

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 Attorney Barbara Notar, Assistant Town Manager Scott Parker, Director of Planning and Zoning Susan Berry Hill, Director of Plan Review William Ackman, Deputy Director of Planning and Zoning Brian Boucher, Airport Manager Scott Coffman, Director of Economic Development Marantha Edwards, and Executive Associate I Tara Belote.

AGENDA

ITEMS

1. Work Session Items for Discussion

- a. Presentation by Randy Burdette (VA Department of Aviation) regarding Remote Tower Pilot Program
Scott Coffman briefed Council on the project proposed by the Virginia Department of Aviation.

Key Points:

- More traffic at the airport makes a tower necessary
- High definition cameras at the airport allow a controller to view what is happening at the airport from a remote location
- Leesburg would be a test case for this program in the United States
- Already successfully operated in Norway and Sweden
- Cost will only be for phone lines - \$2.5 million system will be installed at no cost to the town
- Three month trial period
- Does not obligate the town to a longer period

Council Comments/Questions:

- What is the in-kind contribution that the town will be responsible for?
Staff answer: Phone lines, electricity and space for the equipment.
- Why does the company want to install this in Leesburg?
Answer: Will be part of a larger marketing campaign to convince the FAA that this system is feasible for use in the United States.

b. Oaklawn Landbay B

Brian Boucher stated this work session on the proposal for Oaklawn is in preparation for tomorrow night's public hearing.

Key Points:

- Corporate headquarters will be developed in Landbay B

- Light intensity industrial uses proposed for Landbay A
- Recreational facility in Landbays A and B
- Amendments to the concept plan and proffers to accomplish these changes
- No increase in overall square footage as allowed in the development currently
- Transportation improvements proffered would get four lanes of Hope Parkway built sooner than the current proffers
- Proffering specific elevations for Landbay B
- Planning Commission recommended denial after hearing 52 speakers
- Neighboring communities are concerned about impact to their communities
- Application was fast tracked due to tenant's needs
- Hotel use is already approved
- Light intensity industrial means no outdoor activities
- Four lanes of Hope Parkway must be built before Landbays A and B can be developed

Council Comments/Questions:

- Office definition is narrow and does not allow what is today considered an "office use"
- Need to initiate a change to the definition of office
- Important to establish uses for this category
- The town is not intentionally trying to disregard resident concerns
- No buffers are smaller than what was proffered previously
- Would like a visual of what a 75 foot buffer would do to the parking area
- Concern that the lighting plan will create areas of darkness for the employees at the businesses
- Can the buildings be moved around in the landbays to address the issues of lighting and parking?

Applicant answer: Building placement is determined by truck movements and the tenant's interior needs

- Would like Council to direct staff to look at limiting truck access to Hope Parkway and other roads within the community
- Would like a list of things that would not be allowed
- What will noise impacts be for the homes that are only 70 feet from the property line?

Applicant answer: With screening and fencing there should be very little impact to the homeowners – 185 feet from the building to any residences

- What will the effect of the development be on the health of the pond?
Applicant answer: During construction, with the new stormwater regulations, there will be more inspections. Permits for erosion and

sediment control are issued by the state. The pond is designed to handle the run off and sediment from the entire development.

- With respect to the use of chemicals, what type of chemicals are going to be used in the manufacturing process?

Applicant answer: There are government required third party inspections

c. Comprehensive Parking Program

There was Council consensus to defer this item until the next work session.

2. Additions to Future Council Meetings

Vice Mayor Butler requested an initiation for changes to the definition of light intensity industrial and office within the Zoning Ordinance. He also asked for a motion to ask staff to outline a process for truck restrictions on Hope Parkway. There was Council consensus for putting these two items on the agenda for Tuesday night.

Council Member Burk requested a report regarding the letter received from the NAACP.

Council Member Hammler asked for feedback on photographs of a sign in Blacksburg. She stated the lower level of Ida Lee needs a more functional PA system so that it can host a wider variety of meetings. She requested a debriefing from the Police Department on the tragic events that occurred in Purcellville over the summer.

Council Member Dunn questioned whether there has been any word on the bump out on Route 7. He also requested a discussion about the possibility of operating procedures for non-disclosure agreements.

3. Adjournment

On a motion by Council Member Wright, seconded by Council Member Martinez, the meeting was adjourned at 10:30 p.m.

Clerk of Council

2014_tcwsmin0811

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, Deputy Town Manager Kaj Dentler, Deputy Town Attorney Barbara Notar, Director of Planning and Zoning Susan Berry Hill, Deputy Director of Planning and Zoning Brian Boucher, Director of Plan Review Bill Ackman, Director of Economic Development Marantha Edwards, Assistant Town Manager Scott Parker, Director of Capital Projects Renee LaFollette, Transportation Engineer Calvin Grow, and Executive Associate I Tara Belote

AGENDA

ITEMS

1. **CALL TO ORDER**

2. **INVOCATION:** Council Member Hammler

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

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

5. **MINUTES**

a. Work Session Minutes of July 21, 2014

On a motion by Council Member Martinez, seconded by Vice Mayor Butler, the minutes of the work session meeting of August 11, 2014 were approved by a vote of 7-0.

b. Regular Session Minutes of July 8, 2014

On a motion by Council Member Martinez, seconded by Council Member Hammler, the minutes of the Regular session meeting of August 12, 2014 were approved by a vote of 7-0.

7. **ADOPTING THE MEETING AGENDA**

On the motion of Council Member Wright, seconded by Council Member Martinez, the meeting agenda was approved by the following vote after moving item 9g off the Consent Agenda:

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

Nay: None

Vote: 7-0

8. **PRESENTATIONS**

a. Certificate of Recognition – Jasmine Adolphe, Team USA Fencing

On a motion by Council Member Burk, seconded by Council Member Hammler, a Certificate of Recognition was presented to Jasmine Adolphe who has been chosen to represent the United States at the 2014 Youth and Adult Fencing Competition.

- b. Proclamation – National Payroll Week
On a motion by Vice Mayor Butler, seconded by Council Member Dunn, the following Proclamation was approved:

PROCLAMATION

National Payroll Week *September 15-19, 2014*

WHEREAS, the American Payroll Association and its more than 21,000 members have launched a nationwide public awareness campaign that pays tribute to the more than 156 million people who work in the United States and the payroll professionals who support the American system by paying wages, reporting worker earnings and withholding federal employment taxes; and

WHEREAS, payroll professionals in Leesburg, Virginia play a key role in maintaining the economic health of Leesburg, Virginia, carrying out such diverse tasks as paying into the unemployment insurance system, providing information for child support enforcement, and carrying out tax withholding, reporting and depositing; and

WHEREAS, payroll departments collectively spend more than \$15 billion annually complying with myriad federal and state wage and tax laws; and Whereas payroll professionals play an increasingly important role ensuring the economic security of American families by helping to identify noncustodial parents and making sure they comply with their child support mandates; and

WHEREAS, payroll professionals have become increasingly proactive in educating both the business community and the public at large about the payroll tax withholding systems; and

WHEREAS, payroll professionals meet regularly with federal and state tax officials to discuss both improving compliance with government procedures and how compliance can be achieved at less cost to both government and businesses; and

THEREFORE PROCLAIMED by the Council of the Town of Leesburg in Virginia that the week in which Labor Day falls is National Payroll Week in the Town of Leesburg and the Council gives additional support to the efforts of the people who work in Leesburg, Virginia and of the payroll profession.

PROCLAIMED this 12th day of August, 2014.

8. PETITIONERS

The Petitioner's Section was opened at 7:39 p.m.

Terry Titus, Wage Drive, stated that when the Silver Line was built, they eliminated bus service into Washington. He stated that bus service to the Metro station is critical for those needing to access Washington. He asked Council to pressure the Board of Supervisors to reinstate bus service.

Andrew Borgquist requested that costs charged to him related to a FOIA request be waived since his real estate taxes should cover the cost of the FOIA request. Further, he repeated his request for Council to look at his case. He stated that government should be more transparent and the process should be more clear.

Rene Dennis, Sage Hill Farm, stated he is petitioning for the town to do a hydrological study of Cattail Branch. He stated he lives off Edwards Ferry Road in a 100 year floodplain which has become a 20 day floodplain, which is causing damage to his property.

The Petitioner's Section was closed at 7:46 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:

- a. *Airport Security Perimeter Fence – Construction Contract Award*

RESOLUTION 2014-085

Awarding the Construction Contract for the Airport Perimeter Fence – West Side Project and Accepting a Grant from the Virginia Department of Aviation and the Federal Aviation Administration

- b. *Approval of the Next Town Hall Art Gallery Exhibit*

RESOLUTION 2014-086

Town Hall Art Gallery – Approval of the Exhibit by Students of Northern Virginia Community College Professor Donald Depuydt

- c. *License Agreement for the Loudoun Raw Water Transmission Line*

RESOLUTION 2014-087

Authorizing the Town Manager to Execute a License Agreement Between the Town of Leesburg and Loudoun County Sanitation Authority (“Loudoun Water”) to Allow Loudoun Water’s Raw Water Intake Transmission Line to Cross Certain Town Streets

d. Amending the Town Manager's Contract End Date

MOTION 2014-027

I move to amend the Town Manager's Contract End Date from September 30 to October 3, 2014

e. Approving a Performance Guarantee for Courthouse Square

RESOLUTION 2014-088

Performance Guarantee and Water and Sewer Extension Permits for Courthouse Square (TLPF 2012-0011)

f. Dominion Power Encroachment Agreement

RESOLUTION 2014-089

Authorizing the Mayor to Execute an Encroachment Agreement Between the Town of Leesburg and Dominion Virginia Power ("DVP") to Allow a Sanitary Sewer and Reclaimed Water Line to Cross DVP's Easement

g. Approving the Governor's Development Opportunity Fund Grant Performance Agreement

RESOLUTION 2014-090

Authorizing the Governor's Development Opportunity Fund Grant Performance Agreement

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. Town Manager's Public Hearing – Permit Parking on Cornwall Street
The public hearing was opened at 7:50 p.m.

Calvin Grow this proposal to create a residential permit parking zone on Cornwall Street stems from a petition from the residents.

Key Points:

- Study was conducted in July and again recently.
- Street meets the criteria for permit parking.
- Recommendation will be made to the Town Manager after comments from the public hearing have been received.

George Flick, stated they would like residential permit parking on Cornwall Street, NE between King Street and Church Street. He stated during

the week, there is no parking. He stated that several households that were unable to attend, also wanted to say that they would like permit parking.

Bill Berger, 18 Cornwall Street, NE, stated the can't leave their house during the day or they will lose their parking space.

Frederick Cox, stated he has lived on Cornwall Street for more than 55 years. He stated that during the day his neighbors have nowhere to park.

Kathy Liddick, 16 Cornwall Street, NE, stated that it is very hard to get workmen or deliveries on Cornwall Street. She stated the oil company will only come on holiday Mondays because there is nowhere for them to park.

Mindy Hetzel stated her parents own 4 Cornwall Street stated it is frustrating for individuals to see the open parking spaces on the street and not be able to use them because of the permit parking zone. She stated all the homes on Cornwall have adequate parking, except for one or two homes. She stated it would be unfair to the other residents of Leesburg to not allow them to park on Cornwall.

- b. TLZM 2014-0004 Oaklawn at Stratford
The public hearing was opened at 8:03 p.m.

Brian Boucher that Mr. Grandfield is on vacation and he is filling in.

Key points:

- 95 acres on the east side of the Greenway and north of the Leesburg Executive Airport
- Property is divided into seven landbays.
- Two parcels are not owned by the current applicant.
- Primary purpose of the rezoning is the development of a new high-tech corporate headquarters in Landbay B – light intensity industrial use.
- Will add a new recreational facility use in Landbay A or B
- No requested increase in square footage of the development
- Revised proffers regarding the phasing of the transportation plan and development of the individual landbays.
- Specific building elevations for Landbay B will be included.
- Phasing plan completes Hope Parkway.
- Runway protection zone affects what can occur in many of the landbays.
- Existing zoning is Planned Employment Center (PEC) in Landbays A, B, C, D.
- PRC zoning encompasses Landbays MUC1, MUC 2 and MUC5.
- Applicant has withdrawn light intensity industrial uses from Landbay A.
- Citizen concerns center around the definition of light industrial and truck traffic hours.
- Revised proffers do not request a tire shop in Landbay B.

- Tenant would use up to 185,000 sq. ft. of light intensity industrial use, one production/office building, and one office building.
- Characterized by the Leesburg Zoning Ordinance as light industrial.
- Zoning Administrator's interpretation of Light Intensity Industrial has no outside assembly – all items are assembled from components that are manufactured off-site.
- Uses that would not fit "light intensity industrial" would have impacts on neighbors
- Applicant has added language from the Zoning Administrator's interpretation to the proffers
- Proffers contain staff-suggested language ensuring that future industrial uses have to mitigate negative impacts
- Specific proposals for buffer widths and buffer materials are included.
- Applicant has proffered a lighting plan that maximum pole heights and foot candles.
- Applicant has proffered a restriction on truck traffic from 7 p.m. to 9 a.m.
- Applicant has proffered signage to attempt to keep truck traffic off Hope Parkway through the Stratford neighborhood.
- Potential tenant will provide approximately \$2.7 million in sales revenue to the Town of Leesburg, \$17.2 million to Loudoun County and \$41 million to the state.
- Lake should not be adversely affected by this particular use
- Based on changes proffered by the applicant, staff can recommend approval.

Council Comments/Questions:

- Council will initiate an amendment to the Zoning Ordinance to clarify the definition for light intensity industrial.
- Could soldering be done in a light intensity industrial use?
Staff answer: Yes, on a limited basis. Some processes including some hazardous materials (such as lead) could be done inside the buildings. Materials that are hazardous are normally heavily regulated.
- Describe why this use is not considered an office use in Leesburg.
Staff answer: Leesburg's office definition specifically states that it cannot include manufacturing, testing or assembly. Leesburg's definition of office is very restrictive.
- Proffered buffering improvements are more robust than what is currently approved for the site.
- Has there been any change in the retail or restaurant square footage within the entire development?
Staff answer: No, it is approximately 92,000 square feet, which remains the same.
- Mixed Use Center 2 is a Lansdowne type landbay where most of the retail, restaurants and related uses will be located. There is no change to that in this application.

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Andy Shuckra, representative of Oaklawn, stated that they are very excited about this tenant. He stated their desire is to create a development of which everyone can be proud. He introduced representatives from Trammell Crow, which is Oaklawn's development partner for this project. He stated they are responsible for advancing design and negotiating with the tenant. He stated the tenant needs to occupy within a certain time frame, which has driven the accelerated schedule. He stated the tenant produces high-value/low-volume products that are sold internationally and employs highly skilled workers. Further, he noted that the buildings have been designed from the inside out to the tenant's specifications. He stated only 10% of the "production building" will be occupied by the assembly use and the site offers space for future expansion.

He noted they are asking for:

- A recreational facility in Landbay A or B
- A hotel in Landbay A or B (one or the other)
- Light intensity industrial in Landbay B
- All other landbays are unchanged from previous

David Newman, Trammell Crow, thanked everyone for their constructive comments. He stated in response to Planning Commission and public comments, they have:

- Removed the tire shop use
- Proffered specific plans for buffers, lighting and landscaping
- Mitigated truck traffic through restriction of hours and additional signage
- Building elevations have been proffered
- Light industrial component has been removed from Landbay A
- Proffering a list of things that will not be allowed in these buildings

Laurie Dunham, 137 Burnell Place, SE, stated it seems that the light industrial use will be placed in one of the vacant landbays and expressed her disappointment that the adjoining property owners have no control over this. She requested that the Council include legally binding language to direct the developer to provide more dense buffering than typically required. She requested that buffering be put in before construction to protect the adjacent landowners from visual noise and pollution. Further, she requested an eight-foot privacy fence as well as two rows of alternating evergreens.

Donald Valentine, 163 Great Laurel Square, stated he has serious concerns with the way this has been handled. He stated he is not against the light industrial use, but is against the secrecy and malfeasance connected with this project.

Sally Atkins, stated that this has been an arduous and uphill battle to understand the information in such a condensed time frame. She stated that she

represents the Oaklawn HOA. She requested that Council make certain requirements, such as removing the ice rink from Landbay A, requiring a road safety audit, parking restrictions until Oaklawn Drive is made private, increased times when trucks cannot access the site, and better buffers next to the pond. Further, she urged staff to review the landscape plan for percentages of different types of plant materials.

Tim Menzenwerth, 211 Park Gate Drive, stated the town is stepping into a high risk area. He stated the neighborhood has not had adequate due-process. He stated this opens the town up to the possibility of a lawsuit. He stated that the neighbors need assurances that noise will not be an issue. He stated that the building needs to be brought down to reasonable standards.

Corey Merdler, 309 Whipp Drive, asked that the property owner and tenant proffer a noise level at the property line of 30 decibels, and include a proffer to allow neighboring residents to walk the site with an urban forester/landscaping contractor to help select where the trees and other plantings will be sited. Further, he asked that the applicant proffer a donation for triggered crosswalks at the pool intersection at Hope Parkway and Whipp Drive. He asked that they be very careful not to impact the lake.

Scott Nadeau, 315 Whipp Drive, stated he cannot support the total secrecy and rushing the process through. He stated the process did not need to be rushed through and this was a political move. He noted that the proffers continually change and it is difficult for the residents to keep up with the changes. He questioned how Council can digest the information in such a short period of time.

Karen Kokiko, 209 Great Laurel Square, stated that mixed use development done correctly can be very exciting. She stated her main concern is with the secrecy surrounding the process. She stated that this is not a good way for the government to work for its citizens. She stated that a good corporate citizen would turn the building so that the loading docks would be farther away from the houses and residents. She expressed concern that trucks would use Oaklawn to access the site. She noted that the size of the building is equivalent to a good sized convention center.

Fred Volpe, 112 Great Laurel Square, stated his townhome will overlook the roof of the new facility. He expressed concern over his property value. He stated this use is not compatible with the residential area. He stated the neighbors are concerned about adverse impacts on their neighborhood.

Brian Harris, 345 Whipp Drive, expressed his disappointment that the applicant was unwilling to effect a solution that did not include tractor trailers accessing the site via Whipp Drive. He stated he understands that there will be further public hearings to further define light intensity industrial zoning that will

apply to this tenant. He requested wording that specifies a maximum limit on heavy truck traffic per day that would be appropriate for the definition.

Lisa Dolinich, 142 Burnell Place, stated she is not in favor of having any light intensity industrial buildings in Oaklawn, but if the decision is made to do so, that Council consider the impact of the large industrial building backing up to the homes. She asked that a second building be restricted until such time that shops and restaurants locate in MUC2.

Ron Hockman, 522 Red Raspberry Terrace, stated he is in opposition to this project. He stated this is a gigantic gamble in terms of the future of this town and county. He stated it comes down to money that may come to the town based on the potential for this tenant. He stated that in the meanwhile, the rumor of light industrial coming to the neighborhood had caused a dramatic increase in sales of homes in the neighborhood. He stated that he does not feel that the people arguing for this project have the best interests of the neighborhood at heart. Further, he stated that they are insulted that the name of the tenant has not been revealed.

Jennifer Log, stated this is a frustrating use of valuable time. She stated that her children's bedtime is 8 p.m. and the 9 p.m. truck traffic cut off time is too late. She stated they enjoy spending time outdoors and does not want to listen to generators, truck traffic noise and other sounds that might be associated with this use. She stated she is not looking forward to the construction period, which will be intrusive on the community. She stated she is not in favor of the ice rink facility either. She questioned whether the hotel would still be the garden-style 1-3 story facility that was originally promised to the residents at the time they purchased their homes.

The public hearing was closed at 10:12 p.m.

Council Comments/Questions:

- What are the existing town regulations regarding continuous noise from mechanical equipment such as HVAC and generators?
Staff answer: The town has a section of the Zoning Ordinance that deals with noise that is repetitive. The requirement that must be met by a commercial entity adjacent to a residential use is 55 decibels at the property line.
- Under the existing regulations, there is no buffer between the pond and approved office/hotel uses?
Staff answer: Correct.
- Why can't Council name the tenant?
Staff answer: The town signed a confidentiality and non-disclosure agreement with the tenant. This is not unusual when companies look to relocate or expand. The company wishes to maintain the confidentiality of their proprietary information. Disclosure of the name of the company

could cause the town to not only lose the deal, but be liable for conditions contained within the agreement.

- Did the tenant make the same request of the developer?
Applicant answer: Yes, we are also bound by a confidentiality agreement.
- What time pressures are associated with the tenant?
Applicant answer: The tenant is anxious to break ground and move from the existing facility to the new facility.
Staff answer: Planning Commission and Town Council process has not been expedited. All notices were given in accordance with the Zoning Ordinance and State Code.
- How long have staff and Council known about the tenant?
Mayor answer: Information as to the identity of the tenant, but not that the tenant would need to be accommodated by a light industrial zoning.
- What is the mix of trees?
Applicant answer: Two-thirds will be evergreens, one-third will be deciduous. Height of fence is six-feet, behind the buffer.
- Why can't the buildings be turned so that the loading docks are not facing houses?
Applicant answer: We spent a lot of time laying out the site and dealing with truck turning movements and the runway protection zone. This is the optimal layout.
- What are the additional uses that the applicant would want in Landbay A?
Applicant answer: Current proffers submitted tonight include a recreation facility (ice rink) up to 120,000 square feet and 380,000 square feet of office.
- No secrecy was involved – it was requested by the tenant. The tenant drives the timeline as well.
- An eight-foot fence would also attenuate noise. Would applicant consider increasing the height of the fence?
Applicant answer: Including the height of the berm, the six-foot fence would effectively be 10 feet high.
- Can neighbors make suggestions on location of trees?
Applicant answer: Town staff is better equipped to answer questions on location of trees than neighbors. Trees have to be located per the landscape plan.
- Would the applicant consider a crosswalk and triggered light at Hope Parkway at the pool?
Applicant answer: The development is not generating the need for a crosswalk.
- Would the applicant consider adding windows to the rear of the buildings that face residences?
Applicant answer: The screening will block the rear of the building from sight. The tenant's needs have driven the design for the building.
- The name of the potential tenant was known in December, but it was not confirmed until May.

- Would like an off-site transportation proffer of \$15,000 to pay for a triggered signal crossing at Hope Parkway and the pool.
Applicant answer: Agreed.
- Will whatever definition of light industrial is approved later be applied to this project?
Staff answer: Yes.
- Would like to see fencing from one end to the other.
Applicant answer: Have already extended it once at the staff's request. Would be challenging to extend it further and will not result in a better plan.
- Can the approval be delayed until more items of concern can be worked out?
Applicant answer: It would make it very challenging to meet the construction schedule required by the tenant.

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

ORDINANCE 2014-O-025

Approving TLZM 2014-0004 Oaklawn at Stratford, a Concept Plan Amendment and Proffer Amendment to Add Land Uses, Modify Transportation Phasing, Reallocate Permitted Uses Among Various Land Bays, and Amend the Proffer Requiring H-2 Corridor Design Approval for Development in Land Bay B

Council Comments/Questions:

- Guiding principles in making this decision are choosing what is in the best interest for all town citizens and ensuring that those most impacted have been fully represented.
- Rather than a rezoning to add more rooftops to Leesburg, this one will bring high wage, high quality jobs to the town and help diversify Leesburg's economy.
- This tenant will be a significant catalyst for further private sector job creation with the added benefit of reducing commutes
- The town will benefit from the cash grant to complete Hope Parkway.
- These landbays were always intended to be office uses including corporate headquarters and emerging technology uses.
- Many office uses involve an assembly component
- The determination that the assembly component would change the land use category generated the public process - otherwise, by-right office would have been constructed
- Nondisclosure agreement was signed because the company that asked for it is a strong, productive company that contributes a lot of value to the town
- Concern for what happens if this company moves away
- This tenant will have significant positive economic development impact to the town.

- A use similar to this was what was envisioned when the Town Plan was written
- Process was not good.
- In this case, doing something that benefits the entire town places an unfair burden on one community
- Project is the culmination of what Council has been working on for many years
- Positive vote for a balanced, diversified economy
- Usually tenant of a rezoned project is unknown

The motion was approved by the following vote:

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

Nay: Burk and Umstatted

Vote: 5-2

11. RESOLUTIONS AND MOTIONS

- a. Approving the Governor's Development Opportunity Fund Grant Performance Agreement

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

RESOLUTION 2014-090

Authorizing the Mayor or Town Manager to Execute the Governor's Development Opportunity Fund Grant (GOF) Performance Agreement

Council Comments/Questions:

- What does the company have to do to get the grant money?
Staff answer: They have to hit 90% of their targets.
- Why does the grant not include a requirement to hire Virginia residents?
Staff answer: The town did not have input into the wording of the grant.

The motion was approved by the following vote:

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

Nay: None.

Vote: 7-0

- b. Approval of the MOA (Town/Oaklawn) for Construction of Hope Parkway

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

RESOLUTION 2014-091

To Authorize the Town Manager to Execute a Memorandum of Agreement between the Town and Oaklawn for the Construction of a Portion of Hope Parkway

Council Comments/Questions:

- When will the trail be finished?
Staff answer: By the end of the year.
- When should Hope Parkway be completed?
Oaklawn answer: Constructed concurrently with the tenant's facility.

The motion was approved by the following vote:

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

Nay: None.

Vote: 7-0

c. Changes to the Zoning Ordinance Updating Definitions and Descriptions of Light Intensity Industrial and Office Land Use

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

RESOLUTION 2014-092

Initiating Amendments to the Leesburg Zoning Ordinance for the Purpose of Updating Definitions and Descriptions of Industrial and Office Land Use Particularly, but not Limited to, Articles 6, 8, and 18.

Vice Mayor Butler noted that he was moving the resolution with the amendment of "Light Intensity Industrial".

Council Member Hammler offered a friendly amendment to add ", including changing the term" to "light intensity industrial". The amendment was accepted as friendly.

Council Comments:

- Must be understood that light intensity industrial needs to be defined.

The motion was approved by the following vote:

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

Nay: None.

Vote: 7-0

d. Direct Staff to Identify the Process Necessary to Provide for Truck Restrictions Affecting the Stratford Community Focusing on Hope Parkway

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

MOTION 2014-028

Move to direct staff to identify the process necessary to provide for truck restrictions affecting the Stratford community, focusing on Hope Parkway, Oaklawn Drive and the Oaklawn Community.

The motion was approved by the following vote:

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

Nay: None.

Vote: 7-0

13. UNFINISHED BUSINESS

a. None.

14. NEW BUSINESS

a. None.

15. COUNCIL COMMENTS

Council Member Dunn disclosed a meeting with representatives of Oaklawn.

Vice Mayor Butler disclosed a meeting with Oaklawn. He stated he rode the first ride on the Silver Line.

Council Member Burk stated she also rode the Silver Line. She expressed concern over Mr. Titus' statement that buses are not going to the Silver Line. She stated that her vote tonight may classify her as "anti-economic development" which is not her intention; however, she feels that the process did not go the way it should have gone. She stated her preference that the land bays be divided. She stated she is glad the tenant company is planning on staying in Leesburg.

Council Member Martinez stated that he felt the Oaklawn decision was in the best interest of the town; however, he is remorseful that the residents feel they did not get the best outcome. He stated he was sorry he could not make the ribbon cutting for Sycolin Road, but the opening of the road cuts time off of his commute.

Council Member Hammler disclosed meetings with Oaklawn and staff. She stated she spoke to Delegate Minchew regarding the decision to remove light industrial from Landbay A. She expressed that the vote on Oaklawn was a great opportunity to vote for employment uses in Leesburg.

Council Member Wright disclosed conversations with Chris Gleckner and Andy Shuckra with Oaklawn. He stated he was happy to see Sycolin Road open. He noted that non-disclosure is very important in real estate and not at all out of the ordinary.

16. MAYOR'S COMMENTS

Mayor Umstattd disclosed a discussion with Randy Minchew regarding Oaklawn at the Sycolin Road ribbon cutting. She thanked everyone involved with the overpass.

17. MANAGER'S COMMENTS

John Wells wished everyone an enjoyable August break.

18. CLOSED SESSION

None.

19. ADJOURNMENT

On a motion by Council Member Wright, seconded by Vice Mayor Butler, the meeting was adjourned at 11:54 p.m.

Kristen C. Umstattd, Mayor
Town of Leesburg

ATTEST:

Clerk of Council
2014_tcm0812