

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, and Mayor Umstattd.

Council Members Absent: Council Member Martinez.

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 Public Works Tom Mason, Chief of Police Joseph Price, Senior Management Analyst Lisa Haley, Senior Management Analyst Jason Cournoyer, Transportation Engineer Calvin Grow and Clerk of Council Lee Ann Green.

AGENDA

ITEMS

1. Work Session Items for Discussion

a. Fire and Rescue Funding Process

Richard Wolfe, Leesburg Fire Company, gave a presentation explaining the algorithm that is used to allocate funding dollars amongst Fire and Rescue companies in Loudoun County.

Key Points:

- Algorithm was developed to meet the funding allocation needs of the county's fire and rescue companies.
- Algorithm divides the county's funding between the companies in Loudoun according to budgetary needs.
- If the town reduces or eliminates funding, it affects all companies throughout the county as the algorithm will make up for some of the funds by reallocating them throughout the system.
- At current County funding levels, this would cause an increase in the system funding gap of 8%.

Council Comments/Questions:

- Dunn: Has there been any analysis of what it would cost if the fire companies were full time employees of the town?
Wolfe: That was the other <inaudible> was in part to look at valuation of the actual – what volunteers bring to the table. If I recall correctly, it was about \$33 million a year in value. So across the county, \$6 million a year to gain \$33 million. So, better than 5:1 return.
- Dunn: What do counties like Fairfax and Prince William do? As far as the employees – are they also paid and volunteer?
Brower: Combination of career staff and volunteers that are more swayed towards the career side. They do have operational volunteers in several of their facilities that are still run by the volunteer corporations. I don't know what the contribution amount is for those

volunteer companies down there. I don't have that information – that is something we would have to research.

- Dunn: Did a lot of departments across the country still have volunteer basis – I imagine in more rural areas there are.

Wolfe: Definitely in more rural areas, obviously. In big metropolitan areas, significantly more career and less volunteer, I think. We are sort of out on the edge now in terms of we are a combination system that comes into play.

- Dunn: The algorithms are based on the current funding guidelines by the county. I would think that if Leesburg were to look at having the county pick up the funding that we are not paying, then we would have to look at some other type of funding guidelines to ensure that those gaps did not happen.

Wolfe: That begs the question, as I mentioned earlier, there are other situations – at some point, the million dollars in proffer that Ashburn is getting will go away. When that goes away, how do we respond to that? I am going to encourage the county to do it the way that I have proposed, which is if there are any replacement funds – if there is a loss of income for that particular company – if their funding gap goes up – we started at a point where there was evidence of non-county income that was material for some companies – the contribution that you guys make is material. If we were to start in a different world, where there was no non-county income sources, there wouldn't be a funding gap calculation – it would just be an expense calculation. But, the algorithm is equipped to handle that. The question is whether or not the county wants to go in and replace what two specific company's lost dollars. That sort of sets a baseline that may or may not make sense 10 years down the road in terms of service delivery and that's why I'm against it.

- Dunn: The proffers from Ashburn – there is still development going on throughout the county. Taking into account, those other development's proffers?

Wolfe: I don't know. I know there is some additional proffer funds that are under discussion. I don't know. I don't pay attention to that, because that's their benefit, not mine. I have plenty of other things to do.

Other: They aren't eligible for proffers any longer. I believe the state law was enacted several years ago to stop the fire proffers. I can't tell you that exact year, but it seems like it has been close to ten years though.

- Dunn: Do we know what the total funding number is that you need this year? What is the total funding needed? If the county were to cover everything, what would that number be?

Wolfe: So, this is asking about fiscal year 2016 – what is the gap plus what the county has provided us for that year. I don't know those

numbers off the top of my head because I'm not running that group this year.

- Dunn: What is that number? Put the boots back on your feet and off the side of the street.
Wolfe: If I had to throw a number out there, it would probably be about \$7.5 million.
- Dunn: \$7.5 and we are currently at 6?
Wolfe: Just under \$7.
- Dunn: So, you are talking about another \$500,000 is all you need from the county?
Wolfe: Another \$500-800,000. Again, that's speculative based on numbers...
- Dunn: That's if the county paid it all. So, what Leesburg contributes plus all your other fundraising efforts – it seems like it is more than \$500,000.
Wolfe: So, I have been given the numbers for fiscal year '16. Fiscal year '15 shows 9.3 million/9.4 million. Those are the expenses. The unfunded gap is what is relevant, though. Last year, the unfunded gap was \$682,000 and county contribution was \$6.3 million. We are looking at \$7.1.
- Dunn: Okay, so total funding today – theoretically, total is \$7.1 is what you need?
Wolfe: \$7.1 based on last year's numbers. Yes, sir.
- Dunn: And right now, you are getting how much from the county?
\$6.3?
Wolfe: \$6.3 million was the contribution last and this year.
- Dunn: Okay, so \$800,000 more dollars from the county if the county funded it all. Okay. And what, Mr. Hemstreet, do you know what \$800,000 does to the county tax rate?
Hemstreet: Each penny is about \$7.5 million.
- Dunn: Each Penny? So, a tenth of a penny. Okay. You don't have that on you tonight? I'm joking.
Other: Just to clarify, the deficit you are talking about assumes continued full funding by Leesburg, so if Leesburg were to back it's contribution out, to solve for that, it would not be a dollar for dollar match.
- Dunn: Well, that's what I am trying to get at. Let's take the county funds that you get. Just the county funds. All other fundraising efforts that you have and other contributions. What do you need? See, you have the county funds here and then you have everything else. What is everything else and how much more do you need? It sounds like you need \$7.1 – are we clear on that? \$7.1 million is your operating expenses. The county provides you how much?
Wolfe: That's actually operating expenses are a little over \$9 million. The net of the town funding, proffers, ATL funds, etc., add up all of

those income sources, we get down to the \$7.1 million and the county provides \$6.3 million.

- Dunn: Okay, so the county is at 6.3 and your net operating or whole operating, whatever is 9.4?
Wolfe: We are about 9.3-9.4, yes.
- Dunn: Okay. So, we are talking about \$3 million short, if you were relying solely on County funds.
Wolfe: If we were relying solely on County funds, that's correct.
- Dunn: Taking what you said – I think you said Chairman York said you should be training, not fundraising, so he took away all responsibilities you all have for having to raise funds, get funds from the towns – I think you said Neersville, proffer funds – but that is not counted in the county funds, correct?
Wolfe: The Neersville escrow account has been closed. That escrow account has already been distributed over the last two years.
- Dunn: Okay, so there is a gap of about \$3 million. So, it's about 4/10 of a cent on the county's tax rate.
- Butler: Just to let you know that it is about \$18 on an average house of every residence in the county. I only have one question. I think the presentation was great and this email by Glenn that came out about 2 o'clock – this was fantastic. It answered almost all the questions that I have. I think what I have left is really more for Kaj. Our Fire and Rescue budget for fiscal 2016 is \$645,000 but companies 1 and 13 according to all of this get \$527,000. Where is the other \$127-128 thousand go?
Staff answer: That is the pass through grant.
Wolfe: Whether you give us funds or not, that money has to be passed through. That is funds you receive from the state that are allocated to us.
- Butler: Got it. Okay, so we would be more than happy to give you those funds and it costs our taxpayers nothing other than part of their state taxes, which would be much less than we pay for ourselves. Okay, I think that's the only question I have other than that. I think the information was just exactly what we needed.
- Burk: I appreciate the information that you brought here tonight and is Glenn here, who wrote that? Thank you very much because we were talking before the meeting and we were like this is so well written, it explains everything. It really cut down on my questions. So, good job. I did have just a couple. One is I want, just for the public, to realize that when you are talking about Company 1, you are talking about the fire company. When you are talking about Company 13, we are talking about Rescue. Just so that the public understands, we are talking about both groups. What is the most expensive – what is the biggest expense that you have?

Wolfe: Maintaining the apparatus, far and away. Yes. Obviously, there is the cost of the apparatus first and foremost. We incur that infrequently and then the maintenance on an annual basis.

- Burk: So, the volunteer companies – do they still raise money for various apparatus?

Wolfe: We don't like we used to – where we say "Fill the boot so we can buy an engine". Rather, when we go through fundraising activities, a majority of those funds still go into support operational activities, but we don't have those dedicated fundraisers – Help us build a building, type of activities anymore.

- Burk: So, you don't purchase apparatus very often any longer?

Wolfe: The engines last 10 years, so we keep them as front line pieces for 10 years. Ambulances 5-7 years.

Skinner: Our company is 5 years.

- Burk: So, your biggest expense is replacing them?

Brower: So, you figure that in five years, \$250,000 per ambulance. So in ten years, we spend \$500,000 and they spend \$5, 6, 700,000. That's our average.

- Burk: And the Leesburg companies, both fire and rescue, they do things that other companies do not do in regard to the town. What are some of those things that you all do that other companies might not do because they are not part of the town? Could you give me an example of some stuff that you go above and beyond?

Wolfe: If you recall, I sent a letter early on in the process – it was, I believe mid-March, that detailed some of that. One of the things, in fact, that I authorized as lieutenant last year with Leesburg Fire when we had the flooding event on the bypass. I had an engine and a tanker out there and we moved about 250,000 gallons of water so we could free up the drain so that we could open up the bypass before rush hour traffic started. It is those kinds of things, because we are part of the community that we feel obligated to do. You know, it is our community – we are going to do that. I don't think you would see that from other companies that did not have the connection that we do to the town.

- Burk: Are there other things that you do? I know that was just one example, but I know there are other things that you do that are above and beyond.

Wolfe: The Airshow. We were able to secure the crash truck that you guys needed last year that saved considerable funds for the town because of our relationship with <inaudible>. We do the parades. We do public ED events. We do standby events on behalf of the town. We do the fire works and multiple events.

Other: If I could just offer, it might not seem like above and beyond, but the single most important thing that these two companies do is staff their firehouses. I don't mean to make that sound small, but we all across this country, the crisis of volunteers staffing their stations is in

epic proportions. The Commonwealth of Pennsylvania is dealing with this at a state level because it is such a critical mass. We have reporters calling here asking how are you so successful in providing a combination service when we are struggling so mightily. I will tell you the single most important thing they do – because the single most expensive thing that we can do is provide that service – the human beings. Because, apparatus does not respond itself. So, there are things that they do above and beyond, but the single most important thing that they do is staff the apparatus. They staff their ambulances and their fire engines very consistently and extraordinarily successfully.

- Burk: And does that play into your algorithm, at all? That you are saving the town and county a lot of money by volunteering?
Wolfe: No, it does not. We don't include in the algorithm. I guess it does indirectly in the sense that we have a different service delivery requirement than does Round Hill, so we incur and have higher variable operating costs than, for example, Purcellville. So, from that perspective, indirectly, it does come into the algorithm, but from the perspective of what is the value of my time, what's the value of Brad's time, Glenn's time... what is the value that we contribute. That was mentioned in the context as a proxy when we looked at how much we are saving the count in terms of manpower – that \$33 million. But, it is a very different component and it is not easy to quantify.
- Burk: Well, thank you very much. I appreciate all this information and I most certainly appreciate the letter and the chart that you sent following. Thank you very much.
- Hammler: Thank you for the report, Mr. Wolfe. Thank you all so much for being here, we really appreciate it. Mr. Hemstreet, appreciate it knowing how busy you are. Appreciate you being here as well. A couple of tactical questions – just a little back ground in term of just my original questions that I asked during the budget session, but on the page where it says town contributions, is Leesburg the only town that contributes as part of this income equation that offsets or are there other towns around the county that do as well?
Wolfe: Yes, there are other. The spreadsheet and its detail will illustrate each company. There are other companies – Purcellville receives an annual contribution of about \$40,000 from the town.
- Hammler: So, is there a consistent, say per capita contribution that is requested from the towns, or is that consistent across other counties within Virginia where there is a volunteer system in place, that there is a request for per capita contributions for towns.
Wolfe: That I do not know. I can tell you that within this county, there is no consistency. I have got the town contributions for FY 15 – you guys got the spreadsheet as well. Purcellville Fire was \$50,114 last year. Middleburg received \$4500, Ashburn, I don't know where they received this, but they claim to have received \$3687 and Purcellville Rescue received \$40,000. Hamilton has received \$1,000.

- Hammler: That would just be good reference information just so that we could understand how policies are created and even how we communicate to our citizens. I think the other part of that is, I think at some point the Uran Fund was used to actually fund our contribution. At least, I was reading some answers to some budget questions that came in today, but it would be useful to sort of look at what the history has been over time in terms of what the source of contribution was and how we got to where we are today. Obviously, the critical thing is, you know, we appreciate that you are a core component of what is one of the most important things that we provide as government together with you, is securing public safety. There is no doubt about that. The things that we grapple with up here is the fact that, you know, we are a town and we pay taxes on top of Loudoun County and I think what Tom may have been trying to figure out is okay, if it is a 0.4 cents to the county in terms of a possible increase in taxes versus that our contribution is a penny on our tax rate, then that's amortized across 45,000 people versus the population of Loudoun County and we are also Loudoun County taxpayers. You know, those are the things that we as Council members grapple with as it relates to, you know, double taxation hypothetical issues. But the reason why ultimately just looking at that line item in this year's budget again, in our binders where we have line by line contributions, is you know the amount that we provide is bigger than the entire budgets of other departments that we scrutinize. So, you know, you pretty much just pass through and because we know how important public safety is and what you do we really had to debate this as a council, so that is just sort of a general comment that I think that I appreciate the fact that you were willing to consider having a Council member liaison on your board so that we can be more active and engaged on an ongoing basis. I think that is important and I know that it is a comment from a Council member, I think saying Oh, I'm sorry that we put you through this because Council wasn't going to do anything anyway. You are going to get your money and we are wasting your time, but the reason why it was very relevant, particularly this year, is the issue that we have already vetted, which is why we didn't touch anything this year, that with the emergency medical services transport reimbursement program, it is estimated that an additional \$4.5 million was going to come into the system. And ultimately, I know that we fund an ambulance, for example, but the reimbursement goes back to - 25% goes back to the county, so you know they are contributing, but they are also going to get reimbursed 25% and then you all divvy up the rest, but the town will not get any of that money back, so I think that moving forward, you know that you are going to be keeping a close eye on that but it is really important, you know, for our taxpayers – obviously very much appreciate everything that you do – given that we are not fully going to be reimbursed that this be revisited when you see how much money is

coming into that. So, again, I don't know why de-funding was ever sort of part of the discussion. I don't think that was ever something that we were just going to say oh, Calvin go deal with this, but I do think it is really important that some of the change in dynamics with your budget, that we have an ongoing interactive, participatory conversation and that we anticipate it well in advance before the next budget cycle so that we can work with the county.

Wolfe: I will let Chief tell you, but I think that we would be more than willing to sort of revisit this as the EMS billing gets up and we start to see the results of it. I will say that from the perspective of Company 1, we are not going to see much of an impact with the EMS billing except in the context of how it results in the redistribution of the unfunded gap because we are not a transport agency and the EMS billing is to refund or to provide a funding source to transport agencies. That's where a majority of the money goes. I think my company will see \$25 or \$35 an EMS call, when we show up and assist. That is not going to cover the fuel.

- Hammler: So, perhaps mid-year we should get back together and/or as a Council with your direction we will vote on who the liaison is and that person can keep us up to date, but again certainly well before the county gets into its discussions, you know, we can help you, we hope, not that we are always very successful, but try to get more funding from the county. We certainly would engage in that.

Wolfe: If I could just speak to the issue of our EMS transport reimbursement, because I think it is important to talk about that. First and foremost, EMS billing is not actually going to go live until July 6. It has been a year of working with the Federal government to get authorization to actually do EMS billing and for the regulatory requirements. The other thing is that in reality what we anticipate is there is going to be at least a 90 to 120 lag on actually revenue arriving. Even if we initiate our first EMS bill to insurance only, we would not expect to start seeing regular revenue for 90 to 120 days and we would not be able to evaluate the true impact of EMS billing for a year so we know exactly what that impact is. I'm very sensitive to the fact that it is likely to extend beyond the budget preparations for Fiscal Year 17 – very sensitive to that; however, I don't want to be unrealistic about how much information we are going to have. I don't want to promise you that we are going to have...

- Hammler: I don't expect you to have that information. Just as you get it, as you are learning – keep us apprised and the policy associated with, you know, what the county is going to do. If it is 25%, if that goes back to you again...how does that offset the town's...

Wolfe: It is supposed to cover the cost of billing itself, the billing activity and the associated software licenses and etc.

- Fox: Thank you for the power point, it does explain a lot to me. I learned a lot from this and from some of the emails that I got. I did

have one question – basically a clarifying question. The town contributes – I see that you take the town's contribution and put it into your income. What effect does that have on – help me understand what effect that has on company 1 and company 13 specifically and how it relates to the rest of the companies.

Wolfe: It increases our income – our non-county income, which reduces, assuming the expenses are fixed against that – it reduces our funding gap which then has the effect of county funds that are provided to the system being distributed around the county to fund those that require more. So, if you take it – let's go back to the first scenario, which is the town decides to defund company 1. If the town defunds company 1, my funding gap goes from 7.3 to 10.3 percent and so it has about a 44 percent change to my funding gap as a percentage, which means that I absorb more of the funds that the county is contributing to the system because I have a higher share of the funding gap that is used to allocate those county funds.

Other: Unfortunately, we are in a world where we are continually underfunded. So, that means if I absorb more of those funds, everybody else gets less. If you flip that scenario around, if I absorb less of those funds, there are more funds available for others in the system.

- Fox: If I am understanding correctly, the town contribution offsets the county and benefits mostly – the funds that come from the town benefit mostly company 1 and company 13, am I understanding correctly?

Wolfe: Absolutely.

- Fox: And so, those two companies get less funding from the county as a result?

Wolfe: Yes.

- Mayor: President Wolfe, I really appreciate this. This is a great presentation and Glenn Kaupin, it was a superb letter. About a year ago, when this issue came up and then died temporarily, the perception, I think among some folks up here was that no other locality – no other town – contributed, but you clarified pretty quickly that Purcellville certainly puts a fair amount of money in. It sounds like a relatively small amount, but they are a very small town relative to Leesburg and they are putting in almost as much as we are per capita and if you look at what percentage of the differential, they are covering a higher percentage of their non-county funds, I believe than we on this town council are covering in Leesburg given their expenses. Purcellville's are significantly less. It would be a little more than half of what yours are in Leesburg. I am personally not interested in defunding fire and rescue in Leesburg. Some of the other things you do, because I've seen it is we have had homes hit by tornados. You guys have come in and covered up roofs where walls have been pushed away from the rest of the house. There are a lot of little things you do on an individual level that don't always make headlines, but I think are extremely important for the families that are impacted. I don't have any more questions. You guys

have done a great job with the data you have provided and the explanation, so I appreciate it.

b. Battlefield Parkway and Route 15 North Bypass – Potential Congestion Relief Improvements

Keith Markel gave a brief update on the results of meetings with County and VDOT staff to look at solutions for the traffic congestion on the Rt. 15 North Bypass.

Key Points:

- By 4 p.m. heavy back ups develop on the Rt. 15 Bypass which originate at the light at Raspberry Falls/White's Ferry. By 5 p.m. the back ups extend down to Edwards Ferry Road.
- Collateral back ups occur on Battlefield Parkway.
- Possible ways to alleviate some back up on Battlefield are:
 - Dedicated right turn lane from westbound Battlefield to northbound Bypass.
 - Extending and elongating the left turn lane on northbound Bypass to westbound Battlefield.
- This does not look at the entire interchange, but smaller short term fixes.
- Could create a northbound stacking lane that could still be used after the construction of the interchange.

Council Comments/Questions:

- Hammler: I had an email, having asked that question already. It seemed logical to me, why don't we do that and I was told that would actually – I can pull up the email – it was already decided by staff that would not be a good idea, because it would exacerbate the problem. Now I am confused why we just spent \$9,000 on getting an answer for, when we have determined that actually would not be a solution. Staff answer: That is one theory inside Town Staff who are looking at it. There is a concern that having that third lane – essentially elongating that dedicated left turn far enough back that folks would start taking it as a through lane – riding that up. We have all seen that on interstates where people get into that lane and zoom up knowing that most people are going to follow the law and not use that as a through lane. They will use the turn lane and then merge in at the very last moment. Chief Price is here tonight. He can also talk to that as well. They had their enforcement of folks doing just that on Battlefield, whether going down the left lane of Battlefield knowing full well that they want to go north on 15 and at the last minute merge over and make that illegal right turn onto Rt. 15. That's one of the concerns here. If you give folks too much leeway in that turn lane, that they will abuse that. So, that was where staff's concern was. It is still going to be part of the discussion to see if it looks <inaudible> enough, maybe it is

worth taking that risk or we looked at doing some sort of physical obstruction. Do you put the posts and bollard system? Do you double line it, so it gives people a little bit more reminder that they cannot merge back out of that lane. So, there were a few physical things that you could do there to give people cues to stay in that lane if they are make that left turn.

- Burk: But that's what you are studying. You are looking at all of that. Staff answer: That's correct. So, that's what we will be looking at over the summer months. A correction to the staff report – we did just find out that we were afraid that the traffic count had not taken place before school lets out – you never want to do traffic counts during the summer months. We did learn that VDOT is sharing data they collected as part of the Edwards Ferry Study, so they will be sharing with VHP. They will be using that throughout the summer months to develop their report. The hope there is that they will be able to stick to the timeline and they will be delivering this in September or October.
- Mayor: Keith, I'd like to interrupt you a little bit and just ask Council members – what we didn't show you is that at 2 o'clock, 3 o'clock things are still pretty much okay and then at 4 o'clock, we get major congestion. My observation on the ground is that our back ups are starting earlier than that and at 2 it is starting to get pretty bad, but maybe I have just observed it on a couple of anomalous days. Are any other Council Members observing an earlier start to this congestion or do you agree – and Tom, you live up in that area. Do you agree that there is not much of a problem until about 4 p.m.?
- Dunn: Well, it is actually getting to the point that cars are backing up numerous times of the day from 15 Battlefield east going into the Balls Bluff neighborhood. It is not unmanageable. You can usually clear the intersection in one light. But, if I could, I would encourage us to maybe hear the rest of what staff was suggesting before we start pouring too many questions in because I got a lot of things I'd like to go over, but I'd like to hear what staff has. I will be happy to give you all my whole analysis of that area – you are right – I live it every day so, but I'd like to hear what all staff is suggesting.
- Mayor: Are you taking into consideration the fact that an awful lot of cars if they are headed west on Battlefield logically might turn right on the bypass. In other words, they are going through the intersection and turning right on business 15 and going up past Tuscarora and that is stacking up every day as well. Does staff believe if you try to solve this by adding that additional sort of lane to cut up north on 15 bypass, that would stop that traffic that is going all the way across the bypass to 15 business?

Staff answer: I will defer to the experts here. I know that human nature is like water follows the path of least resistance and folks get really smart to traffic patterns, as we know. We have found a lot of interesting work arounds. Sean Brody when he is out there working on

the signals can really tell because he is out there so much just anecdotally has related to me how he has seen people move through there and follow the cars in a zig zag pattern where they go up Rt. 15 and zig around on Battlefield to try to find the short cuts.

Calvin Grow: I want to mention that what we have done is we have put a couple of cameras up there. What we are trying to do is trying to allow people going east and west bound that are being caught now through the intersection. People are sitting in the intersection when the light changes and changes a whole cycle and they can't get through. What we have done is we have tried to set up some cameras where we are trying to move some of that traffic northbound so there is not that dead time. You set there and there is no body moving on Battlefield. What we have done is we have tried to adjust the traffic signals to allow people east and west on Battlefield. It has worked a little bit. We will continue to tweak it, but the answer to your question about the right turn lane, again, you know there is a lot of people who are going to business 15. Is this going to help? I think that what we did before, we used a program that looks more at the signalized intersections. This program looks at this whole corridor and not just the intersection. I think what is going to happen is we will be able to determine where this right turn lane, this long right turn lane will help us to keep these people from cutting through the town using 15. It is something we are going to look at as part of the whole corridor with this simulation.

- Dunn: From my observations, and piggyback on what Calvin said, is from what I have seen the biggest issue is folks not clearing the intersection. Whether they are coming from Exeter to go north, or they are coming from 15, they are not able to clear the intersection because what happens is even if someone obeys the law, stops at the line because they don't want to block the intersection, the person in the right turn lane coming from Battlefield to turn north, they take advantage of that person, even though they shouldn't be turning because technically they are at a stop and that is oncoming traffic. That oncoming traffic is being polite and stopping because they have to ensure they have cleared the intersection when the light changes. When you are sitting in stop and go traffic, you are not sure when that is. But when a person that makes that right hand turn, what it did was that person starts to creep out before the light turns, they are stacking up. So, I think one of the things we could do small in size is look at – I know you want to have free flow of traffic, but I was thinking the other thing you could consider doing is putting a no right turn light there. In other words, right turn x, right turn green. I am sure you have got...
Staff answer: That has been brought up. That is a good point. It is being looked at.
- Dunn: Because you have to stop those people who are wanting to turn right and allow the traffic to flow through like it is supposed to. You are putting, also, the don't the intersection. Well, they are not blocking

the intersection. You have it on Battlefield, but you really have to have the sign over on 15. The other problem is coming from Exeter, you have the same thing. The line of traffic coming from that direction, they are trying to get through the intersection, but again there is so much traffic blocked up right at 15 and Battlefield, that they can't flow through, the light turns, and all of a sudden its gridlock. You've got people just squeezing through, going through gaps in traffic. It is just a mess. You've got one of those things that are as best as you can stop the people from going into the intersection, allow traffic to flow through like it is. There are certain times of the day you can have – I'm not saying all the time you need a no turn on red at that corner. There is no lane to turn anyway. There is no merge lane on that right hand turn onto 15. Usually you have got the shoulder so that you are not the first car waiting to go across the bypass, the second car is not going to turn right because it is pretty rough. I think there is a curb there too that pretty much prevents you from turning right on red, so I would recommend a light saying at certain times of the day, right turn x, right turn green that allows them to go ahead and turn on red or not. That would allow the free flow of traffic going north from the bypass. It should also allow – you've got – any idea on how many cars you see stacking up over there trying to turn north? I'd say maybe heavy times, eight, ten.

- Hammler: Are you talking about backing up towards your house?
- Dunn: No, backing up heading your direction wanting to turn north on 15 from Exeter.
- Hammler: That is not the big part of the problem because a lot of people now know how to – they are all trying to get to Maryland. Now they know the back way around Leesburg. You can't take the Bypass from 7, so they are backing up on your end and naturally, I think most of the problem you can see from my end that is backed up at the outlets and backed up to Balls Bluff.
- Dunn: The other one, too, that is backing up that your map didn't show. In fact, I had to call you one day because I thought it was so much fun that I was backed up probably about a 20-30 car back up on Battlefield trying to turn right on to 15 business because you've got the schools letting out, two schools letting out and the traffic is starting to hit. And it is just as you showed the map, it is backing up past Battlefield. Again, you've got the issue of people being able to turn right on red and when they do they are not clearing the intersection as much but I think that is one of the biggest things. If you can get that intersection to stay clear through the cycle – allow the free flow of traffic, I think your plan to do this, there may be some air there. I think the cost on that is going to be pretty high. The other thing I think is – we mentioned it – you mentioned it or Calvin did – is that folks are going to figure that out. What I see happening is now this will back up and continue on Battlefield. It is just going to increase the stacking

more because people are going to try to get home one car faster than before. But, a couple of other things that I – let's see, we've talked about don't block the intersection. Have you done the sign yet that says don't block the intersection on 15 bypass? Headed north. I haven't seen it because I don't go there. I know better. The thing about your turn here in red, I would say too, Katie, us two living there, the locals know not to go. We are not going to go on this road during the heavy traffic. So, I think you are right. Putting those turn lanes there – if someone tries to use that to get around the traffic, I think what is going to happen is I want to get one car ahead home faster, now I have a quicker lane to turn left. Now I can get onto 15 business sooner or I am going to go ahead and turn right here and make a U-turn at Balls Bluff Road and go that direction – anyway I can. I just don't see the locals using that lane as much. Maybe turning right, you might get some, but I don't see folks doing that. In fact, many times if I'm in downtown, I'm cutting through Lowenbach to get home because there is no other way. What about the idea of a right merge lane not cutting across where the cloverleaf is going, but what about a merge lane right here at Battlefield and 15 North? In other words, if you, where it says Bypass, what if there is a merge lane there that allowed for right only traffic. Right now, you've got two lanes. It's a right turn lane ---

Staff answer: Heading northbound?

- Dunn: Yeah, so coming from Battlefield, if you now bring your lines down if you had a merge lane that was turning to the
Staff answer: That allowed cars to come up into the other lane to merge into the two?
- Dunn: Yeah, maybe if that were – much like we did over by the Sheetz. Again, most people that are in that right lane who are stacking up are wanting to turn right. There are very few people – once you figure out this is the wrong lane to be in if you want to go through. There are a good number of people that do go through that intersection that, yes, do end up on 15 north business. And then, the other question I had is for the chief. What were the officers stopping folks for at that intersection. Were they stopping them for not clearing the intersection? There was a time there, and I don't know how many days it was, because again when it gets bad there, I just don't even go near that intersection because I know I can't go anywhere. They go up just north of the intersection and they were pulling them over. What was that for?
Chief: The special assignment was put out there in May and is continuing to a lesser degree during this month was vehicles that are not in the right lane going through the interchange at Battlefield and Bypass, but making a right hand turn from other than the right lane. In that period, 20 odd days for three hours a day, two to three officers – we don't have the staffing to do that all the time. We wrote about 100 citations. What our officers saw was getting to the Mayor's question, once the water figured out what was going on, they proceeded across

Battlefield to North King and then north. Other crossed Battlefield and made a U-turn at Fieldstone, came back and then made a left turn onto the Bypass.

- Dunn: Okay, so to your point, Katie – most of the folks aren't going to unless they have to. You said you looked at the idea of – thank you, chief – you looked at the idea of the no-turn concept, whatever that might be. What is staff's opinion on that?

Staff answer: It is being considered now as part of this study. It will come back, essentially as part of the recommendations.

- Dunn: What were you looking at for a time frame, as Kaj said, for the small ones? Do we have an order of what those might be and how soon?

Staff answer: I think that is what the study is going to come back to us with and present to you all this fall – so within the September/October time frame. We will come back and hopefully be able to look and see what they think will give us the best bang for the buck, knowing that we don't want to go through years of study and millions of dollars to try to fund things that can help it, but find those things – and it might just be a series of very small wins that are actually going to make something <inaudible>, but that would be this fall.

- Dunn: I'm just wondering if there were any other options. There is also – I haven't seen it in Exeter as much but Balls Bluff Road is getting blocked by the traffic. Folks are not letting people get out. Usually when it is me, they get an angry look much like Council gets every Monday and Tuesday. No, they are starting to block that and I have seen that get as far backed up as far as the school. Actually, have you noticed the back up seems to be heavier on Thursdays and not Fridays because I think people take a long weekend and they are not traffic as much on Friday as Thursdays. Thursdays seem to be the worst traffic. The last thing is, I would love to see if we could get some trial things done over the summer. To me, the simplest thing would be the no turn on red. That seems to be the easiest, least expensive.

Staff answer: That is something we can talk about with staff. We know that our signal technician here on staff is working to try to create the signaling so that – and Calvin was talking about this earlier – so that we have this free flow of traffic knowing that when traffic is backing up in this direction, that the signal is smart enough to realize that. When it knows that no more cars can head north without just blocking the box, that it is going to cycle through and stop the light. It is going to give the red 15 and open up Battlefield. That only works if this continues to crawl forward and create that capacity and space. We need that capacity so this lane can make that turn that you were talking about. If you don't have the capacity, then the box blocks up with Battlefield traffic. So, with the combination of our new smarter signal there with the no-turn on red that prevents them from filling in that void and

actually allowing us to create capacity. That combination might give us a win.

- Dunn: Because if you create that void and you don't stop the people turning on red...
Staff answer: It will fill itself right up.
- Butler: A couple of minor things. I can leave my house about 3:30 going north and it is not horrible. It is just very bad. If it is a quarter to four or closer to four when I leave my house, then you might as well just go home. Once the traffic backs up to Edwards Ferry, it becomes a situation like you just described and the box is just completely blocked all the time and there is no space. It just is – like I said – then you are there for quite a while. 15 North is a bit of a gamble, because you have to take a suicide left when you get up there. So, if you have one person in front of you who is not very aggressive, it can take a long time to clear the intersection there as well. It still is better than sitting here. Interestingly, it works better going 15 north if this is really busy because then the traffic is pretty much stopped all the way up 15, so it is not suicide taking a left. You can go out there and nobody is going to hit you because nobody is moving anyway. It is just a bad situation. Another question I had is on the left hand turn lane going north on 15 from Battlefield that you said you may want to try to extend...are you worried about people zipping up there and cutting in at the last minute – is there any opportunity to put a small barrier there, like a curb to prevent people from doing that?
Staff answer: That is one of the options.
- Butler: That might make it useful. Other than that, I think all these things are good tries, but the fact is that you are moving around the edges and there still is a fundamental problem. Are we going to encourage people to travel up and back by widening the road or not. That ultimately is the only question we have. I am not suggesting that we should, I am just saying if we don't widen 15, there is nothing we really can do. We can fill up these roads all we want, but all we are doing is, like I said, making it a baby bit better, but we are not solving the main problem and it is not a problem for us to solve. It is a fundamental policy issue, you know, at the county and state level – multiple states level. So, I applaud these efforts.
- Burk: Ditto what Dave said. It is very true. We all recognize that there is a problem there and most of the problem is outside of the town. The other day, I started walking out the door and I told my husband I was going to go to Home Depot to get the flowers and he stopped me and said, "Are you out of your mind? What, why? It's Friday! No, don't go". So, I didn't. It definitely is a problem. The study will be very interesting to see what they do come up with and when do you expect that it will come back to us?
Staff answer: Late September/October is what we are expecting, if all goes well.

- Burk: Then, at that point, we start talking about funding, what to do and how to do it and that sort of stuff.
Staff answer: And then you will actually have some recommendations. So, if you want to go to next step and actually design work and looking for funding sources.
- Burk: Right, then you get a conversation with the county and the town, states, everybody about how to get all these done. Thank you, I appreciate it very much.
- Hammler: Thanks for the, I guess, opportunity to vent more than anything at this interim juncture. Tim, thank you again for staying – I specifically asked because as I am sure you already know that we have to work with the county. Together, we have to work on state and federal lobbying efforts to ultimately find a real solution to this. I know we have all bantered around how do we work with the Frederick County Board of Supervisors to come up with some sort of park and ride solution to try to ease volume – get more and more people incentivized to get out of their single person cars. Certainly that begs the question, who makes the decision or how there can even be an HOV restriction for non-local traffic. I don't even know if that is possible. Specifically, I asked the question – have we even asked the county – although I brought it up at an EDAC meeting when Mr. Sandy gave his legislative update because you had mentioned federal lobbyists. Where and how we could manage the county's federal lobbyists to try to get some transportation support because again, we all anecdotally know just looking at license plates because we live here and are literally behind all the cars and we see where they are heading that it is an interstate problem, which logically means we need to find a funding source or real solution and get Maryland and Virginia legislators talking about real solutions like whether it is finally going to be that bridge or it might be coming up with the fact that we are actually going to designate the fact that there need to be planned improvements because there is literally not even – because one of the other questions I had asked was literally why can't you just put a toll up? And start literally putting tolls by Point of Rocks to try to recoup money so that we can improve the roads because there is no planned improvements yet, although I guess we certainly have requested through the CTB and I think everyone is just sort of aware of this, but we need to communicate that this is the number one problem. We are all talking about it and our local merchants are probably feeling the impacts because like Kelly said, I literally know you don't go out and shop. You just can't get around time. So, it is impacting our local merchants. When we were at the Exeter Homeowner's Association annual meeting the Mayor was there, Marty was there, I was there. We talked about the fact that we know this is a problem. Summary – right now, we don't even know what we can do. We have got to come up with a solution, but again we have got to work with the county to

start getting very, very tactical as our big picture problem solving, which again gets back to bridges or literally road widening. Pinch points, because again back when the O'Connors were talking about improvements north of town in that <inaudible> area, they were going to work with VDOT to get it fixed. We had those discussions years ago but then low and behold that went away when ultimately Loudoun County Public Schools came in to build Tuscarora and the other schools and all those proffers went away so that did not get fixed. So, right now, I know we are just sort of commiserating on what we can't do, but certainly, Tim, if we could figure out how to work with you to at least, you know, get an action plan on federal lobbying. Is the study going to quantify the out of state plates so that we can talk facts when we are talking with Maryland legislators? I think we need to get some statistics on that so that we can communicate based on fact and not just anecdotally. I bought this up rather tongue in cheek, except that at some point it has to be a grass roots effort. What we could do is put a bill board up there alerting the Maryland drivers please contact your legislators with, you know, the message. We have got to get everybody involved in getting the legislators working on big picture fixes. So, I will look forward to the report in September. I think we have got to work with the Board in the meantime on federal/state solutions. Make sure we have got a plan to literally come up with what the planned improvements are in the corridor are going to be. Obviously we have to wait until the study comes back. But, we have got to <inaudible> for assistance. We can't just say "Oh, we know we have got to stay home between 3 and 7, certainly on a Thursday". That's not the answer.

- Fox: The beauty of going last is everybody has said exactly what I feel. I do want to point out that I have seen back ups earlier. I have family in Maryland and I have to plan my trips accordingly. So, I have seen the back up. Not to mention, there is not way to mitigate that if there is an accident. One lane this way, one lane this way. What I wanted to know, was the widening, not that it should be...it is not even a question with the county. It is not even on the master plan because it is part of a historical highway? Is that the reason?

Hemstreet: That is the answer. I mean traditionally, this has been a scenic highway and so the Board has not added any type of widening to Rt. 15 north of Leesburg, so that is not on the County Wide Transportation Plan. It is not on the Comprehensive Plan. The staff, we have not received any direction from the Board to pursue widening of the road.

- Fox: I understand that totally. I don't see the wisdom in it, but I understand it. The initiated congestion study – you said it is going to be late September/early October when it is completed. What is the timeline after that? What kind of implementation timeline is there?
Staff answer: It depends on a number of things. Renee, do you want to speak to that at all. It depends on the recommendations, then we have

funding, design, and planning and all the things that come with the next step- putting it in the CIP.

Lafollette: VHD has in their proposal with both County and Town to do a presentation to both the Town Council and the Loudoun County Board of Supervisors on their findings and recommendations. Once we get to that point and we can get your feedback from their presentation, then the two staffs will begin working together on that. Hopefully we will have something we can bring forward to begin discussions for the CIP.

- Fox: One thing I didn't see addressed is the morning commute. What is the morning commute like? I've seen it backed up going into Maryland. Has that been a problem for Leesburg as well? It seems to be that it would be.

Staff answer: We don't hear the same complaints. We have a few commuters who work in the office and we hear the personal grumblings of Rt. 15 backing up all the way from the bridge at Point of Rocks coming down, but again like you mentioned, traffic, accidents, dependent on weather, other factors come into play, but I think it has less of an impact on the cross traffic on Battlefield, anecdotally from what we hear. So, it is really not one of the big complaints.

- Fox: I do think it is quality of life issue for our residents. It does say something when you say I can't go to Home Depot on a Friday because I will get stuck in traffic. That's an issue. That's a problem and I do want to take steps to get this mitigated as soon as possible. Thank you.
- Mayor: Just probably one question. The reason why the widening of Rt. 15 has never really gotten serious traction was because of concerns, initially, of people living along it that it would just become more of a freeway and it would destroy the historical feel of that corridor. You, in your report, indicated that things begin to get better in the afternoon when people have reached White's Ferry Road. Then things begin to move a little better. So, presumably that is not as critical an area as the area south of that section. Which is – it is hard to accept that a one lane road all the way to Point of Rocks is not part of the problem, but according to what you are seeing in traffic, it really is not a critical part of the problem – it is all White's Ferry south to Leesburg. Why is that?

Staff Answer: I think Calvin can come up here and tell you the more scientific answer, but what happens here is you've got this...

Lafollette: It is similar to what happens in a construction zone. You have two/three lanes merging into one lane. Once the merge happens, traffic starts to move. So, you've got all of that traffic volume from two lanes of the bypass coming into the merge at 15 Business all coming into one lane. Once that traffic starts to move, it clears out. We are hearing that from the staff that work here, once they pass Raspberry Falls/White's Ferry, traffic moves at a steady pace all the way to the Point of Rocks bridge. It is very similar to what happens in a

construction work zone. The bottle neck getting into the one lane, but once it starts moving, it keeps going.

Markel: That's the last single before Lucketts. You have a long stretch that lets you go.

- Mayor: Short of a big sign telling people just to have dinner in Leesburg...Suzanne said something I thought was interesting, but I would imagine the reason you don't have the same problem in the morning is because people are then just able to disperse on several different roadways, business 15, 15 bypass, Battlefield, they can go the Greenway, or they can go to Route 7, or they can go to Sycolin Road. In the southbound direction, you have multiple options and many more lanes than you have going northbound.

Staff answer: And you are already one lane coming in so you are already single file. Then you get more options. Here it is the reverse, you are choking down to one.

- Mayor: So, we are probably going to be requesting assistance in funding from the county and NVTa and VDOT potentially. When would we anticipate, if we were trying to do that, that we would start lobbying for that?

Staff answer: VDOT, as you know with the NVTa funding there is a process. The projects have to go through the 599 process and they are evaluated. If they are for congestion mitigation, then they are recommended and ranked by five different ranking systems. What we are planning on doing is, you know, is I know that we talked about this interchange. We had a letter that went to the county about funding for this as part of the projects that NVTa for 599 for FY 18. We will submit that – whatever is the project, so that they can evaluate and maybe receive some funding from NVTa or recommend some funding. But, again, that's in the future.

- Mayor: In the meantime, we will be putting, what is it? \$19,000 in town dollars into the study. Remind me any other sources of funds for any other related studies at this time.

Staff answer: Just VDOT's \$50,000 that they put in. This is the town's portion. We were hoping that they would cover the study of Battlefield as well, but VDOT wasn't willing to go there, but there is an economy of scale benefit by us piggybacking on the VHD study, while they are out there, while they are doing the modeling – to add us on incrementally. It is a benefit rather than us waiting six months to a year and doing it independently. Then we would be paying a higher price.

- Fox: Is that enough money for funding this study?

Staff answer: Yes. It has been fully scoped out and reviewed by town staff.

- Hammler: To your point, that Renee just confirmed that this study will come up with a definitive solution based on what we are seeing that the traffic starts freeing up after the pinch points. They are going to say, okay do a traffic circle here, or come up with something that we are

going to be able to implement and just make sure the nomenclature continually says not just NVTa and VDOT. We have got to include our interstate neighbors. At the end of the day, the volume of interstate traffic which again <inaudible>.

- Mayor: The only other question – have we started to estimate any potential eminent domain costs for any property that might be required?
Staff answer: Inside the town limits?
- Mayor: Well, that would be inside for us.
Staff answer: For the Battlefield Intersection, where we are focusing our attention, I believe that the good news there is that we have so much space there because of the good planning years ago for the interchange improvements, that I think we have the flexibility to implement a lot of the things that may come from the study.
- Mayor: Renee, would that include your diversion lane going from Battlefield north, cutting across that right now empty space?
Lafollette: Yes, that is part of the land that has been reserved for our future interchange. So, we already have that portion of the land. It would be more for the corporate limits that until we know what the study recommendations are, that we wouldn't know what kind of impact it would have.
- Dunn: What is the law on no right turn signs? I know that right turn on red is allowed unless otherwise noted. If you have a right turn on red or no right turn on red, much like we have out here on King Street that says the time. Just a sign. It could say no right turn on red from 4 – 6 p.m. Monday through Friday. What does that cost? A tin sign up on a pole.
Staff answer: \$300. I mean for the sign.
- Dunn: \$300. Can we try that for a month?
Staff answer: Again, we are looking at that. That is one of the options that we are looking at.
- Dunn: I think we will pony up the cash. Okay?
Staff answer: That is one of the recommendations that we are going to come back to Council in the fall. We are looking at signal timing now to see if we can do that with signal timing, but if it doesn't work...
- Dunn: But signal timing won't stop people from turning right
- Hammler: That's a very interesting recommendation.
- Dunn: It doesn't stop – well, you mentioned that earlier. You can hold that signal from other intersections, but you've got to have something to stop them from turning right.
Staff answer: It is filling in the gap.
- Dunn: So, that's what I was saying – while we are doing the study, if we could put the no-right turn on red from 4-6 p.m. and see what happens. I think you will find that maybe for \$300 bucks, I could save \$19,000 or at least a part of it. Okay? And the other is the Chief is saying there is a significant amount of U-turns going on at Fieldstone. I don't think it you have it at Battlefield as much because those people

see that back up and they don't want to try it, but I imagine a no-U turn sign probably costs \$300, probably about the same amount. So, for \$600 bucks, we may be able to curb some of what we are seeing happening. While you do the study, and Dave you know I don't like to spend money. I am willing to spend \$600 bucks to at least see if while we do the study what the results are. I would very much be interested in seeing that rather than waiting for October. Okay, Kaj? I don't know if the rest of Council would need to vote for a \$300 sign, but I really think it is worth it because what we are doing now is...

2. Additions to Future Council Meetings

Council Member Butler: "It looks like after our discussions around the downtown improvements last week, the investigation has shown that we have about \$2.5 million in capital dollars available between now and FY 17 and we have a whole list of projects that have come out of department recommendations, plus the rest of the downtown improvements, plus a couple that we talked about a few months ago. I'd like to have a work session to have Council move these around and see if we want to do anything with it."

There was consensus to have a work session discussion.

Council Member Hammler: "I would officially like to ask that we do license plate counts as part of the Rt. 15 study, because it is not part of the actual study that we are doing, but if we could have staff do it or come up with some quantification of what is the source in terms of the drivers, Maryland, Pennsylvania – what state."

Mr. Markel stated it would increase the cost of the study to physically have someone out there doing the counts.

There was consensus to support an informational memo on the costs of counting license plates.

Council Member Hammler requested a vote on the Fire and Rescue liaisons and having the SRTC look at traffic calming options on Club House Drive. She requested a memo on the cost overages with the downtown improvements.

3. Adjournment

On a motion by Council Member Butler, seconded by Vice Mayor Burk the meeting was adjourned at 9:22 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: None.

Staff Present: Town Manager Kaj Dentler, Deputy Town Manager Keith Markel, Town Attorney Barbara Notar, Director of Economic Development Marantha Edwards, Director of Public Works Tom Mason, Director of Capital Projects Renee Lafollette, Acting Information Technology Manager John Callahan, Director of Parks and Recreation Rich Williams, Assistant Director of Finance/Ops Mike Goodrich, Chief of Police Joseph Price, Senior Engineer Anne Geiger, Business Development Manager Kindra Jackson, Deputy Director of Parks and Recreation Kate Trask, Senior Planner Delane Parks, Deputy Director of Utilities Aref Etemadi, Deputy Director of Planning and Zoning Brian Boucher and Executive Associate Tara Belote.

AGENDA ITEMS

1. **CALL TO ORDER**
2. **INVOCATION:** Council Member Dunn
3. **SALUTE TO THE FLAG:** Vice Mayor Burk
4. **ROLL CALL:** Showing all present.
5. **MINUTES**
 - a. Work Session Minutes of June 8, 2015
On a motion by Council Member Butler, seconded by Council Member Dunn, the work session minutes of June 8, 2015 were approved by a vote of 7-0.
 - b. Regular Session Minutes of June 9, 2015
On a motion by Vice Mayor Burk, seconded by Council Member Butler, the regular session minutes of June 9, 2015 were approved by a vote of 7-0.
6. **ADOPTING THE MEETING AGENDA**
On the motion of Council Member Butler, seconded by Council Member Dunn, the meeting agenda was approved as presented, by the following vote:

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

7. **PRESENTATIONS**
 - a. Certificates of Appreciation – First Responders to the Fire on South King Street

On a motion by Vice Mayor Burk, seconded by Council Member Butler, Certificates of Appreciation were approved for the following first responder companies:

*Loudoun County Department of Fire, Rescue and Emergency Management
Leesburg Fire Company, Company 1
Purcellville Fire Company, Company 2
Ashburn Volunteer Fire and Rescue Department, Company 6
Philomont Volunteer Fire Company, Company 11
Sterling Volunteer Fire Company, Company 11
Loudoun County Volunteer Rescue Squad, Company 13
Purcellville Volunteer Rescue Squad, Company 14
Fairfax County Fire and Rescue Department, Squad 439*

Michael O'Connor, property owner of 13 S. King Street, assisted in presentation of the Certificates.

8. PETITIONERS

The Petitioner's Section was opened at 7:44 p.m.

Bob Brown, "Thank you, your honor, Mayor Umstattd and the Town Council. Thank you for giving me this opportunity. I would also like to acknowledge the tremendous job these gentlemen did at our car show and something that a lot of you may not be aware of is that prior to the unfortunate fire, we had a gentleman that thought he was having a heart attack. I called the 911 – they responded in less than 5 minutes and they did a very professional job handling that. I think they took him to the hospital. They do a fine job. Okay, my name is Bob Brown. I live at 1 Ayr Street, about three blocks from here. I have been a Leesburg resident since 1995. We began investing in Leesburg real estate in 1990 and have owned businesses, Brown Carrera properties, with my wife who is sitting back there, Maria Carrera, and with my daughter, Robin Frank. She, unfortunately, is not here, for the past 25 years. I am also a classic car buff and ten years ago, myself and others formed the Northern Virginia Rods and Classics Car Club with the express purpose of continuing a local car show that is approaching its 30th year next June. The show, formerly lead by others, including the former Mayor, Jim Clem, the Lions Club and others was in danger of ending when the former sponsors, another car club from out of the area stopped sponsoring it. We stepped in to ensure that the car show continued. The Northern Virginia Rods and Classics Car Club was formed expressly for this purpose. This show, which takes place the first Saturday in June every year is a charity event sponsored by the Northern Virginia Rods and Classics Car Club and the Leesburg Downtown Business Association. We have Gwen Pangle here, the president of the Leesburg Downtown Business Association. We also have a number of members of the car club and supporters. Can you hold up your hands? So, this draws thousands of spectators to Leesburg from all over the area. Although the show lasts just five hours, it draws as many people as any of the other events for a five hour period. All of the downtown shops and restaurants benefit from the event. It costs quite a bit of money and a lot of effort to put this show on. Our expenses include insurance, trophies, disc jockey, portajohns, printing, etc., etc. You know what goes on with the Flower and Garden Show and all these other events. Many local businesses such as the Battery Warehouse, Kelly Insurance, Interstate Moving, Star Buick GMC,

Catoctin Automotive, Brown Carrera Realty, Hogan and Son Automotive, Merchants Tire and Auto, and many others assist us with donations to defray expenses and we appreciate the support we have gotten from the town. In the ten years we have put this show on, the town has generously waived fees that were formerly charged for events of this nature. The beneficiary is the Arts, Graphics, and Communications Department and the Auto Collision Repair Course from the Monroe Technology Center benefited this year to the tune of \$10,000, \$5,000 to each class. We have some representatives from the school back there. So, this money is used for scholarships, field trips, etc., to prepare for the show. The arts and graphics departments prints the flyers and posters and dash plaques. The auto collision repair course produces many of the unique trophies that we pass out. Both classes along with their teachers work very hard in collecting donations. If you have been to the show, you have seen them in action. You know it takes a lot of personnel just to cover all the entrances to the downtown area and ask for donations. The car club along with the school works hard all year to put the show together planning and passing out flyers and posters, soliciting support, registering and parking over 200 vehicles in a short period of time. We didn't have quite that many this past event because of the threat of rain all day long, but nevertheless we did collect a record amount of money. I am here tonight on behalf of the Northern Virginia Rods and Classics Car Club and the Leesburg Downtown Business Association to request that this event be made a town-sponsored event, just like the Flower and Garden Show, the Air Show, Acoustics on the Green, etc. We would like the same support as these other town sponsored events receive. That is, we would like to be featured in the publications put out – you all put these out twice a year. We are not in it. We would like to be in it. And we would like to receive all the other benefits that come with being a town sponsored event and we would like to continue giving the money to the school – the two classes that participate in it. I would be glad to answer any questions that anyone might have”.

Mayor: I think what we are going to want to do is probably have this on a work session. Kaj, do you think for discussion? I know that an initial staff question was whether the town legally – if it became fully a town event, whether the town legally could continue to give to Monroe. I think that is one of the great advantages, but maybe more of a partnership would be workable. So, we will put it on a work session and invite you to that work session and see what our options are for giving you more assistance.

Brown: What is the difference between us and say the Flower and Garden Show and so forth. How did they get the town sponsorship and we don't have it?

Mayor: The Flower and Garden Show is a town created/sponsored event. You could become that. You could become a town sponsored event, it is just on our town sponsored events, we don't generally raise money for other entities.

Brown: I never knew where that money went for the Flower and Garden Show and the other events. I know that Acoustics on the Green doesn't bring in any money, I don't suppose.

Mayor: They don't have admission fees, but I think the town wants to see this continue. This is a great show. It brings a lot of people downtown and they love it. We are

going to try to figure out a way to perhaps help you more. Kaj will remind us of the limitations we have on current staffing that we may need – Council may need to consider more staff positions to manage all the shows we are working with right now, but we will make sure you get on the agenda so we can sit down and really look at all the options.

Brown: One of the things that was mentioned – in fact, it was requested by the school because they have most of the students there that are out collecting the money. They felt that if we could get the booths – say the ticket booths that are used at the Flower and Garden Show, it would be easier to collect the money. I mean, it looks like an official ticket booth and so forth. I know that they are donations – we can't charge anyone but we were told by Parks and Recreation, but we were told that they are only available to town sponsored events. So, this is the sort of thing we ran into and I noticed that we don't get as many people from Parks and Recs assisting as the other events do. Anyhow I do appreciate any consideration you can give us. We plan on continuing the car show and it is a good worthwhile cause and we finally have a really great partner to work with. We tried a couple of others in the past and although they were very good charities, they just weren't able to give us the people power that we needed to collect the money. Thank you very much for your time and I'll be hearing from you regarding the work session.

Harold Brown, 226 North King Street. I own Bachrach Photography – the world's oldest photographic firm at 151 years both here and in Manhattan. I had the opportunity to speak at a lot of art events and meeting the school and what they do, it is a tremendous benefit. If we can help these young people, give them a direction and also support them in what they want to do, I think it is a great cause. Especially in this day in age. When I was 16, I had no idea where I was going. I didn't know who I was going to vote for. That is a private joke via my favorite democrat. I think it is a tremendous advantage that you can help these young people off of a car show, which is also a tremendous event here in town. Anybody here been to the car show? There you go! Despite the fire this year, it has always gone off very well. In the event of the fire, these guys did a great job. We cleared those streets, got the fire trucks in. I think there were two cars that were actually in harm's way. I see no disadvantages to it and anything I can do to support it, I am more than happy to do.

Joe Drumheller: I used to live in Leesburg in Country Club. Now I live in Beacon Hill. I just want to second what Bob, he also said. There is no downside for the town doing what we need to do. That's all I've got. Thanks.

David Granger: I want to third what has just been said, or fourth what has just been said. The idea for the ticket booths out front for people getting approached for money that are not from this area, who are unfamiliar with the school, but yet they do dig deeper. It would be an even more successful show than it has been in the past. The word is getting out and the unfortunate events got it to be more noted. But, I just want to say that I fully think this is something that is really a good idea and the idea of the town backing it makes it even a huge event.

Gwen Pangle: As the president of the LDBA and the cosponsor for the car show, I would just like to add my support to any support you could possibly give the car show, even if it just meant being able to use the booths and nothing more. I think it is a wonderful

event and anytime good people are doing good things for the town and for the people here, I think we should try to support them all we can whether it is in part or in whole. Thank you very much for being open to the possibility of doing that.

Carolyn Craig: Unfortunately, I do not live in Leesburg, but I am the president of Northern Virginia Rods and Classics Car Club and I would just like to add when we ask for the town council's help, we also would like to bring up the fact that the advertising in the town magazine would also bring more people and also kind of cement the fact that the town of Leesburg itself is behind the event and perhaps would encourage even more spectators which can only bring more to our town.

Dave Williams: I am the collision repair instructor at Monroe Technology Center and I just wanted to ask for your consideration to make this a town sponsored event. This greatly helps our program here at Monroe and we really love having this car show and it is a great partnership and we would love to have more backing from the town.

Monica Lopez: I am here to support Andrew Borgquist cause, so I am yielding my time to him.

Andrew Borgquist: I am coming and continuing to speak on an issue that I have been coming and speaking about for quite some time. Basically, a large part of the reasoning that this has been so important to me is that I think openness and transparency, basically good governance is important in all facets of government. This should include how an application comes into the town and how it is processed and would also include all the employment matters that might occur in the town. My background is that I have been a town employee over 14 ½ years. There was a point some time a little while ago now that I had a disagreement with a Town of Leesburg police officer and ultimately then action was taken against me based on that disagreement, but so I want to read a couple of things here just to give us an idea of where we stand in terms of this situation because you know there has been a lot of discussion about exactly what is permission, what is not permissible. As we are all fully aware, Virginia is an employment at will state and you can fire someone for any reason including no reason at all. Of course, that is not really true because there are federal protections that extend beyond just that. Ultimately that is not good governance. That is not an appropriate employment policy so that is not what the goal of the town of Leesburg is in terms of how we do employment. Just to give you a little bit of perspective as to what additional protections would be theoretically out there above and beyond this carte blanc any reason, including no reason at all. Justice Thurgood Marshall in Rankin vs. McPherson, this is actually a very old case. He said that vigilance is necessary to ensure that public employers do not use authority over employees to silence discourse. Not because it hampers the public functions but simply because superiors disagree with the content of employee speech. I am not a lawyer, so I am not going to sit here and say that maybe this is directly applicable to my situation though I think this illustrates the point which is that idea that employment at will you can fire someone for any reason or no reason at all does not apply and certainly not to a public employer and as a public employer there should be a transparency and again that I think should apply to all classes of employment within the town of Leesburg. So, with that in mind, if I can read real quick here from your Personnel Procedures Manual which of course is not a contract, again doesn't really mean

much because really the only system in place to kind of enforce what would be considered a good policy would be the Town Manager, who holds other managers accountable and then the Town Council that holds the Town Manager accountable. So, there of course, unlawful acts and there are merit based principles and so one of these principles, Section 2.8, protection against reprisal. Employees will be protected against reprisal for the lawful disclosure of information which the employee's reasonably – notice reasonably, it doesn't even say you have to be right, just reasonably believe evidence is a violation of any law, rule or regulation, mismanagement or gross waste of funds, abuse of authority or a substantial and specific danger to public health or safety. Section 2.9 Protection from arbitrary action. Employees will be protected from intimidation, arbitrary action and personal favoritism or coercion for any reason. So, as you can see here the goal of the town of Leesburg is well above and beyond this whole we can fire anyone for any reason including no reason at all. So, I did have a situation. At this point, I have decided why not just be open and transparent as I can in terms of being in front of you guys, obviously. I have been very open and transparent with my communications with the town, but I will be open and transparent with everyone. Is that four minutes, meaning that I have another six? As it happens, what had kind of initially precipitated all of this action to move forward was Mr. Williams, who is actually sitting here today, chose to have a meeting with me. He wanted to discuss the disagreement that I had with this Town of Leesburg police officer. Mr. Williams invited me into this meeting. Mr. Allred, my direct manager, Jay Allred was also in attendance. Mr. Williams told me I was being suspended immediately and indefinitely. Gave me no indication whatsoever of when the suspension could be lifted. He told me I was not going to be told why and he told me I wasn't going to be told by who was saying things about me. He gave kind of cryptic responses when I asked him who is it you know about this disagreement from. He said it is not important that I know, why or how, it is only important that he knows. When I asked specifically, you know, what is it you think that I did – I don't understand. His response was that something happened, which cannot happen. Just this vague aura of something happened which cannot happen. Okay, that's kind of interesting. He said you don't have to say anything. This is done. Well, I did not stay quiet. I did say something because I believe – and I believe that is completely inappropriate. I don't see the appropriateness of that whatsoever. Furthermore, I basically outlined why I believed that my disagreement was valid, reasonable and ultimately why this was not proportional and had nothing to do with anything. I didn't really want to talk about it. You guys approached me. The town of Leesburg approached me. Rich approached me. I was not trying to go out there and say anything about anybody. I had spoken directly and personally to a town of Leesburg police officer. I had expressed my disagreement. That was done. I still do not see how this snowballed into what I consider a travesty of management. So, anyways, Mr. Williams, I did get a hand of his report. But, let me step up here a second here. So, ultimately after that meeting, Mr. Williams left me from the meeting with the idea that I was just being indefinitely suspended for who knows how long. No guidance whatsoever to how to lift that suspension whatever. I guess you consider it like I was being put on ice. I don't know. I requested – I called two days later to find out if I could still use the facility during my suspension since it was going to be this indefinitely forever period of time in which case maybe I could come back then and you know have the suspension lifted and Mr. Williams informed me that I had actually been fired. That he had changed his mind after that meeting, even though he had given me every indication the entire way throughout the meeting that it was only an indefinite suspension

and that we could talk at some later time, which he gave no guidance whatsoever for that really. After being terminated, I requested my employee evaluation form. Good, good, good, good, everything good, good, good. Dismissal. The spot for reason for dismissal has been checked – other has been checked, but no explanation is given. Completely blank. So, you know obviously I did not agree with that and I was trying to figure out exactly what the situation was. I did end up doing a FOIA request and I got a correspondence between him and the then Town Manager, Mr. Wells, and ultimately I feel deceived by Mr. Williams and ultimately, this report, I do not believe is accurate. I take serious issue with it from more than one issue here. For one, he also additionally in this report does not mention who it was that had brought this to his attention – he just said it was brought to staff's attention. Well, no it wasn't just brought to staff's attention. Um, I have since learned that it was Chief Price of the Town of Leesburg police department that brought this to his attention. It also appears that there may have been a disclosure of information that I have heard from many people in law enforcement that they are not sure it was appropriate. Is that final end of ten minutes there? I will tie up here pretty quickly. Ultimately so you know, trying to go through this at the very least you could sit here and you could say this appears wildly inappropriate. This does not appear to be in alignment with the goal of the Town of Leesburg of open, transparent, fair, honest, equal employment. But, let's assume he did it in a wrong way, but the ends do not justify the means. And so, even if you wanted to make the argument oh, well then ultimately he should have been suspended, maybe there was something he needed to be disciplined about, but certainly I have been given no merit based explanation whatsoever. I have attempted to have a meeting with then Town Manager Mr. Wells and I thought I was making progress because I was having a meeting with the Town Manager, Mr. Wells. When I went in, I said look ultimately I do not really know the specific reason for why this termination occurred. I would like you to give me – tell me. He said, no I'm not going to tell you anything. You have been terminated. That is my position. I consider that to be very hostile. I consider that to be completely untransparent. He gave me no real promises whatsoever and then he wanted to extend it out another three months before he made his final decision as to whether he was going to reverse the decision or not. Ultimately, he decided not to reverse the decision and in his letter, ultimately I see no merit based explanation whatsoever in his refusal to reverse the decision and I personally take issue with the response because I find it insulting. He said some very negative things about my character which I guess, if you have the power to say whatever you want without actually backing it up with substantial – unless you consider this coming to the meeting being someone who feels that it should – who will speak up. Ultimately I don't want to be here coming and keep talking about this. I just want the Town of Leesburg to do what's right. I believe there is substantial consideration that could be said that this was extremely inappropriate and if anything was to happen it certain was not this. So, you know ultimately I know that in the end of the day, how many meetings will I keep coming to. I would like to ask you, Madam Mayor. How many meetings – do you think this is right? How many meetings do I need to keep coming to before something will be done?

Mayor: We can't answer that. This is your chance to speak.

Borgquist: I understand that, but I don't...you are responsible for ensuring that it is appropriate practices and so if you are not doing it, then who is going to? Like I don't – and if Mr. Dentler won't stand up for correct practices, if you can't even from the podium

condemn inappropriate action or say that you know, stand up for what should be done, then I don't know where we are. Alright, I thank you for your time. You guys know how to contact me. I would love to have a discussion with Mr. Dentler. I think this is probably not the best forum for this discussion, but I have no access because I am the outcast at this point.

Hamid Saghafi, co-owner Dulles Motor Cars. I am co-owner of Dulles Motor Cars in 107 and 109 Catocin Circle. I have been an auto dealer business since 1990. Me and my brother, Kevin, we started a small dealership with everybody's help including you people, we have grown from 20-30 employees. Now we are about 140 employees in our two dealerships. The reason I am here is to discuss the situation with the skate park which is either going to get remodeled or maybe removed to a different location such as the school or maybe Ida Lee Park. There may be some shared interest between my business and maybe rescue squad with the previous discussions that we had, they were needing for more space because they are kind of – their space is very tight. We talked to a gentleman from the rescue squad a couple of years ago and they are very interested to see if something can be worked out between the town, the rescue squad and us and the skate park. So, basically, I have a concern first and maybe a suggestion. The concern is the skate park –if it gets remodeled, the town has budgeted 100s of thousands of dollars and it will remain where it is which is between a very business intersection of Catocin Circle, Route 7 and Harrison Street. We have seen in the past 25 years the children – kids – coming through the dealership through the lots, not mentioning the damages and whatever, because I have three kids myself so I have never raised a complaint against the kids and children so they are having fun, but we want to see what works best in the best interest of the kids, the rescue squad, which I think is very important and we might have some interest to share part of the land that is owned by the Town of Leesburg. I would like Council Members and Madam Mayor to consider this issue may not have come up in the past that it could be other interests and could be safety issues involved. Whatever the outcome is, I am going to support it, but what would be the best to everybody's interest, that could become a win/win situation for everybody should be considered. We will entertain some kind of offer to purchase the property and probably donate a portion of it – not probably – donate it to the rescue squad once we meet again, hopefully, it gets to that point. I believe it is three acres of property, but I talked to the gentleman from the town two years ago, that's what he said. There is a value, but part of it is buildable, usable. This is a raw property that the town was using it for a skate park and a portion of it for bringing their equipment and stuff. So, the town actually is kind enough to let us use a portion of it for our employee parking, which seems to be a win/win situation because the growth of the employees. So, we will entertain an offer that we can play around, talk about details and see if we can work something out. If that is possible – fine. If not, we are going to continue doing our business and thank you for your support.

The Petitioner's Section was closed at 8:19 p.m.

Marantha Edwards introduced Kindra Jackson, Business Development Manager.

Kaj Dentler introduced Mike Goodrich, Finance Operations Manager. He announced that Bob Berkey and Aref Etemadi are retiring at the end of the month.

9. APPROVAL OF THE CONSENT AGENDA

On a motion by Vice Mayor Burk, seconded by Council Member Butler, the following items were moved for approval as the Consent Agenda:

- a. *Sole Source Procurement for Badger Water Meters*

RESOLUTION 2015-070

Authorizing the Purchase of Water Meter Register Heads from Badger Meter as a Sole Source Procurement and Authorizing the Town Manager to Procure the Register Heads

- b. *Sole Source Procurement to Aclara for Automated Meter Reading (AMR) System Replacement*

RESOLUTION 2015-071

Authorizing the Purchase of Meter Transmitting Units from Aclara as a Sole Source Procurement and Authorizing the Town Manager to Procure the Units

- c. *Performance Guarantee and Water and Sewer Extension Permits for Compass Creek Commercial Center Phase I (TLPF 2014-0023)*

RESOLUTION 2015-072

Authorizing an Agreement and Approving a Performance Guarantee and Water and Sewer Extension Permits for Compass Creek Commercial Center, Phase I (TLPF 2014-0023)

- d. *Fiscal Year 2015 Supplemental Appropriation for the Parking Garage Mural Project*

RESOLUTION 2015-073

Approving a Supplemental Appropriation for Donations of up to \$14,000 from Private Sources to Leesburg Commission on Public Art for the Parking Garage Mural Project

- e. *Contract Approval for the Skate Park*

RESOLUTION 2015-074

Awarding the Contract for the Redevelopment of the Skate Park to Spohn Ranch, Inc., in an Amount Not to Exceed \$500,000

- f. *Contract Award for Network Switches Replacement Project*

RESOLUTION 2015-075

Awarding the Contract for the Network Switches Replacement Project to DISYS Solutions, Inc., in the Amount of \$298,797.60

g. Office Lease at the Leesburg Executive Airport Terminal

RESOLUTION 2015-076

Awarding a Lease to Atlantic Airways, LLC, for Suite 10 in the Terminal at the Leesburg Executive Airport

h. License Agreement between the Town of Leesburg and Loudoun County for Telecommunications Facilities in town Right-of-Way

RESOLUTION 2015-077

Authorizing the Town Manager to Execute a License Agreement between the Town of Leesburg and Loudoun County for Telecommunications Facilities in Town Right-of-Way

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

Nay: None

Vote: 7-0

10. PUBLIC HEARINGS

a. Special Exception Application for Veterinarian Clinic at Village at Leesburg

The public hearing was opened at 8:25 p.m.

Delane Parks gave a brief presentation of the application for a veterinary clinic as a special exception use in the Village at Leesburg.

Key Points:

- Applicant is requesting a special exception to allow for establishment of a veterinary hospital to be located in the Village at Leesburg.
- Will be located next to the Orvis retail store.
- Will be completely enclosed with no outdoor activities.
- Applicant will provide soundproofing including double wall construction and sound mitigating material in the exterior of the use.
- Applicant will provide a regularly serviced outdoor pet waste receptacle.
- Conditions to deal with noise control, odor control, and limitation of outdoor activities and waste disposal to ensure no adverse impact.
- Proposed use generates less traffic than by-right retail uses.
- Planning Commission recommended approval.

Council Comments/Questions:

- Dunn: Has the applicant agreed to all the conditions?
Applicant answer: Absolutely.
- Dunn: So, they are all agreed to, ready to go forward. We want your business to grow. You want your business to grow. Do you see possibility of additional space using at the current location.
Applicant answer: I actually represent the shopping center. Currently what we are leasing to them is a 2600 square feet. Potentially we could speak on

expansion, but I don't believe so. With their space plans they have now, it is what you see. Their kind of sweet spot is between about 2500 and 3500 square feet so they have chosen this amount as the correct amount for their business. I don't believe from my point of view, currently, there is no sort of expansion inside of Leesburg within five to ten years.

- Dunn: And I guess for staff, are there any limitations should they want to expand? Would that require them to have to come in for another special exception?

Staff answer: Actually the advertisement is for the square footage listed on the application, which is the 2400 square feet, so if they did want to make some sort of significant expansion, we would have to consider that it does not fall within the ad requirements.

- Dunn: That would be just for this ad. Are they limited for expansion – would they require another special exception to expand sometime in the future.

Staff answer: It would.

- Burk: I just want to comment on the fact that you got a 5-0-2 vote from the Planning Commission. That says a lot. I don't foresee there being any problems with this.

- Hammler: I do have a question. I know that it is going to be fully enclosed and as you are taking care of hospitalized patients, it is not anticipated that the dogs or any pets will need to go outdoors ever? They are just going to be self contained and the waste will be taken care of? I would think if they are going to be there overnight, they would need to go out and get comfortable.

Applicant Answer: I am Stephanie Forman, I am a veterinarian with the Banfield Pet Hospital. It is our policy that within the pets that are staying with us for the day – and we don't hospitalize pets overnight, so that is not a problem. We do have two runs in the back of our facility where we can let those pets go out for a walk. In the rare exception that a pet does need to be walked, and again we make that an exception for the pets that are healthy and can be double leashed and make sure that they are safely walked outdoors, but it is the exception. We do have the runs in the back of the building. The runs are inside the building.

Other: What I was telling Ms. Hammler, what we are passing around now is the space plan for the space. There are two dog runs in the back of the space, which are roughly about 20 square feet each. Mr. Parks had referenced those in the applicant and that is where the animals would be able to have an open area to go throughout the day and that was also what Mr. Parks had referenced in terms of keeping them clean and mitigating any smell issues.

- Fox: Just one quick question. Is this a 24 hour facility? Will there ever be overnight pets there?

Applicant answer: No, it is not. 7 to 7. No, it is not our policy. Every now and then, we will have a declaw that does need to be – a healthy pet that is stable to stay overnight, but that is routine with the other practices that we have.

- Fox: So, I would assume then that you would have a staff person there overnight as well, even though it is 7 to 7?
Applicant answer: No, we have no staff overnight.
- Fox: So the pets would be there by themselves overnight?
Applicant answer: That is the one exception and we very rare do declaws. If that is the concern, we can definitely address how we will address that.
- Mayor: I know that at the Planning Commission, a similar question was raised and it was the position of legal counsel that we are not to base our vote on how you run your business. All we are dealing with is the use and Barbara, you can correct me if you need to.
- Hammler: I understand that we have veterinary clinics within sort of mixed use strip mall oriented shopping centers, so why does this require a special exception?
Staff answer: The zoning ordinance says that when you have a vet hospital because of the different types of factors involved with a vet hospital that can create an impact on adjoining uses, whether they be residential or non-residential – noise, odor, those types of things so there are conditions built into the system that you have to consider, and the Planning Commission as well. There might be a situation where a use goes in and it creates an impact on the adjoining uses. So, that leaves it up to the governing body to determine what is appropriate.
- Hammler: We can take this offline. It just strikes me that there is probably more streamlined ways to deal with this in terms of enforcement if certain things aren't adhered to that are part of just basic practices that are accepted. But, thank you.

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

The public hearing was closed at 8:41 p.m.

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

RESOLUTION 2015-078

Approving TLSE 2015-0001, Village at Leesburg, Veterinary Hospital, Suite Q105, located on Property Identified as PIN Number 149-28-0023

The motion was approved by the following vote:

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

Nay: None

Vote: 7-0

b. Batch Town Code Amendments

The public hearing was opened at 8:42 p.m.

Barbara Notar gave a brief description of the proposed code changes:

- Five amendments in the batch.
- General Assembly code changes are not included in the batch.
- Changes to the language of the duties of the Leesburg Economic Development Commission
 - Attract and recruit new businesses. Delete the word “desirable” because it is a subjective term.
 - Clarify Duty #6, that they help identify and pursue sources of public and private grant funds.
 - Recommend policies and practices for the retention and expansion of existing businesses.
- Change Technology and Communication Commission roles to delete oversight of franchise agreements.
- Add two uses allowable in parks – radio controlled aircraft under certain circumstances with permission and petting zoos.
- Expansion of the Arts and Cultural District to four parcels across the street from the existing district.

Council Comments/Questions:

- Dunn: Under the EDC, just a question on #6, why would we want to limit private funds to grants? Like when we accept any private funds.
Jim Sisley: I don’t believe the change was meant to exclude if someone wanted to donate, but that the Economic Development Commission would pursue grants, more specifically. The request was made by one of our members – one of the appointees. We had a fairly robust discussion about it. Again, it is not meant to exclude donations, more particularly that the Commission would not be out in search of individuals to give either the commission or the town money. And that the more appropriate type of research or activity from an economic development commission would be that we would seek out grants from those individuals that advertise grants as available – whether they are private parties or public parties.
- Dunn: I know that one of the things that has been on the EDC wish list for decades has been a grant writer dedicated for the town. It is still there?
Sisley: I think every commission wants a grant writer.
- Dunn: Could I possibly suggest that so that it doesn’t give the impression that we are limiting other private funds, that we say public and private funds to include grants.
Sisley: All I can represent to you is the recommendation that was discussed, voted, and approved by the Commission. I am not at liberty to take action.
- Dunn: We are.
Sisley: Yes, you are.
- Dunn: I would just – only because I think that the way it is worded gives the impression that is it public funds – just what it says – it says funds that are public and private grants, but I would like to make sure it stays open to things other than just grants. So, if Council is willing to add those two words, public and private funds to include grants, it is just rearranging the words and adding two more words to it, would be my recommendation.

Staff answer: That seems reasonable to me.

- Mayor: If the Economic Development Commission doesn't want to be tasked with looking for non-grant funds...
- Dunn: But that wasn't what you said though – you said you were open to funds. You would like to look more for grants, but you would take funds anywhere you can.

Sisley: Let me be clear. The discussion was that the task of the Economic Development Commission was more appropriately to pursue public and private funds from grants and not from individuals.

- Dunn: So, you don't want any private funds other than grants?

Sisley: It is not necessarily the desire to exclude private funds. I believe you would hear from the Town Attorney, and I am not going to speak for her, but that the town is very capable of accepting private funds as it has in the past, but that the task in question is that of the Economic Development Commission and again it was discussed broadly and decided by the members of the Economic Development Commission that they wanted the language changed to be more specifically identifying towards grants.

- Dunn: Okay. Why take off #12?

Sisley: You are talking about the town-wide events?

- Dunn: Yes. Oh, then you don't want to be at the ticket booth.

Sisley: It is not so much a personnel thing as it is looking at what economic development needs to do. That is not a core task. What is a core task is elevating of conversations, raising awareness, so that people become interested in our jurisdiction and then interfacing with those businesses and facilitating their entry into our jurisdiction. And that's a full time job. We would like to pay more attention to that and less attention to the non-core activities, not that we wouldn't be involved. I understand that there are times, and we love our partner in Parks and Rec. They have done phenomenal work with us, especially during a couple of recent events, but town-wide events might be more appropriately an activity for another department rather than Economic Development.

Notar: I apologize. Reading this over again, number 6, I think it should stay with just grant funds. I am going to disagree with your suggestion. Here is why. I have had many conversations – because commissions are not supposed to fund raise. That is why they have fundraising arms. I think this was to clarify that it is grant funds that they can accept with no problems.

- Dunn: On number 10, prohibited uses in the parks – I did have a little concern on this, Rich. I heard what you said that this is saying it is prohibited, although there was a caveat that if you come and ask, it is not. If that is the case, I think it should be stated, plus what I am seeing here – this paragraph seems to be dealing with primarily fireworks and things that would be considered fireworks and to put radio controlled aircraft – I know we had an issue with the radio controlled drones – we had concerns there, but I am just concerned that I go out with my sons and want to fly a Styrofoam electric powered airplane, which I did take it out to Balls Bluff Elementary School backyard and the first time we flew it, it ended up in a tree, so it is gone. But

we do have another one in the closet. My concern is that this is for any park in town, correct?

Staff answer: Correct. The way that the code was originally written and is in place today is that any of those activities – launching fireworks, missiles, etc., is not permitted without a permit from the director. The previous town attorney had ruled that model aircraft could be defined as missiles. So, we have had a successful program for the past number of years that you would secure a permit and we would designate a certain portion of Ida Lee Park specifically that you could fly your model aircraft. In that area, we would take into account what activities are going on around it, so if we have got soccer games going on, for instances, we would not grant a permit for you to fly the model aircraft. It is typically done in the area where we launch the fireworks. All that this code change, by adding model aircraft, it was just providing greater clarification to the citizens so that they would know if I am going to fly model aircraft, the average citizen may not know that would be lumped under a missile, so it spells it out for them so that they would know that they should secure the permit and get with us first.

- Dunn: And is this only at Ida Lee?

Staff answer: Pretty much the only place I would – I could see realistically granting a permit for this would be at Ida Lee. It is the only park we have large enough to accommodate this type of activity.

- Dunn: But if somebody wanted to – it does include all parks?

Staff answer: It does include all parks, but if somebody went to Foxridge Park and flew a model aircraft without a permit, technically they would be in violation of the Town Code.

- Dunn: Okay. And you are saying model aircraft, but you mean to say radio controlled?

Staff answer: Yes, I'm sorry. Radio controlled aircraft.

- Dunn: That's your main concern. Rubber band powered is okay.

Staff answer: Correct. It was clarifying the terminology so that the citizen would know what we are talking about.

- Butler: A couple of questions. Back on #10, I would recommend a couple of changes in the wording. The way it is worded now, I have two problems with it. If there is an aircraft that is remote controlled, but is not remote controlled by a radio - that would be permitted. I am not sure that is your intent. Also, the way it was worded, implies that it is only radio controlled missiles that are prohibited, whereas, if you have a missile that is not radio controlled, that would not necessarily fall under here. So, I think leaving a comma after the word "aircraft" or what would be, I think, more appropriate is to have that line read "explode or throw any fireworks, firecrackers, rockets, torpedoes, missiles, or remote control aircraft of any kind in any park without permission of the director". Would that be okay? The other question I had is do we have a copy of the June 23, 2015 Arts and Cultural District Map? Have we been sent that?

Staff answer: Yes, it should have been...

- Butler: Is it in there and I just missed it? Because I didn't think I saw it. Maybe I just missed it.
Staff answer: It should have been posted to Sharepoint.
- Butler: Maybe it was in the previous meeting's....no?
Staff answer: It is missing from Sharepoint. But there is a new map and it would be dated today so the date would be in the Town Code. So, we have a new map that adds that little four-parcel piece on Liberty Street.
- Butler: Okay, I think it would be helpful if we maybe could get that map before we vote.
Staff answer: I apologize.
- Burk: Just if we are talking about the four parcels right across from where it ends on Liberty Street, then I'm okay.
Staff answer: That was all that was added.
- Burk: That would be my only concern, but I would like to vote on it tonight, if possible to get this process started.
Staff answer: I could send you all the map.
- Hammler: Rich, my questions are for you too. I know you specifically used the word "petting zoos". Can you just give an example of a request that you have gotten to bring non-domestic reptiles, because I also want to reference an important email we got in reference – in fact the only email that we got about this raising concerns about that.
Staff answer: Typically, we have had requests from groups that are either renting a pavilion or renting park space for either a birthday party or maybe a company picnic, whatever. And they have requested either having some pony rides where the children are walked around by ponies or actual petting zoos coming in for the kids to pet bunnies and chickens or what other type of animals that are non-domesticated. By code, we could not grant that permission to that rental group to bring those into the park. All this code change would do is allow us to evaluate it and if it was – you know, they weren't bringing any dangerous animals into the park, we could then allow – it allows us to control the environment in which it comes in.
- Hammler: So, at the pavilion at Ida Lee, by the park, the playground or Foxridge, just those types of pavilions where it would be a private party and they would have the opportunity because they are renting it for a short period of time.
Staff answer: Right, some groups have asked instead of bringing a moon bounce in, can they bring pony rides. We wouldn't be able to grant that currently because they are non-domesticated animals coming into the park.
- Hammler: Okay, I would like to reference though that we did get this email for our consideration from Mr. and Mrs. Grunewald on Chesterfield Place. "Petting zoos have a horrible reputation for maltreatment of animals that are manhandled and bored." It went on talking about please do not consider petting zoos in our parks. It also said a drone in the park, really? That's a terrible idea. We recently had a drone flying and hovering over our neighborhood and it really freaked people out. So, the email was very much objecting to us even considering this. Certainly, if you read the staff report

and the actual language in the code, I think it alleviates the concern, but I think we could have done a better job in terms of how we communicated this to the public.

Staff answer: I spoke to Mrs. Grunewald as well as Mr. Grunewald on this specific issue. They had a misunderstanding as to what exactly was being done with the code change. Unfortunately, the way the original article was written, there was a little confusion as to what really was taking place within the code change and the rumor mill started festering.

- Hammler: I can totally understand that. That's what I wanted to clarify this evening because it is rather straight forward when you look at the language. It is really adding controls – you officially have the authorization and will control/limit it. But I do think the key point about say remote control aircraft. You mentioned soccer games as something you might consider, but there are those that really enjoy Ida Lee being passive and not having any sort of noise. You know how I feel about cell phones in the gym. Just that there are opportunities to get away. I hope that you would keep that in mind. I am going to support this and I appreciate your clarification, but I think that needs to be an overarching goal for the passive section of the park.

Staff answer: Absolutely. That's why we only have the area where the fireworks are launched as the area that we designate for the flying of the aircraft.

- Fox: The only thing that I see and the only problem I have is the petting zoo issue. I have seen petting zoos on private land/private property and you know, private events and things like that, which I think is totally fine, but I have an issue – or I think it could be an issue if there were undomesticated animals on public land and it would keep people away in certain parks or some children might be afraid of this animal or that. I just don't know if it is the right forum to have a petting zoo. I have a little bit of a concern about how it would be manned, I suppose. What kinds of conditions would we put in this permit to make sure everything is okay.

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

The public hearing was closed at 9:02 p.m.

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

ORDINANCE 2015-O-012

Amending Chapter 2 (Administration), Article V (Boards and Commissions), Division 2 (Specific Boards and Commissions), Section 2-221 (Leesburg Economic Development Commission), Section 2-228 (Leesburg Technology and Communication Commission), Chapter 26 (Parks and Recreation), Article II (Park Rules, Sections 26-24 (Prohibited Uses of Parks), Section 26-26 (Behavior), and Chapter 7 (Arts and Cultural District), Section 7-2 (District Boundaries and Date Established).

Council Comments:

- Dunn: I think these are good going forward and I think dealing with the aircraft and petting zoos, that we can rely on staff to administer that properly and I would think, too, that as far as petting zoos go, parents can be the judge of that. I don't think they want to bring mistreated animals in and just to give a blanket statement that because it is a petting zoo that those animals are mistreated, that has got to be on a case by case basis. I say let the folks have their airplanes and their petting zoos.
- Hammler: I'd just like to say we've come a long way with the Tech and Cable Commission. This is a great new beginning. I remember very, very long nights and a lot of very unhappy customers when we only had one provider and now with competition, low and behold all of those problems have gone away. So, Tech Commission, thanks – the edits on their mission.
- Fox: The only comment I have, I'm okay with most of this. The only problem I have is with the petting zoo piece.

The motion was approved by the following vote:

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

Nay: Fox

Vote: 6-1

11. RESOLUTIONS AND MOTIONS

a. None.

12. ORDINANCES

a. None.

13. UNFINISHED BUSINESS

a. None.

14. NEW BUSINESS

a. None.

15. COUNCIL MEMBER COMMENTS:

Council Member Dunn: I will just be very brief. I'm sure everybody is going to say the same thing, but I appreciate the first responders for the fire that we had downtown. It really gives you great appreciation when you realize how close our historic downtown can be literally historic – you know, part of history in the past tense. It just doesn't take much and it is great to know that those folks were there to help preserve our downtown. That's all I have.

Council Member Butler: Just a couple of little things. Congratulations to all the graduates in Loudoun County. I had a son who was in a band who got to get up at 6 o'clock in the morning to go and play at the Loudoun County High School graduation. Although, he said we got to play the same song over and over and over again, which is normal for graduations. He did like the speaker, which I presume you will mention. Smokehouse Live, the ribbon cutting, that was great. It is a cool, new place. I hope

everybody goes and checks it out. It is big – bigger than I thought, but that's okay. Leesburg has its own honky tonk. That's a good thing. I hope all the Fathers in the audience had a good Father's Day, I know I did. That's always fun, although it is never quite as much of a splash as Mother's Day, now is it? But that's okay. I don't really, because it makes it easier to go out to dinner because it is not nearly so crowded as it is on Mother's Day, so that is an advantage. I hope everybody here has a good July 4th. I will be out of town, as usual for July 4th as my folks always have a big party with all our friends and family, so I 'll be there and hope everybody here has a great one.

Vice Mayor Burk: I just have a few things also. The ribbon cutting at the Groove Music Shop was really delightful. Suzanne was there and you were there. It was a student I worked with at Blue Ridge, so it was great to see him again as he is beginning his new endeavor. That's really exciting. The Sunflower Shack ribbon cutting – well, that is an interesting place. It is just really worth going and taking some time out. As for the Steakhouse Live, I only hope the press does not get ahold of the pictures, because boy did we look silly with our cowboy hats on. I want to congratulate the preschool graduates from Paxton. They had a graduation ceremony and I stood in for the Mayor. It was delightful and they all ended up dancing on the middle of the lawn. Finally, I would like – I would like to obviously thank Fire and Rescue for all of their work. If you think that the town's buildings are over 200 years old, the potential for that fire to spread and take out many more buildings was so possible that it is really scary when you think about it, but because of their efforts, it most certainly did not happen and we really appreciate that. Last, I would like to congratulate AH&T Insurance because they are the only company that was listed in the Washington Post Magazine as the top work place in 2015. They were the only Leesburg place that was listed, is what I was trying to say. They came in 47th, but I think we need to work on getting a couple more in next year. Congratulations to them for being a top small work place. It is quite an honor. It is really great. Their employees must like working there.

Council Member Martinez: I apologize missing the Smokehouse ribbon cutting. Fire and Rescue – another good reason to have them here is their quick response and knowing our neighborhoods. Glad to see us honor them. Also, graduation – my grandson graduated alongside the Mayor's daughter – not unfortunately valedictorian, but he did graduate. He will be going into the Marines in about a month and a half, but not to Yale. Congratulations, your daughter was phenomenal and she did a great job up there. I'm just sorry that she did not mention this Council as being an inspiration. It was a wonderful graduation. I enjoyed it and we had a nice friends at the house. It was a great celebration for us.

Council Member Hammler: I have a couple of disclosures. On the 15th a group of us, staff, Kelly, a couple of key commissioners, Dieter and Jim Sisley prepared for what is going to be the performing arts meeting on the 29th with Peter Levine from the Levine School of Music and Bill Reeder from George Mason. So, will report back after that. Thank you all for joining that meeting. This evening, Suzanne and I met with Shye Gilad from ProJet. He is going to be reaching out to all Council Members, so very much hope you will make time to meet with Shye and our specific request – I don't know the dates that you were planning to distribute the RFP for the FBO but we would request that stay on hold

until we all get a chance to debrief, meet with Shye and, you know, communicate a little more about the issues. I want to chime in and congratulate, Chris and Jim, the owners of Smokehouse Live. It really was a really fun ribbon cutting and event. Jim is a phenomenal barbeque chef, so it is a great restaurant, great music venue and I think it is going to be a lot of fun. It is at the Villages at Leesburg. What I also love is the garage doors that open and you can dine on the street. It is just going to be a wonderful venue and I am already hearing great things from so many people who are enjoying going there. Speaking of food, I keep hearing great feedback from people who would love to have food trucks at things like skate parks and dog parks, so I look forward to that coming back. Like all of us, I wanted to thank all of the first responders. I was such an honor to see them all in Town Hall this evening. But, what I was most struck by was the teamwork. Just all these units from all over the region coming together so quickly and I have mentioned this before, but I know there was just a lot of teamwork throughout town and it just shows how much we truly care about each other and Marty mentioned Kristen and Kelly being there to help move drums and musical equipment. Just glad it wasn't a tragedy, but it brought out the best in us. I also wanted to congratulate our very special graduates. Kendrick – just so very proud that she was valedictorian and heading off to Yale – following in her mom's footsteps. We thank her for all of her sacrifices having you here for the many years – you know, we have watched her grow up so it has been amazing. Marty, I sure hope, because I went to graduation last week for my nephew and what I loved was they also asked not just the honor roll students to stand up, but anyone who will be serving in the military to please stand up. I hope he had the opportunity to do that. We are really proud of Eric who will be heading off to the Marines. And just one last plug – to please citizens take a look at a [Open.gov](#). It is a great opportunity to look at detailed financial information in terms of transparency in our operations. More on that from the Tech for promotions. Finally, looking forward to July 4th.

Council Member Fox: Just the one disclosure. I did meet with Shye Gilad tonight as well, but I don't have a disclosure form, so I need to get that from you. Congratulations to Kendrick. Very, very happy for you. Very, very happy for her. I did get to go to the ribbon cutting at Groove, as Kelly alluded to. She really helped form a really impressive young entrepreneur. That is really neat to see. I was quite impressed with him. I just wanted to say welcome to Ms. Jackson and Mr. Goodrich, our new town employees. It will be really neat to get to know them too. Congratulations to Mr. Aref with his retirement. I've nothing else.

16. MAYOR'S COMMENTS

I guess Suzanne knows there was a great benefit concert at the Birkby House for the folks that lost their belongings in the King Street fire. Todd Wright was there even though he has been shut out of his new space because of the fire. He was there playing. Gary Smallwood was there. I didn't get to stay for the whole thing, but I know Suzanne you were there for a good bit of it and all the musicians did a really wonderful job. Stilson was there. Thanks to Eyetopia – Paige Buscema for helping to set it up as well. By the way, I think it is this Saturday night, our Acoustic on the Green concert is Todd Wright, as I recall. So, everybody come out Saturday at 7 p.m. We will be on the Town Green. That's the side of Town Hall that is on Market Street. If it rains, we will go inside into the basement. The concert will go on regardless of weather. I would just like to congratulate all of the

graduates. Kendrick, good job and thanks for putting up with this Town Council for so many years, especially Kelly Burk. Congratulations to Eric for graduating and Suzanne, I know that Savannah is coming up – is it next year? And then Dave’s sons are going to be graduating in three years. We’ve got some time.

Dunn: My son graduated, Shelby. He graduated from Tuscarora. He will be going back there for two years so while everybody is sitting there. I don’t know if you were at Tuscarora or not, but they were singing the goodbye songs and I am sitting there dry eyes. For once, I have a dry eye at graduation because he will be back there, but he went through the process of going through graduation with his classmates. He was very proud to get his diploma and he liked the pictures. It was nice to see, but we will still be there for a few more years. Thanks for letting me share that.

Burk: I also met with Shye Gilad today. I forgot to mention that.

17. MANAGER’S COMMENTS

Mr. Dentler had no comments.

18. ADJOURNMENT

On a motion by Council Member Martinez, seconded by Council Member Butler, the meeting was adjourned at 9:17 p.m.

Kristen C. Umstattd, Mayor
Town of Leesburg

ATTEST:

Clerk of Council
2015_temin0623