

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, Assistant Town Manager Scott Parker, and Executive Associate I Tara Belote.

AGENDA

ITEMS

1. **Work Session Items for Discussion**

a. Diversity Commission

Kaj Dentler stated the Diversity Task Force has requested the formation of a commission on diversity.

Key Points:

- Duties would include fostering diversity and inclusion within the town government work force by looking for ways to cast a wider net for applicants.
- A potential commission could help the town communicate and perform outreach to the community.
- Coordinate outreach through the Economic Development Commission to help minority business owners get started.
- Help identify cultural events that could be celebrated.
- The commission would be an advisory commission.
- Would not have review of personnel issues.

Council Comments/Questions:

- Task force understood that personnel issues would not be reviewed.
- Some of the recommended activities could open the town up to increased liability.
- Need more discussion before moving forward.
- What are the costs in terms of staffing?
Staff answer: Keith Markel, Deputy Town Manager would be liaison to the Commission.
- VML Insurance provides some benefits.
- Council will need to be prepared to address policy issues that are brought up by the commission in terms of parity.
- Would not want personnel issues to be discussed at the commission level.
- Would like duties to be clearly laid out.
- In no way should a commission or Council be involved in human resources decisions or issues.

- Why has this issue never been raised before? If the town has been derelict, Council needs to know why and how.
- Reputation in the past of not being open to the minority community.
- Need to make sure that this commission, if created, knows their mission and limitations.
- Would suggest starting out as a committee.
- Would like to ensure that everyone has the same opportunities for employment with the town.
- Next step is initiation of an amendment to the Town Code.
- Are duties and make up of the commission discussed at the initiation?
Staff answer: This starts the process and the duties and make up can be discussed at the public hearing. Staff would recommend that make up is chosen similarly to other existing commissions.

There was support for an initiation resolution at Tuesday night's meeting.

b. Comprehensive Parking Follow-up

Scott Parker stated that a public input session was held to focus on several issues with respect to parking.

Key Points:

- Questions posed at the public input session were whether the town should continue to charge for parking in the town garage and whether the town should keep the parking meters on the street.
- Approximately 20 members of the public, not including council members, attended the session and provided feedback.
- Turnover of spaces was identified as being most important.
- Staff recommends the following:
 - Continue to charge for parking in the Town garage.
 - 1st hour free in the garage (2nd hour free with parking validation program)
 - \$1.00 for each hour in garage up to \$5.00 Maximum
 - Keep the unassigned parking space rates (\$40 per month) and the assigned parking space rates (\$60.00 per month) the same
 - Do not charge for nights and weekends.
 - Do not automate the garage at this time, particularly if nights and weekends remain free. The option should be kept open for future discussions, however, as it relates to larger comprehensive parking initiatives.
 - Leave the meters on the street, and rehab the casings and poles to match the street furnishings and new street lights of the downtown (black).
 - Charge for the 14 meters that are currently bagged on Harrison Street.
 - Charge for the 11 meters currently at Liberty Street.

- Re-install the meters on Loudoun Street that were removed during downtown construction.
- Change all meters in Town to a two-hour time limit EXCEPT: The two meters in front of the Downtown Post Office on Market Street. They are currently 15 minutes and no change is proposed.
- Raise the meter rates to \$0.50 a half hour from the current \$0.25 a half hour to bring them in line with the rates of the garage and to encourage turnover of parked vehicles in the downtown area.

Council Comments/Questions

- Concern that the meters are so affordable that it allows people to stay in one spot all day.
- Harrison Street meters are under-utilized.
Staff answer: They have been under-utilized and the argument could be made for removal of those meters. Decision needs to be made to either re-start charging for those spaces or remove the meters. Historically, the parking enforcement staff reports them to be under-utilized.
- The town does not charge for the 11 meters in the small lot just north of Liberty Street.
Staff answer: Those spaces are considered more “prime” due to their proximity to Royal Street and the downtown. If Council determines that those are part of the Liberty Street lot, they should be removed. Those particular meters have a six-hour time limit, but could be changed to two-hour time limits to encourage turnover.
- The current daily maximum of \$5 for parking in the garage could be limited for day-time parking. Other localities charge considerably more.
- Agree with keeping the meters to encourage turnover and find some way to enforce the two hour time limit.
- Agree with increasing the charges for the parking garage.
- As was reported in the 2004 Desmond Parking Study, incentives for long term parkers to use less convenient parking options need to be instituted.
- There is a parking capacity issue – the number of required spaces for uses versus the available spaces.
- Possibly reach out to the county to allow the public to use some of the spaces in their garage.
- Opportunity to use buses to shuttle daily parkers from satellite lots.
- Could research the use of church lots for employee parking.
- If another garage will be needed in the long term, start thinking about what type of creative partnerships can be formed to pay for it.
- Need to look at parking as a comprehensive picture – not little pieces at a time.

- Mr. Burnett's capacity report is not correct – space sharing was not taken into account.
- Why was the recommendation made to not automate the garage at this time?
Staff answer: If the policy is not to charge for nights and weekends, that would be the biggest beneficiary of an automated system.
- Recommendation against automation should have included a fiscal analysis of whether it makes sense.
- Increasing the rates in the garage will not impact turnover because the garage is never full.
- Charging more for the garage and keeping the antiquated equipment will discourage people from parking in the garage. It will not encourage people to park in the garage over the meters.
- If we continue to charge for the garage, the meters should be at least twice as expensive to encourage people to park in the garage.
- Staff report does not talk about finding additional parking spaces on the street, if there are parking spaces that need to be removed, or the cost of an additional parking facility.
- Do not want to have a parking task force.
- Still in favor of kiosks and police officers, not finance staff, writing tickets downtown.
- Street parking is the premium parking and should cost more than the parking garage.
- The town should not get involved in private parking agreements between landowners and businesses.
- What would be the income if fees, except those for permits, were doubled?
Staff answer: We can get that information for Council.
- Discussed with the Chairman of the County Board about the county freeing up space for visitors. He does not think this would work.
- These small steps would increase revenue for the town and may alleviate some of the issues.
- What is the possibility of stairs on the east side of the Liberty lot?
- If higher costs result in more turnover, then the perception that there is not enough parking will be alleviated.
- Parking garage staff add to customer service for visitors to town.

There was consensus to initiate a Town Code amendment to increase parking fees in the garage to \$1 per hour and pay for the amount of time spent in the garage (first hour free) and \$1.50 per hour at the meters as well as removal of the parking validation program. Meters on Harrison and the Liberty Street lot will be returned to service.

2. Additions to Future Council Meetings

Council Member Hammler requested providing visitor information for the parking attendant. She asked for the possibility of increasing fines for parking violations at meters. She asked for initiation of the task force so that people can see that the Council is looking at parking in a comprehensive manner. She asked for initiation of the Joint Land Management Area planning with the County. She also asked for Certificates for the Flag Football champions.

For upcoming meetings, she asked for the following information memorandums:

- a. Information regarding what Loudoun County is doing to negotiate parking space at private sector sites, such as Telos. Would like input on that possibility for the town as well as information on the use of the county transit bus.
- b. Information on whether the Tech Comm can remove cable from their list of duties.
- c. Information on what would be involved in making the Standing Residential Traffic Committee to a commission.
- d. Information on what would be needed to increase the street light wattage from 400 to 1000 all over town.
- e. Information on the final destination of recycled paper from Leesburg. Paper sent to other countries could create identity theft issues.
- f. Information on environmental benefits of a water feature off the Town Garage/Mervin Jackson Park.

Vice Mayor Burk stated that the Friends of Leesburg Public Art are applying for a grant from the state and would like a letter from the Council stating support for their efforts. She stated she would provide a draft and there was consensus to put it on Tuesday's agenda for action.

Council Member Fox stated the Airport Commission would like to know if there was any support from Council for financial assistance for the Airshow. Council Member Hammler asked for information on County contribution.

Council Member Butler stated that at the current time, Paragon is planning the Downtown Arts show the same day as the Airshow. Staff noted that the audiences for the two events are different and parking for both events is at different areas of town. He asked for an information memorandum on the stairs on the east side of the Liberty Street lot. He asked that public parking signs as previously directed by Council be erected.

3. Adjournment

On a motion by Mayor Umstatted, seconded by Council Member Butler, the meeting was adjourned at 10:05 p.m.

Clerk of Council

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

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

Council Members Absent: All present.

Staff Present: Town Manager Kaj Dentler, Deputy Town Manager Keith Markel, Town Attorney Barbara Notar, Director of Parks and Recreation Rich Williams, Assistant Town Manager Scott Parker, Director of Finance and Administrative Services Clark Case, Information Technology Manager Annie Carlson and Clerk of Council Lee Ann Green.

AGENDA ITEMS

1. **CALL TO ORDER**

2. **INVOCATION:** Council Member Hammler

3. **SALUTE TO THE FLAG:** Girl Scout Troop 6752 and Brownie Troop 2718

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

5. **MINUTES**

a. Work Session Minutes of January 26, 2015
On a motion by Council Member Martinez, seconded by Council Member Butler, the minutes of the work session meeting of January 26, 2015 were approved by a vote of 7-0.

b. Regular Session Minutes of January 27, 2015
On a motion by Council Member Martinez, seconded by Council Member Butler, the minutes of the regular session meeting of January 27, 2015 were approved as amended by a vote of 7-0.

6. **ADOPTING THE MEETING AGENDA**

On the motion of Council Member Martinez, seconded by Council Member Butler, the meeting agenda was approved by the following vote:

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

7. **PRESENTATIONS**

a. Certificates of Appreciation – Girl Scout Troop 6752
On a motion by Council Member Martinez, seconded by Council Member Hammler, Certificates of Appreciation were presented to the following members of Girl Scout Troop 6752 for their demonstration of civic responsibility by decorating the Christmas Tree display at Mervin Jackson Park:

Sophie Bauer

Kate Morrison

Kalia Salifou
Sarah Zurfluh
Aurora Neumiller

Sofia Shingledecker
Maggie Hyam
Leader: Sarah Bauer

b. Certificates of Appreciation –Brownie Troop 2718

On a motion by Council Member Martinez, seconded by Council Member Hammler, Certificates of Appreciation were presented to the following members of Brownie Troop 2718 for their demonstration of civic responsibility by decorating the Christmas Tree display at Mervin Jackson Park:

*Daphne Holt
Catherine Pizzarello
Olivia Ramey
Erin Fensterwald
Emma Lambert
Anja Singleton
Sofia Alzate*

*Tate Drupa
Anne Cassidy
Katherine Garvey
Grace Bukowinski
Ruby Zeiter Gherst
Kensington Daigle
Audrey Arzaga*

Leaders and assistants:

*Tara Holt
Jill Drupa
Smith Drupa
Chris Gherst
Jessica Bukowinski*

*Kevin Holt
David Drupa
Michelle Pizzarello
Meghan Fensterwald*

c. Proclamation – Black History Month

On a motion by Council Member Martinez, seconded by Council Member Hammler, the following was proclaimed:

PROCLAMATION

BLACK HISTORY MONTH

FEBRUARY 2015

WHEREAS, in February of 1926, sixty-one years after the ratification of the 13th Amendment to the United States Constitution, Dr. Carter Woodson, a noted historian, desired to recognize the achievements and contributions of Black Americans in this country; and

WHEREAS, the month of February was appropriately chosen to recognize the achievements of Black Americans as it contained the birth anniversaries of Abraham Lincoln and Frederick Douglass; and

WHEREAS, the traditional one-week observance was expanded in 1976 to include the entire month of February; and

WHEREAS, Black History Month allows us to honor the achievements of and celebrate the heritage of Black Americans while recalling the courage of their struggle to achieve equality; and

WHEREAS, historically Black Americans, such as Dr. Martin Luther King, Jr., Harriet Tubman, Rosa Parks, Medgar Evers, Jessie Jackson, Dred Scott, W.E.B. DuBois, and Mary McLeod Bethune have worked to lay the very foundation for the free and diverse society that we as Americans enjoy today; and

WHEREAS, this year marks the 51st anniversary of the signing of the 1964 Civil Rights Act that gave all citizens of the United States equal rights under the law.

THEREFORE, the Mayor and Council of the Town of Leesburg in Virginia hereby proclaim the month of February of the Year 2015 as Black History Month in the Town of Leesburg and urge the citizens of Leesburg to join in recognizing the contributions made by the Loudoun Chapter of the NAACP and other community organizations to preserve and remember the accomplishments of Black Americans throughout the history of our nation.

PROCLAIMED this 10th-day of February 2015.

d. Certificates of Appreciation – Boards and Commission Members

On a motion by Council Member Martinez, seconded by Council Member Hammler, Certificates of Appreciation were presented to the following outgoing members of Town of Leesburg advisory Boards and Commissions:

Stephen Axeman (Airport Commission)

Robert W. Hall (Airport Commission)

Dwight Dopilka (County Representative – Airport Commission)

Joan Rokus (Thomas Balch Library Commission)

John Pumphrey (Board of Zoning Appeals)

Lisa Strout (Commission on Public Art)

Margaret Ferrell (Commission on Public Art)

William “Butch” Porter (Economic Development Commission)

Amy Cross-Monroe (Economic Development Commission)

Joseph Cooper (Parks and Recreation Commission)

Earl Hoovler (Planning Commission)

JB Anderson (Technology and Communication Commission)

Oliver Peters, Jr. (Technology and Communication Commission)

Jan Hepburn (Tree Commission)

Liz Mills (Standing Residential Traffic Committee)

9. PETITIONERS

The Petitioner’s Section was opened at 7:58 p.m.

Tom Marshall, 315 Ayrlee Avenue, NW, stated many very good points were made during the discussion regarding the creation of a diversity commission. He stated he supports the idea of being proactive by establishing a commission that recognizes and celebrates the ethnic diversity and culture diversity of Leesburg. He stated this commission could educate different cultural groups that Leesburg is open and find ways to better serve all citizens. He further expressed concern over economic diversity. He noted that there is disparate impact to schools as a result of economic imbalances. He noted that some schools do not have as much financial support from the community as others.

Reverend Phyllis Hubbell and John Manwell, Unitarian Universalist Church of Loudoun, stated her support for a diversity commission. She noted that Leesburg should be a beacon of harmony and support for all its citizens. She stated the Unitarian Universalist Church of Loudoun has adopted the following resolution:

Whereas, the mission of the Unitarian Universalist Church of Loudoun is welcoming Diversity, nurturing spirituality and promoting justice in the world; and

Whereas, members and friends meet for weekly worship on Gleedsville Road at a nationally registered historic landmark built by freed slaves, soon to receive a Civil War Trail Marker; and

Whereas, the members and friends of the church number nearly 200 caring souls dedicated to promoting love, truth, peace, freedom, and compassion for one another; and

Whereas, the members of the church have a duly elected governing body charged with advancing our mission and principles in the community and beyond; and

Whereas, the governing board has reviewed the proposal to establish a Leesburg Diversity Commission and has found its mission and goals to be in strong alignment with our mission and principles.

Now, therefore be it resolved that the governing board of the Unitarian Universalist Church of Loudoun strongly encourages the Leesburg Town Council to approve the proposed Leesburg Diversity Commission.

Anthony Fasolo, 314 Whitney Place, NE, stated the United States is undergoing a profound demographic shift and by the year 2050, there will be no clear racial or ethnic majority. He stated as communities of color continue to grow, it is critical that all levels of government are engaged with and responsive to their needs and concerns.

Jessica Bukowinski, 118 Marlow Street, SW, stated she is a member of the Unitarian Universalist Church of Loudoun and a resident of Leesburg. She stated her neighborhood is very diverse. She stated she chose this neighborhood because of its diversity. She stated she is very happy that the Council is considering a commission on diversity and urged them to move forward with it.

Ann Marie Morreale, 502 Blue Ridge Avenue, NE, stated she moved here from a very diverse place in New York. She stated there is a lot of beauty in Leesburg and the people are extraordinary. She stated her hope that the diversity commission will establish measurable goals on a reasonable timeline.

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.

Andrew Borgquist, 1108 Huntmaster Terrace, #301, stated he has had a continuing issue with the Town of Leesburg. He stated in November 2013 he had an interaction with a Leesburg police officer, which he felt was unjust. He stated he felt the officer's manner was mean and aggressive. He stated his choice to express himself was shared in a negative light by the police department to the Parks and Recreation Department. He stated the Parks and Recreation Director took immediate adverse action against him without explanation in violation of proper procedure in a manner lacking in transparency and fairness. He stated it can be objectively concluded that the action was in retaliation for expressing his disagreement with Leesburg Police action. He stated based on the facts and circumstances, it was clear if he had not complained, the adverse action would not have been taken. He noted that in light of recent national events, the Town of Leesburg has no business retaliating against people who have expressed concern over police actions. He stated it can be objectively shown that his disagreement had merit, yet management reacted in a hostile and inappropriate manner that indicates the tone at the top needs to be changed. He stated that Mr. Dentler stated "I do not know the details and quite frankly, do not want to know". He stated that Mr. Dentler's lack of action has led him to feel a lack of confidence in his ability to manage the town in a manner that is in keeping with appropriate practices. He stated this quote by Maya Angelou was applicable "I have learned that people will forget what you said, people will forget what you did, but people will never forget how you made them feel". He stated that no one should ever feel how Town of Leesburg management has made him feel. He petitioned the Council to search for a new town manager because there are things that need to change in the way the town does business. He expressed his support for the Diversity Commission.

Phillip Thompson, 43709 Mahogany Run Ct., stated he is here on behalf of the Loudoun County chapter of the NAACP to support the Diversity Commission. He stated just because you don't see a problem, doesn't mean there isn't a problem. He stated he does know there are issues out there. He stated that the NAACP would be happy to provide whatever assistance is needed to work out the details of how the Diversity Commission will operate.

The Petitioner's Section was closed at 8:20 p.m.

10. APPROVAL OF THE CONSENT AGENDA

On a motion by Council Member Martinez, seconded by Council Member Butler, the following items were moved for approval as the Consent Agenda after removing Item E:

a. Town Hall Art Exhibit

RESOLUTION 2015-022

Approval of Art Exhibit by Laura Mazer in the Leesburg Town Exhibit Hall

b. Appropriating Proceeds from the Jingle Jam

RESOLUTION 2015-023

Approving Supplemental Appropriation of \$9,735 resulting from the 2014 Net Proceeds of the Jingle Jam Concerts

c. Time Extension for PMW Farms

RESOLUTION 2015-024

Authorizing a Time Extension for Completion of the Public Improvements for PMW Farms – Fort Evans Road Phase 2 and Riverside Parkway (TLCD 2009-0019)

d. Assigning FY 2014 General Fund's Unassigned Fund Balance for the Capital Asset Replacement Fund and the Debt Service Reserve

RESOLUTION 2015-025

Assigning General Fund Unassigned Fund Balance in the Amount of \$3,682,242 for Capital Asset Replacement Fund and Accumulating Funds for Debt Service Reserve

e. Authorizing a Letter to the Virginia Commission for the Arts Supporting the Friends of Leesburg Public Arts Grant Application

MOTION 2015-004

I move to authorize the Mayor to send the letter to the Virginia Commission for the Arts supporting the Friends of Leesburg Public Arts grant application.

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. Crosswalk Fines

Barbara Notar stated this proposed amendment to the Town Code would increase the fines for drivers of motor vehicles who do not yield the right of way to pedestrians.

Key Points:

- Would include a section of the state code.
- Only selected crosswalks would incur the additional fines.
- Crosswalks would be marked with a VDOT designed sign.

- Amending the Town Code would allow staff to erect these signs at certain crosswalks.
- Fine would be between \$100-500 at the discretion of the court based on the facts of the case.

Council Member Hammler read the following comments into the record:

“Some quick thoughts looking at the big picture from 40,000 feet. As a single, stand-alone component, increasing fines is not likely to get results according to FHA funded studies. An integrated, consistently executed enforcement program that includes ticketing, education, installation of signage, etc. is most effective (see attachment, last page). Zooming in on the details at 5,000 feet. Other Virginia municipalities have implemented higher fines along with court fees and points as part of a comprehensive pedestrian safety program. Given Saturday’s article in Leesburg Today about the collaboration between Loudoun County Sheriff’s office and Virginia State Police to curb aggressive driving along the Route 15 corridor, implementing higher fines for failure to yield is well-timed and bundled together sends a strong message. Clarify language of ordinance is greater than it refers to highway signs at marked crosswalks. Does this mean that the ordinance does not apply to marked crosswalks without signage? Considered tiered fines, based on location and frequency of violation. Does the ordinance address issue of one vehicle overtaking or passing another vehicle that has already stopped for a pedestrian? In a nutshell, I support the increased fines and I am glad that the Town Council continues to take action to support pedestrian safety”, Gabe Kelleman.

The public hearing was closed at 9:20 p.m.

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

ORDINANCE 2015-O-003

To Amend and Ordain Chapter 32 (Traffic and Vehicles), Article II (Administration and Enforcement), Division 2 (Violations), Section 32-64 (Increased Penalty for Failure to Yield at Crosswalk)

Council Comments/Questions:

- How are the fines determined?
Staff answer: The court determines the fine based on the facts of the case.
- Does the ordinance apply to crosswalks without the signage?
Staff answer: No, in order to have the increased fines, the signage is required.
- Where will these signs be posted?
Staff answer: They will be placed at the crosswalk near Ida Lee, as previously discussed, and can be installed at any marked crosswalk where the town feels the increased fines are necessary.

The motion was approved by the following vote:

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

Nay: None.

Vote: 7-0

b. 2014 Zoning Ordinance Batch Amendments

The public hearing was opened at 9:23 p.m.

Brian Boucher and Brandon White reviewed the proposed amendments to the Zoning Ordinance.

Key Points:

- 28 proposed amendments.
- Correcting errors, updating where changing conditions warrant, and update for changes in state code.
- The Planning Commission has recommended approval of the amendments.

Council Comments/Questions:

- Why were 32 amendments advertised, if only 28 are now proposed?
Staff answer: Some have been removed and others have been combined.

The public hearing was recessed at 9:35 p.m.

The public hearing was continued at 10:00 p.m.

Council Comments/Questions:

- Amendments are clear and have been thoroughly vetted by the Planning Commission.
- Make adjustment for parking spaces on property.

The public hearing was closed at 11 p.m.

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

ORDINANCE 2015-O-004

Amending Article 3 Review and Approval Procedures; Article 6 Nonresidential Zoning Districts; Article 8 Planned Development Districts; Article 9 use Regulations; Article 10 Density/Intensity & Dimensional Standards; Article 11 Parking, Loading and Pedestrian Access; Article 12 Tree Preservation, Landscaping, Screening, Open Space and Outdoor Lighting; Article 13 Flood Protection; Article 15 Signs; and Article 18 Definitions.

Council Comments:

- Excellent job preparing these amendments.

- Thank the Planning Commission for their hard work vetting these amendments.
- Clarification that this includes the change to driveways.

The motion was approved by the following vote:

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

Nay: None.

Vote: 7-0

11. RESOLUTIONS AND MOTIONS

a. Initiating an Amendment to the Town Code regarding Parking Fees and the Establishment of a Parking Task Force

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

RESOLUTION 2015-026

To Initiate Amendments to the Town Code to Increase Certain Parking Fees

Council Comments:

- Goal is to bring people downtown and this resolution does not accomplish that goal.

The motion was approved by the following vote:

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

Nay: Butler

Vote: 6-1

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

MOTION 2015-005

I move to form a Parking Task Force to come back to Council with a report and recommendations concerning the comprehensive parking plan within 90

Council Comments/Questions:

- It was clarified that a report from the Parking Task Force would come back to Council with a report within 90 days after establishment.
- It is important to include a timeline for completion.
- It was also clarified that the Town Manager would come back in two weeks with a recommendation on how to set up the task force.
- Do not feel that 90 days is enough time.
- Subcommittee of Council might be preferable to a task force.
- Good to bring the public into the proceedings.

The motion was approved by the following vote:

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

Nay: Butler

Vote: 6-1

- b. Initiating an Amendment to the Town Code regarding Creation and Establishment of a Diversity Commission
On a motion by Vice Mayor Burk, seconded by Council Member Martinez, the following was proposed:

RESOLUTION 2015-027

To Initiate an Amendment to the Town Code to Create and Establish the Leesburg Diversity Advisory Commission

Council Comments:

- Look forward to creating this commission.
- Task force recommendations have increased the number of minority applications for vacancies.
- Everyone needs to know that they have a voice.
- In support of the goal of supporting diversity in the town's hiring practices and increasing the candidate pool for minority candidates.
- Do not believe that the town has been discriminatory in its hiring practices, but clearly the end result has led to a workforce that is less diverse than the Leesburg population at large.

Council Member Fox made a motion, seconded by Council Member Hammler to postpone action until March 10, 2015 so that Council can be fully briefed on legal implications and considerations and fully consider alternative solutions.

Council Comments:

- Do not feel that the town has been fully apprised of the legal complications that establishing a commission implies.
- Other ways to address this can accomplish the same basic goals, yet do not have the legal liabilities.
- Does legal counsel have any recommendations?

Staff answer: It was made clear in the memorandum that hiring practices would not be one of the missions of this commission. One of the key recommendations of the Diversity Task Force was to develop a diverse pipeline via a genuine effort to attract and retain skilled, diverse employees – not hire. Hiring is a function of the town manager and the Human Resources Department. Clear parameters will be written in the ordinance so that the town does not run afoul of any EEOC mandates.

- Initiation of the public hearing is a way to start the discussion.
- Not comfortable with this resolution because it does not provide any parameters for the Commission's activities.
- This issue is too important for a "feel good" commission.
- Moving this forward has taken too long.

- Initiation is not the final vote, but allows Council to examine it in further detail and decide what the specifics will be.
- There are liability issues associated with any discussion regarding things that the town might be doing wrong in its hiring practices.

Council Member Butler offered an amendment to postpone action until 9:35 p.m. The motion was accepted as friendly.

Council Comments/Questions:

- Contend that this has not been vetted properly and many issues can be alleviated by changes in policy or procedure.

The motion to postpone until 9:35 p.m. was approved by the following vote:

Aye: Butler, Dunn, Fox, Hammler

Nay: Burk, Martinez, and Umstatted

Vote: 4-3

Note: Item was continued to 9:35 p.m.

Council Member Butler moved the following edits, seconded by Council Member Dunn:

1. *Include the duties that were discussed at Monday's work session meeting.*
2. *Edit section b1 to remove the words "the Town of Leesburg government work force and".*
3. *Insert "community at large".*
4. *Add section b5 with "the duties of this commission shall not include any investigation or analysis into town work force diversity, nor shall it include discussion related to any individual employment action".*

Council Comments/Questions:

- Commission cannot legally be involved in fact finding and taking testimony because that is part of a grievance procedure; however, they should be allowed to analyze the diversity of the work force.
- If the commission was to analyze town work force diversity, would there be potential liability concerns?
Staff answer: It would be appropriate for them to analyze as the town code is specific that the Town Council must approve all actions of the commission as it is an advisory commission.
- Not comfortable allowing the commission to perform investigations into town work force diversity.
- The advisory commission has a right to request information, which could be deemed an investigation.
- Concern that discussion could be used against the town in employment court cases.
- Commission is able to retrieve any documents available through the Freedom of Information Act (FOIA).

- Discussion of documents available through FOIA, should not be done through the auspices of the Commission.
- Limitations on this commission will need to be made to other commissions.
- Employment practices are the purview of the Town Manager and the Human Resources department, not Council or any commission.

Mayor Umstatted proposed:

“The Diversity Commission shall not investigate individual employees or applications”.

Council Member Butler proposed a new section b5:

“The duties of the Diversity Commission shall not include discussion related to any individual employment action or information”.

The text of Section B was summarized as follows:

1. *The Leesburg Diversity Commission’s mission is to help foster diversity and inclusion within the community at large;*
2. *The Commission may make recommendations to the Town Council that potentially enhance the Town of Leesburg government’s ability to communicate and deliver services more effectively to minority residents and business owners within the town;*
3. *The Commission may work with the Leesburg Economic Development Commission and town staff on a regular outreach effort to the minority business community in order to increase awareness of town services, and to understand potential opportunities to do business with the town;*
4. *The Commission makes recommendations to Town Council that provides the Town of Leesburg with the opportunity to enhance and celebrate the town’s diverse community;*
5. *The duties of this commission shall not include discussion of any individual employment action or information.*

The motion was approved by the following vote:

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

Nay: None.

Vote: 7-0

13. UNFINISHED BUSINESS

- a. None.

14. NEW BUSINESS

- a. None.

15. COUNCIL COMMENTS

Council Member Dunn offered his condolences to the Zoldos family on the passing of former Council Member Bob Zoldos.

Council Member Butler also offered his condolences to the Zoldos family. He noted that the services would be held at 10 a.m. tomorrow at St. John's.

Vice Mayor Burk thanked the members of the public that have come out to offer their support for a Diversity Commission. She offered her condolences to the Zoldos family. She stated on June 28th, she attended the Airport Pilot's Association meeting with the Mayor. She stated they announced that Leesburg has the number one flight instructor in the country – Spencer Watson. She stated she is working with Pat Dailey from Dodona Manor to set up a relationship with the town's sister city in France, St. Cyr sur Loire, adding that there is no cost to the town. She stated on February 6, a fourth-grade girl scouts from Sycolin Creek Elementary visited Town Hall.

Council Member Martinez offered his condolences to the Zoldos family. He stated his comments at Monday night's work session were not meant to insult the character and professionalism of the Town's police department. He stated he supports their mission to make Leesburg a safe community for all residents equally and fairly. He thanked his wife for marrying him 34 years ago.

Council Member Hammler thanked Keith Markel, Betsy Fields and Tom Mason for their work on VML Day. She stated the event was well attended was an excellent opportunity for networking with legislators. She thanked Stilson Greene and the Jingle Jam organizers for their work which not only raised money, but increased holiday spirit and spread joy for those living in the Town of Leesburg. She offered her condolences to the Zoldos family.

Council Member Fox stated she did not know Council Member Zoldos, but his reputation preceded him. She offered her heartfelt condolences to the family. She stated she attended the VML Planning class and the mixer later in the evening. She stated she appreciated the opportunity to attend. She expressed her feeling that if an unpopular opinion is expressed on the dais that it is considered to be "stall" tactics. She stated she takes her stewardship of the town's residents and businesses seriously and asking hard questions, whether popular or not, is good governance.

16. MAYOR'S COMMENTS

Mayor Umstadd disclosed a meeting on January 27 with representatives of Crescent Parke, a proposed development just south and east of Food Lion off Davis Avenue. She disclosed a meeting on February 3 with representatives of NVR Springfield Farm assemblage. She stated they are looking at a large residential community with some commercial later on in the process to be located south of Heritage High School. She stated she was sorry to hear of Council Member Zoldos' passing. She stated the entire family has been very involved in the Town for many years. She expressed her sympathies to the family. She congratulated Bello Franzo pizza on their opening in the Village at Leesburg.

17. MANAGER'S COMMENTS

Mr. Dentler had no comments.

18. CLOSED SESSION

None.

19. ADJOURNMENT

On a motion by Council Member Butler, seconded by Council Member Martinez, the meeting was adjourned at 11:13 p.m.

Kristen C. Umstattd, Mayor
Town of Leesburg

ATTEST:

Clerk of Council
2015_tcm0210