

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

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

Council Members Absent: Council Member Dunn arrived at 8:25 p.m.

Staff Present: Town Manager John Wells, Town Attorney Jeanette Irby, Human Resources Manager Karen Dilley, Director of Capital Projects Renee LaFollette, Deputy Director of Capital Projects Tom Brandon, Deputy Director of Planning and Zoning Brian Boucher, and Clerk of Council Lee Ann Green

AGENDA**ITEMS****1. Work Session Items for Discussion****a. Transportation Briefing by Mary Hynes, WMATA/NVTC Board Member**

Mary Hynes, member of the Arlington Board of Supervisors, and Chair of the WMATA and NVTC Boards, presented an overview of Metro transportation activities.

Key Points:

- Metro is integral to the success of the region
- Metro saves the area on need for roads and parking facilities
- Metro is overcrowded
- Goals are to achieve eight car trains throughout the system
- Move people through the stations more efficiently
- Will need to make bigger investments to handle capacity
- Have to fix problems at the center of the system before concentrating on expansion
- Bikeshare program took off in Arlington
- Largest bikeshare in the United States
- VML conference attendees will get a one day free membership in the Bikeshare program
- Phone app gives information on location of stations

Council Comments/Questions:

- How much capital funding will be covered by fares?
Speaker answer: Fares are not part of the capital funding equation
- Important to think regionally
- Has there been any discussion about extending the Silver Line further west?
Speaker answer: Right now, the Metro board is not interested in talking about extending any lines.
- How do you choose the locations for the bike stations?

Speaker answer: Start at places that have enough density. Public input was sought to find other places that enough people want to go. The community likes having input

b. Health Insurance Briefing by Consultant

Greg Snow from Wells Fargo, the town's health insurance advisor, gave a presentation to Council on the changes that the Affordable Care Act will necessitate.

Key Points:

- Benefits package is competitive versus peer group
- Current objectives include managing the costs of sponsoring the employee health plan, knowing the expected expenses, and identifying potential financial risks that may impact the cost of the plan
- Affordable Care Act includes many provisions that require further definition and interpretation by the Department of Health and Human Services
- Key objectives of the Act include expanded access to coverage and making coverage more affordable to some individuals
- Employees will be able to migrate in and out of employer-provided plans
- U.S. Citizens and legal residents are required to have minimum essential coverage for themselves and their dependents or be subject to a tax penalty
- Certain employers will have to "play or pay" for health care coverage for their employees
- Public health exchanges will be available for individuals and certain small employers
- Town is not expected to be subject to the "Play or Pay" penalty
- Employers with "rich" plans may be subject to an excise tax.

Council Comments/Questions:

- Need for education about HSA plans
- Need to look at ways to get employees healthy
- HSAs should be available to all employees

c. Analysis of the Morven Park Road Sidewalk CIP

Tom Brandon presented this item.

Key Points:

- In 2008, several residents brought up safety issues due to lack of a contiguous sidewalk along Morven Park Road.
- Options were presented at a public input meeting
- No clear consensus amongst residents existed

- 12 different alternatives were presented with cost estimates ranging from \$550,000 to \$2.5 million
- Staff recommends continuous curb and gutter on both sides with no on-street parking
- Project would create heavy impact on existing landscaping
- Drainage and differences in grade will be of great concern

Council Comments/Questions:

- What are the safety concerns?
Staff answer: Five years ago, a jogger was injured due to lack of sidewalk when he fell into a ditch
- Areas have adequate sidewalk, then the road narrows and the sidewalk disappears
- Concern that project cost will continually push it out further
- Need a lower cost alternative that can actually be built
- Can a sidewalk be installed without curb and gutter?
Staff answer: Yes, but the impact on the each property will be greater as the drainage has to be put somewhere – normally a ditch
- Need to resurvey the residents with less variables to choose from
- Some new residents on the street may feel differently about sidewalks than previous residents

d. Tents in the B-1 District

Brian Boucher presented the request for allowing a temporary tent as an accessory use to restaurants in the B-1 district

Key Points:

- Argument in this instance is that tent will be less visible
- BAR does not look at temporary structures
- Safety issues regarding anchoring and heating

Council Comments/Questions:

- Should the Town Council allow this, would the county have jurisdiction for safety concerns?
Staff answer: Yes.
- If it cannot be seen from the street, it should not be an aesthetic issue
- What constitutes temporary?
Staff answer: Previous requests have been for five months through the winter.
- Concern over zoning ordinance changes for a single property that will affect the entire downtown
- While not visible from the street, could be visible from other properties
- Concern over the material of the proposed tent

2. Additions to Future Council Meetings

Council Member Burk would like information about the work being done on the creek beds.

Council Member Martinez stated he will not support a request for Council Member Wright to participate electronically for tomorrow's Council meeting. He stated it is important for all seven council members to be physically present.

The Town Attorney clarified that due to Council's Rules of Procedure, a vote on this tonight will require a super majority; however, if voted on tomorrow night, it will require a simple majority.

Council Member Wright requested a logistics plan for the VML awards dinner.

Council Member Dunn had questions about two items on Tuesday's consent agenda. He expressed concern with a 60 day cut off for Boards and Commission appointees to bring in their withholding forms.

He questioned how the zoning ordinance amendment initiation would impact clear title.

Mayor Umstattd made a motion to propose the following:

MOTION

I move that Council Member Kevin Wright be able to participate in the Council meeting of October 8, 2013 electronically. Council Member Wright meets the criteria as set forth in Virginia Code Section 2.2-3708.1 whereby he has made the request; there is a personal matter (work related) that prevents his attendance; and he has not participated in more than two electronic meetings.

The motion was seconded by Council Member Dunn and failed by the following vote:

Aye: Dunn, Hammler, Wright and Mayor Umstattd

Nay: Burk, Butler, and Martinez

Vote: 4-3 (super majority not achieved)

Council Member Hammler made a motion for reconsideration, seconded by Council Member Dunn:

The motion to reconsider was approved by the following, simple majority vote:

Aye: Dunn, Hammler, Wright and Mayor Umstattd

Nay: Burk, Butler, and Martinez

Vote: 4-3

Mayor Umstattd made a motion to allow Council Member Wright to participate electronically, seconded by Council Member Dunn.

The motion failed again on the following vote:

Aye: Dunn, Hammler, Wright and Mayor Umstattd

Nay: Burk, Butler, and Martinez

Vote: 4-3 (super majority not achieved)

3. Closed Session

a. None.

4. Adjournment

On a motion by Council Member Wright, seconded by Council Member Dunn, the meeting was adjourned at 10:27 p.m.

Clerk of Council

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

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

Council Members Absent: Council Member Dunn arrived at 7:36. Council Member Wright participated electronically.

Staff Present: Town Manager John Wells, Town Attorney Jeanette Irby, Director of Capital Projects Renee LaFollette, Director of Public Works Tom Mason, Director of Utilities Amy Wyks, Deputy Director of Planning and Zoning Brian Boucher, Assistant to the Town Manager Scott Parker, and Clerk of Council Lee Ann Green

AGENDA

ITEMS

1. **CALL TO ORDER**
2. **INVOCATION:** Mayor Umstattd
3. **SALUTE TO THE FLAG:** Vice Mayor Butler
4. **ROLL CALL:** Council Member Dunn arrived at 7:36 p.m.

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

MOTION 2013-043

I move that Council Member Kevin Wright be able to participate in the Council meeting of October 8, 2013 electronically. Council Member Wright meets the criteria set forth in Virginia Code Section 2.2-3708.1 whereby he has made the request; there is a personal matter (work related) that prevents his attendance; and he has not participated in more than two electronic meetings.

The motion was approved by the following vote:

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

Nay: None

Vote: 5-0-2 (Dunn and Wright absent)

Council Member Wright joined the meeting via electronic means.

5. MINUTES

a. Work Session Minutes of September 23, 2013

On a motion by Vice Mayor Butler, seconded by Council Member Martinez, the minutes of the work session meeting of September 23, 2013 were approved by a vote of 6-0-1 (Dunn absent).

b. Regular Session Minutes of September 24, 2013

On a motion by Vice Mayor Butler, seconded by Council Member Martinez, the minutes of the regular session of September 24, 2013 were approved by a vote of 6-0-1 (Dunn absent).

6. ADOPTING THE MEETING AGENDA

On the motion of Council Member Martinez, seconded by Vice Mayor Butler, the meeting agenda was approved as presented:

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

7. PRESENTATIONS

a. Commission on Public Art – Mural Presentation

Thomas O’Neil, Chair of the Commission on Public Art, presented the Commission’s choice of artist and mural for the Loudoun Street side of the parking garage. The proposed mural by artist David Garcia depicted Leesburg history from the Iroquois to the present day.

b. Proclamation – Community Planning Month

On a motion by Vice Mayor Butler, seconded by Council Member Dunn, the following was proclaimed:

PROCLAMATION

Community Planning Month

October 2013

WHEREAS, change is constant and affects all cities, towns, suburbs, counties, boroughs, townships, rural areas, and other places; and

WHEREAS, community planning and plans can help manage this change in a way that provides better choices for how people work and live; and

WHEREAS, community planning provides an opportunity for all residents to be meaningfully involved in making choices that determine the future of their community; and

WHEREAS, the full benefits of planning requires public officials and citizens who understand, support and demand excellence in planning and plan implementation; and

WHEREAS, the month of October is designated as National Community Planning Month throughout the United States of America and its territories; and

WHEREAS, the American Planning Association and its professional institute, the American Institute of Certified Planners, endorse National Community Planning Month as an opportunity to highlight the contributions sound planning and plan implementation make to the quality of our settlements and environment; and

WHEREAS, the celebration of National Community Planning Month gives us the opportunity to publicly recognize the participation and dedication of the members of planning commissions and other citizen planners who have contributed their time and expertise to the improvement of the Town of Leesburg; and

WHEREAS, we recognize the many valuable contributions made by professional community and regional planners of the Town of Leesburg and extend our heartfelt thanks for the continued commitment to public service by these professionals.

NOW, THEREFORE, be it resolved by the Council of the Town of Leesburg in Virginia that the month of October 2013 is hereby designated as Community Planning Month in conjunction with the celebration of National Community Planning Month.

PROCLAIMED this 8th day of October, 2013.

8. PETITIONERS

The Petitioner's Section was opened at 7:45 p.m.

Sally Rich, 313 Edwards Ferry Road, stated she has lived in Leesburg her entire life. She noted her father and his partner realized the need for parking and established their business on East Market Street as the Colonial Funeral Home. She stated that she and her husband moved their business from the AH&T building to Virginia Village because nothing is more important than parking.

Donald Shea, 305 West Market Street, stated he is not speaking before or against the parking plan, but to speak for Council Member Kevin Wright and his ability to participate in the meeting. He stated he was angered by Council's vote to not allow Council Member Wright to participate noting that it showed a lack of leadership. He questioned how Council could disenfranchise the voters by not allowing participation.

Richard Snooks stated he has been a resident of Loudoun County since 1966. He stated he chose this area because of the architecture. He stated the parking on King Street is important.

Josh Schwanborg, 5 S. King Street, stated he has a petition signed by 1,000 petitioners opposing the removal of on-street parking. He displayed two awards presented by the town to China King. He stated the business is vibrant, but taking away

the parking will negatively affect it. He stated people will go away if they cannot find parking.

Michael O'Connor, 38683 Mt. Gilead Road, thanked town staff for soliciting a plan to invigorate downtown Leesburg. He thanked those who worked on the plan. He stated everyone who participated did it for the benefit of the Town of Leesburg. He read a letter into the record from Peter Arundel, who was not able to attend the meeting:

“Good evening members of the Council and Madam Mayor. I understand that the Town of Leesburg is revisiting a vote cast several months ago to widen the sidewalks on King Street – Plan A. This comes as a surprise to some who witnessed the vote taken and has since considered this to be a decision made. Local stakeholders, like myself, depend on a steady and deliberate governing process for making difficult decisions and had I known that the issue was coming up for reconsideration, I would have planned to be here tonight. To reiterate, Plan A is a vital step for the direction that the town is taking towards a more sustainable, livable downtown. Please vote again in favor of Plan A. Thank you for your time and attention. Peter Arundel, Publisher, Loudoun Times-Mirror.”

Kathleen Hunt, 25 South King Street, stated she endorses the widening of the sidewalks for safety, aesthetics, and business growth and development. She stated this has been a multiple year long process. She stated that a study presented to Council in 2010 listed wider sidewalks as the #1 way to improve the pedestrian experience in downtown Leesburg. She stated the argument will never change but having vision and courage to see what is best for Leesburg as a whole to move forward into the future is needed.

Stilson Greene, 16 W. Market Street, stated his family has been in Leesburg since 1791. He stated he does not agree with removing parking on King Street. He stated that Lansdowne and the Village at Leesburg have on-street parking. Further, he noted that an aging society needs closeby parking. He stated he also feels safer with parked cars next to him rather than being right next to traffic. He asked Council to not gamble what is working on something that might not work.

Gwen Pangle, 202 Church Street, stated she is a business owner and a resident. She stated she would like Council to move forward with the vote that had already been made, but whatever the outcome, the town should come together.

Shirley Pearson, 308 Chaucer Place, NE, stated she owns the building at 2 Loudoun Street. She stated it is ludicrous for the town to consider removing parking. She cited the examples of her hometown in North Carolina and Winchester, Virginia. She stated eliminating on-street parking will create a dead downtown.

Carleton Penn, 12 Wirt Street, N.W., stated he was born and raised in Leesburg. He spoke against the proposed plan to do away with parking. He stated there is not enough handicapped parking in the plan. He cited several business owners that do not want the proposed plan.

Cindy Kemper, 19340 Summit Ash Court, stated she is in town a lot. She stated she is a proponent of the plan and feels it will be a positive change. She stated the on-street parking is always full and she is never able to use it anyway. She stated the town has to change and grow to appeal to new consumers.

Teresa Minchew, 330 West Market Street, stated that removal of the parking places even though many of the merchants do not want that, is wrong. She further noted that the Council never sought the opinion of the Board of Architectural Review and added that the town cannot mimic the new town centers. She asked that the Council consider the needs of everyday citizens, not just destination travelers.

Richard Koochagian, 212 Loudoun Street, SW, stated his concerns with the proposed plan as it will alter the historic streetscape. He stated the CNN Money poll that named Leesburg as one of the top places to live because Leesburg's charming downtown has been preserved. He stated the process by which any downtown property owners have to go through – review by the BAR – has not occurred for this project. He stated the road is part of the culture and the fabric of the downtown and any alteration of the roadway will alter the historic nature of the downtown.

Richard Gallagher, 15 N. King Street, questioned whether Council members have owned and operated a successful business. He stated the downtown merchants know their businesses and how to run them. He stated people will drive around the block looking for street parking. He stated some people don't like the parking garage.

Waily Whang, 5 S. King Street, stated she and her family came from Hong Kong 35 years ago and started from scratch. She stated she loves this town and her late husband loved this town. She stated the parking garage is always full and customers cannot find parking. She stated that she does not understand making the town look beautiful at the cost of parking. She stated her fears for losing her business.

KD Kidder, 2A Loudoun Street, stated she has owned Photoworks for 34 years and worked in downtown Leesburg for 38 years. She stated it is up to the town's leaders to stick to their vote. She noted that there are two parking garages, another parking garage planned, and the Liberty Street lot all within two blocks, the loss of a few parking spaces will not cripple the downtown. She stated people will come if the town is unique, safe and comfortable, people will come. She stated the mid-block crosswalk will make it safer for pedestrians.

Tony Virgilio, 20489 Oatlands Chase, thanked staff for the tour of the project. He stated the extension of the sidewalks is minimal and questioned why spend so much money for such a small gain in sidewalk width. He questioned why there are no handicapped spaces. He stated the reason this has been so controversial is because it is not a good idea.

Debbi Virgilio, 20489 Oatlands Chase, stated she stops whenever there is a parking space and patronizes the merchants. She stated the sidewalk widening is not

enough for tables and chairs. She stated it is not wide enough for people to walk side by side. She stated historic pictures do not show any trees on the street. She noted she has health concerns that do not allow her to walk two blocks. She stated the town needs to have respect for their seniors.

Darius Saiedi, 219 Rosemeade Place, stated he has lived in Leesburg his entire life. He stated no one makes a legacy by going with the status quo. He stated his father knows what is needed to succeed downtown. He stated Mr. Caulkins, his father and Mr. O'Connor all know what it takes to succeed and they all back Plan A. He stated he sees a future where people will want to walk a mile to see the beautiful art, enjoy fine dining and see the other wonderful things that Leesburg has to offer. He recommended making every remaining parking space on King Street a handicapped spot.

Fabian Saiedi, 15 S. King Street, stated there is no parking problem in Leesburg. He stated that employees of the businesses in the downtown use the parking leaving little for merchants. He encouraged people to walk a little to park. He stated everyone cannot be accommodated. He stated the downtown businesses need wider sidewalks. He stated it is difficult for families with strollers to travel on the narrow sidewalks. He stated Council cannot listen to every special interest group and change their votes to accommodate those special interest groups. He stated the majority of the businesses support Plan A. He stated no one has ever complained to him about parking.

Jack Minchew, 330 West Market Street, stated he is a 17-year resident of Leesburg. He stated he grew up in and around historic downtown Leesburg. He urged Council to reconsider their vote to widen the sidewalks downtown. He stated it takes courage to reconsider.

Ron Rust, 7 Wirt Street, SW, urged Council to reconsider as there are many unknowns that may arise when working with old sites. He stated his belief that the majority of King Street businesses will not be able to survive a 12-18 month disruption.

Peter Rush, stated he is now strongly in favor of Plan A after getting additional information. He stated he believes that some of the opponents have been pointing out that it is difficult to find parking now; however, the new parking garage should be a solution to that problem. He stated the issue is not no parking versus parking, but a marginal reduction of already inadequate, limited parking. He suggested putting handicapped parking on Loudoun and Market. He stated the row of parked cars is a barrier and removal of that wall of cars would make the street much more inviting.

Greg Hudson, stated he and his wife rush through town every holiday and buy a bottle of wine at the Vintner. He stated they like the street parking. He stated the little on-street parking that exists is of great benefit for the older generation. He noted that downtown Leesburg is not Reston Town Center and should not compete to be that. He recommended using the funds to improve some other area of the town.

Harrison Montgomery, Wirt Street, NW, stated the parking spaces are always full because the businesses downtown keep people coming downtown. He stated it

sounds like the problem is not wider sidewalks, but need for more on-street parking. He stated that taking away parking to add sidewalk does not seem to make sense.

Bruce Dewar, 5 Memorial Drive, stated the he attended the tour that staff provided. He stated that four feet will be added to the width of the sidewalks; however, that space will be filled with streetlights, trees and sidewalk seating. He stated there are plenty of opportunities to sit outside at the present time.

Stanley Caulkins, stated he came to the town when he was 12 years old when there was parking on both sides of the street. He stated that a decision needs to be made and everyone needs to get together and be harmonious.

Laura Dutton, stated she has been a resident of South King Street for 22 years. She stated everyone has good ideas, but not every idea is good. She stated that Plan A will have negative effects on businesses and residents downtown. She stated the midblock crosswalks, new sidewalks of their current width, and enhanced street lights will be a good addition; however, removing all convenient parking and narrowing the emergency corridor is a bad idea. She asked Council not to put the town at risk for the sake of a few cosmetic changes.

Scott Gustavson, stated his family has been operating a variety of business ventures downtown since 1992-1993. He stated a lot of the improvements being discussed were developed at a time when downtown Leesburg was facing a lot of competition and uncertainty. He asked that Council wait to make a decision.

Jim Corcoran, stated he is disgusted over the divisive nature of this argument. He suggested that the first floor of the parking garage be strictly for customers. He also suggested taking the parking out of the alley and make it outdoor dining.

Fred Williams, 21 Wirt Street, NW, requested that Council not move forward with Plan A. He stated he attended the tour of the improvements last week. He noted the trees will not be shade trees and will not provide shade on the sidewalks. He expressed concern that the speed humps will drive traffic onto the surrounding streets.

Craig DeRemer, 202 Loudoun Street, SW, expressed his concerns as a resident. He expressed concern that the BAR was not involved in the approval of this plan. He urged Council to protect the historic aspect of the town, not to harm it.

Shirley Anderson, 113 Prosperity Avenue, stated she works on King Street. She questioned why the east side of King Street does not get wider sidewalks. She stated more thought needs to be given to this plan. She stated her feeling that there are other safety issues throughout town that could be addressed with the funds.

Brian Williams, 234 Loudoun Street, SW, asked that Council not forget those who live downtown and like to walk to support the businesses without need for vehicles.

Mike Rich, stated he is concerned that the Board of Architectural Review has not reviewed this plan. He questioned why homeowners in the H-1 have to go to the BAR, but the town does not. He stated if we destroy what makes Leesburg Leesburg, people will not come. He asked Council to delay decision until the BAR has had time to review the plan.

Mike Carroll, stated he opened the Leesburg Vintner on October 14 twenty five years ago. He stated without on street parking, he may have to close his business. He stated he is scared because something he has no control over may cause his business to take a big hit.

Scott Warner, owner of Downtown Saloon, stated he has worked in Leesburg for 27 years. He stated he feels it is important to beautify the downtown and make it safe, but customers are looking for convenience. He stated the core customers, the citizens of the town, are more important than people passing through.

Don Culkin, noted that the town needs more accommodation for both human and mechanically powered two-wheel vehicle parking. He commented on the process noting that a 100 year old water pipe was a major consideration driving the design of this project. He stated that any plan that is approved should be thoroughly vetted.

Jim Sisley, stated he is a 20 year resident of the town and is happy to see all the public involvement in this issue. He noted that the town paid Arnett-Muldrow a lot of money to analyze what could be done to revitalize the town and most of that analysis sits on a shelf, unused. He recommended that the part of the analysis that is on the table tonight should go forward. He discouraged Council from taking action on other plans as they have not been vetted yet.

Neil Steinberg, stated that this plan was not developed overnight. He stated there is a ticking clock on the infrastructure. He stated items of infrastructure will need to be replaced and the business owners need to be ready. He stated some of the effort to help customers navigate the downtown during the disruption falls upon the business owners. He stated people will find a place to park if the effort is worth it.

Peter Burnett, stated the construction management by the town with respect to the improvements on Loudoun Street has been first class. He stated there is never a good time for construction. He noted that the two businesses that have been most vocal about not wanting to lose parking have gotten pick up and drop off spaces in front of their businesses, rather than metered spaces.

He read a letter from Howard Armfield into the record: "Dear Ladies and Gentlemen. The work that the town has done on the other streets as part of the beautification process is wonderful. Now it is time for King Street. I spent 38 years working on an office on South King and have been excited about this project from the beginning. It is important to exude a consistency both with the project as approved and with for the leadership of the town. There has been considerable input and the Council has made the right choice for the long term benefit of the image of Leesburg and for the

merchants. Please stick with what has already been approved. Sincerely, Howard Armfield.”

Sola Palotta, stated she owns the Very Virginia Shop/Pink Shop. She stated she also owns some other property downtown. She stated she and her husband invested in a historic Victorian on S. King Street after finding out about all the improvements that the town was going to make. She stated they made this investment on the basis of the promises of what was to come. She stated they could not hold on to it any longer. She stated that what is going on now is not working. She stated this is more than just widening the sidewalks – it is a vision for the downtown.

Dieter Meyer, 214 Andover Court, stated that change is inevitable. He urged Council to not do a “half-way” plan and to keep the approved Plan A.

Herman Llewelyn, stated he is the owner of Blue Mountain Café on South King Street. He stated one of the factors that influenced his decision to locate his business downtown was the availability of parking. He stated that 25% of his customers want quick parking. He stated his investment in his business was his life savings. He asked Council to choose a plan that retains parking.

Mayor Umstatted read the following letters into the record:

Horace Lassiter (owner of Robinson’s Barber Shop): “I have been informed that you are proposing to remove the section of sidewalk on the west side of King Street extending from Market Street to Loudoun Street for the purpose of outside dining. This is to be voted on tonight. My vote is no. My business, Robinson’s Barber Shop at 4 West Loudoun Street will be greatly impacted by this change and parking is already at a premium. Thank you for reconsidering”.

Delegate Randy Minchew: “I concur that there is a Plan B option out there that will be cost efficient, acceptable to the businesses on the west side of King Street and that achieves the urban walkability and aesthetic upgrade envisioned. Regrettably, I have to attend a meeting in Arlington tonight, but what you have described is in full concert with my letter to Council. Please feel free to convey these sentiments to Council. Best regards, Randy.”

The Petitioner’s Section was closed at 10:36 p.m.

9. APPROVAL OF THE CONSENT AGENDA

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

- a. *Initiating Amendments to the Town Code Regarding Boards and Commissions Compensation*

RESOLUTION 2013-114

Initiating Amendments to the Town Code, Part Two, (Town Code), Chapter 2 Administration; Article V Boards and Commissions; Section 2-197 Compensation Relating to Withholding Forms

- b. *Initiating an Amendment to the Zoning Ordinance regarding Lot Consolidations*

RESOLUTION 2013-115

Initiating Amendments to the Leesburg Zoning Ordinance and Subdivision and Land Development Regulations to Simplify the Process for Consolidating Multiple Lots into a Single Lot

- c. *Authorizing Purchase of a Replacement Vehicle for Cleaning Sewer Lines*

RESOLUTION 2013-116

Authorizing Purchase of a Replacement Vehicle for Cleaning Sewer Lines

- d. *Making An Appointment to the Economic Development Commission*

RESOLUTION 2013-117

Making an Appointment to the Economic Development Commission

- e. *Support for the Loudoun County Marine Corps League National Toys for Tots Campaign*

RESOLUTION 2013-118

Town Council Recognizes and Supports the Loudoun County Detachment of the Marine Corps League on the National Toys for Tots Campaign

The Consent Agenda was approved by the following vote:

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

Nay: None

Vote: 7-0

10. PUBLIC HEARINGS

- a. *None.*

11. RESOLUTIONS AND MOTIONS

- a. *Downtown Improvements*

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

MOTION 2013-044

I move to rescind Motion 2013-025 of May 14, 2013, Plan A (King Street Design), and Motion 2013-035 of July 9, 2013 that amended the Downtown Improvements Project as it relates to King Street in the vicinity of Lightfoot Restaurant in order to create an area of passenger loading, per the drawing labeled as Plan a, Version 5.

Council Comments/Questions:

- Would like a compromise that would benefit everyone
- Plan A was a 50/50 compromise
- Downtown needs more foot traffic
- The point of Plan A is to get people from outside the bypass to come downtown
- Numerous studies show that widening the sidewalks increases the economic vitality of downtowns
- Will support rescinding the previous approvals out of respect for the process

The motion was approved by the following vote:

Aye: Dunn, Hammler, Wright and Mayor Umstattd

Nay: Burk, Butler and Martinez

Vote: 4-3

On a motion by Council Member Dunn, seconded by Council Member Wright, Plan B was moved for approval.

The motion for Plan B failed by the following vote:

Aye: Dunn and Wright

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

Vote: 2-5

On a motion by Mayor Umstattd, seconded by Council Member Dunn, Plan B2 was moved for approval.

The motion for Plan B2 failed by the following vote:

Aye: Dunn, Wright and Mayor Umstattd

Nay: Burk, Butler, Hammler and Martinez

Vote: 3-4

On a motion by Mayor Umstattd, seconded by Council Member Dunn, Plan B3 was moved for approval.

The motion for Plan B3 failed by the following vote:

Aye: Dunn, Wright and Mayor Umstattd

Nay: Burk, Butler, Hammler and Martinez

Vote: 3-4

On a motion by Vice Mayor Butler, seconded by Council Member Hammler, Plan A, Version 5 with the amendment of removing the bump out on North King in front of Downtown Saloon, was proposed.

The motion for Plan A, Version 5 with the amendment was approved by the following vote:

Aye: Burk, Butler, Hammler, and Martinez
Nay: Dunn, Wright and Mayor Umstatt
Vote: 4-3

b. Initiating an Amendment to the Leesburg Zoning Ordinance regarding Tents in the B-1

Council Member Martinez made a motion to table this item until the October 22 meeting. The motion to table was seconded by Council Member Burk and failed by the following vote:

Aye: Burk, Martinez, and Mayor Umstatt
Nay: Butler, Dunn, Hammler and Wright
Vote: 3-4

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

RESOLUTION 2013-119

Initiating Amendments to Section 9.4 of the Leesburg Zoning Ordinance to Permit Tents as Temporary Structures Accessory to Restaurants in the B-1 Zoning District

Council Comments/Questions:

- This is an initiation
- This item is time sensitive

The motion was approved by the following vote:

Aye Burk, Butler, Hammler, Martinez, Wright and Mayor Umstatt
Nay: Dunn
Vote: 6-1

c. Loudoun Street Mural

Council Member Dunn made a motion to defer, which died for lack of a second.

On a motion by Council Member Martinez, seconded by Council Member Burk, the following motions were proposed:

MOTION

I move to approve the selection of Artist Garcia for the Mural on the wall of the parking garage pursuant to the conditions as previously set by Council by Motion 2013-026 dated June 11, 2013

MOTION

I move that the Town Manager, in a form approved by the Town Attorney, enter into a contract with Artist Garcia to paint a mural on the Town Garage, pursuant to RFP#100121-FY14-01. The contract may be entered into with the provision that work on the mural is not to commence until such time as the project is fully funded; it is anticipated that no public funds will be used for the project. In the

event that the project is not fully funded within two years the artist will have the ability to renegotiate the terms with respect to the fee charged for the mural pursuant to the artist's response as set forth in the RFP.

Council Comments/Questions:

- McEnearney Real Estate Company has volunteered to host a fundraiser
- 20% of the funds have already been raised
- Compliments to the Commission and the mural review committee
- Concern that this is not the best use for the land in front of the garage
- BAR felt that buildings would be more appropriate, but EDC liked the idea of the mural
- Lost opportunity cost to the town of over \$400,000 not including lost taxes and BPOL fees
- Better use for this property than a place to dump snow
- Property is too small to develop
- Would like to use the Rose Garden area for a better use
- Would like to see more Women's History in the mural
- Would like the mural to have a more realistic depiction of history

The motion failed by the following vote:

Aye: Burk, Butler and Martinez

Nay: Dunn, Hammler, Wright and Mayor Umstatted

Vote: 3-4

Mr. O'Neil stated the selection committee would meet to discuss whether they would forward a recommendation for the second runner-up.

12. ORDINANCES

- a. None.

13. UNFINISHED BUSINESS

- a. None.

14. NEW BUSINESS

- a. None.

15. COUNCIL COMMENTS

Vice Mayor Butler disclosed a conversation with Hobie Mitchell.

Council Member Hammler disclosed a conversation with Hobie Mitchell.

Council Member Wright disclosed a meeting with staff from Tuscarora High School regarding safety concerns.

16. MAYOR'S COMMENTS

Mayor Umstatted disclosed a meeting with Hobie Mitchell.

17. MANAGER’S COMMENTS

None.

18. CLOSED SESSION

None.

19. ADJOURNMENT

On a motion by Council Member Martinez, seconded by Council Member Dunn, the meeting was adjourned at 12:49 a.m., Wednesday, October 9, 2013.

Kristen C. Umstattd, Mayor
Town of Leesburg

ATTEST:

Clerk of Council
2013_tcm1008