

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

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

Council Members Absent: All present

Staff Present: Town Manager Kaj Dentler, Deputy Town Manager Keith Markel, Director of Public Works Tom Mason, Director of Capital Projects Renee LaFollette, Assistant Town Manager Scott Parker, Senior Management Analyst Lisa Haley, Senior Management Analyst Jason Cournoyer, Controller Eileen Nguyen, and Clerk of Council Lee Ann Green.

AGENDA**ITEMS****1. Work Session Items for Discussion****a. Annual Financial Overview**

David Rose, Davenport and Company, gave an overview of the town's financial status.

Key Points:

- Town is in a sound financial position and continuing on the road to a triple AAA rating from all three rating agencies.
- \$25 million bond issuance in the summer of 2014.
- Fitch affirmed the town's AA+, which is one step from AAA.
- Moody's affirmed with a AA1 with a positive outlook, which means over the next 18-36 with continuance of current management practices, a AAA rating can be expected.
- Standard and Poors rated the town AAA.
- Advising an increase in the fiscal reserve from 15% to 20% in an incremental basis.
- Permission to proceed with a public hearing as the first step in an issuance of \$5.5 million in general obligation bonds to replenish the Capital Projects budget.
- An additional \$3 million in bonds will accelerate some capital projects.
- Interest rates are favorable at this time for refinancing.
- The same bonds are not being refinanced over and over – each set of bonds finance a specific set of capital projects.
- Not including staff time costs in the cost of a project effectively under capitalizes the project.

Council Comments/Questions:

- When is the breakeven point?
Consultant answer: You are saving almost 10%, so it would be a very short period of time.

- How often does the town refinance?
Consultant answer: Every year the town's obligations are reconsidered and as long as interest rates continue to fall, it is possible to continue to draw down the overall cost of the money.
- Does not extend the length of the debt, just refinances the interest rate. Call date does not change.
- Would not be fiscally responsible to continue to pay the higher interest.
- What happens if the rates move up prior to refinancing?
Consultant answer: The refinancing would not continue if interest rates rise to the point where there is not a 3% difference in interest rates.
- The town is borrowing the money to construct Hope Parkway, but will be reimbursed by the state and the developer.
- The town will need to borrow \$50 million?
Consultant answer: Approximately \$11 million is new money and the remainder is refinancing to achieve lower interest rates.
- Does this include Capital Projects salaries?
Staff answer: It includes Capital Projects management costs. Capital fund was created to pay for all costs associated with Capital Projects. It could be paid out of the General Fund, but putting it into the General Fund, it will create pressure on the tax rate. Capital Projects staff is an expense created by the project.
- This is the first time the town will borrow money to pay for Capital Projects staff?
Staff answer: Previously, bond money was used from the pot of bond money; however, it was never reflected on the cost sheets.
- Concerned that raising the undesignated fund balance to 20% will be difficult as increases in home values are leveling off.
- The town is currently at 22.59% undesignated fund balance – this will change the policy to memorialize it. It guarantees it to the rating companies.
- Will the town reduce its debt load by paying down debt more quickly with the savings?
Consultant answer: The savings are spread out over a period of 15-20 years, not achieved in a lump sum at the present time.
- How do oil prices relate to the budget outlook?
Staff answer: Do not know what the full-year effect will be until we get further down the road. It is helpful on the expenses side in the General Fund, but does not impact Capital Project decisions very much because oil is a very small percentage of the cost.
- What are the accelerated projects that will require \$3 million?
Staff answer: The way the capital plan was put together with the thought that the town would not need to go back to the bond market until 2017. With the acceleration of some projects that have previously completed, other projects have been able to move up. This would

include the Downtown Improvements, TMDL improvements, Tuscarora Creek, Battlefield to Rt. 15, and Hope Parkway.

b. Monthly Financial Report

Director of Finance, Clark Case, presented the new format of the financial report. He stated that key pieces of information would be provided.

Key Points:

- In the future, this monthly report will be in your packets.
- Most of the money that the Town has in investments is restricted to certain purposes, such as the OPEB trust fund, bond proceeds, proffers, and gas taxes.
- Utilities Fund has money that can only be used for utilities operating costs and expenses.
- Personal property tax billings appear to be down because of the decision to move billing to April and not to pro-rate.
- Eileen Nguyen, Controller, was integral into making the report more user friendly.

Council Comments/Questions

- What is the difference in utility fund numbers from last year?
Staff answer: There could have been more breaks that needed to be fixed or there could be changes in staffing, such as vacancies. Staff will report back.
- What is the forecast as to what is expected at this time?
Staff answer: In terms of debt service, most interest payments are made on the debt on December 1 and principal and interest on June 1.
- How is the town doing on collections?
Staff answer: We have made great progress in pursuing collections having dedicated one FTE to collections. Cooperation between the Finance Department and the Attorney's office has also been very helpful.
- What causes the lag between collection of sales tax and receipt?
Staff answer: Businesses collect sales tax and then file taxes with the state. The state processes the returns and reallocates the appropriate money back to the counties who then in turn reallocate to cities and towns.
- Would like to address ways that localities can get their sales tax dollars from the state faster.
- Would suggest an explanation when the numbers are significantly different between years.

c. Noise Ordinance

Council Member Butler stated this is his presentation based on a number of concerns over the current sound ordinance.

Key Points:

- The intent is not to allow louder music.
- Current “plainly audible” ordinance has definite drawbacks.
- Very limited inclusion of commercial property.
- Currently, initial violation is a class II misdemeanor.
- Definition of noise as being a sound that annoys you is very subjective.
- Proposed ordinance is based on decibel readings with one limit for day hours and one limit for night hours.
- No distinction between residential and commercial properties.
- Provision to prohibit extreme injury-causing sound.
- Similar to Arlington’s ordinance.
- 70 DbA will not be much different than “plainly audible”, but will give a consistent method of measurement. DbC will capture bass tones.
- Tiered violation levels.
- Possibility of permits for exceptions to the ordinance.
- Proposed exceptions for things like fire alarms, ambulances, illegal use of firearms, snow removal equipment, and church bells. Government exceptions for day time activities.
- Request public hearing in February to get feedback from residents.
- Permit guidelines would need to be clarified.

Council Comments/Questions:

- School sporting events in the evenings would need to be excepted.
- Confusing that daytime goes until 11 p.m.
- All properties will be subject to the same levels and time limitations.
- Would like the “plainly audible” standard to be in place after the time limitation is passed.
- Would like to have input from the public and to know more about the aspects of enforcement.
- Could think about a task force that could review and make recommendations for improvements.
- Decibels are more objective than “plainly audible”, but would lean towards a lower decibel level and permit approval/denial based on violations of the sound ordinance.
- Ordinance should consider the effect of sustained noise.
- Even 65 decibels does not allow comfortable conversation – 55 at the property line would be more appropriate for a decibel based ordinance
- Citizens should have a right to sit in their yards at the property line and not be adversely impacted by sound coming from neighboring properties.
- Would like Council’s questions/comments to be addressed at the public hearing.

There was support for scheduling a public hearing.

d. Legislative Update

Keith Markel reviewed key legislation based on the Council's previously approved Legislative Agenda.

Key Points:

- SB82, Dooring Legislation made it out of committee with only minor edits – will go before the full senate for action.
- SB921, NVTAs distribution to towns was referred out to committee. This would bypass the county's NVTAs funding distribution mechanism. The 30% funding would go right to towns.
- SB1033, NVTAs town voting rights was referred to the committee on rules. The rules committee does not have a scheduled meeting date, so this might be a way to put it aside. Language in the current bill does not match what the town requested.
- SB___, Drones. Senator Wexton felt this was not the appropriate time to move forward with drone legislation because there are too many variables at the federal level.
- HB1688, Fines and Fees proposed by Del. Minchew has been referred to the subcommittee on general government and capital outlay. This would streamline how the town receives funds based on fines written through town law enforcement action.
- HB1294, Tax and fee exemptions for churches and other nonprofits. Would make it so that localities could not charge churches and other similar organizations for water and sewer usage, availability/connection fees, etc. Would have major financial impacts on localities.
- HB1246, has been referred to community transportation. The police department felt would be appropriate to follow, if not support. It would regulate the amount of idle time for vehicles with a gross vehicle rating of 7500 pounds. These are larger pick up trucks and up. Staff will ask that the language be amended to add towns.
- Council was reminded that VML Day is Wednesday.

Council Comments/Questions:

- It was some of Council's recollection that the fines and fees had been resolved, but it appears to not have been resolved.
- Council expressed support (6-1) to add HB1246.
- The 7500 pound limit gets into personal vehicles – and seems like a backdoor way to get at high gas use vehicles.
- What is the average weight for personal use vehicles?
Staff answer: 7500 pounds is around the larger pick up trucks such as a F250. It would impact small contractor vehicles. Construction activities is excluded from the legislation.
- Does the bill concerning fees for churches specifically call out availability fees?

Staff answer: Yes and it also includes storm water regulation fees. The bill's language will be emailed to Council.

- There will be about 350 at the VML reception. The governor, the lieutenant governor and five cabinet secretaries will be in attendance.

e. County Funding Opportunities

Kaj Dentler asked for Council direction.

Council Comments/Questions:

- How much does the town pay to the County?
Staff answer: Approximately 10% of the revenue collected from the county is comprised of town Real Property Tax payments – approximately \$74 million.
- What is the dollar amount for shared services? Use that number as a justification for getting some of those funds back.
Staff answer: The skate park is a \$500,000-600,000 CIP project, Fire and Rescue is over \$600,000 annually. Other figures will have to be obtained.
- How much does the town pay towards the Mason Enterprise Center? It should be paid for by the county or turned over to George Mason.
Staff answer: The town holds the lease and pays the difference between what the tenants pay and what the lease amount is as well as for custodial and technology services. Approximately \$75,000.
- Could ask the county to pay for all bus service.
Staff answer: At the time the agreement for bus service was made with the county, the county indicated that the part the town pays for is unique to Leesburg and would not be covered by the County.
- Could ask the county to fund Leesburg CIP projects since the county does drainage and transportation projects in other parts of the county. Would see if they would take back the operations of Balch Library.
- The more Sheriff's support that could be obtained for calls in town would relieve some of the pressure to add additional police officers.
- Town residents receive a net benefit in the area of education – approximately \$40 million.
- Need to know what services that the town receives from the County, such as dump fees, IT services, planning, etc.
- Balance requests against what is already being received.
- It is incumbent upon the Council to at least ask.
- Previous town manager advised that the town would lose more than it would gain by pursuing this.
- Leesburg residents do pay too much towards public safety (police/fire and rescue) so these would be appropriate places to locate savings.
- If the town goes in demanding more services, it may cause alienation and resultant problems.

- Leesburg receives more services than any of the other towns and needs the support from the county for some programs.
- Would recommend studying this further – possibly have town staff discuss with county staff.
Staff answer: Public safety contributions can be discussed between town and county staff.
- Would encourage adding other items for discussion – not just public safety. Need good data for discussion.

2. **Additions to Future Council Meetings**

Vice Mayor Burk stated that she and Council Member Hammler have written a draft resolution regarding Tuscarora Crossing. She stated it is very important that Council make it clear to the Board what they want. Council Member Hammler added that it also asks for elimination of power plant and heavy industrial uses in the JLMA. There was support to have this on the agenda for Tuesday night action.

Council Member Martinez had no requests.

Council Member Fox had no requests.

Council Member Hammler requested a work session item to consider the possibility of allowing food trucks in certain areas of town. There was support for having a work session discussion on this subject.

Council Member Butler stated he would like to make several adjustments to the Rules of Procedure. There was support for having a work session discussion and then a public hearing two weeks later to change the Rules of Procedure.

Council Member Dunn requested that Council consider sending his letter with the resolution or in lieu of the resolution on Tuscarora Crossing. He stated the resolution is too detailed. There was not support for this. He asked for a draft letter to be sent to the Board of Supervisors regarding the animal shelter site location. There was support to have a draft letter presented for Council action Tuesday night. He requested a discussion on non-disclosure agreements and closed session issues. He questioned whether there is the capability of showing a split screen with power points on one side and the speaker on the other side.

3. **Adjournment**

On a motion by Council Member Hammler, seconded by Mayor Umstatt, the meeting was adjourned at 10:55 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, Suzanne Fox, Katie Sheldon Hammler, Marty Martinez and Mayor Umstattd.

Council Members Absent: All present.

Staff Present: Town Manager Kaj Dentler, Deputy Town Manager Keith Markel, Interim Town Attorney Barbara Notar, and Executive Associate Tara Belote.

AGENDA ITEMS

1. CALL TO ORDER

2. INVOCATION: Council Member Butler

3. SALUTE TO THE FLAG: Council Member Hammler

4. ROLL CALL: Showing all members present.

5. MINUTES

- a. Special Session Minutes of January 5, 2015.
On a motion by Council Member Butler, seconded by Council Member Martinez, the special session minutes of January 5, 2015 were approved by a vote of 7-0.
- b. Work Session Minutes of January 12, 2015
On a motion by Vice Mayor Burk, seconded by Council Member Butler, the minutes of the work session meeting of January 12, 2015 were approved by a vote of 7-0.
- c. Regular Session Minutes of January 13, 2015
On a motion by Council Member Hammler, seconded by Council Member Martinez, the minutes of the regular session meeting of January 13, 2015 were approved as amended by a vote of 7-0.
- d. Special Session Minutes of January 22, 2015
On a motion by Council Member Martinez, seconded by Council Member Butler, the minutes of the special session meeting of January 22, 2015 were approved by a vote of 7-0.

6. ADOPTING THE MEETING AGENDA

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

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

7. PRESENTATIONS**a. Proclamation – Kiwanis Centennial Celebration**

On a motion by Vice Mayor Burk, seconded by Council Member Hammler, the following was proclaimed:

PROCLAMATION

Kiwanis Club of Leesburg Centennial Celebration

WHEREAS, Kiwanis International is one of the largest service organizations in the world with more than 600,000 members of all ages and abilities in more than 80 nations; and

WHEREAS, the members of Kiwanis Club of Leesburg, Virginia are devoted to improving the world one child and one community at a time by seeking primacy to the human and spiritual rather than the material values of life; and

WHEREAS, in addition to improving lives, Kiwanis club members promote the development of community leaders, positive role models, intercultural understanding and cooperation, and opportunities for fellowship, personal growth, professional development and community service; and

WHEREAS, the first Kiwanis club started its service in Detroit, Michigan, in January, 1915; and

WHEREAS, Kiwanis International celebrates its Centennial Anniversary of the founding of the Detroit Kiwanis Club No. 1; and

WHEREAS, the service provided by the Kiwanis Club of Leesburg, Virginia, especially the annual Halloween Parade, support to Loudoun Interfaith Relief, and through high school Key Clubs, will continue to have a positive impact on our community and citizens.

THEREFORE, PROCLAIMED by the Mayor and Council of the Town of Leesburg in Virginia that January 27, 2015 is Kiwanis International Day in the Town of Leesburg and hereby call upon all citizens of the Town of Leesburg to render support to the members of this organization and to make themselves aware of Kiwanis International, whose members are providing meaningful service to our homes, schools, and community.

PROCLAIMED this 27th day of January, 2015.

- b. Certificates of Appreciation – Girl Scout Troop 6752 and Brownie Troop 2718

It was noted that these are postponed until the next February 10, 2015 Council meeting.

9. PETITIONERS

The Petitioner's Section was opened at 7:40 p.m.

Andrew Borgquist, 1108 Huntmaster Terrace, #301, stated he what happened to him should not have happened. He stated the Town Manager was unwilling to reverse the actions that were taken against him. He stated he will continue to come and speak on this issue.

Anthony Fasolo, thanked the town for the work done clearing the snow. He also stated he would like to support the recommendation for the Diversity Task Force. He stated the recommendation was to form a committee to look for ways to hire a more diverse work force. He encouraged Council to take the recommendation and form a committee.

Chris Colsey, 104 Fort Evans Road, SE, stated he is here to introduce himself as a candidate for the vacancy on the Board of Zoning Appeals. He stated, if appointed, he would consider the integrity of Leesburg as a whole as well as the possibility for adverse impacts whenever deciding any variances. He stated he would personally visit any appeal site. Further, he noted he is serving as a volunteer for the Internal Revenue Service providing tax preparation services to low income (under approximately \$53,000) Leesburg residents. He noted that this is a joint venture between Fairfax and Loudoun Counties and will be located in the Rust Library and the Shenandoah Building on Edwards Ferry Road. He stated he is volunteering because of the business practices of some companies in the tax preparation industry. He encouraged the Mayor and Council to allow him to put advertisement flyers out for others.

Patty Maslinoff, thanked the Mayor and Council for recognizing that today is a remembrance of Auschwitz. She urged Council to adopt the recommendations presented by the Diversity Task Force. She recalled an incident from her past that resulted in the University of Chicago Law School being required to diversify their advertising and recruiting when they had an open position that reinforced the need to adopt those recommendations.

Tammy Carter, stated she likes change and diversity. She stated she is in support of the diversity commission for the youth of the town to prosper and be pushed ahead. She stated they are the future, but there isn't much of a future for them because there is not much diversity in the Town of Leesburg. She stated they have to go elsewhere to seek employment and careers. She stated the diversity commission will help make the town a better place.

Vice Mayor Burk noted it will be discussed at the first work session in February on the 9th at 7:30 p.m.

The Petitioner's Section was closed at 7:52 p.m.

10. APPROVAL OF THE CONSENT AGENDA

On a motion by Vice Mayor Burk, seconded by Council Member Butler, the following items were moved for approval as the Consent Agenda after removing the Town Attorney's Contract:

a. *Animal Shelter Site Location*

MOTION 2015-001

I move to approve the letter to the Board of Supervisors regarding the proposed re-location of the Loudoun County Animal Shelter

b. *Amendment to Fiscal Policy*

RESOLUTION 2015-018

Amending the Fiscal Policy for the Town of Leesburg

c. *Authorization to Hold a Public Hearing regarding Issuance of General Obligation Bonds*

MOTION 2015-003

I move to Authorize staff to hold a public hearing regarding issuance of General Obligation Bonds

d. *Continuing Disclosure Policy*

RESOLUTION 2015-019

Adoption of Town Policy Regarding Disclosures in Town Bond Issue Official Statements and Disclosures to be Performed in Continuing Disclosure Undertakings

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. *Amending the Town Code regarding Financing of Water and Sewer Availability Fees*

The public hearing was opened at 7:54 p.m.

Amy Wyks reviewed availability fees for water and sewer services.

Key Points:

- Per Town Code, availability fees are charged for connection to the water and sewer system
- Fees are set by Council and calculated based on use and estimated gallons per day.

- Purchased capacity conveys with the property/parcel.
- Change in use can trigger calculation of additional fees.
- Council adopted the portability of fees for eligible parcels last January.
- Fee financing is available if qualifications are met by applicant.
- Current minimum commercial availability fee is \$11,975 for combined water and sewer based on 350 gallons per day.
- Financing is currently an option when the combined fee or individual fee for water is at least \$10,000 and sewer of \$15,000 – or greater than \$25,000 – the amount above that can be financed.
- Contract is approved by the Town Manager and Town Attorney and cannot be for a term longer than five years.
- Interest is currently charged at 6%.
- Bond is required.
- There is no pre-payment penalty.
- Entire amount comes due if a payment is missed with possibility of disconnection for noncompliance.
- Council direct consideration of lowering the current financing threshold from \$25,000 combined water and sanitary sewer to greater than the minimum.
- Consideration of the interest rate to prime plus 3% or the legal rate, which is currently 6%.
- Staff does not recommend amendment for the following reasons:
 - The town would be taking on the function of a bank.
 - High new business failure rate within the first three years causes concern even though the town holds the bond.
 - Increased staff work load for tracking, enforcement and collections.
 - Inequitable terms for past customers who have paid in full.

Council Comments/Questions:

- How did staff come up with current water and sewer availability fee amounts?
Staff answer: In the past, it increased at 3% per year. There was no rounding involved whenever it reached the increase mark.
- Is there a possibility of businesses financing just one or the other?
Staff answer: As long as the availability fee for that service meets the threshold as written.
- How many businesses have financed their fees?
Staff answer: One business has financed and paid off their balance three months ago. Another business has inquired and is interested in the concept.
- Has there been any interest in financing if the level was lower?
Staff answer: No.
- Concern that if you cannot afford \$11,000 in availability fees, how stable is your business? Increases the possibility of default.
- Concern with the change in interest rate.
- This would help small businesses, but Council should be cognizant of the role they would be undertaking as a financing entity.
- How did we get to this point?

Staff answer: One restaurant inquired and based on feedback received at work session, there was interest on Council to proceed.

- What additional costs can be foreseen other than tracking and enforcement?

Staff answer: A complete analysis cannot be done because it is difficult to foresee what businesses might be interested in utilizing this, but the rate consultant recently projected availability fees, but if that number is diminished and spread out over a longer period of time, there would be concern and could impact the capital improvement ability of the utilities fund.

- What is the risk to the utility fund if a business that has financed goes out of business before the end of the contract? Wouldn't a new business come into that space and begin to pay availability fees?

Staff answer: Staff does not see it that way – when the first connection is made, the business has the ability to use the gallons per day that was calculated, yet the demand was not completely paid for.

- The town would still get some income from the payments that were made before the business failed and the business would no longer be using capacity.
- If the number of businesses that are interested in this option remains low, there will be very little impact on staff time.
- Availability fees defray the cost of capacity.
- Are applicants told that they have a financing option?

Staff answer: The planning department receives the application as part of the “one stop shop” concept.

- Better information to applicants to let them know about this option.
- Clarification that the only amount that can be financed is the amount over the minimum.
- What would happen if a restaurant went out of business and the replacement business was not a restaurant?

Staff answer: There would be a credit that could stay with the parcel.

- What is the possibility of doing this as a pilot program?

Staff answer: The town code would still need to be amended to allow it.

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

The public hearing was closed at 8:24 p.m.

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

ORDINANCE 2015-001

Amending Chapter 34 (Utilities), Article II (Water System), Division 1 (Generally), Section 34-29 (Availability Charges for Water Service) and Chapter 34 (Utilities), Article III (Sewers and Sewage Disposal), Division 1 (Generally), Section 34-127 (Availability Charge for Sewer Service)

Council Comments/Questions:

- This was brought forward after talking to a business that had to pay an availability fee of \$19,000 and would have liked the ability to finance it.
- Do not believe this program will be used a lot as banks would be a better deal.
- If it is overwhelming the utilities department, can review and make changes as necessary.
- Would have appreciated someone from economic development to speak to the importance of independent restaurants to Leesburg.
- Support the ability for small businesses to do business in Leesburg.
- Would like the Economic Development, Planning and Utilities Departments to let applicants know about this program as a way to entice businesses to locate here.

The motion was approved by the following vote:

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

Nay: None.

Vote: 7-0

- b. Amending the Zoning Ordinance regarding Parking Payment in Lieu
The public hearing was opened at 8:29 p.m.

Brian Boucher presented the proposed Zoning Ordinance amendment.

Key Points:

- Proposal to increase the Payment In Lieu fee for parking in the H-1 Old and Historic Overlay District from \$3,000 to \$6,270, with an automatic annual fluctuation based on the Consumer Price Index adjustments.
- Fee option exists in only the H-1 overlay district (downtown) for non-residential purposes.
- Permits developers pay the town instead of providing on-site parking as required.
- Option was created to preserve downtown Leesburg from being demolished to provide surface parking.
- Fee has not been increased since 1987.
- Fee does not cover the cost of providing new parking facilities.
- Funds can be used for new facilities in the downtown area, or improving/maintaining existing parking facilities.
- Cost of a new parking space, in today's dollars will be about \$19,000-23,000.
- About 12 years ago, the determination was made that this money could be used to maintain or improve existing public parking facilities.

Council Comments/Questions:

- This adds in an inflation index?
Staff answer: If Council adopts this, on January 1 of each year, the amount will be adjusted for the Consumer Price Index (CPI). Fee would reduce if the CPI drops. Developer pays for fee at the time of Zoning Permit application.
- Short sighted not to look at the big picture of parking.

- Should focus these dollars on creating more spaces.
- The town isn't getting enough parking with mixed use development.
- Must make this change now to catch up, but look at parking as part of major issues.

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

The public hearing was closed at 8:50 p.m.

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

ORDINANCE 2015-O-002

To Increase the Payment In-Lieu Parking Fee for Parking Requirements in the H-1, Old and Historic Overlay District

Council Comments:

- Need comprehensive parking plan review.
- There was no enthusiasm from Council to limit the number of spaces that could be purchased through this program.

The motion was approved by the following vote:

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

Nay: None.

Vote: 7-0

11. RESOLUTIONS AND MOTIONS

a. Approving the Town Attorney Contract

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

MOTION 2015-002

I move to approve the Town Attorney Contract, as presented.

Council Comments/Questions:

- Comfortable with this direction.
- Felt that the public should be aware that this was not a unanimous decision of Council.
- Quality of candidates was very good and feel comfortable extending this contract to Ms. Notar.

The motion was approved by the following vote:

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

Nay: Dunn

Vote: 6-1

c. Making a Recommendation to the Circuit Court of an Appointee to the Board of Zoning Appeals

On a motion by Vice Mayor Burk, seconded by Council Member Dunn, the following was proposed with the nomination of Christopher Colsey:

RESOLUTION 2015-020

Recommending a Candidate for Vacancy on the Board of Zoning Appeals to the Circuit Court

Council Comment/Questions:

- Mr. Colsey has the background necessary and has indicated his willingness to inspect the sites that are being discussed.
- Mr. Colsey's experience is relevant to the planning process.
- Impressed with Mr. Colsey's willingness to do the research to make informed decisions.

The motion was approved by the following vote:

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

Nay: None.

Vote: 7-0

13. UNFINISHED BUSINESS

- a. None.

14. NEW BUSINESS

- a. Tuscarora Crossing

On a motion by Council Member Hammler, seconded by Vice Mayor Burk, the following was proposed with the amendment of adding the words "power plant" to the therefore resolved section:

RESOLUTION 2015-021

Tuscarora Crossing

Council Comments:

- This particular application is important as it sits on the eastern gateway to the town.
- Appreciate all the time the Board has spent reviewing this application and the request for Council to comment.
- The Town Plan does not call for residential in this specific area.
- Additional vehicle trips would further congest the area transportation network.
- County-wide, the more houses that are added creates a greater imbalance between residential and commercial.
- It is important to realize how different the County and Town plans are and this creates an opportunity to look at these areas comprehensively.
- Need to respect buffers that are important for the citizens.

- Changing from commercial to residential development creates higher impacts to the services that will need to be provided.
- Understand the resident's concerns about heavy industrial and power plants, but those can be changed.
- Applicant used fear to try to gain neighborhood support.

Council Member Dunn suggested the following friendly amendments:

1. Remove the word "plant" as a modifier to the word "quarry" in the second "whereas".
2. Remove the next two "whereas" clauses.
3. Remove the second to the last "whereas" clause on page 2.
4. Not recommend denial, but to create a CPAM that would create other zoning options by adding "with the goal to initiate a comprehensive plan amendment and to review uses of the entire parcels in the PD-GI zone for other uses which do not include industrial".

The amendments were not accepted as friendly.

Council Comments:

- Resolution is substantive, but difficult to support as the Tuscarora Crossing rezoning will be revenue positive for the town's finances.
- Because application is not within town limits, costs for additional services would be low, but there would be 576 residences and 1.5 million square feet of commercial property buying water at out of town rates.
- Revenue from water is very significant compared to revenue from real estate taxes.
- Development is similar to the Village at Leesburg in scope, scale and proffers.
- Perception that commercial is more profitable for the town is not true – setting
- If the county denies this application, it will lose \$43 million in transportation improvements, utility and meals tax revenue, and significantly increase the risk that heavy industrial uses will be developed next to Kincaid Forest.
- Recommend that the Council not provide any input above and beyond what has already been provided.
- The appropriate avenue of comment is through the Annexation Area Development Policy Committee.
- This is about quality of life for Leesburg residents for generations and the future of the eastern gateway to the town.

The motion was approved by the following vote:

Aye: Burk, Fox, Hammler, Martinez, and Mayor Umstatt

Nay: Butler and Dunn

Vote: 5-2

15. COUNCIL COMMENTS

Council Member Dunn stated even if Tuscarora Crossing is approved, it will end up in some other developer's hands who will further rezone the project. Heavy industrial was retained on the property despite efforts to have it changed to mixed use. He also noted that utility payments go directly to the utility fund and not the general fund. He stated he has no disclosures.

Council Member Butler stated that development outside of town may be able to pay for its transportation impacts and give the town the ability to reduce utility rates. He welcomed Ms. Notar as the new Town Attorney. He apologized for missing the Martin Luther King Day events because of work.

Vice Mayor Burk stated she had no disclosures. She congratulated Ms. Notar. She congratulated Mr. Colsey on his recommendation for appointment to the Board of Zoning Appeals. She stated the Martin Luther King Day march was a great, inspiring event.

Council Member Martinez stated his regrets for missing the Martin Luther King Day events. He congratulated Ms. Notar on her appointment.

Council Member Hammler disclosed a meeting with Dieter Meyer in his private capacity regarding several projects in the downtown. She stated he had some good suggestions, from a BAR prospective, of some areas where there might be some areas for administrative review that could facilitate the process. She stated she will be bringing those forward. She stated she attended the Martin Luther King Day march as well as the chorale concert the evening before with the Loudoun Presbyterian Church, the Leesburg United Methodist Church, the Holy Trinity Brass Quartet and the Holy Trinity Lutheran Church Choir. She stated the Public Arts Commission helped sponsor that event. She stated she attended the coffee with Kaj which was a great opportunity to reach out and answer questions. She stated that Scott Parker did a great job at the parking public input session, which will help Council get ready to discuss this subject. She thanked staff for the memos on the FAA and the metro situation with rapid shuttle. She stated it appears that many people need to come forward to express how important it is to have a rapid shuttle from Leesburg and other areas to the Metro station. She stated she is looking forward to the Major Issues work session. She stated she has a meeting with her appointees on Friday and has distributed the booklet to the Tech Commission. She stated she will be attending the VML meeting with staff on Wednesday, which will be a great opportunity to network with legislators. She congratulated Parks and Recreation for earning best of Loudoun in the categories of Best Community Event/Festival, Best Summer Camp Program, Best Recreational Facility, Best Fitness Center and Gym, and Tennis Courts and Best Dog Park. She thanked staff for doing the improvements necessary to keep the Dog Park usable despite wet weather. She congratulated Ms. Notar on her appointment as Town Attorney.

Council Member Fox disclosed a meeting on January 22 with Jay Sotos and Tim Alexander from Clark Realty about the Potomac Station Marketplace development. She also welcomed Ms. Notar as Town Attorney. She updated Council on Tech Comm Commissioner Ryan Washington who had an accident last week noting that he is up and walking with the assistance of a walker. She stated she attended the Martin Luther King Day march with her husband which was an honor. She stated she attended the networking

event at Ida Lee to meet the new commissioners and some staff. She stated she will be taking the Certified Planning Commissioner course in Richmond this week.

16. MAYOR'S COMMENTS

Mayor Umstatted disclosed a meeting with representatives of the proposed Crescent Parke development off Davis Avenue. She noted this will be a residential community with some office uses. She stated she attended the Rescue Squad Banquet with Vice Mayor Burk and Council Member Butler and also attended the Martin Luther King Day events with Vice Mayor Burk and Council Members Hammler and Fox. She stated the keynote speech for the Martin Luther King Day event was very thought provoking and thanked Tammy Carter for her work putting it together. She thanked town staff for being present in case there were problems with the electricity on the courthouse grounds and the town's police department for their support. She complimented Council Member Fox and Vice Mayor Burk's new Boards and Commission nominees. She stated she will not be able to attend the VML event in Richmond.

17. MANAGER'S COMMENTS

Mr. Dentler publicly congratulated Ms. Notar on her appointment as Town Attorney. He stated that Ms. Notar has his full support.

18. CLOSED SESSION

None.

19. ADJOURNMENT

On a motion by Council Member Butler, seconded by Council Member Martinez, the meeting was adjourned at 9:41 p.m.

Kristen C. Umstatted, Mayor
Town of Leesburg

ATTEST:

Clerk of Council
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