

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

**Council Members Present:** Kelly Burk, David Butler, Thomas Dunn, Katie Sheldon Hammler, Marty Martinez, Kevin Wright and Mayor Umstattd.

**Council Members Absent:** Council Member Martinez arrived at 7:34 p.m.

**Staff Present:** Town Manager John Wells, Town Attorney Jeanette Irby, Director of Planning and Zoning Susan Berry Hill, Chief of Police Joseph Price, Director of Economic Development Marantha Edwards and Clerk of Council Lee Ann Green

AGENDA ITEMS

1. **CALL TO ORDER**

2. **INVOCATION:** Council Member Dunn

3. **SALUTE TO THE FLAG:** Mayor Umstattd

4. **ROLL CALL:** Showing Council Member Martinez arriving at 7:34 p.m.

5. **MINUTES**

a. None.

6. **ADOPTING THE MEETING AGENDA**

*On the motion of Council Member Burk, seconded by Council Member Hammler, the meeting agenda was approved as presented by the following vote:*

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

*Nay: None*

*Vote: 6-0-1 (Martinez absent)*

7. **PRESENTATIONS**

a. Possible Sister City Relationship – Saint Cyr sur Loire

Linda Shotton introduced Arnaud Boulestreau, who described the similarities between Saint Cyr sur Loire and Leesburg. He noted that Saint Cyr sur Loire would be interested in a sister city relationship with Leesburg.

b. FY 2014 Council Priorities and Key Projects

John Wells reviewed FY 2014 Council Priorities and Key Projects.

Key Points:

- The town is affected by legislative actions at the national, state and local level
- Significant transportation funding and transportation prioritization is being done by NVTA – the town does not have a vote on this board
- Local issues include the courts expansion, annexation, funding of shared services, JLMA projects

- Economic development priorities include full implementation of the Arts and Cultural District, expanding the coordination of efforts at the Mason Enterprise Center and the Small Business Development Center, business support
- Land development priorities include full implementation of the Crescent Design District, updates to the DCSM, transportation plan amendments, and Town Plan implementation
- Development projects that will require focus – Leegate, Crescent Place (Barber and Ross), Lowe's, Courthouse Square, Leesburg South (Meadowbrook), and Crossroads at Leesburg (Fontaine property)
- Continue to work through and complete the Capital Projects list
- Community Safety and Quality of life issues include emergency management/planning, safe streets, citizen orientation video series, and parking enhancements
- Operational efficiency and fiscal management priorities include long term financial planning, town-wide automation plan, improvements to the town website, e-government outreach to the public, new performance evaluation system
- Issues arise that were not on the original priorities list that are important and require time and effort to resolve

#### 8. **PETITIONERS**

The Petitioner's Section was opened at 8:00 p.m.

Steve Dodson, 1604 Woodbridge Court, expressed concern over the proposed Potomac Crossing Park. He stated he is a nearby homeowner and is opposed to the park because of concerns over the destruction of woodlands, crime, and traffic. He stated the HOA's position on this park does not reflect his views.

Clay Hunt, 506 Shanks Evans Road, which he stated is immediately adjacent to the proposed park. He stated he is interested in having something developed to support the community; however, this particular plan for the park concerns him. He noted the mature trees are of considerable value to the community. He expressed concern that the largest expense related to the proposed park is clearing the land and suggested more natural amenities.

The Petitioner's Section was closed at 8:10 p.m.

#### 9. **APPROVAL OF THE CONSENT AGENDA**

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

- Approving a Construction Change Order for the Airport North End Access Road Project*

**RESOLUTION 2013-081**

*Approving Change Order No. 5 for the North End Access Road Capital Improvement Project at the Leesburg Executive Airport*

- b. *Authorizing a Time Extension for Completion of Public Improvements for PMW Farms – Section 4 (TLCD 2010-0004)*

**RESOLUTION 2013-082**

*Authorizing a Time Extension for Completion of the Public Improvements for PMW Farms – Section 4 (TLCD 2010-0004)*

*The Consent Agenda was approved by the following vote:*

*Aye: Burk, Hammler, Martinez, Wright and Mayor Umstatt*

*Nay: None*

*Vote: 7-0*

**10. PUBLIC HEARINGS**

- a. Amending Chapter 24 of the Town Code to Authorize Service of Alcoholic Beverages by Licensed Establishments in Public Sidewalk Right of Way in a Designated Area Adjacent to Harrison Street  
The public hearing was opened at 8:11 p.m.

Jeanette Irby presented the background for this proposed Town Code amendment:

Key Points:

- Previously approved a similar amendment for an establishment adjacent to the Town Green
- Amendment would allow an additional location for service of alcohol in the public right of way
- Owner would be required to enter into a memorandum of agreement with the Town of Leesburg
- Memorandum of Agreement would include requirement for compliance of all state and local laws, payment of all taxes, and location diagram
- Change the term “drunkenness” to “intoxication”
- 60 day permit will be issued to allow the applicant time to complete the necessary requirements and investigate purchase of the property
- Rezoning application will need to be made because part of the property where alcohol is being served is zoned residential
- Applicant will need a Certificate of Appropriateness for improvements to the property

Council Comments/Questions:

- Can applicant purchase the necessary property?  
Staff answer: The town may be required to keep a certain sized buffer between the road and the applicant’s property
- Concern about carving out exceptions for individual property owners

- Can a sunset clause be added into this amendment?  
Staff answer: Yes, but a similar agreement was allowed for a business owner previously
- Dangerous precedent to change the law to bring people into compliance.
- Adjacent property owner must purchase the right of way so the town does not become a landlord for an outdoor drinking establishment
- Concerned about possible unintended consequences

Melissa Barnes, 17855 Leland Orchard Road, stated that this establishment is a place where families with children can come and the children are occupied in the sand. She stated it is a family friendly restaurant.

Jeff Munzell, 39543 Golden Springs Court, Hamilton, stated this establishment is very unique. He urged Council to pass this amendment and support the beach.

Kali Bodine, 510 Valley View Avenue, stated this is her favorite place to go to in Leesburg. She stated it would be a shame if this was shut down.

Jon Mays, Waterford, stated this has been a great place to go do since it opened, but someone has not done their job and taken care of this earlier. He stated Leesburg needs to maintain the small town relationship.

Bob Oravetz, 905 Frederick Street, Vienna, stated he would like to see this amendment pass and this establishment be allowed to stay in downtown Leesburg.

Karin MacDowell, 39845 The Narrows Road, Waterford, stated the owner of the establishment is her son. She stated this is a unique business that attracts people from out of the area.

Rick Lowe, 42281 Young Lane, stated he enjoys the establishment that brings a lot of people in from other areas.

Dennis Kabine, stated he is a resident of Loudoun County and enjoys going to MacDowell's Brew Kitchen. He stated his daughter enjoys playing in the sand.

Bruce Reyker, 208 Primrose Court, SW, stated he has seen a variety of different restaurants in the area, but has never seen one like this that isn't located near the water. He urged Council to fix this.

Monica Sonnagy, 209 South Street, stated she and her husband moved her six months ago from Falls Church. She stated she has never seen any open drunkenness and noted the increased foot traffic generated by this establishment helps other businesses.

Lars Henrikssen, stated he works in the real estate industry in Loudoun County and has seen a lot of changes over the years. He stated that Loudoun County has become a destination for people from all over the world. He stated Leesburg has become a destination for local musicians.

Victoria Stiles, stated she owns Victoria Stiles Hair and Make Up Studio at 18 South King Street. She stated she has been able to network at MacDowell's and refer customers to other establishments in town as well. She asked Council to take the fact that MacDowell's is an asset to other businesses into consideration when making their decision.

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

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

***ORDINANCE 2013-O-013***

*To Amend and Reordain Chapter 24 (Offenses and Miscellaneous Provisions), Article V (Offenses Against Public Peace and Order), Division 1 (Generally), Section 24-184 (Public Profanity and Drunkenness) of the Leesburg Town Code to Allow Alcohol to be Served and Consumed in a Designated Area of Public Sidewalk Right of Way on Harrison Street Between Royal Street and South Street*

Council Comments/Questions:

- Opportunity to support a local business that received the Best New Business at the Business Appreciation Awards
- No intention for deception
- Want to be able to support businesses
- This amendment allows the establishment to remain in business while the owner and the town work towards a solution and is not meant to be a permanent fix.
- Inaccurate statements in the media
- Can we waive the zoning violations during the period of time that the property is being prepared for sale to the business owner?  
Staff Answer: Town staff is working diligently to resolve these issues with the property owner and to facilitate the sale. The town has never pursued enforcement during the period of time that the owner is working things out with the Town.
- Can the town give the property to the business owner?  
Staff Answer: No. State Code is very specific on how and under what circumstances localities can convey property to others. Price must be fair market value or contributing value to the adjacent property that wishes to acquire it
- Can the property be configured so that alcohol is not served on the portion owned by the town?

Staff Answer: The town manager has granted a 60 day permit to encroach on right of way, but they cannot serve alcohol on that portion until this is resolved.

- Do not like the idea of serving alcohol on public property

*Council Member Wright offered a friendly amendment to add a sunset clause of January 31, 2014 to the town code amendment.*

This was not accepted as friendly.

*Council Member Wright offered this as an amendment to the main motion. It was seconded by Vice Mayor Butler and failed by the following vote:*

*Aye: Butler, Dunn and Wright*

*Nay: Burk, Hammler, Martinez and Mayor Umstatted*

*Vote: 3-4*

*The unamended main motion was approved by the following vote:*

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

*Nay: Wright*

*Vote: 5-1-1 (Dunn abstaining)*

b. Battlefield Parkway – Rt. 15 to the Dulles Greenway – Citizen Information Session

Tom Brandon reported on the requirement by VDOT to hold a citizens information session for this project and to have Council endorse the design plans.

There were no members of the public wishing to speak to during this citizen's information session.

Council Comments/Questions:

- What is the source of funding for this project?  
Staff answer: VDOT funded project
- Staff has been working cooperatively with the public to answer questions and provide information on this project

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

**RESOLUTION 2013-083**

*Endorsement of Design Plans for the Battlefield Parkway (From South King Street to Dulles Greenway) Project*

*The motion was approved by the following vote:*

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

*Nay: None*

*Vote: 6-0-1 (Martinez absent)*

**11. RESOLUTIONS AND MOTIONS****a. Downtown Improvements**

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

***MOTION 2013-029***

*I move that the approved design for the East Loudoun Street Downtown Improvements be modified to delete the street tree at 7 Loudoun Street, SE but construct the "planting box".*

Council Comments/Questions:

- Gives Council the option to add the tree at a later date
- Reasonable compromise
- Don't like to change approved plans for individual complaints
- Don't like this system for tree installation – would prefer something more mobile

*The motion was approved by the following vote:*

*Aye: Burk, Dunn, Hammler, Wright and Mayor Umstattd*

*Nay: Butler and Martinez*

*Vote: 5-2*

**b. Public Safety Staffing**

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

***MOTION 2013-030***

*I move that the Town Council authorize the addition of two full time equivalent police officer positions for the Police Department. These positions are permanent positions*

Council Comments/Questions:

- This is an administrative approval to allow staff to overhire and is not anticipated that it will require additional funding based on the average of vacancies, injuries and absences.
- There will be cost associated with this action, but it will not exceed the FY 2014 budget
- Would like a process that automatically backfills if there are officers on disability
- How does the town compare to other towns of a similar size as far as workman's compensation issues?

Staff answer: Will have to research and bring information back

*The motion was approved by the following vote:*

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

*Nay: None.*

*Vote: 7-0*

c. Crosstrail County Referral– Endorsing Staff Referral

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

**MOTION 2013-031**

*I move to approve the referral letter for ZMAP 2012-0021, Crosstrail Commercial Center, SPEX 2012-0047, Hotel; SPEX 2012-0048, Gas Pumps; SPEX 2012-0049, Outdoor Sales – First Submission, as presented*

Council Comments/Questions:

- Language needs to be firmer
- Can the Board of Supervisors approve this application without the town's consent since it is within the town's service area?

Staff answer: It is difficult to approve without the town's agreement to provide utilities

- Would like a cover letter from the Mayor to summarize the most important points
- Has the applicant seen these comments?

Staff answer: Yes.

*Vice Mayor Butler offered a friendly amendment to user language as suggested by the Director of Planning and Zoning. The motion was accepted as friendly. The maker and seconder of the motion agreed that a cover letter sent by the Mayor had been agreed to on Monday.*

*The motion was approved by the following vote:*

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

*Nay: None*

*Vote: 7-0*

d. County Referral: Zoning Ordinance change to JLMA Districts Pertaining to Utilities

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

**MOTION 2013-032**

*I move to approve the referral letter for ZOAM 2013-0006, JLMA Utilities Requirements, as presented*

Council Comments/Questions:

- Appreciate staff highlighting that this proposed ordinance change is in contrast to other board policies

- Would like follow-up on how this letter is received
- Would have preferred stronger language expressing objection
- This is a letter from town staff to county staff

*Council Member Dunn offered a friendly amendment to have objection stated in the last sentence in section 2 and concern for future consequences stated in the conclusion*

*The amendment was not accepted as friendly.*

*Council Member Dunn made a motion that the wording the last sentence in Section 2 be changed to add the words “however, the town opposes this ordinance because it is not in the town’s best interest” and in the conclusion that it state “while this is due to difficulties between Round Hill and county regarding utility service and Western Loudoun Substation, and should be addressed between those two entities, our concerns that this ordinance could affect and set precedence affecting all county-wide JLMAs and therefore the Town of Leesburg opposes this”.*

*The motion was seconded by Mayor Umstattd.*

Council Comments/Questions:

- Concerned that edits made by too many authors causes the document to lose coherence.
- Who will be the recipient of these comments? Will it be seen by the Planning Commission or the Board of Supervisors?  
Staff answer: Since this is an ordinance amendment, there will not be submissions such as with development applications. Recommendations from staff will be considered at the Planning Commission public hearing.
- It was agreed to add language opposing the proposed change to the first paragraph

*The motion to amend was approved by the following vote:*

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

*Nay: None*

*Vote: 7-0*

*Vice Mayor Butler offered a friendly amendment to lay out the reasons for opposition in the first paragraph as well as detailed in the body.*

*The amendment was accepted as friendly.*

*The main motion was approved by the following vote:*

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

*Nay: None*

*Vote: 7-0*

**12. ORDINANCES**

- a. None.

**13. UNFINISHED BUSINESS**

- a. None.

**14. NEW BUSINESS**

- a. Electronic Participation

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

***MOTION 2013-033***

*I move to allow Vice Mayor Butler to participate in the Council work session on July 22 and the Council meeting on July 23 electronically as per § 2.2-3708.1 the Code of Virginia. Further, I move to allow Council Member Hammler to participate in the Council work session on August 12 and the Council meeting on August 13 electronically as permitted under the same code section.*

*The motion was approved by the following vote:*

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

*Nay: None*

*Vote: 7-0*

**15. COUNCIL COMMENTS**

Council Member Dunn stated he enjoyed the Fourth of July parade, which was the largest turn out he has seen in a long time. He also asked Council to consider all possible uses for the Potomac Crossing Park settlement funds.

Vice Mayor Butler had no comments.

Council Member Burk had no comments.

Council Member Hammler stated she would like some measurements for Council goals. She congratulated staff on the AA+ bond rating. Would like to investigate opportunities for the Potomac Crossing Park settlement funds.

Council Member Wright stated the Independence Day parade was a great success. He noted that the backside of Ida Lee Park is seeing a lot more activity during the fireworks and asked that area be better patrolled for safety concerns during the event. Disclosed a meeting with Waterford Development to discuss potential changes to their development on South King Street and a meeting with Leegate representatives for discussion on their rezoning. Also disclosed a discussion with representatives of Morven Park.

Council Member Martinez expressed his frustration with last minute changes to the plans for Potomac Crossing Park. He noted that the Parks and Recreation Commission has held numerous public input meetings to solicit input from the

community. He noted that the town cannot give the money to outside organizations as has been recently suggested by some residents.

**16. MAYOR'S COMMENTS**

Mayor Umstatted stated the Fourth of July activities were great and thanked everyone for coming out.

**17. MANAGER'S COMMENTS**

Mr. Wells stated this has been the largest crowd on record for the parade and the fireworks event. He noted that staff will be looking at logistics for larger crowds. He expressed appreciation for all the work put in by Parks and Recreation, the Police Department, Public Works and any other staff that participated. He noted a new banner will be ordered for the Trolley if the old one cannot be found.

He highlighted that the next set of Council meetings will have very long agendas due to deadlines and things that need to be accomplished by a particular time.

**18. CLOSED SESSION**

None.

**19. ADJOURNMENT**

*On a motion by Council Member Wright, seconded by Vice Mayor Butler, the meeting was adjourned at 10:23 p.m.*

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Kristen C. Umstatted, Mayor  
Town of Leesburg

ATTEST:

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Clerk of Council  
2013\_tcm0709

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

**Council Members Present:** Kelly Burk, Thomas Dunn, Katie Sheldon Hammler, Kevin Wright and Mayor Umstattd. Council Member Butler participated electronically from Hong Kong.

**Council Members Absent:** Council Member Martinez.

**Staff Present:** Town Manager John Wells, Town Attorney Jeanette Irby, Deputy Town Manager Kaj Dentler, Director of Public Works Tom Mason, Deputy Director of Capital Projects Tom Brandon, Research and Communications Manager Betsy Fields and Clerk of Council Lee Ann Green

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**AGENDA****ITEMS****1. Work Session Items for Discussion****a. VDOT Presentation**

Tom Mason presented Tom Fahrney of VDOT.

**Key Points:**

- As background, he noted that in May 2011, the Commonwealth Transportation Board adopted the North-South corridor as one of the corridors of significance in the state of Virginia.
- Master planning was initiated as part of the five-step procedure to develop the plan.
- Public hearings related to this plan received over 750 individual comments.
- Bi-County Parkway is only part of the Corridor of Statewide Significance
- Some of the undeveloped segments through Loudoun County have proffers attached

**Council Comments/Questions:**

- Important to make the distinction between the North-South Corridor, the Bi-County Parkway, the Tri-County Parkway, and the Western Bypass.
- How much traffic can a four lane road handle versus a six lane road?  
Staff answer: Staff will provide general tabulations for various size facilities.
- Are there any traffic projections for the North-South corridor?  
VDOT answer: Consultant reports that the percentage of trucks will be similar to what is already on Rt. 234 in Prince William County (approximately 10 percent of overall traffic).
- How did the North-South Corridor jump ahead of other projects?  
VDOT answer: The original request for the study occurred in 2002.

- VDOT studies have indicated the desire for a western access to Dulles Airport for freight; however, comments have been made that this corridor will not see more truck traffic.

Tom Fahrney, VDOT project manager for the Bi-County Parkway and the Western Dulles Access study, offered the following:

- CTB did not endorse any of the recommendations in the North-South study
- It has been 12 years since the initiation of the North-South Corridor Study
- The Bi-County Parkway study only includes the corridor between I-66 and Rt. 50.
- Road improvements are necessary due to COG forecasts for population and job growth
- Over a billion dollars of east-west improvements have been planned, but not all are currently funded.

Council consensus was for additional discussion.

b. Downtown Improvements

John Wells stated staff has worked with the owners of the Lightfoot to design an option that all parties believe will work.

Key Points:

- Provides bump out in front of the bakery
- Allows motorcycle/other parking in front of the existing Downtown Saloon
- Allows for the widened sidewalk in front of Shoes.

Council Comments/Questions:

- Council consensus to put this item on the Consent Agenda for Tuesday night

c. Legislative Agenda – Initial Discussion

Betsy Fields stated this is the initial discussion of what Council would like to see on the legislative agenda.

Key Points:

- Towns oppose abolishment of BPOL and replacement with sales and use tax on services
- Support legislation enforcing overlapping powers legislation
- Watch legislation regarding local fines and fees
- NVTAs funding basis
- Legislation to license precious metal dealers affects jewelry store owners

## Council Comments/Questions:

- Might want to consider a compromise NVT A funding formula.
- Would like to see legislation allowing localities to control more local traffic regulations

d. Downtown “Open for Business” Construction Plan

Scott Parker presented an update on the plan to help the downtown during the Downtown Improvements construction.

## Key Points:

- Strategy thus far has been personal contact, email blasts, and communication throughout the project

## Council Comments/Questions:

- Would like specifics on how staff will help businesses during the period of time the construction is ongoing.
- Would like outreach ready at least six months prior to groundbreaking.
- Clear signage will be crucial
- Use social media

**2. Additions to Future Council Meetings**

Council Member Burk questioned the status of the proffer money owed by the Village at Leesburg to the schools. She questioned the amount of money due in the debt service balloon payment in 2015. She noted the website area for Boards and Commissions has not been updated.

Council Member Hammler asked that the Sister City discussion be added to the August meeting.

Council Member Dunn noted he is not thrilled about the possibility of county government using the Courthouse Square office space.

Vice Mayor Butler asked that the North-South Corridor be discussed prior to the public hearing on Tuesday night.

**3. Closed Session**

None.

**4. Adjournment**

*On a motion by Council Member Wright, seconded by Council Member Hammler, the meeting was adjourned at 10:05 p.m.*

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Clerk of Council

2013\_tcwsmin0722

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

**Council Members Present:** Kelly Burk, Thomas Dunn, Katie Sheldon Hammler, Marty Martinez, Kevin Wright and Mayor Umstattd. Vice Mayor Butler participated via electronic means from Sydney, Australia.

**Council Members Absent:** None. Council Member Butler left the meeting at 11:45 p.m.

**Staff Present:** Town Manager John Wells, Town Attorney Jeanette Irby, Deputy Town Manager Kaj Dentler, Director of Parks and Recreation Rich Williams, Chief of Police Joseph Price, Parks and Public Space Planner William Ference, Environmental Planner James "Irish" Grandfield, Director of Finance Norm Butts and Clerk of Council Lee Ann Green

AGENDA ITEMS

**1. CALL TO ORDER**

**2. INVOCATION:** Council Member Wright

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

**4. ROLL CALL:** Showing a quorum of six members physically present. Vice Mayor Butler participated via electronic means from Sydney, Australia. Vice Mayor Butler left the meeting at 10:53 p.m.

**5. MINUTES**

a. Work Session Minutes of June 24, 2013

*On a motion by Council Member Burk, seconded by Council Member Martinez, the minutes of the work session meeting of June 24, 2013 were approved by a vote of 7-0.*

b. Regular Session Minutes of June 25, 2013

*On a motion by Council Member Martinez, seconded by Council Member Burk, the minutes of the regular session meeting of June 25, 2013 were approved by a vote of 7-0.*

c. Work Session Minutes of July 8, 2013

*On a motion by Council Member Wright, seconded by Council Member Burk, the minutes of the work session of July 8, 2013 were approved by a vote of 7-0.*

**6. ADOPTING THE MEETING AGENDA**

*On the motion of Council Member Wright, seconded by Council Member Burk, the meeting agenda was approved after moving Item 11d to the Consent Agenda and moving Item 11b to occur prior to the Section 10 by the following vote:*

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

*Nay: None*

*Vote: 7-0*

**7. PRESENTATIONS****a. Certificates of Recognition – Special Olympians**

*On a motion by Council Member Martinez, seconded by Council Member Dunn, Certificates of Appreciation were presented to Special Olympians and coaches who attended the 2013 Summer Games in Richmond, Virginia.*

|                |               |
|----------------|---------------|
| David Knight   | Matt Sixma    |
| Adam Bell      | DJ Cashman    |
| Karen Cashman  | Wilson Chua   |
| Wallace Chua   | Shelah Elias  |
| Joy Cavagnaro  | Anna Yanc     |
| Rebecca Hultin | Bill Brichoux |

**b. Patriot Cup Presentation**

The Patriot Cup was awarded to the Paxton Home for the most patriotic float entry in the Independence Day Parade.

**8. PETITIONERS**

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

Monty Johnson, expressed opposition to the \$1.5 billion North-South Corridor project. He noted that no financial analysis is available for this proposal. He stated this roadway will cause Rt. 50 and Rt. 7 into parking lots.

Tony Howard, Loudoun County Chamber of Commerce, stated the Chamber believes the B-County Parkway is the most critical portion of the North-South Corridor. He stated the Chamber believes these roads are a valuable part of the regional transportation network for the future. He congratulated the Special Olympians for their accomplishments.

Neil Zimmerman, Special Operations Warrior Foundation, requested the town waive fees associated with the Battlefield Run that supports their charity. He stated they currently provide assistance to 3,500 children of fallen warriors.

Donna Johnson-Jeffreys, 19253 Evergreen Mills Road, stated she lives at the corner of Evergreen Mills Road and Masons Lane. She stated her concerns about the completion of Battlefield Parkway. She stated she will be negatively affected by this project and requested that the project be shifted to impact the vacant lot across the street.

Andrea McGimsey, stated she is now a resident of the Town and expressed her concerns against the North-South corridor. She stated she has studied these transportation issues for many years and does not feel that such a large roadway is warranted. She stated the area needs east-west transportation improvements. She stated she has requested that Chairman York be removed from the board of NVTVA.

David Redding, 522 Ridge Street, Charlottesville, VA, stated he is participating in “A Walk for our Grandchildren”. He stated Charlottesville is experiencing the same transportation problems. He stated that five years after building a road, the traffic has filled the road to the same extent as before. He asked Council to think about other ways to solve the transportation problems.

Maria Bergheim, 1108 Huntmaster Terrace, stated she is with 350 Loudoun. She expressed concern about the proposed bi-county parkway. She stated it will bring more cars and more congestion. She stated the environment is suffering from all the traffic and this roadway will bring more.

Mark Snow, 122 Balch Springs Circle, stated three reasons have been given for the need for the tri-county parkway – air cargo, traffic relief and economic development. He stated he is hopeful that voters will remember who made the threats on election day. He stated when elected officials are too close to developers, bad planning decisions are made. He urged Council to oppose the bi-county parkway.

Kenn Knarr, 12851 Dominique Estates Lane, stated he is a resident of Prince William County. He congratulated Council for standing up to Chairman York’s bullying and noted those actions have no place in a democracy. He stated this proposed roadway is meant to serve Dulles Airport and ensure its growth and viability.

Page Snyder, 6312 Pageland Lane, Gainesville, stated she patronizes Leesburg shops and restaurants despite living in Prince William County. She stated she was impressed by the Council members who stood up to bullying tactics. She stated that Leesburg needs to get the state legislators involved.

Matthew Gallelli, 21103 Unison Road, Middleburg, urged Council to oppose the bi-county parkway. He stated road construction corporations exist to build roads and land development corporations exist to develop property. He stated they are not concerned with the effects of their developments. He stated that money has changed hands in exchange for votes for this road.

Gem Bingol, 1508 Shields Terrace, stated she represents Piedmont Environmental Council. She stated Council should be on record opposing the master plan. She stated there has been lots of pressure applied to get this road approved. She stated that it was last to be added, first to be funded and the most outspoken opponent of this road on the CTB was replaced. She stated voting against this roadway will show regional leadership.

Neil Steinberg, encouraged Council to oppose the bi-county parkway. He stated Maryland will never agree to a river crossing at Rt. 659.

Joanne Freeman, stated she is from Charlottesville and they are walking from Camp David to the Capitol for their grandchildren. She stated they are concerned about the environment. She stated more big roads invites more cars, more carbon and more traffic.

Jerry Stewart, Aldie, stated he is a member of 350 Loudoun and is walking from Camp David to the White House. He stated he is walking to generate the moral courage for leaders to do the right thing.

Wendy Kasmar, stated she is from Prince William County. She commended the Council for their attentiveness to their constituents. She stated the Council sets a good example of what leaders should be like. She stated this road will be a traffic nightmare for Loudoun County.

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

**9. APPROVAL OF THE CONSENT AGENDA**

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

- a. *Battlefield Parkway – Rt. 15 to Dulles Greenway Easement Acquisition Authorization*

**RESOLUTION 2013-084**

*Declaring that a Public Necessity and Use Exists, Authorizing an Offer to Acquire Right of Way Dedications and Permanent and Temporary Easements for the Battlefield Parkway – Route 15 to Dulles Greenway Project*

- b. *Airport Repair and Maintenance Supplemental Appropriation*

**RESOLUTION 2013-085**

*Amending the FY 2014 Budget and Making a Supplemental Appropriation in the Amount of \$68,000 from Undesignated Fund Balance to the General Fund for a Virginia Department of Aviation Reimbursement Grant for Airport Maintenance*

- c. *Appropriation of 2013 JAG Grant Funds*

**RESOLUTION 2013-086**

*Approving Amendments to the FY 2014 General Fund Budget and Making Appropriations for \$2,109 Awarded through a Grant Received by the Police Department from US Department of Justice and Virginia Department of Criminal Justice Services*

- d. *Downtown Improvements – North King Street*

**MOTION 2013-035**

*I move that the Town Council amend the Downtown Improvements Project as it relates to King Street in the vicinity of the Lightfoot Restaurant, in order to create an area of passenger loading, per the drawing labeled as Plan A, Version 5*

*The Consent Agenda was approved by the following vote:*

*Aye: Burk, Hammler, Martinez, Wright and Mayor Umstatt*

*Nay: None*

*Vote: 7-0*

## 10. PUBLIC HEARINGS

- a. Potomac Crossing Park – Use of Settlement Funds – Amending the Capital Improvements Program and Establishing Appropriation  
The public input session was opened at 9:50 p.m.

Steven Dotson, 1604 Woodbridge Court, expressed his opposition to the proposed Potomac Crossing Park. He stated he represents 13 homeowners that would like the park to be delayed until all the issues can be addressed. He noted the Homeowner's Association does not represent the most affected homeowners. He stated their primary issue is with the construction of a parking lot and the destruction of mature trees to install this parking lot.

Clay Hunt, 506 Shanks Evans Road, stated he is directly adjacent to the proposed park area and would like to see no park developed in this area as the neighborhood is very accustomed to the area as it is. He further stated he is not comfortable with the parking lot. He stated they would like to either delete the parking or make the parking more visible from the street.

Jorie Gelnett, 1210 Featherstone Lane, stated she is the president of the Balls Bluff Elementary School PTA. She requested a portion (7-10%) of the settlement funds be donated to the PTA for use in renovating the playground. She stated those improvements can be enjoyed by the entire community.

Heather Kircher, 1716 Tomworth Court, stated the Homeowner's Association has taken the position of support for the park; however, not all residents are in agreement. She stated she opposes the park as currently proposed and urged Council to give the residents time to fully study all possible proposals.

Alicia McFadden, 818 Ferndale Terrace, stated she is the president of the Homeowner's Association and speaking on behalf of the Association and the Board of Directors. She stated this proposed, scaled down park, is the result of a number of meetings between Parks and Recreation staff and residents. She reiterated the HOA's position that they would like to see this proposal move forward.

Mike Hudack, 1615 Woodbridge Court, stated he was originally in favor of the park, but after listening to the other speakers, he would like to see some other options evaluated.

Sasha Scripchev (?), Bugle Court, stated a park is needed to improve the community. She stated she would like to see a sand volleyball court at the park.

She stated there needs to be some type of activity for those using the picnic area – such as a basketball net.

The public input session was closed at 10:20 p.m.

Rich Williams gave a brief report on the park proposal:

- Small playground incorporating natural features as play structures.
- Community meetings were held
- Pavilion structure
- Parking spaces to service the pavilion
- Enhancements to trail system
- Community expressed a desire not to have vehicles park in the neighborhood

Council Comments/Questions:

- Can the parking be removed?  
Staff answer: Not recommended to remove the parking because it would push parking into the neighborhood. Reduction of the number of spaces would mean the picnic pavilion would need to be reduced in size.
- How many parking spaces would be included?  
Staff answer: 15-17 spaces, not striped, on a crushed stone surface to accommodate the pavilion and playground size.
- Would security lighting be possible?  
Staff answer: The residents were adamantly opposed to lighting of any kind
- Can additional funds be added to complete the project as initially envisioned?  
Staff answer: Council's instructions to Parks and Recreation was to move forward with a downsized park because construction of the park as initially planned would require additional taxpayer funds. New projects added to the Capital Projects schedule would be added in the sixth year of the CIP.
- Proposed resolution calls for continued outreach to the community.

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

**RESOLUTION 2013-087**

*Directing Staff to Initiate the Final Design and Development of Potomac Crossing Park Utilizing \$597,159 in Settlement Funds*

*Council Member Dunn stipulated that the motion includes the reduction of parking spaces to no more than six spaces located close to the entrance.*

Council Comments:

- No legal mechanism to force the developer to contribute the originally promised funds
- Opportunity for unique park amenities
- Concern that increased amenities will create a need for more parking and push cars out into the neighborhood.
- Less available parking encourages people to walk to the park

*Council Member Wright made a friendly amendment to allow 6-8 parking spaces. The amendment was accepted as friendly.*

- Concerned that the neighborhood will not ultimately tolerate on-street parking
- Amenities will need to be reduced rather than enhanced because of parking reduction

*Council Member Martinez made a motion to amend to bring back the original resolution. The motion was seconded by Council Member Burk.*

*Council Member Hammler made a motion to defer this item until the second meeting in September. The motion to defer was seconded by Council Member Dunn. The motion to defer failed by the following vote:*

*Aye: Dunn and Hammler*

*Nay: Butler, Burk, Martinez, Wright and Mayor Umstatted*

*Vote: 2-5*

*The motion to amend back to the original resolution was approved by the following vote:*

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

*Nay: Dunn*

*Vote: 6-1*

*The original resolution was approved by the following vote:*

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

*Nay: None*

*Vote: 7-0*

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

***RESOLUTION 2013-088***

*Amending the Fiscal Year 2014-2019 Capital Improvements Program and Making Supplemental Appropriation in the Amount of \$597,159 for the Potomac Crossing Recreational Improvements Project*

*The motion was approved by the following vote:*

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

*Nay: None*

*Vote: 7-0*

- b. Special Exception TLSE 2013-0005 Owais Day Care  
The public hearing was opened at 11:24 p.m.

Irish Grandfield presented this application for a special exception for a home day care center:

Key points:

- Similar to other “day homes” approved by Council.
- Would allow up to 12 children
- Recommend a condition limiting outdoor play area to eight children at any given time.
- Conditions have been amended to allow afternoon pick up in the back of the townhouse

Nosheen Owais stated she has had no issues with the neighbors and will follow all conditions of approval.

Mike Labue, 15647 Limestone Branch Place, stated he is a first time parent and this provider gives individualized attention to the children.

Miriam Owais, 913 Buttonwood Terrace, stated that they accept the conditions of approval.

Del Hernandez, 898 Buttonwood Terrace, stated she is a neighbor of the Owais’ and has experienced no problems with this use.

The public hearing was closed at 11:32 p.m.

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

***RESOLUTION 2013-089***

*Approving TLSE 2013-0005, Nosheen Owais Home Day Care, A Child Care Center Located on Property Identified as PIN Number 187-19-5188 and Located at 913 Buttonwood Terrace, NE.*

*The motion was approved by the following vote:*

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

*Nay: None*

*Vote: 6-0-1 (Butler absent)*

- c. Special Exception TLSE 2013-0009 Pinky Day Care  
The public hearing was opened at 11:32 p.m.

Irish Grandfield presented this application for a home child care special exception.

Key Points:

- Similar to other home child care centers
- Located towards the rear of the Fox Ridge subdivision
- Children are always attended in the outdoor play area
- All general special exception criteria have been met

The applicant, Evelyn Morant, stated she has been a child care provider since 2007 when she had a bad experience with an unlicensed child care provider. She noted that she is Serv-Safe certified and her husband is a professional chef. Further, she noted she has accumulated 130 hours of instruction from the Department of Social Services on child development.

Lenore Sicina, 429 Deerpath Avenue, stated she lives next door and never noticed that there was a child care center next door until she had a child.

Debbie Hlavad, 477 Foxridge Drive, stated she does not know what she would do without Evelyn.

Whitney McGill, 475 Flameflower Terrace, SE, stated they used one of the larger facilities and she had bad experiences with that facility. She stated after having Evelyn as a provider, would find it difficult to go elsewhere.

Christie Perez, 473 Flameflower Terrace, SE, stated she has been using Evelyn for a year and if this special exception is not approved, they will have to move from Loudoun County.

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

**RESOLUTION 2013-090**

*Approving TLSE 2013-0009, Pinky Home Day Care, a Child Care Center Located on Property Identified as PIN Number 271-28-3031 and Located at 422 Deerpath Avenue, SE*

*The motion was approved by the following vote:*

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

*Nay: None*

*Vote: 6-0-1 (Butler absent)*

- d. Capital Asset Replacement Reserve (CARR) Appropriation  
The public hearing was opened at 11:45 p.m.

Council Comments/Questions:

- Staff report shows \$300k for the Skate Park

Staff answer: The \$300k is for refurbishment of the current skate park; however, a discussion with the Rescue Squad should occur to determine whether the Rescue Squad wishes to expand

- This is the only active park in this section of town and located so that the young people can walk there.

There were no members of the public to speak at this hearing.

The public hearing was closed at 11:50 p.m.

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

**RESOLUTION 2013-091**

*Amending the FY 2014 General Fund Budget and Making a Supplemental Appropriation in the Amount of \$1,326,136 for the Replacement of Capital Assets*

*Council Member Wright noted that this does not include the money to refurbish the skate park, which will be brought back after the Rescue Squad has been contacted.*

*The motion was approved by the following vote:*

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

*Nay: None*

*Vote: 6-0-1 (Butler absent)*

e. Amending Chapter 32 of the Town Code Regarding Solicitation on Highways

The public hearing was opened at 11:52 p.m.

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

**ORDINANCE 2013-014**

*To Amend and Reordain Chapter 32 (Traffic and Vehicles), Article V (Stopping, Standing and Parking), and Add Division 5 (Solicitation on Highways), Section 32-272 (Solicitation on Highways Prohibited)*

Council Comments/Questions:

- Necessary to protect public safety.
- Consistent with the county's ordinance

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

The public hearing was closed at 11:54 p.m.

*The motion was approved by the following vote:*

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

*Nay: None  
Vote: 6-0-1 (Butler absent)*

## 11. RESOLUTIONS AND MOTIONS

### a. North-South Corridor Statement

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

#### **RESOLUTION 2013-092**

##### *Leesburg Town Council North-South Corridor Position Statement*

##### Council Comments/Questions:

- North-South Corridor is comprised of eight sections, none of which on their own negatively impacts Leesburg; however, together they cause concern for Leesburg
- Question the economic development value of the road at the proposed location
- Why invest so much money on north/south trips, when capacity for east/west trips is needed.
- Concerned that edits to the resolution weaken it
- Concern for protection of the low-density transition zone

*Council Member Hammler offered a friendly amendment to add the following changes:*

1. *In section on the Town Council opposes: A North-South corridor study that does not demonstrate relief of traffic on Leesburg and US 15 in Loudoun County*
2. *The widening of US 15 outside of town limits, which is part of the Hallowed Ground corridor*
3. *Last page – add “and Virginia Regional Transit local routes”*
4. *In the section The Town Council supports: add “with possible financial assistance from Loudoun County”*
5. *For Crosstrail Boulevard add “County financial assistance”*
6. *Page Two - Add: “any new fully limited access road, north-south highway such as the western transportation corridor that connects”*
7. *In the Town Council opposes section add “over needed projects in Leesburg and Loudoun County such as the interchanges on the Leesburg Bypass and Route 7”*
8. *Add to #3: “A north-south corridor study that does not demonstrate relief of traffic on US 15 in Loudoun County”*

The amendments were not accepted as friendly.

Council Member Burk agreed to accept the amendments as friendly if the words “Such as the western transportation corridor that connects” are not added.

Mayor Umstattd summarized the points to be made in the resolution, as amended:

- Opposition to North-South Corridor of Statewide Significance as a corridor connecting I-95 to Rt. 7 with a northern terminus just east of Leesburg with no plans for an additional bridge crossing of the Potomac River east of Goose Creek
- Opposition of any prioritization of funding for the North-South corridor
- Opposition of recommendations contained in the northern Virginia North-South Corridor Master Plan Study
- Supports town road projects that have been requested for funding in previous years including continued funding for the county's bus transit system to help reduce the number of vehicles on the road, improve access for all residents and help commuters improve travel time to employment centers
- Directed at local, state and federal officials representing the Town of Leesburg

*The amended motion was approved by the following vote:*

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

*Nay: Dunn and Wright*

*Vote: 5-2*

- b. Approving a Memorandum of Agreement – MacDowell Brew Kitchen  
*On a motion by Council Member Burk, seconded by Council Member Martinez, the following was proposed:*

***MOTION 2013-034***

*To Allow the Mayor to execute the MOA upon the execution of the same by all parties conditioned upon the property owner complying with all local and state requirements and the terms set forth in the MOA*

Council Comments/Questions:

- Have all local and state requirements been met?  
Staff answer: Applicant has not received an occupancy permit yet.
- There is nothing forcing the property owner to purchase the property  
Staff answer: Permission can be revoked with 10 days notice by the Town Manager.

*The motion was approved by the following vote:*

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

*Nay: Dunn and Wright*

*Vote: 4-2-1 (Butler absent)*

- c. Fee Waiver for the 10<sup>th</sup> Annual Battlefield Run in Support of the Special Operations Warrior Foundation

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

**RESOLUTION 2013-093**

*Approving a Waiver of Fees for the Tenth Annual Battlefield Run In Support of the Special Operations Warrior Foundation*

*The motion was approved by the following vote:*

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

*Nay: None*

*Vote: 6-0-1 (Butler absent)*

**12. ORDINANCES**

- a. None.

**13. UNFINISHED BUSINESS**

- a. Reconsideration of Downtown Improvements

*Council Member Dunn offered a motion to reconsider the decision made earlier in the evening concerning North King Street. The motion failed for lack of a second.*

*Council Member Dunn offered a motion to rescind the Plan A of the Downtown Improvements concerning S. King Street. The motion was seconded by Mayor Umstatt.*

Council Comments:

- Eliminates the need for the bump outs
- Downtown community is trying to move forward and reopening this debate at midnight without advance notice does not support this

*The motion was failed by the following vote:*

*Aye: Dunn and Mayor Umstatt*

*Nay: Burk, Hammler, Martinez and Wright*

*Vote: 2-4-1 (Butler absent)*

**14. NEW BUSINESS**

- a. None.

**15. COUNCIL COMMENTS**

Council Member Dunn stated he talked to Mr. Fahrney with VDOT. He stated he tries to keep his comments factual and not resort to personal attacks.

Council Member Burk stated that Paxton's event was very good. She stated she also attended the Chamber of Commerce event at Comfort Inn. She noted they offer a number of fun getaway packages. She commended the Mayor for her leadership in setting a tone of openness and respect.

Council Member Martinez had no comments.

Council Member Hammler stated that everyone should have the courtesy to stay and listen to everyone's remarks. She stated she declined the VDOT presentation. She stated she would be attending the VML executive committee meeting.

Council Member Wright disclosed a conversation with Farid Bigdeli of VDOT about the North-South corridor and a telephone conversation with representatives of Lowe's regarding their application.

**16. MAYOR'S COMMENTS**

Mayor Umstattd had no comments.

**17. MANAGER'S COMMENTS**

Mr. Wells had no comments.

**18. CLOSED SESSION**

None.

**19. ADJOURNMENT**

*On a motion by Council Member Wright, seconded by Council Member Martinez, the meeting was adjourned at 12:10 a.m., Wednesday, July 24, 2013.*

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Kristen C. Umstattd, Mayor  
Town of Leesburg

ATTEST:

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Clerk of Council  
2013\_tcm0723