

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: All present

Staff Present: Town Manager Kaj Dentler, Deputy Town Manager Keith Markel, Deputy Town Attorney Barbara Notar, Director of Public Works Tom Mason, Director of Parks and Recreation Rich Williams, Director of Finance and Administrative Services Clark Case, Human Resources Manager Karen Dilley, HR Analyst Mark Hauer and Clerk of Council Lee Ann Green.

AGENDA**ITEMS****1. Work Session Items for Discussion****a. Legislative Agenda**

Keith Markel gave a presentation on the items proposed for this year's Legislative Agenda.

Key Points:

- New issues are mostly recurring issues that have been seen in the past.
- Regulations for private drones
 - Drones do not violate current trespassing regulations because they are not considered a person
 - Drones are defined differently than model aircraft which raises safety concerns
 - State definition of trespass and peeping-tom statutes need to be updated to include non-human methods of spying
 - Would also be interested in what resources the police have to counteract safety issues with respect to cargo that drones may be able to carry
 - Staff will bring more information so that Council can make a better informed decision
- Equal dignity for jurisdictions
 - Delegate Minchew's proposed legislation would force counties to provide some services to Towns, regardless of size.
 - This would take out the necessity of an agreement to get the county to enforce the Maintenance Code and the Building Code within the town.
 - Staff will find out Del. Minchew's thinking behind this item
- Rational Jurisdictional Redistricting
 - Requested by Council Member Hammler
 - Endorsed by Virginia Municipal League (VML)
 - Do not want to endorse the efforts of any other organizations

- Would like to have approval at the November 10 Council meeting
- Legislative Dinner is planned for November 24 prior to the Council meeting

Council Comments/Questions:

- The town should not worry about city status at this time.
 - Would support keeping city status on the agenda, not as the number one item, but in case things change and it becomes necessary
 - The majority of Council requested city status be removed from the Legislative Agenda
- Would like to remove the item about appraisals in eminent domain situations.
 - Who decides on the independent appraiser?
 - Staff will check with legislators to figure out reasons for this item
- Concern that the discussion can get too aggressive and cause county leaders to cut funding in other areas
- What services does the county provide that are not charged?

Staff will make adjustments reflecting Council's discussion.

b. Wellness Program Update

Karen Dilley reviewed the town's current employee wellness program as well as options for an enhanced wellness program.

Key Points:

- Purpose of a wellness program is to encourage healthy lifestyles and controls healthcare expenses
- Town offers free access to Ida Lee facilities for employees, spouses and dependents
- Yoga class on Wednesdays at noon at Town Hall
- Walking paths throughout all town facilities that includes distances
- Discounted price on Fitbits
- Annual Health and Wellness fair
- Free flu shots for employees and dependents
- Employee assistance program that includes three free counseling sessions
- Healthy Eating, Active Living program replaces vending machine selections with more nutritious snacks
- Point of decision prompts by elevators to encourage employees to take the stairs
- Annual training in CPR and first aid
- Employees are interested in healthy eating and weight management
- 44% would be more likely to participate in the wellness program if incentives were offered

- An incentive based wellness program could be instituted, but would have to be rolled out slowly
- Incentive based wellness programs cannot be mandatory under the Affordable Care Act (ACA)
- Many variables impact the cost of healthcare – a wellness program is not a protection to keep rates down
- Benefits of a wellness program are difficult to quantify and figure into ROI

Council Comments/Questions

- CPR and first aid training should include bodily fluid pathogens
- Basic fitness classes at Ida Lee are free for employees and Council members as well as their dependents
- Stress management would be a good point to emphasize.
- ACA does not allow actual metrics to be used, only effort has to be proved
- Would like to see weight management/nutrition and stress reduction classes available for employees
- Do employees that do not participate in health care coverage get any discount/reimbursement?
- Concern about morale
- Would it be legal to consider a no-smoking policy on all town property including town vehicles?

c. Display Flags – Battlefield Parkway

Tom Mason gave a brief presentation regarding the current flag display on Battlefield Parkway.

Key points:

- Four sections of Battlefield Parkway – can be completed within current budget parameters if done a section at a time

Council Comments/Questions:

- When was this initiated and why only on Battlefield Parkway?
Staff answer: Initiated by Council in 2008. Overhead wires and ground obstacles in other areas make installation and maintenance a challenge.
- What happened to the Dodona Manor flags?
Staff answer: Will need to look into this – do not believe the town is in possession of these flags at this time.
- Originally brought up in 2008 and would like to see these on all poles on all major arteries

Staff will take action as outlined in the memo.

2. Additions to Future Council Meetings

Council Member Hammler requested formal action regarding the non-partisan districting. It was agreed to put this on the agenda for November 10. She asked for informational memos on non-domesticated animal waste at Ida Lee and Ebola plans. She requested information regarding fast tracking of development plans and crosswalk safety.

Council Member Dunn noted that caution should be used when making a decision regarding accepting private streets. He questioned what dollar level are availability fees able to be financed and noted that it is difficult for small businesses to come up with availability fees. Staff will provide an information memo.

Council Member Martinez expressed concern that the businesses that might be affected by a future interchange at Edwards Ferry Road and Rt. 15 bypass might not be aware of the possibility.

Council Member Hammler noted that the VML Regional Supper will be November 11 and asked that state elected officials be invited as well.

3. Adjournment

On a motion by Vice Mayor Butler, seconded by Council Member Wright, the meeting was adjourned at 9:35 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, Katie Sheldon Hammler, Marty Martinez, Kevin Wright and Mayor Umstattd.

Council Members Absent: Council Member Dunn left the meeting at 8:32 p.m.

Staff Present: Town Manager Kaj Dentler, Deputy Town Manager Keith Markel, Deputy Town Attorney Barbara Notar, Deputy Director of Planning and Zoning Brian Boucher, Senior Planner Mike Watkins, Transportation Engineer Calvin Grow and Executive Associate I Tara Belote

AGENDA

ITEMS

1. CALL TO ORDER

2. INVOCATION: Mayor Umstattd

3. SALUTE TO THE FLAG: Vice Mayor Butler

4. ROLL CALL: Showing all members present.

5. MINUTES

a. Work Session/Regular Session Minutes of October 14, 2014

On a motion by Council Member Burk, seconded by Vice Mayor Butler, the minutes of the work session/regular session meeting of October 14, 2014 were approved by a vote of 7-0.

6. ADOPTING THE MEETING AGENDA

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

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

Nay: None

Vote: 7-0

7. PRESENTATIONS

a. Certificates of Appreciation – Friends of Leesburg Public Art

On a motion by Council Member Burk, seconded by Vice Mayor Butler, Certificates of Appreciation were approved for the following members of Friends of Leesburg Public Art for their work in organizing the 2014 Leesburg Fine Arts Festival:

Pamela Butler
Donna Cid
Victor Cid
Bob Miller
Kristin Brown
Sue Stipek

Richard Hamilton
Jessica Wilson
Mary Pender
Mollie Christ
Rusty Foster
Minu Beijan

28, 2014

KD Kidder
Lisa Strout
Tom O'Neil
Spencer Goyette
Donna Torraca

Dave Torraca
Kevin Wright
Kelly Burk
Larry Burk

- b. Proclamation – DECA Month
On a motion by Council Member Martinez, seconded by Council Member Hammler, the following was proclaimed:

PROCLAMATION

DECA Month November 2014

WHEREAS, entrepreneurship is the driving force that will unlock LEESBURG's potential in innovation, creativity and problem solving and while creating new businesses that are the growth engine of any economy; and

WHEREAS, 80 percent of young Americans envision starting a business or becoming entrepreneurs as adults; and

WHEREAS, the mission of DECA is to prepare emerging leaders and entrepreneurs in marketing, finance, hospitality and management; and

WHEREAS, DECA enhances the co-curricular education of members through a comprehensive learning program that integrates into classroom instruction, applies learning, connects to business and promotes competition; and

WHEREAS, Tuscarora High School's DECA chapter has galvanized the community service aspect of DECA through hosting two blood drives annually, as well as other activities that benefit the community; such as the THS Bazaar and conducting annual toy drives for underprivileged children; and

WHEREAS, The Tuscarora Chapter of DECA in Loudoun County Public schools has and will continue to have a huge positive impact on the community in Leesburg, and prepare its high school students for career opportunities and entrepreneurial guidance through various activities and programs such as DECA Global Entrepreneurship Week; and

WHEREAS, DECA Global Entrepreneurship Week is about unleashing ideas and doing what it takes to bring them to life – spotting opportunities, taking risks, solving problems, being creative, building connections and learning from both failure and success.

THEREFORE PROCLAIMED, by the Council of the Town of Leesburg in Virginia that November 2014 is DECA Month in Leesburg, VA and all citizens are urged to become familiar with the services and benefits offered by the Tuscarora DECA chapter and to support and participate in programs such as DECA Global

Entrepreneurship Week to aid in preparation of students for college and professional careers.

PROCLAIMED this 28th day of October, 2014.

9. PETITIONERS

The Petitioner's Section was opened at 7:36 p.m.

Andrew Borgquist, 1108 Huntmaster Terrace, #301, stated he is continuing his petition to Council regarding his desire to be reinstated in his position. He stated there is a lack of transparency.

Peter Hill, 519 Beauregard Drive, SE, stated he is the treasurer of the Beauregard Estates Homeowner's Association. He stated they would like to have the town accept their private roads into the public road system. He stated this is a formal request to go forward with the information gathering.

Harry Davis, 301 Ariel Drive, NE, stated there was a pedestrian struck at the corner of Oakcrest Manor Drive and North King Street. He stated he uses that crosswalk twice a day and he stated you take your life into your hands when you use that crosswalk, as well as any others throughout town. He asked Council to think about lights or something else to mark the crosswalk.

Tim Simpkins, 105 Oakcrest Manor Drive, stated a pedestrian was hit in the crosswalk near the Catholic church. He stated people do not stop for pedestrians in this cross walk with the most dangerous times being in the evening hours between 4-6 p.m. He recommended that the police presence be more visible in the evening hours. He also suggested some other type of mechanism to warn drivers such as rumble strips.

The Mayor noted that this item has been placed on the Standing Residential Traffic Committee agenda for their next meeting. Kaj Dentler stated the message board has been placed at the approaches to the intersection to alert drivers to the presence of pedestrians.

Gabe Kelemen, 284 Ariel Drive, stated she is following up on an email she sent to the Standing Residential Traffic Committee – she asked the Council to formally adopt a long-term strategy for protecting pedestrians, cyclists, runners, and whoever uses the crosswalks. She stated the town has been very proactive in adding safe pedestrian facilities throughout town and the town has been responsive to safety concerns; however, there needs to be a change in attitude with regards to drivers and pedestrians.

John Chapin, 284 Ariel Drive, stated he is concerned about pedestrians. He stated he was the one who called 911 when the teenager was hit. He stated that enforcement of crosswalk regulations might be enough to make it safer for pedestrians.

Fred Williams, 21 Wirt Street, NW, stated he is very sorry he was unable to address this subject before a young girl was seriously injured. He stated once people

pass the light at the courthouse, they feel like it's open road going north on Rt. 15 and west on Rt. 7. He suggested that enforcement will be a good way to get the message out. He noted in Camden, MA, people have included pedestrian education as part of the safety campaign. He noted in Charlottesville, there are a lot of pedestrians, and their crosswalks light up when the button is pushed.

The Petitioner's Section was closed at 8:00 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. *VDOT Revenue Sharing Application Authorization for FY 2016*

RESOLUTION 2014-107

Authorizing the Town Manager to Execute the Application for the Virginia Department of Transportation Fiscal Year 2016 Revenue Sharing Program Funding

- b. *Approving Participation in Virginia Water and Wastewater Agency Response Network or "Virginia Warn"*

RESOLUTION 2014-108

Resolution Authorizing Execution of the Virginia Water and Wastewater Agency Response Network Mutual Aid Agreement

- c. *Town Hall Art Exhibit Approval for December 2014-February 2015*

RESOLUTION 2014-109

Approval of the Next Art Exhibit by the C.S. Monroe Technology Center Students of Pam Smith in the Leesburg Town Exhibit Hall

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. *Town Manager's Public Hearing – Residential Permit Parking Request (100 Block of Plaza Street)*

The public hearing was opened at 8:03 p.m.

Calvin Grow stated this public hearing to consider a Residential Permit Parking Zone is being held per Section 32-340 of the Leesburg Town Code.

Key Points:

- 19 out of 22 residences in the 100 block of Plaza Street have signed a petition asking for a Permit Parking Zone on their street
- Surveys conducted by the Public Works Department shows the area meets the criteria listed in the Town Code for permit parking
- After the public hearing, staff will review all comments and send a recommendation to the Town Manager

Shelly Delany, 121 Plaza Street, stated she has two senior citizens living in her home. She stated there are a lot of people parking on the block that do not live there and it takes up parking spaces that she needs for the elderly members of her household.

Chris Cicotelli, 105 Plaza Street, stated he approached the town for a permit parking zone due to the fact that there is a lot of over-flow parking from the Fields Apartments on the street. He expressed concern over safety because the owners of the vehicles are crossing the street, often at night, in an area where there is no crosswalk. He stated there is also a concern with the increased litter resulting from these vehicles.

Mark Latimer, 109 Plaza Street, stated the biggest issue is the concern that cars are left for weeks at a time. He stated that a permit parking zone would give the neighborhood peace of mind with regards to the number of strange cars parked on the block.

Earl Hower, 111 Plaza Street, noted that there have been a lot of changes to the northeast quadrant of Leesburg since he moved there in 1988. He stated that there is permit parking on Mayfair Street, part of the 700 block of Edwards Ferry Road, and the first and second block of Appletree, part of Cherrytree, and Wirt Street. He stated at times people park in front of the fire hydrants on the street. He noted he had a letter from Terry and Sharon Corle, 117 Plaza Street requesting the permit parking zone.

The public hearing was closed at 8:18 p.m.

Council Comments/Questions:

- Outreach to the apartment management needs to be performed to look for ways to solve the problem at its root.
- It is necessary to educate apartment managers on overcrowding issues
- As permit parking zones are instituted, it pushes the cars further down the road into other neighborhoods

- b. TLZM 2014-0006, Village at Leesburg
The public hearing was opened at 8:24 p.m.

Mike Watkins stated this is a concept plan and proffer amendment application for the Village at Leesburg.

Key Points:

- Requests elimination of proffered restriction for restaurant uses in Landbay A
- Additional changes to the notes and tabulations will be necessary
- Previous proffers had a limitation of 25,000 square feet for Landbay A, which was then increased to 28,000
- There are no by-right restrictions on restaurant uses in the B-4 district
- Planning Commission and staff recommend approval
- No new building square footage is proposed with this application

Mike Banzhaf, representative of the applicant, stated this application would allow some of the empty retail units to become restaurants.

Council Comments/Questions:

- Happy to hear there is demand for more quality restaurants in Town
- 100% of meals tax dollars go to the town.
- Does not change the density, but will enhance the Villages
- Would not have been necessary if the developer had gone with by-right uses, but the limitation was added at the time of original approval
- Restaurants tend to use more water than retail or office space
- Would like to see if there is a process whereby similarly administrative approvals would not need to go through the concept plan/proffer amendment process

There were no members of the public wishing to address this subject before Council.

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

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

ORDINANCE 2014-O-026

Approving TLZM 2014-0006 Village at Leesburg to Eliminate the Limitation of Restaurant Uses in Land Bay A

The motion was approved by the following vote:

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

Nay: None

Vote: 7-0

11. RESOLUTIONS AND MOTIONS

- a. None.

13. UNFINISHED BUSINESS

a. None.

14. NEW BUSINESS

a. None.

15. COUNCIL COMMENTS

Council Member Dunn stated he has to go to his son's football game.

Vice Mayor Butler disclosed a conversation with Kevin Ash about a potential rezoning. He questioned whether quadrant designations are used for Village at Leesburg. He expressed condolences on Orbital Science's rocket mishap. He requested a quote on the cost for a lighted crosswalk. He reminded everyone to vote next Tuesday.

Council Member Burk stated the police often use the crosswalk at Catoctin Circle for crosswalk enforcement – she noted this might be effective at other crosswalks in town. She stated she met with the Leesburg area girl scout leaders to talk with them about a butterfly garden project. She stated she is excited that the girl scouts are going to be involved. She stated she attended the Middleburg Community Picnic on Oct. 25. She stated she participated in the League of Women Voters Meet the Candidates Night. She thanked the league for the event as it is important that the public be able to meet the candidates. She stated she attended the ribbon cutting for Picket Fence Realty, which started a few years ago in someone's basement and now has 15 agents. She stated she attended a ribbon cutting at Trinity Café, which is a very interesting place. She encouraged everyone to vote on November 4.

Council Member Martinez also encouraged everyone to come out to vote. He stated he argued to put a crosswalk at Ida Lee several years ago. He stated the Council could have done more for public safety in that area. He stated he has been working with staff and the SRTC to identify where crosswalks need to be installed or enhanced as there are more pedestrians and bicyclists using town facilities. He stated he attended the Senior Center open house, which is an amazing place.

Council Member Hammler disclosed that she attended the meeting with Kevin Ash and Vice Mayor Butler regarding a possible downtown project. She stated she had a meeting on October 17 with staff and Keith Wallace of Merit Properties looking at light industrial uses. She stated she had the solar assessment at her house and it was very worthwhile. She thanked Greg Anselene and Pam Sullivan for all the new weight lifting equipment at Ida Lee and the coordination it took to keep the facility operating during the upgrades. She noted a lighted crosswalk might be a good option for the mid-block crosswalk on King Street.

Council Member Wright stated there is a certain group of drivers that will not yield to pedestrians and bicyclists unless forced to by law enforcement. He noted that a pedestrian cannot just step out into traffic, but must look for a clear spot prior to entering the crosswalk. Once they are in the crosswalk, drivers must yield. He noted the

Halloween parade will be a good time. He encouraged everyone to vote on Election Day and reminded all candidates to remove their signs after the election.

16. MAYOR'S COMMENTS

Mayor Umstattd thanked Dr. Martha Calihan for hosting the Five Stones Institute Event at the Birkby House. She stated it is a very interesting alternative medicine approach. She stated the town hosted 30 South Korean taekwon do students a few weeks ago. She stated the Cate Magennis-Wyatt did a presentation on the Journey Through Hallowed Ground for them. She thanked Nannette Parsons of Best Rack Around for bringing awareness to the fight against breast cancer. She stated Sweet and Sassy opened in the Village at Leesburg which is a wonderful salon/birthday party venue. She congratulated Loudoun County High School senior, Lauren Beard, who was named the U.S. Army's All-American student.

17. MANAGER'S COMMENTS

Kaj Dentler announced that the town received an award for the audit document from the Virginia Chapter of the Government Financial Officers Association. He complimented the budget team of Lisa Hayley and former employee, Mike Bruckner.

18. CLOSED SESSION

None.

19. ADJOURNMENT

On a motion by Vice Mayor Butler, seconded by Council Member Burk, the meeting was adjourned at 8:52 p.m.

Kristen C. Umstattd, Mayor
Town of Leesburg

ATTEST:

Clerk of Council

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