

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: Marty Martinez arrived at 8 p.m. as he was representing the town at another event.

Staff Present: Town Manager Kaj Dentler, Town Attorney Barbara Notar, Deputy Town Manager Keith Markel, Director of Economic Development Marantha Edwards and Clerk of Council Lee Ann Green.

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

Keith Markel updated Council on the disposition of the town's legislative items at the General Assembly session.

Key Points:

- Last day of the assembly session is Friday.
- SB882 – House transportation committee failed to recommend reporting.
- SB921 – was tabled in the House Transportation committee.
- SB937 – Sen. Wexton withdrew this bill.
- HB2017 – has been recommended for tabling in the House Courts of Justice Committee.
- HB1688 – Was recommended for tabling in the House Appropriations Committee.
- SB1246 – Engine idling bill was tabled in subcommittee.
- SB1230 – Would make ABC responsible for cigarettes; was tabled in subcommittee.
- An ethics bill requiring enhanced reporting will most likely be passed.
- FOIA crimes bill is still moving forward.
- HB1887 passed the house and is now in the Senate. It looks like it will be approved.
- HB1294, which would have given churches exemption from paying town fees or fines, was tabled in the house finance committee.

Council Comments/Questions:

- Would international travel be limited? Would Council be allowed to have other entities pay for travel?
Staff answer: It would be allowed, but have to be approved by the Ethics commission, which was created last year. Other entities should be allowed to pay for travel. The idea is to keep lobbying groups from

paying for trips to buy influence. Nothing precludes a group that is not pushing a specific influence from paying for travel.

b. Downtown Parking Task Force

Kaj Dentler stated that staff recommends the make up of the Parking Task Force not include Council Members.

Council Comments/Questions:

- Component that is missing is people from different sectors of town could contribute information on why they do/don't come downtown.
- Who would be liaison?
Staff answer: Most likely Assistant Town Manager Scott Parker. Any other necessary staff resources will be provided.
- Would be open to participating in the Task Force.
- Would like developers who have targeted downtown for infill development to be part of this task force.
- A representative of the Planning Commission should be included as well as a representative of the Economic Development Commission.
- Find ways to get town and county employees to park around the periphery of the downtown area.
- Goal of the task force is not clear, except to come back with recommendations about parking.
- If Council Members appoint task force members, they will be sensitive to the Council Member's desires.
- Would suggest choosing a member from each of the existing town commissions that deal with the downtown – BAR, EDC, SRTC.
- Like the idea of getting people from the community to find out why they do or don't come downtown.
- Town and county employees, as long term parkers, need to feel part of the solution.
- Smaller scope of mission would create more opportunity for successful recommendations.
- Concern over the number of spaces being "sold" as payment in lieu.
- How many town and county employees park in their respective garages?

Consensus was for one planning commissioner, one member from the Economic Development Commission, two members of the business community not affiliated with the EDC who have an interest in the downtown, four citizens from each quadrant of town, and town staff liaisons who are non-voting members.

Task to be assigned to the Parking Task Force is how to get those who park all day to move to outlying lots such as Liberty and Pennington, but they will be able to address other issues as well.

The town manager was directed to select members of the task force based on the parameters set by Council.

c. Non-Disclosure Policy and Procedures

Kaj Dentler stated that staff was prepared to answer any questions that Council might have.

Council Comments/Questions:

- Who specifically requested the nondisclosure agreement?
Staff answer: It was CRBE, the real estate company, that represented K2M. The step two in that was when there was an incentive involved, we were bound to not let information get out because that jeopardized the Governor's Opportunity Fund funding. Representatives for K2M.
- How did that jeopardize the funding?
Staff Answer: When there is a big announcement such as this, they want it to come from the Governor's office.
- It is a delicate situation with other jurisdictions competing. The only issue is not just the Governor wanting to make the announcement – not agreeing would put the town at a competitive disadvantage statewide
- Other jurisdictions were in competition for this business.
- Appropriate for staff to sign nondisclosure agreements when businesses are in the prospect stage, but once they become an applicant, they should be able to be disclosed.
Staff answer: There are many applicants that for competitive or human resource reasons, do not want their name to be disclosed to the public.
- K2M was not the applicant in this case – Oaklawn was the applicant.
- Becoming an applicant is part of the public planning process and therefore information should be available to the public, but a new nondisclosure could be set up for applicants.
- Feel that a nondisclosure agreement should not give the town the right to withhold information that is being requested.
- If you need to go through a non-disclosure agreement, it should only apply to the exact location needed. Applicant took advantage of the process to bring forth other changes that were not related to the non-disclosed tenant.
- No non-disclosure agreement was signed with the governor's office.
- When looking at non-disclosure agreements, need to look at ancillary agreements with other entities that could affect a non-disclosure agreement.
- May not want to get involved in non-disclosure agreements that involve multiple parties.
- May be better to bring the Council in to the process earlier to make a policy decision prior to entering into a non-disclosure agreement.

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- Should consider a policy that once a prospect turns into an application, non-disclosure agreement should change.
- Would support Council greenlighting certain projects if there is a quantifiable benefit to the town of the project moving forward.
- Council has no need to know who an individual tenant is – much the same as when the Village at Leesburg was moving through the process – individual tenants were not named.
- Allowing Council to get involved in non-disclosure agreements would put the Town at a significant competitive disadvantage.
- Need to acknowledge the fact that at no point was the public not fully involved in everything relative to the planning and zoning decision.
- Even though the Council was not a party to the non-disclosure agreement, were they bound by the agreement?
Staff answer: Council was included during a closed session, which any individual council member could have elected to not attend.
- Disclosing the name of the tenant to Council aided in the fast-tracking process. It might have been denied if Council had not been brought into the process.
- Greenlighting one application means another application gets pushed to the side. To be fair to the application that is getting pushed to the side, Council should know whether the favored business is one that is really desirable to make an informed decision on greenlighting.
- Process might have been less smooth than desired, but it does not come up very often. When it does next time, Council will be better equipped to handle it.
- Definition of light industrial is necessary.

There was no direction from Council.

2. Additions to Future Council Meetings

Council Member Hammler stated that Pat ~~Snell Scannell~~ would be returning as a petitioner to Council to thank them for supporting the documentary on the Maker Movement and to request consideration of getting involved in the Mayor's Maker Challenge. She stated she appreciated the memo on paper recycling and would appreciate support for promoting the need to shred all sensitive information and questioned how staff could get that information out to the public. It was noted that the town offers two free shred events yearly. It was suggested that the Environmental Advisory Commission (EAC) could look at ways to get information out to the public. Vice Mayor Burk offered to take this to the EAC for their recommendations.

Council Member Hammler questioned whether town-wide traffic issues can be addressed within the structure of the Standing Residential Traffic Committee (SRTC). She stated she wanted to clarify that she did not ask for a discussion of changing the committee to a commission. This The topic of town-wide traffic issues will be placed on an upcoming SRTC agenda and they will report back.

She requested a certificate for the franchise owner of WhichWich for his being named Franchisee of the Year for the sandwich chain.

She requested figuring out how some Board of Architectural Review (BAR) processes could be streamlined to make some approvals administrative. Council Member Fox stated she would bring this subject up to the BAR for their discussion.

She stated in reviewing the Tuscarora Creek mitigation project she noted currently the project is \$1.6 million over budget. ,she questioned the budget status of this project sinceShe stated that -expectations have been set with the community in terms of results. Mr. Dentler stated that previous direction from Council was to work with the Virginia Knolls Homeowners Association, which has been accomplished. The HOA is happy with the project now; however, it has increased the scope and therefore the price of the project. Council Member Hammler noted that compromise is necessary based on debt capacity issues. Mr. Dentler stated that Council will have the opportunity to review this project during review of the Capital Improvements Program (CIP). She stated that compliance with TMDLs will turn into very expensive projects. She stated that Council will need to be careful with the management of these projects.

Vice Mayor Burk questioned whether the request for Airshow support would be discussed. Mr. Dentler suggested it could be appropriately discussed during budget review.

Council Member Butler stated he was contacted by the Virginia Public Safety Association regarding their April golf tournament at Raspberry Falls. He stated they would like the town to sponsor a hole for \$500. Concern was expressed that this would open the door to more requests from other groups for support. There was no support by Council for this item to be placed on tomorrow's agenda.

Council Member Dunn thanked Council Member Hammler for bringing up the WhichWich owner's accomplishment.

He stated he may be late to the Tuesday night meeting due to a County Planning Commission meeting.

He stated he may be absent at the March 10 Council meeting and would request electronic participation. He stated he would not be at the work session either, but is not requesting electronic participation in the work session meeting. It was agreed to put this on the agenda for Tuesday night.

Council Member Dunn requested a memo concerning EEOC issues within the town.

He also requested a memo on any instances where the Police Department has focused/profiled on minorities for law enforcement. There was no Council consensus for this information. Council Member Dunn stated he would bring action in two weeks to request this information.

He also requested further information on the meeting held with Leesburg Today and the Town Attorney that was attended by Council Member Martinez. Council members noted that this information has been previously provided in a satisfactory manner and there was no consensus for further information. Council Member Dunn stated he would bring action in two weeks to request this information.

3. Adjournment

On a motion by Council Member Hammler, seconded by Council Member Martinez, the meeting was adjourned at 9:15 p.m.

Clerk of Council

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Council Chambers, 25 West Market Street, 7:30 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: All present.

Staff Present: Town Manager Kaj Dentler, Deputy Town Manager Keith Markel, Town Attorney Barbara Notar, Director of Parks and Recreation Rich Williams, Assistant Town Manager Scott Parker, Director of Finance and Administrative Services Clark Case, Information Technology Manager Annie Carlson, Library Manager Alexandra Gressitt, Airport Manager Scott Coffman, Economic Development Director Marantha Edwards, Director of Public Works Tom Mason, Chief of Police Joseph Price, Director of Utilities Amy Wyks, Director of Plan Review Bill Ackman, Director of Planning and Zoning Susan Berry Hill, Director of Capital Projects Renee Lafollette, Research and Communications Manager Betsy Fields, Management Analyst Jason Cournoyer, Management Analyst Lisa Haley, IT Project Manager John Callahan and Executive Associate I Tara Belote.

AGENDA ITEMS

1. **CALL TO ORDER**
2. **INVOCATION:** Vice Mayor Burk
3. **SALUTE TO THE FLAG:** Council Member Butler
4. **ROLL CALL:** Showing all members present. Council Member Martinez left the meeting at 10:12 p.m.
5. **MINUTES**
 - a. Work Session Minutes of February 9, 2015
On a motion by Council Member Martinez, seconded by Council Member Butler, the minutes of the work session meeting of February 9, 2015 were approved by a vote of 7-0.
 - b. Regular Session Minutes of February 10, 2015
On a motion by Council Member Martinez, seconded by Council Member Butler, the minutes of the regular session meeting of February 10, 2015 were approved by a vote of 7-0.
6. **ADOPTING THE MEETING AGENDA**
On the motion of Council Member Martinez, seconded by Council Member Butler, the meeting agenda was approved by the following vote:

Aye: Butler, Burk, Dunn, Fox, Hammler, Martinez, and Mayor Umstatted
Nay: None
Vote: 7-0
7. **PRESENTATIONS**
 - a. Certificates of Appreciation – Project Warmhearted

On a motion by Council Member Hammler, seconded by Council Member Dunn, Certificates of Appreciation were approved for the following for spearheading Project Warmhearted, an effort to provide hats, mittens and scarves to those in need:

Maddi Peyton

Hayli Maloney

- b. Presentation of Middleburg Bank Donation to Friends of Leesburg Public Art
Gary Shook, of Middleburg Bank, presented a donation to the Friends of Leesburg Public Art to be used for the public art project at Raflo Park on Harrison Street, SE.
- c. Certificate of Appreciation – Middleburg Bank
On a motion by Council Member Hammler, seconded by Council Member Dunn, a Certificate of Appreciation was presented to Gary Shook, Middleburg Bank, in appreciation of their generous donation to the Friends of Leesburg Public Art.
- d. Economic Development Commission Annual Report
Jim Sisley, Chair, and Don Chapman, Vice Chair, presented a report outlining the Commissions' activities over the past year.
- e. Fiscal Year 2016-2017 Budget
Kaj Dentler presented the Fiscal Year 2016-2017 budget to Council.

Key Points:

- First year of a two year budget; however, state code only allows for one year to be appropriated.
- Five Core focus areas – Organizational efficiency, technology and automation, customer service, employee development, and long term financial sustainability.
- Organizational efficiency – consolidation of the Department of Finance with Information Technology and Human Resources.
- Organizational efficiency – consolidation of the Departments of Public Works and Capital Projects.
- Long term sustainability plan includes debt service reserve and capital asset replacement fund.
- Fiscal reserve will be increased to 20% over the next five years.
- Town will undergo a change to self-insurance for employee healthcare.
- Real estate taxes are not the number one source of revenue for the town – intergovernmental sources are the largest source of revenue (state and federal).
- Budget proposes maintaining an 18.3 cent tax rate.
- Maintaining the current tax rate will eliminate the need for a tax increase in coming years due to debt service payments.
- Three utility positions made necessary by the agreement with Panda Energy will be recouped from revenue to be paid by Panda Energy.
- Proposed budget meets the Council's fiscal policy.

9. PETITIONERS

The Petitioner's Section was opened at 8:20 p.m.

Barry Smith/Janice Reardon, Greater Washington Metro Muscular Dystrophy Association – Fill the Boot Program. Ms. Reardon stated the Fill the Boot program is their largest fundraising program nationally. She stated the money raised provides clinic grants for those who are uninsured to receive services. She stated they have an equipment loan program to provide durable medical equipment to the families that need it. Mr. Smith stated that due to the change in legislation prohibiting roadside solicitation, they lost \$110,000 that could have been collected. He proposed a permit process to allow roadside solicitation in certain circumstances.

Council directed this to be added to a future work session for discussion.

Rod Leper, stated he is the president of the Loudoun Career Firefighters Association. He stated he is in support of the Muscular Dystrophy Association and their proposal to allow solicitation for permitted groups along roadsides in the Town of Leesburg. He stated the cost of medical care is a financial burden to the families and the money raised during these fundraisers is important to help them.

Pat Scannell, stated he represents Makersmith, a new Loudoun County non-profit that promotes the Maker movement in Loudoun County. He thanked the Council and the town for providing Ida Lee for them to show the documentary film "Maker". He stated the movie helped them connect with 75 area residents and town leaders to explain a little more about what the Maker movement is about. He stated the showing and press releases related to it was directly responsible for 100 new members. He invited the Council to participate in the Mayor's Maker's challenge. He stated this is an effort to have communities like Leesburg promote maker activities in the community. He described some of the activities of the challenge. He stated they are on track to open a maker space in the county and noted this will be the only maker space in Loudoun County and one of only four in northern Virginia. He stated the town will benefit from the leadership created with the maker space by diversifying the local economy and creating a brighter, more livable community for the residents.

Andrew Borgquist stated he is here to address the same issue that has brought him before Council on numerous occasions. He stated it is not only important to be fiscally sound but sound in behavior towards other members of the community. He stated his support for the Leesburg Police Department. He stated town management responded to his situation in a manner that was unfair. He stated that through a FOIA request, he found inaccuracies that have not been addressed by management. He stated the inability to make sure that things like this do not happen again start with Mr. Dentler.

The Petitioner's Section was closed at 8:46 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. Authorizing an Agreement and Approving a Performance Guarantee and Water and Sewer Extension Permits for Crescent Place – Phase 1, 2 & 3 (TLPF 2014-0025)

RESOLUTION 2015-028

Authorizing an Agreement and Approving a Performance Guarantee and Water and Sewer Extension Permits for Crescent Place – Phase 1, 2, & 3 (TLPF 2014-0025).

- b. Approving a Substitute Performance Guarantee for Courthouse Square (TLPF 2012-0011)

RESOLUTION 2015-029

Approving a Substitute Performance Guarantee for Courthouse Square (TLPF 2012-0011)

- c. Making a Reduction of the Performance Guarantee for Public Improvements Installed at PMW Farms, Section 6 (TLCD 2011-0001)

RESOLUTION 2015-030

Making a Reduction of the Performance Guarantee for Public Improvements at PMW Farms, Section 6 (TLCD 2011-0001).

- d. Performance Guarantee and Water and Sewer Extension Permits for Lowe's Infrastructure Plans – Russell Branch Parkway Extension

RESOLUTION 2015-031

Approving Performance Guarantee and Water and Sewer Extension Permits for Lowe's Infrastructure Plans – Russell Branch Parkway Extension

- e. Amending the Fiscal Year 2015-2020 Capital Improvement Program to Add Hope Parkway Extension Project

RESOLUTION 2015-032

Amending the Fiscal Year 2015-2020 Capital Improvement Program to Add Hope Parkway Extension and Appropriating Funding to Construct the Project

- f. Electronic Participation for Council Member Dunn to Attend the March 10, 2015 Council Meeting

MOTION 2015-005

I move to allow Council Member Dunn to Participate Electronically in the Council Meeting of March 10, 2015

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 HEARINGSa. Bond Issuance

The public hearing was opened at 8:47 p.m.

Clark Case introduced Doug Gephardt, Associate Vice President of Davenport & Company, the town's financial advisors, and Thomas William (TW) Bruno of McGuire Woods LLP, the town's bond attorney.

Key Points:

- Propose \$50.7 million issuance of General Obligation bonds.
- The public hearing and approval of the resolution are required by law.
- Bond includes \$2.5 million for completion of Hope Parkway.
- Includes \$3 million for current Capital Improvements projects that are already underway. This \$3 million was scheduled to be issued through bonds in the later half of 2016 or early 2017. Rapid completion of projects have necessitated seeking bond money earlier than originally scheduled.
- Further, it does not make sense to go back to the bond market again in 2016/2017.
- Includes \$5.5 million for recapitalization of the Capital Projects Fund.
- Includes \$0.5 million for cost of issuance.
- Remaining \$39 million is refinancing money which will be used to retire bonds that are already issued – does not constitute a net increase in the town's debt. \$35 million will refund utility fund bonds and \$4.2 million will be used for refunding general fund bonds. Reissuing the bonds at a lower interest rate saves the town approximately 9% or \$4.6 million over 20 years (the remaining life of the bonds). Retirement of the principal will occur on the same schedule.
- Only \$11.5 million is new money.
- Savings are calculated on current interest rates – if rates become unfavorable, the bonds will not be issued.

Council Comments/Questions:

- Glad that the town will save so much money in interest.
- By refinancing, the bonds start at a new date?
Staff answer: The retirement schedule will be the same. It does not extend the length of the bond. Only additional cost will be closing costs, which are included in the numbers presented.
- How can employee salaries be amortized for employees that perform functions for Capital Projects and Public Works?
Staff answer: Only employee salaries are charged for employees that work solely on capital projects – salaries are allocated to the project itself.
- How are percentage interest savings calculated when the interest rate fluctuates?
Staff answer: Interest rates are approximate and will be calculated at the time of bid acceptance.

- Will these rates be locked in?
Staff answer: Yes, the town wants to get out of short term financing before the rates rise. These rates will be fixed.
- With the merging of Capital Projects and Public Works, does this have any bearing on the issuance?
Staff answer: No.
- In the staff report, it indicates that the town had previously expected to issue \$5.5 million in taxable bonds, but the bond attorney has indicated all the new money may be issued as tax exempt bonds. Why did we initially think they would need to be taxable bonds? Are tax exempt bonds more attractive to purchasers?
Bond attorney: The reason the town thought that the new money issuance would be taxable was they took an extremely conservative approach to what was being financed – specifically the recapitalization of the capital projects fund because some of those expenses stretched back a few years. There are specific federal tax laws relating to bonds that limit what you can and cannot do with old expenditures. McGuire Woods is very comfortable that the town can benefit from tax exempt bonds.
- So, it was the age of the bonds that made staff believe they had to be taxable?
Staff answer: It has to do with Internal Revenue Service rules for when you have to declare that you are going to reimburse project costs from the bond issue – there is a certain date that you have to declare your intention and then you have a certain period of time in which to do it. In doing research, the way the resolutions were written in 2009 and 2011, allows the town to come back and reimburse those expenses to ourselves later, even out of later bond issues. Staff originally worked from the assumption that once the 2009 and 2001 bonds were gone, we could not go back to the 2009 and 2011 resolution. But research shows us that we can reimburse those project costs that the town was financing out of its own money from this issuance.

There were no members of the public wishing to address this public hearing.

The public hearing was closed at 9:01 p.m.

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

RESOLUTION 2015-033

Authorizing the Issuance of General Obligation and Refunding Bonds, Series 2015

Council Comments/Questions:

- This will save the town money – the payment structure will be the same, but the payments will be lower.
- This will refinance approximately \$39 million and get approximately \$11 million in new money? Technically these are separate issuances?

Staff answer: Yes. But we go to market at the same time to share the cost of issuance.

- Hate to see the town borrow more money. Would prefer to divide the question on the refinancing of the \$39 million refinancing from issuance of \$11 million in new money.

- Is it possible to divide the question?

Bond attorney: The way the resolution is structured, on a combined basis, because the plan was to do both the new money issue and the refunding issue at the same time. The resolution can be split to pass two separate resolutions – 95 percent can be the same because it is a boilerplate authorization.

- Would the town incur additional attorney's fees?

Bond attorney: The resolution would need to be divided and it would not take very long. It would not increase overall costs by very much.

- Splitting the question does not mean the bond issue would be split.
- What would end up getting cut out, if we did not do the \$11 million in new money?

Staff answer: You would run out of money starting in October several projects. Reallocation of amounts could be moved around between the different projects. Winding down construction would occur starting in September/October.

- A significant number of the projects that would not be able to be completed are those where the public has been patiently waiting for completion.

Council Member Dunn made a motion to divide the question. The motion failed for lack of a second.

Council Comments:

- The Federal Government is look at ways to get more revenue, so the town should continue to monitor and lobby for the ability to issue tax exempt bonds.

- The town will be reimbursed for Hope Parkway by the state.

Staff answer: When the reimbursement is received, it will go into the Capital Improvements fund and it would be up to the Council to determine whether to use it for reduction of debt or whether to use it for additional projects without borrowing additional money.

- From a long term financial planning aspect, 2017 is the big year when the debt payments become due. Council should be vigilant in preparing for this.
- Concerning Hope Parkway, why was it structured that the town would front the money rather than have the developer pay?

Staff answer: The original plan was to use state grant money and proffers that the town currently has to front it. As we moved forward, it became apparent that the town does not have the needed \$2.5 million to be able to front the money.

- Will the reimbursement include the interest on the borrowed money?

Staff answer: What we will receive is the proffer that was negotiated with the developer, which should be enough to pay back the construction costs.

- What is the anticipated interest for the borrowed money for Hope Parkway?
Financial Advisor: Right now, new money bonds are expected to be borrowed over 20 years. Current market estimates are in the vicinity of 3-3.5% for approximately \$85,000 per year.
- Is the interest reimbursable?
Staff answer: If it is included in the agreement, but the contract may not include that.
- Would like to use the money borrowed at this low interest rate to complete projects that we would have otherwise had to borrow money at higher interest rates to complete.

The original motion was approved by the following vote:

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

Nay: None.

Vote: 7-0

- b. Amending Chapter 32 of the Town Code Increasing Certain Parking Fees
The public hearing was opened at 9:20 p.m.

Scott Parker that the proposed amendments are reflective of Council's work session discussion and direction.

Key Points:

- Will change parking rates in the garage to \$1 for all hours, except for the first hour free.
- Raise parking meter rates to \$1.50 per hour, \$0.75 for half hour and a two hour limit for all meters throughout town with the exception of the two meters in front of the post office.
- Staff recommends continuation of the parking validation program, which allows the second hour in the garage to be free with appropriate validation from a merchant.
- Staff further recommends a maximum rate of \$10 per day in the garage.

Council Comments/Questions:

- Council directed no maximum in the garage.
Staff answer: After consideration of the lost ticket fee, staff recommends a \$10 maximum.
- Critical that the parking garage is less than the meters.
- Would have preferred to look at incentives to entice long-term parkers move to less convenient spaces.
- There is a belief that eliminating parking fees would spur economic vitality; however, other localities with vibrant economies charge for parking.

There were no members of the public wishing to address this public hearing.

The public hearing was closed at 9:29 p.m.

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

ORDINANCE 2015-O-005

Initiating Amendments to the Town Code, Chapter 32 (Traffic and Vehicles); Article V (Stopping, Standing and Parking), Division 2 (Parking Meters), Section 32-173 (Establishment of Meter Zones and Parking Time Limits Therein); 32-178 (Deposit of Coin; Occupancy of Metered Space; Etc.) and Appendix B (Fee Schedule).

Council Comments:

- Would rather see the first hour be the validation hour.
- Believe that this is ill-advised. A much bigger problem downtown is attracting customers and increasing rates might drive customers away.
- Do employees pay taxes on the benefit (free parking)?
Staff answer: No.
- Agree on the important of attracting customers downtown but also need to work on how to transport customers to the downtown.
- Attracting customers to downtown is important, but it is more important to think about what the town is doing to attract people.
- Most people have the expectation that there is a fee for parking and will pay if there are things/places that they want to go downtown.

The motion was approved by the following vote:

Aye: Burk, Dunn, Fox, Hammler, Martinez, and Mayor Umstadd

Nay: Butler

Vote: 6-1

11. RESOLUTIONS AND MOTIONS

a. Environmental Protection Agency (EPA) Settlement Agreement

Tom Mason gave a brief presentation on the reasons for the settlement agreement.

Key Points:

- Underground waste oil storage tank was constructed and installed in 1989 when the Public Works Maintenance Facility was built.
- Intended for waste oil from oil changes performed as part of fleet maintenance.
- At the time of construction, two ground water monitoring wells were installed to take samples of the ground water to monitor for leaks.
- Because the tank is steel, cathodic protection was installed to help prevent rust.
- Ground water has been monitored since 1999 as required.
- In 2000, the state EPA visited the site and determined everything was in good condition.

- In July 2012, the EPA performed a spot inspection. Report from this spot inspection was not received until September 30, 2013.
- Report asked for additional information regarding records for groundwater monitoring.
- 6-8 months of entries were missing from the log book.
- Cathodic protection tests showed a period when cathodic protection was not adequate during repairs, which has been interpreted as a lack of protection.
- A settlement agreement was developed for the alleged violations, which are:
 - Failure to monitor the tank every 30 days during the period when records could not be located. No leakage was detected, so there is no environmental consequences.
 - No time is allowed for repair of cathodic protection – so from the date it was not functioning until the date of repair is considered a violation.
- Agreement has been negotiated and total fines for alleged violations is \$7,648, which includes \$5,300 for failure to keep monthly monitoring records, \$4,000 for interval when cathodic protection was not operable, and an adjustment for cooperation.
- Procedures have been changed to ensure this does not happen again.
- EPA suggested an additional manual method of determining leakage was initiated Feb. 1.
- Consent agreement does not admit or deny anything – only admits jurisdiction for the agreement.
- Includes statement of no environmental damage.

Council Comments/Questions:

- Will the amount be paid in a lump sum?
Staff answer: Yes because a payment plan would include interest. Savings in the fuel budget because of lower fuel costs allows the amount to be paid at one time.
- Important to state that there was no environmental damage.
- Procedures have been changed so that this will not happen again.
Staff answer: The town is considering removal of the underground tank and replacing it with an above ground tank. The tank is already 25 years old and the life span of a steel tank is only 30-35 years.
- Measurements were done, just not properly recorded.
- Was there ever consideration to find a different location for oil storage?
Staff answer: This tank is used to hold waste oil from vehicles during maintenance. When the facility was constructed, it was put below ground to make it easier to clean up spilled oil.
- Why was Council not informed of the spot inspection?
Staff answer: The EPA took quite a while to formulate their report. Until the past few months, the town was not aware that there was anything wrong. Further, the settlement negotiations have been continuing for several months.
- The basis for a \$7,700 fine was that entries were not written in a log.

- EPA employees have been working on this for over 2 ½ years - coming up with a \$7,000 settlement is not a very effective use of Federal taxpayer money. A letter to congressional representatives pointing this out might be in order.

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

RESOLUTION 2015-034

Authorizing the Mayor to Execute a Consent Agreement Between the Town of Leesburg and the United States Environmental Protection Agency

The motion was approved by the following vote:

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

Nay: None.

Vote: 7-0

13. UNFINISHED BUSINESS

- a. None.

14. NEW BUSINESS

- a. None.

15. COUNCIL COMMENTS

Council Member Dunn stated the Rules of Procedure need to be discussed because the rule that says that simple questions require a majority of Council to agree to allow them to be answered limits questions from being addressed. Yet, staff resources can be used when individual council members want to have the town attorney attend meetings with them. Further, individuals with FOIA requests are being called “harassers” of town staff. This is not the correct path as far as transparency, which appears to be being stifled.

Council Member Butler disclosed a meeting with the Potomac Station HOA and the developers for Market Square at Potomac Station. He stated he would be making a motion to add language back into the Diversity Commission’s duties about “investigating and analyzing”.

Vice Mayor Burk disclosed a meeting on Feb. 20 a meeting with Hobie Mitchell to discuss Crescent Parke. She stated she attended the YMCA Chocolates Galore fundraiser. She stated she attended the Paxton ribbon cutting and noted that the facility and the people running it are phenomenal. She thanked Middleburg Bank for contributing to the sculpture garden in Raflo Park. She stated that the Youth Job Fair is coming up on March 21 and there has been a lot of interest from businesses, but any businesses that are interested in participating should contact her.

Council Member Martinez stated he was at the Paxton Campus for their annual membership meeting and ribbon cutting. He stated this is such a positive group of people with great energy. He stated he would like to see what they can do to help the Muscular Dystrophy Association with their issue. He stated Project Warmhearted is a phenomenal

example of young people doing good things. He thanked his neighbor, Ted, for using the snowblower to keep the neighborhood clear of snow. He stated the youth job fair is a great thing. He thanked Vice Mayor Burk for starting it and keeping it going.

Council Member Hammler stated it should be made clear what requirements for the jobs offered at the job fair are so that no one is disappointed. She stated there are business owners in the Hub zone making a difference in people's lives such as Bob and Lisa Cusack of Custom Software, who sought out a homeless woman, trained her and gave her a job. She stated in terms of the Economic Development Commission, one of the key goals is streamlining. She stated that staff has done a great job of streamlining business processes and the next hurdle is political processes. She noted that the idea of having some BAR actions handled administratively to streamline the process would be something the EDC could take a look at because it could encourage infill development. She stated she was disappointed that the Board of Supervisors approved a significant number of homes with the Tuscarora Crossing application. She clarified that the proposed tax rate is 18.3 cents and the equalized tax rate is 18 cents. She noted that with respect to the tax rate, single family home assessments are up about 9.3%. She thanked everyone involved with the snowstorm clean up. She reminded everyone to shred all of their paper from a recycling standpoint because they have no control over where the recycled paper ends up – it could go to China or other countries with high identity theft issues. She thanked Delegate Minchew for advocating for the non-partisan redistricting bill, which was tabled. She stated that the bottom line is that voters should be picking their politicians, not the other way around. She stated there needs to be more transparency at the state level.

Council Member Fox stated she has no disclosures. She stated the YMCA fundraiser was very well done this year. She stated she appreciated Mr. Dentler's presentation. She stated there was a water main break and the response time was amazing. She stated that a resident wanted her to give OJ in Public Works a shout out. She stated the high priority on customer service is apparent. She respectfully asked Council to keep an open mind about the proposed Diversity Commission. She stated she respects the work and effort that has been put into this, but continues to believe that there are significant legal questions that need answering. She stated it is a good thing to have an alternative choice.

16. MAYOR'S COMMENTS

Mayor Umstattd commended Pat Dailey of the George C. Marshall International Center for her work with Arnoud Boulestroud for setting up a student exchange with Leesburg students and the town's sister city in France, St. Cyr sur Loire. She stated she attended the Loudoun County Health Council meeting where a representative of the Sheriff's department address them regarding the serious problem of misuse of prescription drugs. She stated that old prescription drugs can end up at teenage parties and to combat this, the Sheriff's office is organizing a "take back" initiative so that citizens can get rid of those out of date prescription drugs. She stated as soon as she receives information on the time and place, she will forward that. She stated that she and Vice Mayor Burk attended the Sakura Japanese Steak and Seafood House ribbon cutting. She stated they also did a ribbon cutting at LoCo Arts Studio located at the Shoppes at Dodona. She stated this studio has rotating artists in residence.

17. MANAGER'S COMMENTS

Mr. Dentler stated he would like to recognize the snow removal crews. He stated they have worked long hours in cold temperatures to keep the roads clear. He stated the Utility Department has also helped Public Works move snow and has been responding to broken pipes and frozen meters. He noted that the Airport staff, supplemented by other employees who have been crosstrained, have been keeping the runway open and operable. He thanked Betsy Fields and Tara Belote for their communications efforts that go on constantly through any event. He recognized Mary Frye for forwarding the town's main phone line to her personal line and answering the calls even though the office is closed.

Mayor Umstattd noted that Council Member Martinez has had to leave because he has a broken pipe in his home. Council Member Hammler stated if you realize you have a broken pipe, make sure you turn the water main off, call the insurance company, and begin the remediation process. She stated if you plan to go out of town, make sure to turn your water off at the main and drain your pipes.

Mr. Dentler stated that if you are not sure whether the pipe is in your home or at the street, you can call the police non-emergency number and they will communicate with the Utilities Department.

18. CLOSED SESSION

None.

19. ADJOURNMENT

On a motion by Council Member Butler, seconded by Vice Mayor Burk, the meeting was adjourned at 10:20 p.m.

Kristen C. Umstattd, Mayor
Town of Leesburg

ATTEST:

Clerk of Council
2015_tcm0224

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

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

Council Members Absent: Thomas Dunn, II.

Staff Present: Town Manager Kaj Dentler, Town Attorney Barbara Notar, Deputy Town Manager Keith Markel, Director of Parks and Recreation Richard Williams, Interim Information Technology Manager John Callahan, Library Manager Alexandra Gressitt, Director of Economic Development Marantha Edwards, Airport Manager Scott Coffman, Research and Communications Manager Betsy Fields, Captain Carl Maupin, Captain Vanessa Grigsby, Chief Joseph Price, Interim Human Resources Manager Annie Carlson, Director of Public Works Tom Mason, Assistant Town Manager Scott Parker, Human Resources Analyst Mark Hauer, Director of Planning and Zoning Susan Berry Hill, Director of Plan Review Bill Ackman, Deputy Director of Capital Projects Tom Brandon, Director of Capital Projects Renee Lafollette, Senior Management Analyst Jason Cournoyer, Senior Management Analyst Lisa Haley, Director of Finance and Administrative Services Clark Case, and Executive Associate I Tara Belote.

AGENDA

ITEMS

1. Work Session Items for Discussion

a. Budget Work Session

Renee Lafollette presented the draft Capital Improvements Program for 2016-2021.

Key Points:

- Projects were reviewed and ranked by a committee of department directors.
- Ranked projects were reviewed by the Town Manager's office and the Department of Finance.
- Projects were limited to those with realistic scopes of work, identified funding sources, and realistic schedules.
- In 2000, there were 130 projects in the Capital Improvements Program – currently 32 projects are proposed.
- Schedule changes include:
 - Battlefield Parkway, Rt. 15 to the Greenway was delayed from a spring start to fall 2015 because of utility relocations.
 - Lowenbach, Phase V completion was delayed because of gas line and overhead utility relocations.
 - South King Street Widening, Ph. II, start delayed from spring 2015 to summer 2015 because of sound wall analysis.
 - Sycolin, Phase IV, schedule was adjusted to better reflect the actual timeline for design and land acquisition and funding.

- Evergreen Mill Road Widening schedule was adjusted to address funding source changes as VDOT moved it out of their Six-Year Plan. Looking at revenue sharing and NVTAs funding.
- Chesapeake Bay TMDL Project, start was delayed from spring 2015 to summer 2015 to address time of year concerns – into the drier part of the year.
- Tuscarora Creek, start was delayed from summer 2015 to summer 2016 to address the FEMA approval schedule and continued coordination with the Virginia Knolls Community Association.
- Lower Sycolin Sewer, Ph. II Project, schedule was accelerated to start at the end of FY 2015 to time it with the developer, Peterson's, schedule.
- New projects include:
 - Water play area for the Aquatics Center
 - Hope Parkway, which was added as a mid-year adjustment
 - Traffic management system for town-wide traffic signals
 - Airport Master Plan update
 - Airport Stormwater Management Plan and Drainage Study
 - Customs General Aviation Clearance Facility
 - Taxiway and Runway Lighting Rehabilitation
 - Security System for the Water Pollution Control Facility and Utility Maintenance Building
 - Water Booster Pump Station
 - Hospital Storage Tank recoating and rehab
 - 33" Sewer Trunk Line Assessment
 - Water Treatment Plant Filters #1 and #2
- Airport projects are on the funding list with the Federal Aviation Administration.
- Approximately \$11.9 million in projects that have been or will be completed by the end of the fiscal year.
- Downtown Street Light project was reduced by \$1.3 million because an error was found in the calculations.
- Skate Park Renovation budget was increased by \$144,800 due to project management costs being added in.
- Tuscarora Creek Flood Mitigation budget increased by \$1.6 million partially due to project management costs.
- Lower Sycolin Sewer, Ph. II budget was increased by approximately \$685,000 partially due to project management costs being shown in the CIP this year.
- Studies included in the operating budget:
 - Downtown Sidewalk study to look at Market/Ayr Street intersection.
 - Edwards Ferry between Prince Street and 226 Edwards Ferry Road.
 - Other missing link areas of sidewalk where requests have been received from residents.
 - North Street Drainage Study

- Royal Street Drainage Study
- Monroe Street Drainage Study
- Chancellor Street Drainage Study
- Dry Mill Road Sidewalk and Drainage Study
- Will seek reimbursement for project management costs on NVTAs projects.

Council Comments/Questions:

- It is important to reiterate that at one point there were 130 projects on the list and due to Council requests, the Town has cut them down to a more likely 32 projects.
- How many projects were completed last year?
Staff answer: 11 projects.
- Will 11 new projects be added?
Staff answer: Not necessarily. It depends on the requests received and whether there is enough information to put a realistic budget together and are they in alignment with the Town Plan
- The town will be reimbursed for Airport projects?
Staff answer: The FAA, DOAV or a combination of the two will reimburse between 80-90% of those projects.
- How is this shown in the budget?
Staff answer: If you look at the breakout of the funding on airport projects, 80-90% of each project is shown as FAA and a percentage is also shown as DOAV (state) and the remainder is the town. Project management costs are town-borne because the audit procedures necessary to recoup the project management costs from the FAA and DOAV cost more to perform than what would be returned.
- Would be interested to know what the total amount of the budget adjustments are.
- What does the increase in funding for the Skate Park Renovation represent?
Staff answer: The project increased \$144,800 - \$44,800 is the project management costs which includes staff time to administer design and construction. The additional \$100,000 is for the skate park itself.
- What are the statistics on the use of the skate park?
Staff answer: We do not have statistics on the number of users; however, the usage of the park has diminished as a direct correlation to the condition of the park as well as the features in the park being outdated.
- Is there a fee for use for the skate park?
Staff answer: It is currently free.
- Is there any way to look at what other municipalities have done in terms of comparing where they maybe had an outdated skate park and added renovations or have we done any sort of survey to determine from those that like to use skate boards the kind of features they are looking for?

Staff answer: Features have changed to concrete style skate parks, not necessarily constructed wooden ramps anymore. Part of the development costs proposed in the project involve a skate park design and construction company coming forward and engaging the public to find out exactly what the users want. They have a litany of different features that can be presented and they will perform public outreach to be able to incorporate the public desires into the design.

- Are you sure that the decline in usage of the skate park is in direct correlation with the condition of the park?

Staff answer: Cannot say that for sure, but am pretty confident that is the case. It is the condition of the park as well as the outdated features of the park.

- On a recent site visit, every one of the users said that was the reason they do not come as often as they used to come.
- It is somewhat unusual in the spreadsheet in that under capital projects we itemize when there is a plan that is going to be designed and plans separate from, in this case, just the line item that is presumably just for construction. What is the timeline? I think this needs to be addressed. This is like the one big project relative to Veteran's Park, any other park.

Staff answer: That is a component of the project as a whole.

- What is the timeline in terms of coming back to Council with the results of the study before construction?

Staff answer: I would envision, if we were given the go-ahead for this project, we would begin community outreach in the early part of the summer to try to line up a firm as quickly as possible. We could start July 1. I think we could fulfill the community outreach in the September/October time frame and then have something in early fall back to Council. We would hopefully move forward with construction through the winter season and have it open late spring/early summer.

- The broader question is – is there a way to make it an even higher, better use to leverage the additional land we may have access to. To have an opportunity for a teen center or something that would bring more activity to teens in the town. I don't know if that is something that could be incorporated into the study. Obviously, you don't want it to get so big that you don't get your skate park moved along and it might become a several year process, but to me that is what the opportunity looks like. It seems like there is such a small segment that uses skate boards, there may be a way to get a higher, better use out of that.
- With respect to budget enhancements, our packet mentioned \$148,000 for plans, if you will. I am assuming those are all allocated within the CIP. It was not completely clear.

Staff answer: The \$148,500 for the studies is in the operating side of the capital budget. It does not show up here because they are not projects yet.

- The airport master plan is in the airport section?
Staff answer: It is in the airport section. A master plan is a lot more detailed and a lot more expansive than just the studies. In about 2006-2007 time frame, we made the decision to take studies out of the actual CIP because of the expectation level it gave to the community that it will keep moving forward. Studies were put in to the architectural/engineering budget so that studies could be worked on and determined whether they rose to the level of moving forward to become a project.
- Concerned about using general obligation bond money that interest is being paid on to fund a study. We need to decide the best financial way to handle this.
- Would appreciate discussing being reimbursed for Hope Parkway – opportunities to reallocate those funds when they come back. What projects do we currently have funded and which projects would we have to go back to market to bond that are not currently funded?
- Leesburg is putting \$1.1 million into the Route 7/Battlefield interchange. Similar to Battlefield Parkway, if there are opportunities to get this fully funded by other levels of government, it is in the best interest of the citizens.
Staff answer: It is our anticipation that will be needed.
- On page 169, same issue as relates to road widening. Obviously, we know that gas tax is going to go away and we have anticipated that.
- I think it is great to know that we will have the customs clearance area. The Airport Commission has worked very hard getting clearance from the Federal government. It will be a huge enhancement to have an international airport.
- Clarification that the shed will be a very large shed for \$500,000.
- In discussion about the hanger, I would request a pro-forma that is revenue neutral from a taxpayer/general fund perspective. If we are investing in the airport there should be some profit and/or benefit to doing so relative to increasing the operations at the airport.
- Highlight concern that one of the biggest cost overruns in the CIP is the \$1.6 million for the Tuscarora Creek. Agree that there is a significant concern as relates to erosion control. Would specifically request that staff look at the erosion control issue and be able to come back with a plan for how to take care of that as a priority relative to what would be the best timeline for completion of the project.
- Assuming that the aquatic feature at Symington is something that will be able to be funded based on revenues coming into the pool. How does the pro-forma work relative to the enhancements at Symington?
Staff answer: There is not a specific pro-forma for that specific element. It is an enhancement to the facility to keep the facility attractive to users. There is not a specific pro-forma established for that specific feature.

- At what point will we take a serious look at Izaak Walton Park? We keep funding the property owner's improvements, such as the bridge.
- Would be open to looking at additional investments to bring more people downtown.
- Veteran's Park is a very unique asset – having access to the Potomac.
- The skate park is an active amenity. It would make sense to look at what other localities are doing as far as charging admission fees for skate parks.
- Would advocate the Council sit down and throw out ideas of what they would like to see the town be in 10 years, but not during a budget session. Should just stick to what is being funded for the next few years through capital projects. Wants should be done in a separate session.
- A lot of people, even in their mid-20s still like to skate board.
- Following up on Battlefield/Rt. 7 interchange - \$1.1 million is allocated for 2017 – exactly what is that for? Can you explain that?
Staff answer: That would be the Interchange Justification Report. It is the initial survey work, concept designs and initial budget.
- No money is allocated after that for this interchange.
Staff answer: This project the town is working with Loudoun County through the 70% NVTAs funding. Both localities are working together to request NVTAs money for this project. They have requested an additional million and then \$13 million is being requested from the NVTAs 2016 money. The county will be taking an item to request an additional \$37 million in FY 2017 to begin funding this interchange to move it forward. Everyone recognizes that this is a high accident interchange that needs to be moved forward to construction as quickly as possible. Belmont Ridge Road at Rt. 7 will go to construction this fall – the Battlefield at Rt. 7 interchange is the last one that needs a funding stream to create the limited access facility from the town to the Rt. 28 corridor.
- Whenever we discuss the Rt. 15 bypass/Edwards Ferry Road interchange, we have always made sure that it includes the Fort Evans Road Interchange. The CIP does not mention Fort Evans Road. There is no point on spending \$1.8 million dollars if both lights are not eliminated.
Staff answer: The estimates included here include Fort Evans.
- Agree that the Tuscarora Creek Flood Mitigation is necessary, but when a project goes from \$1.28 million to \$2.8 million, it makes me nervous. It is a million more than the Dry Mill/Wage/Anne project, which was pretty extensive. Are there any alternatives that are less expensive? Is there a specific reason for the current schedule?
- This is the only time between now and the adoption of the budget to discuss new projects that might be desired.
- Would like to include a crosswalk at Battlefield Parkway and the Bypass.

- Would like to include approximately \$350,000 for a water feature in Mervin Jackson Park.
- Question whether the Tuscarora Creek Flood Mitigation impact Tuscarora Creek Trail (formerly King Street Trail extension). Is it possible to add the trail in for much less money than to do the trail separately.
- What has the town been paying for at Izaak Walton Park?
Staff answer: Currently, the lease on the property is \$111,000 per year. The town also pays half the taxes on the property.
- Besides the Dog Park, what else does the town use at Izaak Walton?
Staff answer: The town runs recreation programs out of the building. Gymnastics and Tae Kwon Do programs are run out of that building. Dog obedience classes are also located at the park. It is also a passive park.
- How long has the town been leasing this property?
Staff answer: Since 2000.
- Concerned that the town has been paying rent on a piece of property for 14 years, improved the property and the owners are not interested in selling.
- Was frustrated with the Major Issues session because Council could have listed and prioritized as a group from the department and capital perspective.
Staff answer: There isn't much meat in the budget. Although there are many needs of the organization, what can be afforded to focus on at this time, is included in the budget proposal. There is not a lot of new things included.

Kaj Dentler gave a brief presentation of enhancements to the FY 2016-2017 proposed budget.

Key Points:

- Enhancements are above the base budget.
- \$20,000 for East Market Street Corridor Transportation Analysis
- \$42,000 for police overtime (\$32,000 is detective overtime that is already occurring based on cases that are being handled and \$10,000 for targeted enforcement).
- \$150,000 in capital projects studies.
- \$89,000 in automation improvements.

Council Comments/Questions:

- There is a lot of money allocated to Capital Projects justification studies. Why is so much money being spent on studies?
Staff answer: They are needed to see if there is reason to go forward. One that has been requested is the sidewalk improvements on West Market from Ayr to Morven Park Road. There are a lot of questions

involved that need to be answered prior to bringing it to Council to determine if the project is one that Council would like to go ahead with. Drainage studies are more expensive because they include topographical surveys to determine elevations and what is draining through a particular area.

- In follow-up to the drainage studies, why is it applicable to the utility fund, not the general fund as relates to sewer issues?
Staff answer: Drainage studies are storm drainage studies. If they had something to do with water and sewer, it would be in the utility department.
- We are under a lot of pressure given things like TMDL and necessities in terms of what we will be funding from the town's perspective. People only see the tip of the iceberg in terms of what can be significant cost and liability to the town. We are going to have to start looking with fresh eyes about where the expectation was that the town was going to take complete liability for some of these projects particularly given the fact that Lowenbach started at about \$5 million and it is now over \$10 million. A couple of things you will hear me bring up is the process for two things – cost overruns – obviously you are doing a great job working with the communities as you are designing what are important projects for them; however, we also need to look at the overall cost from the town perspective. In a number of situations, Virginia Knolls owns quite a bit of that land, so it might make sense for homeowners to also contribute. Just a policy for adding a drainage project so that we determine needs. I don't have full understanding of what it was because I don't recall any petitioners even coming necessarily about it. I would like that additional fact for anyone who is looking back at decisions that Council is making.
Staff answer: Royal Street is one that we have had petitioners before you. Most of these have had people who have been in here petitioning you to evaluate their situation.
- In terms of the other couple of things that are on the enhancements. Could you describe what the functionality is in terms of the new, specific technology enhancements?
Staff answer: Almost half of the funding is for the implementation town-wide of an automated time keeping system. Right now, we have already applied it to part time and temporary help in the recreation department. The new time keeping system uses a number of different approaches. It can key in time on the computer, swipe a badge, use a thumbprint – depending on the location and what is appropriate. The original scope of the project was to get automation in place because it helps us meet the very short critical processing window that we have to meet the ACH deadline. Hand-keying the time sheets into the system is extremely stressful on the payroll department because if you miss the deadline, you miss the payroll. It has been very successful with the part time employees. We have looked at using built in time attendants and

meters, but it was not satisfactory. We propose to use the time and attendance system that has been successful with the recreation department for the entire town. The next piece is an upgrade from the 9.4 to the 10.4 version of MUNIS. This upgrades us to the latest version of MUNIS on July 1. After implementation, there will be additional functionality that will be available and will enhance record keeping and customer service.

- The one specific area with the police department we have talked about in terms of leveraging with Loudoun County in terms of getting additional support was in the Sheriff's area. What is the timeline for looking at our justification for additional over time versus where there might be ways that we can leverage the Sheriff?

Staff answer: Justification for the enhancements are two-fold. Number one, the criminal investigation department has been a historic shortfall in our last two budget cycles by roughly \$30,000-35,000. Criminal investigations are detectives that are involved in major cases such as homicide. Drug investigations also take a significant amount of time over and above their normal work. The second one for \$10,000 is a figure that covers what we believe to be Council initiatives including additional police presence at crosswalks, First Friday, and even during Council meetings.

- We are anticipating an average of 3% performance increases. What is the actual range? What is the highest?

Staff answer: Our current system allows for an employee to either earn a 3% or not. If you are the top performers, you are eligible for a bonus. That has not been well received by employees, which is very interesting. Our thought process is to evaluate going to a range of between 2-4% with 3% being the average. It allows the top performers to get what they feel they deserve. Bonuses create different reactions from employees. The other category is that some in the middle category get the same amount regardless of where they fall in the middle category.

- Three percent is not significant – it is only the cost of living. I would think that you would want to give all employees at least three percent because of their experience, time and effort. The two to four percent should be above and beyond the three percent.

- Can you clarify what you mean by a bonus structure?

Staff answer: We have less full time employees today than we did ten years ago, but we have a significant number of new customers and visitors than we did 10 years ago. The system that we have used to manage the additional work load is that every employee has to do their job because we are understaffed. If you do your job, you receive three percent. If you do better – a top performer (ten to twenty percent of the work force), then you received a bonus. What is being looked at today, is basically a three point scale. Three percent is in the middle category of doing your job. If you are not quite there, but you are still hitting the

minimum goals, it is 2 percent. If you are the top, it is four percent, instead of a bonus. We did focus group sessions with 60+ full time employees and we were quite surprised with the reaction to the bonus system. It is only about fifty percent popular with the employees, including the top performers. A lot of the top performers are not wild about the bonus. They are uncomfortable with it – they feel like they are working extremely hard, but not able to advance their salaries. The amount included in the budget is three percent, but we are not sure how the system will be tailored based on Council's funding. The employees have given significant input and the directors have unanimously endorsed to this approach. At the proposed tax rate, this is what we can afford.

- It is the town manager's job to look at averages and find out where there are significant deviations and the reason for those.
- When is the revenue expected for the Panda new employees?
Staff answer: The idea is to begin advertising at the beginning of the new fiscal year. As the construction is being completed, the employees need to understand the operations of the entire plant before we can add the reclaimed water portion of their duties. We need them to be onboard and trained before we start operations with Panda. The money will not start until late in 2017 because it is when the plant begins operation.
- Would like to see what the revenue stream looks like with respect to these new employees.
- If I wanted to add to the enhancements, based on what you have said it looks like we have two choices – one option would be to readvertise a higher tax rate, which I suspect would not find a lot of support amongst Council members. The other option would be to find savings in the current budget.
- If Lowenbach went from \$5 million to \$10 million, perhaps if we had spent more money on an initial study, we might have known what the final price tag would have been earlier.
- Did we get it in writing – we were anticipating that we would get the easements for free. Was that not in writing, because eventually we ended up having to pay for those easements.
Staff answer: That was what the understanding was.
- We should consider putting agreements for easements in writing, if landowners initially agreed to donate them.
- Do we anticipate the Airport Commission coming forth by Saturday with requests for additional enhancements? I know there has been talk in the Commission about the FBO situation and maintenance situation at the airport.
Staff answer: The FBO agreement is coming to the end of its first term in January 2016. The Airport Commission is trying to evaluate all options to ensure services, particularly aircraft maintenance, stay at the airport. Aircraft maintenance is difficult because it requires facilities

that the town does not own. The Airport Commission is leaning towards asking for a pro-forma to look at the costs and determine if it is revenue neutral or positive to acquire additional hangers. It has not been included in the budget because it has not yet been determined if it is revenue neutral or positive.

- On changing the waste water treatment plant to a 24 hour/7 day weekly schedule, we are planning to have the three new employees in place about a year ahead of when we estimate Panda will begin operations?

Staff answer: Panda has a start up period where they will require reclaimed water. The agreement was written that during that the annual payment would not start at that time. The employees will come in as trainees that do not yet have operator's licenses. They will have to work towards a minimum class IV operator's license. The sooner we can get them into the licensing class, the better.

- Why doesn't Panda pay for that? Why do we have to wait a year if the employees are working on Panda operations?

Staff answer: They are not just working on that part – they will have to learn all operations.

- I was wondering why it is so expensive to have three new employees.

Staff answer: The assumption in the budget is that the employees would come in as a trainee, which is Operator I. That number also includes fringe benefits and insurance.

- Reading between the lines, I am inferring we will not be making as much in additional revenue from Panda as we will be spending for the three new employees? After we begin receiving revenue, do the current estimates indicate the additional revenue will pay for the additional employees?

Staff answer: We will be paying more prior to receiving any revenue from Panda Power. There were additional costs that will have to be taken on in the beginning, but it is a net positive to the town.

- We are trying to maintain a AAA bond rating with Standard and Poors, and trying not to increase the tax rate. Do you still feel that you can maintain the tax rate while maintaining the services that the town provides and maintaining the AAA bond rating?

Staff answer: Yes.

It was noted that the Council's budget work session will be held on Saturday, March 14 beginning at 9 a.m. in the Council Chambers.

2. Additions to Future Council Meetings

Vice Mayor Burk stated she was at the Exeter HOA meeting and they started talking about their stormwater pond. Who takes over the filters for the stormwater pond? The HOA seems to think the town will take over the cost of maintaining the filters.

Tom Mason noted that it is totally the responsibility of the Exeter Homeowner's Association. He stated all the easements state this. He stated under the Chesapeake Bay TMDL program, if the town can get the necessary easements to construct or reconstruct the existing pond areas so that they now do water quality treatment as well as quantity treatment, part of the negotiations will be who ends up maintaining the water quality part of the pond. We are anticipating that the HOAs are not going to want to do that. We anticipate that the HOAs will not want to do that and it will become something that the town will have to take over and will become part of General Fund expenses. The town may have to look at initiating a stormwater utility or some way of generating revenues to retain the water quality treatment areas. The town can phase the project in over 15 years with the current state permits.

It was decided that an information memo covering the future ramifications of the TMDL program would be produced.

Mayor Umstatted noted that property tax bills should include an itemization of what state and federal unfunded mandates such as TMDL is costing the individual taxpayer.

Council Member Fox stated she would like to find out if there is a way to work with the county to pay for some of the CIP projects, especially those in the JLMA and the Lower Sycolin area.

Renee Lafollette noted that no transportation projects that have been proposed are outside the town's corporate limits. She stated the town is leveraging NVTVA 70/30 money and VDOT revenue sharing (which is 1:1). The majority of the transportation projects will use little to no bond funding. She clarified that the town is working closely with the county's transportation department to get the NVTVA funding. The Lower Sycolin Sewer Conveyance project is partially funded by pro-rata fees.

It was requested that a chart be produced that would show what projects use what percentage of taxpayer bonds so that Council can determine the best plan of action for getting additional funds from alternate sources.

Council Member Hammler requested an agenda item allowing her to accept the Mayor's Maker Challenge. She stated this is the issue that Pat Scannell brought up about municipalities embracing the manufacturing movement. She stated there is an opportunity to participate in the White House national conference call of Mayors. She stated there is no financial obligation, but there are suggested Maker "moves", which include a roundtable that could be done with the Economic Development Commission, Maker Fair, Maker Liaison, Maker Spaces, etc. She stated the town will have the only Maker's organization in the county and one of only four in Northern Virginia.

There was Council consensus to put this on the agenda for March 24 to give everyone time to review Council Member Hammler's information about the Challenge.

Council Member Hammler stated she would like to send a letter to the town's congresswoman about the EPA investigation that took three years and ultimately yielded no determination of cause and took a lot of taxpayer money.

There was Council consensus to put this on the agenda for the March 24 meeting.

Council Member Butler stated he wanted to make sure that whatever the county is spending on their TMDL mitigation, that Leesburg is not paying for it. He stated there cannot be another opportunity for double taxation for town residents.

There was Council consensus to have an information memo on this subject.

Council Member Butler stated that financial incentives in the Arts and Cultural District are so weak that there are current businesses that do not feel it is worth filling out the paperwork to be part of the Arts and Cultural District. He stated that the state has given localities more authority to increase incentives, so he would like to add a discussion about potentially increasing the financial incentives including allowing restaurants to apply.

There was consensus to put this on a future work session.

3. Adjournment

On a motion by Council Member Martinez, seconded by Council Member Butler, the meeting was adjourned at 9:06 p.m.

Clerk of Council

2015_tcwsmin0310

Council Chambers, 25 West Market Street, 7:30 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: All present.

Staff Present: Town Manager Kaj Dentler, Deputy Town Manager Keith Markel, Town Attorney Barbara Notar, Director of Parks and Recreation Rich Williams, Assistant Town Manager Scott Parker, Director of Finance and Administrative Services Clark Case, Interim Human Resources Manager Annie Carlson, Library Manager Alexandra Gressitt, Airport Manager Scott Coffman, Economic Development Director Marantha Edwards, Director of Public Works Tom Mason, Chief of Police Joseph Price, Director of Utilities Amy Wyks, Director of Plan Review Bill Ackman, Director of Planning and Zoning Susan Berry Hill, Director of Capital Projects Renee Lafollette, Research and Communications Manager Betsy Fields, Management Analyst Jason Cournoyer, Management Analyst Lisa Haley, Interim Information Technology Manager John Callahan, Captain Vanessa Grigsby and Clerk of Council Lee Ann Green

<u>AGENDA</u>	<u>ITEMS</u>
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1. **CALL TO ORDER**

2. **INVOCATION:** Mayor Umstatted

3. **SALUTE TO THE FLAG:** Council Member Fox

4. **ROLL CALL:** Showing all members present. Council Member Dunn participated electronically from Florida due to work travel.

5. **MINUTES**
 - a. Work Session Minutes of February 24, 2015
The minutes of the February 23, 2015 work session were deferred.

 - b. Regular Session Minutes of February 24, 2015
The minutes of the February 24, 2015 regular session meeting were deferred.

6. **ADOPTING THE MEETING AGENDA**
On the motion of Vice Mayor Burk, seconded by Council Member Butler, the meeting agenda was approved after deferring items 11 b, c, and d until the next meeting, by the following vote:

Aye: Butler, Burk, Dunn, Fox, Hammler, Martinez, and Mayor Umstatted
Nay: None
Vote: 7-0

7. **PRESENTATIONS**
 - a. Certificates of Recognition – Virginia Extreme U10 Flag Football

On a motion by Council Member Martinez, seconded by Council Member Butler, Certificates of Recognition were approved for the following players of Virginia Extreme U10 Purple for winning the NFL Regional Tournament allowing them to compete in the National Championships in Phoenix, Arizona:

David Cobbs	Aiden Easton
Aidan Hodnett	Isaiah Lemmond
Madison Mannino	Benjamin Morrison
Matthew Ortega	Jacob Thomas
Coach Richard Thomas	Coach Steve Arnold

b. Certificates of Recognition – Virginia Extreme U10 Flag Football
On a motion by Council Member Martinez, seconded by Council Member Butler, Certificates of Recognition were approved for the following players of Virginia Extreme U12 Purple for winning the NFL National Championships in Phoenix, Arizona:

Matt Anderson	Caleb Coombs
Mika'il Kamara	Donovahn Keyes
Will Paige	Jeremy Roach
Jack Selman	Ryan Upp
Jake Wilson	Coach Hassan Kamara
Coach Willy Paige	

9. PETITIONERS

The Petitioner’s Section was opened at 7:46 p.m.

Natalia Derrit, 609 Marshall Drive. “I am so grateful to be part of this community – this beautiful community in Leesburg. This meeting this afternoon is about diversity. What we can say about diversity? We can say so many things. Every single one is beautiful. I encourage every single one of you the next time you see a rainbow ___ in order to be a rainbow. I encourage every single one to see ___. You ___ the flowers, ___ the snails. All of them, they have to be protected in order to be around. The world, the complete world, we talk about creator, creation, different language, different culture, different ___. We have to recognize each other in order to be _____. Without embracing each other to take advantage of different cultures, to take advantage of different potentials, to embrace us, to make a better community, to make us richer. If we can do that, ___ we can ___. It is fine. It is fine to embrace each other to become a better community, to become richer, to become communities. This is what I want to say about diversity. We need each other and we need to embrace every single one of us”.

Andrew Borgquist, 1108 Huntmaster Terrace, NE. “Many of you already know who I am. I am just here in the continued petition that I have been bringing before the Council regarding an issue – I am not going to say a whole lot tonight because obviously there is probably more discussion that needs to happen to continue to bring my petition forward. But, I just – I was thinking of a saying once – an old saying the squeaky wheel gets the oil and so, you know, I think sometimes perhaps in reality, hopefully this isn’t the case, but the squeaky wheel gets replaced or thrown away, but I was hoping – I just wanted to continue

to bring it forward and urge the Council to consider some of the issues I've brought forward and maybe bring some resolution."

Paula Callaghan, 19928 Evergreen Mill Road. "I am from South America, from Bolivia. Right now, I am at home all the time with my kids. I have my small business I started last year with Mary Kay. Besides that, I volunteer at my kid's school twice a week since last year, so this is my second year. I do a number of readings with kids that are coming from homes that speak Spanish like I do in my house with my kids and my husband speaks English. He is from New York. I want to take the opportunity to come here and say how can I help you? How can I help the community? Because that is my big motivation. My kids and every single kid that I see at school is the future of this country and I think that we are here and have to take advantage and we have to do the best for them. I am gonna leave my name and if I can do anything, that is my motivation – my family and take the opportunity that my husband gave me to be at home because he is the one who is working, but I want to give back and return that gift to somebody that really needs my help. That's all. Thank you."

The Petitioner's Section was closed at 7:54 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. Supplemental Appropriation of Donations to Leesburg Airshow

RESOLUTION 2015-035

Approving a Supplemental Appropriation of \$9,662 of General Fund Unassigned Fund Balance Resulting from the Net Proceeds of the 2014 Airshow

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. Fiscal Year 2016-2017 Budget

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

Clark Case, along with Jason Cournoyer and Lisa Haley, presented the proposed Fiscal Year 2016-2017 Budget.

Key Points:

- Budget covers the General Fund, FY 2016-2021 Capital Improvements Program, and the Utilities Fund.
- There are five focus areas for the budget:
 - Improving organizational efficiency
 - Improving technology and automation

- Providing exceptional customer service
- Providing employee development
- Long Term financial sustainability
 - Two year budget process
 - Debt service reserve to cover peak debt service in FY 2017-2019
 - Capital Asset Replacement Fund to ensure timely replacement of equipment and facilities.
 - General Fund fiscal reserve increase to 20 percent over the next five years.
 - Self-insurance fund to be a cost-effective health insurance benefit for employees.
 - Maintenance of the AAA Bond rating to maintain/minimize debt service costs.
 - Proposed budget maintains a property tax rate of 18.3 cents per \$100 of assessed valuation – which equals an average increase of less than \$22 on an average home value of \$465,000.
 - Residential equalized rate is 18.0 cents.
- Compares favorably with surrounding jurisdictions.
- \$97.6 million budget, which is an increase of roughly \$13 million (15.4 percent) over 2015.
- Most significant increase occurs in the Capital Projects Fund, which is primarily attributable to the significant increase in transportation projects in FY 2016.
- General Fund increases 5.4 percent, mostly attributable to increased debt service and consolidation of Public Works and Capital Projects departments.
- Real operating impact is a 2.2 percent increase.
- Approximately 75 percent of the total budget is personnel, debt service, and capital projects.
- Largest source of revenue is intergovernmental sources, which includes VDOT and NVTA funds, FAA and DOAV funds, and public safety funds.
- No new positions proposed for the General Fund. Three positions proposed for the utility fund are required as part of the agreement with Panda Energy to provide reclaimed water and will be offset in future years by revenue from the sale of reclaimed water.
- Two departments were consolidated – Finance, Human Resources and Information Technology into the Department of Finance and Administrative Services and Public Works with Capital Projects.
- Proposed average 3% pay increase.
- Health care benefit costs are increasing 8% for medical, dental and vision coverage.
- Total proposed enhancements include approximately \$300,000 for police overtime, transportation projects and studies, and technology investments.
- Major initiatives included in the Capital Improvements Program are:
 - Hope Parkway
 - South King Street Widening
 - Battlefield Parkway from Greenway to Rt. 15

- Skate Park renovations
- Downtown Improvements
- Chesapeake Bay TMDL project
- Lowenbach Improvements
- \$2 million for renovations, replacements and repairs in the Utility Fund.
- The town is a financially sound, AAA bond rated community.
- Proposed budget addresses short and long term needs of the town and meets all the requirements of the adopted fiscal policy.

Victoria Yergin, Secretary/Treasurer of the Virginia Knolls Community Association. “This is regarding the Tuscarora Creek Flood Mitigation Project. Last evening’s Council meeting discussed the possibility of reducing the budget for this project. The net result may cause the current proposed plan to be significantly altered. Two years ago, the Town of Leesburg Capital Improvements indicated a strong sense of urgency for a flood mitigation project to protect the townhomes along the Tuscarora Creek. It was cited that this strong sense of urgency began in 1984 as a result of the flooding in the basements of homeowners. When questioned as to the reason a project was considered urgent for 31 years, a lack of funding was cited. General opinion amongst our residents indicated that 31 years is sufficient to fund such a project. It was also felt that the project became urgent during the same time frame as the approval of the Crescent Design District. Most residents believe the rapid expansion of the Town of Leesburg as well as surrounding areas in Loudoun County creates extraordinary challenges with respect to water run-off, water containment and flooding. Many of these challenges have landed right on our doorstep. The Virginia Knolls Community Association members have expressed intense concern regarding the impact of more run-off into the creek considering the planned development directly upstream of us on the approximate 60 acres adjacent to Izaak Walton Park. We already take on an incredible amount of water from Route 15, the huge storm drains off South King Street and from the land above Route 15. We can confirm this by the number of golf balls remaining on our property after a flood event. These balls are washed down to us from the Westpark Golf Club directly upstream of us across Route 15. The common grounds of the Virginia Knolls Community Association have been and will continue to be an ad hoc temporary flood storage area for the increasing water issues for every impervious surface in the area. The Director of Capital Projects and the Director of Plan Review assigned to us have been quintessentially sensitive to the fact this mitigation project involves a long standing residential community since 1965, to our knowledge, the oldest townhome community in Loudoun County. We are also the only residences on this section of the creek. Our membership believes the developer of the land directly upstream of us will be asked for zoning variances in many areas and that the town may be extraordinarily receptive to those petitions based on the obvious understanding that more development means more revenue and increased tax base for the town. We wish to impress upon Council that this project is imperative for flood protection as well as the maintenance of property value. We are aware of the “no net loss” tree program, whereby criteria are set up to replace a tree when one is removed. In some cases the required replanting would consist of more than one tree to compensate for the loss. Given that program, would it not be understandable that

a townhome community not only requires flood protection but it, just as with the tree policy, wishes to achieve flood protection in a manner that provides for “no net loss” of property value? Therefore, changes or modifications to the existing budget for the Tuscarora Creek Flood Mitigation project can be likened to the tree policy by saying, we lost a tree and we will replace it with a leaf in order to save money. Our community is, arguably the single largest residential area taking on temporary flood storage in the vicinity. Our residents are continually threatened with every new townhome community and mixed use development rezoned and approved for construction. The abject deforestation of more than 60 acres upstream of us significantly changes the topography and the speed and volume of water rushing through an over-taxed and wholly inadequate creek. This is not about the property value of the Creekside residences of the Virginia Knolls Community Association as a singular issue either; decreased property value in our community will drive the comparable values down for all the town home communities from Shenandoah to beyond Gateway Drive. The Harrison Street bridge is the gateway to all of these communities and the presence or absence of a very efficient, functional and esthetically pleasing solution to water mitigation is imperative. The budgetary funding solely borne by the Town of Leesburg was already in place for this project three years ago when the urgency of the work was brought to us again. State grant money made available to Leesburg caused the first incremental reduction in the original funding, a process we fully understand. Now the objective appears to be a further reduction in funding for the project beyond swapping the town funds with grant money, with the net result poised to cause severe modification or change to the project itself. This recent development at last night’s meeting raises several questions as to what has changed in terms of funding and why would a project with a high buy in by the residents be changed or modified after the town was relieved of a significant amount of out of pocket through grant funding? Is the objective to seek outside funding for the entirety of the project now? Grant money disappears beyond a certain date. Gone unused it is almost always difficult to re-apply for grant funding and be taken seriously. If the project is putt off beyond the expiration of the grant, the Town would have to fund the entire project which would be counterintuitive. We respectfully ask Council to be very contemplative as their focus turns to discussion of this project. Much trust has been re-established between the residents and the town. Community outreach has been outstanding, well appreciated and relied upon. The mantle of suspicion regarding the town’s follow-through has been significantly lifted. There is a high buy in for the project as it conceptually stands and we ask that progress not be impeded as a direct result of diverting elsewhere the necessary funds needed to see this project completed to expectations of the residents. On behalf of the Virginia Knolls Community association, I would like to conclude by respectfully requesting this statement as well as an email sent to Renee Lafollette and Bill Ackman be made part of this meeting’s permanent record”.

Suzanne Larkins, 3 Royal Street, SE. “I began talking to Mr. Wells, the former town manager in 2011 about the fact that there is no watershed running from Loudoun to Royal along the south side of Royal Street. So, at that time, we began discussions and he suggested that I come in February of 2012 to the meeting because it was prior to the budget kick off to discuss the fact that I had petitioned my

neighbors because we had extreme flooding. There is no watershed whatsoever. There was a feasibility study done in 2009, which he acknowledged was flawed because I guess it was only taken during a day of normal rain and never during our storms. I think everyone is aware of the Loudoun Street topography – the topography between Loudoun Street and Royal Street is extreme and the property owners have no drainage. There is nothing to prevent the water from coming onto the south side of the street. So, when I came to the town meeting in 2012, we were supposed to be put on the five year plan for consideration of digging out, repaving and creating side walks, new gutters – we don't have any gutters at all, I am sure you are probably aware of that fact. So, anyway once I came and I was supposed be put on the five year plan. I was meeting with Tom Mason and other people, had a site inspection, went over everything so it was Mr. Wells who asked that an additional study be done and that they looked into temporary improvements that could be made that didn't go into the Capital Improvements Project because we would have to wait about five years. So, every year, several times a year I check in with Mr. Mason and they had decided to repave the north side of the street so that the crest was a little different – I'm sorry, I'm going to go over my time – to temporarily help some of the water from running over and flooding our homes. Anyway, to my surprise this summer when I talked to Mr. Mason, the study had been put off indefinitely and we were not on the 2015 – the five year plan. So, I don't know how we got taken off the plan. Mr. Wells was under the impression we were on the plan. I don't know what happened there, but I think you can see from all the documentation that I have that we have put in French drains – tens of thousands of dollars I have expended and some of my neighbors to try to divert water. But, it is really a town issue that you are well aware of that there are streets downtown historically that have no curbs whatsoever, no way to force the run off to a different area or location and are flooding our properties and causing property damage. So, I want to know – I want to be back on the five year plan in the position I would have been had I not been taken off.

The public hearing was closed at 8:16 p.m.

b. Amending Chapter 2 of the Town Code Adding a Leesburg Diversity Advisory Commission

The public hearing was opened at 8:17 p.m.

Kaj Dentler gave a brief overview of the proposed Diversity Advisory Commission:

Key Points:

- In January 2014, Council established a Citizen Task Force to evaluate work force diversity within the Town of Leesburg government.
- Task force met four times and made the following recommendations:
 - Develop a diversity pipeline to make Leesburg an attractive employer for skilled, diverse applicants.
 - Improving succession planning to retain employees so that minority employees can assume leadership positions.

- Improving outreach to the community, both internal and external.
- Establishment of a Leesburg Diversity Commission.
- Proposed duties of the Commission are:
 - Help foster diversity and inclusion within the community at large.
 - Make recommendations to the Council enhancing Leesburg government's ability to communicate and deliver services to citizens, minority residents and business owners within the town.
 - Work with the Leesburg Economic Development Commission and town staff on an outreach effort to the minority business community to increase awareness of town services and understand the potential opportunities of doing business with the town.
 - Make recommendations to the Council that provide Leesburg an opportunity to enhance/celebrate the diverse community available in Leesburg.
 - It will be clearly identified that the Advisory Commission's role is not to be involved in personnel actions at any time.
- Membership is proposed to be residents of the town, property owners, or business owners. At least four have to be town residents.
- Commission will meet monthly.
- Staff liaison will be provided.
- Compensation will be similar to other commissions - \$8,500 for members.
- Funds are not included in the current budget. If approved this evening, it will need to be added.

Randy Ihara, stated he is vice chairman of a new non-profit organization named "Diversity and Equality Fairs of Virginia. "The chairman of our organization is Larry Roeder, but he is unavoidably unable to attend tonight. We were formed in recognition of the increased diversity of Loudoun County. In a surprisingly short period of time, Loudoun County has grown from a sleepy, largely rural, largely white area to a vibrant, multi-ethnic, multi-national ex-burb of Washington, DC. The growth of diversity in Loudoun County and Leesburg has had a healthful effect. We benefit from the blend of cultures that inspire and enrich our own. It expands our horizons with myriad learning opportunities about different cultures and nationalities. Our economy benefits from the new businesses initiated by our immigrants and from their training, education, skills, expertise, energy and initiative. This is a condition that we should embrace, celebrate and facilitate for it contributes to the vitality and vibrancy of Loudoun County. Diversity also serves to underscore a key value of American culture. With diversity comes a recognition that in America, we are all, in our different capacities, able to contribute equally to the ongoing project of building livable communities. Therefore, we should all have equal access to the various avenues and resources for making that contribution. By embracing diversity, we can come to a recognition of our mutual equality – that we are all at a fundamental level equal to one another just as recognized by the founders of the republic. That is why we enthusiastically support the council's innovative program proposal for a formation of a diversity commission open and accountable to the public, the goals of which are clearly defined in contrast to the alternative, which

lacks clear substantive purpose, lacks public accountability, and depends on the appointment of liaisons, the function of which are vague at best. On the other hand, a commission would ensure that public attention and resources are focused on facilitating and supporting diversity and equality in Leesburg. In recognition of our diversity, we felt that a way our community could both express and celebrate the value of diversity and equality would be a free, family-friendly fair – a one day event to be held in Ida Lee Park on October 10, 2015. To realize and build upon this goal, we formed a non-profit corporation called Diversity and Equality Fairs of Virginia. The fair will include entertainment, food, and other items that express and make available to all of the town a sample of the richness of the culture in Loudoun County and Leesburg. We hope to see broad participation by the general public and representatives of the many ethnic and national groups that make up an important part of this community. We look forward to seeing all of you in October and we look forward to working with the new Leesburg Diversity Council. Thank you for letting me speak this evening”.

Glady Burke stated she has lived in Leesburg for over 30 years. “Tonight I have here with me other members of the original task force. I want to introduce them – Tammy Carter, Mary Randolph, Anne Daye, Hassan Ibrahim, and I think Greg Hudson and Linda McCray couldn’t join us – okay, wonderful, you are here. So, we stand here in support of the Leesburg Diversity Commission. Much has been said about the diversity commission within the last several weeks, maybe a couple of months – here in the chamber, in the newspapers, on social media, and much of it is misinformation. I can address all that misinformation in the short time I have here, but there is one thing that is consistent and that is that we need diversity in Leesburg. So, I want to just take a couple of moments to speak on why we need a Leesburg Diversity Commission versus some other entity. In order to be successful at anything, there needs to be focus. You are the Leesburg Town Council. You are supposed to focus on Leesburg issues. I might not know my government, but I don’t know any authority that you have to set up a Loudoun County group, so we are asking you to focus on Leesburg. Then there needs to be structure. You already have the structure because you have other commissions at the town, already operating, already advising the town. There needs to be stability. Leesburg needs a full commission, not a temporary task force or a committee or a community group that any time can just decide to disband and then this commission needs legitimacy. The commission needs to be a part of the Town of Leesburg, recognized as a vehicle by the Town of Leesburg that can help develop and maintain diversity. It needs the backing and the support of this council. I will end by saying that I really look forward to unanimous, positive vote for this commission so that the commission can go forward knowing that it has your full support. I especially look forward to the positive vote from Council woman Katie Hammler because she is the Council woman that appointed me to the original task force, so I look forward to your vote tonight”.

Adrienne M. Bray stated she moved to Leesburg in 1989. “I am here in support of the creation of the town diversity commission. I think the Diversity Commission would be a great tool for all residents, including minorities, disabled,

youth, elderly – a great forum for discussion on issues that we are having, a way to quickly bring to light issues that we are experiencing so that we can get them resolved in a timely fashion. As a young person in town, I see a lot of youth are having questions and they have conversations about diversity and I think it is time for us to have a forum where they can come and see that Leesburg is taking action and promoting diversity within our town”.

Amira Bray “I am here today advocating for the creation of the town Diversity Commission. I would like this forum to bring to discussion of teen issues. Issues like diversity in schools and possible solutions to diversity issues. As a teenager in high school, I would like to see more interaction between races and also community wide. What I would like to see is more interaction because I see a slight separation between races in school. I have been called racial names and I think this diversity committee would allow me to discuss diversity issues I see. Please, Town Council, vote for the creation of the town Diversity Commission. Thank you”.

Tom Marshall “I am here because I love Leesburg and I love my Town Council, but I would like to just say in 2008...by the way I live at 315 Ayrlee Avenue in northwest Leesburg. In 2008, when President Barack Obama was elected as our first black president, I was pleasantly surprised because I grew up in Virginia. Not only did Virginia go democratic, but North Carolina did too. Obviously my perception at that time was that America had changed and we are now able to judge a person on his or her merits and not on his or her skin color or any other factors. I even remember when President Kennedy was elected and at the time people thought that we would never elect a Catholic for president. Joe Lieberman was a vice-presidential candidate – a Jew. And if you believe in the popular vote, we would have won that election too. And then, we had Mitt Romney who ran and came very close to becoming president of the United States and he was a Mormon. So, I pretty positive about everything; however, in 2008 election there was an exit poll by NBC and they asked a question – how do you thought relations were in this country would fair within the next three years. Forty-seven percent said better. They had the same type of poll in the election 2014. That forty-seven percent dropped to 20 percent. Thirty-four percent say about the same and in 2014, they also said 40 cents. But race relationships in 2014, they said have gotten worse. I think that’s the reality, especially when you look around. If I can borrow from Jimmy Carter’s ill-advised term, my perception based on news reports of police shootings and gridlock in congress when it comes to race relations, many Americans are experiencing a certain malaise about race and change in demographics. Here in Leesburg, we need our town leaders to start the conversation by establishing a diversity commission. Leesburg needs to be proactive and a diversity commission is being proactive. Let’s get ahead of this and not run from it. I also have some statistics that I want to hand out to you, but real briefly – I looked at the schools because you know I ran for school board in 2007 – in 2007, the Loudoun County public schools had 66.6% white. Now we have 53%. The largest minority in our Loudoun County are Asians, followed closely by Hispanics. I also looked at our three high schools, so you might want to check these as well – I have those figures for you – I don’t think you want me to read them”.

Tamar Datan, 16007 Firefly Hill Lane. “I’m delighted to be here tonight. I know several of you from my service as Chairman of the Economic Development Commission of Loudoun County and also the Housing Advisory Board of Loudoun County, but I stand before you tonight as president of the Unitarian Universalist Church of Loudoun. We have 80+ members and another 100 friends, many of them are here tonight. We have a mission of embracing diversity, nurturing spirituality and promoting justice in the world. I think you have heard in a prior hearing our resolution our board of governors – made a resolution in support of this diversity commission and I am here tonight in support of that. It is not just time. I think it is really past due. I believe that this is a chance for Leesburg to be a shining light and to step out as a leader in Loudoun County for the interests of diversity and I have a feeling that a lot of people here tonight are in support – just standing up for a moment if you are here in support of the diversity commission. Just a wild risk I took, but I think you are seeing a ground swell of support for your leadership in stepping forward on this very important, complex and critical issue for the future of not just this town, but our county and the nation. So, thank you for being brave in that regard. I hope you find the courage to vote unanimously in favor of this – it is long overdue”.

Tammy Carter stated she is spokesperson for the Diversity Commission. “The Diversity Commission in my eyes is very clear. We want to be able to provide guidance and resources to people in regards to what they want, where and how to go about to find what they are looking for. To be able to inquire about group services, events planning a more diverse community without getting the run around. Create new events such as culture fest –man already said something about having an event on October 15. I’ll be there. Christmas around the world. A multicultural town museum. Add some variety to your website. List all church revivals, events, programs, and come join us. Don’t just list them. Come visit us – we’d like to see you. I would like to see the Economic Development Commission bring new business that would embrace diversity in many ways to Leesburg such as a real performing arts school, a convention center with all the amenities and service culture events, educational events, conferences, inspiring events. We have big pockets, lots of buildings, plenty of land, but yet nowhere for these students to go other than to the movies and the bowling alley. Now, we have sports clubs, ROCK program, scouts, studios, etc. I could go on, but not everyone can do these things. Not everyone is interested, but then again how would we know unless we ask? I know we have many services, programs, events and opportunities that may not be made aware to everyone. Yes, you do have a website, but it is very hard to navigate unless you know exactly what you are looking for. Let’s get the youth interested in the programs or create some new ones. Add some variety to First Friday so that the teenagers who want to involved and can get involved and show their diverse talent. Reach out to them. All they want you to do is to ask. We need more culture and spiritual events in the town of Leesburg. Now I want to speak on three things that was said the last meeting I attended. One comment was made that they didn’t want it to be a feel good committee. Well, I would hope you would want us to feel good about bringing this town together culturally, spiritually, and good working living

conditions. Feel good about this town being my town to live in. That is the feel good committee that I am talking about. We should not be feeling good about having to form this committee. There is nothing to feel good about having to form it – it should have already been done. Two, legal issues. There are none. We have already established there are no legal issues. Would be we are a resource to help find answers. Answer commissions can say something that may come back to haunt you. Any commission can do that, not just us. Any of them could do that. What would make them any different from us? Nothing. Third, Mrs. Fox, you made a lot of comments, but one stood out to me and that was when you turned to your council members and said something to the effect, and it is not a quote, you told the council member that you felt whenever you had a concern and they didn't support it, you felt like you were out there on a limb on your own, but you will continue to express your concern because it was your job. Welcome to my world. Welcome to my world. We will continue to come back and get in your faces until this is done because this is our job. We are here to stand up for justice and to act. My focus, as you can see, I brought with me – stand up – this is diversity. This is what should be sitting up there. Tired of seeing the same old faces. Why don't you start a junior diversity council where each one of you choose a different race, a different culture and guide them in what to do and how to go about getting these things done. I think you would be surprised at what you would find out that they could do because I would like to see more diverse pictures in that hallway instead of the same pictures year after year. Why are our minority teenagers having to get jobs in Ashburn and Sterling when they live here in Leesburg? Why do they have so many students who feel that there is nothing for them here? There is no one that listens who cares about what they do and why they do it. Why are they treated differently when crimes are the same? No one to reach out to without being judged by the gender, their gender, the color of their skin or the clothes they wear, the disabilities they may have, or the area they live in. Why are some of them out on the streets, doing drugs, stealing, hurting others? We have not done our jobs to keep them involved in the community and feel like they have a home with hope. So, I have brought to you this group of students here tonight to tell you about how they feel about the town we live in and what they think we could do to help them make Leesburg the place for all races, cultures, genders and disabilities. I am willing to do my part, are you?"

Milan Ball stated she is the Student Council President at Tuscarora High School. "I have a story to tell this evening. This story begins with my parents who came from inner-city Baltimore, both African-Americans. Some might even call where they came from "the Hood". After I was born, we moved a couple of times, but I have never felt more at home than I do in Leesburg. Countless times my parents have told me also how blessed I am to live in such an incredible neighborhood. But even more so, they tell me that living here hinders my education of my heritage as an African-American. February recently ended, a.k.a. Black History Month and in all of my education I could tell you the same stories about Harriet Tubman, Rosa Parks, and Martin Luther King, Jr. What concerns me is that I care more about my own heritage, but I care about others. I care that I know more about my culture than my friends do about theirs, as pacific islanders, Asians, Native Americans, Hispanics, or middle Eastern youth. I am here today to spread cultural

diversity, to support the Diversity Commission, to make it known that I am important along with all of my minority peers. I am here to represent us as a community, within a community in Leesburg because I want them to feel just as at home as I do”.

Calista Groves “I am here on behalf of the Diversity Commission. As a young teenager that is multi-racial, it is hard at times because my mom is black and my dad is white. So, it can be confusing to explain that to people. I have had a lot of racist comments to me. So, I would like, you know, more help with that to bring more information to people and to make the community more diverse like that. That’s what I wanted to say”.

Herman Llewellyn “This is my own personal story. I moved to Leesburg approximately 10 years ago. I was in corporate America working for Freddie Mac in IT. I want to say about four years after moving to Leesburg, I lost my job and decided I wanted to do something different. And I decided that I wanted to start a business. This is where this committee might come in as a factor. Deciding to start a business and seeing what it took to establish that business was a tremendous effort for someone that has never done that before. When I turned and looked for resources, there were resources available, but in my view they were limited based on what I knew. If there was an entity or some place that I could go that would give me some guidance, I felt like my effort would have been a lot easier today. So, I came out today just to encourage the council and the members on the Council to say yes. Whatever we can put in place to promote business, to encourage people to do better for themselves, can only be good. So, I am pleading to all the members to please support this. Diversity doesn’t mean, to me anyway – I am originally from Jamaica, by the way. To me, it doesn’t mean black and white. It just means we are different and how can we come together, resolve our issues. So again, I am pleading to the council, please support this”.

Eric Groo, 739 Fieldstone Drive, NE #304. “I moved to Leesburg a year ago. It is a beautiful, wonderful town. Previous to that, I had worked abroad and spent time in Afghanistan. I have seen what happens when a community sort of loses track of itself. So, without trying to appeal to any higher principles, I would ask you to consider for the diversity committee, is it beneficial to all concerned? Is it fair? Does it build good will and better friendships? I think it does. I think it is a wonderful effort that you have taken here in Leesburg and so I urge you to unanimously vote for the committee”.

Nadia Bonavanskum stated she is a student at Tuscarora High School. “I moved to Leesburg about six years ago with my family and before that I lived elsewhere in Loudoun County and before that I lived in Bulgaria. So, I have seen and I have experienced first hand the experience of being an immigrant coming into America and basically starting with not knowing anything about this new place and not speaking English and not being able to communicate with the community and getting the help that immigrants need – that anyone needs starting in a new place.

So, I think your Diversity Committee would really help with that – with people coming in that are new to the community and just need some help starting out”.

Yvette Castro-Green, “I would like to echo the sentiment of the young lady sitting in the front here who made a perfect segway to my representation of the immigrant community here in Leesburg and Loudoun County. I am a Leesburg resident and have been for the last 15 years here – all of the time living in Leesburg. From my perspective as a Leesburg resident, a community leader, I am also a mother of two young children in Loudoun County Public Schools located in Leesburg. I also came to you as a taxpayer living in the town. I am a strong proponent of diversity in Leesburg and Loudoun County. I feel that a Leesburg Diversity Commission is essential. I would like to just go back to Ms. Burke’s comments that she made and echo not only that the Leesburg Diversity Advisory Commission would have a focus, structure, stability, legitimacy here in the town but also it would provide manpower, although it would be limited. Some of the valuable town staff interaction that would be given, the same as to other commissions, the equal...and then the resources...access to readily available information from different town departments. I want to go on and just tell you about some of the trends that are happening and I think you have already seen it in the task force report and recommendations. Almost 20 percent of the population is Hispanic now, 9.2 percent black non-Hispanic, 7 percent Asian and 3.2 percent of two or more races, some who are represented here. I just want to say, how many of you...we also have about 30 percent of the residents who speak a language other than English at home and 15.3 percent that speak English less than very well. How many of you know someone who speaks a language other than English or less than well? Maybe you can raise your hands or stand. Well, I am one of those and I would like to just, you know, make my...urge you to establish a Leesburg Diversity Commission because I have seen diversity from the year 2000 until now working as a leader in La Voz of Loudoun, working for immigrant integration for over 10 years and seeing the marginalized populations in our own town, so please...I urge you to continue to work towards valuing the differences in our community”.

Anthony Fasolo stated he and his wife have lived in Leesburg for 20 years. “We moved here in 1994 after moving 24 times in our over 50 years of marriage. Being in the military, you’ve seen a lot of different places and Leesburg is the place we want to be and we want to stay. It is also a place – every place can be improved. You can always do better, I don’t care where we are. Everybody has said most of the things I was going to say, so my main points are: Number one, we should think of the United States and our country, not as a melting pot, but I would like to think of it as a salad bowl and as an Italian, I love salad. Every bit of that salad, different ingredients bring their own flavor to it, but mixed together, what a great thing. I learned a lesson with Mr. Tolbert when I was on the Environmental Advisory Commission, he was our leader. He told me he had all his teeth, he was like 90 years old. He told me the history of Leesburg and all this so I learned a lot. I can see the advantages of being with people other than Italian guys like me. I just want to leave...I have been here three times before, two times before and I have always spoken in favor of the commission and it seems to me it makes sense to do this. We

had a study conducted that says we need to do this. There have been some concerns raised why we shouldn't do it, but I think all those concerns have been answered. There was one concern about liability issue and I think our lawyer, attorney, said that we don't have to worry about that. The other thing that this will provide is transparency and also provide...what am I trying to say? Stable organization that will work together with the town and have some potential for...so the money...what does it cost? I don't know, \$8500, but what is going to be the return and I think the return is much more. Thank you very much for the opportunity”.

David Weintraub, 12883 Furnace Road, Lovettsville. “I have something to say about the alternative that has been proposed by Mr. and Mrs. Fox. They have been arguing a lot that the existing advocacy organizations that serve minority communities can just get together and somehow better perform the functions of the proposed commission. I serve on the boards of two of those advocacy organization and we can do that already. We do that already. Several of those organizations work together every year and create the Martin Luther King Day celebration here in Leesburg. I am on that committee and one of the things that we did this past year is we introduced a new element to that celebration. It was a forum for dialogue between youth and elders and our thinking was we wanted to do something more interactive and thought that people who have lived through Jim Crow here in this community and young people who live here now as it is, might have very different reflections about the legacy of Dr. King and that event...so we did that. It was very successful. It was very well received. So much so that we are now in the process of making that a regular occurrence throughout the year and not just once a year at the MLK celebration. So, why am I telling you about this? What we have learned is that there is a real hunger, especially among young people to tell their stories, have their voices heard. There are people in this community who feel invisible and what we need to be a healthy community is for everyone to have their voices heard and to not feel invisible. So, that is what we are doing. That is our project. We can do that – we can provide that safe space. I don't know if a 14 or 15-year-old, someone who already feels invisible and unheard is going to show up here without a lot of encouragement and talk to you. You know, and maybe tell a story about how they have been treated poorly by a local business or maybe if they have an idea for making the town more inclusive. I am not saying you wouldn't hear them if they did that, I just don't think its that likely that they will. So, we can provide that space, but my question is then what? We can do the investigation and we can hear all the stories and listen, and then we can report to ourselves all day long, but what we need is our local government to take seriously these realities and actively seek to include all these voices. That's what we really need here. So, where we are now with this, okay, we recognize that the need is there – to address it. The task force was convened. They did their work. They made their proposal. The proposal was modified to address concerns of staff. It was modified again to address concerns about possible liability. The town attorney is satisfied. The task force members are satisfied. It is time to move forward and I also hope to see a unanimous vote for this. It is a positive step forward to make this community truly safe and inclusive and welcoming for all of us. I thank you very much”.

Roland Waddell stated he is president of Prelude Communications, 202 Church Street, SE, located at the Mason Enterprise Center. “I made the choice to establish my company in Leesburg. I am a resident of Sterling because of the HUBZone designation in the City of Leesburg and because of my strategic relationship with George Mason University. I am excited to give my show of support for creation of the commission. It is a good thing. I have been blessed to have a 30 year media, entertainment background with Walt Disney, Gannett, and all of those organizations I worked on diversity committees. It is a good thing and it is a good thing to have it originate and be managed through the Council. And for purely commercial reasons, I am always on the hunt for young talent and our HUBZone application will be going forward to the Federal Government shortly and we are required to have 35% minimum of local residents in the HUBZone. So, I am on the hunt for talent in the areas of marketing, creative services, video, and so forth. I thank you for your time.”

Will Estrada, 407 Silverbell Terrace, N.E. “My wife and I live in the Sycamore Hill townhomes here in Leesburg. We have lived here for seven years. Mayor and Members of the Town Council, I am a second generation Puerto Rican. My wife is a first generation Korean. We love our community’s love of diversity. However, I speak in opposition to this proposed diversity commission. There are three reasons for why I oppose it. The first one is the cost to our town, paid for by myself, by all of us, by our neighbors, our tax dollars. Around \$40,000 have already been spent by the Town of Leesburg to bring the Chicago-area diversity consultant. The town of Leesburg, and this was news to me, has 11 formal commissions. Each one has a budget of around \$9,000. This would be the 12th official commission, again with another budget of around \$9,000 that does not include staff time as members of our Town of Leesburg staff have to liaison, attend these commissions. I do not believe that this is a good use of our money. They are all good commissions – diversity, art, and other important things, but is it a good use of our tax dollars when we could be hiring more law enforcement officers, more people to clean our streets, to shovel snow – things of that issue. The second concern that I have is the threat of lawsuits. Now, I am a lawyer. People don’t hate me as a result of that, but lawyering 101 would be – imaging that this diversity commission, if it is adopted, makes a recommendation, say that the Police force needs to change how it hires people. And the police chief, imaging if the police chief were to say that this is not a good idea. We need to make sure that we have the highest standard and then any lawyer would say well, let’s use this official diversity commission’s recommendation as the basis for a lawsuit. It would probably fail, but it would be valuable money spent to pay our town attorney to represent the town. I believe it would be opening the town up to more lawsuits, again that would be a burden carried on the backs of the taxpayers. And then, honorable Mayor and Members of the Town Council, I am concerned about this is not the proper scope of government. The purpose of government is to keep us safe, to protect our livelihoods, to keep our roads in good shape, as all of you have done an admirable job to do it. All of us should be fighting for diversity in our houses of worship, in our homes, in our schools, but government, that’s not the purpose of government. Too often government finds a good idea and instead of encouraging a private solution, steps in itself. I would encourage you to

look at Council Member Fox' alternative idea, a diversity leadership council with formal recognition by the town. One final concern, the proposed statutory change in the town code says that at least four members of this commission, if adopted were to be town residents. That seems ironic to me. Every member, if you were to decide to do this town commission, should be a member of the Leesburg town, a resident who has skin in the game. Thank you so much and I thank everyone for working on diversity here”.

Peter Rush, 8 Phillips Drive, NW. “I just celebrated my 30th year in Leesburg last month. I moved here in 1985. I am also a member of the Loudoun County Soil and Water Conservation District Board, in my eighth year there. I am strongly in favor of this commission. I think it is an idea whose time has come. I would maintain that the bedrock of our democracy is self-government, a critical part of which is that citizens feel that they have a voice, that that voice matters, and that their government, at all levels, is there to serve them. We know from the low voting rates in most elections and some of the other items of evidence, that a great many people across the county have lost that sense of connection to their community and to government. We know from the handful of situations that bubble to the level of public attention in the news, that such a severing frequently occurs to a disproportionate degree among citizens and residents from minorities. The speeches in Selma over the weekend, highlighted how far we still are from being the kind of country that I think we need to be with regard to racial and ethnic issues. I, therefore, strongly applaud the decision to consider salvaging a diversity commission and hope that you do establish it. While it may have originally been driven by a recognition that the composition of the town force did not reflect the diversity of our community, I believe that the value of having such a commission extends far beyond rectifying that diversity imbalance and every other speaker has had pretty much the same point – it goes way beyond that. I would envision that the commission would become a bridge to thousands of our residents who may finally feel that they have a channel through which their voices and their concerns may be heard, listened to and responded to. I have no reason to suspect that we have any issues remotely as serious as those that have recently surfaced in other parts of the country. That is good, but so much the better to take action now to promote the free flow of information, complaints, suggestions, and actions to redress these problems. I would like to pretty much insert pretty much everything that David Weintraub said about the importance of having people who may not feel they have a voice – having a voice. To digress slightly, Germany has a labor system, whose worker’s councils are at the table with management and the result is an industrial economy with manufacturing wages are a third higher than ours. They have a huge trade surplus in manufacturing goods compared to our deficit with much higher labor costs because the collaboration and cooperation has such an incredible value in facilitating the industrial economy. My point here is that cooperation, collaboration, free flow of ideas, complaints, and a spirit of mutual respect and joint goals and dreams, it works. They are the essence of what I feel America should be all about and I think that the potential of this commission to do those kinds of positive things is limited only by our imagination. I have heard many things tonight that I never thought of that I believe this commission can do. So, I urge the Council to please vote for it and

please make it unanimous. I also support the last speaker in one item only. I don't know why anyone who is not a resident of Leesburg should be part of the commission. I think it should be limited to residents. Thank you".

Graham Copp, 903 Catskill Court. "I am a voter and taxpayer here in Leesburg. I am also a school bus driver. As you can tell by my British accent, I am an immigrant to this country. My wife imported me along with all things English that she loves. I have been very fortunate that my accent and white face has meant no racial discrimination or prejudice has been directed my way. In fact, my accent has been a great icebreaker and has opened doors for me. I sometimes wonder if my face was black or my accent was Spanish whether I would have been received as well in this country. I severely doubt it. I fully support the proposal for the formation of a standing Leesburg Diversity Commission and urge your unanimous approval".

Natalie Pien, 20644 Gleedsville Road. "I am a public school teacher in Leesburg and own property in the town. I am here to voice my support for the establishment of a public and transparent diversity commission. When I first moved here over 30 years ago, Loudoun was a very different place. It was hard to find younger people and even harder to find people who were not white. Today, the picture is very different. First of all, somehow, I am no longer young. Second, the residents are made up of so many different nationalities. This really hit home when I attended my older daughter, Renee's, graduation many years ago. Though I had become accustomed to seeing people of different races and ethnicities, hearing the rich variety of exotic names being called made a memorable impression that is really easy for me to remember today. Census data bears out the significant changes in demographics. Using the Censusviewer.com website to compare the 2000 and 2010 census, it shows that the greatest change in population by race occurs in the some other race alone category and is an impressive 349 percent while the least change occurs in the white alone category and is 29 percent, less than one tenth of the change in some other ways category. The Loudoun County School system is also experiencing growing diversity from a minority population of 19 percent in 1998, to 44 percent by 2012. In response, the Loudoun County Public School system created a minority student achievement advisory committee dedicated to work in partnership with the Loudoun County Public Schools, parents and community to further the academic, social and cultural development of every student and to ensure that the needs of all minority students are met. Just as the school system addressed Loudoun County's growing diversity, so must the town of Leesburg with the creation of a diversity commission. A diversity commission benefits not only the minority community, but can also benefit the majority community. Lessons learned from the business sector might also be applied to a community such as the Town of Leesburg. Philip Legreen, a British economist and former advisor to the Director General of the World Trade Organization argues that productivity flourishes in culture diversity. The mind expands when encountering modes of thinking that differ from its own. Diversity promotes innovation, which in turn propels economic growth. A report from the Center for American Progress identifies more than ten economic facts supporting concepts that diversity in the work place is integral to a strong economy. The Town of Leesburg should not follow Loudoun County's motto, I bide my time.

Instead, recognize the change and embrace it by creating a diversity commissioner. Thank you”.

Barbara Elvin, 211 Prince Street. “I did not realize I was signing up to speak, but as a person who has been here for 30 years and as a person who could see, as you can, the diversity here, this is what I want in my community and these are the people that I want speaking. I taught for ten years at NOVA. I taught English as a Second Language to adults who came here and were dying to be heard. Some of them literally. Anything else my friends? I am delighted that you are considering this. I hope it is unanimous. Thank you”.

Phyllis Hubbell, Co-minister of the Unitarian Universalist Church of Loudoun, 1303 Baker Place, Frederick, MD. “Since I spoke before, I am going to speak short, I think. When I was here just at the beginning and you were giving out those awards to the extreme football players, people who work together as a team. I looked at them and I thought this is the future. This is the future of Leesburg and how could you see a better representation of the diversity that is going to be the future of this city. Fifty years after Selma, this town has the opportunity to be a model. Leesburg doesn’t have to wait for Loudoun County to get where Leesburg already is. Leesburg has a much stronger structure for the task force than the volunteer task force they might conceivably one day create in Loudoun County. The Leesburg proposal has already identified the issues that need addressing. They don’t need to start all over in Loudoun. Now, it would be wonderful if Loudoun decides to do something, but I would suggest that we go with what is already in place and not wait for another year or two or 30 years for this urgent issue to be addressed. If Leesburg is the first to establish this task force, it can be known for the right reasons. It can become known as a place where all are welcomed, but prejudice is not. It can become known as a place where hospitality extends to the warm welcome of all people where all people have opportunities and where businesses thrive. I urge this Council to vote unanimously for this proposal and tell the world that Leesburg is truly a place for lovers. Yes, lovers of all people, whoever they are, whatever their gifts, whatever their challenges, dependent only on the content of their character. It is time for Leesburg to take the next step. Thank you”.

John Manwell. “With my wife and cominister, whom you just heard, we serve as ministers of the Unitarian Universalist Congregation of Loudoun, which is out on Gleedsville Road, not far from the center of town. You have heard from a number of members of this congregation tonight. Many of them, many of almost 100 members live in the Town of Leesburg and a great many of them have strong roots in this town. You have heard a great deal about what makes this a great place to live and what would make it a greater place to live and a more attractive place. I want to simply say a word about why I think most of us are here, why I am sure you are considering this proposal. I think all of the religions of the world agree that brotherhood, sisterhood is an important value. We all know the story of Jesus and the story of the good Samaritan. Less known is the story told by an ancient rabbi of the second century, _____ who teaching his students, asked the question, a teaching question, how do we know when night has gone and morning has come? One

student said is it when you can tell an ox from a mule? No, that's not it. Is it when you can tell a fig tree from an olive tree? No, that's not it either. Well, what is it? Morning has come for you, when you can look into the eyes of your maker and see the eyes of your brother or sister. If we as a country had internalized this wisdom of all the great religions, generations ago, our history would have been much different, but our history has come a long way. I think our challenge now is to internalize it into our hearts not only that, yes, it is okay to be different, but we value, we affirm, we appreciate, these differences. I urge you to create this commission, which would allow...which would become an advocate, I would hope, for the many voices which you need to hear from to make this an even more wonderful place than it is now."

Patti Maslinoff, 671 Burnside Terrace, SE. "I just want to say to all of you who are left, I have never felt so happy to be a resident of Leesburg. You have all spoken so eloquently and I am so proud. Thank you very much. And because everyone has spoken so eloquently, I will skip all my reasons for why you should support the commission and I will jump to my concern about the alternate proposal. I don't understand why it was presented as an alternative to your proposal. Leesburg can go ahead with its wonderful idea and if other people want to take on something else, they are more than one avenue to get to diversity – they are welcome to do it. But what concerned me greatly was the two top reasons on the comparison list as to comparing diversity leadership council with the diversity commission of Leesburg. Now, I am a lawyer, so please forgive me. I can't help myself. If every time the town was subject to a concern about liability, you wouldn't do anything. We wouldn't have a playground. That is...we have attorneys to help us with issues of liability, to plan to minimize and then have the courage to go forward. I am also...I am also very concerned about this FOIA implication. I am at a loss to understand why it is a problem...if a part of government is open to FOIA. That is what we want from our government. We want you to be open. We want to be able to find out what you are doing. We don't want you to be concerned about what you are doing and then therefore transfer it to the private sector so we don't know what you are doing. FOIA is a good thing. It is also very well established law and I am sure that the Town Attorney is quite equipped at being able to advise everyone as to what the FOIA issues are and to make sure that everything is complied with. I really do not understand. My understanding, Ms. Fox, was that you campaigned on open government. Therefore, open government means town commissions that are subject to FOIA so we as citizens know what is going on. A government official who intends to comply with the law need have no concern about FOIA or liability. That is what we are here to do. That is our courage. I urge you to not get distracted with any other proposals, to have courage and go forward with the Leesburg Diversity Commission. Thank you".

Greg Hudson, "It has been an interesting evening. I have got to tell you, I'm so proud to be a Leesburg resident tonight. I had the opportunity to work on the diversity task force and it was an honor and a pleasure to do so. I learned about myself and I learned about the struggles of our minority community as well. A lot of history there, which makes this evening kind of interesting for me, from a perspective...I am going to kind of speak off the cuff. I had some prepared remarks

for this. I have listened to some folks talk tonight. It is kind of molded my opinion a little bit. You know, we are a very diverse group of citizens here in Leesburg. We all bring value to this community and ideas, that I think will make us a much better community. Development of the Diversity Commission, it brings to light a couple of concerns that I have and that again, I think it has been addressed by Barbara Notar, our town attorney, is that of liability. And when you speak of issues regarding hiring practices and employment, although I know that those have been addressed, they could be discussed. Will that have influence into the direct hiring of employees and thus hold our town accountable. That is one of my areas of concern and that's why this evening, and you know as a group, I had hoped that the Town Council could have some open discussion regarding that and then make the most thoughtful and right decision on that, but as I said here, you know, when I joined the task force, I stated that we are part of a team and we must all find ways to live together and grow together. The perception of a possible reality that there is a failure on the town's part to not hire diverse individuals was concerning to me at the time. And clearly, there is a failure somewhere along the line whether it be in the way the town communicates job opportunities to the public, where the town is reaching out, or there is a lack of team based interview, review and hire. But, ultimately, I am of the belief that you hire the very best talent that is presented. That is the spirit of the work force diversity task force was solely based off of hiring and the hiring practices of our town and a lot was learned. I think there is still more to be learned. I support a continuance of the work force diversity committee focusing on the employment practices of the town. I think that as that, and Kaj even suggested it as well, when we were meeting and I thought it was well received, there has been kind of an expansion and I will finish up. There has been kind of an expansion on what the Diversity Commission wants. I am in somewhat support of that but I am concerned again when it speaks of issues of employment that there won't be some sort of liability there on the town and the one final point that I do want to make is that on March 21, I am a member of the Economic Development Committee, there is a Job Fair. And if you weren't aware of it, you can certainly go to the town's website. There is, I think, a number of folks as well as Kelly and many members of Council that are promoting that as well. So, I encourage everyone to join that. There are a lot of jobs out there to be had and over 80 employers, I believe, will be there. So, embrace that and lets get the youth out to get jobs and anybody else that wants one as well. Thank you".

Mark Sell, 1012 Smartt's Lane. "I urge you to oppose this commission. Frankly, I don't care what the commission would be about. I think we need less commissions, not more. We don't need any more bodies sitting around coming up with more regulations and spending money and all that kind of stuff. We just need less. I value diversity in community because I think that all of us bring our unique talents and skills and experiences. All of us are created in the image of God but we don't need a commission for this. The task force, as I understand it, was created to look at work force diversity in the Town of Leesburg government. The Town of Leesburg, as I understand it, has taken some steps to increase avenues for seeking candidates for employment. I don't think we need to broaden this into something

bigger. I do want to commend Council Member Fox for demonstrating the power and the value in diverse ideas by thinking outside the box. Thank you”.

Laura Vasquez-Bolanos, 105 Birch Street, NE. “I am a Leesburg town resident and I go to Tuscarora High School. I am a senior. I understand from seeing my parents and taxpayers worry about the increases in taxes, and what the gentleman was just talking about. But what I see with this Diversity Commission is a lot of potential. I see the task force has already looked at the employee side, but I want to come from the younger generation side. I believe it has a lot of potential. Had it been in place while I was in high school, I would have been definitely involved. I did a minority empowerment program last year at Luckett’s Elementary. I met with local fourth and fifth grader girls – minority girls, who weren’t struggling. They had potential, they just didn’t know what to do with it. So, I would meet with them twice a week and just little things. Just helping them. Minorities and people don’t know what it’s like for minorities, but they need help. I am a first generation college bound student. I will be attending Cornell University this fall. Thanks to diversity programs in the state of Virginia, this has been possible. I want the Town of Leesburg to make this next step to push our community – to push every Latina, African-American, any minority to reach their full potential. First generation, third generation, who cares. We can all do this together and I just hope you guys take this and urge you to push for the Diversity Commission. Thank you”.

Phillip Thompson, 43709 Mahogany. “Good evening. It has been a long evening and I didn’t want to belabor points that have already been made. As president of the NAACP, our organization fully supports this, but there was something that... I am glad that Mr. Estrada came tonight, but there is something that he said that I found astounding – that government only has limited areas and one isn’t dealing with discrimination, diversity – these types of things. Without government, I’m still in the fields picking cotton. He is not a lawyer, I’m not a lawyer. We don’t even have the opportunity to vote. I mean that is basic constitutional law. That’s why we are here. That’s why we are able to stand up and go to vote and not, you know, go through all that. So, I commend him coming and making his point, but I disagree. This is a form of something that government should do. I don’t even disagree with what Mr. Fox said as far as personally a diversity leadership committee or whatever, council. I think that is something that could be worked on outside of the scope, but we have talked this through. We have all been here numerous times. You had a task force, you discussed the liability issue. All I can say now, it’s just time. Thank you.”

Ann Robinson, 125-M Clubhouse Drive, SW. “It’s wonderful to be here. What a great day! I was standing over by the door thinking and I am going to choke up when I say this, but wouldn’t it be wonderful if Irene was here? Or Rocky? And I am going to try to go on from there. But, I wrote a five minute speech. Look at this and now it is redundant because everybody said it and said it better. But there is something that hasn’t been said. I am older than most of you. I know you don’t know that, but it is true. It is true. When I was a young woman in college before the civil rights movement, before the Civil Rights Act, I opened up my business law

book in class one day and the title of the chapter was Morons, the Mentally Ill and Married Women are in Competent to Contract and that was the law. That was the law. And I entered the work force in that – under that type of law. That type of discrimination in the work force, not only against African Americans and other minorities, but against women and would be told that you can't have that job, you can't have that loan, you can't go by that name because you are a woman. Because you are a woman – no other reason. No other reason had to be given. Now, look at you. Look at you. You are leading the town. You are leading the town and I can tell you, I can tell you, it is because, it is because the African-Americans in this country risked themselves on that bridge. They let themselves be integrated and beaten and blown up and talked to in unbelievable ways and why isn't one of them up there? Why isn't one of them up there? So, we have to correct this and I commend you for trying to correct it. So, let's move forward unanimously so if anybody disagrees, knows that their government does not support. We can do a better job in the 21st century. Thank you.”

Ann Marie Morreale, 502 Blue Ridge Avenue, NE. “I am a Caucasian grandmother, who picks up her Caucasian five-year-old grandson from preschool. It is an extraordinary thing to watch when I go into that classroom. Several of his classmates from different races run up to him and give him a big hug when he leaves. They are all smiles and joy. Their affection and good will towards each other is instinctual. However, a feeling of sadness washes over me each time I witness this display of humanity. The sadness comes from the realization that my grandson and his younger sisters and their toddler friends have lessons of prejudice in America ahead of them. It is my sincere hope that they do not learn these lessons well. As we are all fully aware, there is a stubbornly persistent divide in America based on race and ethnicity and it is here in Leesburg as well. The prejudices are deep and they swing both ways. A pervasive attitude of distrust prevails in our society. Basic systems are often flawed because so many of us are flawed. Unjust practices continue because of our questionable attitudes. Fear of change sometimes freezes us in relationships. It is time to put bridges in place to span these gaps that have been created between people here in Leesburg. It is time to trust our personal humanity. It is time to check our systems and repair where necessary. It is time to throw fear out the window and open the door to attitudes of inclusiveness. It is time to thaw generations of icy relationships. As town leaders, you have the power to meet the challenges of creating a peaceful and just town where families and individuals can realize their potential, know liberty and pursue happiness. A town without fear, without indifference, without hate. A town that welcomes cultural differences, values cultural differences, embraces cultural differences. Not a live and let live attitude, but a nothing less than live fully attitude. A place where freedom rings true on every corner of this town. I am not a proponent of public hugging between strangers. But, we are all neighbors in the same community and we have a legacy to leave our grandchildren. It is my hope that the legacy will include fairness, trust and equal opportunity for all in Leesburg. The creation of a transparent and effective Leesburg Diversity Commission, which has clear, measureable goals to be met on a reasonable timeline is a powerful step towards that legacy. Thank you.”

Sandra Shihadeh, 16007 Firefly Hill Lane. “I have lived in Loudoun County for 25 years – about 20 years of that in Leesburg. I am a taxpayer. I have been a teacher. I’m a non-profit director. I’m a churchgoer. I’m a community volunteer. I’m a board member of a number of boards. I am also of Irish descent and Palestinian descent. I have found that when I came to Loudoun, I could thrive and do well and build a life and I would like to see others be able to do the same thing. I am just a proponent of the Leesburg Diversity Commission.”

James Green, Jr, 706 Bellview Court. “I have been a member of this community for nearly four decades and I have seen a lot of change over those years. I’m really surprised this has not come up and been pushed forward before now, but I’m glad to see something is happening now. I believe diversity is something that would benefit our community. It would benefit our town and the county as well. We have many bright, young people as you saw here this evening with the young sports teams as well as the young ladies that were presented up here. So, I would encourage you all to seriously consider this initiative and push it ahead. Thank you.”

Hasan Ibrahim, 866 MacAllister St. “I will speak about me personally. I have been a resident of Leesburg for about 25 years. After college, moved back to Leesburg. I have two companies that I run out of Leesburg and I am an employer here so I have a vested interest in this town. My family is here. I think...and I had the honor of being on this task force. This is important to me. So, the Leesburg that I knew...it was an eye opener...wasn’t being represented in the hiring practices, which was unknown to me. We talk about liability here a lot, or I have heard a lot about liability. Think of the liability – now that we know that this exists and we ignore it – years down the road if something happens, if there is some sort of a lawsuit against the town because of something and then there was something that was known or ignored – think of the liability then. I am in the line of work that we are exposed to liability on a regular basis so my insurance agent meets with me on a monthly basis and we upped the umbrella policies and do whatever you’ve got to do. I look at this as an insurance policy for the town that in the event something happens, there was a proactive action that was taken well beforehand before it became...and you know what? Turn the news on tonight. Look at all these small towns all around the United States where often times, unconscious...there are not intentional, but just unconsciously there are things and actions...practices that become, you know, normal and just a force of habit. Any of those towns that are making headline news in the wrong way today...none of those people actually probably thought that they were doing anything wrong because it wasn’t addressed and it wasn’t identified. Here we have a situation that has been identified. I think we should hit it at its core. I am obviously a supporter of this. Thank you so much.”

Michelle Divali, “I work at a craft store and I also drive a bus for Loudoun County and I have lived here for seven years. I was born in Virginia, pretty much lived in Herndon, Reston, Manassas, everywhere. So, the last seven years, I have lived here. And honestly, I have not felt welcome living here. We moved December 31 of 2007 and January 1, 2008, I was harassed by a detective. Me and my husband.

And it was ongoing, ongoing, ongoing until he finally caught my husband driving without a license and that was a whole issue that is still ongoing to this day. My kids every day I have to hear comments, things that the teachers tell them. Like my older son, he is 15 now. When he was in third grade, he was wearing his hat – it was hat day, so he was wearing the DC hat. His teacher said to take that off because it was gang related. So, my eight-year-old comes home and he is asking me what is gang related. So, ask your teacher, you know. Obviously, she doesn't understand what DC is. It is, you know, Washington, DC. I didn't know how to explain that to an eight-year-old. So, it is a constant thing. My kids, every day. I have a 13-year-old, 8-year-old, a 5-year-old. They come with things from the teachers that are very ignorant. Throughout my life I have been through lots and lots of discrimination that I have pretty much learned how to live with it. Every day at my job, I have someone talking to me in slow motion and stuff like that. It hasn't been too welcoming here in Leesburg and I know a lot of the kids because I drive a bus and stuff and a lot of them feel lost. I am here speaking for those who can't speak because they are scared to come here today. I live on 75 Plaza Street so that's like a hot minority spot. There is all kinds – it is super diverse. All kinds of colors, nationalities and languages. A lot of people feel lost. They can't – they are in the shadows. They can't walk outside without being harassed. I was throwing my trash away and I had a police officer yell at me what was I doing. Well, I'm obviously throwing the trash away. It's ongoing. I mean you can't walk to the stores. There is harassment – there is constant harassment. A lot of people, they fear coming outside. They are scared. And I was born here and I still get a lot of discrimination. It is just mainly from all 30s, detectives, gang task force. I mean I have tattoos and I can just walk down the street and automatically I am stereotyped and questioned on the spot. Pictures taken. I mean you see flashes from windows from detectives that are taking pictures of people. It's hostile. So we always try to want to move out but we can't because where we live is affordable. So, that's...I'm speaking on behalf of my community that can't speak here today because they are afraid. That's it.”

Unidentified Female “I wasn't prepared to speak, but I believe this is the beginning of something that has tremendous potential. It's an exciting time, you know, for Leesburg. I was relocated here from the West Coast to work at the Ashburn Campus of Corporate America and now I am a small business owner and I didn't realize that so much potential was here in Leesburg until I was synched into a particular group of people. So, I believe that we have a diversity team that could help, you know, people that move into the area. We could build a successful life for Leesburg as a whole and give us more strength together as we build. So, I am in support. Thank you.”

Dion Hale, “I have been a Northern Virginia resident for a number of years, but moved to Leesburg in 2007. My reason for moving to Leesburg is because it was a resident of Leesburg who said there is no other place in the country that you should move after your retirement. So, we looked in Georgia, Louisiana, North Carolina, Arkansas, Missouri, Florida and we ended up coming back to Leesburg and I have been bragging about Leesburg ever since because there are things that are going on and continue to go on in Leesburg that don't occur in any other small town. And we

like that. I'm a young fellow and I enjoy people who enjoy life and that's what we've got here. The other thing is that I've got grandkids. Got 11 of them. The youngest is one-year-old and I already see in him the opportunity to do great things, but I want him to be in a community where those great things can happen and he is encouraged. I could not stand here. Some of us are over 50, if it were not for the fact that many people looked out for me just a few years ago. So, if this sounds like it is extravagant, jump out and do it. Because if good things can happen for an old fellow like me and all of us have got grandkids and great grandkids and we want the very best for them, that's all it is. If we didn't have to do a commission, I would say no, let's not do it. But we also know that the reason we have to have it is because we don't always agree and I have come to understand that's not a big deal either. I agree with everything. I really do. And here's why – because we are uniquely different and because we are uniquely different, if we allow ourselves to listen to the views of others, we might find that there is something good in what you don't agree with. I support this commission.”

Mary Randolph, “Several months ago I was asked to be on a video for the Town of Leesburg and I think at the time, Leesburg had been chosen as one of the friendliest town – or a good town to live in and I couldn't be on that...well I was on the video speaking about the Black History Committee, but I could not talk about Leesburg. The reason I couldn't talk about Leesburg – they wanted to know what is good about Leesburg. I couldn't for the life of me come up with what I felt was good for me because I felt that Leesburg just tolerates me and my people. We are here to do somethings, but we can't do everything. The main thing that I want to talk about is our children. Now, I drove around town. Saw a bunch of African-American boys playing basketball and I smiled because when I came up that's what they did. Kids on the other end playing. Girls standing around checking out the boys. I remember doing that too. I did that. Drove past there three or four times and one day I came past and I said oh, it's a nice day. I know it's going to be full of people. Well, I got there – no body was there. I'm thinking what in the world is going on? So, I look around and as I go past, I see the pole is there, but the rims were taken down. My people doing what they do. How am I going to say this is a great town? My kids out playing and for some reason, we don't know the reason, but if we had a commission that would go into the neighborhoods, speak with homeowners, speak with HMOs to know what was the problem? Why is it that these kids could not play basketball. Another area I went to, the kids were playing football. When have you seen a make up game of kids playing football? I was so excited about that. And I saw other kids playing and saw a kid climbing the tree. I said oh lord. I felt like jumping out and climbing with them. Now this is something. Several weeks later, maybe a couple of months, I came past this place. I saw some kids playing soccer. Hispanic kids playing. This is really good, hearing the kid's laughter. Do you hear kid's laughter in your neighborhood? Are they out there? When we were coming up, you could hear them on every street laughing and playing. I came back a month or two later – no trespass signs there. Two or three weeks later, they planted trees. My god. Trees and no kids. How could I stand on this committee or whatever and tell them what a great town Leesburg was? My people can't even play. I saw a friend. I met a lady. She came out. She just moved into town and she said she heard about first night.

So, she said well, I'll come down. She came down and she said the first thing she was a big black bear with his pants hanging down around his waist and his hat turned around backwards. This is first night. People coming into Leesburg. Now if a commission could speak to people about what would hurt people. Another thing if I went into a restaurant in Leesburg, in town. I am more than likely going to be carried all the way across the room to in the corner. Or either I'm going to be set next to the bathroom or next to where the kitchen is. If I go into the stores, I'm going to get that look. So, you all know what that look is. What you doing in here? I know you're not going to buy anything. You can't afford what's in here. Or either you are going to steal. This is Leesburg. I go in other stores. Maybe it's other African-Americans in here and I hear them call a code. If you don't know what that means, they are checking out the African-Americans. So, this is my reason that a commission would know these things about what goes on. But, you can't fix what you don't know and probably none of you know anything about what I'm talking about except for myself. So, this is why I hope that you get this commission. Thank you."

Sanches Marquez "I'm from El Salvador, originally. I am a former property owner of the county. I normally don't live in the county or in the state, but I came to support my family, who lives in the county. I spend a lot of time with them in the town. So, that's all that I have and I want to thank you for taking the consideration and moving forward with diversity. That's great. I am always involved in the community and I am always involved with youth – helping them out to see and encourage them to do the right thing."

Unidentified Male, "Actually I didn't come to speak. I came to listen. I will say I'm really proud of Leesburg. I love Leesburg. And coming from a – I was blessed to come from a racially mixed family and so this issue is very important to me. I am really excited that we have two options on the table. I think that both of them have – just the debate has already empowered many people to come out and talk on this and I think that's a really good step here in Leesburg. So, I just really came up to brag about Leesburg. I guess, listening to the discussion, I think I do lean a little towards Ms. Fox' proposal. I think you guys are doing a great job and keep up the good work. Thank you."

Jerry Hill, "I've been a resident of Leesburg for 37 years. Retired Loudoun County School Board employee after 30 years. I have been trained – did some training with diversity and equity, especially ____ and a lot of what I am hearing on whether it is affordable or not – you can't afford not to. And working within the school system, I have done a session with Leesburg – not Leesburg. I think it was County probation officers. People don't realize some of the baggage, the biases that they carry, whether it is implicit or explicit that they don't realize. A lot of the time, people try to reduce diversity and equity to black and white. When you start talking about ages and sexism, people's religion. The lady from 75, whatever it is, that was in my attendance area and I remember one time the school board was changing the boundaries, the school boundaries. It has been years ago and one of the school board members said nobody from that community came to speak. I'm thinking 99

percent of them speak Spanish. Did you make an accommodation for them to come and speak? Since nobody came that area has been moved from school to school because nobody comes to speak. I think with the commission, what it could do is to make voices heard that aren't heard. You know, this thing – government shouldn't...some people think government should do as little as possible. I have been in Leesburg 37 years. I have seen a lot of change in Leesburg diversity and I hope that you will adopt the commission. I don't know the difference between the two proposals. I do know that being in the public school system for 30 years and probably being involved in diversity and trying to get things moving for 25 years, if it doesn't become official, 25 years you will be still discussing it. So, something has to be done and its not that people are necessarily saying that something – and the diversity – the hiring thing was another thing the school system – I could be hired as a person of color and still not be welcome just because, or I might may be sitting in the AP class and counting heads, but I am feeling marginalized in that environment. Just because you get numbers that look good...Ferguson did it right after their incident – we've hired...that doesn't mean a whole lot if you get – if you are not changing attitudes, if you are not changing policies, if you are not changing procedures, if you are not opening access to people. I heard Tammy talk about the feel good – that's when you get to the feel good when people hold hands and sing kumbaya and it starts for 25 years, but policies don't change, hiring practices don't change, training for staff doesn't change, our police trained with diversity issues, are the town government people trained. So, I'm all for it. I didn't plan to speak, but I am and I've enjoyed 37 years in Leesburg and I look forward to 37 more. I was young when I came here, Kelly.”

The public hearing was closed at 10:04 p.m.

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

ORDINANCE 2015-0-006

Amending Chapter 2 (Administration), Article V (Boards and Commissions), to Enact New Section 2-233 (Leesburg Diversity Advisory Commission)

Council Member Martinez offered a friendly amendment to include the language: “or the investigation, examination or analysis of hiring practices by town staff”.

Council Comments/Questions:

- Would like the town attorney to address whether the legal liability issues have been addressed.

Staff answer: The last time we discussed this, I had no problem with the diversity commission as presented. That was because it was my understanding that the diversity commission could not look into the hiring practices of the town. If the diversity commission is allowed to look into the hiring practices of the town, I do have legal concerns. I am not saying that the diversity commission cannot help us with recruitment. I think that is important and they could do that. I am not saying they couldn't help us track

diversity efforts. I am not saying that this diversity commission could not help us in many very important ways, but if this commission were to get involved in examining hiring practices, I would have legal concerns because there is no doubt if they looked at our hiring practices and found fault and reported to you, that could be held against us in discovery during litigation and under the Freedom of Information Act, that would be public information. The town's record on any kind of complaint is exemplary. Our town has nothing to hide and we work on diversity now. I would be more comfortable with the language proposed by Council Member Martinez. It would alleviate any legal concerns that I have.

- Why does staff dismiss the ability to analyze hiring practices?
Staff answer: Apart from the legal liability, I think that is a very complicated task to ask of any advisory commission. The most important thing to understand that under the Town Council/Town Manager form of government, this body is not authorized to look at personnel matters other than the Town Attorney and the Town Manager. The town staff hires and looks at hiring practices. It is not included in the Town Charter for the Council to look at hiring practices. Legally, I cannot advise the Council to enact an ordinance setting forth a task force that does not have the power you have.
- How did we have the diversity task force looking at hiring practices?
Staff answer: Done legally perfect, it would have been the town manager appointing a diversity audit. Looking at hiring practices is very complicated. State and federal laws change all the time. If the Town Council wants to look at hiring practices, the town manager should be tasked with that and the report should go to the town manager.
- How will that keep our legal liability at bay?
Staff answer: Under FOIA, if the town manager asks for a diversity audit, it can come under the FOIA exception for his working papers. That would protect the town totally and free up the diversity commission to look into other things that they can do within the community.
- The rules of discovery in litigation do not include FOIA exclusions. The results of a discovery audit can be used against the town. How can the town be protected?
Staff answer: A diversity audit would be exempt from FOIA, but could be part of discovery in litigation.

Council Member Butler offered a friendly amendment to align the duties under #1 with those that were passed in the initiating resolution, specifically removing the words "within the Town of Leesburg government workforce". The amendment was accepted as friendly.

Council Comments:

- It was very inspiring to see so many people come out and express their ideas.
- Town Council has an opportunity to right a wrong. It is not hate, it is indifference towards people of different cultures and countries.

- The commissions' focus will be to move "those people" and "them" to "us" and "we".
- This is an opportunity to look at diversity in a new and exciting way.
- Opposition comments are centered around fear and desire to keep the status quo.
- Government does collectively what we cannot do individually.
- When the community asks Council to do something, there is an obligation as elected officials to listen.
- Was not aware that some of our citizens feel unwelcome.
- Two of the five goals in the town's budget are increasing customer service and efficiency. Supporting this Leesburg Diversity Commission will help us tackle those.
- Would like to thank Council Member Fox for bringing forth her proposal. As a new council member, it took a lot of courage to bring something for Council to discuss openly.
- This proposal has inspired the public to share with Council some very important things that we needed to hear.
- Through the due diligence, we have fixed what things need to be fixed relative to important goals that the public feels are important things the commission needs to focus on as well as things that it will not focus on.
- Key points are transparency and this is a fundamental job that Council has to have liaisons to be able to communicate directly with elected officials who can act in a government capacity.
- Gladys Burke shared the results of the task force with other Boards and Commissions appointees and received very positive feedback in terms of the value that the Diversity Commission will have for the rest of the Commissions.
- Would like to ensure that there are liaisons from the Diversity Commission to the Economic Development Commission and the Technology Commission to act as a bridge for communication.
- Would suggest that all seven members are Leesburg residents or business owners.
- It really is important how your town makes you feel. We will learn so much being able to gather information from our youth.
- About six months ago, there was a lady who worked into Ida Lee in a full burka. I introduced myself and exchanged phone numbers. This commission is an opportunity to have a destination for discussion and embrace bringing everyone into the town regardless of what they are wearing or what you can see.
- It has been my honor to listen to all your suggestions because democratic representation is a team sport and our winning team will win because we are diverse.

Council Member Fox proposed a friendly amendment to the membership portion of the ordinance. She requested that the wording be changed from "may" to "shall" to require that members be residents, town property owners or town business owners.

The motion was not accepted as friendly.

Council Member Fox proposed an amendment to state: "Membership of the Leesburg Diversity Commission shall consist of town residents, town property owners, and town business owners. At least four members shall be town residents." The motion was seconded by Council Member Dunn.

Council Comments/Questions:

- Would like to make sure that people who have a vested interest in our town are appointed to the Commission.
- How is that different from what is written into the resolution?
Council answer: The default membership for commission, which is what this would fall under, unless specifically noted, each board and commission shall consist of seven members who shall be residents of the town or town business owners (as allowed by law) and appointed by the Town Council.

The motion to amend was withdrawn.

Council Comments/Questions:

- Our history has come a long way. I have listened to speakers talk passionately about their experiences and I agree that Leesburg is an amazing place to live. There is good in each and every comment made tonight. We are not arguing or disagreeing about whether racism exists in society today. This is not whether the town needs to be more responsive or improve relations with minority groups – it is clear that it needs to do that.
- All groups in Leesburg should feel represented by their government and its officials. If groups feel disenfranchised, it is appropriate and prudent to reach out to those groups. It can be done one of two ways – the first is to create a commission to act as a middleman between the Council, minority groups and the community. This grows the size of government and adds additional bureaucracy, increases liability, and is more cumbersome. It limits issues that can be discussed in open session. It is not the most effective solution.
- The other solution is to empower community stakeholder groups that are already in place. The town should consider partnering with these established, effective groups to maximize communication, influence and trust between the town and the stakeholder groups.
- It is not a good thing to create a commission and then limit its purview.
- Should create a mechanism by which decision makers are able to reach out directly to community groups. It is streamlined, more effective and limits the size of government.
- The secondary proposal pre-supposes that diversity is an issue and is something that needs to be addressed.
- Two-thirds of respondents to the Leesburg Today poll on whether a diversity commission is needed, answered no, showing that people understand that creating a commission is not the best way of addressing the issue.

- This is not a good use of taxpayer dollars and is potentially divisive. The majority of people who have responded either do not feel it is needed. It will increase potential liability.
- Goals can be accomplished by leveraging existing resources, without growing the government.
- There is only one race – the human race. Everyone is different ethnicities of the same human race.
- Have been disappointed in some of the reasons Council Members have stated to start this process in saying that Leesburg has been unwelcoming, police have been stopping council members for no other reason than because of their race.
- When Council was offered the opportunity to make a diversity decision in the past, they have opted not to such as during the town manager hiring process. Council opted not to include a diversity statement in the town manager announcement.
- Opposition to changing the election date to November was an effort to hamper the vote.
- On a number of occasions, Council has had the opportunity to exercise diversity, yet chose not to.
- Shame on Mr. Thompson for bringing slavery into this discussion. There are people who feel that government is supposed to be the answer for everything. I do not believe government freed our slaves that we had in this country. That was an evil that this country had. It was the hand of God touching the hearts of man that freed those slaves. It is the same hand of God touching the hearts of man that will bring unity within diversity. It is not government. If you think the people in this room, where you all are sitting, obviously, are going to be able to make a change in any shortfalls that we have in how we handle different cultures and races, that is holding yourself up too high...that has to come from God. That feeling comes from God. Jesus said, "I give you one commandment and that is to love one another". He could have said, "Go out and create a diversity commission, but he didn't". He said you go out and love one another – not rely on government to do that. If government was the best answer, he could have said that. I don't know why folks feel that race or multi-culturalism is causing the stumble in their ability to access the services that government is already providing. I don't know why folks feel that the government has to give their race legitimacy. I don't believe that.
- Have never expected the government to be the solution for my son's needs – that's my responsibility and my family's responsibility.
- Would have rather seen this commission be an advisory board to the town manager and have the town manager be responsible for selecting the members of the advisory board.
- As long as the diversity commission answers to politicians, there will be a warping of reality. Politicians will use this as a tool to bridge gaps or as a weapon to create more division.
- There are people that hope the gap between people stays there so they have a purpose for being.

- Asked a Hispanic family why they chose Leesburg and they said the price was right on the house, but since moving to town, their son has made a lot of friends and they couldn't think of anything they would change about the town, except that it would be nice not to have to drive so far to work.
- Those who want to use the Diversity Commission to promote hate, shame on them.
- You cannot legislate attitudes or create diversity. We are diversity.
- Do not believe this is the way to move diversity forward.
- Do not see this commission as an extension of government because it will not be putting new rules into place. It is a way to bring people together, which is always great everywhere.
- My son lives in a very different environment than I ever knew – his friends are from very diverse backgrounds – and he thinks nothing of this. I want him to keep that. I don't want him to learn that the differences are greater than our similarities.
- The personal stories shared by members of the audience were very touching.
- There are good signs of change in Leesburg – of the top three students at Loudoun County High School this academic year, one is of Black/Asian heritage, one is Hispanic and the third is white. We are seeing accomplishments of people of all backgrounds, races and ethnicities, but there is work to be done.
- We need to see the town through eyes other than our own. As Ms. Carter said earlier, it is an opportunity to have an entirely transparent forum for people to come to and let Council know what problems and opportunities are being encountered in the town.
- The Commission was a unanimous recommendation from the task force.
- Commission is long overdue.

The motion was approved by the following vote:

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

Nay: Fox

Vote: 5-1-1 (Dunn abstaining)

11. RESOLUTIONS AND MOTIONS

a. Virginia Public Safety Foundation Sponsorship

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

MOTION

To approve the use of \$500 from the Undesignated Fund Balance to sponsor a hole at the Virginia Public Safety Foundation Golf Tournament scheduled for April 22 at the Raspberry Falls Golf Course

Council Comments:

- The Virginia Public Safety Foundation (VPSF) provides assistance to families of public safety officers killed in the line of duty and also provides a limited scholarship fund for the dependents of these fallen heroes.
- This token amount will hopefully encourage others to also help support the families of our fallen public safety officers.
- Understand and admire the motive; however, there is concern that there are a lot of other deserving charities.
- This will set a precedent of support for charities.
- We cannot support one particular charity and not others.
- This may seem like an insignificant amount, but the budget is tight and we need to maintain what needs to be done.
- This is a good cause.
- Even if similar charities ask for donations, it is still only a small amount of the total budget.
- If we start giving funds to one group, we have to give it to all groups.

The motion failed by the following vote:

Aye: Butler, Martinez and Umstatt

Nay: Burk, Dunn, Fox, and Hammler

Vote: 3-4

13. UNFINISHED BUSINESS

a. None.

14. NEW BUSINESS

a. None.

15. COUNCIL COMMENTS

Council Member Dunn had no comments.

Council Member Butler had no comments.

Vice Mayor Burk disclosed a meeting with a group of people concerning an assemblage of land outside of the town including Mike Wilkins, Ronda Paice, Christine Gleckner, and representatives of NVR. She stated she attended an event at the George Marshall House with the former Prime Minister of Germany, which was a very interesting experience. She stated the George Marshall Foundation has created a French student exchange program with our partner city in France. She stated this will be a great opportunity for the students. She stated she met with her Boards and Commission members and it is amazing how much time and energy these volunteers contribute to the town. She thanked the Parks and Recreation Department for taking over the job fair. She stated since the Economic Development staff person left the town, the Parks and Recreation department took over and they have done an amazing job. She noted that the job fair is March 21 in the ProJet hangar at the airport from noon to 3 p.m. She encouraged high school and college age people to come out and participate. She stated that NVTA is having a hearing at their headquarters that is open to the public on March 25 at 6 p.m. It will be regarding the

NVTA Proposed 2015-2016 Two-Year Program. She wished everyone a very happy St. Patrick's Day.

Council Member Martinez stated he was overwhelmed by the number of people who came out to support the Diversity Commission. He stated it is good to hear from the residents and when they speak, Council should listen. He stated he was with Vice Mayor Burk for the meeting with NVR and Christine Gleckner. He stated last Saturday, his son invited him to go meet Congressman Connolly. He stated he met a fundraiser with the Boys and Girls Club and they are going to look at ways to generate some activities here.

Council Member Hammler thanked everyone who came out, specifically Ms. Ann Robinson, who spoke about some really important people. She stated it is remarkable what has happened to Ms. Robinson in terms of healing from cancer and she is happy that Ms. Robinson is healthy and literally cancer free. She stated it is amazing to see her so healthy and vibrant and part of tonight's spirited dialogue. She thanked former Vice Mayor Susan Horne for introducing everyone to the Sunlight Foundation. She stated she got in touch with the CEO and their State and Local Expert, Emily Shaw, will be participating in the Technology and Communication Commission meeting as they are going through the Transparency proposal to see how they can work with them and what grants are available. She stated she will follow-up with an update on that. She stated they were snowed out.

She thanked Kaj and everyone involved with snow removal operations for the great job. She stated that Parks and Rec is always open. She stated this is a great healthy eating, active living community despite the weather. She stated she was in Richmond because Virginia Municipal League is featuring Leesburg in their article about Healthy Eating/Active Living and Leesburg being a community that has embraced that initiative.

She congratulated the Deputy Town Manager on the arrival, despite the snow, of his daughter, Lauren Elizabeth. She stated they are looking forward to more photographs.

Council Member Fox disclosed a meeting with Christine Gleckner of Walsh Colucci. She stated that Randy Minchew was there. She stated Hobbie Mitchell representing Lansdowne Development was there and she talked with them regarding their project, "Crescent Parke", on March 3. She stated that she wishes the Diversity Commission well. She expressed her hope that they can reach their goals. She stated as things come up, she would love to have motions, resolutions and ordinances are fully vetted before they are brought to the public so that there are no misunderstandings.

16. MAYOR'S COMMENTS

Mayor Umstatted thanked Kaj Dentler and Clark Case and staff for all the work done in preparation for the trip to visit the bond rating agencies. She stated everyone did a very good job making a strong case for Leesburg. She stated her understanding is that the town will find out by St. Patrick's Day what the bond ratings will be. She thanked everyone for coming out tonight.

17. MANAGER'S COMMENTS

Mr. Dentler stated he is hopeful that there will be no more snow. He reminded everyone of the budget work session on Saturday from 9-12 in the Council Chambers.

18. CLOSED SESSION

None.

19. ADJOURNMENT

On a motion by Council Member Butler, seconded by Vice Mayor Burk, the meeting was adjourned at 11:25 p.m.

Kristen C. Umstattd, Mayor
Town of Leesburg

ATTEST:

Clerk of Council
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