

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, Marty Martinez, Kevin Wright and Mayor Umstattd.

**Council Members Absent:** None.

**Staff Present:** Town Manager John Wells, Deputy Town Manager Kaj Dentler, Deputy Town Attorney Barbara Notar, Director of Parks and Recreation Rich Williams, Deputy Director of Parks and Recreation Kate Trask, Parks and Public Space Planner Bill Ference, former Director of Finance Norm Butts and Clerk of Council Lee Ann Green

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**AGENDA****ITEMS****1. Work Session Items for Discussion****a. Christmas and Holiday Parade**

Kate Trask presented a brief overview of the history of the Christmas and Holiday Parade and the results of a survey conducted after last year's event.

**Key Points:**

- Started in 1994
- Up until 2008, was held at 7 p.m. and included the tree lighting and some festival activities that required a street closure of about 5 ½ hours.
- LDBA had concerns over the length of the street closure
- Moved to morning in 2008
- In 2011, festival activities were reduced which reduced the street closure from 5 ½ hours to 2 hours
- There was still demand for an evening parade
- Several surveys were performed
- Business surveys showed 46% in favor of an evening parade and 32% in favor of a morning parade
- LDBA expressed preference for the morning parade
- EDC expressed preference for the morning parade
- Parks and Recreation Commission expressed preference for the evening parade
- Staff recommends the evening parade choice without the festival activities

**Council Comments/Questions:**

- Did the survey specify what day of the week the parade would be held?  
Staff answer: The general comments before the survey listed the parade as a Saturday parade.

- Would the Christmas Tree and Menorah lighting be held the same night?  
Staff answer: Preference would be to continue to hold it as part of the First Friday activities.
- Like the tree lighting as part of First Friday
- How many people participate in the parade?  
Staff answer: Average is around 30, but varies from year to year.
- Distance is needed between the tree lighting and the parade from a logistical standpoint
- What time in the evening?  
Staff answer: 6 p.m.
- Predominant response to Council member requests for preferences was evening
- Evening parades are too late, too dark and too cold for small children
- Possibly start earlier in the evening
- What is the breakdown of business preferences?  
Staff answer: There is not a breakdown of different business groups. The LDBA conducted their own survey and there could be some crossover.

It was decided that Council will vote on their preference at Tuesday's business meeting.

b. Water and Sewer Rate Study

John Wells stated this was an effort to develop a long term plan and stability while still keeping rates reasonably competitive.

Dan Connolly, Chair, Utility Rate Advisory Committee clarified that their recommendation does not address the miscellaneous fees included in the draft study. He stated that the URAC has worked to identify problems with the current rate structure including the 1:1 water/sewer ratio, the high usage surcharge being retroactive back to the first gallon, and fixed rates representing a small percentage revenue generated resulting in the potential for a highly variable revenue stream and higher usage fees for users. He stated that the committee recommends adoption of the proposed rate structure as presented.

Mr. Wells introduced Rob Ori and Thierry Bovari, from Public Resources Management Group who have developed the Utility Rate Study.

Key Points:

- Objectives:
  - Maintain financial strength and credit worthiness of the town/utility fund
  - Continue capital reinvestment
  - Address rate design issues
  - Avoid future rate shock to customers

- Results derived from:
  - Multiple meetings with town staff who provided direction and reviewed assumptions and findings throughout the process
  - Town's financial advisors' recommendations
  - Town's consulting engineers recommendations to identify adequate capital reinvestment
  - Utility Rate Advisory Committee discussion and direction
- Utility rates are competitive for the region
- Favorable credit rating due to strong management and political leadership, operating costs being held in check, and the availability of low cost debt to spread the cost of financing infrastructure over time
- The town has experienced significant growth in the past, but is approaching build out
- Town has invested over \$240 million in infrastructure that is currently worth \$354 million (adjusted for inflation)
- 2010 Six-year rate implementation plan did not include an increase in fixed charges since the initial year of the plan
- Town's financial advisor recommended a rate study be performed in 2013 due to an identified need for additional rate adjustments beginning in 2015 and existing debt payments projected to increase by \$2.5 million
- Study assumes marginal growth in customers
- Study assumes operating expense growth and increased capital needs as well as restructuring of debt
- Rate drivers in the next five years include inflation of primary expenses (personnel, energy, and chemicals), existing and new debt service, and pay-go transfers for capital needs.
- Largest amount of revenues come from user fees, which are recurring.
- Capital needs for the next 10 years average \$4 million per year
- If the town does not follow through with the planned debt restructuring, the debt service will increase by \$1.2 million and affect the ability to reinvest in the system
- Costs and revenues have been allocated between the water and sewer system – so increases have been allocated accordingly
- Proposed rate adjustments are about \$5 per month increases to the average water and sewer bill
- Winter Quarter use issue
  - Exceeding 135% of the winter quarter use triggers a high rate charge being applied to all usage
  - Only four billing cycles per year can result in a significant change in bill
  - Not all customers share the same winter quarter
  - Customers who use less in the winter have a lower winter quarter margin

- Recommend elimination of the normal use/high use charge structure
- Recommend a four tiered inclining water conservation rate structure for single family residential customers
- Recommend a two tiered conservation rate for irrigation users
- Recommend elimination of the 1:1 water/sewer rate
  - Recommend a cap of 30,000 per quarter for wastewater charges
- Existing quarterly fixed charges are low which increases dependency on flow changes and increases overall financial risk
  - Recommend a phase-in of higher fixed-cost recovery from 6.5% to 20% over a five year period
- Miscellaneous fees
  - Account for only 2.5% of total revenues
  - Common industry practice
  - Serve to reduce user fees
  - Equitable because they charge the benefitting customer
  - Will provide a list of these fees during the public hearing process

#### Council Comments/Questions:

- Will you be charging irrigation customers excessive use rates?  
Consultant answer: It is priced at the higher rate because it is discretionary use
- Do irrigation users get more than one bill?  
Staff answer: They get a bill for each meter.
- Why are the biggest increases at the start of the five year program?  
Consultant answer: The main objective was to get rid of the high use surcharge, but that affected the low flow commercial values.
- Like the idea of going to a monthly payment idea – allows residents to budget
- Would like to have a way to average out the bills
- Is 30,000 gallons for wastewater flat fee the correct number of gallons?
- How much water treated at the wastewater plant is due to infiltration from outside?
- What is the industry standard for debt load?  
Consultant answer: There are other localities with higher debt loads
- Public input and outreach will be an important feature of this program
- Fine line between getting new customers and triggering capacity upgrades  
Consultant answer: Need to do a cost/benefit analysis when considering the addition of new customers
- Does it make sense to try to separate the fixed charges for water and sewer?  
Consultant answer: There was a higher percentage of fixed costs associated with water production, so the two were combined.
- How does the town's staffing level compare with other jurisdictions?

Consultant answer: The town has held the line on staff costs for several years.

Staff answer: Since 2005, the department staff has been reduced by 10%.

- What is the plan for public input going forward?

Staff answer: Council will have a public hearing at whatever point Council is ready to advertise the proposed rates. Possible January implementation.

- Concern that the rate increases may not be enough to cover needs.
- Did rate structure take into consideration elasticity of usage based on rate increase?

Consultant answer: Yes.

- Rate structure should include increases that will cover needed infrastructure replacements
- Percentage increase is higher for lower users
- Would like to consider a flat rate for everyone
- How many additional customers would be needed to absorb the needed increase?
- Will this be a hardship on some less wealthy customers?

Consultant answer: Discounted rate for lower users but everyone will be impacted by a higher fixed fee. Spreading increases out over 10 years will help lessen the effect

- What is the logic for increasing the fixed charge other than billing expenses?

Consultant answer: Cost of meter amortization, personnel, debt service, capital reinvestment and depreciation.

- Is the 30,000 gallon sewer cap fair?

Consultant answer: Yes, because they are paying for actual gallons of water used at a premium over 30,000. Most households that use over 30,000, the amount above that is going to outside uses and not into the sanitary sewer.

c. Mervin Jackson Park

Bill Ference presented several options for the Mervin Jackson Park to be located on Loudoun Street in front of the parking garage.

Key Points:

- Input was solicited from several Boards and Commissions – Economic Development, Public Art, and Parks and Recreation
- Broad range of interests were included in the public input
- Most respondents favored development of the entire site, not just one side or the other
- Most requested elements included:
  - Renovation of the museum garden and integration with the rose garden

- New features along Loudoun Street
- Outdoor seating and dining spaces
- Trees and other landscaping
- Water features – particularly interactive
- Public restrooms
- Conceptual sketches were developed along with ballpark cost estimates
- Some sketches show removing one of the parking garage egress lanes
- All options include space for the mural
- Bridging the parking garage ingress/egress is more expensive but allows for more usable open space.
- A building on the easternmost parcel would increase opportunities for dining/retail uses
- Architectural style should reflect the surrounding buildings and be environmentally compatible
- Phasing should have each portion be viable as an amenity on its own

Council Comments/Questions:

- Motion to approve the park included an option for a park related building
- Mr. Jackson would not have appreciated anything fancy. He would want a simple park.
- Agree that removal of one of the parking garage egress lanes would allow for more usable open space
- Agree that design needs to be incorporated with rose garden and log cabin area
- Option 4 would be viable if there was a partnership because of cost
- What are the options for funding amenities?  
Staff answer: Some individuals have expressed an interest in funding certain pieces and some donations have come in. Smaller options could receive public support
- Active park would become an attractor for visitors to the downtown
- Suggest closing off the entire Loudoun Street entrance to the parking garage
- Does the interactivity of the fountain account for the much higher price tag?  
Staff answer: Yes, it is computer controlled.
- Would favor a regular fountain
- Need two points of ingress/egress for the parking garage
- Unhappy about a proposed building – back to the old argument
- Don't want the town in the landlord business

It was Council consensus to have this item back on a future agenda.

d. Legislative Wrap-up and Potential Amendments to the Town Code

Betsy Fields distributed the line item vetoes from the budget. She stated that the General Assembly is still in session.

Key Points:

- SB518/HB1048 should increase road maintenance funding
- Land development amendments will require case law to see how it ends up affecting the land development process
- Necessary town code amendments have been advertised and a public hearing will be held tomorrow night
- Permissive items need Council consensus – can be instituted now or later, if needed.

Council Comments/Questions:

- HB733 prohibiting parking in front of mailboxes – enacting this would eliminate street parking in some more dense neighborhoods
- HB617 would be interesting from an economic development standpoint.
- HB44 – would be curious how many people in Leesburg this applies to. Staff answer: Could not determine if any Virginia Defense Force members are Leesburg residents. It is like an exemption that is possible for police and firefighters, which Leesburg does not do. Staff recommends not implementing this.
- HB1099 – what is the fiscal impact? Staff answer: Town Code has a broader exemption – staff recommends against this.

## 2. **Additions to Future Council Meetings**

Council Member Burk requested an update on the letter to the editor concerning the Union Cemetery incident. Would like to recognize AH&T on the recent achievement as one of the Top Ten Work Places.

Council Member Wright requested a process to review, amend and/or reconsider permit parking zones.

Council Member Hammler noted that online registration at Ida Lee is not included in the online bill pay project.

Vice Mayor Butler stated he would like to have a discussion on the parking items he circulated. He questioned the online bill pay project's next steps. He questioned when the Tech Comm will return with specific transparency recommendations. Council Member Hammler noted they are working on it and including it in the overall strategic plan.

Council Member Dunn stated there are still limitations on the registration program used at Ida Lee. There were four in favor of taking this to a work session after Parks and Recreation commission has reviewed.

**3. Closed Session**

- a. None.

**4. Adjournment**

*On a motion by Council Member Wright, seconded by Vice Mayor Butler, the meeting was adjourned at 12:00 a.m.*

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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, Katie Sheldon Hammler, Marty Martinez, Kevin Wright and Mayor Umstattd.

**Council Members Absent:** None.

**Staff Present:** Town Manager John Wells, Town Attorney Jeanette Irby, Director of Public Works Tom Mason, Director of Parks and Recreation Rich Williams, Deputy Director of Parks and Recreation Kate Trask, Director of Finance Norm Butts, Deputy Director of Planning and Zoning Brian Boucher, Senior Planner Irish Grandfield, and Clerk of Council Lee Ann Green

AGENDA ITEMS

1. **CALL TO ORDER**

2. **INVOCATION:** Mayor Umstattd

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

4. **ROLL CALL:** Showing all Council Members present

5. **MINUTES**

a. Work Session Minutes of June 9, 2014

*On a motion by Vice Mayor Butler, seconded by Council Member Hammler, the minutes of the work session meeting of June 9, 2014 were approved by a vote of 7-0 with edits by Council Member Hammler.*

b. Regular Session Minutes of June 10, 2014

*On a motion by Council Member Hammler, seconded by Vice Mayor Butler, the minutes of the Regular session meeting of June 10, 2014 were approved by a vote of 7-0 with edits by Council Member Hammler.*

6. **ADOPTING THE MEETING AGENDA**

*On the motion of Vice Mayor Butler, seconded by Council Member Burk, the meeting agenda was approved after moving Item 11a to Consent, by the following vote:*

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

*Nay: None*

*Vote: 7-0*

7. **PRESENTATIONS**

a. None.

8. **PETITIONERS**

The Petitioner's Section was opened at 7:33 p.m.

Andrew Borquist noted that with “great power comes great responsibility”. He stated that the management of the town has great power over things that affect employee’s livelihood. He stated he had a meeting with the Town Manager where he was looking for a clear answer as to the reasoning for the actions that the town took against him. He stated he has waited long enough for a response and he would like to know when he could expect a response.

The Petitioner’s Section was closed at 7:37 p.m.

**9. APPROVAL OF THE CONSENT AGENDA**

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

- a. *Naming an Emergency Management Coordinator*

**RESOLUTION 2014-069**

*Consent to the Town Manager’s Appointment as Chief of Police as Coordinator of Emergency Services*

- b. *Water Treatment Plant Organic Removal Services*

**RESOLUTION 2014-070**

*Awarding a Contract for Organic Removal at the Water Treatment Facility to Enviro Organic Technologies*

- c. *Purchase of Traffic Counters*

**MOTION 2014-021**

*I move to authorize the requested \$25,000 from the Standing Residential Traffic Committee’s FY 2014 Budget to purchase traffic counters as outlined in the letter from Liz Whiting, Chair, dated April 16, 2014.*

- d. *Approving the Settlement of a Certificate of Take*

**RESOLUTION 2014-071**

*Authorizing the Settlement of a Certificate of Take Recorded at Instrument No. 20130930-0079713 (PIN No. 189-16-0666 Engle/Delashmutt Property)*

- e. *Authorizing a Performance Guarantee for Cornerstone Church*

**RESOLUTION 2014-072**

*Authorizing an Agreement and Approving a Performance Guarantee and Water and Sewer Extension Permits for Cornerstone Chapel Phase I (TLPF 2013-0016).*

*f. Christmas and Holiday Parade Start Time*

**MOTION 2014-022**

*I move that the Holidays in Leesburg Christmas and Holiday Parade be returned to an evening event.*

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

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

*Nay: None*

*Vote: 7-0*

**10. PUBLIC HEARINGS**

a. Bond Sale

The public hearing was opened at 7:40 p.m.

Norm Butts, gave a brief presentation about the sale of General Obligation and Refunding Bonds, Series 2014.

Key Points:

- The adopted CIP in the amount of \$93,590,234 requires \$17,825,587 in new money bonds to complete scheduled projects.
- These are general and utility system projects
- Financial advisors – Davenport, have recommended a bond issue not to exceed \$11,865,000 including \$11,226,334 for project costs and \$638,657 for cost of issuance and related activities.
- Remaining approximately \$6.6 million in new money bonds needed to complete the projects will be the subject of a subsequent bond issue estimated to take place in FY 2016
- Town will be refunding approximately \$5.5 million in Series 2005 bonds for debt service savings of approximately \$700,000 and restructuring of approximately \$8.5 million of Series 2006 bonds, which were originally issued for utilities system improvements
- Restructuring bonds reduces the debt service payments and helps moderate necessary utility rate increases
- Some funds will pay the town back for cash used to pay invoices that were due

Council Comments/Questions:

- What is the town's percentage of debt service to the budget?  
Staff answer: Debt service as a percentage of general fund expenditures is under 15% as per Council's policy
- Will the town's newly acquired AAA Bond rating result in savings on debt service?  
Staff answer: If the sale is competitive, based on the interest rates that were estimated, there will be savings.

- Concerned that we are paying for something with bond dollars that are recurring maintenance items

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

The public hearing was closed at 7:55 p.m.

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

**RESOLUTION 2014-073**

*Authorizing the Issuance of General Obligation and Refunding Bonds, Series 2014*

Council Comments:

- Would like to see the town use more cash, particularly on utility maintenance items
- Refunding component is significant to help smooth out the peaks and valleys of the long term financial plan
- Continue to execute the long term plan that helped garner the AAA rating
- Continuing to make progress in closing the gap of a possible tax hike in 2017
- Low interest rates make this a reasonable choice and these projects will increase the quality of the life for residents

*The motion was approved by the following vote:*

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

*Nay: None*

*Vote: 7-0*

- b. TLZM 2013-0004, TLSE 2013-0010 Panera Bread  
The public hearing was opened at 7:57 p.m.

Irish Grandfield presented this application or a Concept Plan and Proffer Amendment that would allow a drive in facility in an existing restaurant located at 215 Fort Evans Road, N.E.

Key Points:

- Proffer amendment is treated as a rezoning, but zoning will not change
- 1.14 acre outparcel of the Leesburg Premium Outlet mall
- Originally built in 2004 – not owned by Panera
- Currently two entrances to the site
- Raised patio in front with seating
- Proffer amendment allows an additional 660 square feet to accommodate the drive in
- Special exception request allows a drive-in in the B-3 zoning district

- Site was proffered to follow the H-2 Design guidelines, so it will go before the Board of Architectural Review
- Minor addition to a building that already has a Certificate of Appropriateness and elevations provided show a continuation of the style that was originally approved
- Additional conditions for approval were added at the Planning Commission

Mike Romeo, representative for the applicant, gave the following information:

- Expansion is solely to accommodate the drive-through
- Panera is unique in casual food drive thru as everything is made fresh and the dine-in and drive-thru are completely separate with separate staff

Council Comments/Questions:

- How many vehicles can stack in the drive-thru lane?  
Applicant answer: 10 spaces
- Don't think the two extra waiting spots are necessary
- What is the signage that is needed?  
Applicant answer: Direct motorists to the correct waiting spots
- Recommend only necessary signage
- Concerned about the two spaces because Panera service takes more than five minutes
- Would encourage call-ahead pick up
- This application does not add to the parking/traffic burden
- Is site overparked?  
Staff answer: Yes, by more than 100 spaces, but it meets the zoning ordinance criteria for adequate parking

No members of the public wished to address this public hearing.

The public hearing was closed at 8:28 p.m.

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

***ORDINANCE 2014-O-017***

*Approving TLZM 2013-0004 Panera Bread, a Concept Plan Amendment and Proffer Amendment to Allow Development of a Drive-In Facility at an Existing Restaurant at 215 Fort Evans Road*

*The motion was approved by the following vote:*

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

*Nay: None*

*Vote: 7-0*

*On a motion by Vice Mayor Butler, seconded by Council Member Dunn, the following was proposed with the elimination of the last two conditions concerning the provision of two vehicle waiting spaces and to provide an undesignated amount of wayfinding signage:*

**RESOLUTION 2014-074**

*Approving TLSE 2013-0010, Panera Allowing a Drive-In Lane at an Existing Restaurant on Property at 215 Fort Evans Road, PIN #188-10-4168*

Council Comments:

- Will be a good addition to Panera
- Two deleted conditions can be left up to the business to manage
- Is there a maximum number of signs that the town wanted?  
Staff answer: The number of wayfinding signs was not specified by the Planning Commission. It would be looked at during site plan review.
- Cannot support this without the two additional spaces
- If it became necessary, the applicant could reserve parking spaces for waiting and erect signage directing customers, if they desired. Signage would require a sign permit with review through the BAR.
- Would recommend signage be kept to a minimum

*The motion was approved by the following vote:*

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

*Nay: Burk*

*Vote: 6-1*

c. TLZM 2013-0003 Somerset Park

The public hearing was opened at 8:38 p.m.

Irish Grandfield gave a presentation regarding the application for a Concept Plan and Proffer Amendment to allow development of two multi-family structures comprising a total of 42 units in place of a neighborhood retail center at Tavistock Farms.

Key Points:

- Southeast corner of Battlefield Parkway and Tavistock Drive
- Part of the original Tavistock Farms rezoning
- Just over 2.5 acres
- Maintained as vacant grassy area
- Existing multi-family residential consisting of 108 units in six buildings
- Zoning will not change
- Over 20 years, applicant has been unsuccessful in finding neighborhood retail to develop this site
- Small maintenance building will be relocated to accommodate travel aisles
- Town does not maintain the private parking courts
- Two small “pocket parks” are included to accommodate pedestrians

- Additional tot lot is also proffered
- Proffers are consistent with Town Plan requirements
- Staff recommends approval

Council Comments/Questions:

- Was there outreach to the HOA?  
Staff answer: There were no speakers at the public hearing. Every property owner in Tavistock Farm was notified due to new legislation
- How long have neighboring retail opportunities been in existence?  
Staff answer: Some are existing and some are planned
- Will be about 80 additional residents and approximately 19-20 school aged children. Is there capacity in the school system?  
Staff answer: School Board was pleased with proffer to pay for spaces.
- What is the town's position regarding rental units versus ownership as relates to town services?  
Staff answer: The town does not have any data to suggest that there are additional costs. Trash pick up is handled by the property owners.
- Why doesn't the town require a public safety proffer for police protection?  
Staff answer: There is nothing in the town plan to give staff that type of guidance. Proffers that are sought are typically for capital improvements rather than operations. This could be looked at in the future – there will be a need in the long term for police expansion space.
- Neighborhood retail centers are outdated
- What is the fiscal impact of this application?  
Staff answer: Fiscal impact was computed on multifamily versus vacant land, not retail. To make the assumptions for retail, you would need a start date.
- Whose exercise facilities will be used? Tavistock Farms or Somerset Park's?  
Staff answer: Somerset Park has its own exercise facility. There is an extensive trail network owned by Somerset Park that will be extended and improved as part of this application.
- Is there a breakdown of how many of each level of school children will be generated by this application?  
Staff answer: No. It wasn't included in the referral to the School administration.
- Previous applications of this type – changing retail centers to residential – have had the support of neighboring residential communities.
- Concerns about a 39% increase in density with the addition of these multifamily units
- Significant impact to schools

Bob Sevila, representative for the applicant, gave a brief presentation to Council.

## Key Points:

- All Tavistock Farms owner and Somerset Park residents were notified. No opposition was received
- Two meetings were held with the Homeowner's Association of Tavistock – no opposition was voiced
- When Tavistock Farms was approved in the 1980s, community retail was considered a great idea; however, currently there is no market for these types of uses
- Density increase is only from 3.0 to 3.2 – very minimal increase in density
- School impact will be minimal as these are starter apartments – 1 or 2 bedrooms
- Currently with 108 units, there are approximately 30 school-age children – this should generate only approximately 11 school-age children
- Vacant land currently generates about \$1,800 in taxes in real estate taxes. After development, the value will increase to approximately \$12,000.
- Currently there is a county-wide lack of housing units targeting those between the ages of 25 and 37 – which is the target range for these units

## Council Comments/Questions:

- What is the average rent for a one or two bedroom apartment?  
Applicant answer: Currently one bedrooms at the existing property are renting for \$1500-1600 and two bedrooms are renting for approximately \$1700-2000.
- Would the applicant be willing to proffer a commensurate amount to the Leesburg Police Department as is proffered for fire and rescue – possibly \$100 per unit?  
Applicant answer: There are no proper guidelines for this type of proffer – it would be unusual to impose a request such as this on this applicant if this has never been imposed before
- Statistically the young adult target demographic is the more likely to utilize police department resources

There were no citizens wishing to address this public hearing.

The public hearing was closed at 9:16 p.m.

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

**ORDINANCE 2014-O-018**

*Approving TLZM 2013-0003 Somerset Park, a Concept Plan Amendment and Proffer Amendment to Allow Development of Two Multi-Family Structures (42 units total) in Place of a Neighborhood Retail Center at Tavistock Farms*

## Council Comments:

- Small increase in rental units that will create real estate value and increased utility base for the Town of Leesburg
- People who fill these units will visit town restaurants
- Current residents don't want commercial/retail nearby
- Rooftops support commercial/retail
- Another strip center would only add to the vacancy rates in town
- Should stay the course of attracting quality commercial and retail which adds to the economic base of the town
- Consistent message from this area of town – do not want commercial/retail in the neighborhood
- No community opposition, but no community support either
- Increase in tax revenue is not enough to offset the negative impact
- Strip centers are being replaced by mixed use development, but this parcel is not large enough for that

*The motion was approved by the following vote:*

*Aye: Burk, Butler, Dunn, Martinez, and Wright*

*Nay: Hammler and Mayor Umstadd*

*Vote: 5-2*

d. Amending the Town Code regarding Emergency Management and Emergency Services, Animals, and the Director of Finance and Administrative Services

The public hearing was opened at 9:38 p.m.

Jeanette Irby gave a brief presentation on these proposed amendments.

## Key Points:

- Three potential code changes
  - Amend the line of succession with respect to emergency services
  - Amend the title and duties of the Director of Finance to become the Director of Finance and Administrative Services for more efficient organization
  - Amend the section on Animals due to changes made by the General Assembly – increases the penalty if livestock is killed by a dog

## Council Comments/Questions:

- Does the town need to set a dollar amount for the fine if a dog kills livestock?

Staff answer: The fine amount was set by the General Assembly

- The change relating to organizational efficiency creates a great opportunity for increased customer service

- Why does the town need to adopt this since Loudoun County provides all animal control services for the town?

Staff answer: Because the town will end up going to court in these cases since the police will be called – fine goes to the victim, not the town

- Wording is odd – if the livestock is utilizing the dog owner’s land, then the dog owner is penalized for the dog protecting its land

Staff answer: If the livestock is trespassing, then the dog can protect its property

- Would like to add “Town Manager” to Section 1

There were no citizens wishing to address this public hearing.

The public hearing was closed at 9:45 p.m.

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

**ORDINANCE 2014-O-019**

*To Amend Chapter 12 (Emergency Management and Emergency Services): Section 12-5 (Emergency Succession)*

**ORDINANCE 2014-O-020**

*To Amend Chapter 4 (Animals), Article II (Dogs and Cats), Division 1 (Generally), Section 4-31 (Dogs Killing or Injuring Livestock or Poultry) and Section 4-32 (Compensation for Livestock and Poultry Killed by Dogs)*

**ORDINANCE 2014-O-021**

*Amending the Town Code to Change the Title of the Director of Finance to the Director of Finance and Administrative Services*

*The motion was approved by the following vote:*

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

*Nay: None*

*Vote: 7-0*

**11. RESOLUTIONS AND MOTIONS**

- a. None.

**13. UNFINISHED BUSINESS**

- a. None.

**14. NEW BUSINESS**

- a. None.

**15. COUNCIL COMMENTS**

Council Member Dunn: Disclosed a gift of Washington Capitals tickets from the Town Manager for his birthday.

Vice Mayor Butler: Disclosed a meeting with representatives of Market Square at Potomac Station about a potential rezoning to a town zoning of their currently approved application. He stated he appreciated the picture of the flood on Rt. 7. He wished everyone a good Fourth of July and reminded Council that he will be participating remotely for the July 7-8 Council meetings.

Council Member Burk: Disclosed a meeting with Rhonda Paice concerning a property outside town limits.

Council Member Martinez: Disclosed a meeting with representatives of Market Square at Potomac Station about a potential rezoning to a town zoning of their currently approved application. He stated he will be participating in the Fourth of July parade.

Council Member Hammler: Disclosed a meeting with Clark Realty Capital regarding the Market Square at Potomac Station. She also disclosed a meeting with representatives of the Iglesias Pentecostal Church for discussion of a property on Wage Drive. She congratulated everyone on the AAA rating, which could translate into a \$100,000 savings. She stated for clarification, the transparency initiative that Vice Mayor Butler asked about during the work session, is something that the Tech Commission would like Council to discuss at a work session. She stated she would like to bring up as an item for a future Council meeting, the guidelines for adding police and more town services. She requested a benchmark reference for affordable housing units. She stated she would appreciate the after-action report on the tragedy in Purcellville. She wished everyone a happy July 4<sup>th</sup>.

Council Member Wright: Disclosed a meeting with Market Square at Potomac Station and representatives of the Iglesias Pentecostal Church for discussion of a property on Wage Drive. He stated Rt. 7 during the flood had less water than his basement. He complimented town staff on their work to mitigate the traffic issues during the flooding.

**16. MAYOR'S COMMENTS**

Mayor Umstatted commended everyone for their work in achieving the AAA status with one of the ratings companies and the upgrade with Moody's.

**17. MANAGER'S COMMENTS**

John Wells congratulated everyone for the AAA rating and noted that the other agencies will most likely upgrade the town as well. He clarified that the town has never been downgraded by any of the ratings agencies.

**18. CLOSED SESSION**

None.

**19. ADJOURNMENT**

*On a motion by Council Member Martinez, seconded by Vice Mayor Butler, the meeting was adjourned at 9:54 p.m.*

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Kristen C. Umstattd, Mayor  
Town of Leesburg

ATTEST:

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Clerk of Council  
2014\_tcm0624