

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, Economic Development Director Marantha Edwards, Director of Utilities Amy Wyks, Director of Capital Projects Renee Lafollette, Director of Planning and Zoning Susan Berry Hill, Director of Finance and Administrative Services Clark Case, Chief of Police Joseph Price, Acting Information Technology Manager John Callahan, Acting Human Resources Manager Annie Carlson, Director of Plan Review Bill Ackman, Director of Public Works Tom Mason, Captain Vanessa Grigsby, Captain Carl Maupin, Deputy Director of Parks and Recreation Kate Trask, Senior Planner Irish Grandfield, Management Analyst Lisa Haley, Management Analyst Jason Cournoyer, and Clerk of Council Lee Ann Green

AGENDA ITEMS

1. **CALL TO ORDER**
2. **INVOCATION:** Council Member Fox
3. **SALUTE TO THE FLAG:** Council Member Dunn
4. **ROLL CALL:** Showing all members present.
5. **MINUTES**
 - a. Work Session Minutes of March 23, 2015
On a motion by Council Member Butler, seconded by Council Member Martinez, the work session minutes of March 23, 2015 were approved by a vote of 7-0.
 - b. Regular Session Minutes of March 24, 2015
On a motion by Vice Mayor Burk, seconded by Council Member Hammler, the regular session minutes of March 24, 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 as presented, 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 – Flower and Garden Show Founders

On a motion by Council Member Martinez, seconded by Council Member Butler, a Certificate of Recognition was presented to members of Leesburg Renaissance, Inc. for their work founding the Leesburg Flower and Garden Show, which is celebrating its 25th anniversary this year.

b. Proclamation – Library Week

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

PROCLAMATION

National Library Week 2015

Unlimited Possibilities @ your library

WHEREAS, libraries help change lives in their communities, campuses and schools; and

WHEREAS; librarians work to meet the changing needs of their communities, including providing resources for everyone and bringing services outside of library walls; and

WHEREAS, libraries and librarians bring together community members to enrich and shape their communities and address local issues; and

WHEREAS, librarians are trained professionals providing technology training and access to electronic resources; and

WHEREAS, libraries offer programs to meet community needs, providing residents with lectures and tours of historical interest and classes and seminars on local and genealogical research; and

WHEREAS, libraries continuously grow and evolve in how they provide for the needs of every member in an ever changing community; and

WHEREAS, libraries, librarians, library workers, library volunteers, and supporters across America are celebrating National Library Week.

NOW, THEREFORE, be it resolved that Council of the Town of Leesburg in Virginia proclaim National Library Week, April 12-18, 2015. We encourage all residents to visit the library this week to take advantage of the wonderful library resources available at your library. Unlimited Possibilities @ your library.

- c. Proclamation – Arbor Day
On a motion by Council Member Martinez, seconded by Council Member Butler, the following was proclaimed:

PROCLAMATION

ARBOR DAY April 24, 2015

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day should be set aside for the planting of trees; and

WHEREAS, this special day, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, trees provide many benefits to our community, such as reducing the erosion of topsoil, moderating temperatures, reducing heating and cooling costs, cleaning the air and water, and they also produce oxygen and provide a habitat for wildlife; and

WHEREAS, planting trees and maintaining mature trees in our Town increases property values, enhances the economic vitality of local businesses, and beautifies our community, and

WHEREAS, the Town of Leesburg is recognized by the National Arbor Day Foundation as a Tree City USA community for twenty-six consecutive years and desires to continue its tree-planting ways.

THEREFORE, the Mayor and Council of the Town of Leesburg in Virginia hereby proclaim April 24, 2015 as the official Arbor Day of the Town of Leesburg for 2015.

PROCLAIMED this 14th day of April, 2015.

- d. Proclamation – Earth Day
On a motion by Council Member Martinez, seconded by Council Member Butler, the following was proclaimed:

PROCLAMATION

EARTH Day

April 22, 2015

WHEREAS, the global community now faces extraordinary challenges, such as global health issues, food and water shortages, and economic struggles; and

WHEREAS, all people, regardless of race, gender, income, or geography, have a moral right to a healthy, sustainable environment with economic growth; and

WHEREAS it is understood that the citizens of the global community must step forward and take action to create a green economy to combat the aforementioned global challenges; and

WHEREAS, it is necessary to broaden and diversify this global movement to achieve maximum success; and

WHEREAS, Earth Day is the beginning of a new year for a commitment to environmental stewardship and sustainability efforts.

THEREFORE, the Mayor and Council of the Town of Leesburg in Virginia hereby proclaim April 22, 2015 as Earth Day in the Town of Leesburg for 2015.

AND, BE IT FURTHER PROCLAIMED that the Earth Day@Loudoun Family Festival on Sunday, April 26, 2015 in Broadlands is an example of the community's commitment to building a sustainable society.

PROCLAIMED this 14th day of April, 2015.

e. Proclamation – Eagle Scout Ben Francis

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

PROCLAMATION

Ben Francis

***on his Attainment of the
Rank of Eagle Scout***

WHEREAS, Ben Francis has dedicated himself to a course in life that demands the highest in moral virtues and the greatest in civic responsibilities; and

WHEREAS, he has chosen to pursue these virtues through the deep commitment required to attain the rank of Eagle Scout; and

WHEREAS, Ben is one of a very small number of Americans to attain the rank of Eagle Scout, thereby distinguishing himself as a rare leader at a young age; and

WHEREAS, Ben led his crew in building a trail through the woods at Leesburg's Potomac Crossing Park; and

WHEREAS, the Town of Leesburg, the Commonwealth of Virginia, and the United States of America will benefit greatly from Ben's commitment to the values that have made him an Eagle Scout; and

THEREFORE, PROCLAIMED by the Mayor and Council of the Town of Leesburg in Virginia that Ben Francis is to be highly commended for his commitment to his family, his town and his country; and

BE IT FURTHER PROCLAIMED that the Town of Leesburg owes to Ben Francis its deep and abiding gratitude for his choosing to live a life of value and a life that matters.

PROCLAIMED this 14th day of April, 2015.

- f. Proclamation – National Telecommunicator's Week
On a motion by Council Member Martinez, seconded by Council Member Butler, the following was proclaimed:

PROCLAMATION

National Telecommunicator's Week

April 12 -- 19, 2015

WHEREAS, emergencies can occur at any time that require police, fire or emergency medical services; and

WHEREAS, when an emergency occurs the prompt response of police officers, firefighters and paramedics is critical to the protection of life and preservation of property; and

WHEREAS, the safety of our police officers and firefighters is dependent upon the quality and accuracy of information obtained from citizens who telephone the Leesburg Police emergency communications center; and

WHEREAS, Public Safety Dispatchers are the first and most critical contact our citizens have with emergency services; and

WHEREAS, Public Safety Dispatchers are the single vital link for our police officers and firefighters by monitoring their activities by radio, providing them information and insuring their safety; and

WHEREAS, Public Safety Dispatchers of the Leesburg Police Department have contributed substantially to the apprehension of criminals, and

WHEREAS, each dispatcher has exhibited compassion, understanding and professionalism during the performance of their job in the past year.

THEREFORE, BE IT PROCLAIMED that the Town of Leesburg declares the week of April 12th through 19th, 2015 to be National Telecommunicator's Week in Leesburg, in honor of the men and women whose diligence and professionalism keep our city and citizens safe.

PROCLAIMED this 14th day of April, 2015.

g. Proclamation – National Day of Prayer

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

PROCLAMATION

NATIONAL DAY OF PRAYER 2015

May 7, 2015

WHEREAS, in 1852 the United States Congress established an annual Day of Prayer; and

WHEREAS, that law was amended in 1988 to designate the first Thursday in May as the National Day of Prayer; and

WHEREAS, people in Towns and Cities across America observe the annual National Day of Prayer; and

WHEREAS, this is a time for citizens of all faiths to join together to pray for our national, state and community leaders; and

WHEREAS, this year's theme "**Lord, Hear Our Cry**" will be highlighted.

THEREFORE, the Mayor and Council of the Town of Leesburg in Virginia hereby proclaim May 7, 2015 as The National Day of Prayer.

PASSED this 14th day of April 2015.

- h. Presentation – Love Your Neighbor, Feed Your Neighbor Food Drive
Rona Scott gave a brief presentation regarding the need for donations for the Love Your Neighbor, Feed Your Neighbor Food Drive.

8. PETITIONERS

The Petitioner's Section was opened at 8:05 p.m.

Jennifer Montgomery, Loudoun Interfaith Relief, 750 Miller Drive, Suite A1. "I am thrilled that we are here tonight talking about hunger and Rona did a great job sort of kicking off what we are here to talk about. I want to tell you just a little bit about Loudoun Interfaith Relief. I know many of you are familiar, but I just want to give you a little update. We are in our 24th year of serving Loudoun. We are gearing up for our 25th year next year. In Fiscal Year 2014, we served 14,945 people through 76,833 visits. We distributed about 1.3 million pounds of food in that year. Forty-three percent of those we serve are children. Seven percent are seniors. Each order that we filled constitutes three balanced meals for three days for every member of the household, so each person leaves with nine meals, give or take. It's about 10 pounds of food per person. We are currently serving between 75 and 85 families a day, six days a week. Sixty-eight percent of those we serve are employed at least part time and another 18 percent are actively looking for work. Today, we made the USA Today, and I have given each of you a copy. They were talking about hunger in the richest county in the nation, so there you go. In the last six months of 2014, we saw a 28% increase in people seeking our services so we are struggling to make ends meet. With 28% increase, we have only had a 14 percent increase in people donating food to us. So, we're always pushing to get more donations, which is why Love Your Neighbor, Feed Your Neighbor is really important. When the school year ends, we see an increase in school age families that come looking for services as well. Last year, we served more than 6,000 children, which is a duplicated number during the three months that school is out, so that's a pretty significant number and we actually don't just feed the children, we actually feed the entire family, so we give the entire family an extra day of food when they come. Love Your Neighbor, Feed Your Neighbor food drive comes at a really critical time for us. Last year, we received 35,359 pounds of food from that drive and this supply will help us get pretty much through the summer. We also have to purchase some staples like fresh milk. I spend about \$3,000 a month on fresh milk for families, and peanut butter and other supplemental items, so we really do count on this drive and the postal drive to get us through the summer. So, just briefly, I want to tell you about some of the new things that are happening at LIR. For example, we are now partnering with Crossroads Jobs and the

Loudoun County Work Force Development Center. We are offering job training over at the pantry and we are really encouraging people to get some other training and get some information to help get them employed. We are in partnership with the Loudoun Veg and we are offering gardening classes and nutrition education classes. Lastly, we are really proud of our partnership with your very own ROCK program, which you know I love. And we are gathering recovered food from Tolbert and Francis Hazel Reid and they are taking that food back to the ROCK program and feeding their kids snacks and what they need from that recovered food, which is really great. So, that's a real win-win, I think for everybody, to get that from the schools and give it to this program. The last thing I want to mention, quickly, is that May 5 is Give/Choose, which is a one day of giving that is being offered and being promoted through the Community Foundation for Loudoun and Fauquier Counties and it is 24 hours of giving and it is strictly for Loudoun County and it has non-profits that are in Loudoun County, so of course I hope you will give to Loudoun Interfaith Relief, but if you love dogs, they've got dogs. If you love other things, they have a bunch of non-profits and I hope that you will be on the look out for that."

Patricia Phillips, "Thank you for the proclamation for the National Day of Prayer. I would just take a few minutes to explain why we like to have our National Day of Prayer observance in a government facility. And that of course, is that we do pray for our government, for our leaders both local, state and federal, but also because it is a nice civic facility that people of all different faiths will feel comfortable in. So, we do appreciate being able to use it last year. We asked for it in case of rain and it worked out so well without leaving too much to Mother Nature that we thought let's start there at the beginning. So, we thank you for your consideration of making the wonderful chambers available for the National Day of Prayer on May 7th."

Matt Ebner, "I spoke to you guys last month about the Catoctin Skate Park and we really need to keep it. I'm not going to take too much of your time tonight. There are plenty of people here that I don't think signed up that might have something to say, but it means a lot to the community around – not just to the citizens of Leesburg, but to everybody in Loudoun County, Fairfax County. Lots of us spent a lot of hard work to get that place open. I'd just like to see it kept around and revitalized."

Richard Wolfe, Leesburg Volunteer Fire Company. "Thank you for indulging me again on the matter of funding for Companies 1 and 13. I'll refrain from a recitation of the arguments I presented at your March 15 meeting. Rather tonight, I offer a different and more personal approach to the question of funding. However, the requested outcome is unchanged. One, that you fully fund Companies 1 and 13 for the upcoming fiscal year and, two, that we arrange a meeting in June to discuss the future funding for our companies based on our contributions. As well, I endorse Council Member Hammler's suggestion that a liaison from the Town Council be assigned to attend my board and company meetings and to report back then to the Town Council. This evening, my son, RJ, who is over here trying to behave, has joined me both as an education in civics and to draw attention to the personal nature of my appeal. RJ's mother, my wife, travels significantly for business including this week. As a result, RJ is dragged to innumerable meetings in the course of my official duties as President of the Leesburg Volunteer Fire Company. Between us, by the way, he told me this weekend that he prefers the Town Council meetings to the other

meetings, Administrative Operations Committee Meeting, the Executive Committee Meetings and various board and subcommittee meetings that he gets dragged to. He does say, though, that it is a little bit too quiet in here. That's his one complaint. Anyway, on top of this, he spends many nights with sitters so that I can meet my duties or obligations and is a regular feature at company trainings. He is the face of sacrifice that my family makes for my volunteer activities. There are so many others like him within my company and within company 13. These children are the future of volunteerism in America and I personally hope that my son contributes to his community as I have to ours. My chief, Jim Cook, has joined me this evening and will stay to answer questions after RJ and I have left. It is a school night as well. Chief Cook and I collectively have volunteered more than 10,000 in the last two years alone. We do it because we love what we do. We make a difference to the community and we enjoy it – helping others. We could not do so, though without the support of the town. Your contributions on an annual basis account for more than 25% of the funds that are necessary for our operations. So, we encourage you to continue funding us and we look forward to continuing working with you”.

Andrew Borgquist, 1108 Huntmaster Terrace, #301, “I'm here yet again to speak on the same issue that I have been speaking about now for quite some time. But, I guess basically going over some of what I had been talking about on previous occasions. Over a year ago now, it has been quite some time, the Town of Leesburg had taken what I believe is unjustified action against me and the action that was taken was done in a manner that I personally believe was underhanded and unreasonable and it appears that the action that was taken was retaliatory in nature because I had voiced a concern about the actions of Leesburg police. So, on a previous occasion, and I had tried to have discussions with the town to kind of address the concern that I had and over the manner of things that happened and ultimately I have just been very disappointed with interaction that I had and over the manner things have happened. Ultimately, I have just been very disappointed with interaction that I have had with the town since that occasion with respect to, you know, the attitude that I feel that has been exhibited towards me when trying to bring the concern forward to the extent that, you know, I guess I feel like the town doesn't want to hear about it or talk about it, but I think it's an important issue and something that needs to be addressed. So basically I am continuing to come here because I would like to see the town take a proactive position and, ideally, it would have been originally to reverse the action, but at least take actions that would address what I see as kind of a break down in appropriate policy in the way that people are treated when they bring concerns of this nature, particularly with my particular situation to the town. So, I'm still hopeful that there can be a productive discussion and I have approached Mr. Dentler before to have a discussion and have yet to have any kind of productive conversation with Mr. Dentler or his predecessor, Mr. Wells. So, I just want to continue to approach you guys to do something about this because, like I said, I think this is something that is important that needs to be addressed, again, because you know in as much I realize that I have brought a concern regarding Town of Leesburg police action, I want to reiterate what I have said on previous occasions that it wasn't a condemnation of the Leesburg Police Department, which I consider to be a good police department, but as Mr. Dentler had expressed in his budget presentation, the town's goal is to exceed expectations and to exceed expectations you need to constantly be vigilant that you are not just being good, but being better and the only way you can do that is by having people feel comfortable to bring their concerns before the town

and if they don't feel that they can bring them or that they are being ignored or that it is simply not productive or even retaliatory in some instances, that's just not the way it should be.

Drew Clyde, Headway Church. "I really wasn't planning on speaking. I accidentally signed the petition sheet, but I figured I would say something. No, I'm here with the Love Your Neighbor, Feed Your Neighbor, just to support Rona and as a proud participant. I pastor a church here in Leesburg called Headway Church. We are a new church, just a year old. We actually used to rent the rooms downstairs for a little while, while we were meeting at the Tally Ho Theatre. So, thank you, Mr. Dentler and Mayor Umstattd for letting us do that for a little while, while we needed to. I just wanted to say we love being a part of Leesburg and we really see as the church that we are a part of the community and we love being a part of this interfaith effort because you know, we can believe different things. We love being a part of working with different churches, but also local government, businesses, other organizations, schools, to really help those in need and I think that's a powerful statement to the community. You know, we enjoy working with people...maybe we believe different things, but to realize that we can have different beliefs and still be friends and we can even spend time together and try to understand one another and why we believe what we believe and even disagree, yet still be friends and ultimately work together for the common good, especially those that are hungry here in our community. So, we just are proud to be part of this interfaith initiative and we are looking forward to being a part of it again this year and we thank you for your recognition of it."

Christopher Jenkins, "I was an original member for the Friends of Ida Lee who helped construct the skate park years upon years ago. I just wish to say the importance of keeping the skate park, keeping it maintained. As a youth, you know, not everyone fits into the team sports or anything extracurricular activities the schools have to offer and skating is a wonderful outlet for that. For myself, it taught me if you fall down constantly, you get back up and you succeed."

Wanetta Langley, "Of course, I'm here about the skate park. I'd like to thank all my son's friends, who came out. They are the ones, who like Chris has said, was with him to get it built. Like he said, you fall. You get right back up. You get bruises. You don't worry about it. You just keep going. But, like I said before, Eric is not in the area, but he has all of his buddies here tonight because he's been keeping in touch with them, telling them what's going on and every time he comes back home to visit – when he is here in the summers or whatever, the first place he goes is the skate park to watch the kids over there skating. Talks to them, you know, every little thing. So, I remember he told me he talked to a lot of kids this past...well, a year ago when he was home, you know that they needed work and I guess Eric had talked to them that he at one time had wanted it to be concrete, but they started out with what they have now, but alls I know is he put a lot of hard work and effort and that was his passion and love was skating than any other sport. I mean, he did other sports, but no, skating was his thing and I'd just like to – I can't believe all the friends and Jim, how he has put his effort into helping them back then. You know, wanting to work with these guys and he is still friends with them, like he says he is. I just don't know how to thank everybody for what all they've done – for his friends for even just coming out. He's still keeping in touch and wanting to keep the skate park – is improving

and making it better for the kids. That's what his goal was. He is for helping. Not, like, he helps people where he is at right now. He likes helping kids, anybody. He'll take his shirt off his back and give it to you. So, I know he would thank you guys for this effort in wanting to save the skate park, fix it or do whatever these guys is wanting to do with the skate park now. I wish he could be here but what can I say. Just take that into consideration. Thanks".

Jessica Bukowinski, 118 Marlow Street, "I'm here with my daughter, Grace. She's nine and I'm here to speak on behalf of the next generation of users of Catocin Skate Park. She did summer camp. She did a class in the fall. She had her birthday party there. She's doing a class in the spring. We moved to Loudoun County in 2005 and we choose Leesburg as the place to settle. And I do show up every few years when an issue of community comes up and this is an issue of community. Taking care of this wonderful thing that you have. This unique park in leesburg, where it is in the most walkable part of Leesburg. Needs to be a priority, because you are taking care of a whole community of kids that maybe aren't met on the ballfield or other places, as was said before. I just urge you to, as you go through the budget and you make hard decisions, you take care of this resource. You fix it up, you keep it safe and you keep it there for our kids."

Brian James, 4 Mystic Lane, "I'm the Chairman of the Loudoun County Trail Association. I am also part of the board of the Purcellville Skate Park project. We were founded about 10 years ago. We haven't yet got any kind of skate park, obviously. I'm speaking regarding the Leesburg skate park today because that's really our only option in Loudoun County. There's the nearest one, if you aren't familiar, is South Riding Skate Park, which might as well be in Fairfax. The Leesburg – I'm old enough to know some of the people like Chris Jenkins and others, Scott Hurley who helped build the park and taken my little brothers there over the years to skate and what not. It's definitely in need of repair. I think that for the kids...like Chris said, to echo what he said – not all kids fit into the team sports and I see a lot of nice soccer, baseball and all that kind of stuff around the county but we have one little slab of land in the middle of Leesburg and it hasn't really been repaired in I don't know how long. The Purcellville skate park project, we've been trying to get something going with the Purcellville town for about ten years now, but to build what we had come up with costs about \$500,000, and that's about what you guys have in the budget right now for repairs. I just think that to have – we are in the richest county in America and I think that our children should be able to have some kind of perks or things like a skate park. Frederick has one, Front Royal has one, Herndon has one. South Riding...those are all areas that about 30 miles away from here. Economically, I think it would help to just repair this one. I'm not opposed to building a new one. I don't know if I can speak for the rest of the people, but in this area, you are going to find if you don't repair that one or close it or anything, children are going to be going to other places and parents are going to be spending their money, spending more gas and things like that. So, it would only help the economy of Leesburg to either nuture that one back to life or build a new one. The plans that we had for the Purcellville skate project were a concrete park, which would actually be quieter and less maintenance long term. I don't know what your plans are for the new one. That is a much better long term plan and I think the skaters would hopefully like that and it is better than the wooden one that is currently there. Another thing we found challenging with the Purcellville Skate Project is applying for grants. The Tony Hawk foundation

actually has a grant to help build parks, but guess what? Loudoun County doesn't apply because we are the richest County in America, again. So, those are all things – I think the onus is on us in this town, in this county to help build a park or repair the one that we have. I'm not even a skater, but I see the reason that this should be kept around and revived, I guess. What were the other points I had? I can't remember, I didn't write anything down. If you guys see fit to keep it around, I guess it would be better for everybody in the long run, you know. Not everybody, like I said, is going to want to play in sports”.

Kelsey Noland, 307 Belmont Place, SW. “I'm just here to speak in favor of the Catoctin Skate Park. Not because I've ever skated there or ridden a bike there, but because I've seen the benefits that it has posed for people in my life and the important space that it has provided for people I've known. I think it provides a really important recreational space for children, teenagers, young adults, even some older adults. You know, I think like many have said that there are plenty of people who don't fit into the mold of participating in traditional sports and activities and I think it's important to continue to have a space for those that don't fit into that and so I just wanted to come and speak in favor of the continued funding for the Catoctin Skate Park or even additional allocation of the budget to improve it and keep it around”.

Patrick Frye, “I didn't come prepared either. I definitely wasn't prepared to speak, but I'm thankful to be here and thankful for the passionate skaters that put their heads together and were able to get a park going. Thank you to the Town of Leesburg for supporting that budget. I'm born and raised in Leesburg and I was...I felt very fortunate to be a part of Catoctin Skate Park and just the pleasure of being a part of that over the years and growing with the park and meeting different people along the way. I ended up working at the skate park for one summer and that was great. I was a supervisor there. I also taught skate board lessons. The parks taught me so many things...just riding and skate boarding alone. I could speak all night about what a wonderful place it is and how great it is for the youth and as some of these guys have already said, there are very many parks in the area now, but Leesburg was one of the first parks around. The only other one that I know of in Virginia, was Charlottesville. So, people came from all over, out of state even to come visit Leesburg's skate park and I think that was very progressive that Leesburg, you know, made that happen and built a park. And it is, definitely outdated and is probably one of the only wooden skate parks left in the mid-Atlantic region, but it was well built and it was well taken care of and I thank the Town of Leesburg for that and I think that you should definitely consider moving forward with either the repair of the park or proposing a new budget or a new location even. You spoke about concrete and I think that's – I can't speak for everyone, but I think that would definitely be something to consider and you know now all of our surrounding, I guess communities have newer skate parks – Herndon and Fairfax – it's gained a lot of local support. Once again, I think it's very important for the youth and the community in general. I think it's a great thing, so please keep that in mind”.

Evin Harrison, 702 Hetzel Terrace. “I'm here to speak about Catoctin Skate Park and gravity sports in general, including BMX, scooters, progressive rollerblading, things of that nature. (Mr. Harrison showed a power point). That's just a cool photo of me and a couple of guys bombing a hill – helmets, staying safe. Quick table of contents. We are going to discuss money a little bit. Skate park budget, other gravity sports, and possibilities

of fundraising to help it be self sustainable so we don't have to continue to have these conversations. So, the blue is where we are going to start as far as the chart goes. It starts with the basic investment, \$400,000 is what is already allocated, is what I have been hearing and there is a request for an extra \$100,000 just to make it a little bit better. That will create jobs within Loudoun County because you are going to have to hire contractors. If you we the \$500,000 we can get the same company that built Front Royal's skate park, which is an amazing skate park. I love going there and skating the bowls and personally I know people who travel all the way from Fairfax to Front Royal, just to skate that park. So, it creates jobs. It creates habits and hobbies for the youth and the younger adults. I myself turned 28 this year. I consider myself a young adult. I probably will in my sixties and hopefully I'm still on a skate board. So, successful futures. It was already mentioned that skating teaches you know, whenever you fall down, you get back up. This past weekend, I was skating in some mountains that's going to remain unnamed and I fell at 45 mph and there was considerable damage done as far as impact goes, but because I had the proper gear and I ride with proper riders and I'm educated and pretty well trained, I was able to walk away from it, got back in the car and rode to the top. I tried it again and was successful. So, it definitely helps you learn while you are going through life to get back up. When I moved here, I was 18, fresh out of Louisiana. Louisiana culture is a little bit different than Virginia. A lot of crawfish boils and we love our Abita beer and there are certain things that didn't translate well up here to the culture and it was a tough learning curve for me and I acquired some charges on my personal record and it was kind of a rough start. I grabbed a skate board, I started skating, I changed my friends, I changed my habits and my hobbies. I started going back to school. I now have an associates degree. I studied in three different countries and I mentioned the non-profit that I started too, and it's all due to skating. If it wasn't for skating, I wouldn't have done any of that. I believe I'm the only person who has skated in the country of Turkey, in America. That's pretty cool. You build the skate park, you make the investment, you help build futures. We give back, so you give to the community and as we get older and become more successful, we end up in these meetings and we try to help give back to the community. Pros versus cons. Pros, it keeps kids off the streets. Gives the image that Leesburg cares for all ages, not just one specific age group or one specific sport. It also sets an example for other communities to follow and like I just stated, if you give to the community, then the community will give back. Cons, obviously investments can always be redirected. There is always a shortage of money somewhere. It's just where can we place it. How can we divide it to where everybody feels equal. Money versus resources. Again, resources cost money. Those investments have to take place. Studying a little bit of economics, I understand that. Another con would be disappointment from the local community to say why would you give the skaters \$100,000 and not give it to us. So, the skate park – we talked about the budget. If we keep it in that same footprint that was discussed it would cost a little bit less than having it moved. There was also the issue of where would we move it to. There was no space available over the past from what I was told that would accept the park. The better the park, the more use it would get. The more events we could hold to help raise money to keep it self-sustainable like I was talking about. If we could help – if the town would help dedicate a 501(c)3 to gravity sports of Leesburg, then we could dump all this money in as we hold events so we can keep it self-sustainable and anytime anything is needed then we can just reach into that budget that's there that we helped create through fundraising and events. I would love to volunteer for it. I'm all about skating. Pros versus cons, it keeps kids off the street. You have a safe environment for the

self expression. Teaches kids to keep trying in life. If you fall, you could possibly create a community mural for the arts there so every three months we have specific idea. The entire community comes out, paints a small section on it. Make it something for everybody to enjoy and more skaters. The cons of that, more skaters. Could require more attention and not open in the winter, could also be a con. And other gravity sports – just briefly, long boarding. I, myself, am a downhill skater. I use it as a form of transportation to and from the bus stops and I probably will come back, but I think it would be a good idea to have the kind of skate ban lifted off the streets because the more experienced riders, we can ride in the street, keep up with traffic, and we can brake on a dime and come to a complete stop without using the rest of our body to help slow us down. Also, if you lifted the ban and allowed us to have different events like luge races, downhill skating events, or free ride competitions, we could also put money into that for the 401(c)3 for the gravity sports, which would also help it keep self-sustainability and we would also be the only town in Northern Virginia, in Virginia period that would actually have sanctioned races. The closest one is either Pennsylvania or Vermont. North Carolina just started one. This is just some photos. People have been digging on line trying to find some stuff from guys in the local area. Fundraising, I have been talking about that through the whole presentation, so I'm not going to waste too much more time on it. Then, I would just like to thank you for giving me your time and letting me make a mockery of the situation. Thank you”.

Fred Williams, 21 Wirt Street, SW. “I’m not going to talk about noise and I’m not going to ask for any budget money. What I do want to do though tonight is just ask you just to reset your thoughts for a moment. Think of tomorrow as a brand new day and something really momentous is going to happen. School is out. It’s a great time. Kids are at home. Families that can afford to go off on vacation. The other thing is that one out of six children in Leesburg, roughly, will lose two meals a day. They will lose the breakfast and the lunch they are now getting in school. So, I’m here to support the Love Your Neighbor, Feed Your Neighbor campaign. This is just not an ordinary food drive. Jennifer spoke earlier about the number of donations that go down in the summertime. Well, it’s because people are not here and it’s also because these kids who are the future of Leesburg, who we come together in all kinds of community, they may have their meals, but their families are going to have to stretch their limited food budget that much further to cover 10 more meals during the summer. So, I just ask you kind of personally to step up and be the leaders that I know that you each are and do what you can to encourage people to contribute, make donations, canvass in the neighborhoods. This is a very, very important thing. So, I thank you for your time and I thank you for your service and I mostly thank you for supporting the Love Your Neighbor, Feed Your Neighbor campaign.”

Lynette Austin, Church of Jesus Christ of Latter Day Saints, “We have participated in the Love Your Neighbor, Feed Your Neighbor food drive for the last four years. I just wanted to mention that in addition to some of the great comments that have already been made, that projects like this bringing a community together in concert to try to help those in need is something that really elevates and builds a community and I think that we can’t dismiss that as one of the merits that this kind of project has. For example, just briefly, a few of the great merits that I see in it is that it helps to instill in all of us a sense of compassion and a sense of empathy. I’m always intrigued by the juxtaposition you find right off of Sycolin Road where you see the homeless shelter right across the street from the

airport where you see a lot of private jets and such and I think that it reminds us that there are all kinds of folks that live here, reside her, pass through here and have different perspectives in the community. When we do projects like this, it reminds those in need that we care about you. We want to lift you up. We don't want you to be alone and we don't want you to suffer. For those of us who may have experience with affluence and live very busy lives going from one meeting to the next, it allows us to pause and to consider that there are those around us that really do need our help. It helps us to serve and whenever we serve, we build our own skills and abilities. I also like the legacy thought where when we participate in activities like this with our families and with the youth and with the next generation, we are instilling in them the thought and the idea that what we do – this is just what we do. We serve. We help people and when all people of all faiths, walks of life, different community organizations, ages, etc. participate in a community event like this, they realize that when we work together as a team, we are able to accomplish great things regardless of our differences and it also – I think it builds a sense of optimism that problems can be solved and that things can be made better for people we know and we care about and I thank you for your time.”

The Petitioner's Section was closed at 8:48 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. *Acceptance and Appropriation of Library Foundation Grant*

RESOLUTION 2015-044

Approving a Supplemental Appropriation for a Grant of \$8,500 from Loudoun Library Foundation to Thomas Balch Library for Archival Processing

- b. *Encroachment Agreement to Allow Reclaimed Water Line to Cross Dominion Virginia Power (DVP) Easement along the W&OD Trail*

RESOLUTION 2015-045

Authorizing the Mayor to Execute an Encroachment Agreement Between the Town of Leesburg, Panda Stonewall, LLC, and Dominion Virginia Power (“DVP”) to Allow a Reclaimed Water Line to Cross DVPs Easement Along the W&OD Trail

- c. *Western Loudoun Art Studio Tour (WLAST) at Mervin Jackson Park for First Friday, May 1, 2015*

RESOLUTION 2015-046

Approval of Art to be Used in a Temporary Art Display by Western Loudoun Area Studio Tour Artists

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. Adoption of the Fiscal Year 2016 Budget

The public hearing was called to order at 8:54 p.m.

Clark Case gave a brief presentation on the adoption of the Fiscal Year 2016 budget ordinance.

Key Points:

- Budget is a no-frills, frugal operating budget.
- Up 5.4% from previous year.
- Capital Asset Replacement Fund is down.
- Capital Projects Fund is up 48.2% primarily due to large transportation projects that include Virginia Department of Transportation (VDOT) matching funds.
- Northern Virginia Transportation Authority Fund is a new, state required fund to account for transportation funds for approved transportation projects.
- Utilities Fund is up 18.1%
- Overall, the town's budget is up 14.6% due to CIP and Utilities fund increases.
- Proposed general fund budget does not include any new positions or programs.
- Two departments have or will be consolidated to achieve operational efficiencies.
- Three percent increase in merit pay for employees
- Health benefits cost increase of 8%
- Enhancements include police overtime of \$42,000, transportation project studies of \$168,500, and \$89,500 in technology investments.
- Capital improvement projects include Hope Parkway extension, Battlefield Parkway from the Greenway to Rt. 15, Catoctin Skate Park, Tuscarora Creek Flood Mitigation Project and Tuscarora Creek Restoration TMDL Project
- Utilities fund programmatic increases include \$296,000 required to fund three new positions for the reclaimed water partnership with Panda Energy, which will be offset by future revenue from Panda and \$2 million to address aging infrastructure.

It was clarified that the amount included in the budget for the skate park renovation assumes the present location.

Council Comments/Questions:

- Dunn: How did the amount for the skate park increase?
Staff answer: The original number was an estimate, but the current estimate includes a higher quality park facility.
- Dunn: How did this get moved up in the CIP?

Staff answer: Council directed this during the Major Issues session that staff had with Council.

- Dunn: Is there the intention by staff to close it for safety reasons?
Staff answer: It was originally in the back of the CIP because it was a new project, but staff would continue to investing whatever funds could be found to keep it open as long as possible. But conditions could deteriorate down the road that would cause difficulty keeping it open.
- Dunn: With respect to the health care costs increase of 8%. Is that the percentage overall or just the town's portion of the increase?
Staff answer: The increase for FY 2015 and 2015 was 12%. This is the increase between FY 2016 over FY 2015.
- Dunn: Is there anything that Council does as a policy setting body that would stop revenues other than tax revenues?
Staff answer: If Council decided to no longer charge fees for certain services, such as Ida Lee, or eliminated the meals tax, it would change the revenue stream.
- Dunn: Fees from outside sources would not be stopped by anything done with respect to the budget.
Staff answer: Correct. The budget assumes that the town will take the same actions as it has taken in the past and is performing consistently.
- Dunn: How we decide on the budget does not prevent the funding of government, it just determines the allocation of where the funds are going.
Staff answer: Council sets the fees and rates, which determine how much revenue is available in the budget.
- Dunn: How many tax dollars are collected to fund utility projects?
Staff answer: Utilities projects are funded entirely out of water and sewer revenue fees charged from the use of water and the use of the sewer system. Generally, there are no general tax dollars going into the utility funds. Any bond funds used for utilities projects are paid back using water and sewer rates.
- Dunn: There are 25 unfunded projects in the CIP. If we had other funding, we could look at ways to satisfy those future projects.
- Butler: If the funds for the skate park are approved, when would work begin?
Staff answer: If funds became available on July 1, a contract could be signed with a design/build firm at that point. They would move forward with charrettes and outreach to the skate community to determine what amenities they are looking for in the park. Design could be completed around September with construction in late fall and opening in the spring.
- Martinez: I wanted to talk about the equation, which is our budget. We have monies from the state, which we cannot really control, but they are a small variable. We can always depend on some revenue. We have revenue from the county, which is always going to come in. How we get it is a small variable. We have the meals tax and we control that revenue. If we increase it, odds are we might have less revenue. I'm learning about the meals tax through my daughter's wedding caterers. Caterers will not come to Leesburg because of the meals tax, so they are actually going outside of Leesburg

because of the meals tax. I'm kind of concerned about us talking about raising it. There are other fees that we control, but that is pretty much a fix. The total variable that we have control of is the property taxes.

Staff answer: The town has control of the business license tax, the meals tax, and the property tax. It does not control the sales tax.

- Martinez: That's where the state comes in. We can fix fees, but we are pretty much set there. We can always change those to increase or decrease revenue, but we will probably not do a whole lot of changing. The one true control that we have over revenue is the property tax. What percentage of that is the total revenue stream?

Staff answer: 23%

- Martinez: It is a major variable that we control. My great concern is that with that property tax rate, we have a great town. We got the AAA rating, because we have done smart things in the past and we are continuing doing that. Anything we take away from the property tax revenue we get, we are taking away services. There are some who believe we can do without a lot of services. I personally feel that people are in town because of that and they don't mind having those kind of property taxes to maintain the quality of life we have in this town. I just wanted to make sure we understood the equation of our revenue stream. On the other side, the payments out are a whole different scenario. I personally am very supportive of the budget – I think it covers all our needs.

- Hammler: A press release went out by the Police Department on April 13 and it referenced four new positions that were filled this year. Can you clarify why that was mentioned versus tonight we are stating that no new positions have been added to this budget?

Staff answer: They are new hires, not necessarily new positions. Several people retired, which freed up positions in the police department. There are no NEW positions in the general fund.

- Hammler: A clarification on the overtime enhancement – it references First Friday with two officers for three hours, Council meetings with 20 meetings and one officer for two hours and back to school safety blitz and prom blitz. Were there any opportunities that we might have leveraged the support team for those types of appropriate activities that they may be able to do?

Staff answer: The support team provides \$40-50K of service to the community on an annual basis. Almost every single one of those on the enhancement list requires some level of enforcement authority. We do not put the support team in a position where they might have a confrontation with anyone or have enforcement responsibilities. They do not have the authority for traffic enforcement, criminal enforcement or town code enforcement.

- Hammler: The Plaza bike lanes were approved by a resolution of Council, so why wasn't it already anticipated to be in the budget?

Staff answer: It was not approved by Council by resolution, but there was Council support for it. The original cost estimate was significantly lower than the actual estimate, so staff did not feel comfortable moving forward without confirmation by Council at the higher estimate.

- Hammler: Would it be possible to start the on-street recycling downtown with five receptacles?
Staff answer: We will go ahead with current funds to begin to add a few receptacles (up to five) downtown and see how that works. Additional funds do not need to be added into the FY 2016 budget.
- Fox: The utility fund specifies \$1.2 million of funding will address aging infrastructure through replacements, renovations and repairs. Is there any crossover between utility funding and CIP TMDL projects?
Staff answer: No. The replacement, renovation and repairs are equipment replacements and repairs.
- Fox: What is the value of the land that the current skate park sits on?
Staff answer: County tax records show it at \$2.9 million.
- Fox: When do you anticipate starting the skate park renovations?
Staff answer: We would be anticipating beginning design work late summer with construction beginning in the early fall for a spring opening.
- Fox: So the \$545,000 is for design and construction?
Staff answer: Yes. It would be a design/build process.
- Dunn: Did we have AAA bond rating prior to the current one?
Staff answer: We had a AAA bond rating with Standard and Poors for the 2014 issue. The other two rating agencies gave us AA. The highest rating we had prior to that was AA+. Each rating agency uses different terminology.
- Butler: Just for the public, TMDL is related to stormwater run off within the corporate limits of Leesburg. Utility fund is related to water and sewer in our area of service, which includes parts outside of Leesburg.
- Fox: It was explained to me that part of the increase in Water and Sewer rates is because of the Chesapeake Bay requirements.
- Umstatted: That's not inconsistent with what Council Member Butler said. The Chesapeake Bay Act is one of the reasons we are required to make sure that the water we put out (effluent) has been cleaned of nutrients and various pollutants. This is a requirement of the effluent from the sanitary sewer system, but there are also new requirements for the stormwater system, which is not part of the sanitary sewer.

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

The public hearing was closed at 9:23 p.m.

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

ORDINANCE 2015-O-009

Adopting the Budget for Fiscal Year 2016; Making Appropriations for FY 2016 for the General Fund, Utilities Fund, Capital Projects Fund, Capital Asset Replacement Fund, and Northern Virginia Transportation Authority (NVTA) Fund; Amendments to the Budget and Supplemental Appropriations by Council Resolution; and

Authorizing and Directing the Town Manager to Take All Steps Necessary and Prudent to Effectuate the Implementation of the Ordinance

Council Comments:

- Burk: We have worked on it and gotten it to the point where we are continuing to provide services for the town at the level that our citizens expect.

Council Member Butler offered an amendment to add \$57,000 for bicycle lane striping on Plaza Street. The motion was seconded by Council Member Hammler. Council Member Hammler asked for a friendly amendment to add language "Staff is encouraged to begin work within six months of the start of the fiscal year".

Council Comments:

- Butler: Council expected this was going to be done 18 months ago. It is one of the core initiatives in the town to increase bicycle and pedestrian movement throughout the town. It is not a particular problem with the budget because we can take it out of the undesignated fund balance which is well-overfunded and then next year we can see if there is any particular impact and deal with it then.
- Hammler: I think this is a high priority area in terms of bike users and would be a great amenity for the community.
- Fox: I would support it.
- Dunn: These are the type of things along with many of the items on the CIP, that I would wish we would be seeking county funds to fund it versus town dollars that are so close. Again, the list could be endless of the things we could be going to the county instead of trying to threaten fire and rescue with the not funding them. I would rather this be funded with county versus town funds.
- Umstatted: If that \$57,000 were allocated towards this project, would that undermine the 20% that needs to be maintained in reserve to support the AAA bond rating?
Staff answer: I don't believe it would be material enough to be a big problem. We would look for a funding source.
- Hammler: I believe we have sought things like CDBG grants for this type of initiative.

The motion to amend was approved by the following vote:

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

Nay: Dunn

Vote: 6-1

Council Member Dunn offered an amendment seek county funding for the skate park. It was noted this should be brought up as part of the Capital Improvements Program discussion.

Council Comments/Questions:

- Dunn: When the departments are consolidated, why did that not result in staff reduction?

Staff answer: In regards to the Department of Finance and Administrative Services, the leaders of the Information Technology and Human Resources staff are not graded at the same level as the directors. The director, Mr. Case, is a grade 18. HR and IT are grade 15. There is a savings, as a result. With regards to Capital Projects and Public Works, it is coordinated with Mr. Mason's move to the Town Manager's office when he retires in 2016. Upon his retirement, that position will be used somewhere else in the organization. We are maximizing the organization to capitalize on our resources. Council has not increased the town staff resources for several years. Although the proposed budget works, staff is stretched to the max and at some point Council will have to address that the organization cannot continue to sustain service delivery without addressing resource needs.

- Dunn: Although I appreciate Kaj's opinion in how he is looking to manage the town, I unfortunately do not agree with all of the staffing that has happened, not just under you, Kaj, but under the previous town manager. I think there are areas that while we have heard throughout this budget process that we are doing all we can really do, I really feel that we are doing all we are willing to do. I think that more could be done and that the efforts and the policies set by Council, staff is working under that direction. I don't take anything off of staff for doing that. That is what you are hearing from this political body up here. I think that had the direction been more towards, as I said last night, rather than looking at making revenue increases equal to inflation, looking at possibilities of cutting back expenditures equal to inflation are other options. This isn't just the only thing we can do – which is looking at continuing to raise taxes. We've heard it said, even as late as just a couple of minutes ago, if we were to cut anything it's going to affect the services that we provide to the public. But frankly, when there are services that are not being used by the public, it is not a risk in service, it is actually over servicing. There are areas that we could be using better management practices, but when those get brought up, right away people go into "oh you want to cut this". You want to cut all of brush and tree pick up. No, no one has ever said that, we have just said we would like to look at other possibilities for better management of that process. When it is brought up just at one of our work sessions, one other council member was going to make a suggestion and right away, the mayor jumps on "oh, you want to cut stormwater management. You want to flood people's basements". No, we are not trying to do that, but unfortunately, we have been operating in the past and currently under a process whereby we are doing headline budget preparations. If we want to make a headline, we will govern by that and that's not going to get anywhere. I think there are areas that we could – I'm not happy with the practice that I saw that John Wells was doing and I think I was about the only Council Member that had concerns about some of his personnel management practices. We see that resulted in having to have a diversity task force to even evaluate that and then using the town manager's

office as a revolving door for having people coming in and out as a way station – get another year’s worth of employment. I don’t agree with Tom Mason being brought into the Town Manager’s office. If this was a corporation, you wouldn’t have the ability to have somebody being around for eight months for a learning process while somebody else takes over. I think that he would have been better served by staying in his position and then when he is ready to retire, then Renee can step over there. I think that she will do a great job. I think that there are areas where we have had directors of different departments in the past that have been basically demoted and kept their director’s salary. I don’t think that’s right and that’s still the case. They are given lesser positions and yet they still maintain their pay level as a director. It’s not right. It’s been noted that for decades we have been paying money to the county and the Council has opted to not really go after that in any sizable way. We get some road money here and there. We’ve got a courts project going on, but we give millions and millions of dollars to the county and really don’t have that much to show for it. Why? Because the Council has used one word, and that is we want to maintain control. Control is very important. Well, control is costing the citizens of Leesburg a lot of money. Even to this point, this year we finally brought up a very, very elementary discussion on getting funds from the county, any ideas were put aside except let’s consider fire and rescue. Well, that wasn’t my idea. Why did we do that? Because Fire and Rescue, police and sheriff. Why? Because those are the two toughest things to ever get accomplished and nobody is really ever going to vote on that. Well, we caused enough concern for the fire and rescue people to have them to have to come out here and fight for the funds that they are going to get anyway. Nobody was going to cut those, but woe be unto us if we consider the county taking over the Balch Library again. We don’t want to consider that, but we will act like we want to have discussions about cutting the fire and rescue funding. I don’t think that was ever a reality and shame on this Council for dragging you folks through that. I would also, as a side note, because the fire and rescue funds seem to be very political, I would also question us even having a Council Member on the board, because I think that just makes it even more political and I don’t think that people’s safety should be a political issue. It is still a favorite tactic of people on this Council to put out things like, when we want to have discussions about the utility department and other ways of managing that, that is looking to take tax payer dollars when we just heard tonight that there are no taxpayer dollars in the utility department. The mayor has mentioned that. She always liked to refer to taxpayers are being hurt because we are looking at doing something with the utility department. It’s not true. We’ve heard that tonight. We’ve heard that she has also said that people want to cut trees and services – whatever we bring up as other suggestions – water and sewer. You want to look at ways of improving that? Oh, you want to cut it. No, we are just looking at ways to improve it. If we can never get past the discussion of really looking at ways to improve things, we are always going to be in the situation where we go to the same line we’ve heard tonight – we’ve done the very best we can. Well, I think we can do better. I really do. I think

we've got a great staff. I think we can do better. It's been brought up if you don't want to vote for the current tax rate and you want to fund the government at a lower tax rate, then therefore you are for completely unfunding government. That's not the case, you just want to fund government at a lower level. It's been brought up that if you are not for the budget, you completely want to unfund every department. That's not true. I want to see government funded. I just want to see it funded at a different level. Unfortunately, I can't vote for the budget tonight because while I'm for funding various departments, I'm not for the wasting that I see that has been going on within town government and the continued Council's stand offish of going to the County and seeking millions and millions of dollars that could be funding capital improvements, maybe giving even more money to the fire and rescue, making sure that the Balch Library is funded. There are a number of areas that we could do it. If we were doing it and getting our county tax dollars back here in town and Council at some point is going to have to want to take that task on. For me, I have to vote against the budget tonight because I still feel that this budget is not spending where it could be spending for the best services for the community so that we are not – services that are unused are a waste and we are providing some services that are unused. When that happens and we are wasting funds, it's not putting it towards other areas where we can be better spending it where there truly is greater need.

The motion to approve the budget ordinance was approved by the following roll call vote:

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

Nay: Dunn

Vote: 6-1

11. RESOLUTIONS AND MOTIONS

- a. Adopting the Fiscal Year 2016-2021 Capital Improvements Program (CIP)
On a motion by Council Member Butler, seconded by Council Member Martinez, the following was proposed:

RESOLUTION 2015-047

Adopting the Fiscal Year 2016-2021 Capital Improvements Program in the Amount of \$88,178.200

Council Member Butler moved to amend the CIP to add a trail and crosswalk across the bypass at Battlefield Parkway for \$510,000 to be added to Fiscal Year 2018. The motion was seconded by Council Member Dunn.

It was noted that an escalation (inflation) factor would need to be taken into consideration if this is placed in a later year. *Council Member Butler modified his amendment to \$240,000. Council Member Dunn agreed to this modification.*

Council Member Comments/Questions:

- Dunn: As we go forward on this, the time is pushed out far enough that it gives us a chance to do adequate safety studies. I would be for it as long as it is very safe. People come buzzing through that intersection, never mind citizens. I hope that we do an adequate safety study and would be willing to fund it if it can be safe.
- Burk: Can we add things to the CIP and not have an impact to the funding?
Staff answer: We don't have any available capacity for new debt until 2021. It would have to go out to 2021. There is always the possibility between now and then the town could get more proffers for transportation.
- Butler: Next year we can look at it again. Things might change.
- Burk: So we can add all sorts of things.
Staff answer: But you don't have funding for them. Staff would caution Council on that approach. You take the risk of putting projects in the CIP in the out years that are promises to the taxpayers to do, but then you may not be able to do because of funding. It is recommended that funding is identified prior to spending.
- Burk: Would we have to knock a project out?
Staff answer: If you could not identify funding, it is possible. It is advisable to put it in year six, then in the ensuing years we can look at options for funding. Years ago when we put projects in the CIP with no realistic plan on how to pay for them, it created expectations that the projects would be completed. The bond market is aware of the town's realistic CIP. If the CIP doesn't fit into the long term sustainability plan, the AAA ratings may begin to crumble.
- Burk: Weren't there safety concerns?
- Umstatted: There was concern that putting a visible crosswalk there would lure people into the false expectation that it is a safe pedestrian crossing, when it would actually not be safe.

Mayor Umstatted offered a friendly amendment to put the project in 2021 instead of 2018. It was not accepted as friendly.

Council Comments/Questions:

- Dunn: If we were seeking county funds, do we not have to have things on the CIP to go to them to justify funding for that?
Staff answer: Not by policy, but after conversations with county budget staff in terms of Veteran's Park and one of the consistent comments was whether there was any town funding included in the CIP for design or feasibility studies for Veteran's Park. Because there wasn't any, they pointed at that lack of commitment by the town. There is a possibility to reach out to NVTa given that this is an intermodal and it is a safety issue dealing with traffic. There is no guarantees, but it will take a year to see if it is an option. One of the differences with the CIP process this year is that we taking the revenues and matching the revenues to fund the project with the expenses for the project. The rating agencies noted that this was a way that the town exercises fiscal discipline.

- Dunn: We could put county funding, which is a revenue source and that does give us three years to try to accomplish that.
- Martinez: I do not support any additions to any CIP any time soon. I've always said that we need to sit down as a Council and if we have new projects that we want in the CIP, we need to do a thorough vetting of that. As Clark has said, we have to identify revenue streams. I don't disagree that we need these projects, but we need to make sure we have room in the CIP. If there are projects in the CIP that this Council feels we can take away, then we can add this in its place but this is not the place to do it. We need to sit down and commit as a Council to go through that CIP and figure out what we want to add to the CIP, figure out if we have the funding for it. If we don't have the funding, then find funding or remove projects from the CIP, which again is something I would be really against because as I stated in the past, we have 25 years out on the CIP. We have made promises to projects that we couldn't fulfill and residents were getting unhappy. Now my personal feeling is that if we can't fulfill a project within six years, it shouldn't be on the CIP. We can debate this for the next two or three hours and I'll be here listening, but as far as I'm concerned, this is the wrong place, wrong time to do it. We need to, as a Council, commit to talking about this. Again, it sounds so easy to add something to the CIP. That's long term debt that we need to make sure we manage correctly and I think that right now is not the place to do it. If we are going to make any more additions to the CIP, I'm an automatic no.
- Hammler: I guess ultimately whether we want to do it tonight or put it off for a future work session item in terms of adding things to future projects on page 193 currently. Ultimately, we are not going to impact anything this fiscal year. I will support putting it on a future project list, but I also can understand that we could come up with any number of important projects that we could put on this future project list tonight, but I know we have another major topic coming up right after this one.
- Fox: I have to agree with Tom's safety issue. That's traffic craziness down there and I'm worried about it as well. I was wondering if there was any sort of future project that we were thinking about at this intersection if we can find funding through the state or anything? Was this one of those key intersections we were talking about? If that's the case and we are looking at down the road, why would we do this right now? If we were looking at changing this intersection structurally, it might be a moot point. I was a little concerned as well about the funding –putting the cart before the horse. I think it's a good idea safety wise. I can see where there is a need for this – I honestly can, I'm just very, very concerned about the safety issue. I just sit there and watch these cars sneak through the intersection, just because they have to get across the intersection at these key times. I think it's a safety issue as well.
- Hammler: Could we get clarification – there's no money, speaking of the same topic – for the proposed interchange at that same location so is there any staff guidance relative to obviously this is much more manageable given the scale of funds that we would be requesting for one versus incorporating some

sort of multi-modal feature across an intersection, but any staff guidance would be appreciated before we put this on the future list.

Staff answer: The interchange for Battlefield at the bypass is currently in the priority future list of the CIP. The estimate on that project is a very, very rough estimate of \$57 million. That is our third priority interchange with our first priority being Edwards Ferry at the Bypass, the second being Battlefield at Route 7 and this being the third priority interchange. So, we do not have a funding source other than NVTAs identified as a potential funding source for this interchange. We have not put this project through the NVTAs application for the 599 process for funding, so it is at least four years away before it could go through the 599 process to be ranked by VDOT. We could apply for the NVTAs funding, but it would not rate well because it has not gone through the 599 process.

- Hammler: Isn't it conceivable that identifying list – and we can debate because I know the rebuttal is it is not safe to have an actual crosswalk across the bypass, but highlighting that this is such an important safety issue to be able to have that multi-modal access and putting it in the future list could facilitate the justification if we have it on this future project list if we do apply for future funding sources.

Staff answer: With it being in our priority list, it does not preclude us from applying for the NVTAs funding. It does not have to be in our active six year plan for us to apply for the NVTAs funding. It is listed as a 20/40 transaction plan, which is step number 1. Step number 2 is to go through the VDOT ranking process. So, we can request the funding but the 599 process will not be done again for four years.

- Dunn: Just to remind everyone that the Board of Supervisors were able to come up with \$2 million that we did not necessarily ask for to do a study of this intersection and going up to the Edwards Ferry/Raspberry Falls intersection. Somehow they came up with \$2 million to do that. Part of that study could have safety studies on this intersection, which may help us in determining whether its even safe to have that, but again, I would suggest that if we want to consider putting this in the CIP, if Council would be willing to accept that we put in that we seek county funds. If there is a desire to push it off to 2021 to keep it in the CIP, I would be willing to make that as a motion.

Council Member Butler accepted Council Member Dunn's suggestion to have the year changed to 2021.

The motion to add the crosswalk at Battlefield Parkway and the Rt. 15 bypass in 2021 was approved by the following vote:

Aye: Butler, Dunn, Fox, Hammler and Mayor Umstatted

Nay: Burk and Martinez

Vote: 5-2

Council Member Butler offered an amendment to add water features to Mervin Jackson Park for \$350,000 in 2021. The motion was seconded by Council Member Hammler.

Council Comments:

- Butler: Just wanted to remind people, like I said yesterday, when Parks and Rec looked at the potential Mervin Jackson Park, water features were overwhelmingly the most popular features that the public wanted. I think the main purpose of this will be to help bring people downtown, which we need. I think this would be a great amenity to add to the downtown and the town.
- Hammler: We've been working with Parks and Rec staff on design and I concur it could be a very important way to bring people downtown and create a destination.
- Umstatted: Right now, the motion to amend the CIP would be to put \$350,000 water features at Mervin Jackson Park in 2021. I supposed you'd reject any proposal for me to just dig a hole and put some water in it with a fountain?
- Butler: If staff thinks that's a good design and it meets stormwater management requirements and all that, I'd be more than happy to support it.
- Burk: Now we're adding another project that goes on the CIP that we don't have funded that we have told the rating board that all our projects are funded – now we are adding projects and I suspect we will be adding more projects. I mean as much as I think the water feature is a great idea, but I'm not comfortable adding all these projects to a CIP that we don't have funding for. I do remember when it was way out that we were promising all sorts of stuff and if we want to go back and do that again, I could add some stuff too, but I thought we were staying within our management plan and making sure that we had funding for any projects. If we added a project, we were going to take something out. So, just by adding things, I'm not comfortable doing that. I'm sorry. I'd like to work on helping get some funding – whether it's from grants or donations for the water feature, just like we're doing with the mural, but I don't think adding things to the CIP at the last minute like this without the funding is very dangerous and I don't think it's a good policy.
- Martinez: You did not include an escalation factor in that park, so it's going to cost more than what was just said. If you add them up together, we are going to add almost a million dollars worth of added CIP projects that we need to find funding for, which is about a 1.5 to 2 cents on the tax rate.
- Dunn: I think it's a little pricey. Somehow I just feel it could be done for less. I've seen a number of different water features and I think there are all kinds of size, shapes. I can appreciate the desire to have a water feature there, but I think the cost is a little high for what might be an effective draw to that park. Hey, Arkansas we fill up the back of the pick up and call it a pool. I would have to pass on this, although I think it would be a nice touch to the park, I think the dollar amount we are suggesting is too much.
Staff comment: The escalated cost based on the original estimate for 2021, would be \$462,500.
- Umstatted: I'm not going to support this at this time. I can't justify this as potentially a public safety issue. We are still spending over \$5 million for projects for the downtown. At the very least, I would want to see if those work to bring people downtown, which has been the assumption that most on

Council have had for all the downtown improvements. So, I don't want to add something else on at this time. It may be the majority of Council is correct and the downtown improvements will bring more people downtown. That might accomplish the purported goal is. I love water features. Dave sent out an email with some really attractive ones, but I do feel this is too expensive. They are something that is not a public safety project.

Council Member Hammler offered a friendly amendment of deleting 2021 and adding the description and estimated cost under priority future capital projects. This was accepted as friendly.

- Burk: We are not funding it. It is not going in the CIP.
- Dunn: It's listed. The only thing is whether it has been designated as to what portion of the future CIP. Priority or the next section that does not have dollar amounts.
- Hammler: I was suggesting priority future capital project, the estimated cost is listed and the status would be awaiting funding, which can include seeking sponsors, grants and any other number of funding sources.
Staff answer: The first list on page 193 is priority future capital projects. These are projects that Council has identified as very, very important to the town and should be completed as soon as funding becomes available. Estimated costs have been identified. On page 194, potential future projects are projects that the town is interested in, but actual dollar amounts have not been identified. Neither one is in the six year CIP.
- Butler: Just a couple of clarifications. The Vice Mayor, while I applaud her enthusiasm to maintain the six year plan, we have been told by staff that in 2021 funding is available so this would not affect the six-seven year plan. That is why we pushed the other project out to 2021 and we could have done the same thing to this project without affecting the plan that we put together. One clarification on Council Member Martinez' comment about the 1.5 cent tax rate. That does not apply. A million dollars in capital does not equate to a cent and a half on the tax rate. A cent and a half on the tax rate would be a million dollars in any one particular year. Yes, that would be one and a half cents on the tax rate, but a million dollar capital project over 20 years might be about \$50,000 a year, which would be less than a tenth of a cent on the tax rate. I just wanted to clarify those for people paying attention to the budget. Other than that, this is one of the top ten things that people in town would like to see downtown and have said it would encourage people to come downtown. Similarly, wider sidewalks is going to do that to a certain extent, but it is a different demographic. This is something that we've talked about before as to bring families down here. There is currently nothing downtown really that encourages families with small children. This would do that, so I'm encouraged to at least hope that this will get on the future items.

The vote to add \$462,500 to the future priority list for water features at Mervin Jackson Park was approved by the following vote:

Aye: Burk, Butler, Fox, and Hammler

Nay: Dunn, Martinez and Mayor Umstattd

Vote: 4-3

Council Member Fox proposed an amendment to the CIP to direct staff to set up a meeting with the School Board and the County with the aim of discussing the location of the skate park.

- Umstattd: I'm trying to think, Suzanne, how you can accomplish what you want to do.
- Butler: We have in the past had put specific constraints on construction or design/construction of a particular project – it can't start until a certain event is triggered. This is similar to that, only it's a little bit softer. I think if I can speak for Council Member Fox, perhaps a little bit out of turn – since the construction/design isn't supposed to start on the skate park until July anyway, a meeting within the next three months would be prior to the start of design and construction. It is kind of the same thing without being quite as restrictive.
- Fox: I'm not looking for a change in dollar figures. I am looking for a meeting to maybe look at the opportunity to be a little bit more fiscally responsible about this. I think there is an opportunity and I think it might help us to look at it.
- Martinez: If you would like to ask staff to do that before the design begins, I would be willing to support that.
- Umstattd: I can support a meeting with the county. I would not support delaying the start of this project.
Staff answer: If you are comfortable moving forward with the design as Mr. Williams spoke earlier, as part of the design there is an outreach component to the community of skate boarders themselves. An additional outreach component to the school board is not out of line. It all falls into the planners of the design and the outreach effort. I think we can simply incorporate that aspect into the conversation as Rich is going out and meeting with the public.
- Hammler: My initial reaction, although I appreciate where Kaj is coming from, I think the spirit of what – and I don't want to put words in Suzanne's mouth, but the intent of this meeting is to look at other locations. That is a very specific thing as relates to something that may amend the CIP moving forward, but in terms of as you pointed out earlier, it may increase the actual cost of the design yet may be able to sell the land in which case it just changes the spirit of how we make decisions on the CIP to move forward. So, Marty simplified it in terms of concurring with meeting but we would have to deal with the specific decisions when we get the details.
Staff answer: From a Capital Projects perspective, if the direction from Council is that we meet with the School Board and find out what alternatives are there – if it does become possible or practical to move the location, we could handle any change to the project as an amendment to the CIP after July

1. So, if there is a cost change or a scope change or something along those lines, it can be handled as an amendment to the CIP.
- Fox: I'm comfortable with that; however, at this point the discussion has been staff to staff discussion. I would like a school board discussion. I would like the attorney for the schools involved in this. I know there might be some potential liability issues. I'd like all bases covered. I'd like it properly vetted if possible and before we go on and just say "okay, we are going to go ahead and appropriate the funds and just renovate", I think there are different options out there.
 - Umstattd: It's really kind of hard. In order to make this a little bit neater, I would recommend we amend the agenda to allow you to raise a motion after we have voted on the CIP to ensure that Council directs staff to make that outreach part of their process. I can't support anything that appears to delay this project, but I have no problem supporting a motion to make sure part of the outreach includes the school board and their attorney. I'm not sure I can vote to amend the CIP on this, but I certainly could support you in a motion after the CIP is adopted to make sure that with this project we do have that additional outreach.
 - Butler: Would you allow that resolution as part of this overall agenda item?
 - Umstattd: I think we could. We could certainly bring it up right after as part of the agenda item. I just can't support something that risks delaying the skate park going forward.
 - Butler: I don't think there is that intent – I think she just wants that meeting before July 1.
 - Umstattd: I think the best way to accomplish that is to have a separate resolution after the CIP is adopted to direct staff to ensure that kind of outreach happens before July 1.
 - Butler: I guess my real question is, can we do that as part of this overall agenda item or would you want us to bring it up as new business and suspend the rules, because to do that we'd need a unanimous vote.
 - Umstattd: We could certainly – I mean I could support it either way.
 - Dunn: I think that we have a motion upon the table. To determine that the motion would be acceptable by legal counsel, that it does fall within the parameter, I would like to go ahead and second the motion so that we could go ahead and continue this discussion under proper procedures and I would like to offer a couple of friendly amendments – at least one that may fall in line with what you are looking to accomplish.
 - Umstattd: Right now, the motion would be to amend the CIP to incorporate that aspect, which is why I'm having problems with it being germane.
 - Dunn: What I was going to suggest is rather than it just be a meeting that we put in there what the meeting should address, which is to either seek an additional location or additional funding for the project and that be determined within three months, which should not delay. Should that not be accomplished within three months, the park continues to go on as scheduled July 1.

- Martinez: This CIP discussion is about capital improvements projects and funding. It is not discussion on how to implement them.
Staff answer: Right, the only problem that I have is it is the CIP with a project that there is going to be a conversation about where it is even located. I guess if we have done that before or if it won't delay the project...it's not what we've done before. That's my only trouble. I think that's what the mayor is thinking too, but it's not impossible.
- Martinez: Should that not have been included in the CIP before you ruled on it because we are changing – would we have to readvertise?
Staff answer: We are changing the language of the CIP, but I don't see that you would have to readvertise. It is just unorthodox. I don't think it's illegal. It is late and it is hard for us to wrap our brains around, but if it is like a trigger that we have done before, I don't have a problem with it.
- Burk: Wouldn't it just be neater to vote on the CIP and then do it as new business?
Staff answer: Yes, you could do it that way as well.
- Burk: I, like the mayor, am not interested in delaying anything. We've talked about it, we've gotten the public input. We got information from the staff of the school that they are not interested. I understand what Council Member Fox is trying to do and she has contact, obviously, with someone on the school board; but I'm concerned that this will delay things and have a negative impact on it and I want to make sure that doesn't happen. So, if it's cleaner to do it as a new business item, I would prefer we do it that way.
- Fox: There is an interest, and that's why I'm bringing forth this right now. I think there is a better option out there for us as opposed to just saying okay, go forth with the expenditure and not look at other options or possibilities. I don't see an issue with keeping the skate park. I think we've heard from the crowd that it is something that is wanted in the community. I see the benefit for it. But, I also think it can be done in a different way that could be cost effective for us.
- Dunn: I would also suggest – and that's why there is a kind of impasse as far as a friendly amendment or committing a motion, but again tying into the fact that we are looking for possible locations and funding from the county for this. I think bringing this up to speed, which is what Kelly did, they pointed out that this is a regional attraction – not just a Leesburg attraction. Once again, we are providing a service to Loudoun County and Leesburg taxpayers are footing the whole bill. So, if there is an opportunity to seek funding within three months in another location, I would request that we add that to the wording for passage of the CIP.

On a motion of Council Member Butler, the following friendly amendment, seconded by Mayor Umstatt, was proposed:

Add the words “and direct staff to set up a meeting between Council, school board, and Board of Supervisors by May 30 to discuss location and funding of the skate park”.

The amendment to the CIP resolution was accepted as friendly.

- Butler: That would not delay anything in the CIP. It would not affect the CIP directly at all. It would just direct staff to set up a meeting. If we have a productive meeting, then Council can take additional action, if they so choose. If they don't take any action, then they don't take any action, but at least we've had a meeting to discuss it with the two boards.
- Dunn: Going to the issue of the land, by having a meeting – pushing it off two months, wouldn't staff since this is going into the CIP that is going into effect July 1, doesn't that basically have them moving forward on a project without us even having a location?
- Butler: They are not moving forward on the project until July 1 because that's the start of the next fiscal year. So we have to have a meeting before then.
- Umstatt: Clarification of who will be invited – representatives of the School Board, Loudoun County Board of Supervisors, Town Council, and Parks and Recreation.

The motion to amend the adoption resolution was approved by the following vote:

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

Nay: Burk and Martinez

Vote: 5-2

- Martinez: This is not the CIP we started with. We've over complicated it. We've added things to it that are not funded. I just can't support it.

The FY 2016-2021 Capital Improvements Program was adopted by the following vote:

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

Nay: Burk and Martinez

Vote: 5-2

b. Amending the Zoning Ordinance Revisions to Definitions and Performance Measures for Office and Industrial Uses

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

ORDINANCE 2015-O-010

Amending Articles 6, 7, 8, 9, 11 and 18 of the Leesburg Zoning Ordinance to Update Definitions and Regulations for Office and Technology Land Uses

Council Comments/Questions:

- Dunn: When we initially sent this to planning, it seemed like we were looking to trying to get some answers to working with the wording of industrial. It seemed like the folks kind of go more on research. I think because of the current zoning issue that created all of this, it seemed like the Planning Commission and staff started looking at research type business

rather than just industrial and we still have the word industrial in the definitions. I was hoping that we could come up with a word that would not scare people so much in that they were arguing what industrial was. So, I appreciate staff and the Planning Commission's efforts on it. I'm going to support it although I don't feel it really went towards what we were trying to accomplish.

- Hammler: Is the motion to approve the resolution?
- Umstattd: This is an ordinance amending the zoning ordinance revisions to definitions and performance measures for office and industrial uses.
- Hammler: I know it's a big topic and we were planning to have an entire briefing. Are we having the briefing – shall I make comments on it or are we just moving forward to approve it?
- Umstattd: You can make comments on the motion, if you'd like to at this point. That's where we are.
- Hammler: Just appreciate staff's excellent work on what I think is pioneer work relative to how the whole class A office has shifted. It is a huge step forward making dramatic progress with things like embracing the Maker Movement and really being innovative as a town in terms of preparing ourselves. The restrictions are very reasonable and I think we are going to get a great deal of support and hopefully a real boost for economic development. Could you just confirm where we are with the O-1 and the question I've asked about that in terms of how we can bifurcate an entire zoning section? There may be a couple of sections that could be included to add it to the O-1 or call it something separate?
Staff answer: It is possible to do with the criteria and performance standards. It would differentiate where you want to allow office with some research component and where you don't. As long as you have a defensible position, which I think we could create a performance or use standard, then it could be allowed in office. That office change was not proposed in the ad for the public hearing and I believe would require readvertising.
- Hammler: That's the key point and then I can bring that up as necessary. We just want to make a slight amendment in the future for a couple of sections.
- Fox: I was privy to a meeting just to get some information on this and I felt very comfortable with what I've heard and I really don't have any follow-up questions.

The motion was approved by the following vote:

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

Nay: None.

Vote: 7-0

13. UNFINISHED BUSINESS

- a. None.

14. NEW BUSINESS

- a. National Day of Prayer's request to use the Council Chambers on May 7, 2015.

Council Comments:

- Hammler: I don't think we need to take this up because we passed a resolution when we did this last year that there would be no requirement for any group to officially have this voted on. It is an administrative decision based on the availability of the Council Chambers.
Staff answer: I do remember we discussed that, but I do not remember the outcome.
- Hammler: I remember a resolution. I don't think we need to vote on it.
- Umstattd: Do you have any objections if it turns out that this was not the case?
- Dunn: It may be administrative, but if someone comes to Council seeking that because there is a conflict, we should be informed of that.

It was Council consensus that there would be no objection to the National Day of Prayer using the Council Chambers.

15. COUNCIL COMMENTS

Council Member Dunn had no comments.

Council Member Butler mentioned the tree planting on Friday at 1 p.m. He passed out some Northern Virginia Regional Commission guides. He requested the Flower and Garden volunteers be scheduled recognition for the first meeting in May. He stated he had attended the funeral services for Chris Joseph, Parks and Recreation Commission member Jan Joseph's husband. He stated she is a valuable volunteer for the town and expressed his sincere condolences for Ms. Joseph and the family. He noted his microphone is not working correctly.

Vice Mayor Burk stated she attended the 110 Fitness Ribbon Cutting with the Mayor and Council Member Hammler in the Exeter Shopping Center. She stated the owner's story is quite inspirational and this business is a great addition to the economic vibrancy of the town. She commended Parks and Recreation for the wonderful job they did with the Ringing of the Bells ceremony, which was pulled together quite quickly. She stated it was very inspiring to be part of the celebration of the end of the Civil War. She stated she attended they also attended the _____ Hair Salon Ribbon Cutting. She congratulated all the officers that were recognized at the Valor Awards. She stated the Homeless Shelter is raffling off a quilt and will be having a health fair in May where the winning ticket will be drawn. The money goes to buy things the residents cannot afford. She stated the Girls Softball opening was great and congratulated the Loudoun Hunt for their successful Point to Point Race on Saturday.

Council Member Martinez expressed his condolences to the Joseph family. He stated the opening day for softball was very enjoyable. He stated he voted against the CIP because he felt they were adding unfunded projects to the list. He stated he cannot in good

conscience vote for promises to the public that are not funded. He stated he is happy it was passed and the skate park was funded.

Council Member Hammler disclosed a phone conversation on April 10 and ran into Bob Sevila on April 12 regarding the O'Connor property. She thanked Council for the support moving the new business item forward regarding the potential to get the 40 acres adjacent to the passive area of Ida Lee proffered to the town as part of negotiations and discussions over a possible boundary line adjustment or annexation. She stated that was the number one choice of the residents when polled about the Symington funds. She stated there is currently a land development application that would have by-right houses on a topographically higher elevation right over the passive area of Ida Lee. She stated she appreciates that the town will work hard to negotiate a win-win because that is one of the most important assets of the town. She stated she would like to comment on Council Member Dunn's final comments regarding the budget. She stated she was saddened that he specifically pointed out that some Council members may not be working earnestly on the budget. She stated she got good guidance regarding revenue that could amount to \$4.5 million that was a new source for fire and rescue that could have offset the \$650,000 that the town was committing. This would have had a substantial impact to the general fund. She stated she worked diligently to get all the facts. She stated she appreciated and understood the time and effort that Fire and Rescue took to come forward and explain this as part of the budget process. After understanding that there is some unpredictability with those funds, she felt very comfortable supporting fire and rescue. She stated it is very important for Council to get involved at the fire and rescue board level. She stated she is sorry that there was a perception that Council was not working earnestly and hard on the budget.

She stated she has a list of the great things that Council members participated in last week. She stated that Vice Mayor Burk highlighted a lot of them, but wanted to congratulate Melt, which was voted by MSN as the Best Burger in Virginia. She also expressed condolences to the Joseph family on the devastating news of the death of Mr. Joseph. She stated it was an honor to listen to the depth of friendship that members of the community expressed at his funeral services.

Council Member Fox stated she appreciates the budget which was very responsible. She stated she will bring up some sustainability issues that she has at a later time. She stated she will have to forgo the tree planting event at Douglass Elementary because she will be attending the second half of her Certified Planning Commissioner training. She stated she was privileged to attend the Valor Awards. She stated that the Love Your Neighbor, Feed Your Neighbor project is very near and dear to her heart because she was part of the inaugural committee for this project. She stated it is wonderful to see how all the different communities come together to support this.

16. MAYOR'S COMMENTS

Mayor Umstatted expressed her condolences to the Joseph family. She stated Mr. Bodmer also passed away at the end of March. She noted his wife, Joanne, was the long-time registrar for many years. She stated that she and Vice Mayor Burk were fortunate enough to attend the Pakistani Easter celebration at the Church of the Holy Spirit. She stated it was a wonderful experience. She stated the organizer drew a sharp contrast

between his beloved Pakistan where everyone is afraid to worship as they choose, and the United States where everyone has religious freedom. She said he asked everyone to bless America because if America falls, the world falls.

17. MANAGER’S COMMENTS

Mr. Dentler thanked everyone for their support on the passage of the budget. He extended his condolences to the Joseph family. He wished Council Member Martinez best wishes on the wedding of his daughter. It was noted that the Flower and Garden Festival is this coming weekend.

18. CLOSED SESSION

None.

19. ADJOURNMENT

On a motion by Council Member Martinez, seconded by Council Member Butler, the meeting was adjourned at 11:07 p.m.

Kristen C. Umstattd, Mayor
Town of Leesburg

ATTEST:

Clerk of Council
2015_tmin0414

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

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

Council Members Absent: Council Member Dunn arrived at 8:02 p.m. Council Member Martinez was absent.

Staff Present: Town Manager Kaj Dentler, Deputy Town Manager Keith Markel, Town Attorney Barbara Notar, Deputy Town Attorney Shelby Caputo, Director of Capital Projects Renee Lafollette, Assistant to the Town Manager Scott Parker, Director of Planning and Zoning Susan Berry Hill, Director of Public Works Tom Mason, Director of Plan Review Bill Ackman, Deputy Director of Public Works Charlie Mumaw, Zoning Administrator Chris Murphy, and Executive Associate I Tara Belote.

AGENDA

ITEMS

1. **Work Session Items for Discussion**

a. Food Trucks

Chris Murphy gave a presentation on the subject of food trucks that originally began in June 2013.

Key Points:

- Council directed staff to investigate allowing food trucks/carts in town.
- EDC with two members of the Planning Commission discussed on July 3, 2013. No clear recommendation was made; however, consensus was that restaurants and food truck owners should be included in discussions.
- Staff is seeking further direction as to whether Council wants to allow food trucks/carts on public streets, private property or both.

Council Comments/Questions:

- Butler: The EDC and Planning Commission were split?
Staff answer: EDC was split down the middle as to whether to recommend allowing this use. The only recommendation that was made was to be sure to include vendors and restaurants in discussions.
- Burk: If this goes any further, you definitely have to invite the restaurants. I can't imagine that any of the restaurants would be anxious for a food vendor in a truck that does not cost anywhere as much as they put into their bricks and mortar restaurants downtown. I think it would be a terrible thing to do. There might be some places outside the downtown that might work – like Cardinal Park or some place where you have construction going on. I personally am not particularly in favor of having carte blanche trucks anywhere they want.

We would have to be very, very careful where we would allow it and definitely do not want it downtown, as far as I'm concerned.

- Hammler: Thank you for the report and thank you to all who have contributed great ideas so far. I completely support getting input from restaurants. The other way of looking at it is restaurants may think of this as another delivery method for being able to expand their offerings in creative ways around town. When I've been at certain parks around town, sort of the buzz in conversation is "wouldn't it be great if we could at the dog park grab something to eat", because people spend a lot of time and it encourages socialization and getting people outdoors. I definitely look forward to vetting the issues, but I do think there could be some very positive benefits. Certainly another consideration, if we are open to the downtown is – I would think we wouldn't want too many food trucks just in terms of BAR issues and even just the architectural issue, but I'm sure we can't – all cars are allowed downtown, but I'm sure you can't pass guidelines as it relates to what a wheeled truck would look like, but that would be a consideration in the downtown. I would also be interested in finding out what other municipalities are doing in this area.
- Fox: I look at it from a different perspective. I just took a look at the zoning ordinance. You have permissible temporary uses for fairs, carnivals, farmers markets. There are certain businesses that do benefit from these food trucks. They are big with weddings and special events. I know that from personal experience, so I'd like to be able to add that to the zoning ordinance and also I would like to have input from the businesses as well. I'd like to see what they have to say.
- Mary Harper: This is the discussion we had almost two years ago with the EDC and the topic of food trucks came up and what brought it up is there is a vegan food truck that parks down at the farmer's market on Wednesdays and on Saturdays. It's a really great way to grab a quick bite and we did definitely make the delineation between that and the unsavory roach coach. It would not be anything like that. We thought about them being downtown, but not parked in one area all day long. It was a good way for young families rather than trying to take your little kids in a stroller and everything else into Lightfoot on a weekend or if they were here for a special occasion, to grab a quick bite and we definitely wanted to discuss with the restauranteurs in town, their feelings. I think it might be a mixed bag. Some of them might be totally set against, as they view it as more competition. It is also a way for some of the restaurants to do a lighter fare or a less expensive menu for young families. We looked at it as an opportunity to put feet on the street. That was basically the discussion, but we were going to take it to you, see what you guys thought and also get some input from the businesses in the downtown area and not necessarily limit them to downtown. They could be at the dog park, at the dog swim. I cannot tell you – at the dog swim because the snack bar is closed.

- Doris Kidder: I would just add that the spot that is east of town there was a barbecue truck – best barbecue that you’ve ever tasted. He is in Ashburn now because of our regulations. I think it is a shame to lose someone like that. I think that food trucks can add to the festivities of special events. It’s like the Flower and Garden show, it’s really great to have all those food trucks. I don’t think they hurt the local restaurants. I think it adds to the festivities of the town.
- Umstatted: I agree with Kelly. It is absolutely essential to bring the restaurants into any discussion. My concern with having either carts or trucks in the downtown is the impact on sidewalk access and street access because we don’t have very wide streets in the downtown and even though the sidewalk along King will be wider, if we are now filling it with food carts, it takes away some of the rationale most members of Council had for supporting the widening of it. I don’t know where they are going to fit and how much they might impede pedestrian or traffic flow, but it’s something that if the restaurants were supportive, I think might be worth looking at.
- Mary Harper: We did talk about that situation and we were leaning more towards the food truck versus a hand push cart getting on the sidewalks, colliding with strollers, running over pedestrians and hogging up what space is available downtown. It was basically food trucks offering different types of cuisine or possibly working in partnership for lighter fare from some of the current restaurants that are in town.
- Butler: I’m certainly in support of exploring this idea because for the most part I don’t see them in direct competition with most of the restaurants. The sit down restaurants, they take a while to serve you. I see the food trucks as more of a competition to the fast food places than I do the sit downs even though I’m sure that all the sit downs won’t want it. I would assume that. We have also had experience with carts. There has been ice cream and hot dog carts downtown on occasion for quite a while. So, I think we should move forward and explore what some of the actual ramifications are and I see that staff threw in some language to make us nervous like we won’t be able to capture meals tax or BPOL or any of that stuff. Let’s figure out how to do that. You know, it’s not an unsolvable problem because other places do it so we can certainly do it if we put our mind to it and follow best practices of other localities that are smaller and larger than we are. I think we should take some next steps and get some community input. Have a series of meetings perhaps and also talk to some potential vendors and look at what would be the best locations around town to do this because there are parks, weddings and other special events that are not directly related to the town. I don’t want them lined up along King Street, because there is not enough space. That would be bad, but there are a whole lot of other places where people congregate that wouldn’t necessarily be in direct competition.

Staff answer: It seems like the majority of the Council who are present would like to pursue this further. So, what I'm gleaning from this is that we will do some more research and come back in a few months after we have done analysis and gotten some feedback from businesses and restaurants and give you that information at that time.

b. Public Parking Signage Downtown

Scott Parker stated presented the item on parking signage in the downtown area.

Key Points:

- Looking for feedback as to whether the current wayfinding signage adequately directs people to parking.
- Wayfinding signage plan was approved in 2004 and any changes to the graphics would require an amendment through the Board of Architectural Review (BAR) and approval from Council, although a simple amendment would not require the BAR approval process.
- Signs could be altered to add the word "public" before "parking", which would be helpful particularly in the case of the Pennington and Semones lots.

Council Comments/Questions:

- Butler: This is definitely a move in the right direction. I would encourage staff to look at how few words can be put on the signs and how big the font can be made. For example, where it went from the big P to a small P that says public parking in town hall garage. Another option would be a medium sized P with parking after it. Option A, there is way too many words. I see no value in saying Town Hall Garage at this point. Who cares? Somebody coming through wants to find public parking and whether it is a garage or street or something else. So, I would not recommend option A. Option B, I think if you took the P, moved it down slightly, you could move it all the way over to the left and then you could make Parking a much bigger font and add Public above it. Then you have a big P and it says Public parking. That's in the sweet spot. The public parking on Option A is tiny print and easily missed. On existing Option A, Option B on the town hall garage. There is no reason to say garage, because it is obvious it is a garage. If you want to keep Town Hall there, I think that's not inappropriate, because we like to name our parking structures and places, but I think public parking could be a much bigger font. Use it all up – big. If all capitals looks better, great! Make it as big as possible. The next one, you'd have parking garage that's larger font. If that said public parking, I think it might be a little bit better. Again, down here under the existing Town Hall parking garage, if we change it to Town Hall Public Parking, I don't know what the value is of saying Town Hall there. If someone is looking for Town Hall, there should be

other signs that say Town Hall that a way. If it is parking, it is not a Town Hall Parking Garage – it is a public parking garage for all venues downtown. It just happens to be named the Town Hall parking garage, but every time you name it the Town Hall parking garage, there are going to be people that don't park there because they might think it's just for the town hall, like the county parking garage is. So, if we can get rid of the words Town Hall, I think that's an improvement.

Staff answer: The signs indicate where Town Hall is as well. Would you be amenable to having Town Hall/public parking?

- Butler: I don't care about the words. The more words, the smaller the font and we want to have big font. We have one of these signs where you have existing option and one is in front of the Tally Ho that says Town Hall information – got it. That's a Town Hall wayfinding sign. You don't have to have parking there, it's just Town Hall is that way so if somebody wants to go to Town Hall, that's where it is. We might want to keep those separate if possible. The big green P with the arrow – Purcellville has signs similar to this that say Public Parking. It's the same color scheme and basically looks the same with a small arrow. I think the last sign at the bottom are the signs actually at the lots. If you are at the lot and it says Pennington, Liberty or Semones, when they are there, but leading up to there, I think the biggest thing we have to remember is that somebody from the public – they want to know where to park. If it can say public parking as big as possible – that's our goal. This is a major step forward compared to what we have currently.
- Burk: I have no desire to add more signs. Changing the signs so that they all say Public Parking, is what I am interested in. People don't understand that they can park in these places, so the more you can have public parking on it, fine. How you design it – you and Dave can talk about it yourselves, but I'm just interested in making sure you have public parking on the signs that we have. We don't need to add more signs. We just need to make the signs that we have more clear and efficient.
- Hammler: I agree that the key word is public. The only other thing I would add is this is more interior to our garage. The biggest thing you see in the lower level is parking by permit only. I know we've tried to fix this, but we need to make it much more prominent that area is available for parking after 6:30 and on the weekends, because usually nobody goes down there and there is a heck of a lot of parking down there. If we could work on that as well, I'd appreciate it.
- Fox: I think the public parking wording is necessary. There needs to be uniformity throughout the town with that. I think the color scheme is tasteful. I think it's noticeable and I would like to keep it all one color as well. To go to some of those green and blue and white signs, I don't think it's necessary. I agree – I don't think we need more signage, just properly mark all the parking, whether it is free or not and have it say public.

- Umstatted: I would agree with most of what has been said. Keep the same signage coloring. I agree with Dave. Make a large P designating public parking. I don't think we have to put the name of the lot or Town Hall Garage on any signs. Just make sure it's a big P and public parking. I don't think you need to say Free after certain hours. You can do that inside the garage, if you want to. I don't think I disagree with any of the other Council members.
- Burk: What would be the cost of making these changes to the signs. Staff answer: It would depend on the number of changes and number of letters needed for the 17 existing signs and could be completed within six months.
- Gigi Robinson: Is there a parking task force dealing with signage? Staff answer: There is a parking task force that is not dealing with signage, because the direction has not been given for them to look at signage.

There was consensus of Council to move forward with these adjustments to the current signage.

c. Total Maximum Daily Load (TMDL) Program

Bill Ackman, Charlie Mumaw, and Renee Lafollette presented information about the TMDL program.

Key Points:

- TMDL is the pollution diet established in December 2010 by the Environmental Protection Agency (EPA) to limit the amount of phosphorus, nitrogen and sediment entering the Chesapeake Bay from the watershed.
- When it rains, run off carries phosphorus, nitrogen, and sediment pollution into the bay.
- Despite extensive restoration efforts for the past 25 years, insufficient progress has been made resulting in continued poor water quality in the Chesapeake Bay and its tributaries.
- The longer water sits in stormwater ponds, the more sediment falls to the bottom.
- The town was required to get an MS-4 permit in 2003 because of the size of the town and the amount of storm sewer outfalls throughout town. Because of the MS-4 permit, the town is required to comply with certain reductions in the amount of pollutants over a 15 year period.
- This will require construction of more holding ponds and make them more efficient.
- All new construction projects must meet the new criteria unless they were granted an exception by the state.
- Various projects have already been undertaken as part of permit renewal such as marking all storm drains and mapping the storm drainage system.

- Within 15 years (three permit cycles), 100% reduction target must be achieved.
- Loudoun County and Town of Leesburg have distinct and separate permits and programs.

Council Comments/Questions:

- Burk: Do we only use ponds?
Staff answer: No, there are other methods, such as rain gardens and bio-retention facilities.
- Burk: Who is responsible for maintenance of these facilities?
Staff answer: The way deeds are written today, if it is a storm water management facility on a commercial development, it is a requirement for the owner to maintain and report.
- Fox: Will individual home owners associations be responsible for maintenance?
Staff answer: All new developments have this written into the deeds.
- Burk: What will be in the reports that the developer or HOA submits?
Staff answer: They have to give pictures of how it is functioning and have either a professional engineer or somebody certified by the state inspect the facility.
- Umstatted: Have all HOAs been notified of these new requirements?
Staff answer: Yes, a couple of times.
- Burk: When I was at the County, they had just started to have these underground collection ponds. Some of them went through pockets where trees were planted and some were very large underground ponds. The discussion was who was going to end up maintaining those. I hope we don't get to a point where the town will have to pay to maintain different types of ponds or the filtering process.
Staff answer: There will always be some that the town will be responsible for because they come off of our right of way and are town facilities; but the current direction is to put the requirement into the deeds so that the HOAs and new businesses are required to maintain their own facilities. You are exactly right – those underground facilities are expensive to maintain.
- Burk: Are there any underground facilities in town?
Staff answer: There is one that is town responsibility at the airport. It was the only way to meet the BMP requirements.
- Burk: As I remember the discussions, it helps the developer achieve more density to have the stormwater facility underground. Are we covered that they would have to maintain it?
Staff answer: Currently, the way our regulations are written, yes.
- Umstatted: I have a concern about the assumption that homeowners are going to be able to afford to maintain any system. Right now, we get occasional complaints by townhouse communities and single family home communities like Beauregard Estates about maintaining private streets. We can argue that is what they bought into, but most people do

not realize what they buy when they buy into anything. So, now we are going to be expecting homeowner associations to raise homeowners fees to cover the maintenance of these. You see this in rural Loudoun. Communities will not put the money into maintenance of their package sewage plants. You will have homeowners in rebellion over the cost of maintenance. The council will come under tremendous pressure to take over maintenance of this. If we are going to have a rezoning that will require homeowners to take on higher and higher fees for the maintenance of this, maybe we shouldn't go for the rezoning because I don't think these communities will be able to afford the additional regulations. Have we given any thought to that?

Staff answer: That is a valid point. Staff's hands are tied because the way the state wrote the new regulations, they said if it is in our clearinghouse, the jurisdiction has to accept that type of facility on construction plans. Staff will look at Council to determine what they want to look at during rezonings.

- Burk: We are talking about new developments. Are we going to require developments that are already in place to change what they are doing?

Staff answer: They are currently grandfathered.

- Burk: So we are only talking about new developments that have not come on line yet. You are going to tell them they have to have this new system in place and they would be aware of it – during rezoning is fine with me.
- Umstattd: You can make people sign something that says they are aware of it, but they don't read it.
- Burk: This will be new so they will be thinking that their HOA fees are \$100, not realizing that a part of it has to do with storm water treatment. They will just know that their dues are \$100 a month.
- Umstattd: But that will drive up the dues significantly and if they have to take on the added responsibility of more and more restrictive regulations from the EPA and the state, the dues will continue to go up. That is when we will get calls for relief. I just wanted to clarify one more point. In an earlier discussion on this topic, there had been talk from our staff about the possibility that communities like Fox Ridge or Exeter will be hit by an additional tax to pay for this kind of project. That goes against the grandfathering principle. Have we now moved away from an additional tax as an option? I can't imagine a community doing anything other than rioting if we suddenly said you have a special tax assessment to cover TMDLs.

Staff answer: When I said they were grandfathered in, they would not have to go back and meet the new regulations themselves. They would not have to go back and retrofit any of their existing facilities. The second part of your question, is would they be responsible. There is a lot of discussion to be had in the future and that is do we create a storm district? Once you create a storm district, there is criteria that is in the

state code. I'm going to give you the 100,000 foot view. Everybody who is in the storm district would have to pay a pro-rata share based on the rooftop and imperviousness. There is a lot of ways to get there, but it would be spread over the district. It would be separate from the tax rate. Another way to go would be pennies on the tax dollar to go to public works for specific storm water related TMDL projects. Without really going too far out on a limb, there was some legislation that was passed a few years ago and the Town of Leesburg was instrumental in having this legislation passed and that is if the County goes to a storm district – and my hunch is they may – if they do, they collect that tax from everybody in the county including town residents. The way that legislation is worded, if they collect a storm district tax, that amount of money has to be turned back over to the town, so that could potentially be another source of funding down the road. Loudoun County has not done that yet. I don't know what their ultimate plan is for that. If I was speculating, I would say they likely will, but I don't know timing or if for sure they will.

- Umstadd: And you don't think that the fact that we have the donut situation is going to encourage them to be county-wide with their storm district excluding the towns. Dave has raised the point in the past – he is worried about us having to double pay for this. Is that a risk as you see it? Would we be included, potentially, in a county storm tax district.

Staff answer: I don't have the answer to that.

- Butler: First, we are going to have to hit 100% of our target sooner or later. Do we have a list of projects that we know of now that will enable us to hit that target?

Staff answer: In the CIP, we approved separating Tuscarora Creek into two pieces. One of those is the TMDL (creek restoration project) that has a price tag of just shy of \$1.4 million. The state has put in \$641,000 via a grant. The Chesapeake Bay TMDL project has a price tag of about \$2.7 million and we have grant funding of \$963,000. That is six ponds that we are looking at – Kohl's, Fox Ridge, Greenway, Stowers, Stratford, and Exeter.

- Butler: So, we will spend \$2.8 million to refurbish six ponds. Who pays for the maintenance?

Staff answer: The ponds the town currently has maintenance responsibility for, the town will continue to have maintenance responsibility for. Staff is still double checking and looking at deeds. There are two that the HOA's definitely have responsibility for. That is where when we do our easement negotiations, it could get tricky.

- Butler: If we are going to do a project on those ponds that will cause their maintenance costs to go up, my best advice would be to assume that we will be paying for all the maintenance costs. If I was in one of those HOAs, I'm sure I would object to paying more maintenance on a project that the town is requiring us to do.

Staff answer: This is a map of each of the ponds that we are doing and the drainage areas are colored that goes to each of those ponds. It gives you an idea of why we picked the specific ponds that we picked. Then Tuscarora Creek takes in a drainage area from Greenway to the undeveloped Leesburg South area.

Staff answer: In permit cycle 1, which we are in currently (2013-2018) it is estimated at \$32,000 per year. You can see by permit cycle 3, we are up to close to \$275,000 per year in maintenance costs. We plan to re-estimate those as we go through the design of each project because the maintenance costs will be solely dependent on the types of facilities we can construct based on the DEQ clearinghouse for the projects. With the projects that we build, we are building into each project a two year maintenance and warranty part with our construction contract so we can get a better handle on what is required for maintenance and take the construction costs for the contractor for maintenance and do a direct comparison what it would cost to do that with our own town forces so that we can get closer estimates. Right now, keep in mind that those are very preliminary numbers on a per year basis. These are current dollars.

- Butler: It is just over 4/10 of a cent on the tax rate. The county deliberately took us out of their responsibility for the MS-4. Their TMDL responsibility is the donut and our TMDL responsibility is the hole in this graphic. So, we will be spending a total of \$4 million more or less in capital projects and at least \$270,000 a year in maintenance to solve our problem. The county will be spending – maybe has already spent some unknown amount of money to clear the donut. So, again, I want to meet with the county as soon as possible to talk about how we are not paying for one cent for them to clear their TMDL problem out of the donut. Considering they deliberately took us out of there and it is not affecting us positively in any way by their TMDL projects in the donut, I would hope that they do not even have a legal justification to be able to charge us for what they are doing that is absolutely not part of the town. We need to solve this because the county is going to be spending a lot of money and we are going to be getting hit for one eighth of it if we don't say something about it.
- Umstatted: This will require some work by Barbara to find out what the legality of this is because if we have our own separate obligations because we have our own separate MS-4 permit, we need to understand could the county have chosen to take care of us as well or are we on the hook because we have a separate permit. I think we need to know the legal aspects. Dave raises a very good point.
- Burk: I would say there is some positive aspect to it – that the water we will be treating – and hopefully the water the county will be treating will be coming in cleaner and clearer and the water leaving the town will be leaving cleaner and clearer. That is the intent of this whole process. That is the positive aspect to it. When the developer comes in,

do they choose what kind of system they are going to put into place? So, they make that choice. Do we automatically approve it or is it by right? Are we able to say we would rather they have a pond or underground collection? How do we determine that?

Staff answer: The way the storm water regulations were written at the state level gives the developer 100 percent choice in what they use in their development as long as it is in the state's clearing house. Before a method goes into the state clearinghouse, the state has to test it to determine what percent of phosphorus removal is accomplished. Once that has been tested and documented, it goes into the Clearinghouse. Once it is in the Clearinghouse, it is free to be used throughout the state. A jurisdiction does have the right to deny any type of facility; however, in order to do that, we have to have just cause, back up information, and submit it to the state as to why it does not work in our jurisdiction and then the state may or may not allow that to be taken out of the tool box for our jurisdiction.

- Burk: This is certainly an important issue that is going to keep coming back to us. I hope that we do all realize that it is important and whether we have the county do it or we do it, it has to be done to try to correct some of the problems going on in our streams and the bay. We have some streams in the county that are dead. There is no aquatic life in the streams. There may be some in the town, I don't know. We tested some in the county and that's a pretty awful thing to say – that we have streams that have no aquatic life and no prospect of it until we clean them up. It is an important issue and it will benefit us in the end as a town and as individuals and as people who have streams going through the town. It is an important issue and something most certainly the cost of is going to be something that will dog us for a long time. If we can get the county to participate more, I have no problem with that, but I think we do need to recognize that this is an important program that we need to get behind one way or the other.
- Hammler: I was going to quote our petitioners from the Board of Virginia Knolls and that's exactly what they said referring to Tuscarora Creek that the creek is dead. To that point, clearly we need to work towards cleaning it up. That being said, I went back in the minutes and I was looking at what was going to be covered and my expectation, and maybe I misunderstood based on the previous discussion of asking for this particular meeting is that we would have the information tonight about the legalities and about cases of other towns and counties around the state to be able to help us understand as early as tonight what our ability is to request of the county that they take responsibility for the TMDLs. To me, that's a critical point that we accelerate getting that information. We need that information to be able to have a frame work to understand how we are going to move forward. We have had many general presentations before, so if we could at least understand when that information would be available – legal reference cases and other

municipalities around the state, that would be very helpful. Other aspects of this, I know that Susan Berry Hill and team will be looking at proffer guidelines for new development. For instance, I know that many of us have had the preview meeting about Crescent Parke and it was stated that they will have no impact on Tuscarora Creek. We, as council members, need to understand if a new development is coming on – do we have any legal rights to say “hey you are impacting Tuscarora Creek negatively” and/or at least accelerating how best to be negotiating for proffers. We probably don’t have time to change to the proffer guidelines when a couple of these rezoning cases come forward, such as Leegate, but we at least need to understand as a group that we should hopefully be consistent in stating as council members that we feel is important relative to our understanding and what our legal rights are.

- Fox: This is an important issue, but it is also an unfunded mandate. Was this considered in the budget cycle? Do we take this information that we have now and look outward a little bit...we did. Okay, what you came up with through 2021 – that was taken into consideration. That was my one worry, I suppose, with what you are saying as far as the tax rate and what could possibly happen to it.
- Umstattd: I think Katie raised a valid point. I don’t recall a staff memo saying that Crescent Parke would have no negative impact on Tuscarora Creek. I do remember that Virginia Knolls Community was under the impression that Crescent Parke would have a very negative impact on Tuscarora Creek and the whole TMDL situation. I don’t know where staff is on that particular question.
- Hammler: If I may clarify, that is what the applicant said in a meeting with two council members. It was certainly nothing I had seen in a memo form from staff. I’m just saying that the applicant is saying that they have no impact. At some point, we need some guideline in terms of what our legal rights based on how we determine who is causing the impact.
- Umstattd: Well, that would be very different if it was the applicant. Has staff taken a position on whether the applicant’s statement is accurate or not.
Staff answer: We are still in the process of looking at it. Anytime you have development, you always have some impact. In my personal opinion, I don’t think you can ever say it doesn’t have any adverse impact. So, you want to minimize it as close to zero as possible.
- Umstattd: There are other questions that come up, but I’ll bring them up later with you guys. I would just say that according to various water reports that have come out, the Potomac is cleaner than it has been in a long, long time. I personally feel that we are being penalized for all of that sludge that is coming out of Pennsylvania. I have a sense that we are going to spend hundreds of thousands of dollars here that will have

almost no noticeable impact because other areas are polluting the Chesapeake far more than we are, but that's just a personal feeling.

- Burk: Does Pennsylvania have to follow these TMDLs?
Staff answer: Yes, portions of Pennsylvania, Maryland, Delaware, DC, New York, West Virginia.
- Butler: Just a few things. I think the beef with Pennsylvania, though, if you look at the vast majority of what is coming into the bay and causes the pollution is farmers in Pennsylvania and farmers are not getting hit nearly as hard as towns like us. So to that extent, the towns, rooftops and roads are carrying the lions share of the dollars but yet it is the farmers – it is primarily Pennsylvania, because that's where most of the farmers are that the water drains into the Chesapeake – they are not paying nearly as much compared to the pollution they are causing. But two other quick points – to Suzanne's point, while it is nice that we talk about how we are cleaning the bay and we really need to get behind this, we don't have a choice. We have to get behind this. It is not optional otherwise we could get fined zillions of dollars every two seconds. I forget the details, but it doesn't matter. It is a whole lot cheaper to spend the \$4 million to fix it than it is to accept the fines that would come from DEQ. So, we need to do that. To Katie's point, I hope that this agenda item was not based on what I had asked for because this isn't what I asked for. I asked for something specifically that we need to figure out a game plan to give to the county. This was a nice general topic, which we've had before. Suzanne hasn't had this kind of a presentation, I don't think, but we really need to have a staff memo and a discussion of how we take this to the county and it should be soon.
- Umstattd: We talk about development creating more impervious surfaces. Our regulations have largely encouraged or mandated that. You are not allowed in many cases to have a driveway that is pervious – you have to have asphalt. What are we going to do with our ordinances to allow people to create more pervious surfaces on their property.
Staff answer: That's a good question. Some of the things we are looking at is when you look at pervious surfaces, there are several kinds. You can help in one area and create a problem in another. You go with straight gravel that tends to wash down into the storm drainage system and build sediment in the pipes and carry itself into the streams and eventually into the bay. There are other things out there. This is pervious concrete that is available. Normally when you think about an asphalt driveway – the water runs right off. With pervious concrete, the water runs right through. That is an option that is available today – we have seen it on some of the rezoning applications that have come through – Jerry's Ford, Leesburg Toyota, and some others. We are encouraging that. We don't have to mandate it, because the new regulations encourage this type of development. It is more expensive

and when you add construction dollars to a developer, they ask what else can we do – can we buy credits. The state says you can, but there are things that go into that as well. It is a mixed bag – we are encouraging that to the extent that we can. There are challenges. We do not use that on our town construction projects. The soils in the area are not good for permeable pavement – clay does not tend to let water through so it is hard to get the percolation and drainage through the soil. The other part is it drives our maintenance costs up using this in the right of way. It changes the type of materials you can use for ice removal and general maintenance so you don't damage it. Salt or sand will clog the pores.

- Doris Kidder: If I am not mistaken, the parking lot at the new Potomac Crossing Park is pervious and is very nice. You should go see it.

2. **Additions to Future Council Meetings**

Council Member Butler: stated she was hoping that tomorrow Council could vote to allow him the option of remotely participating in the Council meeting of May 12. He stated he would also like to explore the idea of mini-traffic circles with staff and then have them generate a memo about the possibility.

Council Member Hammler: Asked Council's permission to bring forward a plan for a Youth in Local Government Day in the fall in conjunction with Morven Park's Civics Program for seventh graders since the County does Juniors and Seniors. She added that it would be a nice way to collaborate with them as kids are learning more and more about civic education. She stated she would like to meet with staff and have it added to a work session for discussion. There was consensus to add this to a work session to prepare for a fall event.

She further observed that the County has their big feedback sign by Belmont Ridge that states "Drivers, please be aware of pedestrians and bikers" and in big letters right before the Harris Teeter. She suggested a similar sign for the bypass to alert drivers to pedestrians and bikers up and down between Battlefield, Fort Evans and Edwards Ferry. It was suggested that this go before the Standing Residential Traffic Committee because they recommend placement of the feedback signs but there was no consensus as to disposition of this item.

She also noted that the minutes have changed and was curious to know why and how those changed. She further noted that she may be interested retroactively changing minutes that were approved in March. It was noted that the minutes are managed by the Clerk according to comments made by Council. The state code only requires a summary of discussion, those present and the results of the votes.

Fox: Would like the Hershey's Shake Shop Ribbon Cutting, scheduled for 10 a.m. on May 1 added to the Council's Invitations list.

Mr. Dentler noted that the meeting with the School Board and the County Board of Supervisors is the quarterly pre-scheduled meeting between those bodies, but it is scheduled on June 4 at 4 p.m., which is after the directed date of May 30. He asked that Council assign three members to attend. Vice Mayor Burk and Council Members Fox and Hammler were assigned to attend. Council Member Butler stated the purpose of the meeting was to see if moving the skate park to Douglass or another location is a viable alternative and the intention is not to decide, but to find out if there is interest in relocating it. He stated he is assuming that the representatives of Council will be interested in exploring these options. Council Member Dunn stated he would like to have a work session discussion to ensure that Council representatives are representing the majority view of Council. There was consensus to a work session discussion. Staff will provide a lay out of the Douglass site and provide information regarding the discussion points for the June 4 meeting.

Ms. Notar apologized for not having a memo regarding the TMDL costs and cost sharing. She stated it will be completed as soon as possible. She noted that Senator Herring sponsored a successful bill that would allow towns to receive any money raised through special tax districts.

3. Adjournment

On a motion by Council Member Butler, seconded by Council Member Fox, the meeting was adjourned at 9:21 p.m.

Clerk of Council

2015_tcwsmin0427

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

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

Council Members Absent: Vice Mayor Burk.

Staff Present: Town Manager Kaj Dentler, Deputy Town Manager Keith Markel, Town Attorney Barbara Notar, Assistant Town Manager Scott Parker, Chief of Police Joseph Price, Captain Carl Maupin, Lieutenant Chris Tidmore and Clerk of Council Lee Ann Green

AGENDA ITEMS

1. **CALL TO ORDER**

2. **INVOCATION:** Council Member Butler

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

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

5. **MINUTES**

a. Special Session Minutes of April 13, 2015

On a motion by Council Member Martinez, seconded by Council Member Butler, the Special session minutes of April 13, 2015 were approved by a vote of 6-0-1 (Burk absent).

b. Work Session Minutes of April 13, 2015

On a motion by Council Member Martinez, seconded by Council Member Butler, the work session minutes of April 13, 2015 were approved by a vote of 6-0-1 (Burk absent).

6. **ADOPTING THE MEETING AGENDA**

On the motion of Council Member Martinez, seconded by Council Member Butler, the meeting agenda was as presented, by the following vote:

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

Nay: None

Vote: 6-0-1 (Burk absent)

7. **PRESENTATIONS**

a. Resolution of Respect – Robert J. Zoldos

On a motion by Council Member Hammler, seconded by Council Member Butler, the following Resolution of Respect was approved:

RESOLUTION OF RESPECT

Robert J. Zoldos

WHEREAS, Robert J. Zoldos passed away on February 7, 2015 after leading a life of exemplary service to the public; and

WHEREAS, Mr. Zoldos spent most of his life in the service of others in many capacities including a long career in air traffic safety with the Federal Aviation Administration; and

WHEREAS, he further served his community as a volunteer firefighter, treasurer, president, assistant chief, and chief of the Leesburg Volunteer Fire Company; and

WHEREAS, desiring to make a difference in the quality of life for his family and neighbors, he also served as a member of the Leesburg Town Council from July 1, 1998 until June 30, 2006; and

WHEREAS, he was also an active volunteer with Central Loudoun Little League, serving as a coach, manager, umpire, and president, thus touching the lives of many of Leesburg's youth; and

WHEREAS, he was a devoted husband, father, and family member to Kay, Robert, Jr. and Thomas as well as a large, extended family.

THEREFORE, RESOLVED the Mayor and Town Council of the Town of Leesburg in Virginia hereby extends their sympathy to the Zoldos family and ask that this Resolution of Respect be spread upon the minutes of this meeting and that a copy be given to his family.

PASSED this 28th day of April, 2015.

- b. Certificate of Recognition – WhichWich Franchisee of the Year
On a motion by Council Member Hammler, seconded by Council Member Butler, Leesburg's WhichWich was recognized for achieving WhichWich's Franchisee of the Year award.
- c. Certificate of Recognition – Melt, MSN Best Burger in Virginia
On a motion by Council Member Hammler, seconded by Council Member Butler, Leesburg's Melt was recognized for being named MSN's Best Burger in Virginia.

d. Presentation – Loudoun Farm to Fork
Miriam Nasuti gave a presentation about the upcoming Farm to Fork event that links local farmers with local restaurants to support locally produced food.

e. Keep Leesburg Beautiful Challenge Results
Kaj Dentler reported that the Council picked up 1420 pounds of trash and staff picked up 3240 pounds of trash, both significant increases over last year's numbers making the real winner the Town of Leesburg and its citizens.

8. **PETITIONERS**

The Petitioner's Section was opened at 7:53 p.m.

Gwen Armstrong, 304 Patterson Court, NW. "I head the Bible Reading Marathon, which is starting Saturday and so I just wanted to say thank you to Madam Mayor and the Town Council. This is our eighth year. It is an exciting time. People from all walks can come and read and participate and it is a good time had by all. I would just like to invite each one of you to come out when you have a moment and participate."

Mayor Umstattd noted that the Bible Reading Marathon starts Saturday, May 2 at noon and will run through Thursday.

The Petitioner's Section was closed at 7:57 p.m.

9. **APPROVAL OF THE CONSENT AGENDA**

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

a. *Deeds of Dedication for Public Right of Way from Town-Owned Parcels*

RESOLUTION 2015-048

Authorizing the Mayor to Execute a Deed Dedicating a Portion of Lot 2, Subdivision Waiver Plat on the Land of the Town of Leesburg, Virginia PIN 233-16-9971, and All of Lot 1, Block 1, Meadow Brook Farm Estates, PIN 233-16-1562 for Public Street Purposes

b. *License Agreement Between Northern Virginia Regional Park Authority, Leesburg Acquisition Partners, LLC and the Town to Cross the Washington and Old Dominion (W&OD) Trail*

RESOLUTION 2015-049

Authorizing the Town Manager to Execute a License Agreement Between the Town of Leesburg, Leesburg Acquisition Partners, LLC and the Northern Virginia Regional Park Authority to Allow Town Utilities to Cross the W&OD Trail

- c. Approving a Contract for Mural Artist

RESOLUTION 2015-050

Approval of Agreement between Town and Artist for the Parking Garage Mural Project

- d. Remote Participation – Council Member Butler

MOTION 2015-006

I move to allow Council Member Butler to remotely participate in the Council meeting of May 12, 2015.

The Consent Agenda was approved by the following vote:

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

Nay: None

Vote: 6-0-1 (Burk absent)

10. PUBLIC HEARINGS

- a. Amending the Leesburg Noise Ordinance

The public hearing was called to order at 7:59 p.m.

Scott Parker gave a brief presentation on the changes proposed by Council Member Butler to the noise/sound ordinance:

- Two types of ordinances in Virginia
 - Decibel based
 - Per Se (plainly audible)
- Current ordinance is Per se (plainly audible) and is being enforced.
- Decibel based ordinance requires a decibel meter, training in use, and uniform standards.
- Decibel based ordinance can be harder to enforce, but not in all cases.
- Plainly audible standard means you can hear it or feel it.
- Excessive noise is any sound that can be heard and is disturbing.
- Proposed decibel limit would be 55 dbA or dbC at night and 75 during the day.
- DbA is the most common method of measurement. DbC, is a measure of sound that equates to vibrations (bass) tones.
- DbA is recognized by courts as the standard.
- Measurement is taken at the property line or inside the structure.
- Extreme sound is any sound that exceeds OSHA standards.
- Registration permit for amplified music would be eliminated.
- Amplified sound is not allowed after 8 p.m. currently.
- Proposed ordinance contains a temporary exception permit, which will allow special events.
- Permit would not be used for outdoor restaurants or regularly occurring events.
- Violations are currently a class II misdemeanor. Proposed ordinance puts first violation as a class IV misdemeanor, which is a lower grade.

Council Comments/Questions:

- Butler: Comparisons between proposed and current ordinances are very interesting. The idea of the ordinance is to try to simplify the entire thing and have the different sounds subject to the same hours as everything else and have as few exceptions as possible. I started out trying to say what if there are no exceptions at all to any of this and worked with staff and staff showed that there are other laws that cannot be violated. Those have to be exceptions and there are some things that just won't work without exceptions. We got something that is as simple as it can be made. All modern sound ordinances are moving to decibel based. They are objective and not subjective and I think in most cases here this is an improvement for residents. There is a couple of areas between 8 p.m. and 9 p.m. or between 8 p.m. and 10 p.m. that currently amplified music is not allowed at all. This ordinance would allow that at whatever decibels we end up picking for the daytime. Whereas, on the flip side, amplified music, if it is registered, can be pretty much any volume from 10:30 a.m. to 8 p.m. Whereas, this ordinance limits it to the same decibel level as everything else. It is simpler, where everybody else is pretty much headed, easier and better to enforce. I think it's the direction we need to move instead of the confusing ordinance we currently have.
- Dunn: A couple of comments and a couple of questions. From looking at this, there would be no registration process if somebody or some business wanted to go above the decibel level you are proposing, is that correct?
- Butler: There is a permitting process. The registration process is an administrative process only. The permitting process is something that is designed for special events. There have been some churches sponsor weekend concerts. Obviously, those would exceed the ordinance limits, especially at night, so they would need a permit. That is what the permits are intended for.
- Dunn: And you are only looking at two permits allowed per year?
- Butler: No. There is no specific limit, but it is intended only for very special events – not recurring items. Not for outdoor music at restaurants.
- Dunn: One thing we may want to consider with it is something that falls in line with some of our other special event permitting that we have whether it be for tents – aren't special events limited to six per year and they cannot be within a certain time period of each one – you can't have consecutive special permits. There has to be a gap in time.
Staff answer: That is correct. It is in the zoning ordinance. I don't know the exact number. Business essentially have a set number of special events and they can't be within a certain amount of time of each other. Village at Leesburg does it.
- Dunn: Should we decide to go down that permitting path, we want to be consistent. We may want to have that in line with other types of permitting that we have. On Page two, I would recommend striking activities at schools because those activities at school is redundant as it would already fall in activities on government properties, unless you are talking about private schools.

- Butler: That is actually a good point. The only reason we ended up with an exception for schools is that there are school activities - sports games during the week that may go past 9 p.m. So, that becomes difficult to deal with. If something goes into extra innings and it's past 9 p.m. – what do you do?
- Dunn: So, that's why you are allowing schools to be any volume at any time.
- Butler: It was a hard fought battle won by staff on that one.
- Dunn: That may be something we want to revisit also only because you could have private functions held at schools if somebody was able to go to the county and get a private function and all of a sudden they are able to have noise at any time. The other two issues I had were under Fire, Burglar and Vehicle alarms, I'm a little concerned with allowing that to be allowed at any volume at any time. Under the current noise ordinance, there is a 30 minute cut off. I might like us to consider a possibility of those types of alarms having a time limit rather than being allowed to go on forever.
- Butler: There is something that staff did. The actual language in the ordinance is slightly different than that and I forget exactly what they did to address that.
- Dunn: Then, the last thing I had deals with the sound volumes deemed hazardous to one's health and then below that it says "note, any volume means up to not exceeding levels deemed harmful to an average person's health". There are probably experts out there who would say almost any sound could be hazardous and that's a little ambiguous. Almost anyone could deem something to be hazardous to their health, so that's a little iffy.
- Butler: That note only applies to the current noise ordinance. The proposed ordinance includes the extreme sound, which uses the OSHA guidelines, which is what people typically use for sound that is injurious to your health.
- Dunn: Are we going to have a copy of those guidelines in the ordinance?
- Butler: I think in the ordinance, it has a reference to it.
Staff answer: In the definition of extreme sound, it references the OSHA standard.
- Dunn: Do you know where that is in the packet? What I'm saying is that we don't know what the OSHA standards are. We are just referencing it. In essence, what I'm getting at is, is somebody who is upset with the noise could claim that it's harmful and that the OSHA standards are below the decibel levels that we are setting. So, do we have those standards available as part of the ordinance. Do we know what that is tonight?
Staff answer: The town uses that standard for our requirements for hearing protection. It is the adopted standard.
- Dunn: The only reason I mention it – if we do adopt the decibel level and OSHA's levels are lower than that, then that rule would usurp all others. Anybody could claim that its harmful to one's health based on OSHA standards. The only other thing I was going to suggest that should we go with a decibel level, we may want to consider that sound needs to be sustained for a certain period of time. In essence, that whether it is two minutes, one minute, three minutes – if somebody has peaked a certain decibel level that they are not found in violation because they peaked that for

three seconds, but that noise has gone on for a certain period of time and therefore they have violated the ordinance. It also would demonstrate they are definitely pushing that decibel limit by having it a sustained period of time. I would recommend two minutes, but whatever Council might want to consider on that.

- Butler: There is nothing in the OSHA standard that is less than 90 decibels. I don't think anybody would want to have a standard that was higher than 90 decibels.
- Dunn: I agree.
- Martinez: I do appreciate the effort, but I'm concerned that the testing in the garden was not realistic. I would like to know if any petitioners know what 65 db sounds like from their back yard or what 75 sounds like from their backyard. I have yet to see us go back and do some real time testing. I would not be comfortable with the 75 db, if we don't know what it sounds like in the neighborhoods from the business. Not only that, in the nighttime, I would like to see it revert back to plainly audible so we have a high grade of both where the businesses have their decibel level set during the day until 9 or 10 o'clock, but after that it reverts back to plainly audible where the residents have some control over noise issues. I would not be supportive of voting tonight until I get some real time testing to let the residents know what 65 db or 60 or 75 from their backyard from the businesses. Who knows – they may be comfortable with 75 where we don't know because they don't know what 75 is from their back yard. Those are questions that I need to have answered before I can vote for noise ordinance at 75 db. The other alternative is we could start at 60 and maybe progressively increase it 5 db as a test to see how it impacts the residents. That way we could slowly bring it up to a db that is comfortable for both the businesses and the residences.
- Hammler: I'm looking forward to hearing from our petitioners this evening. I appreciate your coming out. I'd like to say it up front that also I am not comfortable voting tonight, primarily because we had thought two members of Council would be absent and I believe the word got out to a number of people that we probably would not be voting tonight. So, for that reason alone, I would prefer that we postpone this. I certainly support Marty's points. Based on what's written in the proposed resolution, we would not even be implementing it until next January, so I don't think there is any urgency from a town perspective. I did just want to say that I appreciate that Dave looked into and researched the dbC measurement, which is innovative in that it provides a measurement of the bass tones, which I know we've all be concerned about as we are kind of grappling with the different types of music and deaf children that can literally hear the booming of the sound. That was helpful. I also appreciate that we will be looking at what I think was something that needed to be fixed which is that if somebody came for registration for an amplifier but the expectation was that they could blast at any decibel level or any sound level and I don't think that should be the expectation ever, so I'm glad that we will try to fix that. So, at this point, I want to ask a couple of questions so we can turn to listening. What decibel is equivalent to plainly audible?

Staff answer: I do not know the answer to that. It is subjective to ambient noise and since plainly audible is what disturbs you, that means different things to different people. It is subjective. There is no decibel equivalent to that.

- Hammler: The other question I have relates to the new enforcement in terms of the class IV moving up to class III and then class II. In a hypothetical situation, if there is a manager of a restaurant, is the person who is the manager at the time of the complaint the person who gets this violation or is it assigned to the restaurant? The reason I'm asking this question is presumably there is turn over with management and if it was a new manager that comes on yet there is a consistent problem relative to new managers getting the new violation, I'm a little unclear how that would work.

Staff answer: The simple answer to that is under our current code, it could be any number of people being held responsible. It could be the person generating the noise, i.e. the DJ or the band member or it could be the facilities manager, restaurant manager, etc. Our policy is we try to go after that person because that's the person that controls the overall environment.

- Hammler: So, it is an individual who may or may not be continue to be employed at a particular restaurant and a new person may come in and the problem could persist.

Staff answer: That's why we use a 24 hour window in determining whether there are repeat offenses at that location.

- Hammler: I'm even saying like two months later they could get another violation. Just a thought relative to some of the complexities of determining who gets the violation or at least thinking through how we need to state that in the ordinance. I also would appreciate just clarification for the impact on town-wide events such as First Friday. Are they naturally exempt, or are they not?

Staff answer: It is the intent to have government sanctioned, government sponsored activities exempt from that for a period as defined.

- Butler: First Friday would not be exempt in my intention in the ordinance. It's a recurrent event and it is not town sponsored, although it is town blessed, so it would not be exempt. I don't think there is any reason to exempt it. There is no particular need.

Staff answer: The Flower and Garden Show, Fourth of July, etc. Those are different.

- Butler: First Friday is not only First Friday, but if First Friday turns into all Fridays and Saturdays, which would certainly make it more vibrant downtown, it certainly would not fall under a special permit.
- Hammler: That may need to fall under Marty's point about actually testing because I don't want there to be any unintended consequences. This is something that benefits all businesses. The expectation has been voiced in terms of knowing exactly when the music is going to end. Obviously that is a concern and/or something we should test prior to determining the answer on that. Then, my last question is we all know that music has variation in terms of decibel levels, so how do we determine what length of time that we are

measuring with the meter to come to this average decibel that would one would ultimately be in violation of?

Staff answer: There is an expectation from the prosecution that there is a length of time that is defined but I haven't seen any of those enumerated in ordinances. They may exist, but I haven't seen a length of time. What you do have, as far as evidentiary purposes, you will have a logging sound meter. That is what is required for evidentiary purposes. They are very sensitive and have calibration, etc. It is anticipated that there will be a sustained length of time. What exactly that is, has not been fleshed out yet.

- Butler: Most of the ordinances that have decibel based, specify what the meter will be in the slow response mode. Now, whether the courts require a certain length of time or not, that is something that is past the legislative stage. You can even test it. If you use the meter on your iPhone, if you set it at the default and you talk or play music, you see the response go up and down like crazy whereas if you go into the setting and set it for five samples a second instead of 100 samples per second, you will see it becomes much smoother. That is what the meters do. It gives a more realistic measure of the average decibel level.
- Hammler: I guess what I'm driving at is a hypothetical situation – somebody comes in and measures something over a five minute time period. So, something starts and stops. It's not bothering anybody versus something that's going on for an hour. I think we should get some legal guidance on that if there needs to be anything written in the ordinance.

Staff answer: I would argue that even with the plainly audible standard, police get called and they could come out and noise could be happening that's plainly audible for a period of time, but once they get there they may or may not hear it.

- Hammler: Well, if it's going on for an extended period of time, it's probably what we are trying to drive at. That it's something that hasn't gone away. We are trying to get to a better state relative to how we are measuring. I would appreciate more guidance on that.
- Fox: During the power point, you had a point where you said it was harder to enforce a decibel based ordinance. Can you explain that a little bit?
Staff answer: Some of it goes back to what Council Member Hammler stated. A lot of jurisdictions have different decibel standards for different districts. It becomes a matter of complication.
- Fox: How many complaints at the plainly audible standard have you received and were there any resulting actions with these complaints?
Staff answer: The Police Department provided a print out that shows that between August and December, there were 13 noise complaints downtown. The rest of the town had a 185, or a total calls for service of 198 for noise related complaints. There is no break down of whether they are business or residential related. For the first three months of 2015, we had a total of 53 complaints. Of those, 22 have been loud music, 31 have been loud noise. Of that, four have been in the downtown area. The vast majority (25) have been in high density residential areas throughout the town.

- Fox: Nothing has been taken to court?
Staff answer: None of the loud music. Some of the loud noise have summons cases pending. Those are more neighborhood-type disputes, not music cases.
- Fox: What do you see as limitations to the proposed decibel based ordinance, as opposed to the plainly audible that we have right now?
Staff answer: I haven't taken it to that level. Both types of ordinances are enforceable and they are both utilized.
- Fox: I have a few concerns about the boundaries because they are so different for different dwellings, but the last question I have is about the meters. I know that really hasn't been addressed yet, but I know that there has been some talk about the cost of the meters and I was wondering if you could do into that a little bit and what the cost entails.
Staff answer: As with many things in government, there is a specific standard set forth by the Code of Virginia as to what is required. Section 2.2-1112 sets the standards required for a number of different types of equipment. As a component to that in January 2014, the Department of General Services in the Commonwealth of Virginia distributed their directive entitled Data Logging Sound Metering Devices and set forth specific requirements that sound metering devices must have for use by enforcement within the Commonwealth of Virginia. So, based upon that, we did a very quick Google search for sound meters that would meet the standards and are used by law enforcement for decibel enforcement. As such, that is the dollar amount that you saw in the staff report – approximately \$2500 per kit. The kit includes the meter, batteries, charger, thermal printer necessary for recording the data logging. I think it has to have an internal memory of 15,000 events, etc. I can't tell you if there are others out there that meet the standard that are cheaper. We could certainly look at that. If this particular company is on the Virginia Contract list, that is probably the direction that we would look at.
- Fox: If we were to go with the decibel based standard, how many of these meters would we be utilizing?
Staff answer: We could get by with three, but I'd recommend four since there may be calibration times or equipment repair times, etc. We would probably want two on the road at any given time.
- Fox: Would they be staying with a same officer or would they be checked out?
Staff answer: The officers would have to be specifically trained, but it would be rotated among shift officers as many of our pieces of equipment are so that there may be officers on each shift that are trained. They would check it out, check it in as we do with AEDs and that type of equipment.
- Fox: What is the anticipated replacement – the life of the meter?
Staff answer: I really can't give you a definitive number on that. I would base upon some of our other equipment – radar, laser units at about five years. Having not used them, it is just a guess.

- Martinez: I think five years is a very conservative estimate. The other thing about it is there has to be a calibration schedule and calibration costs and you have to send them out to be calibrated. You haven't investigated that yet?
Staff answer: No, sir. We haven't.
- Umstatted: I'm not at this point inclined to support this. I think 75 decibels is way too loud, especially when the proposal is to allow noise at the level of 75 decibels to cross a residential property line or to be heard through the wall of an adjacent apartment. You will not be able to hear yourself think much less be able to converse with a member of your family if that is the noise you are going to have to put up with until 9 or 10 at night. I am not persuaded that this is a good move.

Teri Simonds, 404 S. King Street. "I really appreciate all the work that everyone has taken to continue to work to resolve the excessive sound issue. Your efforts are really appreciated even though it seems like it gets contentious a lot. So, the purpose of the sound ordinance is to preserve the peace and it has been implied in work sessions and in conversations out and about that the current sound ordinance is deleterious to economic development. Sound ordinances should not be tied to economic development and growth. It targets small businesses that want to play outdoor music. The other point I would make is that the old and historic district buildings which contain both residences and businesses are very close together. At that proximity, the proposed 75 dbA/dbC level will still be too loud as was experienced during the sound level demonstration that was held in 2014. Residents do have a right to enjoy their property in peace and those residents who are closest to the businesses that are doing amplified outdoor music, they can't. I live pretty far away and during the summer of 2014-2013, a quarter mile away, I could not sit outside without hearing music. I could not be inside with my windows closed without hearing every word. So, with the development that is going on with new restaurants coming in, with proposed outdoor venues, I have a concern about the sound overspreading the town. Sound travels differently. It is blocked by buildings. If you are on top of a building, it is going to get dispersed. So, I urge Council to consider lowering the 75 decibel level to 50 or 55 during daytime hours and go to plainly audible and disturbing during nighttime hours."

Stanley Caulkins, "I'm here as a friend to everybody. I would like to see as much medium ground taken by everybody in this idea. Some said a year ago the town put requirements on the Lightfoot for their hood that was vibrating too much. I know they spent a lot of money putting a damper on the hood of that thing, but that was a constant noise that you could have gotten used to, but you have to compare that to some of these other things. I live at 102 Morven Park Road, S.W. Seven tenths of a mile from my house to the stop light and I can hear the music at my house. Most of the music you hear is the amplification of the bass and the drums and whatnot. You don't really enjoy any of the music, because it doesn't get that far. There are areas of town that have blockages. For instance, my brother lives on the other side of the hospital, but he has that great big hospital and he has the two million gallon water tank that's a buffer zone, so he doesn't even know you've got music downtown. There are considerations. You know I've served in the Old and

Historic District for the Town of Leesburg and I don't know whether the Old and Historic District has a say in this or not or if anybody asked them. If you set a rule on a piece of paper that says it can't be above this decibel, that decibel –you will drive the chief of police crazy running around trying to see where it is, where it isn't and it's going to be gone before he gets there. You'll never be able to police it. That's why we have to spread calm on everybody and make this attempt to keep our town in a little bit less noisy situation, I think."

Chris Ellinghaus, 4-03 Silya Way. "I've lived in Leesburg, I guess since 1993. It's been marvelous to watch it grow. One of the things I've noticed in the last couple of years is just how vibrant the town has become, especially the whole downtown area from Harrison Street. I think a lot of that is due to the fact that there has been outdoor music from time to time. It is really enjoyable. I tell my friends about it that I work with in Fairfax and they come up to Leesburg. They are bringing their business into Leesburg. I also play in a band. Full disclosure here. I do enjoy it. I enjoy it immensely. One of my band members is here, but we understand where the town is coming from and I think we'd like to see a really fair solution that won't bother folks, but can also keep the vibrant nature of this town going. I really think this town is becoming a jewel because of things like First Friday. We were just looking at the decibel meter over here on the phone and this room was just about 60 decibels – the low conversation. So, even at 55 decibels, that's barely a whisper as far as I'm concerned. I just think if we take drastic measures, we are going to put a stop on the vibrant nature that this town is the best of."

Carleton Penn, 12 Wirt Street, NW. "I'm about 75 yards up the street. Mr. Caulkins, you brought back a nightmare. Lightfoot, my god. It was the sound of a low flying aircraft. It would go until 3-4 a.m. in the morning. All it needed was a baffle. I even offered to build plywood around it. It would have done the trick, I think. I digress. I am a criminal defense attorney. This is what I do. If this thing is passed, I don't think it is going to have any effect. None. Poor Chief and his officers are going to be forced to defend this piece of garbage. Ms. Hammler hit on it. Who is going to be cited? Who is going to be subject to the punishment? The businesses, when they start seeing the police officers show up with the meters – the one who got cited the last time – hey, they've got the night off. So, how many times are businesses going to be cited as a first offense? It is going to be a bait and switch. Now, whether you all realize it or not, Class IV is like drunk in public. It is a fine and no big deal. Next one is fine only. No big deal. It is only when you start getting to class II the jail kicks in. Who goes to jail? As long as it is a fine only _____. My family has been here. I'm seven years shy of about 100 years in this town. It reminds me of how it was growing up. If you wanted illegal fireworks, you would know the ordinance and there was this truck parked on the side of the road and we'd go – he had South Carolina plates. You'd buy the fireworks and the comment was hey, if we get a ticket, no big deal. They'd get two or three tickets. They'd put the court dates off. It was like they'd laugh and say hey, it's a cost of doing business. It's a joke. The people who violate this aren't going to care about the fines. They are just going to pay it. It is a cost of doing business. Nothing is going to happen until

somebody starts worrying about going to jail. It is that simple. This thing, as it is written – you can drive a truck through it. It is so loosey goosey. I'm sure Madam Counsel probably agrees with me. The poor police are going to be like enforcing this crap. That's all my understanding".

Dave Groy, 16 Wirt Street. "First of all, Mr. Martinez, in my back yard using my iPhone decibel meter, 50 decibels is plainly audible. With the noise ordinance back on the agenda, we ask that you please consider some of these thoughts in your deliberations. The neighborhood would like to keep the plainly audible standard, everyone recognizes that the new ordinance would likely be decibel based. Consequently, we'd like to ask that this level be equivalent to the noise level of plainly audible which, in my opinion, is likely around 50 decibels, not much higher. We ask that the noise level be measured at the property line of the neighboring residences or businesses. We ask that the nighttime noise level remain at the plainly audible standard. We ask that day, evening, and night time hours be determined so as to respect the overall well-being of the community – taking into account the kids, weeknights, studying for school. We ask that town government sponsored functions such as First Friday, weekend events like the Garden Show, Acoustic on the Green, Bluemont Concert Series, parades, school functions, etc. be exempt from the noise ordinance. These are events that benefit all. I know at a previous meeting, the previous town manager told us that First Friday was considered a town sponsored event. We ask that there be no exceptions to the ordinance since between new restaurants opening and existing ones, granting exceptions could mean continuous unbridled noise levels throughout the entirety of the year. We ask that there be strict enforcement with significant, progressive consequences for repeated violations of the ordinance. We believe that the noise ordinance being proposed will have a devastating impact on the quality of life for downtown businesses and downtown neighborhoods. We certainly appreciate all the time you've devoted to this. It has been about three years now. We thank you very much for all the time you've invested in this. In closing, no one wants to stop the music. We just ask if the ordinance is going to be changed, the new rules require that everyone basically keeps their noise within their property boundaries. If we can do that, I think it's a win for everyone".

Rob Guerra "I live at the corner of Wirt Street and Cornwall. Last weekend had everything going on outside my house. We had a great time and thoroughly enjoyed it. The thing that concerns me here is – for 45 years, I've sold information technology to the federal government and we have all kinds of legislations and ordinances to deal with, but as a business person, what I've found is whether it is information technology or food, high quality product, good service at a reasonable price, you are going to invite new business. So, I don't know why we are doing this. I really don't. That's all I have to say".

Fred Williams, 21 Wirt Street. "I also had a sound stage off of our porch this weekend. It was great. If you will bear with me, I had a few comments written down after I had read the staff report and I had a few more comments after hearing Mr. Scott and the rest of you talk about it tonight. I would just like to remind you

that one thing that is in the preamble of this ordinance, and I think it is in the preamble of every ordinance that I have read in the state, is that it is entirely about restricting noise detrimental to the health, welfare, safety, and quality of life of the inhabitants of the town. There is not a word in here about contributing to businesses, contributing to vibrancy of any area, any neighborhood. It is all about peace and quality of life. I think it's kind of remarkable – at least for those who have spoken thus far – the musician or the residents, because we only represent about five percent of the complaints that occurred through the second half of last year. I didn't do that math on the first half of this year. Most of the complaints are residential to residential and yet the proposed standard is something that first off, if you wanted to figure out how loud is loud, you might have to spend \$2000 to buy a meter to do a slow meter decibel reading. I can't use the decibel meter on my phone because that's not a slow walk. So, I would argue that none of us could certainly know two people living side by side in a townhouse would have any idea what that standard is. So in terms of making the Chief's life miserable, this would really make it miserable. I would say also that for the – we don't have statistics on complaints of business to business, but there were a couple where the businesses are adjacent to each other and there is a problem there. I assume that you know of those as well. So, just to think about it – what standard...the value of plainly audible is by god we know how loud it is and it doesn't take much if you went out at 8 o'clock at night and sit at the end of my driveway, or at the end of your driveway or the end of anybody's driveway and figure out what's the ambient noise and should someone have the right to make this much louder. I would also – a couple of specifics – I would disagree with the redefinition of day time into night time. Having later hours on Friday and Saturday. Noise is noise and it doesn't make any different at all what day of the week it is. Noise is noise. In the current ordinance, there is the ability to have – at least as I read it under the permitting process, that you could have amplified noise from 10:30 a.m. to 8 p.m. Perhaps that's justified because during the daytime with everyone out living a normal life, things are a little noisier, so maybe you need amplification, but by 8 o'clock at night in most neighborhoods, in any downtown. Take any part that you want – old downtown or new downtown, things are a little quieter so I argue do you really need to have any amplifiers? To keep the louder period and the louder level – stick it at 8 o'clock. In the power point, Council Member Butler, that you issued back in January, you listed seven major concerns with the current ordinance. I was really pleased to see that none of those concerns was that we need something louder than plainly audible. So, if you go back and figure out what is plainly audible, how can we figure out what is the decibel level. Maybe that's an area of compromise. I did have a lot of notes about what's 60 decibels or 70 decibels, but given the fact that this is a new piece of machinery that Scott did not have when he did the sound ordinance, I don't think that any of us have any idea what that level is. I wanted to discuss a specific question – there is a line where it defines in the definitions excessive decibel level inside of a business at 75. If we have a defined level inside of a building, that would seem to be absolutely catastrophic to the Tally Ho, which is certainly over 75 during one of the concerts, or at the Dance King. These are great businesses, very successful. Put them under 75 and they are toast. In finding similar comments have been made about how many meters. Last year would have averaged one complaint a day. Maybe having two meters for the entire city

would be appropriate. How could we think that we are going to need more than two meters on the street?”

Richard Koochagian, “I have to admit I haven’t been fully following this other than I do live downtown at 212 Loudoun Street, SW. I do hear noise, particularly from the Thomas Birkby House, but that venue is only periodic and it is on the weekends, so that really doesn’t impact us. Usually weddings, whatnot die down at around 10-11 o’clock at night. Not on a school night. So, there is a trade off there. What I think is bothersome is when you start to have businesses generate noise on a more frequent than periodic, and regular basis and there are a lot of neighborhoods that get affected by these. It depends on the topography, it depends on whether you are behind the water tower, or where I am, I’m down in a little bit of a valley. Some people are higher up. You get different amounts of noise. What I would say is that, as most of you know, I am on the Board of Architectural Review, so I interact with the downtown businesses in a different way as it comes to the historic district. What I have observed over time is violations are something we deal with on a regular basis. There is no mechanism to really handle violations and you get the repeat offenders. What that does, is it costs the town money. From a taxpayer perspective, I don’t understand...if I was from the police department, this seems to give me a headache. If I’m all of a sudden having to train officers, monitor expensive devices that have to be certified every so often – that’s an awful lot. Do we really have that much of a problem? What is the benefit of changing the ordinance from what it is now? It’s one of those things. If it is above I can hear it, feel it. If our ordinance is plainly audible, why does that not suffice? It allows flexibility, whether it is a town event – okay, maybe there is a reason for it to be a little louder, but if it is a repetitive thing, then complaints can be filed. I am not seeing why the ordinance needs to change. What is the benefit to the town? I think all property owners, whether you are business or residence, has a job to maintain their property and that includes whether it is the yard, the noise you make, the appearance, safety of your property. Noise is something that you can’t easily contain on the property, so the louder you turn up the volume, the more it is going to affect other people. Quite honestly, I don’t think that’s reasonable and I don’t think that’s fair. There is always going to be ambient noise downtown. That’s one of the things that tells me it is vibrant, but to alter an ordinance just for some businesses seems to be one sided because they are not here all the time. They may not be here in 12 months. They may not be here in six months. We all have to learn to live together and people need to keep their noise to a reasonable level. I’m not sure that enforcement ability is really there. If we are going to spend month training, spend money on equipment – how do you really go about that? We have the same problem at the BAR. We have ordinances, they get violated, but we have no mechanism to really go out and penalize them effectively, so they keep doing it. That costs us money over and over again as taxpayers. I really would not support a change to the ordinance. I don’t think it’s necessary. I have not heard a good argument for changing it”.

Linda Ifert, 205 Royal Street, S.E. “First of all, I’ve been up here several times talking about this. I don’t mean to be disrespectful or rude in anything I say. I’m usually very nice, polite, understanding person, but I really don’t understand

how the town of Leesburg could possibly going from a plainly audible to one that is plainly unreasonable. What is being proposed here would just drive people insane and out of the town. Just what Council Member Martinez said. Do you know what 75 decibels sounds like? I hear it. I work as a technical director and a sound engineer at some times. It is well above what residents and other businesses should be forced to endure. It is also difficult to know what it sounds like unless you are experiencing it. I agree totally with doing a real time testing, if you are going to continue in this direction. Where did this paper come from? I don't have a clue where 75 came from? Everything, all the research I've done and everything I've seen – towns that compare to Leesburg and have decibel limits in their ordinance are well below 75 and believe it or not, even New York City. I believe that the current ordinance does need some tweaking, but I'm still not confident that a decibel based system is the answer. There are so many variables as so many have said already. There's weather, what's going to be the measurement system – is it dbA, the A weighting, or dbC, C weighting? This proposal says dbA and or dbC. So which one is it? There are differentials between the two. I know A is for the higher frequencies and C is for the lower frequencies, but which one are we using when you come out to measure? I don't know how that would work. If the police came to my residence and took measurements, it would be difficult for them to know which business they were taking measurements from because I'm right next to McDowells and the Doner. So, that gets a little gray and squirrely there. If you do decide to go with the decibel based system, I would agree with Dave Groy and others that it should not exceed 50 dbA during day time hours. I've measured. I have a good decibel measurer from work and I keep at my house. I go outside when I hear music. When I come into my house, it is measuring between 50-55 at the property line and it comes into the house. The bass comes into my bed when I'm trying to go to sleep. It's hard to monitor all that with so many variables and conditions. I think this proposal needs a lot more work and I think there are other situations to consider that were taken out of the original. I don't see anything in here about dogs barking, yelling and shouting. There are plenty of people shouting in that parking lot next to me at different hours. Or just even noise from the establishments. Just even talking noise, crowd noise, hubbub. That gets pretty loud at times. So, with this proposal, anyone and everyone would possibly have to endure excessive loud behavior from animals and people for up to 15 hours straight without being able to complain at all. These situations should be addressed and put back into the ordinance in my opinion. The other situations, that were taken out – other scenarios. I've heard comments from Council Member Butler, about the residents, knowing what we were buying into. That wasn't the case when I bought my property in 1995. I brought a house next to a kitchen and design remodeling business. I know things change, but no one is trying to stop music. I love music. My intention isn't to ___ it. It is only to find a balance that we can all live with together. We should be working to being courteous to each other and not rude. What we all want is something reasonable that will be acceptable to residents and businesses alike. The goal should be to find a common ground so that people can enjoy living and businesses can continue to thrive in the quaint, charming, historic town of Leesburg that we all think it is. Music should be at a reasonable level for patrons and residents and there should be a reasonable time to lower and stop music and other loud disturbances. It is also called being respectful

to others. I want you to continue to work on this proposal to find the right compromise. If this proposal passes as it stands, it will only create friction and disharmony against those who live and work here. Please find another solution so that Leesburg can stay friendly and attractive to all. Life is short. We all want a good quality of life. I really don't want to move".

Velda Warner, "I live behind Dave Groy and Carleton. I get it from Shoes. It is constant. I can't open my windows. I hear shouting and yelling. I can't sit out – I just redid my deck. I can't sit out on it because of the noise. You can't talk to anybody. You can't ask anyone over. It is awful. If you go to the 75 decibels, it's like having a lawn mower running outside your window. It's just very upsetting and the stress is awful."

Sola Palotta, "So, I've been reading the decibel level ordinance. It's sort of like it's speeding on the road. Everyone knows what the number is. My thought is you guys pick the number. If it's not 75, whatever it is, pick a number and that's what we will deal with. Go with it. The cops would have the readers just like they have radar guns and every piece to detect if people are faster than what they are. People are saying that they are not going to have a penalty for this. Set it up and enforce it. I mean that's what the cops do with speeding tickets and stuff. I just think that whatever the number is – I don't own a restaurant, but if I did and it was 50 or 65, or 70, whatever it is. I would have that on hand. Why does a restaurant owner – whenever a band started to get close to 60, I'd go hey you guys you are getting up to 60. Keep it down, but you know, you tell everyone and the cops would come out and measure it. We'd have a standard, scientific number that would help enforce it and help make it clear what the deal is. Right now, it's sort of vague, I think. I do hope that you guys work on this and not have it on – I saw it is going into effect in January next year. We've already waited all last year. There was going to be this decision that kept getting pushed back and even this year, it was going to be about a month ago. You were going to have a public hearing that got pushed back to this date. I don't see – if it isn't going into effect until January of next year – that's two whole years. Actually, it was talked about before last year. So, we've had three years of this. Just pick something. I'm hoping – when I talked to Dave Butler, I thought it was going to be like July 1. He even thought that with the new fiscal year. We've had like a year and a half that I thought you guys were investigating and figuring out – please work on it and find out what the number should be. If you need to settle to make it fair to the businesses and fair to the residents. You should have a balance and stuff. Just to clarify with First Friday – some of you know I'm the First Friday coordinator. I've been doing it for like six years. Before me, it was other great people. Linda is actually a big volunteer with it. So, I think them for starting it and everything. But, as far as I know, it is a town sponsored event and we currently have an exception. Right now, we currently go to 8 o'clock and the exception that we had was on First Friday outdoor music is allowed to go until 9 because First Friday has always been until 9. That is an exception that is allowed – just to clarify so you guys know. In closing, I just hope you guys can have some meetings to figure this out and get more input from us and from everyone and just make a decision and let's go forward."

The public hearing was closed at 9:14 p.m.

*Council Member Butler made a motion to approve the draft ordinance as proposed.
The motion died for lack of a second.*

11. RESOLUTIONS AND MOTIONS

a. None.

12. ORDINANCES

a. None.

13. UNFINISHED BUSINESS

a. None.

14. NEW BUSINESS

a. None.

15. COUNCIL COMMENTS

Council Member Dunn had no comments.

Council Member Butler “I think it’s unfortunate that no body seconded my motion so that the public has no idea when it is going to come back to Council. I think that was a tactical error on my part. I have a disclosure here – today I met with Bob Sevila on a potential rezoning. I thought the dedication of Mervin Jackson Park was a wonderful event. I’m glad that a whole lot of people showed up. I’m sure that some others will comment on that. Arbor Day was another good event where we went to a school and we planted a tree. We talked to – I don’t know, it seemed like about 4-5 thousand kids and I did ___ a tree. So that was a lot of fun. The Flower and Garden Show – the Tree Commission gave away 1500 trees. We could have easily given away 2000. The weather was good on both days, so I will be providing Lee Ann a list of all the volunteers that we had for that. We are planning on giving them certificates at the next meeting. I think that’s supposed to be scheduled then. The Oatlands Gala was also a fun event where a number of Council Members were able to go and we all got to dress up nice. That was fun and we helped raise a lot of money for Oatlands. The last thing is that I would ask the town attorney to look through the ordinances that we have, or resolutions, and find out how First Friday is a town sponsored event. Maybe we passed a resolution on that, but I think it was simply decreed by the last Town Manager, which doesn’t actually have any effect on whether it is sponsored or not.”

Council Member Martinez “I was very excited that we finally got Mervin Jackson Park dedicated and the families were there. It was a very nice event. I want to thank Rich Williams and Kaj for putting this together for us”.

Council Member Hammler “I also attended the meeting with Bob Sevila about the O’Connor property north of town today. It also included Kaj and Keith and Barbara and Scott and I think I listed everybody. I want to thank Miriam for coming out to give a presentation about Farm to Fork. I think that’s such an exciting initiative. It’s so important on so many different levels. If you were able to see the movie “Fed Up” when it was

sponsored by the town. A lot of other people are passionate about trying to find options for healthy eating. It was just eye opening in terms of how important it is to seek local, healthy foods. Along those lines, the town is profiled in this month's April Virginia Town and City for our Healthy Eating, Active Living campaign. Love the topic and was delighted to be asked. I bring it up because the HEAL folks are providing applications for grants so \$5,000-9,000 will be available. I'd love it if we could take a look at those grants when they become available May 4. They are due June 25. Those are implementation grants for municipalities like us that have already initiated and kicked off their HEAL program. So, if we could put that on our to-do list, that would be great. I also attended the Mervin Jackson ribbon cutting. It was such a wonderful event. Once in a while you attend these things – in this case it was just so inspiring. Madam Mayor, I appreciated what you said about Vice Mayor Jackson and how wonderfully humble he was and just that his spirit lives on, I think, in that park. Bill Ference did a beautiful job designing it and some of the remarkable things he did creatively like going to a salvage yard and turning the wrought iron into a piece of art and the antique benches which provide a lovely place to sit and enjoy quiet time looking at the lovely architecture there. So, that was a wonderful event. Speaking of events, I will be attending the VML regional meeting – regional supper tomorrow evening at Morven Park. That topic is on Civic Engagement and I will look forward to following up with our topic for seventh graders after that”.

Council Member Fox “I would like to first thank those who have offered their input tonight for tonight's public hearing. I think hearing your opinions was very valuable. Thank you for that and for showing up. Just to that issue. I would really like after hearing both sides, I would like to find some sort of hybrid solution. I think it would be beneficial to both businesses and to residents. I don't think we should be favoring one to the exclusion of the other. I also think amplification might be the key. I would like to explore a little bit about amplification versus acoustic, maybe down the road a little bit. I just wanted to say that about tonight's public hearing. I also wanted to congratulate staff. That trash can is quite the prize. I'm glad you have it. I also had the opportunity to attend and complete the planning class. I'm now a certified planner. I'm really glad to have that past me, but I'm excited that I'm a certifiable planner, one of the two. I also had the opportunity to help congratulate some exemplary officers and citizens at the Annual Crime Victims Awareness Recognition Awards that was hosted by the Commonwealth's Attorney's office. It was a really nice event and it really opened my eyes to some of the things that have been going on around the area. Flower and Garden show – awesome success. It was a pleasure to attend and be part of the dedication of the Mervin Jackson park. The families that came out were extremely supportive and I saw the spark in their eye and I think they were very proud to have that park dedicated. I think that's about it”.

16. MAYOR'S COMMENTS

I have a disclosure. I met today with town staff and a gentleman from Mazer Consulting and KB Company on their interest in rezoning what is now the Auto Recyclers property to put a significant number of residential units. Their initial proposal is 120 residential units, half of which they are proposing to be age restricted. The other half of which would not be. They are in the early stages of trying to figure out what to do with that. I encouraged them to contact all members of Council and talk to Council about their proposal. That is all I've got on disclosures. Congratulations to Kaj. I was always

suspicious that your predecessor allowed the Council to win, but you clearly were far more competitive and wanted to make sure that didn't happen this time. You just know the Vice Mayor has said that she does not like losing. I expect you are going to have some trouble from her. That was fantastic that staff picked up that much. We did hear that Captain Maupin was a fundamental part of that. Council Member Butler said something to me, I think last night, that I thought bears repeating and Dave is welcome to jump in, but I really want to thank our police department for the two incidents that they received honors during the Valor Awards for ensuring that everybody got through those incidents safely especially in this day in age when we are hearing news from all over the country. I just cannot say enough about how well our police department handles very, very tricky, dangerous situations and the fact that they are able to disarm people and ensure that nobody gets hurt is quite amazing these days. Thank you, Chief. Please express to your officers the fact that we deeply appreciate the level of training you go through and their self-control on the job."

Council Member Martinez: I think next year on the Keep Leesburg Beautiful, that it should be us, the town staff and let the Police Department challenge us since they did help the town staff this year and I think that was the deciding factor. I think they should go out on their own and see if they can keep up.

Mayor: If the police department were to do it, they would beat both the town staff and the town council. Is that what you are going for? A three-way?

17. MANAGER'S COMMENTS

Congratulated everyone on the Keep Leesburg Beautiful Challenge. He complimented town staff for all their efforts on their own time. He stated the employees are committed to the organization and the community. He reminded everyone that the Monday, May 4 is the Visit Loudoun Annual Meeting and Tourism Awards. He stated that Marantha Edwards has been nominated for a tourism award. He also reminded everyone that on May 13, the Annual Business Awards event is at the Tally Ho Theatre.

18. CLOSED SESSION

None.

19. ADJOURNMENT

On a motion by Council Member Martinez, seconded by Council Member Butler, the meeting was adjourned at 9:27 p.m.

Kristen C. Umstattd, Mayor
Town of Leesburg

ATTEST:

Clerk of Council
2015_tcm0428