield Run has raised over \$500,000 over the past 10 years. He requested that special event fees be waived for the event again this year.

Andrew Borquist, 1108 Huntmaster Terrace, stated that he would continue to come to Council meetings until he got the action he requested.

Gary Dickens, stated he is the president of the Friends of Thomas Balch Library and he also serves on the Loudoun County Civil War Sesquicentennial Committee. He stated that the two organizations have come up with special signage to commemorate and educate about four African-American soldiers buried at Mt. Zion Cemetery. He stated they will be holding a dedication ceremony at the Cemetery on Sept. 6. He requested fee waivers for the special event fees.

The Petitioner's Section was closed at 7:59 p.m.

## 9. **APPROVAL OF THE CONSENT AGENDA**

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

- a. *Awarding a Contract for Milling and Paving of Parking Lots*

### **RESOLUTION 2014-075**

*Awarding a Contract for Milling and Paving of Parking Lots at Freedom, Robinson, and Greenway Parks to Arthur Construction Co.*

- b. Approving a Donation to “Friends of the Thomas Balch Library”

**MOTION 2014-022**

*I move to approve the donation of found property to the Friends of the Thomas Balch Library to use in a fundraising raffle to benefit Thomas Balch Library*

- c. Amending Resolution 2014-073 regarding Issuance of General Obligation Bonds

**RESOLUTION 2014-076**

*Amending Resolution 2014-073 Authorizing the Issuance of General Obligation and Refunding Bonds, Series 2014*

- d. Authorizing a Lease Agreement for Telecommunications Antenna on Hogback Tank

**RESOLUTION 2014-077**

*Authorizing a Lease Agreement with New Cingular Wireless PCS, LLC, for Telecommunication Antenna on Hogback Mountain Tank*

- e. Advertise Water and Sewer Rates

**MOTION 2014-023**

*Motion to authorize staff to advertise the water and sewer rates at the full range of options considered by Council*

- f. Tuscarora Creek Development Project

**MOTION 2014-024**

*Directing staff to send referral to County staff regarding Tuscarora Creek Development Project*

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

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

*Nay: None*

*Vote: 7-0*

*Council Member Martinez made a motion to suspend the rules in order to vote on the fee waiver requests. The motion was seconded by Council Member Dunn. 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 Dunn, seconded by Council Member Martinez, the following was proposed:*

**MOTION 2014-025**

*I move to waive the special event fees associated with the 2014 Battlefield Run (not to exceed \$450) and the Mt. Zion Cemetery sign dedication (\$410).*

*The motion 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. Right of Way Vacation on Harrison Street**

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

Irish Grandfield gave a brief presentation about proposed right of way vacation. He noted that there is an associated rezoning application before the Planning Commission at the present time.

**Key Points:**

- East side of Harrison Street between South and Royal Streets
- State code allows alteration and vacation of public rights of way
- All public notices have been completed
- Action requires super majority approval
- 1120 square feet
- Remainder of a larger parcel purchased for street project
- Value can be determined on fair market, contributory value or a value settled upon by the town and adjacent landowner
- This action must be completed prior to the rezoning
- Staff recommends sale or vacation of the right of way with conditions:
  - Application and notice costs be paid by the applicant
  - Agree upon purchase price and paid within 30 days of approval of rezoning
  - Approval of rezoning application by a date certain
  - Quitclaim deed prepared by the applicant subject to the Town Attorney's approval
  - BAR approval required for all structures
  - Fees for use of right of way increase to \$500 per month if closing has not occurred within 30 days of the approval

**Council Comments/Questions:**

- Can the property still be rezoned without the purchase?  
Staff answer: The applicant can continue with the rezoning, but this piece of property is not included. If purchase is not achieved before rezoning completion, the concept development plan will not include this sliver and the allowable uses for this piece will not be established. If the rezoning is not completed, the applicant does not have to go through with the sale.
- Buying this property does not mean that the applicant must install sidewalks, correct?

Staff answer: Buying this property does not trigger the need for sidewalks. Staff has sized this property so that there is room for future sidewalks within remaining town right of way.

Bob Sevila, representative of the MacDowell Brew Pub, gave a presentation regarding the vacation of right of way and purchase by MacDowell.

Key Points:

- Planning Commission has adopted a Commission Permit admitting that sale will not affect the Town Plan
- This surplus property has been unused since the 1980s.
- This piece of town right of way is very important to the operation of the business
- Sidewalk along the length of the project will be built as part of the project
- Installation of palm trees was not performed in a recalcitrant manner – they were to be an enhancement to the property
- Applicant will diligently pursue the remainder of approvals necessary for this project

Council Comments/Questions:

- Council should consider the property's fair market value, the contributory value to the adjoining property, and the agreed upon amount.
- Why is there such a large discrepancy between the town's appraisal and the applicant's appraisal ?

Staff answer: The town's appraisal takes everything that the applicant has noted into consideration and is a fair price for the property. The applicant's appraiser used residential sales as comparable sale prices

Gordon MacDowell, stated he is the applicant for the upcoming rezoning application for 204 South Street, SE. He stated the excess right of way facing Harrison Street has been identified as a potential asset if combined with 204 South Street. He stated he would like the Council to consider conveying the triangle of land that is one foot wide at the narrow end and 18 feet wide at the widest point to him. He stated his investment in 1989 in the Harrison Street property was a very scary proposition but he believed in Leesburg. The rapid growth of his business benefits the town with business taxes.

Beckwith Bolle, stated she lives and works in Leesburg. She stated that she is a commercial real estate agent and can sell this town. She stated that Mr. MacDowell is offering a lot more than his appraiser's value.

Chris Rajca, 208 Primrose Court, stated that Mr. MacDowell makes money which makes the town money. He stated that this piece of land is worthless to the town, but will help Mr. MacDowell make more money for the town.

Christian Ellery, implored the Council to accept Mr. MacDowell's offer. She stated that this business gives back to the community by hosting countless fundraisers.

Jim Sisley, Foxridge, stated he is a 21 year citizen of Leesburg and has his offices above 201 Royal Street. He stated he has known Mr. MacDowell for many years. He stated that restaurants offer a rich revenue stream for the commercial tax base. He stated that a healthy commercial tax base reduces the burden on the residents. He stated that this is an innovative establishment that has been embraced by the public. He requested that Council approve the terms and conditions for purchase of the right of way as submitted by Mr. MacDowell.

Steve Stemp, stated that there is no other practical use for this property.

The public hearing was closed at 9:04 p.m.

Council Comments/Questions:

- When will the sale price be added to the ordinance  
Staff answer: Can be added at any time.

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

***ORDINANCE 2014-O-022***

*Vacating a Portion of Harrison Street, S.E., Pursuant to Code of Virginia (1950) as Amended, Sections 15.2-2006 and 15.2-2008 and Conveying the Town's Interest in the Vacated Right-of-Way to the Abutting Property Owner*

Council Comments:

- \$24,000 purchase price, as previously agreed
- Town does not have any other need for this property and can help the business that has contributed to the Town of Leesburg
- Always looking for opportunities to change non-taxable land into tax generating properties
- Opportunities for the town to use this property are limited
- Will take a while before the taxpayers see a return on investment

*The motion was approved by the following vote:*

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

*Nay: Mayor Umstatt*

*Vote: 6-1*

**11. RESOLUTIONS AND MOTIONS**

- a. None.

**13. UNFINISHED BUSINESS**

a. None.

**14. NEW BUSINESS**

a. None.

**15. COUNCIL COMMENTS**

Council Member Dunn: Disclosed a discussion with Mr. Sevila regarding MacDowell's. He stated that he enjoyed the Fourth of July parade and noted it was probably the largest turn out that any town parade has had in the past.

Vice Mayor Butler: had no comments.

Council Member Burk: Disclosed a conversation with Mr. Sevila on July 7 and 8. She disclosed a meeting with Rich Williams and Loudoun Wildlife to discuss the possibility of installing butterfly gardens in some of the parks. She stated some of the scouts are looking to participate in projects so they have been put in contact with Mr. Williams. She stated she met with Beth Erickson to discuss ways that Visit Loudoun could partner with the Friends of Leesburg Public Art to bring tourism to Leesburg. She congratulated AH&T for their recognition of being such a great place to work. She stated that Post 7 Magazine has a great article on Leesburg. She noted that in the past year, 141 jobs were created in the Leesburg Hubzone.

Council Member Martinez: Stated the July 4<sup>th</sup> parade was phenomenal. He thanked Matt Roberts for his letter of concern over speeders in the town. He

Council Member Hammler: Thanked Jeanette and Tara for their assistance while she was out of town. She stated that Blacksburg has downtown signs using QR codes. She stated she is looking forward to the ribbon cutting for the new ABC store.

Council Member Wright: Disclosed a conversation with Bob Sevila yesterday.

**16. MAYOR'S COMMENTS**

Mayor Umstatted disclosed a meeting with a representative of Carradoc Hall. She stated they are looking at another option for that property. She thanked the Sanabria family for their donation of one of Sherri's paintings. She stated the parade brought a lot of people downtown.

**17. MANAGER'S COMMENTS**

Kaj Dentler noted that there will be a courts expansion meeting on July 17. Further, he noted that on July 10, staff will hold preconstruction meetings regarding the downtown improvements.

**18. CLOSED SESSION**

None.

**19. ADJOURNMENT**

*On a motion by Council Member Martinez, seconded by Council Member Dunn, the meeting was adjourned at 9:29 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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