

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: Marty Martinez arrived at 8 p.m. as he was representing the town at another event.

Staff Present: Town Manager Kaj Dentler, Town Attorney Barbara Notar, Deputy Town Manager Keith Markel, Director of Economic Development Marantha Edwards and Clerk of Council Lee Ann Green.

AGENDA**ITEMS****1. Work Session Items for Discussion****a. Legislative Update**

Keith Markel updated Council on the disposition of the town's legislative items at the General Assembly session.

Key Points:

- Last day of the assembly session is Friday.
- SB882 – House transportation committee failed to recommend reporting.
- SB921 – was tabled in the House Transportation committee.
- SB937 – Sen. Wexton withdrew this bill.
- HB2017 – has been recommended for tabling in the House Courts of Justice Committee.
- HB1688 – Was recommended for tabling in the House Appropriations Committee.
- SB1246 – Engine idling bill was tabled in subcommittee.
- SB1230 – Would make ABC responsible for cigarettes; was tabled in subcommittee.
- An ethics bill requiring enhanced reporting will most likely be passed.
- FOIA crimes bill is still moving forward.
- HB1887 passed the house and is now in the Senate. It looks like it will be approved.
- HB1294, which would have given churches exemption from paying town fees or fines, was tabled in the house finance committee.

Council Comments/Questions:

- Would international travel be limited? Would Council be allowed to have other entities pay for travel?
Staff answer: It would be allowed, but have to be approved by the Ethics commission, which was created last year. Other entities should be allowed to pay for travel. The idea is to keep lobbying groups from

paying for trips to buy influence. Nothing precludes a group that is not pushing a specific influence from paying for travel.

b. Downtown Parking Task Force

Kaj Dentler stated that staff recommends the make up of the Parking Task Force not include Council Members.

Council Comments/Questions:

- Component that is missing is people from different sectors of town could contribute information on why they do/don't come downtown.
- Who would be liaison?
Staff answer: Most likely Assistant Town Manager Scott Parker. Any other necessary staff resources will be provided.
- Would be open to participating in the Task Force.
- Would like developers who have targeted downtown for infill development to be part of this task force.
- A representative of the Planning Commission should be included as well as a representative of the Economic Development Commission.
- Find ways to get town and county employees to park around the periphery of the downtown area.
- Goal of the task force is not clear, except to come back with recommendations about parking.
- If Council Members appoint task force members, they will be sensitive to the Council Member's desires.
- Would suggest choosing a member from each of the existing town commissions that deal with the downtown – BAR, EDC, SRTC.
- Like the idea of getting people from the community to find out why they do or don't come downtown.
- Town and county employees, as long term parkers, need to feel part of the solution.
- Smaller scope of mission would create more opportunity for successful recommendations.
- Concern over the number of spaces being "sold" as payment in lieu.
- How many town and county employees park in their respective garages?

Consensus was for one planning commissioner, one member from the Economic Development Commission, two members of the business community not affiliated with the EDC who have an interest in the downtown, four citizens from each quadrant of town, and town staff liaisons who are non-voting members.

Task to be assigned to the Parking Task Force is how to get those who park all day to move to outlying lots such as Liberty and Pennington, but they will be able to address other issues as well.

The town manager was directed to select members of the task force based on the parameters set by Council.

c. Non-Disclosure Policy and Procedures

Kaj Dentler stated that staff was prepared to answer any questions that Council might have.

Council Comments/Questions:

- Who specifically requested the nondisclosure agreement?
Staff answer: Representatives for K2M.
- Other jurisdictions were in competition for this business.
- Appropriate for staff to sign nondisclosure agreements when businesses are in the prospect stage, but once they become an applicant, they should be able to be disclosed.
Staff answer: There are many applicants that for competitive or human resource reasons, do not want their name to be disclosed to the public.
- K2M was not the applicant in this case – Oaklawn was the applicant.
- Becoming an applicant is part of the public planning process and therefore information should be available to the public, but a new nondisclosure could be set up for applicants.
- Feel that a nondisclosure agreement should not give the town the right to withhold information that is being requested.
- If you need to go through a non-disclosure agreement, it should only apply to the exact location needed. Applicant took advantage of the process to bring forth other changes that were not related to the non-disclosed tenant.
- No non-disclosure agreement was signed with the governor's office.
- When looking at non-disclosure agreements, need to look at ancillary agreements with other entities that could affect a non-disclosure agreement.
- May not want to get involved in non-disclosure agreements that involve multiple parties.
- May be better to bring the Council in to the process earlier to make a policy decision prior to entering into a non-disclosure agreement.
- Should consider a policy that once a prospect turns into an application, non-disclosure agreement should change.
- Would support Council greenlighting certain projects if there is a quantifiable benefit to the town of the project moving forward.
- Council has no need to know who an individual tenant is – much the same as when the Village at Leesburg was moving through the process – individual tenants were not named.
- Allowing Council to get involved in non-disclosure agreements would put the Town at a significant competitive disadvantage.
- Need to acknowledge the fact that at no point was the public not fully involved in everything relative to the planning and zoning decision.

- Even though the Council was not a party to the non-disclosure agreement, were they bound by the agreement?
Staff answer: Council was included during a closed session, which any individual council member could have elected to not attend.
- Disclosing the name of the tenant to Council aided in the fast-tracking process. It might have been denied if Council had not been brought into the process.
- Greenlighting one application means another application gets pushed to the side. To be fair to the application that is getting pushed to the side, Council should know whether the favored business is one that is really desirable to make an informed decision on greenlighting.
- Process might have been less smooth than desired, but it does not come up very often. When it does next time, Council will be better equipped to handle it.
- Definition of light industrial is necessary.

There was no direction from Council.

2. Additions to Future Council Meetings

Council Member Hammler stated that Pat Snell would be returning to Council to thank them for supporting the documentary on the Maker Movement and to request consideration of getting involved in the Mayor's Maker Challenge. She stated she appreciated the memo on paper recycling and would appreciate support for promoting the need to shred all sensitive information and questioned how staff could get that information out to the public. It was noted that the town offers two free shred events yearly. It was suggested that the Environmental Advisory Commission (EAC) could look at ways to get information out to the public. Vice Mayor Burk offered to take this to the EAC for their recommendations.

Council Member Hammler questioned whether town-wide traffic issues can be addressed within the structure of the Standing Residential Traffic Committee (SRTC). This will be placed on an upcoming SRTC agenda and they will report back.

She requested a certificate for the franchise owner of WhichWich for his being named Franchisee of the Year for the sandwich chain.

She requested figuring out how some Board of Architectural Review (BAR) processes could be streamlined to make some approvals administrative. Council Member Fox stated she would bring this subject up to the BAR for their discussion.

She stated in reviewing the Tuscarora Creek mitigation project, she questioned the budget status of this project since expectations have been set with the community in terms of results. Mr. Dentler stated that previous direction from Council was to work with the Virginia Knolls Homeowners Association, which has been accomplished. The HOA is happy with the project now; however, it has increased the scope and therefore the price of the project. Council Member Hammler noted

that compromise is necessary based on debt capacity issues. Mr. Dentler stated that Council will have the opportunity to review this project during review of the Capital Improvements Program (CIP).

Vice Mayor Burk questioned whether the request for Airshow support would be discussed. Mr. Dentler suggested it could be appropriately discussed during budget review.

Council Member Butler stated he was contacted by the Virginia Public Safety Association regarding their April golf tournament at Raspberry Falls. He stated they would like the town to sponsor a hole for \$500. Concern was expressed that this would open the door to more requests from other groups for support. There was no support by Council for this item to be placed on tomorrow's agenda.

Council Member Dunn thanked Council Member Hammler for bringing up the WhichWich owner's accomplishment.

He stated he may be late to the Tuesday night meeting due to a County Planning Commission meeting.

He stated he may be absent at the March 10 Council meeting and would request electronic participation. He stated he would not be at the work session either, but is not requesting electronic participation in the work session meeting. It was agreed to put this on the agenda for Tuesday night.

Council Member Dunn requested a memo concerning EEOC issues within the town.

He also requested a memo on any instances where the Police Department has focused/profiled on minorities for law enforcement. There was no Council consensus for this information. Council Member Dunn stated he would bring action in two weeks to request this information.

He also requested further information on the meeting held with Leesburg Today and the Town Attorney that was attended by Council Member Martinez. Council members noted that this information has been previously provided in a satisfactory manner and there was no consensus for further information. Council Member Dunn stated he would bring action in two weeks to request this information.

3. Adjournment

On a motion by Council Member Hammler, seconded by Council Member Martinez, the meeting was adjourned at 9:15 p.m.

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, 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, Library Manager Alexandra Gressitt, Airport Manager Scott Coffman, Economic Development Director Marantha Edwards, Director of Public Works Tom Mason, Chief of Police Joseph Price, Director of Utilities Amy Wyks, Director of Plan Review Bill Ackman, Director of Planning and Zoning Susan Berry Hill, Director of Capital Projects Renee Lafollette, Research and Communications Manager Betsy Fields, Management Analyst Jason Cournoyer, Management Analyst Lisa Haley, IT Project Manager John Callahan and Executive Associate I Tara Belote.

AGENDA ITEMS

1. **CALL TO ORDER**
2. **INVOCATION:** Vice Mayor Burk
3. **SALUTE TO THE FLAG:** Council Member Butler
4. **ROLL CALL:** Showing all members present. Council Member Martinez left the meeting at 10:12 p.m.
5. **MINUTES**
 - a. Work Session Minutes of February 9, 2015
On a motion by Council Member Martinez, seconded by Council Member Butler, the minutes of the work session meeting of February 9, 2015 were approved by a vote of 7-0.
 - b. Regular Session Minutes of February 10, 2015
On a motion by Council Member Martinez, seconded by Council Member Butler, the minutes of the regular session meeting of February 10, 2015 were approved 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:

<i>Aye:</i>	<i>Butler, Burk, Dunn, Fox, Hammler, Martinez, and Mayor Umstattd</i>
<i>Nay:</i>	<i>None</i>
<i>Vote:</i>	<i>7-0</i>
7. **PRESENTATIONS**
 - a. Certificates of Appreciation – Project Warmhearted

On a motion by Council Member Hammler, seconded by Council Member Dunn, Certificates of Appreciation were approved for the following for spearheading Project Warmhearted, an effort to provide hats, mittens and scarves to those in need:

Maddi Peyton

Hayli Maloney

- b. Presentation of Middleburg Bank Donation to Friends of Leesburg Public Art
Gary Shook, of Middleburg Bank, presented a donation to the Friends of Leesburg Public Art to be used for the public art project at Raflo Park on Harrison Street, SE.
- c. Certificate of Appreciation – Middleburg Bank
On a motion by Council Member Hammler, seconded by Council Member Dunn, a Certificate of Appreciation was presented to Gary Shook, Middleburg Bank, in appreciation of their generous donation to the Friends of Leesburg Public Art.
- d. Economic Development Commission Annual Report
Jim Sisley, Chair, and Don Chapman, Vice Chair, presented a report outlining the Commissions' activities over the past year.
- e. Fiscal Year 2016-2017 Budget
Kaj Dentler presented the Fiscal Year 2016-2017 budget to Council.

Key Points:

- First year of a two year budget; however, state code only allows for one year to be appropriated.
- Five Core focus areas – Organizational efficiency, technology and automation, customer service, employee development, and long term financial sustainability.
- Organizational efficiency – consolidation of the Department of Finance with Information Technology and Human Resources.
- Organizational efficiency – consolidation of the Departments of Public Works and Capital Projects.
- Long term sustainability plan includes debt service reserve and capital asset replacement fund.
- Fiscal reserve will be increased to 20% over the next five years.
- Town will undergo a change to self-insurance for employee healthcare.
- Real estate taxes are not the number one source of revenue for the town – intergovernmental sources are the largest source of revenue (state and federal).
- Budget proposes maintaining an 18.3 cent tax rate.
- Maintaining the current tax rate will eliminate the need for a tax increase in coming years due to debt service payments.
- Three utility positions made necessary by the agreement with Panda Energy will be recouped from revenue to be paid by Panda Energy.
- Proposed budget meets the Council's fiscal policy.

9. PETITIONERS

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

Barry Smith/Janice Reardon, Greater Washington Metro Muscular Dystrophy Association – Fill the Boot Program. Ms. Reardon stated the Fill the Boot program is their largest fundraising program nationally. She stated the money raised provides clinic grants for those who are uninsured to receive services. She stated they have an equipment loan program to provide durable medical equipment to the families that need it. Mr. Smith stated that due to the change in legislation prohibiting roadside solicitation, they lost \$110,000 that could have been collected. He proposed a permit process to allow roadside solicitation in certain circumstances.

Council directed this to be added to a future work session for discussion.

Rod Leper, stated he is the president of the Loudoun Career Firefighters Association. He stated he is in support of the Muscular Dystrophy Association and their proposal to allow solicitation for permitted groups along roadsides in the Town of Leesburg. He stated the cost of medical care is a financial burden to the families and the money raised during these fundraisers is important to help them.

Pat Scannell, stated he represents Makersmith, a new Loudoun County non-profit that promotes the Maker movement in Loudoun County. He thanked the Council and the town for providing Ida Lee for them to show the documentary film "Maker". He stated the movie helped them connect with 75 area residents and town leaders to explain a little more about what the Maker movement is about. He stated the showing and press releases related to it was directly responsible for 100 new members. He invited the Council to participate in the Mayor's Maker's challenge. He stated this is an effort to have communities like Leesburg promote maker activities in the community. He described some of the activities of the challenge. He stated they are on track to open a maker space in the county. He stated the town will benefit from the leadership created with the maker space by diversifying the local economy and creating a brighter, more livable community for the residents.

Andrew Borgquist stated he is here to address the same issue that has brought him before Council on numerous occasions. He stated it is not only important to be fiscally sound but sound in behavior towards other members of the community. He stated his support for the Leesburg Police Department. He stated town management responded to his situation in a manner that was unfair. He stated that through a FOIA request, he found inaccuracies that have not been addressed by management. He stated the inability to make sure that things like this do not happen again start with Mr. Dentler.

The Petitioner's Section was closed at 8:46 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:

- a. Authorizing an Agreement and Approving a Performance Guarantee and Water and Sewer Extension Permits for Crescent Place – Phase 1, 2 & 3 (TLPF 2014-0025)

RESOLUTION 2015-028

Authorizing an Agreement and Approving a Performance Guarantee and Water and Sewer Extension Permits for Crescent Place – Phase 1, 2, & 3 (TLPF 2014-0025).

- b. Approving a Substitute Performance Guarantee for Courthouse Square (TLPF 2012-0011)

RESOLUTION 2015-029

Approving a Substitute Performance Guarantee for Courthouse Square (TLPF 2012-0011)

- c. Making a Reduction of the Performance Guarantee for Public Improvements Installed at PMW Farms, Section 6 (TLCD 2011-0001)

RESOLUTION 2015-030

Making a Reduction of the Performance Guarantee for Public Improvements at PMW Farms, Section 6 (TLCD 2011-0001).

- d. Performance Guarantee and Water and Sewer Extension Permits for Lowe's Infrastructure Plans – Russell Branch Parkway Extension

RESOLUTION 2015-031

Approving Performance Guarantee and Water and Sewer Extension Permits for Lowe's Infrastructure Plans – Russell Branch Parkway Extension

- e. Amending the Fiscal Year 2015-2020 Capital Improvement Program to Add Hope Parkway Extension Project

RESOLUTION 2015-032

Amending the Fiscal Year 2015-2020 Capital Improvement Program to Add Hope Parkway Extension and Appropriating Funding to Construct the Project

- f. Electronic Participation for Council Member Dunn to Attend the March 10, 2015 Council Meeting

MOTION 2015-005

I move to allow Council Member Dunn to Participate Electronically in the Council Meeting of March 10, 2015

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 HEARINGSa. Bond Issuance

The public hearing was opened at 8:47 p.m.

Clark Case introduced Doug Gephardt, Associate Vice President of Davenport & Company, the town's financial advisors, and Thomas William (TW) Bruno of McGuire Woods LLP, the town's bond attorney.

Key Points:

- Propose \$50.7 million issuance of General Obligation bonds.
- The public hearing and approval of the resolution are required by law.
- Bond includes \$2.5 million for completion of Hope Parkway.
- Includes \$3 million for current Capital Improvements projects that are already underway. This \$3 million was scheduled to be issued through bonds in the later half of 2016 or early 2017. Rapid completion of projects have necessitated seeking bond money earlier than originally scheduled.
- Further, it does not make sense to go back to the bond market again in 2016/2017.
- Includes \$5.5 million for recapitalization of the Capital Projects Fund.
- Includes \$0.5 million for cost of issuance.
- Remaining \$39 million is refinancing money which will be used to retire bonds that are already issued – does not constitute a net increase in the town's debt. \$35 million will refund utility fund bonds and \$4.2 million will be used for refunding general fund bonds. Reissuing the bonds at a lower interest rate saves the town approximately 9% or \$4.6 million over 20 years (the remaining life of the bonds). Retirement of the principal will occur on the same schedule.
- Only \$11.5 million is new money.
- Savings are calculated on current interest rates – if rates become unfavorable, the bonds will not be issued.

Council Comments/Questions:

- Glad that the town will save so much money in interest.
- By refinancing, the bonds start at a new date?
Staff answer: The retirement schedule will be the same. It does not extend the length of the bond. Only additional cost will be closing costs, which are included in the numbers presented.
- How can employee salaries be amortized for employees that perform functions for Capital Projects and Public Works?
Staff answer: Only employee salaries are charged for employees that work solely on capital projects – salaries are allocated to the project itself.
- How are percentage interest savings calculated when the interest rate fluctuates?
Staff answer: Interest rates are approximate and will be calculated at the time of bid acceptance.
- Will these rates be locked in?

Staff answer: Yes, the town wants to get out of short term financing before the rates rise. These rates will be fixed.

- With the merging of Capital Projects and Public Works, does this have any bearing on the issuance?

Staff answer: No.

- In the staff report, it indicates that the town had previously expected to issue \$5.5 million in taxable bonds, but the bond attorney has indicated all the new money may be issued as tax exempt bonds. Why did we initially think they would need to be taxable bonds? Are tax exempt bonds more attractive to purchasers?

Bond attorney: The reason the town thought that the new money issuance would be taxable was they took an extremely conservative approach to what was being financed – specifically the recapitalization of the capital projects fund because some of those expenses stretched back a few years. There are specific federal tax laws relating to bonds that limit what you can and cannot do with old expenditures. McGuire Woods is very comfortable that the town can benefit from tax exempt bonds.

- So, it was the age of the bonds that made staff believe they had to be taxable?

Staff answer: It has to do with Internal Revenue Service rules for when you have to declare that you are going to reimburse project costs from the bond issue – there is a certain date that you have to declare your intention and then you have a certain period of time in which to do it. In doing research, the way the resolutions were written in 2009 and 2011, allows the town to come back and reimburse those expenses to ourselves later, even out of later bond issues. Staff originally worked from the assumption that once the 2009 and 2001 bonds were gone, we could not go back to the 2009 and 2011 resolution. But research shows us that we can reimburse those project costs that the town was financing out of its own money from this issuance.

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

The public hearing was closed at 9:01 p.m.

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

RESOLUTION 2015-033

Authorizing the Issuance of General Obligation and Refunding Bonds, Series 2015

Council Comments/Questions:

- This will save the town money – the payment structure will be the same, but the payments will be lower.
- This will refinance approximately \$39 million and get approximately \$11 million in new money? Technically these are separate issuances?

Staff answer: Yes. But we go to market at the same time to share the cost of issuance.

- Hate to see the town borrow more money. Would prefer to divide the question on the refinancing of the \$39 million refinancing from issuance of \$11 million in new money.
- Is it possible to divide the question?
Bond attorney: The way the resolution is structured, on a combined basis, because the plan was to do both the new money issue and the refunding issue at the same time. The resolution can be split to pass two separate resolutions – 95 percent can be the same because it is a boilerplate authorization.
- Would the town incur additional attorney's fees?
Bond attorney: The resolution would need to be divided and it would not take very long. It would not increase overall costs by very much.
- Splitting the question does not mean the bond issue would be split.
- What would end up getting cut out, if we did not do the \$11 million in new money?
Staff answer: You would run out of money starting in October several projects. Reallocation of amounts could be moved around between the different projects. Winding down construction would occur starting in September/October.
- A significant number of the projects that would not be able to be completed are those where the public has been patiently waiting for completion.

Council Member Dunn made a motion to divide the question. The motion failed for lack of a second.

Council Comments:

- The Federal Government is look at ways to get more revenue, so the town should continue to monitor and lobby for the ability to issue tax exempt bonds.
- The town will be reimbursed for Hope Parkway by the state.
Staff answer: When the reimbursement is received, it will go into the Capital Improvements fund and it would be up to the Council to determine whether to use it for reduction of debt or whether to use it for additional projects without borrowing additional money.
- From a long term financial planning aspect, 2017 is the big year when the debt payments become due. Council should be vigilant in preparing for this.
- Concerning Hope Parkway, why was it structured that the town would front the money rather than have the developer pay?
Staff answer: The original plan was to use state grant money and proffers that the town currently has to front it. As we moved forward, it became apparent that the town does not have the needed \$2.5 million to be able to front the money.
- Will the reimbursement include the interest on the borrowed money?
Staff answer: What we will receive is the proffer that was negotiated with the developer, which should be enough to pay back the construction costs.
- What is the anticipated interest for the borrowed money for Hope Parkway?

Financial Advisor: Right now, new money bonds are expected to be borrowed over 20 years. Current market estimates are in the vicinity of 3-3.5% for approximately \$85,000 per year.

- Is the interest reimbursable?

Staff answer: If it is included in the agreement, but the contract may not include that.

- Would like to use the money borrowed at this low interest rate to complete projects that we would have otherwise had to borrow money at higher interest rates to complete.

The original motion was approved by the following vote:

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

Nay: None.

Vote: 7-0

b. Amending Chapter 32 of the Town Code Increasing Certain Parking Fees

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

Scott Parker that the proposed amendments are reflective of Council's work session discussion and direction.

Key Points:

- Will change parking rates in the garage to \$1 for all hours, except for the first hour free.
- Raise parking meter rates to \$1.50 per hour, \$0.75 for half hour and a two hour limit for all meters throughout town with the exception of the two meters in front of the post office.
- Staff recommends continuation of the parking validation program, which allows the second hour in the garage to be free with appropriate validation from a merchant.
- Staff further recommends a maximum rate of \$10 per day in the garage.

Council Comments/Questions:

- Council directed no maximum in the garage.
Staff answer: After consideration of the lost ticket fee, staff recommends a \$10 maximum.
- Critical that the parking garage is less than the meters.
- Would have preferred to look at incentives to entice long-term parkers move to less convenient spaces.
- There is a belief that eliminating parking fees would spur economic vitality; however, other localities with vibrant economies charge for parking.

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

The public hearing was closed at 9:29 p.m.

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

ORDINANCE 2015-O-005

Initiating Amendments to the Town Code, Chapter 32 (Traffic and Vehicles); Article V (Stopping, Standing and Parking), Division 2 (Parking Meters), Section 32-173 (Establishment of Meter Zones and Parking Time Limits Therein); 32-178 (Deposit of Coin; Occupancy of Metered Space; Etc.) and Appendix B (Fee Schedule).

Council Comments:

- Would rather see the first hour be the validation hour.
- Believe that this is ill-advised. A much bigger problem downtown is attracting customers and increasing rates might drive customers away.
- Do employees pay taxes on the benefit (free parking)?
Staff answer: No.
- Agree on the important of attracting customers downtown but also need to work on how to transport customers to the downtown.
- Attracting customers to downtown is important, but it is more important to think about what the town is doing to attract people.
- Most people have the expectation that there is a fee for parking and will pay if there are things/places that they want to go downtown.

The motion was approved by the following vote:

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

Nay: Butler

Vote: 6-1

11. RESOLUTIONS AND MOTIONS

- a. Environmental Protection Agency (EPA) Settlement Agreement
Tom Mason gave a brief presentation on the reasons for the settlement agreement.

Key Points:

- Underground waste oil storage tank was constructed and installed in 1989 when the Public Works Maintenance Facility was built.
- Intended for waste oil from oil changes performed as part of fleet maintenance.
- At the time of construction, two ground water monitoring wells were installed to take samples of the ground water to monitor for leaks.
- Because the tank is steel, cathodic protection was installed to help prevent rust.
- Ground water has been monitored since 1999 as required.
- In 2000, the state EPA visited the site and determined everything was in good condition.
- In July 2012, the EPA performed a spot inspection. Report from this spot inspection was not received until September 30, 2013.

- Report asked for additional information regarding records for groundwater monitoring.
- 6-8 months of entries were missing from the log book.
- Cathodic protection tests showed a period when cathodic protection was not adequate during repairs, which has been interpreted as a lack of protection.
- A settlement agreement was developed for the alleged violations, which are:
 - Failure to monitor the tank every 30 days during the period when records could not be located. No leakage was detected, so there is no environmental consequences.
 - No time is allowed for repair of cathodic protection – so from the date it was not functioning until the date of repair is considered a violation.
- Agreement has been negotiated and total fines for alleged violations is \$7,648, which includes \$5,300 for failure to keep monthly monitoring records, \$4,000 for interval when cathodic protection was not operable, and an adjustment for cooperation.
- Procedures have been changed to ensure this does not happen again.
- EPA suggested an additional manual method of determining leakage was initiated Feb. 1.
- Consent agreement does not admit or deny anything – only admits jurisdiction for the agreement.
- Includes statement of no environmental damage.

Council Comments/Questions:

- Will the amount be paid in a lump sum?
Staff answer: Yes because a payment plan would include interest. Savings in the fuel budget because of lower fuel costs allows the amount to be paid at one time.
- Important to state that there was no environmental damage.
- Procedures have been changed so that this will not happen again.
Staff answer: The town is considering removal of the underground tank and replacing it with an above ground tank. The tank is already 25 years old and the life span of a steel tank is only 30-35 years.
- Measurements were done, just not properly recorded.
- Was there ever consideration to find a different location for oil storage?
Staff answer: This tank is used to hold waste oil from vehicles during maintenance. When the facility was constructed, it was put below ground to make it easier to clean up spilled oil.
- Why was Council not informed of the spot inspection?
Staff answer: The EPA took quite a while to formulate their report. Until the past few months, the town was not aware that there was anything wrong. Further, the settlement negotiations have been continuing for several months.
- The basis for a \$7,700 fine was that entries were not written in a log.
- A letter to congressional representatives might be in order.

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

RESOLUTION 2015-034

Authorizing the Mayor to Execute a Consent Agreement Between the Town of Leesburg and the United States Environmental Protection Agency

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. None.

15. COUNCIL COMMENTS

Council Member Dunn stated the Rules of Procedure need to be discussed because the rule that says that simple questions require a majority of Council to agree to allow them to be answered limits questions from being addressed. Yet, staff resources can be used when individual council members want to have the town attorney attend meetings with them. Further, individuals with FOIA requests are being called “harassers” of town staff. This is not the correct path as far as transparency, which appears to be being stifled.

Council Member Butler disclosed a meeting with the Potomac Station HOA and the developers for Market Square at Potomac Station. He stated he would be making a motion to add language back into the Diversity Commission’s duties about “investigating and analyzing”.

Vice Mayor Burk disclosed a meeting on Feb. 20 a meeting with Hobie Mitchell to discuss Crescent Parke. She stated she attended the YMCA Chocolates Galore fundraiser. She stated she attended the Paxton ribbon cutting and noted that the facility and the people running it are phenomenal. She thanked Middleburg Bank for contributing to the sculpture garden in Raflo Park. She stated that the Youth Job Fair is coming up on March 21 and there has been a lot of interest from businesses, but any businesses that are interested in participating should contact her.

Council Member Martinez stated he was at the Paxton Campus for their annual membership meeting and ribbon cutting. He stated this is such a positive group of people with great energy. He stated he would like to see what they can do to help the Muscular Dystrophy Association with their issue. He stated Project Warmhearted is a phenomenal example of young people doing good things. He thanked his neighbor, Ted, for using the snowblower to keep the neighborhood clear of snow. He stated the youth job fair is a great thing. He thanked Vice Mayor Burk for starting it and keeping it going.

Council Member Hammler stated it should be made clear what requirements for the jobs offered at the job fair are so that no one is disappointed. She stated there are business

owners in the Hub zone making a difference in people's lives such as Bob and Lisa Cusack of Custom Software, who sought out a homeless woman, trained her and gave her a job. She stated in terms of the Economic Development Commission, one of the key goals is streamlining. She stated that staff has done a great job of streamlining business processes and the next hurdle is political processes. She noted that the idea of having some BAR actions handled administratively to streamline the process would be something the EDC could take a look at because it could encourage infill development. She stated she was disappointed that the Board of Supervisors approved a significant number of homes with the Tuscarora Crossing application. She clarified that the proposed tax rate is 18.3 cents and the equalized tax rate is 18 cents. She noted that with respect to the tax rate, single family home assessments are up about 9.3%. She thanked everyone involved with the snowstorm clean up. She reminded everyone to shred all of their paper from a recycling standpoint because they have no control over where the recycled paper ends up – it could go to China or other countries with high identity theft issues. She thanked Delegate Minchew for advocating for the non-partisan redistricting bill, which was tabled. She stated there needs to be more transparency at the state level.

Council Member Fox stated she has no disclosures. She stated the YMCA fundraiser was very well done this year. She stated she appreciated Mr. Dentler's presentation. She stated there was a water main break and the response time was amazing. She stated that a resident wanted her to give OJ in Public Works a shout out. She stated the high priority on customer service is apparent. She respectfully asked Council to keep an open mind about the proposed Diversity Commission. She stated she respects the work and effort that has been put into this, but continues to believe that there are significant legal questions that need answering. She stated it is a good thing to have an alternative choice.

16. MAYOR'S COMMENTS

Mayor Umstadd commended Pat Dailey of the George C. Marshall International Center for her work with Arnoud Boulestroud for setting up a student exchange with Leesburg students and the town's sister city in France, St. Cyr sur Loire. She stated she attended the Loudoun County Health Council meeting where a representative of the Sheriff's department address them regarding the serious problem of misuse of prescription drugs. She stated that old prescription drugs can end up at teenage parties and to combat this, the Sheriff's office is organizing a "take back" initiative so that citizens can get rid of those out of date prescription drugs. She stated as soon as she receives information on the time and place, she will forward that. She stated that she and Vice Mayor Burk attended the Sakura Japanese Steak and Seafood House ribbon cutting. She stated they also did a ribbon cutting at LoCo Arts Studio located at the Shoppes at Dodona. She stated this studio has rotating artists in residence.

17. MANAGER'S COMMENTS

Mr. Dentler stated he would like to recognize the snow removal crews. He stated they have worked long hours in cold temperatures to keep the roads clear. He stated the Utility Department has also helped Public Works move snow and has been responding to broken pipes and frozen meters. He noted that the Airport staff, supplemented by other employees who have been crosstrained, have been keeping the runway open and operable. He thanked Betsy Fields and Tara Belote for their communications efforts that go on

constantly through any event. He recognized Mary Frye for forwarding the town's main phone line to her personal line and answering the calls even though the office is closed.

Mayor Umstattd noted that Council Member Martinez has had to leave because he has a broken pipe in his home. Council Member Hammler stated if you realize you have a broken pipe, make sure you turn the water main off, call the insurance company, and begin the remediation process. She stated if you plan to go out of town, make sure to turn your water off at the main and drain your pipes.

Mr. Dentler stated that if you are not sure whether the pipe is in your home or at the street, you can call the police non-emergency number and they will communicate with the Utilities Department.

18. CLOSED SESSION

None.

19. ADJOURNMENT

On a motion by Council Member Butler, seconded by Vice Mayor Burk, the meeting was adjourned at 10:20 p.m.

Kristen C. Umstattd, Mayor
Town of Leesburg

ATTEST:

Clerk of Council
2015_tmin0224