

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, Deputy Town Manager Kaj Dentler, Town Attorney Jeanette Irby, Director of Parks and Recreation Richard Williams, Director of Economic Development Marantha Edwards, and Executive Associate I Tara Belote.

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

- a. Northern Virginia Regional Commission (NVRC) Update  
Mark Gibb, Director of NVRC, gave a brief presentation updating Council on the activities of NVRC in the region. He introduced Bob Lazaro, an employee with NVRC and former Mayor of Purcellville, as well as Cynthia Adams, Executive Director of Local Energy Alliance Program (LEAP).

Key Points:

- NVRC has been involved in specific planning efforts throughout Northern Virginia
- Passenger ferry service between Maryland and Virginia
- Water supply plan for the region
- Community energy plan – Solarize Northern Virginia
  - Grass roots campaign
  - Self-funded through multiple sources
  - Money saved on utilities can be spent in the local economy
  - Local businesses can be qualified to do the improvements
  - Promote local government’s environmental “street cred”
  - Free energy efficiency inspections for homeowners Dominion customers
  - LEAP contractors will go into homes and do energy assessments and install energy saving items such as florescent lights, energy strips, door weatherization, and water heater tank wrap.
  - Launch week of September 22 and run through the end of November
  - Working with the Loudoun environmental community
  - Official endorsement and press release would give the program respect

Council Comments/Questions:

- What happens if the homeowner moves?

Presenter answer: If the homeowner took a loan out, when the home is sold, the loan would be paid off.

- Can businesses take advantage of this program?

Presenter answer: Working on the commercial side as well – businesses, churches, and schools.

- Some homeowner's associations will not allow solar panels – is there some way to make them less unattractive?

Presenter answer: Mounting systems now blend in better. There has been legislation proposed in recent years to keep HOAs from refusing solar installations. Being proactive with HOA groups to work with them to understand the benefits can be helpful as well.

- How does your organization benefit?

Presenter answer: LEAP connects installers with customers – because of economies of scale, installers are able to lower their prices, making solar power more affordable. Contractors pay LEAP a referral fee per kilowatt installed.

- Very impressed with this program.
- Participants need to understand that the town's role is spreading the word, not fixing problems

Presenter answer: LEAP will work with NVRC to make sure they are able to respond to that concern

- Does the Town's promotion of tree canopy conflict with the goals of Solarize NOVA?

Presenter answer: If you live in an area with a lot of tree canopy, you are not a good solar energy candidate, but you are still a good candidate for conservation.

- Concern that there is not enough time for homeowners to research and contract for installation before program ends

b. Edwards Landing Trail

Rich Williams stated the Potomac Heritage National Scenic Trail was being used by horse riders from the Dennis property to access the Balls Bluff Regional Park, which has many trails that are appropriate for horses. However, horse droppings and wear from the horses were creating problems for pedestrian trail users.

Key Points:

- Alternate trail will be cut for horse usage
- Topography is more conducive to horse traffic
- Potomac Heritage National Scenic Trail is controlled by the jurisdictions that it passes through

Council Comments/Questions

- Who pays to cut the trail?

Staff answer: It will only require minor clearing that would be performed by volunteer groups

- Why isn't the trail completely on the Dennis property, since they have a for-hire equestrian business?  
Staff answer: This was the option that was developed. Keeping the trail completely on the Dennis property brings it through heavily wooded areas. An option can be developed to keep the trail completely on the Dennis property, if desired.
- Why don't horse owners have to pick up the horse droppings?  
Staff answer: Horse owners feel the contributions are "natural"
- How much staff time has been dedicated to this issue?  
Staff answer: 2-4 hours thus far and whatever coordination will be necessary to blaze the trail.
- Who will monitor this?  
Staff answer: There will be occasional staff monitoring, like any of the trails in the town's system
- Did we look into giving this trail to the Park Authority?  
Staff answer: No, as it is on our property.
- Is this the same property that was requesting that the town take care of their water runoff issue?  
Staff answer: Yes. They would like a combination of the Town, the County and VDOT to address their runoff issue.
- How much volunteer involvement will the Dennis' have?  
Staff answer: Volunteer help will be solicited for blazing the trail. We would work with the Dennis' to ensure the trail is used in an effective manner.
- Would encourage the town to consider leasing or another type of financial arrangement
- What happens if residents still have complaints?  
Staff answer: If it is Council's desire, if more complaints are received, equestrian use can be terminated.

It was decided to take the proposal to the Parks and Recreation Advisory Commission for their input.

c. Comprehensive Parking Program

Council Comments/Questions:

- What is the problem statement today, as relates to parking?  
Staff answer: The question at the parking summit was do we have a parking problem and how do we address the perception of a parking problem?
- One specific problem in 2003 was that long-term parkers were using short term spaces.  
Staff answer: Higher rates on the street at the meters will send long term parkers to the garage.

- Staff recommendation at this time is to retain paid parking on the streets, remove the bags from the meters at Liberty and Harrison Streets after the holiday parking program.
- Kiosks are expensive and narrow sidewalks make it difficult to site them. A walking tour of the downtown is recommended
- Acceptance of credit cards at kiosks adds additional cost so determination will need to be made if cost will be passed on to the user
- If the parking garage is made free to park, signs, gates and booths will need to be removed – this should be done as part of budget discussions.
- Better signage for the county garage, Pennington Lot and Jail Lot and to promote free nights and weekends.
- Permit parking will need to be addressed – would be willing to allow reserved permit parking to remain in the lower levels.
- How many spaces do town employees use in the garage?  
Staff answer: 60-70 spaces out of 300. During the Holiday free parking program, employees are asked to park in the Liberty lot.
- What are the implications for parking downtown if and when the county puts a parking structure on the Pennington Lot?  
Staff answer: There will be some impact, but not a huge amount as the area of the Pennington Lot is only partial utilized at this time. The question will be whether the garage will be used because of its distance to the county government center and the courts
- Staff's opinion has been that it is illegal to offer a public parking lot for valet parking purposes for a for-profit business.
- Removing meters on the street may make the street look nice without the visual clutter of meters; however, it encourages people who work in the businesses to park their cars in prime parking spaces for the entire day.
- What is the recommended rate if we accept debit/credit?
- Recommend leaving the meters bagged at Liberty, but removing the bags from Harrison Street meters.
- Need to be able to change the sign to “free” public parking
- Would like to see parking meters in permit parking zones
- Development in the area will drive more cars into public parking
- Town staff members are a large customer block for the downtown
- There is plenty of parking downtown – it is a perception problem.

A series of motions will be brought for Council's consideration at a future meeting.

**2. Additions to Future Council Meetings**

Council Member Dunn stated that he does not feel it is appropriate that an item he wanted to discuss was removed from the agenda because several Council members did not want to talk about it tonight.

Council Member Burk stated she would like to see if it is possible for Vo-Tech to get involved with producing signs for the Town. She questioned whether Council would send a letter to the FAA to get them to clean up their Rt. 7 entrance. Council agreed to send a letter to the FAA. Further, Council Member Burk noted that the television show, the Millers, is set in a fictional Leesburg, Virginia; however, nothing in the show is actually showing Leesburg. She recommended inviting the show's producer to actually come to Leesburg. She noted that Girl Scouts would like to build some additional butterfly gardens in Leesburg. She also asked about setting up another recycling center at the Liberty lot and the disposition of flags that were purchased by the Marshall Foundation. She requested recognition of Constitution Week. There was Council consensus regarding a recognition of Constitution week. It was noted that the flags could be addressed with an information memo, and recycling center at Liberty Street could also be addressed with a memo. She questioned whether the use of food trucks has been addressed. Mr. Wells stated he would look into whether this had been addressed previously.

Council Member Martinez asked for an update on some transportation issues including speed limits on Battlefield Parkway. He stated that it is dangerous when people try to turn left off Sycolin onto Gateway. There was Council support to look at Battlefield Parkway speed limits. He asked for an update on the progress on a connector to the Silver Line stop at Wiehle Avenue.

Council Member Wright stated the Airport Commission would like to use their waived stipends to help support the Airshow. There was Council support for an information memo to let Council know how this can be accomplished.

Council Member Hammler stated she would like to have Solarize NOVA for formal action and an update on transparency issue. There was majority support to take action on Solarize NOVA in two weeks.

Vice Mayor Butler stated he would like to participate electronically tomorrow night, if there is something for which his vote would be needed. He asked for a discussion on crosswalks across the bypass at Battlefield. There was Council consensus to consider this.

Mayor Umstatted questioned whether there was any interest on Council to address the Dennis' drainage issue. The majority of Council felt it is a County/VDOT issue.

**3. Adjournment**

*On a motion by Council Member Martinez, seconded by Vice Mayor Butler, the meeting was adjourned at 10:28 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 from a remote location.

**Council Members Absent:** Council Member Martinez arrived at 7:44 p.m.

**Staff Present:** Town Manager John Wells, Deputy Town Manager Kaj Dentler, Town Attorney Jeanette Irby, Director of Parks and Recreation Rich Williams, Director of Planning and Zoning Susan Berry Hill, Director of Public Works Tom Mason, Deputy Director of Planning and Zoning Brian Boucher, Deputy Director of Utilities Aref Etemadi, Senior Planner Irish Grandfield and Executive Associate I Tara Belote

## AGENDA

## ITEMS

1. **CALL TO ORDER**
2. **INVOCATION:** Council Member Wright
3. **SALUTE TO THE FLAG:** Collin Andred Runholt and Miguel E. Ortega
4. **APPROVAL OF REQUEST FOR REMOTE PARTICIPATION**
  - a. **Vice Mayor Butler**  
*On a motion by Council Member Wright, seconded by Council Member Hammler, a request by Vice Mayor Butler to participate from a remote location passed 5-0-2 (Butler, Martinez absent)*
5. **ROLL CALL:** Showing Council Member Martinez arriving at 7:44 p.m. and Vice Mayor Butler participating remotely.
6. **MINUTES**
  - a. **Work Session Minutes of August 11, 2014**  
*On a motion by Council Member Hammler, seconded by Council Member Burk, the minutes of the work session meeting of August 11, 2014 were approved by a vote of 6-0-1 (Martinez absent).*
  - b. **Regular Session Minutes of August 12, 2014**  
*On a motion by Council Member Wright, seconded by Council Member Hammler, the minutes of the Regular session meeting of August 12, 2014 were approved by a vote of 6-0-1 (Martinez absent).*
7. **ADOPTING THE MEETING AGENDA**  
*On the motion of Council Member Wright, seconded by Council Member Hammler, the meeting agenda was approved by the following vote:*

*Aye: Burk, Butler, Dunn, Hammler, Wright and Mayor Umstattd*  
*Nay: None*

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

## 8. PRESENTATIONS

- a. Certificate of Recognition – Collin Andred Runholt, Eagle Scout  
*On a motion by Council Member Dunn, seconded by Council Member Hammler, a Certificate of Recognition was presented to Collin Andred Runholt on achievement of the rank of Eagle Scout.*
- b. Certificate of Appreciation – Miguel E. Ortega, IV, Eagle Scout  
*On a motion by Council Member Dunn, seconded by Council Member Hammler, a Certificate of Appreciation was presented to Miguel E. Ortega, IV for the work he did creating a butterfly garden at Raflo Park.*
- c. Introduction of Kim Winn, VML Executive Director  
Council Member Hammler introduced the new director of the Virginia Municipal League, Kim Winn.

Ms. Winn recapped some of VML's activities in support of local government in Virginia.

## 9. PETITIONERS

The Petitioner's Section was opened at 7:48 p.m.

There were no petitioners.

The Petitioner's Section was closed at 7:48 p.m.

## 10. 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. *Authorization for Purchase of Streets Maintenance Vehicles*

### **RESOLUTION 2014-093**

*Authorizing the Purchase of a Replacement Front End Loader*

### **RESOLUTION 2014-094**

*Authorizing the Purchase of a Replacement Single Axle Dump Truck*

- b. *Authorzation for a Memorandum of Agreement for the Airport Remote Pilot Program*

### **RESOLUTION 2014-095**

*Authorizing the Town Manager to Execute a Memorandum of Agreement with Saab Sensis and Virginia SATS Lab, Inc. for the purpose of Establishing a Remote Air Traffic Control Tower Test at the Leesburg Executive Airport*

- c. Authorizing the Commission on Public Art (COPA) to Approve a Rotating Exhibit of Artwork for the Second Floor

**RESOLUTION 2014-096**

*Authorizing the Commission on Public Art to Approve a Rotating Exhibit of Artwork Provided Solely by Loudoun County Public School Students for Exhibition on the Second Floor of Town Hall*

- d. Authorizing Purchase of a Replacement Backhoe for the Utilities Maintenance Division

**RESOLUTION 2014-098**

*Authorizing Purchase of a Replacement Backhoe*

- e. Initiating 2014 Batch Zoning Ordinance Amendments

**RESOLUTION 2014-099**

*Initiating Amendments to Various Articles and Sections of the Leesburg Zoning Ordinance as part of the 2014 Annual "Batch" Amendments Addressing Minor Changes to Implement Town Plan Goals and Objectives, to Make Corrections and Clarifications, Changes Necessary to Comply with Annual State Code Legislative Changes and to Address Minor Town Council Directives*

*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. MacDowell Brew Kitchen Rezoning

The public hearing was opened at 7:56 p.m.

Irish Grandfield gave a brief presentation regarding the request to rezone 204 South Street, SE from RHD to B-1 and Amend the Proffers to ZM-75 for 203 Royal Street, SE.

Key Points:

- Four contiguous properties, but request only applies to two.
- Applicant will need a Certificate of Appropriateness from the Board of Architectural Review
- Council has previously agreed to sell excess right of way to the applicant
- Time line is included for resolution of zoning ordinance violations

Bob Sevila, representative for the applicant, Gordon MacDowell, thanked everyone for their work on the application.

Mr. Sevila made the following points:

- Application has been improved since the initial submission
- Applicant has agreed to a town-approved sand containment system
- Applicant has agreed to a tree management plan for the two trees that the Planning Commission has identified as being important
- The noise emanating from the property has been reduced

Council Comments/Questions:

- Why is there a discrepancy between the existing zoning and the applicant's statement of what the existing zoning is?  
Staff answer: There is a proffered rezoning for 203 Royal Street to administer it as B-1. The proffers is noted on the zoning map.
- The confusion on the property's zoning makes it difficult for prospective neighbors to know what they will be moving next to.
- Is there a way that money for public safety can be obtained?  
Staff answer: There are no proffer guidelines for public safety proffers.
- How are the resident's concerns about noise being dealt with?  
Staff answer: There have been no incidents at the location for the past year.  
Applicant answer: The outdoor stage has been relocated to the center of the property and a sound system has been installed that allows the owner to eliminate the single large speaker that blasted music. A sound barrier has also been erected and will be supplemented by a landscape barrier. Additional masonry wall was added at the request of the Planning Commission.
- How is the applicant addressing parking?  
Applicant answer: Proactive notification of patrons that they cannot park in Market Station. Exploring the possibility of valet parking.
- What will happen to the palm trees over the winter?  
Applicant answer: They will be transported to a warmer climate for the winter – a wall will be built to contain the sand.
- How does the owner park the existing restaurant?  
Staff answer: The parking regulations downtown do not require existing buildings to provide parking if they are within 500 feet of a municipal parking facility. If they expand, they have to provide parking for the additional square footage. Applicant will notify all patrons through various methods that no parking is allowed in Market Station or on Royal Street
- Still are inconsistencies between what was promised at Planning Commission and what actually appears in the latest version of the proffers. Concerned that the citizens are not being protected.  
Staff answer: The latest version of the proffers are being distributed which should clear up any inconsistencies.
- Clarification that the establishment is only discouraging parking on private property on Royal Street, not public areas of the street.

Frank Stearns, 201 Liberty Street, stated he represents Jack and Mary Ann Gould, the owners of 206 South Street. He stated they purchased their property with the knowledge that they were on the edge of the historic district. He noted that taking this property out of the historic district is inconsistent with the town's policy of preserving the character of the historic district. He stated that the need for a masonry wall indicates incompatibility of the use for this location. He stated that the property values of his clients are being damaged by this business.

Jim Sisley, stated he has his office in Mr. MacDowell's building. He stated during his tenure on the Board of Architectural Review, many businesses began work on something only to find out that they were operating outside of their rights and approval was necessary to bring them back into compliance. He stated that MacDowell's is a similar case. He stated the Brew Kitchen has been a good neighbor and 95% of the time there is more than enough parking to accommodate the tenants of the office space. He stated this business is in compliance with the law in the products that they offer to the public. He stated the public loves this place and draws people from far away, which is the goal of the Arts and Dining district.

Linda Ifert, 205 Royal Street, SE, stated she enjoys going to the Brew Pub as a patron. She stated that working through the issues to find a better solution was great; however, there are still traffic and parking issues related to this use. She stated that the noise levels have gone down over the summer, which has been great. She requested that things that are not included in the Concept Development Plan, such as signage, be completed as soon as possible. She stated the situation will be tolerable if things stay as they are currently.

Unidentified gentleman stated this project has not followed the rules since it was established. He stated it needs to be clear what the zoning is and what rules apply.

Steve Skemp, stated that the establishment has a positive impact on the community. He stated a place to relax and socialize is an important part of the community. He stated establishments like the Brew Kitchen creates vitality for the town to help it compete with areas around the new metro stops. He noted he is a resident of Leesburg.

The public hearing was closed at 9:37 p.m.

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

***ORDINANCE 2014-O-026***

*Approving TLZM 2013-0005 MacDowell, a Rezoning of 204 South Street from RHD to B-1 and a Proffer Amendment of #ZM-75, 203 Royal Street*

Council Comments/Questions:

- It was clarified that the proffer date is September 5.
- This is a good addition to the town compared to what was there previously.
- Sets a precedent that the Council is willing to help businesses be successful
- Confusion over actual zoning and proffered zoning and overlay district regulations
- How tall will the front wall be?  
Staff answer: 32 inches is maximum height – BAR will have final approval.
- Not sure how this application gets through the Board of Architectural Review
- Concern over the compatibility of uses
- This business contributes to the vitality of the downtown and will provide an important link between Crescent Place and the downtown
- Not concerned about incompatibility of use as much as preservation of historic buildings downtown as many businesses exist next to residential uses
- This application is a natural progression of Leesburg’s history
- Correct typographical error in the proffers that describe the property as being zoned RHD, but administered as B-2 as it should be B-1  
Applicant answer: Will initial change and provide a corrected copy.
- Not pleased with the length of time this property has not been in compliance

*The motion was approved by the following vote:*

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

*Nay: None.*

*Vote: 7-0*

## 11. RESOLUTIONS AND MOTIONS

### a. Supplemental Appropriation of Funds from Tree Bank

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

#### **RESOLUTION 2014-097**

*Approving a Supplemental Appropriation of \$30,000 Resulting in a Transfer of Funds from the Tree Bank to the FY 2015 Capital Projects Budget*

*The motion was approved by the following vote:*

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

*Nay: Dunn*

*Vote: 6-1*

## 13. UNFINISHED BUSINESS

### a. None.

**14. NEW BUSINESS**

- a. None.

**15. COUNCIL COMMENTS**

Council Member Dunn stated the item he brought for discussion on nondisclosure policy should have been undertaken at the work session meeting as the discussion he requested had nothing to do with the current non-disclosure agreement. He asked that it be put on the next work session. No consensus for putting this on a future agenda was expressed.

Vice Mayor Butler expressed his sincere condolences to the Gustavson family on the passing of Scott Gustavson.

Council Member Burk disclosed a fascinating tour of the FAA building. She thanked Stilson Greene for the highly successful Acoustics on the Green. She also expressed her condolences to the Gustavson family.

Council Member Martinez stated he attended Epicurience, which was phenomenal.

Council Member Hammler disclosed attendance at Epicurience. She stated she took Kim Winn on a tour of the Marshall home, which is a great resource to have in Leesburg. She also disclosed a dinner with Council Member Martinez at the newly opened Leesburg Public House. She thanked Ida Lee staff for the microphones in the meeting room, which will make it easier to have meetings in that location. She thanked everyone who was involved in getting the flag for Balch Library. She noted that Jim Roberts does a wonderful walking tour of the town, another of which is scheduled for October 18. She stated the dog swim at the AV Symington Aquatics Center was great fun for everyone. She expressed her condolences to the Gustavson family and noted that the incredible energy that Scott brought to the town will need to be kept alive.

Council Member Wright stated he enjoyed the dog swim. He also expressed condolences to the Gustavson family.

**16. MAYOR'S COMMENTS**

Mayor Umstatted stated she cut ribbons for Aloha Mind Math, which is a math tutoring program on Cardinal Park Drive, and the Youth Knowledge Enrichment Center on Sycolin Road, a full service tutoring company teaching STEM, robotics, as well as the arts. She stated she attended Scott Gustavson's funeral services and his passing is a great loss for Leesburg. She noted the Leesburg Airshow is coming up on September 27. Further, she noted that the Council will be very sad to lose Ms. Irby. She reminded everyone that the Town will be holding a remembrance ceremony on the Town Green for those lost in the September 11, 2001 terrorist attacks.

**17. MANAGER'S COMMENTS**

John Wells noted that the town will not be sending out personal property tax bills for second half 2014 because of the change back to yearly billing. He expressed his condolences to the Gustavson Family. He stated there will be an appropriate send off for Ms. Irby.

**18. CLOSED SESSION**

None.

**19. ADJOURNMENT**

*On a motion by Council Member Wright, seconded by Council Member Burk, the meeting was adjourned at 10:40 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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