

Council Chambers, 25 West Market Street, 6:30 p.m. Mayor Umstattd presiding.

Council Members Present: Kelly Burk, David Butler, Thomas Dunn, Suzanne Fox, Katie Sheldon Hammler, Marty Martinez and Mayor Umstattd

Council Members Absent: None.

Staff Present: Town Manager Kaj Dentler, Interim Town Attorney Barbara Notar, Deputy Town Manager Keith Markel, Assistant Town Manager Scott Parker, Library Manager Alexandra Gressitt and Clerk of Council Lee Ann Green

AGENDA

ITEMS

1. **CALL TO ORDER**

2. **ROLL CALL:** Showing all members present

3. **RESOLUTIONS AND MOTIONS**

a. Appointing a Vice Mayor

This item is postponed until the next Regular Session meeting per Town Code requirements.

b. Making Councilmanic Appointments

On a motion by Council Member Martinez, seconded by Council Member Butler, Council Member Suzanne Fox was nominated to be Councilmanic Liaison to the Airport Commission. The motion was approved unanimously.

On a motion by Council Member Martinez, seconded by Council Member Butler, Council Member Marty Martinez was nominated to be Councilmanic Liaison to the Thomas Balch Library Commission. The motion was approved unanimously.

On a motion by Council Member Martinez, seconded by Council Member Burk, Council Member Kelly Burk was nominated to be Councilmanic Liaison to the Economic Development Commission. The motion was approved unanimously.

On a motion by Mayor Umstattd, seconded by Council Member Martinez, Council Member Kelly Burk was nominated to be Councilmanic Liaison to the Environmental Advisory Commission. The motion was approved unanimously.

On a motion by Council Member Burk, seconded by Council Member Martinez, Council Member Marty Martinez was nominated to be Councilmanic Liaison to the Parks and Recreation Commission. The motion was approved unanimously.

On a motion by Council Member Butler, seconded by Council Member Martinez, Mayor Umstattd was nominated to be Councilmanic Liaison to the Planning Commission. The motion was approved unanimously.

On a motion by Council Member Burk, seconded by Council Member Martinez, Council Member Katie Sheldon Hammler was nominated to be Councilmanic Liaison to the Technology and Communication Commission. The motion was approved unanimously.

On a motion by Council Member Martinez, seconded by Council Member Butler, Council Member Kelly Burk was nominated to be Councilmanic Liaison to the Standing Residential Traffic Committee. The motion was approved unanimously.

On a motion by Council Member Burk, seconded by Council Member Butler, Council Member Marty Martinez was nominated to be Councilmanic Liaison to the Commission on Public Art Commission. The motion was approved unanimously.

On a motion by Council Member Martinez, seconded by Council Member Butler, Council Member Suzanne Fox was nominated to be Councilmanic Liaison to the Board of Architectural Review. The motion was approved unanimously.

On a motion by Council Member Martinez, seconded by Council Member Burk, Council Member Dave Butler was nominated to be Councilmanic Liaison to the Tree Commission. The motion was approved unanimously.

On a motion by Council Member Butler, seconded by Mayor Umstattd, Council Member Katie Hammler was nominated to be Councilmanic Liaison to the Loudoun County Economic Development Commission. The motion was approved unanimously.

On a motion by Council Member Butler, seconded by Council Member Hammler, Council Member Tom Dunn was nominated to be Councilmanic Liaison to the Dulles Area Transportation Association. The motion was approved unanimously.

On a motion by Council Member Martinez, seconded by Mayor Umstattd, Council Member Dave Butler was nominated to be Councilmanic Liaison to the Northern Virginia Regional Commission (NVRC). The motion was approved unanimously.

On a motion by Council Member Dunn, seconded by Council Member Hammler, Council Member Katie Hammler was nominated to be Councilmanic Liaison to the Northern Virginia Transportation Authority Advisory Committee. The motion failed 3-4 with Burk, Butler, Martinez and Mayor Umstattd opposed.

On a motion by Council Member Martinez, seconded by Mayor Umstattd, Council Member Kelly Burk was nominated to be Councilmanic Liaison to the Northern Virginia Transportation Authority Advisory Committee. The motion was approved unanimously.

On a motion by Council Member Martinez, seconded by Mayor Umstattd, Council Member Kelly Burk was nominated to be Councilmanic Liaison to the Annexation Area Development Policy Committee. The motion failed by a vote of 3-4 with Dunn, Butler, Fox, and Hammler opposing.

On a motion by Council Member Martinez, seconded by Council Member Butler, Council Member Thomas Dunn was nominated to be Councilmanic Liaison to the Annexation Area Development Policy Committee. The motion was approved by a vote of 7-0.

On a motion by Council Member Martinez, seconded by Council Member Butler, Council Member Katie Hammler was nominated to be Councilmanic Liaison to the Annexation Area Development Policy Committee. The motion was approved by a vote of 7-0.

On a motion by Council Member Butler, seconded by Council Member Burk, Council Member Thomas Dunn was nominated to be Councilmanic Liaison to the Virginia Municipal League (VML) Finance Committee. The motion was approved by a vote of 7-0.

On a motion by Council Member Butler, seconded by Council Member Hammler, Council Member Marty Martinez was nominated to be Councilmanic Liaison to the Virginia Municipal League (VML) General Laws Committee. The motion was approved by a vote of 7-0.

On a motion by Council Member Butler, seconded by Council Member Hammler, Council Member Kelly Burk was nominated to be Councilmanic Liaison to the Virginia Municipal League (VML) Transportation Committee. The motion was approved by a vote of 7-0.

On a motion by Council Member Martinez, seconded by Mayor Umstattd, Council Member Dave Butler was nominated to be Councilmanic Liaison to the Virginia Municipal League (VML) Environmental Quality Committee. The motion was approved by a vote of 7-0.

On a motion by Council Member Martinez, seconded by Council Member Butler, Council Member Kelly Burk was nominated to be Councilmanic Liaison to the Virginia Municipal League (VML) Human Development and Education Committee. The motion was approved by a vote of 7-0.

On a motion by Council Member Butler, seconded by Mayor Umstattd, Council Member Katie Sheldon Hammler was nominated to be Councilmanic Liaison to the Virginia Municipal League (VML) Community and Economic Development Committee. The motion was approved by a vote of 7-0.

b. Making Appointments and Re-appointments to Boards and Commissions

On a motion by Council Member Butler, seconded by Council Member Martinez, the following resolutions were moved:

RESOLUTION 2015-002

Making Appointments and Reappointments to the Airport Commission

RESOLUTION 2015-003

Making Appointments and Re-Appointments to the Thomas Balch Library Commission

RESOLUTION 2015-004

Making Appointments and Re-Appointments to the Commission on Public Art

RESOLUTION 2015-005

Making Re-Appointments to the Board of Architectural Review

RESOLUTION 2015-006

Making Appointments and Re-Appointments to the Economic Development Commission

RESOLUTION 2015-007

Making Re-Appointments to the Environmental Advisory Commission

RESOLUTION 2015-008

Making Appointments and Re-Appointments to the Parks and Recreation Commission

RESOLUTION 2015-009

Making Appointments and Re-Appointments to the Planning Commission

RESOLUTION 2015-010

Making Appointments and Re-Appointments to the Technology and Communication Commission

RESOLUTION 2015-011

Making Appointments and Re-Appointments to the Tree Commission

RESOLUTION 2015-012

Making Appointments and Re-Appointments to the Standing Residential Traffic Committee

Council Comments:

- This is a fine group of candidates that will serve the town well.
- Excited to see new faces on the Boards and Commissions
- Appreciation for those that wish to serve
- Would like to ensure recognition for outgoing members
- Encourage anyone who was not selected to volunteer to assist the boards and commission members in their work
- Concern that some of the nominees did not submit resumes or letters of interest

The motion was approved by the following vote:

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

Nay: Dunn

Vote: 6-1

4. ADJOURNMENT

On a motion by Council Member Butler, seconded by Council Member Martinez, the special meeting was adjourned at 7:35 p.m.

Kristen C. Umstattd, Mayor
Town of Leesburg

ATTEST:

Clerk of Council

2015_tcm10105spec

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

Council Members Present: Kelly Burk, David Butler, Thomas Dunn, Suzanne D. Fox, Katie Sheldon Hammler, Marty Martinez and Mayor Umstattd.

Council Members Absent: All present

Staff Present: Town Manager Kaj Dentler, Deputy Town Manager Keith Markel, Assistant Town Manager Scott Parker, Director of Planning and Zoning Susan Berry Hill, and Executive Associate I Tara Belote.

AGENDA

ITEMS

1. **Work Session Items for Discussion**

a. Animal Shelter Site Location

Scott Parker introduced members of the County Animal Services Division regarding their proposal to locate an animal shelter at the County Government Support Services Center.

- Paul Brown, Deputy Director, Loudoun County Department of Transportation and Capital Infrastructure.
- Tom Koenig, Director of Animal Services.

Key Points:

- Board of Supervisor's Finance Committee asked that Council be briefed on proposed changes to the Support Services Center Master Plan.
- Decision was made to construct a single, large facility to serve the needs of all of Loudoun County.
- First choice was co-location with the Advanced Academy school site because of the pre-veterinary program; however, second choice was the Government Support Services Center site.
- School board has declined the co-location site.
- Location at the Support Services Center is subject to the Special Exception process.
- Community concerns include proximity to the neighborhood with the closest house being between 900-1100 feet.
- Project is fully funded through voter referendum.
- Current facility was not originally designed as an animal shelter and is almost 50 years old.
- Access to the facility has been impacted by development and related traffic issues.
- Not convenient to county population centers.
- Noise abatement is a primary concern and can be addressed by internal and external design elements.

- Noise will be addressed at the property line and decibels at the property line will be included in the RFP for the construction and design.
- Delays will cost the taxpayers money with respect to construction.
- The county has always been a good neighbor and makes every attempt to mitigate the impact of their facilities.

Council Comments/Questions:

- Has the distance between the proposed shelter and the closest residences been studied to ensure that there will be no sound issues?
- Is the project fully funded for any site, or just this site?
Staff answer: Only fully funded for one of the two previously identified sites because it does not include money to purchase additional property
- Do the decibel levels pertain to one dog or multiple dogs?
Staff answer: Externally, it pertains to the loudest dog, whether that be one dog or multiple dogs.
- How will the length of time the dogs are barking be controlled?
Staff answer: Dogs will not be outside for lengths of time by themselves – no dogs would be outside at night. Neighbors close to the existing shelter have never had an issue with noise.
- How large will the new facility be?
Staff answer: It is expected that the new facility will be 25,000 square feet, but will include bringing all the things that are currently stored outside to inside storage. Interior space has not been designed yet but there will not be a significant addition in number of cages.
- Does the county plan to do a demonstration to show the community what to expect as far as noise?
Staff answer: After the Board takes action, outreach meetings will be held with the HOAs. At this time, no demonstration is planned, but could be added if feedback shows it is desired by the community.
- Is there an alternate area on this site for location of the facility?
Staff answer: This is the farthest that this can be located from the residences while utilizing this site.
- Is there the possibility of sharing the walking area with the community?
Staff answer: There is an issue of mixing community dogs with shelter dogs. Safety and health of the community's dogs would be the most important factor.
- Have there been any instances of escaped animals?
Staff answer: No escapes of shelter animals; however, animals that were being brought in to be surrendered have escaped.
- Have there been any issues with disease transmission to the public at the current shelter?
Staff answer: Not that staff is aware of. Any disease within the shelter causes the shelter to be shut down to outside visitors.
- Appreciate the proactive outreach to the community.
- Why did the School Board decide not to co-locate the facilities?

Staff answer: School Board wanted to partner with something on the education spectrum – chose to pursue a STEM library and Northern Virginia Community College.

- Is odor an issue?

Staff answer: No. There is not enough volume to create an odor issue.

- Noise can be mitigated by limiting the number of dogs that are allowed outside at any given time. Has the County considered this as a noise mitigation tool?

Staff answer: It is limited based on the number of staff available.

However, play times for dogs do not include more than five dogs at any given time.

- Would like the county to consider a guideline to limit the number of dogs that are outside at any given time.
- Would encourage the Board to look at other county owned structures and facilities that are not being used.
- Why is the Sycolin Road site superior as far as road access?

Staff answer: The Rt. 9 location only has one way in. Sycolin Road is more accessible for the rest of the county.

- What are the plans for trail access along Kincaid Boulevard?

Staff answer: The sidewalk along Kincaid has already been installed.

- A good tree buffer between the homes and the facility will be important.

Mr. Koenig invited Council to tour the existing facility.

b. Major Issues 2016 Report

Kaj Dentler stated that this is an attempt to give Council a two year outlook of what staff feels are important issues and challenges.

Key Points:

- Focused on the five areas of the budget document – long term sustainability, technology and automation, customer service, organizational efficiency and employee development.
- Tax rate has been held steady for several years, but the town continues to grow and the demand on the town's resources has grown as well.
- Staff is focusing on emergency management, succession planning and becoming more efficient.
- Staff needs help establishing Council's priorities.
- Would suggest a work session to focus on these issues.

Council Comments/Questions

- Good, proactive document.
- Would like to have Commissioners take a look at the document and provide feedback.

- Look at ways to tap into the community for their feedback on a regular basis.
- Has staff looked at ways to get funding from other sources, such as the county, specifically as it relates to traffic enforcement?
- Concerned that Council asked staff to review the H-2 corridor, yet this is still not included in this document.
Staff response: If this elected body wants that to be on their list of top priorities, then it will be on the list.

Council will give staff their availability.

c. Joint Land Management Area (JLMA)

Kaj Dentler stated his notes show that Council Member Dunn asked for a discussion about what Council would like to see in the JLMA, but not a specific discussion about Tuscarora Crossing.

Susan Berry Hill noted that the Tuscarora Crossing land use application is going to the Transportation and Land Use Committee meeting on January 14. She further noted that the applicant has submitted updated proffers.

Council Comments:

- Need to know what the current zoning is and what uses are allowed under that zoning.
- Need to know whether the Council is willing to suggest changes to the County.
- Is the town expected to annex the JLMA at some point?
Council answer: Nothing this specific has been discussed.
Staff answer: Policies in the town and county plans do not specify when or if annexation might occur. A key point is that it will be served by the town for water and sewer.
- County is trying to align their General Plan with their zoning.
- Would like to get rid of the word “industrial” – possibly call it something else so that people are not confused with tire factories.
- Council Members Hammler and Burk distributed a draft resolution for Council’s consideration.
- Would be helpful to have the definitions of the various zoning categories to reference.
- Town and County staff need to work together.
- What is the JLMA-20 designation?
Staff answer: It was conceived to acknowledge that the area was to be developed. Very little is by-right.
- The question of how to work with the county on joint planning is important – would suggest this be included in the resolution.
- Council Members Hammler and Burk’s draft resolution could be moved as amendments to Council Member Butler’s draft resolution.

- Will not support any resolution as Council has already taken care of this.

2. **Additions to Future Council Meetings**

Council Member Burk requested Council consider the Diversity Task Force's recommendation to create a Diversity Commission. There was consensus to put this on a work session for discussion.

Council Member Martinez requested a discussion about police presence downtown during First Fridays. He stated the presence of police would help control pedestrian traffic. It was noted that this could be addressed during the Major Issues work session.

Council Member Fox had no requests.

Council Member Hammler requested a memo on the possibility that the Federal Aviation Administration has changed its policy on prohibited uses at airports. An information memo was advised with possible scheduling of a work session, if the memo warrants. She requested the powerpoint from the County EDAC on craft breweries in Loudoun be forwarded to the Economic Development Commission as there is a great opportunity to develop partnerships. She further requested a memo on food truck regulations in town so that Council can determine if they would like to amend the regulations. She requested an information item on rapid transit from Leesburg to the new metro stations.

Council Member Butler questioned when the striping on Plaza Street for the bike lanes would occur. He requested the noise ordinance be put on a future work session for discussion. There was consensus to put this on a future work session. Council Member Butler stated he would provide a draft ordinance for staff to review.

Council Member Dunn commented that he was involved in the meeting this evening and his delay in arrival was because he attended a Court of Honor for the Boy Scouts.

3. **Adjournment**

On a motion by Council Member Butler, seconded by Council Member Burk, the meeting was adjourned at 9:33 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, Suzanne Fox, Katie Sheldon Hammler, Marty Martinez and Mayor Umstattd.

Council Members Absent: All present.

Staff Present: Town Manager Kaj Dentler, Deputy Town Manager Keith Markel, Interim Town Attorney Barbara Notar, Assistant Town Manager Scott Parker, Director of Planning and Zoning Susan Berry Hill, Director of Economic Development Marantha Edwards, Deputy Director of Planning and Zoning Brian Boucher, Captain Vanessa Grigsby, Captain Carl Maupin, and Clerk of Council Lee Ann Green

AGENDA**ITEMS****1. CALL TO ORDER****2. INVOCATION:** Council Member Fox**3. SALUTE TO THE FLAG:** Council Member Martinez**4. ROLL CALL:** Showing all members present.**5. MINUTES****a. Work Session Minutes of December 8, 2014**

On a motion by Council Member Martinez, seconded by Council Member Butler, the minutes of the work session meeting of December 8, 2014 were approved by a vote of 7-0.

b. Regular Session Minutes of December 9, 2014

On a motion by Council Member Burk, seconded by Council Member Butler, the minutes of the regular session meeting of December 9, 2014 were approved by a vote of 7-0.

6. ADOPTING THE MEETING AGENDA

On the motion of Council Member Butler, seconded by Council Member Burk, the meeting agenda after removing Item 11a and was approved by the following vote:

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

Nay: None

Vote: 7-0

7. PRESENTATIONS**a. Proclamation – Loudoun County High School Girls Volleyball**

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

PROCLAMATION

*2014-2015
Loudoun County High School
Girls' Volleyball*

WHEREAS, the 2014-2015 Loudoun County High School Girls' Volleyball program has completed another successful season; and

WHEREAS, they won the State 4A Championship; and

WHEREAS, they had a 29-2 overall record for the season; and

WHEREAS, the program was ranked 98th in the nation, and 2nd in the state; and

WHEREAS, the players – Celine Nguyen, Emily Solis, Addi Williams, Rachael Cullen, Hannah Vandegrift, Madison Batts, Oliva Aycock; Rachel Voketaitis, Lauren Topper, Taylor Borup, Ciara Kain, Logan Robberstad, Hannah Aycock, Abby Wright, and Allie Sarver show great leadership skills and competitive spirit both on and off the court; and

WHEREAS, the team was most ably lead by head coach, Sherrilyn Hanna and assistant coaches Amanda Arbogast, Amy Ging, Juliane Hanna, Marguerite Hanna and Tad Wymer; and

WHEREAS, the team was supported by managers Andrew Bukala, Gavin Bukala, Erica Duerbeck, Jocelyn Schmidt, and Carlos Tingle.

THEREFORE, PROCLAIMED by the Council of the Town of Leesburg in Virginia that the 2014-2015 Loudoun County High School Girls' Volleyball program is recognized for their accomplishments.

PROCLAIMED this 13th day of January, 2015.

- b. Proclamation – Tuscarora High School Cross Country
On a motion by Council Member Hammler, seconded by Council Member Butler, the following was proclaimed:

PROCLAMATION

**2014-2015
Tuscarora High School
Girls' Cross Country**

WHEREAS, the 2014-2015 Tuscarora High School Girls' Cross Country program has completed a successful season; and

WHEREAS, they were regular season Conference 14 Champions; and

WHEREAS, they won the Conference 14 meet; and

WHEREAS, they placed second at the Region 5A North meet, missing first by only one point; and

WHEREAS, they won the Virginia State meet; and

WHEREAS, the runners who participated in the state meet (Emma Wolcott, Anna Wasko, Rosie Kostka, Raiya Alnsour, Gillian King, Nicole Fitz, ME Lazorchak, Helen Horne, Mariam Kolbai, Kmaljeet Athwal) all show great leadership skills and competitive spirit both on and off the course; and

WHEREAS, the team was most ably lead by head coach, Rebecca Puterio.

THEREFORE, PROCLAIMED by the Council of the Town of Leesburg in Virginia that the 2014-2015 Tuscarora High School Girls' Cross Country program is recognized for their accomplishments.

PROCLAIMED this 13th day of January, 2015.

- c. Proclamation – Tuscarora High School Varsity Football
On a motion by Council Member Martinez, seconded by Council Member Dunn, the following was proclaimed:

PROCLAMATION

**2014-2015
Tuscarora High School
Varsity Football**

WHEREAS, the 2014-2015 Tuscarora High School Varsity Football program has completed a successful season; and

WHEREAS, they were Regional Champions with an overall season record of 14 wins and only one loss; and

WHEREAS, they were state 5A runners up; and

WHEREAS, they were ranked 5th in the State; and

WHEREAS, the team was most ably lead by head coach, Michael Burnett.

THEREFORE, PROCLAIMED by the Council of the Town of Leesburg in Virginia that the 2014-2015 Tuscarora High School Varsity Football program is recognized for their accomplishments.

PROCLAIMED this 13th day of January, 2015.

9. **PETITIONERS**

The Petitioner's Section was opened at 7:40 p.m.

Gladys Burke, stated she is joined by Mary Randolph. She stated they are both former members of the Diversity Task Force. She thanked Council for agreeing to discuss the possibility of establishing a Diversity Commission with all the rights and responsibilities of any other town commission. She stated that the task force's vision for the proposed commission would be "to identify and advocate on behalf of the Leesburg minority community on issues related to inclusion and deliverance of town services, business opportunities, employment and work force diversity and fairness; to serve as advisors to the Leesburg Town Council and the Mayor's office on issues affecting the minority community in order to create a town atmosphere where citizens feel empowered and where diversity is accepted and appreciated at all levels of town government." She stated that their goals would include monitoring implementation of the Diversity Task Forces' accepted recommendations and make periodic updates, improvements and modifications as might become necessary to meet diversity goals and to make sure that there is an accountability system in place to track and measure progress. She stated another goal would be to create a forum to accept concerns or complaints from members of the minority community or employees and possibly mediate the party's request. She gave examples of other activities and events that the proposed commission could take part in organizing or spearheading. She stated they look forward to seeing this issue brought forward to public hearing.

Andrew Borgquist, stated he wished he did not have to keep coming to Council, but he feels compelled to continue coming based on his petition, which he has changed based on circumstances. He stated he believes there has been a failure in management whereby the concepts of fair and equal employment opportunities within the town are not addressed. He stated that if policies and procedures are not adhered to, they are

meaningless. He stated his petition has changed direction. He stated he does not believe that management takes his concerns seriously. He stated his request to replace the Town Manager may be a drastic request, but it the tone at the top is important.

Joseph Price, stated he is a resident of southeast Leesburg for the past 15 years and speaking as a citizen. He stated he has seen a number of people come before Council to talk about things they felt should be done or things that they are unhappy with. He stated he wanted to talk about two recent town employee retirees, Clagett “Skeeter” Moxley (34 years) and Jeffrey VanGilder (33 years). He stated these two police captains, who are individuals of character, commitment and integrity that dedicated their lives to making Leesburg a better place. He introduced the two newly promoted captains, Carl Maupin and Vanessa Grigsby.

Mayor Umstattd thanked Captains Maupin and Grigsby for coming to be introduced to Council.

The Petitioner’s Section was closed at 7:55 p.m.

10. APPROVAL OF THE CONSENT AGENDA

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

- a. *Virginia Department of Transportation (VDOT) Access Program Grant for Construction of Hope Parkway*

RESOLUTION 2015-013

Requesting that the Commonwealth Transportation Board Provide Economic Development Access Program Funding

- b. *Approving an Agreement with Northern Virginia Transportation Authority for Funding of Road Projects*

RESOLUTION 2015-014

Approving the Standard Agreement with the Northern Virginia Transportation Authority for Funding of the Route 15 Bypass at Edwards Ferry Road Interchange Project

- c. *Requesting Virginia Department of Transportation (VDOT) to Add Certain Streets for Maintenance Payments*

RESOLUTION 2015-015

Requesting Virginia Department of Transportation (VDOT) to Accept Certain Streets for Maintenance Payments

The Consent Agenda was approved by the following vote:

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

Nay: None

Vote: 7-0

10. PUBLIC HEARINGS

a. Special Exception TLSE 2014-0004 Uniwest Mini-Warehouse

The public hearing was opened at 7:58 p.m.

James “Irish” Grandfield gave a brief presentation on this application.

Key Points:

- Recommended for approval by the Planning Commission in December.
- Located adjacent to Battlefield Parkway behind the Fort Evans Plaza II shopping Center.
- Originally part of the Fort Evans Plaza II Shopping Center special exception application where it was shown as an office use.
- 4.9 acres, currently vacant and wooded.
- Proposed parking meets the standard of the ordinance.
- Significant tree save area.
- Security fence with gated access.
- Additional buffering and screening along Battlefield Parkway has been added.
- Meets the floor area ratio (FAR) requirement of the zoning ordinance of 0.35.
- Mini-warehouse use is allowable by special exception in this district.
- Some support uses are allowed in the Community Office designation.
- Building is designed to look like an office building so that it will blend in with the expected community offices uses that will develop around it.
- Applicant agreed to a condition to not include a watchman’s residence.
- Applicant also agreed to screen mechanical equipment.
- Traffic generation will be less than an office use.
- Staff recommends approval subject to conditions contained in the staff report.

Council Comments/Questions:

- Would like to see more detailed design standards.
Staff answer: The site was proffered to H-2 Design Guidelines as determined by the Zoning Administrator. Design is included in the plans provided. Information includes materials.
- Will there be traffic issues during construction?
Staff answer: Construction access would be discussed during the site plan approval process.
- It was referred to as mini-storage at Planning Commission. What is the correct term?
Staff answer: The correct zoning category is mini-warehouse – the two are interchangeable.
- The customers would be the public?

Staff answer: Yes. Businesses would be prohibited from running a business out of these storage units.

- What are fencing materials on the three sides of the property not facing Battlefield Parkway?

Staff answer: It is a vinyl coated chain link on the sides that do not face the road. Those sides are also adequately buffered.

- Why does the tree save area not go all the way to the road?

Staff answer: There are required utility and grading easements along Battlefield Parkway.

- Will there be turn lanes into the facility from Battlefield Parkway?

Staff answer: Yes, will utilize currently designed turn lanes.

- How will the indoor mini-warehouse be marketed and used?

Staff answer: No detail on the interior has been submitted.

- Why was the watchman's quarters removed?

Staff answer: It is allowable under the zoning ordinance, but the Planning Commission asked that it be removed and the applicant agreed.

- What is the support use?

Staff answer: There will be a small office for the running of the facility. It offers a complement to the larger community.

Michael Banzhaf, representative for the applicant, Uniwest, stated he would like to answer questions about this application.

- Units are clean and quiet.
- Vertically oriented so it looks like an office building from the outside.
- No outside vehicle storage will be permitted.
- Applicant would like to revise condition #11 regarding screening of mechanical equipment on the roof to read "visible at the property line" because of topography.
- Office use would require more parking and the need to remove more trees.

Council Comments/Questions:

- Does the applicant want to have a watchman's quarters?

Applicant answer: It is not necessary due to current security standards.

- Has the applicant contacted Rehau?

Applicant answer: They have not responded to a telephone call – notices were sent to all surrounding property owners.

- Would welcome a discussion regarding office uses versus light industrial.

- What is the largest truck that can turn?

Staff answer: That would be established at site plan.

Applicant answer: WB30 – which is a tractor-trailer, but not the biggest ones. Providing turning radius for larger trucks means extending pavement, which has a snowball effect to how much stormwater management needs to be provided and affects how many trees can be saved.

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

The public hearing was closed at 8:35 p.m.

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

RESOLUTION 2015-016

Approving TLSE 2014-0004, Uniwest Mini-Storage, an Indoor Mini-Warehouse Facility Located on Property Identified as PIN Number 147-17-1241

Council Comments/Questions:

- Clarified that the applicant-supplied language to measure the visibility of mechanical equipment from the property boundary is included in this motion.
- Wonderful project that will serve the community well.

The motion was approved by the following vote:

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

Nay: None.

Vote: 7-0

b. Amending the Town Code to Change Council Meeting Time

The public hearing was opened at 8:37 p.m.

Barbara Notar stated that changing the time would need to be done by ordinance in the Town Code and the Rules of Order would also be amended. Further, she noted as per state code requirements, the meeting time change would be advertised in the newspaper.

Council Comments/Questions:

- What is staff's reasoning behind suggesting this change?
Staff answer: To be more consistent with Planning Commission and to encourage more citizen engagement.
- How many citizens have requested this time change?
Staff answer: None.
- Earlier time may mean that Council members could be more actively engaged.
- For those involved in after school activities, arranging transportation prior to a 7 p.m. Council meeting start may be difficult.
- What if only ceremonial functions and petitioners were done prior to 7:30 p.m.?
- Managing the length of the meeting can be done in other ways.
- If the issue is important enough to someone, they will stay as late as needed to address it.

There was no motion to change the Council meeting time.

11. RESOLUTIONS AND MOTIONSa. Election of Vice Mayor

On a motion by Council Member Martinez, seconded by Council Member Butler, the following was proposed with Council Member Burk as the nominee:

RESOLUTION 2015-017***Electing a Vice Mayor***

Council Comments/Questions:

- Council Member Burk is deserving of being Vice Mayor.
- Would vote no because it seems like there was political “jockeying” involved.
- Believe that the highest vote getter usually becomes Vice Mayor.
- Cannot support the process that has occurred.
- Vice Mayor in the past has been a “ceremonial” title, but with the Mayor running for Leesburg District Supervisor, there is a chance that the Vice Mayor may need to serve as mayor.
- A political newsletter was issued that mentioned that Ms. Burk had been elected Vice Mayor.
- Newsletter went out early accidentally.
- Would support a motion to not have a vice mayor.
- Clarify that Council Member Martinez would serve as Vice Mayor if there was no vote per the Council’s Rules of Procedure.
- Do not use a mistake as an excuse to not vote.
- Council Member Burk deserves to be Vice Mayor. She started Keep Leesburg Beautiful, was the Leesburg District Supervisor on the Board of Supervisors, was the top vote-getter in the last election and has done a lot for the community.

The motion was approved by the following vote:

Aye: Burk, Butler, Fox, Hammler, Martinez, and Mayor Umstatt

Nay: Dunn

Vote: 6-1

13. UNFINISHED BUSINESSa. None.**14. NEW BUSINESS**a. None.**15. COUNCIL COMMENTS**

Council Member Dunn disclosed a telephone conversation with Mr. Banzhaf with regards to Uniwest’s application. He stated he did not know anything about Council Member Martinez’ mistake. He noted that the election of a vice mayor was a partisan effort to promote someone for their future political resume.

Council Member Butler disclosed conversations with Mr. Banzhaf regarding a special exception and a potential rezoning. He welcomed Council Member Fox to Council. He stated sometimes the Council can get petty over small things and encouraged everyone to not operate in a political way. He stated the idea of a multi-cultural day/festival would be a great idea since everyone comes from somewhere. He congratulated Vice Mayor Burk on her election as Vice Mayor.

Vice Mayor Burk disclosed she had a telephone call with Mr. Banzhaf regarding the Uniwest special exception. She congratulated the new officers for the Leesburg Volunteer Fire Department. She congratulated the two newly promoted police department captains. She stated it is exciting to see these officers come up through the ranks to take a deserved leadership position. She welcomed Council Member Fox.

Council Member Martinez welcomed Council Member Fox. He congratulated Vice Mayor Burk. He stated he enjoyed the Volunteer Fire Department dinner. He further congratulated Captains Maupin and Grigsby on their promotions. He stated he always teaches ball players good sportsmanship and to own up to their mistakes. He disclosed a conversation with Michael Banzhaf regarding Uniwest.

Council Member Hammler disclosed a meeting with Bob Sevila and Council Member Butler regarding the O'Connor property with the Town Manager. She stated she had a follow-up telephone call on January 9. She disclosed a telephone call with Joe May regarding UAVs and stated he had a meeting with the FAA, which prompted her question about changing FAA policy with regards to uses allowed at airports. She welcomed the new police captains, Grigsby and Maupin, and thanked former captains VanGilder and Moxley for their 33+ years of service. She welcomed Council Member Fox and congratulated Vice Mayor Burk. She noted that her comments were regarding the idea that the vote may have been pre-determined relative to the process.

Council Member Fox thanked everyone for their warm welcomes. She stated the transition has been pretty easy due to everyone's efforts. She stated she had the opportunity to attend the Leesburg Volunteer Fire Company awards, which was a great event. She stated that they serve the community well and should be commended. She welcomed the new captains, Maupin and Grigsby, and thanked the outgoing captains, Moxley and VanGilder for their service. She stated she sees involvement with the town as a service and appreciates it.

16. MAYOR'S COMMENTS

Mayor Umstattd welcomed Council Member Fox and noted that she brings a positive energy to Council. She congratulated Vice Mayor Burk on becoming Vice Mayor. She stated letters have been sent to former captains Moxley and VanGilder along with the proclamation that was done for all the town's 2014 retirees. She stated she did not speak with Mr. Banzhaf. She congratulated Jim Cook on being elected Chief of the Volunteer Fire Company with Richard Wolfe continuing on as President. She stated the banquet was very good. She noted that the Rescue Squad dinner is coming up on Saturday.

17. MANAGER’S COMMENTS

Mr. Dentler had no comments.

18. CLOSED SESSION

None.

19. ADJOURNMENT

On a motion by Council Member Martinez, seconded by Council Member Butler, the meeting was adjourned at 9:14 p.m.

Kristen C. Umstattd, Mayor
Town of Leesburg

ATTEST:

Clerk of Council

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Lower Level Conference Room 1, 25 West Market Street, 4:30 p.m. Mayor Umstatted presiding.

Council Members Present: Kelly Burk, David Butler, Thomas Dunn, Suzanne Fox, Katie Sheldon Hammler, Marty Martinez and Mayor Umstatted

Council Members Absent: Council Member Dunn arrived late.

Staff Present: Town Manager Kaj Dentler, Human Resources Manager Karen Dilley and Clerk of Council Lee Ann Green

AGENDA ITEMS

1. CALL TO ORDER

2. ROLL CALL: Showing all members present

3. CLOSED SESSION

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

Pursuant to Section 2.2-3711(A)(1) of the Code of Virginia, I move that the Leesburg Town Council convene in a Closed Meeting for the purpose of conducting interviews and discussing the candidates for the position of Town Attorney.

The motion was approved by the following vote:

Aye: Burk, Butler, Fox, Hammler, Martinez and Mayor Umstatted

Nay: None

Vote: 6-0-1 (Dunn absent)

The Council convened in Closed Session at 4:30 p.m.

The Council reconvened in Open Session at 8:35 p.m.

On a motion by Mayor Umstatted, 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 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, Fox, Hammler, Martinez, and Mayor Umstatted

Nay: None

Vote: 7-0

4. ADJOURNMENT

On a motion by Council Member Martinez, seconded by Council Member Butler, the special meeting was adjourned at 8:35 p.m.

Kristen C. Umstattd, Mayor
Town of Leesburg

ATTEST:

Clerk of Council
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