

Council Chambers, 25 West Market Street, 4:30 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: None.

Staff Present: Town Manager Kaj Dentler, Deputy Town Manager Keith Markel, Town Attorney Barbara Notar, Director of Finance and Administrative Services Clark Case, Director of Parks and Recreation Rich Williams, Chief of Police Joseph Price, Director of Capital Projects Renee Lafollette, Assistant to the Town Manager Scott Parker, Director of Planning and Zoning Susan Berry Hill, Director of Utilities Amy Wyks, Library Manager Alexandra Gressitt, Management Analyst Lisa Haley, Management Analyst Jason Cournoyer, Interim Information Technology Manager John Callahan, Director of Economic Development Marantha Edwards, and Executive Associate I Tara Belote.

AGENDA

ITEMS

1. **CALL TO ORDER**

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

3. **PUBLIC HEARING**

a. Tax Rate

The public hearing was opened at 7:30 p.m.

Mayor Umstattd noted that the staff recommendation is \$0.183, which is the current tax rate.

Clark Case gave a brief presentation.

- Tax rate must be approved this week in order to get the bills printed and distributed by the first week of May.
- Proposed \$0.183 tax rate would create an increase of less than \$22 for the average single-family homeowner.
- Residential equalized rate is \$0.18.
- Comparisons with surrounding, similarly sized communities puts Leesburg at one of the lowest rates.
- The bond rating agencies focus on adherence to the long-term sustainability plan.
- The 20% undesignated fund balance policy, maintenance of the stable \$0.183 tax rate, and conservative budgeting and fiscal management practices are all points that factored into the AAA bond rating.
- This rate allows achievement of all of the town’s fiscal goals.

Council Questions/Comments:

- Dunn: What is funding the government – the tax rate or the budget?

Staff answer: The budget is funded by the tax rate. The tax rate sets the rate that the town charges real property for \$100 of assessed valuation.

- Dunn: If we want a lower tax rate, there may need to be cuts. If we have a higher tax rate, we have more money to fund government. Lowering the tax rate does not necessarily “unfund” government.
- Dunn: How long does staff intend to recommend a level tax rate?
Staff answer: It is throughout the long-term sustainability plan – seven years. Rates can start to reduce in 2022 because debt service begins to go down unless Council chooses to add new projects to the Capital Improvements Program.
- Dunn: Debt could be paid off early, if money wasn’t spent on projects.
- Butler: If we drop the tax rate, then we need to reduce our spending/services, but if we increase the tax rate, it doesn’t mean it would be spread throughout the budget, but it could give us a head start on funding our reserve.
- Burk: It is really important to look at what other localities are doing in the area – we can see that Leesburg is still one of the lowest areas and providing a lot of services within that tax rate.
- Hammler: Assessments are predicted to increase 2% per year, but what is the prediction for the inflation rate?
Staff answer: 2%
- Hammler: There is no room for additional Capital Projects; however, the \$2.5 million reimbursement for Hope Parkway could be used to either pay down debt or increase capacity for additional projects. Would like to consider putting the bike lanes on Plaza Street and money for a match with the county to get the Veteran’s Park project rolling. It is important to get an answer on who and how they will be responsible for TMDL and anything that is in the town’s capital projects list.
Staff answer: Hope Parkway funds are programmed into the CIP, so the current CIP projects assume that the Hope Parkway money will become available starting 18 months out and then across the next five year period. It has already been programmed into the Long Term Sustainability Plan. It is not extra money, but money that will be used to avoid borrowing bond proceeds.
- Hammler: So, \$57,000 for the bike lanes on Plaza Street cannot be funded this way?
Staff answer: The threshold for Capital Improvements Projects is generally \$60,000, so we would look to fund something like that out of the General Fund.
- Hammler: I would like to consider a second recycling day given that the bins are small and do not have covers or bins with covers.
Staff answer: It would cost approximately \$600,000 for bins with lids.
- Hammler: Is \$22,000 for downtown recycle bins possible under the \$0.183 tax rate?
- Hammler: Are the additional crosswalk safety items included in the budget?

Staff answer: They are included in this year's operational budget.

- Hammler: As far as the additional overtime for police, the citizen expectation was that would be normal operational activities.
- Hammler: When did the town stop charging for the July 4 regional event?
Staff answer: In 2006, at which point Council made the decision to give back to the community rather than make it a revenue generating event.
- Fox: Has anyone given any thought about what would be necessary to reach the equalized rate - \$0.18? Have there been any discussions about how to hit the equalized rate? What are the cost factors that make that impractical?

Staff answer: Debt service is the primary driving factor with a spike in 2017. The Long Term Sustainability Plan sets aside the first two years to get us past that "cliff". The \$0.183 raises revenue as we go so that we cross the "cliff" with enough money to keep the rate level through the next seven years.

- Fox: Keeping the rate level for seven years is tantamount to a tax increase for everyone for the next seven years, if you assume a 2% increase in assessments?

Staff answer: Yes.

- Fox: I would like to consider some different opportunities for the skate park. There is an opportunity to save a little money.
- Dunn: Do we have the revenue numbers for the towns that we are compared to? How do the tax rates compare in actual dollars? Throwing out tax rates is not necessarily clear because there are other factors that go into that. Someone could have a multimillion dollar homes and a much smaller tax rate, versus other localities that have lower valued homes and a higher tax rate. Would like the dollar amount of revenue and population size.

Staff answer: Those numbers can be provided tomorrow.

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

The public hearing was closed at 7:58 p.m.

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

ORDINANCE 2015-O-008

Ordaining Chapter 20 (Licenses, Taxation and Miscellaneous Regulations), Article II (Taxation Generally), Section 20-22 (Annual Levy and Rate of Taxes), and Appendix B (Fee Schedule) Setting Tax Rates on Real Estate, Vehicles Used as Mobile Homes or Offices, Tangible Personal Property, Real Estate and Tangible Personal Property of Public Service Corporations, and Setting Utility Water and Sewer Rates for Tax Year 2016

Council Comments:

- Martinez: One of the things I have talked with staff about is a conservative tax rate that covers everything needed. If the economy changes, things may need to be reassessed; however, staff has proven itself in managing the budget well.
- Hammler: I do not have a problem voting for the tax rate tonight; however, I did not bring my computer because I brought my binder and I figured we would be digging through that. I just don't remember what is on the agenda for tomorrow in terms of each of the other votes we have and the opportunities for tactically looking at specific line items that could be added or subtracted that doesn't impact the tax rate. Is that what we will be doing tomorrow?

Staff answer: Right now, you are dealing with the tax rate.

- Hammler: If the items suggested tomorrow night do not impact the tax rate, I will be supporting the existing tax rate of \$0.183, which is on par with the inflation rate. It is reasonable in light of the no-frills budget. I have examined and reviewed every line item in this budget document and created over three hours-worth of questions at our budget work session. I did follow-up on some bigger ticket items – for instance \$4.5 million of additional revenue is technically coming in with the ambulance reimbursement and how that could offset the need for town funds and I feel confident that it is important that we work together to see how those funds come in. I appreciate the positive support from Mr. Wolfe and Mr. Kaupin regarding having an official liaison to the Fire and Rescue as we examine FY 2016. Also, I appreciate that we did not dip into our rainy day fund, as the county did, to reach an equalized rate. From our perspective, ours is a fiscally conservative, sustainable and manageable approach. I assume we will not be able to get to an equalized rate in the future. We need to start looking at new ways of doing business and initiate projects to get us there immediately that will either decrease expenditures or increase revenues. One specific item will be looking at new capital contribution guidelines to ensure that we are getting the maximum amount we should be for police, public safety, TMDL types of projects, parks and recreation, and other things. I know we will be having important discussions about Balch, Fire and Rescue, and also believe we need a task force in place between the police department and sheriff's office to come up with some very specific ways that we can increase and maximize all efficiencies between those departments. Everything will have to be on the table including the fact that we haven't raised our meals tax since 1986. I am extremely proud that our town has achieved a AAA bond rating through fiscal responsibility, predictability and long term planning.
- Fox: I think the \$0.183 tax rate is responsible. I have gone through the numbers, see what has been planned and it is responsible; however, I have a problem with committing to seven years of tax increases. I reserve that judgement.

Staff answer: The tax rate for seven years is based on current projections. The tax rate decision is something that will need to be made each year.

- Fox: Is this what gives us our AAA rating? If we don't keep to the plan, we are in jeopardy of losing our rating.
- Martinez: That would be the worst case scenario – keeping the \$0.183 tax rate for seven years.

Staff answer: It is not the worst case scenario, but a conservative case.

- Dunn: Would rather vote on this tomorrow after we have had a chance to look at the budget to see if there are other areas we can adjust our spending to warrant a lower tax rate, which I think is possible. Would like to make a motion to offer a lower tax rate.
- Butler: It is a seductive thought, but I reject the idea that the equalized tax rate is a stable tax bill. We have to take into account that inflation is 2% per year, then raising the tax rate 2% every year assuming constant residential prices, is an equalized tax rate. If we do not take inflation into account, we have put in a structural, inflation based tax cut every year. Doing that has put us in the bind that we are in. As long as we don't spend any money, everything is good, but that is not the kind of town that most people want to live in. A constant tax rate for seven years is misleading, because the tax rate out of context says nothing regarding the average tax bill. Taxes can go up, even if the tax rate is down. A constant tax rate does not mean a constant tax bill. In 2008, our tax rate was \$0.18, and now it is \$0.183, but interestingly, the average tax bill has gone down 35% since 2007, which is more than any other community in the country, I'm willing to bet. We have strapped ourselves so that we are worried about spending any money that would improve the quality of life for our residents. A tax rate of \$0.19 would strengthen our fiscal situation considerably. It would provide an extra \$450,000 in this fiscal year, which could be used for projects such as the bike lanes on Plaza Street, but it would help us increase our undesignated fund so that we would be able to respond to fluctuating economic conditions. Last month, we heard from most departments that they need more resources to be responsive as our population continues to grow. Our current budget provides none in the general fund and low probability for the next six years. This is a concern. We also have had a recession, but that recession ended in mid-2009. The expectation is that we will have at least one in the next seven years. If we don't do something responsible now, in a couple of years we will have no choice but to raise the average tax bill significantly or start limiting essential services. An average tax rate of \$0.19 would still put us below the average tax bill from 2013. It would still represent a tax cut from 2013 – that is significant. This is not increasing taxes beyond the ability of our residents to pay. A couple of years ago, they were paying higher tax bills. All of this would provide a little headroom to get us through the next few years. I would like to make a motion to readvertise the tax rate at \$0.19 and provide Council with a little more flexibility to make fiscally responsible decisions.

Council Member Butler offered a motion to amend to advertise a \$0.19 tax rate. The motion was seconded by Council Member Martinez.

Council Comments/Questions:

- Umstatted: Is there time to readvertise and get the tax bills out?
Staff answer: Two weeks advertisement would be required for a special meeting in order for the tax bills to go out on time.
- Martinez: If it will delay the bills or require a special session, I am not in favor of this.
- Dunn: I respectfully disagree with Council Member Butler. I do not agree with raising the tax rate, obviously, but to bring up that Council had something to do with the taxes going down 35%, I think the housing market had something to do with that. Now, if Council wants to take credit for lowering taxes 35%, they need to take credit for the crash in the market too. I doubt they want to carry that on their back. The other thing that continues to happen year after year is Council never really seems to find any ability to find any true cuts in the budget and that they only way we talk about being able to salvage our situation in these, whether you consider it, dire straits or not, is to increase taxes. Never do we talk about any substantial cuts. This was brought up last year at this same time that we need to look at the county for helping us fund other items. That got pushed off all the way until January of this year and then when we finally got into a discussion of it, Council decided we are not going to look at any other funding options from the county other than possibly police department and fire and rescue – two items that would be nearly impossible to get a consensus on for any reduction in funding and two that I did not necessarily agree with. I think there are other areas that we can cut in the budget that could reduce our spending and be answers to our situation rather than just always looking at spending more money and provide a number of services that the citizens are looking for because currently, as I have often said, year after year, we get the same discussion. I have been dealing with this for six, eight years now – this budget and the same Council dealing with it – is we never want to make any true cuts. We just want to claim that we have to raise taxes or we are just going to get by and we claim that we are doing all that we could possibly do, and yet I don't see that as being true. Katie mentioned the other day, why don't you bring some real ideas rather than just making comments? Well, I have done that. I have talked about how we could look at better managing brush pick up. What happens then, is people like the Mayor, she will make comments like "oh, so you want to cut brush pick up?" No. It is always some type of political gesture that gets made to make a headline in the paper and we can't manage our budget by political headlines. If we really want to consider how we can better manage the budget, we have to make suggestions on how government is being managed and another example is I put out ideas on how you could possibly manage the Balch Library a little bit better to help reduce some of those expenditures because per capita, it is one of the most expensive

services that we provide based on the number of people that use it. Those fall on deaf ears. I wrote down a number of things that the county could be paying for in the town. We decided not to take those up. Supervisor Reid is here tonight. Maybe he will talk about that, I don't know, but there are areas that we could be doing so much more, but we chose not to, but we want to have the people out there in the public think we are absolutely doing all we possibly can and the only thing we can do is raise taxes or have taxes increase at the rate of inflation. Well, maybe we should consider cutting costs at the rate of inflation, but we never mention that. So, I can't support a tax increase or readvertising of the tax increase. I can't even support the current suggestions of the taxes being this level because I think there are other things we can do and also reduce the spending and not affect services to the community.

- Butler: I just want anybody who is watching from home – I have a graph showing the tax rate and the average tax bill since 2007 in case anyone wants it.

The motion to readvertise a higher tax rate failed by the following vote:

Aye: Butler

Nay: Burk, Dunn, Fox, Hammler, Martinez, and Umstatt.

Vote: 1-6

Council Member Dunn moved to postpone the vote on the tax rate until after budget discussions at the meeting on April 14, 2015. The motion was seconded by Council Member Fox.

Council Member Comments:

- Hammler: I have no problems supporting that. It is not going to make a difference other than the fact that it would be helpful if we could get some specific numbers around what it means to manage brush pick up differently relative to what the savings will be depending on what that means like how are we managing that differently and how does it translate into a budget savings. So, if we could that information. The same for Balch, just so that we could actually review that tomorrow meaningfully, I would appreciate it.

Staff answer: We need much more specifics – those are very general requests. How to manage it differently, how to operate differently – that is not specific enough to give us direction.

- Hammler: Council Member Dunn has specific ideas.

Staff answer: If that can be provided, we would need that tonight so we have tomorrow to prepare so that we can be ready for tomorrow night.

- Dunn: You are welcome to review almost any other budget session we have had over the last six years because I have almost always brought it up.
- Hammler: There must be some specific dollars associated with a specific program suggestion.

- Dunn: If you'd like, I can talk about it now or I can talk about it tomorrow, but I don't think we are talking about the budget tonight and whether we are going forward with that, but it is nothing new. I have brought it up every year. So, I can repeat it or I can refer you to previous budget sessions and the information is there.
- Hammler: I would appreciate it, whatever it is, because it sounds like you know exactly what it is – just tell the town manager so he can be prepared by tomorrow night. I think there is a slight disconnect.
- Dunn: Well, I think that what you are going to find, Katie, is that as Kaj has mentioned to us and his staff and the department heads that are out before us, is that this is the best budget that they can prepare. I don't think that they are going to take any suggestions I have as – they put the best effort forward. They are not going to consider other management ideas – this is the best they can do. By the way, we have, myself and other Council Members have put proposals before Tom Mason and how he could possibly manage certain efforts better and those have not taken place. We have also mentioned or at least I have, that there are ways we could cut back in doing certain milling and paving. Nothing happened in there, but the next year when John Wells offered the same dollar amount of cuts, Council agreed to it, but not when Council Member Dunn brings it up. So, again, you want some numbers – I'll throw some numbers at you. Whether staff is in agreement, I'm sure they're not because they haven't been for years. So, we keep the Balch Library open all the time for 20 visitors a day. Staff has to be there for that purpose. I have made simple suggestions that you could have a reduction in staff and still meet the needs of those 20 people that want to go to the Balch Library every day by simply making it as an appointment only service. Again, we don't do that. So, sure, you want me to come up with things?
- Hammler: That was specific. So, probably the town manager can give us a number if we went to an appointment only service for Balch – how would that impact a decrease in the budget and in terms of the brush pick up, what are you suggesting?
- Martinez: Point of order. We are talking about the tax rate and not the budget. Can we focus back on the tax rate?
- Hammler: I'm justifying why I would support waiting until tomorrow as relates to the tax rate, but point well taken.
- Burk: I would rather vote on the tax rate tonight so during budget discussions tomorrow, we know what the tax rate is and how much money is there. I think it would be much more helpful to the discussion tomorrow when you talk about different things that you want to add or take out that you have the final numbers and I think that by voting on it tonight, that's what we will accomplish. That is why I would support voting on it tonight.
- Butler: I agree with the Vice Mayor. I would just as soon get the tax rate out of the way and we can have a budget discussion tomorrow. If we happen to save \$40-50 thousand dollars, I will make a motion for the bike

lane, but if we do get to our undesignated fund balance a little bit quicker and have a tiny, wee bit of headroom for anything that pops up during the year.

- Dunn: Again, with respect to Dave, that was a perfect example of if there is savings, we will actually look for more ways to spend. It's sort of like the sale at the store – the more you spend, the more you save. We are saying go ahead and figure out what the tax rate is so we know how much money there is. Even if you come up with savings tomorrow night, and that were voted on, we are going to turn around and find ways to spend that savings. To me, that doesn't make sense. So, I can't see voting for a tax rate when you haven't even figured out whether you have all the spending you want in line unless you are just saying "Hey, tonight I'm not going to listen to any tax cuts tomorrow, and if we do actually vote on any type of cutting of the budget, we are just going to find other areas that we can back fill it in." To me that's counterproductive. I would still recommend doing the tax rate after the budget tomorrow.

The motion to postpone the tax rate vote until Tuesday night failed by the following vote:

Aye: Dunn, Fox and Hammler

Nay: Burk, Butler, Martinez and Mayor Umstatt

Vote: 4-3

On a motion by Council Member Dunn, a tax rate of \$0.169 was proposed. The motion died for lack of a second.

Council Member Comments:

- Burk: I understand where Council Member Butler is coming from, but I do think that this is a responsible budget and tax rate. I think that, unlike the County, we have not dipped into our rainy day fund and I think they are going to have a hard time next year because they are taking away funding from a savings account that won't be there next year. I believe that the services we are providing do increase the quality of life in Leesburg. Sure, there are things we could add, but I think at this point the quality of life in Leesburg is pretty amazing and the services that we provide are certainly services that the public appreciates. I am always amazed that staff does such a good job with all the different budgets that we have put forward. I think the \$0.183 is where we should be at this point.

The motion to adopt the \$0.183 Tax Rate was approved by the following vote:

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

Nay: Dunn and Fox

Vote: 5-2

4. ADJOURNMENT

On a motion by Council Member Butler, seconded by Council Member Dunn, the special meeting was adjourned at 8:27 p.m.

Kristen C. Umstattd, Mayor
Town of Leesburg

ATTEST:

Clerk of Council
2015_tmin0413spec

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

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

Council Members Absent: Council Member Dunn arrived at 8:01 p.m.

Staff Present: Town Manager Kaj Dentler, Deputy Town Manager Keith Markel, Town Attorney Barbara Notar, Director of Finance and Administrative Services Clark Case, Director of Parks and Recreation Rich Williams, Chief of Police Joseph Price, Director of Capital Projects Renee Lafollette, Assistant to the Town Manager Scott Parker, Director of Planning and Zoning Susan Berry Hill, Director of Utilities Amy Wyks, Library Manager Alexandra Gressitt, Management Analyst Lisa Haley, Management Analyst Jason Cournoyer, Interim Information Technology Manager John Callahan, Director of Economic Development Marantha Edwards, and Executive Associate I Tara Belote.

AGENDA

ITEMS

1. **Work Session Items for Discussion**

a. Budget Work Session – Final Mark Up

Supervisor Ken Reid: “Thank you, Madam Mayor. I appreciate the time because from our chairman, it wouldn’t be the same for you. In fact, when we had that transit meeting, they didn’t even want to move the agenda around so that you, Katie and others could participate. That was really tough for me to see. Thank you very much and I appreciate you not raising my taxes too. I just wanted to go over some issues that happened with the County. I have copies to give you when I’m through. First of all, good news. The board did fund resources officers for the town to the tune of \$507,575. This is an increase from \$451,566. We waived the tipping fees for the landfill. So, you got your tipping fees. You have \$1.2 million in NVTC gas tax. This is a decrease from \$1.4 million because the overall gas tax has dropped because of the decline in gas prices, as we have seen. We have still not figured out what we are going to do when Metro has to take that money when Metro comes into Loudoun. I found out the other day that it may be 2017 that we may have to fork over the gas tax and that’s about \$10-11 million so the town is not going to get its one million and the county is not going to get it for its buses and so forth. We have discussed it, but I think it’s something you have to start thinking about what you are going to do in 2017. The other change is at Edwards Ferry Road and the Bypass and the Route 7/Battlefield parkway are in line for funding. In fact, this Wednesday night, the Board was going to approve the request for \$11 million for design and engineering of Battlefield and Rt. 7 interchange and \$1 million to start the work at the interchange of Edwards Ferry Road and the Bypass. Thanks to your letter, which I think was either last fall, the Board also agreed to put the Battlefield Parkway/US 15 bypass in ___ Improvement Funds, about \$2 million earlier. So, now we will

be applying for that for Fiscal 17 as opposed to Fiscal 18. Then again, thank yourselves for sending that letter, because that's what did it. The Courts expansion is proceeding. This is an \$87 million expansion that now includes a larger garage at the Pennington Lot and we are going ahead with phase IV, not just phase III because it's more cost effective to do it that way. Despite a 5/4 struggle last month, that I was very disturbed about, which removed Crosstrail Boulevard from the CIP, we were able on final passage to get a 5/4 vote to restore the road in Fiscal 19. As you know, despite the fact that we opposed this and you wrote an excellent resolution to the Board, obtained late, but still it was an excellent resolution opposing the Tuscarora Crossing development and despite my efforts, the project was approved and we are basically dependent on the developer to build the road. Having it in 2019, at least, is an incentive. Of course, if we get the development, which we didn't want, at least the majority of the Council and myself, but they reduced the density and they got their fifth vote. So, that's what happened. I also wanted to note, that despite what some people are saying – that we sacrificed a school, the Douglass High School expansion for Crosstrail – it's not true because, again, if the School Board can figure out what it wants to do with Monroe Technology Center and if they want to put Douglass High School there and spend \$40 million, which frankly is a waste because they could knock the building down and probably build a new one for less, they could still put it back in the CIP if Crosstrail Boulevard is being built by the developer. It is cheaper for them to build it than for the county to build it. So, the Douglass High School expansion will still happen, as far as I'm concerned. The bad news is despite the showing of the Mayor, and myself and the delegation to the Commonwealth Transportation Board, as far as I can see, they did not restore the \$2 million for Edwards Ferry Road and the Bypass interchange in 2015 – 2020 six year program. Now we did have an item this Wednesday to ask for it again, but we are going to be getting some NVT A money to at least start the project. As for Veteran's Park, this was on your list of requested projects. I did work with Mr. Dentler to see if the town can go 50/50 on a feasibility study, but I believe the Board would rather see the town go ahead and put the money in yourself and we can see where work goes from there. There were some from Leesburg that would like to see private trails in there, so that's one possibility. If there was any way you could shave down the cost for that road access, it would be a lot easier. But, no, there is no funding for Veteran's Park from the county side. The animal shelter also went through despite my efforts to get a cheaper alternative. I think that the purchase of 1-3 buildings that we identified would be less than \$15 million, but the voters did approve that bond money so it was a situation where the board voted to go with that shelter about a 1000 feet from Kincaid Forest. I don't believe there is going to be an impact, at least that's what our former animal director said, but I still believe it is a waste of money. Lastly, I want to update you on the courts expansion. The BAR is meeting downstairs and I was sitting in, but I wanted to come up to speak to you. We are getting a report Wednesday night on the cost of reducing the two most historic buildings at 110 and 112 Edwards Ferry Road,

which as you know are antebellum homes. The cost of that is about \$289,000. There is, of course, no money really for relocating 106 and 108. We have a bid out on the street to find somebody to remove that. I know the BAR is not really keen on that, but I swear if you know people who would like to take those two buildings off...one of them is actually from the 1930s. It is not as old as they thought. That's 108. I think that's a good move because I really believe the Board is going to be very, very difficult even Wednesday on \$289,000. It really is a shame that some of the Board members are opposed to spending even that kind of money in Leesburg when they know that historic preservation is so important for this town and for this county. The Skate Park, which you are apparently voting on to the tune of \$544,000. I was working on that with Mr. Wells last year and I think there was a discussion with the school staff about Douglass Community Center, but I don't think there has ever been any kind of a high level meeting between you, Madam Mayor, and maybe Chairman Hornberger to discuss it, but I still believe that there is a role that the county could actually find a place for that and then it could become a county run facility because that land on Catoctin Circle is extremely valuable. I know that the rescue squad would like to have a piece of that land for expansion. So, building a parking there, I didn't know it was coming up that soon, but I would strongly urge you to look at other locations. Again, I will be writing about this for the next coming months and putting up a list for you of areas where really the county could be helping to fund town functions. I would be happy to answer any questions."

Council Questions:

- Dunn: Do you know whether the school board or the school system is willing to work with County parks and recs in transferring land that could possibly used for the skate park?
Reid answer: Well, Douglass is eventually going to turn over to the county because eventually Douglass High School is going to move out. When the Loudoun Academies are built in 2018, Monroe VoTech is going to vacate Monroe VoTech and that would free up that space for Douglass High School. But, if we are in fact, having a lot of special needs kids who need more space, the County School Board could go out right now and buy a free standing building. There are so many office buildings on the market that are not being rented and so that means that they could vacate Douglass and therefore that could open up room for the Skate Park, but it seems like you have it pegged for 2016. I don't know how much of a priority it is, but I know it is having some issues. I still believe it is worthwhile for members of Council and the Mayor to have a meeting with Chairman York, Chairman Hornberger to see if there is a way that the county can find some land for it. If not, you have Ida Lee, of course, but that is your decision, what to do with it.
- Martinez: I want to thank Ken for coming by and updating us. I appreciate it.

Council Budget Mark Up:

- Dunn: I don't know if it is worth even doing it tonight or just wait until tomorrow because tomorrow's the public hearing on it. I don't expect any cuts to be made. I'll just save my comments for tomorrow, because I don't expect anything productive to come out of this evening.
- Butler: I have a few things. One is, tomorrow I will make a motion to add \$50,000 to the budget to paint the bike lanes on Plaza Street.
- Umstattd: I would ask for straw votes tonight to give staff some guidance for the final presentation. I could do that issue by issue.
- Butler: It was supposed to be done eight months ago, and hasn't been done. We could take the \$50-54 thousand from undesignated funds, which would not reduce it more than a tiny bit and we could worry about it next year. There have been a lot of residents asking about it.
- Hammler: I would support it.
- Fox: I like the idea, but I am a little hesitant to support it because I feel like that we need hear other budget decisions. To me, if you are going to add something, something else needs to come out, especially since we have now voted on a tax rate. At this point, no.
- Martinez: I am all about the bike lanes and walking paths and such and I would really like to support this, but my only concern is that if we start adding things to the budget, adding these types of things, we are going to have to pull something out and that's a whole other work session. I will support it now, but I want to see what the end result is tomorrow and how it affects the budget.
- Burk: I am in the same position. I will support it tonight, but we will have to see when it is all said and done.
- Butler: I would bring up the crosswalk over the bypass and trail improvements at Battlefield Parkway. It is a capital project so it will have no impact on this fiscal year's budget. What it will do is put a place holder in the capital plan so that residents who live in Potomac Crossing, Exeter and other developments around there know that we have heard their concerns about crossing the bypass, we've heard their desire to go to the shops and all of that and we intend to do something, but I would not recommend it for this year.
- Umstattd: What year would you want that as a CIP project.
- Butler: I don't think it matters at this point – it could be two years or three years. I would be fine with that. Staff could come up with a specific year that would make the most sense. I think the initial quote by staff was \$510,000 (design, utility and construction).
- Burk: I can't support that.
- Martinez: (inaudible).
- Hammler: I would need to know the source of funds.
- Fox: I don't think I could support it either, at this point.
- Dunn: I don't have a problem with adding it to the future CIP – that just puts it hanging out there unless we are voting on it for this year's budget, it really doesn't mean a whole lot. You can keep postponing it.

- Butler: All of the projects in the CIP that aren't currently underway are hanging out there. Source of funds would be the same as all of the other capital projects that we have in the capital plan.
- Dunn: I don't have a problem going forward, because it just pushes it out there.
- Butler: I plan to bring it up as a motion tomorrow during the CIP discussion. Another thing I will bring up is \$300,000 to add an active water feature at Mervin Jackson Park. Again, this will not affect the current budget. It will also not affect the current improvements at Mervin Jackson Park. It will simply be in addition to. The reason for this is part of our downtown vision is arts, entertainment and dining and this falls in the entertainment category. The purpose would be to draw people downtown. I think it would be an effective draw. When staff proposed drawings, that was the most popular feature proposed.
- Dunn: I'm a little hesitant on it because when we voted for the Mervin Jackson Park, I think we had certain budget numbers in mind and I think this is well above our original budget.
- Butler: Originally, we paid for Mervin Jackson Park out of cash. It was not a capital project so that made budget targets smaller. It was less than \$100k. Staff answer: It was \$30,000 plus staff labor.
- Dunn: With interest, that will take it up to \$365-370. I'll have to pass on this one.
- Burk: Again, that's another one. I don't know exactly what you mean by water features. I would need some more information, but be willing to discuss it further.
- Martinez: Not right now. Let's get the parking going the way it is.
- Hammler: I am looking forward to a comprehensive look at truly making that a destination to include redesigning the rose garden, even considering an amphitheater, considering we are just seeing a groundswell of incredible opportunities for ongoing entertainment with Todd Wright moving into downtown, any number of things, a passive water feature. But a couple of things, one, we don't know where the skate park may be located to see if funds will be freed up. I still don't have a clear answer – you know it is one thing to just to put something on a future year given that we have floated bonds for certain projects, we don't have any funds that will ever be available unless we float more bonds, unless I am misunderstanding the process. So given it is an out year, we would benefit from a comprehensive look at integrating this type of feature. I just have to hold out until I understand where and how we could pay for it doing the best possible project.
- Fox: I'm with what Kelly said. I'm not opposed to it. I think having a feature or something like that – I don't know much about it. I wasn't here when Mervin Jackson Park was passed. I would want to learn a little bit more about that, exactly what the cost would be and what it would look like. I think anything that draws people downtown would be a good thing, so I'm open to it.

- Butler: I would like to ask staff to break Tuscarora Creek mitigation project into two projects. It does not mean that the cost needs to go up. It does not mean that you need to do them as separate projects. You can still do them as a single project and gain efficiencies. Basically the project is more or less the same for a number of years. It jumped from \$900k to about \$1.3 million, which was a natural progression of things since it took eight years to get to that point. Staff asked DEQ to fund half of the amount, and it did – it gave \$640k to fund half of it. This CIP, the project has changed to \$2.9 million. The implication for the increase is that the additional money was to make the residents of Virginia Knolls happy with the project, but that is not the correct narrative. What is actually correct is to alleviate the residents concerns, lets say we said forget TMDLs. We don't want to worry about TMDLs; we're done. I will cost an additional \$1.1 million from now to meet the residents concerns with the project to fix the creek. Even if you assume that the entire \$500,000 that has already been spent by the end of the fiscal year is all towards just fixing the creek for the residents, that would make the total cost \$1.6 million, so we have gone from a cost of \$1.3 to \$1.6 million to meet the resident's concerns, is not unreasonable at all and I don't think anybody on Council would object to that. It is a total of \$1.6 million. You did have \$1.3 million of which \$640,000 back from DEQ, is in fact half is for a strikingly similar TMDL project. The \$640,000 received from DEQ has nothing to do with the resident's flooding concerns. It has everything to do with resolving the TMDL concerns. They are two separate projects and should be kept separate. They can be executed together for maximal efficiencies, but we really should keep the TMDL separate and here is the reason why. The main reason why is we would have an exact accounting of what we are spending on TMDL mitigation because currently we are paying with the county and we shouldn't be. The County's MS4 permit does not include Leesburg in it. It does not. It is completely separate. All the TMDL things that the county does, does not benefit the Town of Leesburg in any way. This is a very important point that we need to engage the county now in order to either a) have them not charge our residents for the TMDL projects they have or b) reimburse the residents for the money that they spend on TMDL mitigation, or c) reimburse us for what we spend on TMDL mitigation. This has a larger financial impact to the town than anything we are going to talk about tomorrow. It is bigger than fire and rescue. It is bigger than anything we are going get for the police. It is bigger than anything we are going to save on trash pick up or anything else. It is a huge amount of money for our taxpayers. And so if these are separate, we can show the residents of Virginia Knolls, this is obvious. This is clear. The project went up a few hundred thousand to make you happy. We are all happy about that on Council. This keeps a separate accounting for the TMDLs so that we have that data point to go to the County.
- Umstaddt: Is your concern because TMDLs are paid for out of regular tax dollars, this is part of the double taxation problem?

- Butler: Yes. It's huge and with the fire and rescue, the county can argue that we chose that. The TMDLs, we can't. We can't not do the TMDLs and they cannot do it for us because the MS-4 doesn't include the town of Leesburg. It is a significant financial concern. I just want to have them separate. I will vote for both of them. It's all the same pot of money, but I just want to keep it clear.
- Umstatted: Can we do that? If we keep the project as I understand it from a design and engineering standpoint, identical to what you are recommending and what the residents are supporting, but we account for the funds so we break out the TMDL cost. Can we do the project that way?
Staff answer: We can do the project that way. If we build it as one project, we keep the efficiencies and we don't have the increase in cost of building two separate projects. We can account for it either way, whether it is two separate pages or it's one page. When I bid the project and when I do the additional task order with the engineering company, I have them separated out. These are the hours for the flood protection, these are the hours for the TMDL and when we bid the project, we have the bid documents set up in sections for each piece so we can clearly track it that way. It can be done either way.
- Burk: If it can be done either way, I don't understand what's the issue?
- Umstatted: It allows us to better make the case that our residents are being hit with an additional tax burden because of this state/federal requirement. This wasn't our brainchild. This is what the state/federal governments came up with and imposed upon us. I like being able to explain to our residents exactly what is happening and why we are dealing with unfunded mandates, which is what this is.
- Burk: Why is this different than what they are doing now?
- Butler: Because if you look at the capital plan, it looks like we are spending \$1.6 million to accommodate Virginia Knolls. That's exactly what it looks like, but it is not true. We are spending \$200,000 to accommodate Virginia Knolls, we are spending \$1.3 million to accommodate the DEQ and the Federal government.
- Burk: Is that accurate?
Staff answer: For the most part, yes. That is accurate. If you have a separate page that shows the \$641,000 that we got from DEQ and our matching, it separates it out easier than mixing the other funding. In my mind, I can do it either way.
- Hammler: I think that's a great idea. The bigger issue is what is the timeline and how are we approaching getting an answer about being added to the County's MS4 permit so we know how we can get reimbursed moving forward?
Staff answer: The TMDL program, we have a work session discussion at your next work session. That is our starting point to make sure that you are fully briefed. We understand all of your concerns and then we can go forward starting to have conversations with the county.
- Hammler: That is pretty straightforward. We don't even need a work session discussion on that.

- Staff answer: The Council had asked for a work session to fully understand the TMDL program. That's why it is scheduled. If you don't want that, it's fine. It would be beneficial for you to hear and to know.
- Fox: I agree with Dave as well. I do have a quick thought though. With the TMDL, what impact does that have on our budget going forward. Is this something that has been taken into consideration seeing as in the previous discussion it has been mentioned that some of these DEQ guidelines have been changing and will become more expensive in the future. Has that been accounted for, because we are passing this budget now. I'd like to know.
Staff answer: Since we are, and we are not the only jurisdiction in this situation. We are having to feel our way through what all the new rules and regulations are. Coming up with maintenance costs right now for what we are doing is truly an estimate on what we are looking at. What I am planning to do in our construction contracts is to put a two year maintenance on the plants and the work that is done on the TMDL projects as part of the projects to give us some time to figure out what our maintenance costs are going to be going forward. When we bid the initial ponds and we bid the Tuscarora Creek TMDL project, I plan to put a two year warranty period on the contract.
 - Dunn: I'm all for the idea and the only thing I'll throw out is it has been challenging to get the county to come forth with the funds. They have enjoyed the millions of dollars they get from the Town of Leesburg over the years and we just don't see anything back. So, they almost act as if we are taking something from them. It's kind of like anything you do. If you give somebody something, they feel like it is being taken from them even though it was never really theirs to begin with. I am hopeful that this is a true start to the Council's going forward efforts to continue to try to get more town dollars back from the county working for town services and projects. But, while this may seem clear, there are plenty of dollars that we leave on the table that are very clear we have just not been getting anything back. I support this and then some.
 - Umstatted: That has very strong support.
 - Hammler: Two small things and then a question that we can absorb what was estimated to be the \$5,000 for the pedestrian safety program that had already been approved by resolution for the crosswalks.
Staff answer: We are taking care of that this fiscal year.
 - Hammler: And the \$22k for the recycling bins for the downtown. Is that something that can be absorbed this year.
Staff answer: I can't tell you that at this point. If we want to try to absorb it this year, I would need to wait until we get further to the end of this fiscal year to know exactly where our departments are, and then I can make that decision.
 - Burk: What are you suggesting?
 - Hammler: That we would add to the 22 bins in the downtown that are just trash – that we would have recycling bins available to be able to recycle things.
 - Burk: Do the downtown businesses recycle?
Staff answer: Yes. This would be for the public. It would be adding the blue recycle cans adjacent to the black trash cans throughout the downtown. There

are 20 cans at \$1,100 each. The question that I thought I heard you ask is can we absorb that in this fiscal year.

- Hammler: You have a \$50,000 budget.
Staff answer: No, I don't. I asked for \$50, but I don't have it yet.
- Burk: Can we do less than 20?
- Hammler: That would be a good idea. Can we at least figure out how to start?
Staff answer: That is the better way to go – go small, add as we can. If we have funds in this fiscal year, we will move in that direction, if that is your desire. If you are asking me, can you put \$22,000 on the table right now, I can't commit to that until we get closer to the end of the fiscal year to see where our departments are.
- Burk: I'm not sure I want 22. That seems like an awful lot to me downtown. I would be okay starting small and adding a couple at a time.
- Hammler: It was a discussion we had at the Saturday morning session. The other is kind of a general comment leading into my question which is we received our binders this year and then the separate presentation with three bullet points on what the proposed enhancements were. I know in prior years, the binder actually highlighted and had much more comprehensive information detailing what each of the new enhancements were. I know we did receive, for instance, an entirely separate presentation from Renee about the Capital Project studies, and I know it was a simple straight forward answer on the technology investment from Clark, but I have gotten a number of questions on the police overtime and I am not in a position to answer exactly what that is going towards particularly given I know we have the \$5k to the safety program. The response was that I would expect, as a citizen, that is being absorbed, so at least if we could get a little bit of detailed information and then in the future, could it be in the binder because citizens will not be able to cross reference between power points.
Staff answer: Of the \$42,000, I believe \$32,000 of that is what the police department is already expending in overtime to operate. The additional \$10,000 is for the additional crosswalk and traffic enforcement as well as various security enhancements.
- Hammler: I could not answer the question, when asked, why does it require overtime for the police to do the crosswalk enhancement?
Staff answer: It is not just for the crosswalk. It is for specialized, tailored enforcement. For example, we have been told that the Council desires increased presence during First Friday. There was discussion on Council to have increased police presence during Council meetings. Those are two of the examples of what that \$10,000 would cover. The \$32,000 is actually just to increase the amount of money we are already spending on criminal investigations. The current homicide investigation we have is a perfect example of that. That required all of our detectives to be involved, plus for a period of ten hours, we had 17 people in investigative retention. That required additional people to be brought in in order to secure them while the officers on duty performed their normal tasks.

- Hammler: Could we get the break down for the \$10k, which are for Council meetings and which are for the specialized, tailored crosswalk? That would be helpful.
- Fox: For the \$30-32k, what is the breakdown for salaried as opposed to those paid hourly? For the investigators, is everyone who is on site paid hourly? Staff answer: Yes, as well as the additional patrol officers who had to be brought in for scene security and security of the 17 people we had in custody. That's just an example.
- Fox: I was going to bring this up under new business. It's something small, but I still think it's part of the budget. As far as Public Works is concerned, we did have an email this week about winter yard waste removal and we had a concern from a citizen who thought it was potentially wasteful to have trucks make rounds in the winter seeing as there is not a lot of leaves and debris. I understand sometimes there are fallen branches and things like that. I thought maybe we could take a look at those numbers just to see if there is anything workable in that. I know it would be a small drop in the bucket, but still would help. The other issue I have just has to do directly with the CIP. Of course, Skate Park, and I can address that tomorrow.

2. **Additions to Future Council Meetings**

Council Member Burk requested a discussion over development impact to services. It was noted that Capital Intensity Factors are on the agenda for May to look at increasing the per unit school proffer amount. Council Member Burk stated she would like other services be added to this topic.

She encouraged everyone to participate in the Keep Leesburg Beautiful trash clean up efforts.

Council Member Hammler requested the following:

1. Discussion of the opportunity to get additional park land proffered for Ida Lee during the O'Connor property rezoning. There was consensus for putting this on a work session for discussion despite concerns that without a land development application, discussion is premature.
2. She reported that the Technology and Communication Commission approved an initiative regarding transparency for the town. She stated she would like them to be able to present it to Council. She stated she would get a copy of their resolution and forward it to Council.
3. She stated she had positive feedback from the presidents of Leesburg Fire and Loudoun Rescue about the opportunity to officially assign a liaison to their boards. She noted that the amount that Leesburg residents contribute to these important organizations is about \$650,000 so she appreciates their willingness to include an official elected representative. Council requested an invitation from the organization's boards to have one member of Council attend their meetings.

4. She asked that Council revisit fees for several events including the Airshow and July 4th because they are regional events. She stated the policy needs to be looked at because other events have attendance fees. It was directed that it should be examined by the Airport Commission and Parks and Recreation Commission first.
5. She asked that a youth representative be added to the Diversity Commission. No decision was made on this request.
6. She asked that a work session discussion be held to look at creating a Police Department/Sheriff's Department task force that would be comprised of representatives from both departments and some elected officials from each governing body to look for opportunities for increased efficiencies and consolidation. There was support for a work session discussion.

Council Member Fox requested a work session discussion of winter yard waste removal policy. It was decided to have an information memo from staff to see whether this would be cost effective.

3. Adjournment

On a motion by Council Member Martinez, seconded by Council Member Butler, the meeting was adjourned at 9:29 p.m.

Clerk of Council
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