

Council Chambers, 25 West Market Street, 7:30 p.m. Vice Mayor Kelly Burk presiding.

Council Members Present: Dave Butler, Thomas Dunn, II, Suzanne Fox, Katie Sheldon Hammler, Marty Martinez and Vice Mayor Kelly Burk.

Council Members Absent: None.

Staff Present: Town Manager Kaj Dentler, Deputy Town Manager Keith Markel, Town Attorney Barbara Notar, Public Information Officer Betsy Fields, Zoning Administrator Christopher Murphy, Paralegal Carmen Smith and Clerk of Council Lee Ann Green

AGENDA**ITEMS****1. Items for Discussion****a. Leesburg Listens Presentation**

Betsy Fields gave a presentation about the public input tool, Leesburg Listens, that will be implemented by town staff to get feedback from the public through an online forum.

Key Points:

- Allows staff to solicit feedback from the public in an online forum
- Same program is used by Arlington.
- Comments are public by registered users.
- Unregistered user's comments go directly to staff.
- Once an outcome is decided on the topic, it can be posted on the site.

Council Questions/Comments:

- Burk: Will people's names be associated with their comments?
Staff answer: There are two ways to do it. They certainly have to associate their real name with their account when they register with the site. Then, we can choose when we throw up a topic if we are going to allow anonymous comments or not. So, that's a topic by topic choice that we can make. So, there are some topics that if someone doesn't – their name isn't going to be associated with it, you know, on the forum, we might get more honest feedback. So we might choose to allow people to make anonymous comments, but we can turn that on and off.
- Fox: Just out of curiosity, how did we gather this information before?
Staff answer: How did we gather this information before? Not very well, honestly. We hold public hearings. You know, there would be items – press releases that go out about various topics, but we really didn't have a direct way of gathering this information. This is intended to supplement the public hearing – you know, members of the public coming to commission meetings and council meetings. It is actually something new that we are doing and really enhancing our ability to engage with the residents of Leesburg.

- Dunn: Where did this idea originate?
Staff answer: There are three leading platforms and staff saw a number of them demonstrated at various conferences and it has been a topic of how to engage with residents and using technology to do so. So, it was mostly staff initiated. The planning and zoning department, in particular, is very excited about it.
- Dunn: And we are looking at a \$7,000 cost for this?
Staff answer: Yes.
- Dunn: and who on staff is going to be in charge of this?
Staff answer: I am.
- Dunn: How long as Arlington had theirs?
Staff answer: I don't know.
- Dunn: Can we find that out?
Staff answer: I certainly can. If you look at their list of closed topics, that might give you some idea of how long they have been doing it.
Dentler: I can add in that this cost was included in the approved budget. It is not a new request.
Staff answer: I can find out how long Arlington has had it. There are a number of other localities within the Commonwealth that use this platform as well. There is a similar platform through Granicus called Speak Up. I know that Blacksburg and Lynchburg both use it.
- Dunn: But this would not be part of the public input process for public hearings?
Staff answer: No, sir. Let me amend that. You could certainly invite comment on a topic related to a public hearing, but it would not be part of the formal public hearing process.
- Dunn: And I would think it would be better to have people's, if it is part of town government, that people should be required to state their name and address rather than anonymous. Anonymous usually gets you complaints that are more strongly worded than if they were putting their name behind it. Anyway, if it is part of the public process, I don't think there should be any anonymous involved. If they want to be anonymous, send us a letter, but anyway I think that's the only question I have.
- Burk: In the open comments box, is the person's name going to appear there. Because I agree with Tom on the anonymous versus non.
Staff answer: Let me go back to Open Arlington and show you. I think you can see – so you can see this one's name is not shown. It would be at the top of whatever their response is. It looks like they allowed this one to be – this is the whole survey and name not shown – that is who the person is. It looks like they may have allowed anonymous comments on this one. But that is where it would show up so you can read everybody else's feedback.
- Dunn: Who would be putting in the – who would be opening the comments for the forum? Would it be – can the public create their own thread?

Staff answer: No.

- Dunn: Not questions. It's a forum, correct? Can they start a topic?
Staff answer: No.
- Dunn: That caused me a little bit of concern because I mean one if it is anonymous and should staff get raises then every staff member would go in and say yes and Kaj would say it 20 times. He would have 50 aliases.

Staff answer: Again, each participant can only give one response – can only take the survey once. You can see here this is a summary that has some bar charts in it as to how many people answered each question.

- Dunn: And when do you need a decision on this?
Dentler: We don't need a decision from you. This is an informational item since you approved it in the budget. We just wanted to give you a review of what we are doing and if there is a reaction that you have that you are not comfortable with, we certainly can make adjustments. But based on what was approved in the budget, we are ready to implement.
Staff answer: We are already talking with staff about other topics to throw up there and know that Planning and Zoning wants to do some stuff about East Market Small Area Plan and I've talked with Lisa Haley about the budget questions.
- Burk: Sure, there will be a lot of opportunities. I hope we can get it out to people so that they will know how to use it. But, I think this is really neat and will be a good addition to the information that we are getting. Thank you.
- Butler: A couple of questions. One is I have a bit of concern about creating topics that speak to town policy before they are vetted by Council, so that is something to think about. For example, the hours, or as Tom mentioned, raises, which I know that was tongue in cheek, but if Council hours – if the public thinks that Council hours being expanded is a great thing, but Council has no intention of paying for the additional personnel that would entail – town hall – what did I say? Town Council – okay, Town Council is always open 24/7. But Town Hall if it is open for another three hours, how would that get funded and all of that. I am just using this as an example because it came up. Similarly, I would hope that those kinds of questions might get vetted by Council first. The second thing is I would be careful how you word the questions, which is going to be another reason why to talk to Town Council, because we talk to a lot of people and you say what hours is town hall open and they will say that town hall is open on the evenings and on Saturdays because I can go into the lobby and go to the restrooms, but the town hall services to pay a bill is not open the same hours so I could see how somebody could be confused perhaps by a question that is phrased you want to expand town hall hours. And if somebody sees that the town hall is open from 8:30 to 5:00 then they might think that well you are closing early, how am I going to – I can't use the restrooms after 5 any more because it is closed. So, at any rate,

that is just a couple of the concerns. I mean generally I think it is a very good idea, but the devil of course is always in the details.

Dentler: That is good advice. We appreciate that. For full clarification on the town hall hours, the intent is not to expand it so that there is a cost. It would be adjusting schedules so that we are spreading our staff. We have staff who like to come in early, staff who like to stay late. It would not be our intention to add any cost to that, but your question is dead on.

- Butler: It's great. As long as we know ahead of time – perfect.

b. Telecommunications Antennas

Chris Murphy gave a presentation on small-cell distributed antenna systems (DAS).

Key Points:

- Current regulations pertain to antennas, monopoles, and pole mounted facilities in non-residential districts.
- Mr. Donohue of Donohue and Stearns made a presentation explaining DAS and stated that Leesburg needs an improved communication network and proposed the extension of DAS into residential and planned zoning districts as a by-right use.
- Currently, staff is unaware of any areas in town where coverage is problematic, but acknowledge that the growth of smartphone ownership may require more bandwidth in the future.
- Since poles are not defined as structures in the Leesburg Zoning Ordinance, antennas cannot be mounted there as they can only be mounted on structures.

Council Comments/Questions:

- Butler: One question I had – and generally to answer the questions does Council wish to make the location of all of these things by right? Not necessarily. We can certainly make more of them by right, especially in business type districts, I think. Residential districts – some questions. Obviously when we say allowed by right in HOA districts, but let's say a residential property owner wanted to put six or eight of them on their roof. Would that be okay? I'm not sure I'm okay with that. One, if somebody wanted to put one on their roof and you know, it's their roof and their house and these don't look like they are going to be too horrible looking. They are not very tall. Somebody can have a chimney that is just as tall, probably, but you know people could go crazy, especially if there is some monetary advantage for the homeowner. What's to prevent him from having them? I don't know. Does that make sense?

Staff answer: To help out with that – I do know that in Fairfax County, the applications are by right, but when you go into their zoning ordinance, the use standards for these is like this long. So, they have

thought about it and they have a system in place. Now, could we simply cut and paste that and put it into ours? That is something to look at. So, it probably addresses that, but we'd want to make sure.

- Butler: Sure. That's the biggest one I thought about. I am sure there are other ones as I think about it, but I think cutting and pasting and starting with Fairfax's is probably not a bad idea. In any case, but in general, I think this is a good thing. It is better than those enormous monopolies all over the place, right?

Staff answer: Well, you would still have the monopolies. DAS systems were meant to fill in holes.

- Butler: Right. I am not saying they would replace current monopolies, but they would reduce the applications for new monopolies, presumably.

Staff answer: That's not how I understand it, but it may. I am not an expert on it, but I understand that the DAS systems are supplemental to the poles and it won't eliminate them all together.

- Butler: No, and I wouldn't expect it. No.
- Fox: I did have a few questions. I was just wondering – are there any health implications that have been studied?

Staff answer: Well, the thing about health implications – because of federal law, no telecommunications systems can be denied on the basis – I believe, of health effects. That's federal law. You cannot deny them based on health.

- Fox: So, in theory, if we somehow said okay, by right in residential and we had all of these DAS systems in the residential area, we would not – we are not supposed to be worrying about what might happen in that residential area as far as health concerns?

Staff answer: That is correct. Federal law prohibits it.

- Fox: Alright. That's interesting. Availability of data is important to infrastructure as roads and utilities are, so I think that we should at least give it a look – vet it a little bit to see where we want to go with this but I think one of my biggest concerns would probably echo Dave's concerns with what it would look like in residential areas and so forth. So, that's where I stand with it.

- Burk: Do you have any idea what the push back was from the citizens in the Mount Vernon area?

Staff answer: I don't know that. I don't know that there was any. I just talked to the planners there to get information about the application. I did not discuss with them the review – I think it is a new application. Because they are still looking at it to determine what process it involves – whether it requires commission permits, etc., so there is no public input at this point. I don't know if there is any push back from the citizens of the Mount Vernon district.

- Burk: So, do we have enough interest from the Council to pursue this? Do we have four people who are interested in doing that?

There was consensus to carry this item forward to initiation. Staff was directed to add it to the Consent Agenda for tomorrow night's meeting.

c. Pre-Planning Process: Task Force on Potential Police/Sheriff Efficiencies

Kaj Dentler stated this item was requested in April for discussion.

Key Points:

- Would suggest that Council select two members.
- Would request that the Board select two members.

Council Comments/Questions:

- Butler: I am not sure that – first I think it would be better once we have a full council before we nominate people. I think that a great thought would be is this something that we should get going now with a brand new board of supervisors and a police chief that is going to be retired soon or is this something that we should start say in April after the Board of Supervisors has got their budget out of the way and we have at least an interim police chief on board. That might be a better time, I would think, to move forward with this and at that time, give Council members time to think about who they might like on the task force. That is just my opinion.
- Hammler: If I may, we have deferred this because we actually postponed it since last April because we were waiting for the November election. I would prefer that we get started as soon as possible, at least generating ideas within a sub-committee structure before the budget because ultimately, if there is ways that we can find cost savings by having the police department and the sheriff department work more cooperatively, it is in the best interest of our citizens and tax payers. So, I would support moving forward as soon as possible. To that end, relative to you know, the timing of Chief Price retiring, I think the timing will be important for us to gather these ideas for whoever becomes the new leader of our own police department. To some extent, a lot of the great ideas are going to be coming from the staff level. One specific example is Deputy Spurlock. He actually is with the Sheriff's department, but he has worked for the Police Department. So, just being able to find sources of folks that have perhaps worked in both organizations. You never know where a good idea is going to come from. So, I would support nominating any two members of our council who are willing to take the time to do it. If nobody else would like to do it, I would certainly be happy to serve.
- Fox: I believe that this is nothing but beneficial and I agree with Katie that perhaps if we got this started sooner rather than later, we could find some savings for this fiscal year as well, so I would support moving ahead with this at this time.
- Martinez: I concur.

- Dunn: The only thing I would suggest, rather than moving forward with two people – I don't know the views of those two people and I think that we should have the opinion of Council moving forward to meet with representatives of the Board of Supervisors rather than just having two people take their opinions to the board. For example, Katie mentioned that it should be something coming from staff. Well that's fine, but we have already heard from staff with their opinions on some things and it may not line up completely with where Council's policy setting would be so I would recommend that we might want to have a committee of the whole at least pound out a couple of things that we would like to have the subcommittee move forward with to the county than just two people going forward with their feelings and it is not necessarily the feelings of the whole council or at least four members of Council. But, I don't think that we should delay that. I don't think we should have delayed it back in April and frankly this shouldn't be something that is being directed by the chief changing positions because again it is council's policies, not just chief. For example, we have talked about before the SROs and the county already gets a substantial savings by using Leesburg Police. It was the chief's impression that they should be wearing blue uniforms. Frankly, I don't think it would be a problem with them having brown uniforms on and them coming from the Sheriff's department. Those are the things that we should discuss, I think, before we just send two members off to see what they can figure out.
- Burk: Kaj, can we schedule that soon?
Dentler: Absolutely. I can certainly have that scheduled prior to any meeting. It is still going to take time for the board to establish if they want to move forward, who their representatives are, when the meetings would be, but yes, I can have a meeting scheduled in advance.
- Fox: I'd like to nominate two people – Katie and Tom.
- Dunn: I can do it, but I may go forward and have completely different views that I would be willing to represent to the county than you would like me to. So, that's what I am saying, if Council wants to appoint two people now, I think that's okay, but I would rather you all wait until we at least have one discussion on what are the general policies that we would like to go forward with and hear what those people's views are. If those people's views are not going to be supported by what council wants, then their enthusiasm for bringing forward Council's position may not be as good.
- Butler: So, you are suggesting...
- Dunn: I would say have at least one work session.
- Butler: Have the work session and then find two people whose views tend to be generally aligned with whatever Council comes up with?
- Hammler: I think our general policy is we have a work session as a whole and we take a vote and whatever the majority determines are the priorities would be exactly what the two members of Council would

move forward to represent the group. I can't imagine any scenario other than obviously during a work session everybody is free as an at-large member to bring forward as many good suggestions that represents even their personal views, but certainly I would think that would be our official representative role so I don't think we have to wait to pick two people, but I am happy to do either way.

- Burk: Well, I agree with you there, Katie. I think that all of us will – once that selection is made, if we have had the meeting and we have voted on it. I trust that you or Katie or all of us would carry that position forward. So, I would have no trouble doing it now, but if you all want to wait until the meeting, that's fine.
- Fox: It looks like the majority of us want to wait.
- Hammler: that sounds like four of us want to do it now.
- Burk: Who's the four? You, Marty, I and who else?
- Fox: I don't mind.
- Dunn: Waiting or going forward?
- Fox: I don't mind moving forward.
- Burk: So, you have nominated Katie and Tom. Do you need a second for that? For tomorrow? And we could take other nominations if so desired.

- d. Appointment/Selection Process for Mayor and/or Council Member
Barbara Notar reviewed the memo that included information about the process.

Key Points:

- Mayor Umstatted resigned on 12/31/2015.
- Resignation triggered a vacancy.
- Vice Mayor will perform duties of Mayor until a mayor is elected and qualifies.
- State Code Section 24.2-225 governs vacancies in any elected constitutional or local office if there is no other statutory or charter provision for filling a vacancy in the office.
- Council or the Circuit Court makes an interim appointment of mayor.
- Leesburg Town Charter prevails and states that the vacancy shall be filled for the unexpired term by a majority vote of the remaining members of the Council.
- If the Council fails to fill the vacancy within 90 days, such vacancy shall be filled by the appointment of the judge of the Circuit Court of Loudoun County. Circuit Court does not have to appoint; however, this Circuit Court is likely to do so.
- Remaining members of the Town Council may appoint a sitting Council Member or a qualified voter of the election district (registered to vote and a resident of the Commonwealth for the past year).

- If the Council appoints a qualified voter of the election district, once sworn in will serve as Mayor until a mayor is elected in the November 2016 Mayoral election and takes office. No special election shall occur under State Code provisions.
- If a Council Member whose term ends in 2016 (Butler, Dunn, Hammler), like the mayor, the remaining members of the Council have 90 days from the vacancy to appoint a qualified voter of the election district to fill the vacancy created by the resignation. If the Council fails to act, the Circuit Court will appoint. No special election would occur.
- If a Council Member whose term ends in 2018 (Burk, Martinez, Fox), the Council must within 15 days of the vacancy petition the Circuit Court for a special election to fill the vacant Council seat created by the resignation. Council has 90 days to appoint an interim Council member to serve until the special election.
- State Code mandates when special elections can occur. They must be on a Tuesday and will be held on the date of a General Election, unless requested for a different date. Cannot be held on the same day as a primary election (March 1) and they must not occur within 50 days prior to a general or primary election.

Council Questions/Comments:

- Fox: The only question I had is about the term ending for interim Mayor. The interim mayor's term ends when the newly elected person is sworn in. So, you are talking December, not January?
Staff answer: Correct, well – it is usually January when the new members are sworn in.
- Fox: I was sworn in in December, so I was just wondering about that.
Staff answer: Whenever you are sworn in, that's when you start.
- Hammler: You mention a majority of the Council chooses the interim mayor through an appointment process. There are a number of Council Members who are currently not feeling very well, for example. Does it have to be four people or if hypothetically somebody was absent would it be a majority of the remaining members.
Staff answer: Must be four.
- Hammler: I just wanted to clarify that because you said a majority.
Staff answer: If someone abstains, that takes your vote out. It is going to be harder to come to a conclusion. If you are sick and absent, that's going to be harder to come to a conclusion. Must be four.
- Hammler: What is the estimated cost for a special election?
Staff answer: I don't know that. We can find that out.
- Hammler: I think it is like \$17,000, if I remember from previously asking this question – I just want to put it on the record.
Hypothetically, you think if we requested a special election to fill a seat on Council, that it would be towards the beginning of that date range – early March, versus August which would mean we would have a vacancy for an awful long time.

Staff answer: I assume the court will give you a date. Whichever date you request. They will try to accommodate you. So, if you want it earlier, they would call for the election earlier.

- Butler: I just want to clarify that. We only can ask for a special election if the Vice Mayor, Marty or Suzanne is appointed as mayor.
Staff answer: Correct.
- Dunn: I had asked you an email question the other day. I hadn't had a chance to go back to it. You may have answered already but could the court in its appointment process actually call for an election?
Staff answer: No. I don't think so. That would be going against the statute. They'd appoint. Remember, they have not, as far as anybody can remember – they have not appointed anybody to a governing body. I have talked to town attorneys, I have talked to Bob Sevilla...
- Butler: You mean in the state of Virginia or in this district?
Staff answer: In the Loudoun County – there are all kinds of war stories about other counties, but I am just concerned with this court.
Mr. Dunn, no, I don't think they would do that.
- Burk: So, do we want to talk about how we are going to do this tomorrow, or do we feel comfortable enough with the process that we will ask for nominations tomorrow – vote on them, if we have someone from the Council who gets nominated and voted on. What do we do if we don't and how do we advertise it? How do we get people to put their names in from the public?
- Butler: What we have done the last two times, which interestingly, you have missed both of them – one coming, one going. You know, we just started and went around the dais. Somebody said I nominate blah, blah, blah and everybody voted. And then we kept going around until somebody got four. We hadn't had a chance – an opportunity to find out what happens if we go around the dais 57 times and we don't get four. So, I guess that's an interesting question we can answer tomorrow, but I think we should also include tomorrow doing that is to advertise or at least be prepared to have a motion to advertise for the paper and set up some logistics because my personal feeling is that it is really critical to get this position filled one way or the other before the next meeting because we can't – we have a number of things that are potential close votes that are going to like start piling up behind each other if we don't have somebody in this position, so whatever the logistics are...
Staff answer: And I do have sample motions in your packets regarding publication of an advertisement.
- Burk: But I have a question – if we go around the dais and we don't get somebody from the Council, we will need to advertise.
- Dunn: We don't have to.
Staff answer: If there is a voter of the district that you are all comfortable with already, then you can nominate that person.
- Burk: Without resumes.

- Fox: So, say we got through the process of finding somebody to fill the mayoral seat. What if that would open up – and it came from within. That would open up a council seat. What is the process for advertising for that?
Staff answer: It would be the same thing, if you wanted to advertise, it would be the same thing. And we have done that before. A couple of years ago. We have a sample advertisement when Mr. Reid went to the Board of Supervisors and we put out an advertisement to fill his council seat. We have done that before and we got resumes and the Council looked at the resumes.
- Fox: It would be advertised then.
Staff answer: Put in the paper and advertised. Yes.
- Burk: But we are not going to advertise for the Mayor's position. We are going to advertise for the Council's position, but we are not going to advertise for the Mayor's position?
- Butler: We could do either or both.
Staff answer: We could do either or both.
- Burk: Well, think about that. How you want to handle that aspect of it.
- Hammler: I do think though that probably what we need to discuss is sort of the way the sample resolutions have been worded. At some point, four council members presumably would have to choose which avenue to take to fill the interim mayor position. I just want to state for the record kind of where I am coming from as relates to the interim mayor position. For me, it is different for the interim mayor position than any previous time we filled a Council member, because Council has an established SOP as relates to if the Mayor isn't currently here. Then I would feel comfortable appointing the Vice Mayor or if the Vice Mayor were not there, it would be by order of seniority. We have very experienced council members here who have been serving this town in an elected role for seven to eleven years. Most of all of us have served as vice mayor. Certainly the feedback I have gotten from the community is that the expectation is that we would fill the interim mayor position from somebody who is currently on Council, so that would be my position as relates to filling the interim position and as far as filling the Council member remaining seat, I certainly could support looking at the person who won the fourth number of votes in the last election, which I think would be a strong methodology that our citizens would appreciate and in that case, it is actually Kevin Wright, who is very experienced when it comes to coming on board right before the budget. It is a really critical year. I think we have to look towards people who have a great deal of experience to lead us forward in things such as a very tough budget that we have coming up. So, I would look for support from members of Council about how we fill the interim seat for Mayor from the council and I would support the council member seating the fourth number vote, but otherwise if that is not something

supported by Council, we certainly could very quickly look for applications from the community.

- Martinez: My particular comments have to do – we have a couple of people who have already shown interest in being mayor that are on this council. I would like to not have the mayor’s position be a political football where things are getting thrown back and forth, which is why I would not advocate selecting somebody from on Council to take the position. I would like for us to go forward with tomorrow. If we can get four people to agree that we bypass putting anybody on Council as interim mayor and that we go ahead and start either submitting names that we want to be interim mayor or start asking for resumes from people who are interested in being the interim mayor.
- Dunn: I think that it would be better to have somebody from within Council serve as the interim mayor and whether we choose somebody from council for interim mayor or if that doesn’t happen somebody from outside of council is selected or the replacement of that Council member’s chair, I think that person should be someone the public has already expressed votes – they have already expressed a desire for that person through a voting process. I think that there is a lot of people – I have seen it in the past. We saw it at the county level. A lot of people come forward wanting to get a hand me over a free seat and I get to play council member and I think that anybody who wants to be in this position should have already put their name before public scrutiny and had at least some vote cast in their favor. Not just to say hey I would like to serve on council and I have never done it before. There is not a rush. There is votes coming before us. I don’t really see a lot of split votes. I don’t think that we have to rush to do this. I think that to say that we have done certain things in the past a certain way – we have never had a situation like this. Katie, if I take your view of whoever got the most votes before, then I should be interim mayor because I am the only one up here that has actually run for mayor before, so I have got the most non-succeeding votes for mayor. So, I am not necessarily for having to go out and seek applications for people who are interested in the position, because I’d rather it be somebody who has either tried to run in the past or maybe somebody from our commission structure. I think there is people within our commissions that could qualify for that. Anybody that you bring in, they don’t necessarily know what the current issues are. I think, too, overall this is definitely a political process. Anybody that tells you that it is not means that they are ultra-political and there is a lot of factors that are involved with this that move forward to the November elections. I also think that anybody who should they be chosen from outside and they have never run for office before, I would want to see their written statement that they have no intention of running in November for any office because I am not giving them a leg up for a slam dunk being able to move in one direction or another for a political seat come November. That’s my

view. I could go a number of different ways, but I guess we will have to see how nominations turn out tomorrow.

- Burk: Well I have made my position clear.
- Fox: I have a couple of other things, if I could just put on the record. It is pretty important to me that the person who does become interim mayor has the ability to step in at a moment's notice, run a meeting, and is familiar with that process. I think any number of people up here could do that. Has also been vetted by the good people of the town of Leesburg and through the election process, I do believe that has happened as well, but the most important thing to me is can this person come in and take on an immediate challenge should one arise and that's basically what we are here for is for the protection of you know, to serve the people of Leesburg in that capacity. I attended a seminar last month where I learned about some emergency preparedness things that would happen and I remember the gentleman turning to our previous mayor and said Madam Mayor, make sure the person who succeeds you knows what is going on inside that town so that if something does happen, they can step right in and take care of it. So, that to me is of the utmost importance and that would be a huge factor in my decision.
- Burk: Great. Like I said, I have made my decision clear. I think that there are people in the community that could do that. Suzanne, I understand where you are coming from and I think this process will be very interesting tomorrow. Thank you all for your input.

2. Additions to Future Council Meetings

Fox: I think we have taken care of the telecommunication cells. I don't know if we have to say anything more about that, but that is one thing I would like to add. I am sure that would have to go to public hearing.

On a motion by Council Member Martinez, seconded by Council Member Fox, the meeting was adjourned at 8:39 p.m.

Clerk of Council

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

Council Members Present: Thomas Dunn, II, David Butler, Katie Sheldon Hammler, Fernando “Marty” Martinez, Suzanne Fox, and Vice Mayor Burk.

Council Members Absent: None.

Staff Present: Town Manager Kaj Dentler, Town Attorney Barbara Notar, Deputy Town Manager Keith Markel, Deputy Director of Planning and Zoning Brian Boucher, Zoning Administrator Chris Murphy, Deputy Zoning Administrator Brandon White, Paralegal Carmen Smith and Executive Associate Tara Belote.

AGENDA ITEMS

1. **CALL TO ORDER**
2. **INVOCATION** was led by Vice Mayor Burk
3. **SALUTE TO THE FLAG** was led by Council Member Hammler
4. **ROLL CALL** showing all members present.
5. **MINUTES**
 - a. Work Session Minutes of December 7, 2015
On a motion by Council Member Butler, seconded by Council Member Dunn, the work session minutes of December 7, 2015 were passed a vote of 6-0.
 - b. Regular Session Minutes of December 8, 2015
On a motion by Council Member Butler, seconded by Council Member Dunn, the minutes of December 8, 2015 were passed by a vote of 6-0.
6. **ADOPTING THE MEETING AGENDA**
On a motion by Council Member Butler, seconded by Council Member Dunn, the meeting agenda was adopted as presented by the following vote:
Aye: Butler, Dunn, Fox Hammler, Martinez, and Vice Mayor Burk
Nay: None
Vote: 6-0
7. **PRESENTATIONS**
 - a. Certificates of Recognition and Proclamation – Heritage High School Girls Cross Country 4A State Champions

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

PROCLAMATION

Heritage High School 4A Girl's Cross Country Champions

WHEREAS, the Virginia Cross Country Championships were held in The Plains on November 13, 2015; and

WHEREAS, the Heritage High School Girl's won the 4A State Championship; and

WHEREAS, this is the first team from Heritage to win a State Title; and

WHEREAS, runner Weini Kelati won the Girls 4A Individual Championship and Georgie Mackenzie came in 4th; and

WHEREAS, coached by Head Coach Douglas Gilbert and Assistant Coaches Nancy Merriman and Matt Holton, the state champions are:

Weini Kelati, 1st place, All State
Georgie Mackenzie, 4th place, All State
Audrey Corbet
Neal Fleming
Megan Collins
Sarah Smith
Gina Pallotta
Malia Sample
Maddie Wright

THEREFORE, PROCLAIMED by the Council of the Town of Leesburg in Virginia that the Heritage High School Girl's Cross Country team is recognized for their hard work and effort that made it possible for their win as Virginia High School League 4A State Champions.

PROCLAIMED, this 12th day of January, 2016.

b. Proclamation – Humane Society of Loudoun County: Celebrating 50 Years of Service

PROCLAMATION

Humane Society of Loudoun County Celebrating 55 years of Service

WHEREAS, the Humane Society of Loudoun County was established July 29, 1966 upon filing its Articles of Incorporation with the Commonwealth of Virginia; and

WHEREAS, the Humane Society of Loudoun County adopted the eleven components of the No- Kill Equation: Partnership, Volunteers, Foster Care, Trap-Neuter-Release, Pet Retention, Adoption, Community Involvement, Medical & Behavioral Rehabilitation, Low Cost Spay/Neuter, Lost & Found, and Compassionate Management; and

WHEREAS, the Humane Society of Loudoun County has made great strides in implementing these components to achieve an animal save rate of 90% or better; and

WHEREAS, the Humane Society of Loudoun County is operated by a dedicated group of Volunteers who welcome the community to participate in a year-long extravaganza in 2016 to celebrate this success and to continue this important work until all Loudoun pets have loving homes and adequate medical care; and

THEREFORE, PROCLAIMED by the Council of the Town of Leesburg in Virginia that the Humane Society of Loudoun County is recognized for 50 years of service to the residents and animals of Loudoun.

PROCLAIMED, this 12th day of January, 2016.

c. Presentation – INOVA Master Plan

Pat Walters and Stacey Miller from INOVA gave a brief presentation on the Master Plans for INOVA facilities in Loudoun County.

8. PETITIONERS

The Petitioners section was opened at 7:55 p.m.

Andrew Borgquist: I have been coming and speaking before this council quite a few times. So, I am here again tonight. So, first, I would like to note that I had a request for information that has been denied. I had a response from the town attorney, Barbara Notar. The Town of Leesburg told me it was unable to give me information because it was not required to be disclosed by the Freedom of Information Act. I would like to note that the wording that I thought was a little bit suspect because I was told that they were unable to provide it, but the information existed and further response by the town there was nothing preventing the information from being exposed. So, I felt that the real truth of the matter was that the town was using discretion and there was a further email that said it was discretion. It is allowed by law to withhold the information and not that the town was unable to give something that didn't exist or that it was barred from releasing information in some manner. I think that there is a subtle but important difference between unable and unwilling because when I asked for an explanation for the use of discretion, I was again referred to the Freedom of Information Act.

Essentially since no explanation was required by the act for that discretion, no explanation was given. I can't help but that tuck with the irony of this a little bit because it is called the Freedom of Information Act. To inform that the information can't be shared but will be withheld because the act does not [inaudible] no explanation will be given for using discretion so to me it seemed kind of a misuse of how the act was intended to be used. But, anyways, so to the point though just because something is legal doesn't necessarily make it right so bad management and poor customer service are not illegal, but if it clear that management is not acting appropriately or that things are not [inaudible] as appropriate, it still should not be allowed. It should not be something that is part of the town. So, I find the town's decision to withhold the information to be a little bit suspect. My reasoning is simple. I have knowledge that the Director of Parks and Recreation, Rich Williams, requested and received information similar to my request from Police Chief Joseph Price. Mr. Williams used the information for a purpose for which the information was not intended. Let me repeat that. Mr. Price shared information with Mr. Williams, who used the information in a manner of which – I don't see how it could have been intended to be used that way, but if the information is trivial and mere public record as Mr. Williams alleged, then why is the public being denied similar access to this type of information, particularly without explanation. Or is this information preferentially shared with members of the public based on, I don't know – favoritism? I don't know. I don't understand. Mr. Williams use of information and the fact that my own request for similar information was denied by discretion, suggests that he received the information based on –it appears to be like a favoritism of some sort. But again I don't know that. This is just how I feel about this. It seems as though rank and file members of the public or employees who would be adversely affected by the disclosure have no access. This to me seems like more of a power and privilege. That is how I see it. Second, I would like to express my disappointment with the length of time it took me to have a conversation with town manager Dentler regarding the other issue I have been bringing before the Council. Mr. Dentler did finally agree to speak with me after more than a year of requests. So, furthermore, I would like to express my disappointment with the phone call I had with Mr. Dentler. [Inaudible] Mr. Dentler. There are other opinions regarding my concern. But there is an old saying – opinions are like armpits. Everyone has them and most of them stink. The point is that often people express opinions unsubstantiated by fact. Recently this council received an opinion from an accountant regarding their financial statements and we respect that opinion of the accountant because we know it is backed by documented procedures and past performance, so the opinion is reliable. I pressed Mr. Dentler for an explanation of the documented and uncontested facts which indicate that his opinion is inconsistent with good management practices and customer service. He told me that he does not have to justify himself or any of the actions of the management team. Members of the Council, yes he does. The town of Leesburg has taken from me. The actions of the town of Leesburg specifically and severely affected me. It is inappropriate and quite frankly insulting that Mr. Dentler suggests that he does not owe me an explanation. I'll sum up with am I so small and insignificant in the eyes of the manager that I do not deserve a thoughtful and reasonable explanation for actions the town has taken that would clearly have a severe and adverse impact on me?

Ron Campbell, 812 Fort MacLeod Terrace. I am here again tonight to speak on the matter of the appointment of the mayor. I want to say a couple of things as I listened to the work session last night and as I have talked before with some of you, in previous one on one meetings and I have talked to other constituents. I think that everybody does recognize the fact that holding an elected office is an important value. I think as it was said last night again, having put yourself out there to be elected is an important matter but is not the only criteria obviously of being vetted as you consider what I think and others, is a very serious matter that the position of appointment even as an interim mayor should not be left to a particular job search criteria as a process. And as many of you have already spoken excessively to putting aside partisanship, putting aside your personal issues or your personal preferences that the matters of this town are too important and too great to be left up to chance just because it is a four person vote. As a petitioner, I now petition you to carefully consider what you have to do in your elected capacity to find one among you qualified to serve in that capacity – to not leave this to an outside job search or to a judge. That is not representing the best interests of this town and I don't have to tell you given the critical issues and topics that you are going to face for the next couple of months. It is not about whether somebody can be a quick learner or a good study or a good steward of running a meeting. This is a town – the citizens of this town deserve better. And in your capacity, I know it is a serious obligation that you have given a lot of thought to among your various constituents and among yourselves, but I ask you tonight to seriously think about the process that you must engage in as six remaining members of the town council despite the codes and legalese that have been very well explained – thank you very much, Town Attorney, but your obligation to the citizens that we cannot leave the appointment of the interim mayor to chance or to find somebody favorable in the eyes of four of you or maybe not so favorable in the eyes of a judge. So, again, I am here tonight as an important issue but I am also here to let you know how important this is to me and my constituents. Today is actually my birthday. There are many places I'd rather be and have been on this day, but it was important enough to again just continue to lend my voice – whatever that means – it is my voice, but I am a citizen of the town of Leesburg. I am not concerned about this process. I only urge you to seriously consider one among you as your first step in a very serious process.

Lighttower Steve Lee. So, I go to a lot of these meetings. There are always these sign in sheets and I think I may have inadvertently signed the wrong list. But, I just want to let you know we are here to let you know we are here to discuss the resolution to obtain a franchise or license from the city. I wanted to let everybody know I am here to answer any questions.

Sola Pallotta, I own a little gift shop in downtown Leesburg called the Very Virginia Shop. It is right across the street at 16 South King Street and I promote Leesburg, Loudoun County and everything Virginia. So, I want to talk about this motion – or something on the agenda to rescind the funding for the town green stage and the interactive water feature that is going to be at Mervin Jackson Park. I am here to strongly urge you please do not kill that funding. Do not kill this great idea that we have something to bring families – a nice feature for families and kids to come downtown. We really need things like this. We could use neat, interactive art there too and stuff like

that. You know, the small businesses downtown, we are up against the Wegman's shopping center – the Village. They have something similar that brings tons of kids. We are up against One Loudoun. I think there is a new shopping center going in down South King Street called Crossroads, I think, that is going to go in – I don't know when – some years from now. We have the outlet mall that brings people to the outlet mall. We have got the Lansdowne Shopping Center. So, we could use some cool things downtown. We have got some neat shops and great restaurants, but please do not – everyone was so excited that this got approved – it was great. Now it was quietly been put on – a motion to kill it. As you can see, I am the only one here who took the time to come and talk about it. I think, mainly because they didn't know this was on the agenda tonight – that there is a chance that people are going to kill this idea. This is a great idea. If there are any safety concerns, I would recommend near where the alley is – there is an alley and then there is the barber shop. Maybe put some Leyland Cypress up, a couple of those – put a couple of benches there to kind of put a barrier. You don't have to build a big wall or anything – put something there that kind of has a finite end to where the splash park area ends – along the grass there. Something natural like trees – arborvitaes – anything that would help. Maybe put a little bit of a border there before the alley way if anybody is concerned about children or something. I think it would be a great addition to downtown and I think we should do some more things like this – maybe interactive art or some other stuff. Okay? So, please, please do not kill this great idea that has already started.

The Petitioners section was closed at 8:09 p.m.

9. APPROVAL OF THE CONSENT AGENDA

On a motion by Council Member Butler, seconded by Council Member Hammler, the following consent agenda was proposed:

- a. *Requesting the Virginia Department of Transportation Accept Certain Streets*

RESOLUTION 2016-001

Requesting the Virginia Department of Transportation to Accept Certain Streets

- b. *Sycolin Road Widening Phase IV – Right-of-Way Dedications and Easements*

RESOLUTION 2016-002

Declaring that a Public Necessity and Use Exists, Authorizing an Offer to Acquire Right-of-Way Dedications and Easements for the Sycolin Road Widening Phase IV Project

- c. *Art Exhibit by the C.S. Monroe Technology Center Students of Pam Smith*

RESOLUTION 2016-003

Approval of a Public Art Exhibit at Town Hall by the C. S. Monroe Technology Center Students of Pam Smith

- d. Request for Funding from Northern Virginia Transportation Authority for the East Market Street (Route 7) and Battlefield Parkway Interchange Project

RESOLUTION 2016-004

Application for Fiscal Year 2017 Northern Virginia Transportation Authority Regional Funds

- e. License Agreement between the Town of Leesburg and Lighttower Fiber Networks II, LLC, for telecommunications facilities in Town Right-of-Way

RESOLUTION 2016-005

Authorizing the Town Manager to Execute a License Agreement Between the Town of Leesburg and Lighttower Fiber Networks II, LLC for Telecommunications Facilities in Town Right-of-Way

- f. Authorization to Acquire Land Rights for Construction of a Trail Along Harrison Street

RESOLUTION 2016-006

Declaring that a Public Necessity and Use Exists and Authorizing an Offer to Acquire Permanent and Temporary Easements for Crescent Place Harrison Street Roadway Improvements

- g. Appropriation of Net Proceeds from 2015 Jingle Jam Concert Series to the Parks and Recreation Budget

RESOLUTION 2016-007

Approving a Supplemental Appropriation in the Amount of \$12,200 Resulting from the 2015 Net Proceeds of the Jingle Jam Concerts

- h. Addition to Adopted 2016 Legislative Positions Statement

RESOLUTION 2016-008

Modification to the Adopted Legislative Positions Statement for the 2016 Virginia General Assembly Legislative Session

- i. Initiating Amendments to the Zoning Ordinance for Small Cell Antennas

RESOLUTION 2016-009

Initiating Amendments to the Leesburg Zoning Ordinance Regarding Regulation of Telecommunications Facilities to Address Anticipated Service Demands and the Implementation of New Technologies in Accordance with Town Plan Objectives

The Consent Agenda was approved by the following vote:

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

Nay: None

Vote: 6-0

10. PUBLIC HEARINGSa. TLOA 2015-0004 Zoning Ordinance Batch Amendment

The public hearing was opened at 8:12 p.m.

Chris Murphy gave a brief presentation on proposed batch of amendments to the Zoning Ordinance.

Key Points:

- Annual batch amendment process makes amendments to the zoning ordinance that fall into four general categories: meeting updated state code requirements, addressing ease of use and interpretation, correcting errors, and being responsive to the changing needs of the community and/or town code directives.
- Change in the Sign Ordinance will update current procedures established in Article 15 for Comprehensive Sign Plan review.
- Planning Commission would like to see exhibits, illustrations and/or section drawings and comparative tables showing the amount of open space, parking spaces, lot sizes, gross floor area of commercial space and residential density, etc. per the zoning ordinance as compared to the development as modified.
- Updated language regarding variances heard by the Board of Zoning Appeals to conform with language in the state code.
- Updated language regarding appeals to administrative decisions of the Board of Zoning Appeals to conform with language and updates in the state code. Puts the burden of proof on the appellant to rebut the presumption of correctness with the preponderance of evidence.
- Ease of use change for archeological and historical information that establishes a procedure if a phase I archeological survey reveals archeological deposits of local, state, and/or national significance. This follows state historical preservation office and National Register standards.
- Establishes a voluntary process for providing input on potential applicants for Certificate of Appropriateness in the H-1 and H-2 overlay on preliminary designs before the applicant makes more significant investments on more significant design – before they make their official application for a Certificate of Appropriateness.
- Allows administrative approval of Certificates of Appropriateness for review of bollards, traffic control devices outside of the public right of way, installation of HVAC units and supporting structures, utility related improvements, and change of appearance of gutters, downspouts, attic vents, and exterior doors on non-contributing resources.
- Removes indoor vehicle auctions from the use table in Section 9.2 consistent with the prohibition on use established in Section 9.1.5.

- Moves the use standards for Family Day Homes, which currently reside in Section 9.3.11, which are use standards for primary uses since Family Day Homes are accessory uses to the primary use of a dwelling.
- Changes Section 9.5.4.D2, which revises the duration of events from three consecutive days five times per year for a total of 15 days, 3 consecutive days, 8 times per year for a total of 24 days.
- Specifies in lots with single family detached, duplexes, multi-families, end units of single family attached townhouses, that mechanical units require a 5 foot setback and establishes on interior townhouse lots, that HVAC mechanical equipment is 18 inches.
- Clarifies that the accessible parking spaces will be calculated based on the number of spaces provided versus the minimum required.
- Removes the County garage as a qualifying facility for waiver of parking requirements since the parking restrictions limiting the use of the county garage.
- Ease of use change to the 20 year canopy requirements.
- Codifies the established practice of the town to exclude the width of entrances from street tree calculations.
- Clarifies language establishing perimeter parking screening requirements.
- Expands plant ground cover requirement on any slope greater than 3:1.
- Establishes a sunset provision for non-conforming signs that are no longer in use.

Council Comments/Questions:

- Dunn: On number 7, the one dealing with the H-2, just more of a comment than a question. Again, I wish we were moving along the removal of the H-2. This was a town council directed priority and it keeps getting pushed further and further back and here we are making more changes to the existing regulations when it should just be taken out as a failed effort. Number 9, why are indoor vehicle auctions prohibited? Staff answer: Vehicle auctions all together have been prohibited in the zoning ordinance for quite a while. The indoor vehicle auction somehow is still left in the zoning ordinance – the use table in Section 9.2, but it is not permitted in any district, so what this does is cleans out this apparent inconsistency and makes the ordinance reflect the prohibition. There are certain uses in the town that are prohibited all the way around, vehicle auctions included. I am sure Mr. Boucher would probably have better knowledge of this since he was zoning administrator at the time this was established, but there were some vehicle auction uses that were not quite on the up and up, so to speak. So to avoid that all together, it was felt by Council at that time, to eliminate the use altogether.
- Dunn: Rather than eliminating a use, I would rather figure out how we can make the use be more in line with what would be acceptable. I realize this was one thing that was left out and I am sure we don't get a lot of vehicle auctions, especially those indoors, correct? When was the last time we had one?

Staff answer: We actually did have one once. The ordinance used to prohibit vehicle auctions of any type. Someone proposed a vehicle auction where Jerry's Chevrolet is now. This was back in the 90s. So, the ordinance was changed to allow it. That auction went under. I think it was found that it has certain impacts on the apartments nearby. Indoor vehicle auctions can be noisy. You have a lot of activity on the weekends or the middle of the week and there is a lot of noise, loudspeakers, etc. So, it was after that it closed. It was revisited to revert to the status quo before, and just removed the use. I will say this – my family is in the used car business. I have been to a lot of vehicle auctions and they do tend to be – they are usually out in some place that is not exactly surrounded by residential uses. Given by how Leesburg is kind of configured, there aren't too many places you can go without being in somewhat close proximity to residential uses. We just had a reversion and at the time was felt that we tried the experience and it didn't go over too well.

- Dunn: I would think that an indoor auction would be less impacting, than outdoor.

Staff answer: I'll just say this –when you say indoor, it means that they run the cars from outside indoor, but they open the doors and the sound reverberates out.

- Dunn: On Number 11, why are we not allowing even more weekends because that is really what we are talking about – three day weekends. Three consecutive days, Friday, Saturday and Sunday. Why not allow more weekends. This is only one out of every eight that we are allowing this possibility, so one every two months. Why not allow more?

Staff answer: What we don't want to happen – again, the R-1 district is a low density residential primarily zoning district. We don't want essentially event centered uses to come out of this change. This is something that Paxton has requested and we are accommodating that. If the Council feels that it is in the best interest of the town to permit these things any and all weekends of the year, then by all means. That was our intent to try to accommodate the needs of an existing place while not turning it into an event center.

- Dunn: I know that Paxton is a special circumstance. Because obviously we are not going to have a lot of locations within the R-1s holding major events. This is kind of a special situation, but I am glad we are increasing it and if that is acceptable to Paxton, that's great. I just am not sure why we are just limiting it to once every two months. It looks like one of those things that it will be good now, but then we may have to request coming in the future saying yeah, we'd like to do a couple more and the thing that I think also separates Paxton is the folks in the neighborhood – they know that Paxton is there. It is not like it is something new to them. I have appreciated they're working with my son's boy scout troop over the years. Just wondering why we have selected the number we did. If you are saying that number was requested by Paxton.

Staff answer: We spoke with them, worked with them while we were crafting this particular regulation and this was the number that they felt comfortable with.

- Dunn: Well, I don't have a problem going with more, if it is needed. If you feel that is acceptable then okay. But again, it is only once every two months and I know that sometimes the need is there for additional. Then the last one is the – I am not sure I am thrilled about number 19. I theoretically own a piece of property and I have a sign that is out there that is blank and on the weekend I go out and put up a sign that says have a nice weekend. But now you are saying I can't do that.

Staff answer: This only applies to non-conforming signs that are blank and not in use. If you had a non-conforming sign on your property and used that sign, you would only be able to do so under certain stipulations of the zoning ordinance. What this does is, if you have a preexisting nonconforming sign on your property that is not being used for advertising for a period of at least two years, state code gives municipalities the authority to remove those signs. Again, remember when the zoning ordinance was amended to eliminate certain types of signs, I'll say for example, in Leesburg pole signs were permitted. That's how you got the big tall signs with the little thing on top. Pole sign. At some time in the past, before I got here in 2003, Town Council decided they didn't want those signs in the town anymore, so they removed those as permissible signs. Thus, they became preexisting nonconforming signs. It was the will of the Town Council to eventually get rid of those where they existed; however, if you have one you can use it so long as it meets the nonconforming sign criteria under Article 15; however, there are places in town where these signs are existing – may not be being used and in those instances, we would not permit a sign to go on those signs. We would not permit them to revise those signs to be used in instances like that. This establishes a provision whereby under the state code this is permissible. We would require the property owner to remove that sign and they would be able to get legal signs on that property instead.

- Dunn: But the key was that I said I was using it on the weekend and I don't get much staff enforcement on the weekend. So, actually I am using the sign, even though your impression is that I am not.

Staff answer: We don't have any instances of that happening and this is just something that we want to put in place so we have the authority to remove those signs that Town Council wanted to see removed over time in the town.

- Dunn: So, we don't have any instances currently where we even need this, but we are going to go ahead and regulate...

Staff answer: No, we have. We have some out there today.

- Dunn: Okay. I'm not thrilled about that one. Thanks.
- Hammler: Just a quick one. What is a family day home?
Staff answer: A family day home is an in-home day care.

- Hammler: Okay. That's what I thought. I just wanted to clarify. Just for the record, from a disclosure point of view – number 11, my house backs up to Paxton and certainly appreciate where Tom was coming from, but this seems like a good balance. You know, I can certainly speak for our neighbors that I am in touch with despite the fact that we hear the haunted house all the time late into the night, we are very, very supportive of everything that you do. You are a wonderful neighbor, but this is probably a good number to be able to help support what you need from a fundraising perspective. I will also try, if this passes, to get the word out so that everybody knows that this is a change.

Jennifer Lassiter: I am the executive director at Paxton. I am really glad that I get to speak right now on the heels of that Katie, because I did want to explain a little bit about what we are asking for here. When we originally had the ordinance for a fair in the R-1 district, it really was talking about Shocktober and the Haunted House because there really hadn't been anything like this and it was really wonderful for you guys to help us figure that out. Now, though our events, our fairs have expanded beyond what we did for fundraising. Now we have an Easter Egg Hunt for our spring festival. We have a snowflake celebration during the winter holidays. We have an initiative this summer where we were doing music at the manor where we had local bands play from 5 to 7 and a winery was selling wine and the community came together – when I say the community I mean our community of people with disabilities and our neighbors and everyone. And so in order to be within compliance for zoning we need to have permits for all of those things so we are not talking about having 24 days of a haunted house. We are talking about our weekends in October for our haunted house that makes great money and you guys are very supportive of and we appreciate that, but also for more of these kinds of family and community events that bring our communities into one community of Paxton, which really has been our goal all along. So, I really appreciate working with Chris and Brandon, they have been great. We originally asked for 30 because that was encompassing all of the things we wanted to do. We also wanted to do a movie event – movies at the Manor and some fourth of July picnic. Things like that. They are daytime events. I just can't stress enough – it is not the haunted house, right? This is families coming together. Families who can't go to Ida Lee for it because they may melt down with the fireworks. Paxton is a beautiful property and everybody enjoys it. That is why we asked for the increase of days and we do try to be good neighbors. If you wanted to give us more, we would love it and not abuse it – I promise you. We are not going to always be haunted forever. We are growing into love and sunshine and butterflies too. If you have any questions for me, I am happy to answer them.

Mary Pellicano: I am the treasurer for the ARC of Loudoun at Paxton Campus. I am also a neighbor. My house is behind Paxton as well. Paxton has a long and storied history of hosting public events on the property. If you look back at the historical newspapers – the Washington Post – you can get them from the library – you can see on the society pages, Paxton was the place to be and be

seen in the late 1800s and in 2015-2016. It really is a place for the community to come together, our special community as well as the greater community. It has really become a model for inclusivity and I would echo Jennifer's statements that it is not just the haunted house. There are lots of happy things happening and we appreciate your support. We would appreciate as many days as you could give us. We have fun and inclusive happenings and we invite you all to attend them.

The public hearing was closed at 8:43 p.m.

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

ORDINANCE 2016-O-001

Amending Article 2 Review and Decision Making Bodies; Article 3 Review and Approval Procedures; Article 7 Overlay and Special Purpose Districts; Article 9 Use Regulations; Article 10 Density/Intensity & Dimensional Standards; Article 11 Parking, Loading and Pedestrian Access; Article 12 Tree Preservation, Landscaping, Screening, Open Space and Outdoor Lighting; and Article 15 Signs

Council Member Dunn offered a friendly amendment to change Number 11 from eight events to twelve events. The amendment was not accepted as friendly.

Council Member Dunn offered an amendment, seconded by Council Member Martinez to increase the number of days for a fair in the R-1 district to three days per event twelve times per year.

Council Comments/Questions:

- Hammler: Would we not have to re-advertise?
Staff answer: I don't know. I don't think so. It is increasing the impact but in an abundance of caution, I think you would have to readvertise. Thank you for bringing that to our attention. I appreciate that. So, you should split the question – maybe vote on the rest of the amendments. Maybe bring that up at another time.

Council Member Martinez withdrew his second as he would like to see the ordinance passed as soon as possible.

Council Member Dunn requested to split the question.

Council Comments/Questions:

- Dunn: If we split the question and make and advertise this anew, this can still go forward tonight and can we readvertise to make that change later?
Staff answer: I am not sure I understand the question.
- Dunn: In other words, this amendment – this zoning ordinance change is going to go forward – passed and these numbers will be here – the 24 days that we have now. Can we go ahead and bring up the increased number of days to be voted on at a later date?

Staff answer: Yes, if the majority of Council agrees.

- Martinez: One clarification – by splitting the question are you not taking out that ordinance change and laying it back on the table as a separate item. If you do that and you ask to change it, then we have to wait for the public hearing for that. So, would it be better to just go ahead and pass the ordinance as is and then in new business, Tom bring it up for an ordinance change?

Staff answer: Yes, I thought that was where we were going. Absolutely. You may split the question – you don't need a second. The problem is the question you want to be voted on – I have decided thanks to Ms.

Hammler that additional notice would be needed. I am afraid if you vote on that by itself, it is going to be void because as we discussed today, notice is crucial in these kinds of matters and notice was not appropriate. Mr. Dunn, I think your only option is to bring it up later.

Council Member Dunn retracted his request to split the question.

The motion to approve the original ordinance was approved by the following vote:

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

Nay: None

Vote: 6-0

11. ORDINANCES

- None.

12. RESOLUTIONS AND MOTIONS

- Rescinding Approval of Funding for Town Green Stage and Interactive Water Feature on Mervin Jackson Park

Council Member Dunn: When I was bringing this up, I had mentioned my main reason for it was that this has not gone through the CIP process and I felt that it should have. We found that there were funds available and why let the dust settle on those funds – spend them quickly. Well, I didn't quite agree with that and I could see going forward with the stage because it looks like those funds are coming from an accident that happened at the garage, but for \$300,000 to go towards a splash water feature, I just didn't feel would fit into the character of downtown. There may be some other type of water feature that could be put in that would be more fitting, but I think that it should go through the CIP process because there are other projects that we may determine through that process that are more fitting of those funds. So, I don't have to – unless these are both on the same amendment. Are these both on the same amendment? So, both the stage and the water feature were both on the same amendment. So, what I would be willing to do is ask for a rescission of that amendment and then bring the stage as a separate vote from the water feature.

Council Member Dunn made a motion to rescind the vote on the Town Green Stage and Interactive Water Feature. The motion failed for lack of a second.

b. Northern Virginia Transportation Authority Planning Coordination Advisory Committee (PCAC) Appointment

Vice Mayor Burk noted that these meetings are held in Fairfax near Gallows Road. She stated that there is not always a quorum, so it is not consistently on a monthly basis. She noted the meetings are generally held at 6:30 p.m. in the evening.

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

MOTION 2016-001

I move to Appoint Dave Butler as the Town of Leesburg representative to the Northern Virginia Transportation Authority Planning Coordination Advisory Committee (PCAC)

The motion was approved by the following vote:

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

Nay: None

Vote: 6-0

c. Selection of Council Representatives to Meet with Sheriff and Board of Supervisor Representatives in Advance of Council Work Session on Potential Efficiencies between Leesburg Police Department and Sheriff's Office

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

MOTION

I move to Appoint Vice Mayor Burk and Council Member Hammler to meet with representatives of the Sheriff's Office and the Board of Supervisors to discuss potential efficiencies between the Leesburg Police Department and the Loudoun County Sheriff's Office

Council Comments/Questions:

- Butler: This is different from what we discussed last night.
- Burk: The names are different, yes. It is the same – sheriff's office and the Board of Supervisors meet with the Leesburg police and should have moved to appoint to meet with the representatives, yes.
- Butler: Okay, so considering since you didn't seem enthusiastic last night and Tom did...
- Dunn: I am waiting to have a work session on it. I thought that is what we decided to do.

Staff answer: The direction was to proceed with a work session on it, but to go ahead and make your appointments in the meantime and move forward were some of the direct comments made.

- Burk: It doesn't affect the work session. We are still going to do the work session.
Staff answer: The work session is scheduled for your next meeting.
- Dunn: However, as we discussed last night that the people attending the – being on the committee may not necessarily share the views that are expressed by all of Council. We have had that happen before. I would rather wait until we have a work session on it so we know what we are talking about. And I would like to hear those people who are interested in serving on that committee, what their views are to bring in essence forward the Council's views.
- Burk: Well, this is – the representatives will be simply meeting with the Board of Supervisors representatives, the Sheriff's and the Leesburg police to see what efficiencies can come forward. I think if out of the meeting comes any efficiencies, I don't think there is going to be anybody on Town Council that is going to object to having efficiencies between the Sheriff's office and the Leesburg police. I would think that would be pretty straightforward.
- Dunn: Except the individual's view of what is efficient. Some people feel that...
- Burk: It would have to come back to Council. It most certainly is not something that two people would decide. It would have to come back to Council before any efficiencies were made.
- Dunn: I would say that I did mind when my name was brought up as being on the subcommittee. I don't mind serving on it. I think I can represent the Council's wishes very well.
- Burk: I guess I will withdraw. I would like to have served on it. I think we should have some leadership so let's vote on it. Let's see how it goes.
- Butler: As long as it is not me, I really don't care who is serving on this. But last night, I did say that I thought it was a good point waiting until we have a work session on it before we decide because while yes in theory any two council members can be on there and represent council, in real life it can be different. I would prefer to have a couple of people who are the most enthusiastic with whatever ideas we come up with after the work session. So, tonight, I probably won't vote for anybody, but I hope nobody takes it personally because I really don't have a lot of energy one way or the other.
- Hammler: I like Tom's point [inaudible] and sincerely appreciate all the time and energy as he consistently talks about the importance of ultimately ensuring that we get kind of our proper tax share worth of sheriff's support. I know that both of you would do a great job, so I am happy to support both.
- Fox: Does that mean that you would rather see Kelly and Tom?
- Hammler: I think that we all have the same goal. To the extent that I think we summarized last night that no matter who shows up at all the meetings that we act as a council. We vote as a council, we act as a

council. We represent the Council whenever we are officially designated the liaison to any commission, committee or otherwise.

- Dunn: I would say that again regardless of where this vote goes, I would recommend that we don't select anybody until we know what Council's position is which is what we discussed last night, working on it at our next work session.

The motion to appoint Vice Mayor Burk and Council Member Hammler was failed by the following vote:

Aye: Martinez, Hammler and Vice Mayor Burk

Nay: Butler, Dunn and Fox

Vote: 3-3

On a motion by Council Member Fox, seconded by Council Member Hammler, a motion was made to appoint Council Member Hammer and Council Member Dunn.

- Dunn: Again, I don't have a problem doing it. I just would not recommend us moving forward like this until we discuss what it is that Council wants. You can make any motion you like.
- Hammler: I will second it because I think it is important to make our appointments so we can get organized and have an efficient work session.

The motion to appoint Council Members Hammler and Dunn, failed by the following vote:

Aye: Hammler and Fox

Nay: Butler, Dunn, Martinez and Vice Mayor Burk

Vote: 2-4

d. Amending Resolution 2015-001 Making Councilmanic Appointments

On a motion by Council Member Butler, seconded by Council Member Hammler, the following was proposed with Vice Mayor Burk as the Councilmanic Liaison to the Planning Commission:

RESOLUTION 2015-001

Making Councilmanic Appointments

The motion was approved by the following vote:

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

Nay: None

Vote: 5-0-1 (Dunn abstaining)

e. Appointment of Mayor

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

MOTION

I move to direct staff to solicit interest from the public for appointment to the vacant mayoral seat

Council Comments/Questions:

- Martinez: I just hear all the different arguments. I still believe that we would serve better having somebody from the outside with no political agenda to be our new mayor than try to select somebody from this council who has already declared their candidacy for mayor and one who is already campaigning. The town would be served better to have a person who is not politically motivated.
- Dunn: I can't support this motion at this time. I think that we are still early in the process. As I stated last night, there is no rush.
- Hammler: My understanding of the discussion that we had last night is that certainly based on the feedback I have gotten from the community is that there is a tremendous amount of experience any one of us have relative to our numbers of years having served as elected officials on the council and that the majority direction was that we would select the interim mayor position from amongst ourselves. That is my understanding of the direction that we discussed last night.
- Burk: When it comes to replacing a council member, the council in the past made it a practice to select somebody from the public who doesn't want to run for any future political office. It helps to keep the position from becoming a political payback. So, if we change that policy to appoint the mayor, we are creating an artificial incumbency for somebody on the council who plans to run in the future. I personally don't think that's fair and I know that you all know that. I have been pretty straight forward with that. As Council members, yes, we have the experience of running a meeting and understanding the items that come before council; however, I think it is very elitist of us to assume that no one in the public is qualified to do the same. There are many public members who have no interest in running for office, but would like to have the chance to serve the town. They have run boards or businesses or nonprofits and are very well versed in town concerns and most certainly can run a meeting and will represent the town professionally. Someone may apply that has the experience on the board of supervisors level as a staff person or someone may apply that ran a nonprofit and understands how to stretch the dollar. Someone else may have been high up in a business and have some new ideas to bring to the council. There could be a great deal of benefit to the town to have a new experience for the term of the mayor's seat. We on council are all political animals, but we should not pick the town interim mayor based on who knows who or who is friends with who. We should allow the public to bring their names forward and we should set a policy now and for in the future if this event should ever happen again. This process should not be closed and should not be limited to Council only. While certainly we should consider council members, but it most certainly should also be open to the public. Let's be honest and admit that each of us would be glad to serve and we would do so and a great job, but it is not

the right time to do it. It is the time to allow others to join the table. So, for that reason, I am supporting Marty's motion.

- Fox: So, you are saying from your comments that whomever is chosen has to swear not to run for anything and if they don't that's an elitist point of view?
- Burk: No, you can't make anyone swear not to run. You couldn't make anybody do that.

The motion failed.

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

MOTION

I move to appoint Vice Mayor Burk Mayor of the Town of Leesburg effective January 13, 2016 for a term ending December 31, 2016

Council Comments:

- Burk: I don't think that is a very good...
- Butler: I don't want to nominate somebody if they don't want to accept the nomination. So, I'd give her a chance to think.
- Martinez: My big concern is that if she does accept the interim mayorship, it kind of counters what she just discussed; but I will say that even though I do agree with her discussion, I think she would do a fine job as interim mayor and I could support Dave's motion.
- Burk: I have been pretty open about the fact that I don't think it is the best thing to do. I don't think that – can you explain to me why you would think that it would be better to nominate me rather than bring it out to the public?
- Butler: I think, as I said last night, I agree with Mr. Ron Campbell that I think it is better for someone on Council to take the mayoral position and then we pick somebody from the outside to replace that person. So, you happen to be to my left. I would like to nominate you, if you accept the nomination. If not, I will make additional motions.
- Burk: I would be willing to accept it.
- Hammler: It is important for the record – I have stated that the methodology, I think is important, but you have been very public about – you have stated specifically given that you have already announced your candidacy for mayor that you would not serve as the interim mayor. I think that we also discussed that it would be at a cost of \$17,000 to \$20,000 just relative to a special election. Could we just review to the record what the process will be if someone who ultimately – by taking this office will lose your Council seat so you will be running obviously for mayor and if you lose, you will no longer be on the council. So that's the other aspect of this, which is why with the complexity of staggered terms. So, you are running for mayor and will no longer be a Council member

with the term ending in 2018 and we will have to have a special election which is a \$20,000 fee for taxpayers.

Staff answer: That fee, that cost will only be if the Council asks for a different date than the general election. The fall back by the court when they order a special election, is the date of the general election, unless the Council asks otherwise.

- Hammler: But we would need to fill the Council seat certainly before November?

Staff answer: It is up to you, but it just not a given that it is \$20,000. A special election is \$20,000 if it is earlier than the date of the general election and that would be up to Council.

- Burk: So, would you appoint somebody in the meantime?

Staff answer: Yes, you have 90 days. The process would start again. You would have 90 days to make that appointment. If you don't make the appointment, the court makes the appointment.

- Burk: Could you make that appointment until November? Until the election?

Staff answer: You have 15 days from the time of your vacancy – you have 15 days to ask the court for a special election date. So, we would have to petition within 15 days once that vacancy occurs for that special election. That special election can occur either earlier, if you ask, or on the date of the general election.

- Burk: So, we could ask for the election to be in November and appoint somebody in the meantime and there would be no additional cost.

Staff answer: Yes, a few hundred dollars is the quote I got. Yes.

- Fox: This is appoint a Council member in the meantime. I just want to make sure I have that straight. An appointment of a Council member without a special election would be permitted in this situation.

Staff answer: Yes.

- Hammler: But her term ends in 2018 and so, my understanding of your memo is that we would have to have a special election to fill the Council member seat vacated by any member of Council who's term ends in 2018.

Staff answer: Correct.

- Hammler: And you are suggesting, which was not in your memo, that we could appoint someone in the interim and then have the special election for that seat in November? Because that is the first time you have stated that.

Staff answer: No, I said in my memo and several times, I have said that special elections can occur at the date of the general election and they will occur at the date of the general election unless you ask otherwise. If you don't ask for a date earlier than the general election, the court will give you a date of the general election.

- Hammler: That is news that we can in fact appoint somebody to that Council seat vacated by any member of Council who's term ends in 2018. So, in the interim before November, we can appoint somebody.

- Butler: This would be no different from when Ken left for the Board of Supervisors. We would have to appoint somebody until the special election. In that particular case, we asked for the special election to be as soon as possible and it was early in April. We can certainly ask that the special election be in November which would save money, so the process would be no different than when Kelly left to go to the Board of Supervisors and when Ken left to go to the Board of Supervisors. Same thing. So, it's normal.
- Hammler: It answers the question, but I just think you have already stated publically your position on this.
- Burk: I have and I am very surprised. But if it is the will of the Council I would accept it.
- Hammler: I guess I'll just add this comment which is that I agree with Council Members who have stated that it is best, preferably not to appoint someone who is seeking the office. So, for that reason, from a seniority perspective, now that I understand the point about appointing a Council member to me it makes more sense for Marty, who has seniority. So, I think that it is good news that we can appoint someone who has a term that ends in 2018.

The motion failed by the following vote:

Aye: Burk and Martinez

Nay: Butler, Dunn, Fox, and Hammler

Vote: 2-4

Council Member Dunn made a motion to appoint Council Member Hammler as mayor. The motion was seconded by Council Member Butler.

The motion failed by the following vote:

Aye: Butler and Hammler

Nay: Burk, Dunn, Fox and Hammler

Vote: 2-4

Council Member Dunn made a motion to appoint Council Member Butler as mayor. The motion was seconded by Council Member Fox.

The motion failed by the following vote:

Aye: Butler, Dunn, and Fox

Nay: Burk, Hammler and Martinez

Vote: 3-3

Council Member Hammler made a motion to appoint Council Member Martinez as mayor. The motion was seconded by Council Member Dunn.

Council Member Martinez did not accept the nomination.

The motion failed by the following vote:

Aye: Hammler
Nay: Burk, Butler, Dunn, Fox and Martinez
Vote: 1-5

Council Member Dunn made a motion to postpone discussion until the next meeting in January. The motion was seconded by Vice Mayor Burk.

Council Comments/Questions:

- Dunn: I guess we could continue to go around and around, but it seems like we are at a bit of a standstill. I would just recommend maybe taking this again to possibly a work session. Then if not, then directly to our next meeting later this month.
- Hammler: For the record, Tom. I was going to nominate you just relative to the fact that the will of Council truly was that we would select someone from the dais. I am not going to support postponing this because I don't see how we are going to make any progress. If this does not pass, I would support just sending this straight to the courts at this point.
- Martinez: Tom, I will support your motion. I think that since we have gotten this far, we are in a position to sit there and just keep nominating people and looking for a vote. Not only that, I really – this does not go directly straight to a district court. How many days do we have until we have to make a decision?
 Staff answer: 90 days from December 31. You have until March 31.
- Martinez: So, we have got plenty of time and you know I still believe that there is no problem with this except the resumes of people wanting to volunteer to be interim mayor and consider them. But I will support postponing this motion until our next working session for discussion.

The motion to postpone discussion to the next work session with a vote at the following meeting was approved by the following vote:

Aye: Burk, Dunn, Martinez, and Fox
Nay: Butler and Hammler
Vote: 4-2

13. UNFINISHED BUSINESS

a. None.

14. NEW BUSINESS

a. None.

15. CLOSED SESSION

a. None.

16. COUNCIL COMMENTS

Council Member Fox: Had no comments.

Council Member Hammler: I have several disclosures. On December 18 – it has been a long time since we have met. I received a call about two text amendments from Mike Banzhaf dealing with parking in the service station consuming, if they prepare on site. I also received a text from Mr. O'Connor regarding the O'Connor tract. I also just wanted to – disclosure because we have new rules that are instituted, but just because it is an actual event but the fire banquet was absolutely lovely that we all – several of us attended – most all of us attended last Saturday. I just want to mention I attended. They gave a lovely tribute to Bob Zoldos. So, I know many of us who worked with him were just extremely honored that he deservedly got such a lovely commemoration at that event. A couple of other comments. I wanted to congratulate Simpson Middle School and Chad Runfola, the principal. They have won the school to watch award and I was very happy to participate just as a community partner because of their great support of our pilot for the youth in local government initiative that we have that has been well documented and publicized around the state. So, just wanted to congratulate Simpson Middle School. We are also following up with Bill Beazer from Loudoun County Public Schools at the end of the month to talk about possibly expanding that with a partnership with Loudoun County Public Schools and Stephanie who is the new executive director of Morven Park that runs the civics program. First of all, welcome to her, but she will also be doing that meeting. Just a couple of quick things. I appreciate Delegate Minchew for the resolution that we passed – has initiated the SCC public hearing requirements for power lines. I think that was a great initiative. I want to thank him for that and I am glad we added it. I want to thank Jingle Jam. They had a wonderful set of concerts over the holiday and we earned several thousand dollars that were donated to the Juvenile Diabetes Research Foundation, so that is just a win/win for the community. Finally, congratulate all the Board of Supervisors members that were sworn in. I know most of us attended the swearing in that was bi-partisan and I thought was just a wonderful event so looking forward to working with all of them. Thought Phyllis did a lovely job just embracing all of her colleagues and starting off with a great tone for the board. One quick note – I might bring it under new business, but I was hoping that we could take a look at the clean up that we might be able to do at the ramp from the bypass to Rt. 7 east, Kaj. There is a lot of litter there. Just wanted to highlight that as something hopefully we can take a look at – either staff doing it if we need to bring under new business, just let us know. Speaking of new business, I appreciated the SRTC bringing forward the mid-block crosswalk for Plaza Street. I would be happy to bring that up under new business or we can bring it up under the budget, whatever is the recommendation of Council. So, those are my comments. Looking forward to the six of us doing a great job until we iron out getting our new appointment.

Council Member Martinez: I just want to say thank you to the Council for another entertaining evening. I do want to say that VML – I don't know if you have seen the latest email article or magazine, but there is an article about the education – school thing that we did. That was pretty cool. Take a few minutes to read that over. I did have to let everybody know that I am on the board of directors for Paxton Campus so I am real excited with the support they got for the events and hopefully we can get more. I do want to congratulate Ron Rordam for being president of VML. I think he just started his term this year. I was also at the volunteer fire dinner and I had a lot of

fun with all the people there and it was great. Lastly, just so you know I have been appointed to the state's aerospace advisory council. That is all.

Council Member Dunn: Well, I am not on the Board of Paxton. My son is special needs although I don't take nearly enough advantage of all that you all offer. I did appreciate your comments though about fourth of July and fireworks. He doesn't seem to be bothered by those, but I will have to get by there sometime and give him a chance to try you all out. Hopefully we can help you out moving forward to get you all a few more events. By the way, if you could – if no one else let me know what those 30 events you are planning – if those were day events or week long – weekend long events. I had, and I will just say this – these people already know it – but for the public just so they don't think I am more loopy than I normally am, I had oral surgery yesterday so this side of my mouth looks like the godfather. And my speech is messed up and so is my thinking. But anyway, I hope everyone had a good Christmas, good new year and can move into – what's next Kevin? Whatever, enjoy the next holiday coming up. I'm beat. Thanks.

Council Member Butler: I just want to say happy new year to everybody. Last I knew it was snowing so I think winter may actually be upon us. So, that's all.

17. MAYOR'S COMMENTS

Vice Mayor Burk: We haven't met since the Christmas holidays, so happy new years to everyone. I do have a few items to share. I presided over a ribbon cutting for the new location for Puccios. It is still on Loudoun Street, but down the street closer to the gas station. It is a great location. Great sandwiches. If you get the opportunity to stop by and support the local business. On Saturday, January 8, I was honored to administer the oath of office for the Leesburg Volunteer Firefighter's Board of Directors. Dave was there. Katie was there and Marty was there. They also were in attendance and helped me give the donation to the volunteers. The volunteers were very excited we were there and were very grateful. On Sunday the 9th, the Friends of Balch Library held their annual meeting and presided over their newest oral history presentation. If you have not had an opportunity to see these, they are just amazing. They interview well known people within the community that have been around for a long time. In this case it was William Allen and he was an artist and photographed many, many pictures of the children of the Kennedys when they were in Middleburg and became good friends with them because he did not sell these pictures. He felt that because they were of the kids, they were for posterity and he was not going to sell them. She appreciated it so much that she had him do official photographs. Many of the photographs were on national magazines, but he talked about his life starting in Middleburg. His wife started the fun shop. If you have ever been to Middleburg, that is just the greatest shop in town and his daughter is the Mayor of Middleburg – Betsy Davis. They are just very, very well done. Very interesting and they are being stored at the Balch Library, so if you have the opportunity to go and look at it, it is really worth it. I also attended the Economic Development Summit. I want to thank the Economic Development Commission and the Economic Development Department and all the business people that came out that were willing to give their time to discuss ideas and concepts to help develop ideas for the downtown. It was a good job. It was a great event. I appreciate everybody going.

Today, we did a ribbon cutting – Dave was present – for the recyclers. That is on Market Street. They used to be a business in town but they moved out of town but they are back. It is a very unique bicycle shop that also has a coffee shop within it. It has a knitting club within it. It has a book club within it. It reaches out to the disadvantaged community when they get donated bikes. It really is a great business. Stop by and see it. Great people that run it. I want to thank the council for their patience this first meeting that I ran. These first two meetings. You have all been wonderful and though I did stumble at times, I do appreciate your patience. Thank you very much.

18. MANAGER’S COMMENTS

I just want to update Lowenbach project is almost done. If you have been through the neighborhood recently you will see that the final paving and striping on the roadway is completed. The four-way stop at Queen and Blue Ridge that was approved by the SRTC recently will be installed hopefully by the end of this week. We have some final clean up that is going on. All the sidewalks are installed, etc. It looks great. In the spring, we will finish the project with tree plantings, crosswalks, etc. We have made a lot of progress. I think you will be proud as we finish everything up. If you haven’t had a chance, please drive through there and just see it.

19. ADJOURNMENT

On a motion by Council Member Butler, seconded by Council Member Dunn, the meeting was adjourned at 9:36 p.m.

Kelly Burk, Vice Mayor
Town of Leesburg

ATTEST:

Clerk of Council
2016_tcm0112

Webex Conference Call, 6:03 p.m., Vice Mayor Kelly Burk presiding.

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

Staff Present: Town Manager Kaj Dentler, Deputy Town Manager Keith Markel, Public Information Officer Betsy Fields, Director of Capital Projects and Public Works Renee Lafollette, Chief of Police Joseph Price, Director of Finance and Administrative Services Clark Case, and Clerk of Council Lee Ann Green

This electronic meeting was held pursuant to the requirements of Section 2.2-3708(G) of the Code of Virginia due to the effects of Winter Storm Jonas. The meeting was held using Webex Conference Call.

ROLL CALL: Showing all members present on the conference call from their residences. David Butler, Thomas Dunn, II, Suzanne Fox, Katie Sheldon Hammler, Marty Martinez and Vice Mayor Kelly Burk.

Town Manager Kaj Dentler stated that this is a storm of historic proportions with some parts of town receiving as much as 36 inches. He also stated that the town is working closely with Loudoun County.

Key Points:

- Challenge is resources.
- Town's current equipment and staffing is geared towards an event of 10-12 inches.
- Entire region is dealing with the same thing.
- Public news conference with the county tomorrow morning at 11 a.m. – Phyllis Randall, Chair of the Loudoun County Board of Supervisors will lead the conference. The conference will be televised on the County's broadcast channel and webcast on their website.

Director of Capital Projects and Public Works, Renee Lafollette updated everyone on the status of storm clean up.

Key Points:

- Since Friday morning we have been working two 12 hour shifts.
- All town resources plus seven contractors.
- At 7 p.m. this evening: 35% of the NE quadrant will have one lane passible, 60% in the SE, 60% in the SW, and nearly complete in the NW
- SW will have all streets passable by end of shift on Thursday, SE by end of shift on Wednesday, and NE by Friday.
- In contact with General Services at the County regarding resources
- Driveways and pipestems will only be cleared for verified medical reasons.

- Working closely with the Police Department and Fire and Rescue on 911 calls to get ambulances or fire equipment into neighborhoods.
- Resources will remain in all quadrants until all streets are passible.
- At night crews will work on primary road safety concerns.

Vice Mayor Burk verified that she would be able to speak at the press conference in the morning. There were no objections to that.

Council Member Dunn questioned why the variation in completed plowing percentages in the different quadrants. Renee Lafollette confirmed that the differences in completion rates were a combination of terrain, intersection sizes, and how many people have tried to get out. The NE quadrant is the largest and also has the largest number of cul-de-sacs.

Council Member Fox questioned whether the County was asked for help earlier. Mr. Dentler stated that the county does not have any resources of their own with the exception of Parks and Recreation and General Services. The county depends on the Virginia Department of Transportation for snow removal. He also stated that the town and county have been working together now and before the storm. The county is bringing in help from out of state and the town is in close coordination with them.

Several Leesburg residents expressed concern with not having their quadrants passable before Friday. There was concern over emergency rescue situations. It was clarified that snow plows would precede rescue equipment into neighborhoods that had not been plowed, although no response time could be given because it would be dependent on rescue equipment availability. Chief Price verified that all police cruisers are equipped with AEDs.

Council Member Butler questioned why so few contractors have been employed. Ms. Lafollette noted that as many contractors were secured as possible. She added that sometimes they do not show up when they say they will. Mr. Dentler noted that the entire region is in competition for contractors with snow removal equipment.

Council Member Butler stated that the town needs to do better than that.

Mr. Dentler stated that staff will be asking for additional resources, both in equipment and staff, in the next budget cycle.

A comparison was made to Purcellville's snow removal efforts. It was noted that Purcellville is just over three square miles and still do not have all lanes passable, even with VDOT support.

Council Member Hammler stated an effort should be made to organize volunteers to shovel out elderly neighbors. She questioned whether anything can be done to put the call out for resources.

Mr. Dentler stated that this is a physical challenge with the volume of snow and that the town is taking advantage of everyone who has volunteered to help.

Council Member Fox questioned why Purcellville has VDOT support. Ms. Lafollette noted that the town maintains its own streets. She stated that the county has come to the town asking for assistance as well since they don't have their own snow removal equipment.

Council Member Dunn stated that that Boston has offered assistance and questioned why the town has not asked for assistance from localities outside the storm. Mr. Dentler stated that the county has done that.

A resident questioned whether there is a plan to bring the need for more equipment to the voters since it is not acceptable to have people stranded for a week. Mr. Dentler stated that the county is working to bring additional resources from outside the area.

Former Leesburg Supervisor Ken Reid questioned how the subdivision streets are prioritized for snow removal. Ms. Lafollette stated that the crew that is assigned to a specific quadrant moves through the quadrant methodically and does not pick certain streets for plowing. She verified that they will be working 24/7 until all the snow is cleared.

A downtown business owner questioned what the plan was for removal of the snow downtown. Ms. Lafollette stated that they will be bringing in a blower tomorrow to start clearing the big piles of snow.

Council Member Dunn stated that the town should start thinking about where it will put the snow that it hauls out. Ms. Lafollette states that they have already lined up haul out trucks and equipment and have dump locations identified. They will get the residential streets passable before hauling begins.

Mr. Reid questioned whether the state police can help. Chief Price stated that the state police do not have that type of equipment. Town crews have been called in to pull out state police cars that do not have four-wheel drive.

Mr. Reid questioned whether the town can buy snow blowers from Home Depot and utilize town staff to man them. Chief Price noted that Home Depot was sold out of snow blowers as of Friday.

Vice Mayor Burk thanked the public for participating and sharing their concerns. She expressed her gratitude to town staff for trying to solve this issue. She stated everyone needs to work together and help each other.

Kara Rodriguez questioned whether the Council meeting scheduled for Tuesday night will be held since meetings are normally cancelled if town offices are closed. There was consensus of Council to cancel the meeting since the public would not be able to attend.

Mr. Dentler noted that Ida Lee Recreation Center would be open at 5 a.m. tomorrow morning.

Council Member Martinez stated he is encouraged that all six Council Members were able to meet on such short notice and stated it is important to let the public know that the town is doing everything it can.

Mr. Dentler thanked everyone and closed by saying that the town is focused on providing the best services with the resources at hand and that any situations would be addressed as well as possible. He welcomed any questions and encouraged everyone to attend the press conference in the morning.

The meeting was adjourned at 6:49 p.m.

Kelly Burk, Vice Mayor
Town of Leesburg

ATTEST:

Clerk of Council
2016_tcsnow0125

Webex Conference Call, 6:00 p.m., Council Member Marty Martinez presiding.

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

Staff Present: Town Manager Kaj Dentler, Deputy Town Manager Keith Markel, Public Information Officer Betsy Fields, Director of Capital Projects and Public Works Renee Lafollette, Chief of Police Joseph Price, Director of Finance and Administrative Services Clark Case, and Clerk of Council Lee Ann Green

This electronic meeting was held pursuant to the requirements of Section 2.2-3708(G) of the Code of Virginia due to the effects of Winter Storm Jonas. The meeting was held using Webex Conference Call.

ROLL CALL: Showing those members present on the conference call from their residences: David Butler, Thomas Dunn, II, Suzanne Fox, Katie Sheldon Hammler, and Marty Martinez. Vice Mayor Burk did not participate.

Town Manager Kaj Dentler gave an update on current conditions.

Key Points:

- All roads are down to black top.
- Primaries are at full width.
- Significant clearing of pedestrian walkways in high traffic areas (Sycolin Road, Market Street, etc.)
- Town garage is fully open.
- Town garage was free throughout the week for people to park because of conditions on the street.
- Temperature forecasts are excellent for melting.
- Crews and contractors will work throughout the weekend focusing on bus stops and intersections.
- Eight trash collection sites have been established throughout town and remain in place until 2 p.m. on Saturday.
- Trash pick up will resume in the neighborhoods on Monday on the regular schedule.
- If certain streets have access issues, dumpsters will remain at Ida Lee Park and Liberty Street.
- Airport is at normal operation.

Council Member Dunn questioned when all streets in town would be cleared curb to curb.

Mr. Dentler stated that curb to curb clearing will push snow back into driveway mouths and onto sidewalks. He stated the “hot spot” approach is being used if

citizens contact the town about further clearing noting that most residents do not want the town back in their neighborhoods.

Council Member Dunn expressed concern over the ability for school buses and trash trucks to access the neighborhood streets.

Mr. Dentler stated that the school system and the trash contractor are both confident that they will be able to get their vehicles into the neighborhoods.

Council Member Dunn noted that staff needs to be aware of those with special needs as the school buses pick those children up at the door.

Mr. Dentler stated that the school system has not indicated any special circumstances and that they are relying on the school system to let the town know if special circumstances exist. He stated it is not necessary or efficient to go back into every neighborhood and that feedback from Facebook, emails, and phone calls indicate that the residents do not want the town to come back through their neighborhoods.

Council Member Dunn stated that there have been some comments from certain supervisors and former supervisors that the town has a different process from what has been done in the past. He stated he does not remember leaving this much snow in the driving lanes. He asked that the town do its job and continue to clear the streets.

Mr. Dentler stated that the approach in regards to what has been talked about as a perfect plan has not changed. He stated the focus on primary streets, secondary streets and then neighborhoods has always been the town's approach and the only thing that has changed is the town will now plow a ring around the cul-de-sacs rather than plow through the middle.

Council Member Dunn reiterated that the town should continue to make every effort to clear the streets curb to curb as best as can be done with as little inconvenience to the citizens. He asked that they not wait for melting snow because cars cannot park on the street.

Mr. Dentler stated that curb to curb is not possible with minor inconvenience.

Council Member Martinez stated that he appreciated the comments.

Council Member Hammler had no comment.

Council Member Butler stated that there are streets where there is only one lane of traffic possible and that he could not imagine that to be standard practice. He stated that snow gets into driveways when clearing is done and that he cannot see how a complaint would supersede the issue of a one lane road.

Council Member Fox questioned what should be done with recycling.

Mr. Dentler stated that recycling would resume on its regular schedule next week.

Council Member Fox agreed with the assessment of one lane roads and stated that the snow needs to be pushed back further. She questioned the issue of doing things differently stating that in 2010, the roads were very bumpy after the big storm and questioned whether that is the change that people are talking about. She also stated it is not very productive to move the plows out of the neighborhoods at night.

Mr. Dentler stated that temperature and other weather conditions were big factors between this storm and the 2010 storm. He noted that the plow drivers could not distinguish between covered vehicles and snow banks making it too dangerous to work in tight residential areas through the worst of the storm so they focused on keeping the primaries open during the night and went back into the neighborhoods during the day. He stated that in the past, Mr. Wells had made the directive to make the primaries passable and then get into the neighborhoods quicker which became a fiasco because once people started moving around, the primaries became pitted with packed snow and the drivers interrupted the snow removal process. Therefore, Mr. Wells moved away from that after 2010.

Council Member Martinez noted that Catoctin is a major walking route for many people and asked that the pedestrian walkways be cleared along that road.

Mr. Dentler stated that the primary focus over the weekend will be getting the bus stops clear and after that, they will come back to the pedestrian routes that remain.

Council Member Dunn stated that a safety issue is the big piles of snow at the intersections that smaller sedans cannot see over/past. He recommended knocking those piles down to improve sight distances.

Council Member Martinez agreed with this request. He also stated that during the heaviest part of the storm, the plow drivers not only could not see to plow, but as soon as they did plow something, it was covered back up.

Renee Lafollette stated that line of sight is a priority for the weekend crews as well as pushing back snow in locations where there are major bus stops.

Council Member Dunn stated he does not agree with the process of letting the snow melt. He stated he believes there will be more concern with not having two lanes than with people being blocked back in by the plows.

Betsy Arnett stated that there is an online form on the website – www.leesburgva.gov/snowissue for the public to report snow issues. She noted it would be monitored through the weekend.

Council Member Fox stated that even though this is a learning opportunity, she heard a lot of positive feedback.

Council Member Martinez thanked everyone for participating.

The meeting was adjourned at 6:29 p.m.

Kelly Burk, Vice Mayor
Town of Leesburg

ATTEST:

Clerk of Council
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