

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: All present.

Staff Present: Town Manager Kaj Dentler, Deputy Town Manager Keith Markel, Deputy Town Attorney Barbara Notar, Communications Manager Betsy Fields, Director of Economic Development Marantha Edwards, Director of Parks and Recreation Rich Williams, Director of Finance and Administrative Services Clark Case, Assistant Town Manager Scott Parker, Director of Public Works Tom Mason, Building Services Manager Katey Jackson, Business Development Manager Doug Parsons, Land Acquisition Manager Keith Wilson, Information Technology Manager Annie Carlson, Management Analyst Lisa Haley, and Executive Associate I Tara Belote

AGENDA

ITEMS

1. CALL TO ORDER

2. INVOCATION: Council Member Dunn

3. SALUTE TO THE FLAG: Council Member Burk

4. ROLL CALL: Showing all members present.

5. MINUTES

a. Work Session Minutes of October 27, 2014

On a motion by Vice Mayor Butler, seconded by Council Member Martinez, the minutes of the work session meeting of October 27, 2014 were approved by a vote of 7-0.

b. Regular Session Minutes of October 28, 2014

On a motion by Vice Mayor Butler, seconded by Council Member Wright, the minutes of the regular session meeting of October 28, 2014 were approved by a vote of 7-0.

6. ADOPTING THE MEETING AGENDA

On the motion of Council Member Martinez, seconded by Vice Mayor Butler, the meeting agenda after moving 11b, 11c to the Consent Agenda and removing 9d and 9e from the Consent 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. Proclamation – Pancreatic Cancer Awareness

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

PROCLAMATION

Pancreatic Cancer Awareness Month

November 2014

WHEREAS, in 2014, an estimated 46,420 people will be diagnosed with pancreatic cancer in the United States and 39,590 will die from the disease; and

WHEREAS, pancreatic cancer is one of the deadliest cancers, is currently the fourth leading cause of cancer death in the United States and is projected to become the second by 2020; and

WHEREAS, when symptoms of pancreatic cancer present themselves, it is generally late stage, and 73 percent of pancreatic cancer patients die within the first year of their diagnosis while 94 percent of pancreatic cancer patients die within the first five years;

WHEREAS, approximately 1010 deaths will occur in Virginia in 2014; and

WHEREAS, the *Recalcitrant Cancer Research Act* was signed into law in 2013, which calls on the National Cancer Institute to develop a strategic plan for pancreatic cancer and other deadly cancers, which will help provide the strategic direction and guidance needed to make true progress against these diseases; and

WHEREAS, it will be very difficult to leverage the opportunities that come out of the scientific framework developed as a result of the *Recalcitrant Cancer Research Act* unless sustained and adequate funding is provided to the National Institutes of Health and National Cancer Institute; and

WHEREAS, federal funding for medical research is critical to leverage the opportunities that come out of the *Recalcitrant Cancer Research Act*; and

WHEREAS, the Pancreatic Cancer Action Network and its affiliates in Leesburg support those patients currently battling pancreatic cancer, as well as to those who have lost their lives to the disease, and are committed to nothing less than a cure.

THEREFORE, PROCLAIMED by the Council of the Town of Leesburg in Virginia that November 2014 is “Pancreatic Cancer Awareness Month” in the Town of Leesburg.

10, 2014

PROCLAIMED this 10th day of November, 2014.

b. Certificate of Appreciation - Leesburg Dogs, Inc.

On a motion by Council Member Martinez, seconded by Council Member Burk, a Certificate of Appreciation was presented to Dale Goodson on behalf of Leesburg Dogs, Inc., for their generous donation to the Parks and Recreation Department for the enhancement of the Leesburg Dog Park.

c. Certificate of Recognition – Crème de la Crème

On a motion by Council Member Burk, seconded by Vice Mayor Butler, a Certificate of Recognition was approved for Crème de la Crème on the occasion of their 12th anniversary.

d. Mason Enterprise Center – Susan Henson

Susan Henson, the director of the Mason Enterprise Center, gave an update on the Mason Enterprise Center. She listed the groups that meet at the Mason Enterprise Center, bringing attention to Leesburg and Loudoun within the entrepreneurial community. She stated they concentrate on small government contractors and the tech start-up community. She noted that these small companies help one another grow their businesses, as well as patronizing local personal service companies. She stated they appreciate Council's support in their efforts to grow the Leesburg business community.

Council Member Dunn noted that the Mason Enterprise Center is located within the HUBZone. Ms. Henson stated that the Small Business Administration is looking at the success of that as a model for other HUBZones.

Council Member Burk questioned whether the Mason Enterprise Center is self-sufficient at this time. Ms. Henson noted that it continues to need some level of support from the town and county.

e. Town Website Re-Design (includes Ida Lee On-Line Reg. System)

Betsy Fields stated that the newly redesigned website will go live after the presentation.

Key Points:

- Color palette matches print advertisements
- Organization went from seven categories to five categories
- Mega-Menus show two levels of information at once rather than using drop downs
- Banner photos are larger and are hyperlinks to the department that the photo displays
- Additional ways for residents to engage with the Town of Leesburg
- Notice of more public meetings will appear on the homepage than in the past

- Built-in user-friendly URLs
- RecTrac has limitations to customization
- Website utilizes responsive design, which is mobile friendly
- No longer hosted on town servers

Council Comments/Questions:

- Where do public interactions go?
Staff answer: Staff monitors all postings and interactions.
- Links from other websites will need to be refreshed.
- Would recommend a test group to look for bugs
- Verify that this is 509 compliant

f. Expanded On-Line Government Access/Transparency Initiative

Lisa Haley presented the town's budget visualization tool which will allow for easy exploration of the town's budgetary information and for citizens to contact budget staff directly with questions or concerns.

9. PETITIONERS

The Petitioner's Section was opened at 8:49 p.m.

Greg Hudson, congratulated everyone on their campaigns. He stated that Council Member Wright approached his job as a Council Member with a steady voice for the community and handled himself with class and dignity throughout the election cycle.

The Petitioner's Section was closed at 8:53 p.m.

10. APPROVAL OF THE CONSENT AGENDA

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

- a. *Supplemental Appropriation from a Donation to the Parks and Recreation Department from Leesburg Dogs, Inc.*

RESOLUTION 2014-110

Approving a Supplemental Appropriation of \$3,000 to the FY 2015 Parks and Recreation Budget Resulting from a Donation from Leesburg Dogs, Inc.

- b. *Approving Encroachment Agreement with Verizon Wireless*

RESOLUTION 2014-111

Authorizing the Mayor to Execute an Encroachment Agreement Between the Town of Leesburg and Cellco Partnership D/B/A Verizon Wireless to Allow Verizon Wireless to Cross the Town's Easement at the Kenneth B. Rollins Water Treatment Plant

- c. Performance Guarantee and Water and Sewer Extension Permits for Crescent Place

RESOLUTION 2014-112

Authorizing an Agreement and Approving a Performance Guarantee and Water and Sewer Extension Permits for Crescent Place Harrison Street Roadway Improvements (TLPF 2014-0016)

- d. Support for the Marine Corps Toys for Tots Campaign

RESOLUTION 2014-113

Town Council Recognizes and Supports the Loudoun County Detachment of the Marine Corps League on the National Toys for Tots Campaign

- e. Non-Partisan Redistricting

RESOLUTION 2014-118

One Virginia 2021 Redistricting

- f. Mason Enterprise Centre Advisory Board Vacancy

RESOLUTION 2014-119

To Appoint Ms. So Yun Maryn to the Mason Enterprise Center Leesburg, Board of Advisors

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. South King Street Widening, Ph. II – Easement Condemnation Authorization

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

Keith Wilson gave a brief description of the reason for this public hearing.

Key Points:

- Fully funded capital project for street improvements to South King Street
- Phase II ties into the recently completed Phase I project near Greenway Drive and extends South to just past Masons Lane.
- Will include a landscaped median similar to the Phase I project to provide an attractive entrance into the Town of Leesburg
- Land rights were needed on 37 parcels or tracts of land from 12 landowners

- All land rights necessary for construction have been acquired by voluntary conveyance except for one parcel
- Landowner will not agree to an amount until after the project is completed

There were no citizens wishing to address Council for this public hearing.

The public hearing was closed at 9:18 p.m.

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

RESOLUTION 2014-116

Declaring that a Public Necessity and Use Exists, and Authorizing an Offer to Acquire Permanent and Temporary Easements from PIN 273-17-5133-000 for the Route 15 (South King Street) Widening Phase II Project and to Authorize Condemnation

Council Comments/Questions:

- Will the town continue to negotiate?
Staff answer: Yes. But it would require Council approval after the certificate of take is filed
- Are we working with VDOT on the funding for this?
Staff answer: Right of way acquisition is eligible for federal reimbursement for this project, so the town must use federal guidelines for acquiring the land rights
- If this goes to court, the town would have to abide by whatever the court found to be reasonable value for the property

The motion was approved by the following vote:

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

Nay: Dunn

Vote: 6-1

11. RESOLUTIONS AND MOTIONS

- a. Performance Guarantee and Water and Sewer Extension Permits for Oaklawn Landbay B and Performance Guarantee and Water Extension Permit for Oaklawn Landbay C Gas Station

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

RESOLUTION 2014-114

Authorizing an Agreement and Approving a Performance Guarantee and Water and Sewer Extension Permits for Oaklawn Landbay B (TLPF) 2014-0024)

RESOLUTION 2014-115

Authorizing an Agreement and Approving a Performance Guarantee and Water Extension Permit for Oaklawn Landbay C Gas Station (TLPF 2013-0021)

Council Comments/Questions:

- Standard administrative approvals for land use
- Important next steps towards finalizing this important project
- What would happen if these do not pass?
Staff answer: This is the final step in the development process; however, the development can go on without this approval. These are the final steps in the development process.
- This process was rushed to meet the needs of the developer.
- Opposed to the process, rather than the project
- Would like to consider ending the nondisclosure agreement with this developer/tenant
- What is the legal liability for the town, if this does not pass?
Staff answer: They could go forward with their development; however, we would have no way to force them to install the public improvements.
- This is an approval for the corporate surety bond, not an approval of the development plans

The motion was approved by the following vote:

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

Nay: None

Vote: 6-0-1 (Dunn abstaining)

- b. Authorizing the Town Manager to Enter into Settlement Agreement with SEC for Municipalities Continuing Disclosure Cooperation Initiative
Mr. Dentler introduced Clark Case, the new Director of the Finance and Administrative Services Department.

Clark Case gave a presentation on the item.

Key Points:

- Staff recommends approval
- Would require the town to answer a questionnaire from the SEC, possibly enter into a legal settlement with the SEC and take corrective administrative actions
- The town would avoid substantial fines, legal fees, and administrative expenses
- SEC has maintained that local governments do not do enough to keep bond buyers and sellers informed about their financial condition after the bonds are sold
- Financial reports must be posted by January 31 for the year ended the prior June 30.
- The town did not file it's financial records on a timely basis in 2006, 2007, and 2008. This was disclosed for 2007 and 2008, but not 2006

- Material failure is not clearly defined.
- Council will be provided with the report, so that they can see what errors were made

Council Comments/Questions:

- Does the town have financial recourse against any firms that put together our bond packages?
Staff answer: Staff will look into this aspect.
- What is the estimated cost that is anticipated ?
Staff answer: No estimates yet, but there will be increased costs associated with the need for additional Bond Counsel duties
- Were the errors just ministerial errors?
Consulting Attorney answer: Yes.
- Do we anticipate any adverse effect on the bond rating?
Staff answer: No.

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

RESOLUTION 2014-117

Delegating to the Town Manager the Authority to Determine Whether the Town Should Participate in the Municipalities Continuing Disclosure Cooperation Initiative and Authorizing the Town Manager and the Town Attorney and Other Officers of the Town to Take Certain Actions in Connection Therewith

The motion was approved by the following vote:

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

Nay: None

Vote: 7-0

c. Legislative Agenda

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

MOTION 2014-030

I move to approve the 2014 Legislative Agenda and Legislative Positions Statement, as attached

Council Member Wright offered a friendly amendment to the statement regarding drones as follows “to support the privacy and safety of town residents”. The amendment was accepted as friendly.

Council Comments/Questions:

- Would like to look at legislation that would limit eMeetings, or electronic communication within meetings.

Staff answer: There is not state code that addresses this, but there is case law – i.e. a recent case in Fairfax County (*Hill v. Fairfax County School Board*) where the court affirmed a previous Virginia Supreme Court Case (*Beck v. Shelton*) that states clearly “emails between you, is not a public meeting because they must be simultaneous”.

- Would like to work on prioritizing the list

Council Member Hammler offered a friendly amendment to add the ability for towns over 40,000 in population to seek city status. The amendment was not accepted as friendly.

Council Member Wright noted that in order to seek city status, the town would have to provide calculations that would prove the county would not go broke if the town became a city.

Council Member Hammler made a motion to add this to the legislative agenda. The motion was seconded by Vice Mayor Butler.

Vice Mayor Butler stated that this addition would not mean that the town is going to seek city status, but would allow the possibility.

The motion failed by the following vote:

Aye: Butler, Hammler and Mayor Umstatted

Nay: Burk, Dunn, Martinez, and Wright

Vote: 3-4

The motion to approve the Legislative Agenda, as amended, was approved by the following vote:

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

Nay: None

Vote: 7-0

13. UNFINISHED BUSINESS

- a. None.

14. NEW BUSINESS

- a. Additions to Future Council Meetings

Council Member Hammler: Letter to the Board of Supervisors thanking them for funding for the Mason Enterprise Center. It was agreed that this could be done without Council action. She thanked the Mayor and Council for their support of Certificates of Recognition for Adam Bell and the Special Olympics team on their win in the recent State Bocce Tournament. She requested a memo on the revitalization of Town Branch.

Council Member Wright suggested signage on Battlefield Parkway near the airport warning drivers of low flying aircraft.

Council Member Dunn asked for a memo regarding employee termination policy for actions taken during non-working hours. He also requested a discussion on availability fee financing for smaller businesses. He also requested a discussion about what things the county could fund before budget discussions begin. It was agreed to put this on a future agenda prior to budget discussions.

15. COUNCIL COMMENTS

Council Member Dunn stated he would not be able to attend the Veteran's Day Ceremony. He stated the Halloween Parade was good and congratulated the re-elected Council Members.

Vice Mayor Butler congratulated everyone who was elected. He stated the Halloween Parade was great with one of the largest crowds he can remember seeing.

Council Member Burk wished her older sister, Eileen, a happy birthday and noted her son's birthday was yesterday. She congratulated Crème de la Crème on their 12th anniversary of being in business here in Leesburg. She stated the ribbon cutting at Pittsburgh Rick's was great. She stated the building is interesting and the food is good. She applauded the Smart's Mill Art Show on the second floor of Town Hall. She also stated that the newly opened Potomac Crossing Park is a great place. She congratulated Senator Waddell, Mr. Petersen, and Steve Price on their Loudoun History Awards. She thanked staff for meeting with members of the Beauregard Estates HOA to answer their questions about their roads. She stated the trees in the median on the Rt. 15 bypass are nice. She congratulated everyone on their election and stated everyone will miss Council Member Wright.

Council Member Martinez had no comments.

Council Member Hammler stated she attended the Pittsburgh Rick's ribbon cutting and the food was incredible. She stated the ribbon cutting for Potomac Crossing Park was fun. She noted that Council needs to discuss the future of the Utility Rate Advisory Committee. She stated the town will be holding a dance at Ida Lee to help gather food for Interfaith Relief. She stated that Interfaith Relief is in particular need of \$10 gift cards to local grocery stores. She congratulated everyone on their elections and stated the following: "I salute you, and thank you, Kevin, my friend and Council colleague for your selfless service. For eight years, you represented the very essence of dedicated, principled, nonpartisan leadership by continually seeking effective solutions, not self-promoting, controlling statements. You never waived from your commitment to achieve what is best for Leesburg, which you did through unprecedented level of homework and outreach. Your contributions are long-lasting and you have helped prepare Leesburg for a brighter future." She thanked all the veterans on the Council and stated she is looking forward to tomorrow's ceremony at Dodona Manor.

Council Member Wright stated he had a lot of fun at the Halloween Parade. He thanked Pack Rat Hauling, which gave him a jumpstart. He stated the ribbon cutting for Potomac Crossing Park was great and the amenity was long awaited by the community.

He thanked all veterans for their service and congratulated everyone on their elections. He congratulated Ms. Fox on her election and thanked everyone for their comments and support.

16. MAYOR'S COMMENTS

Mayor Umstattd congratuled Kelly and Marty on their re-elections, Kevin for being a wonderful colleague, and Suzanne Fox for joining the Council in January. She stated Council is looking forward to working with her.

17. MANAGER'S COMMENTS

Mr. Dentler had no comments.

18. CLOSED SESSION

None.

19. ADJOURNMENT

On a motion by Council Member Martinez, seconded by Vice Mayor Butler, the meeting was adjourned at 10:13 p.m.

Kristen C. Umstattd, Mayor
Town of Leesburg

ATTEST:

Clerk of Council
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